

West Palm Beach, FL - Code of Ordinances (https://library.municode.com/fl/west_palm_beach/codes/code_of_ordinances)

Sec. 54-412. - Construction of article.

- (a) *Levy of special assessments.* This article shall not be construed to limit the city from levying special assessments in accordance with chapter 18 of this Code and the amendments to the standard unsafe building abatement code, as adopted by the city.
- (b) *Monthly reinspection assessments.* This article shall not be construed to limit the city from imposing monthly reinspection assessments in accordance with chapter 26, article I, of this Code.
- (c) *Imposition of administrative fines.* This article shall not be construed to limit the city from imposing administrative fines in accordance with chapter 26, article II, of this Code.
- (d) *Nuisance abatement board.* This article shall not be construed to conflict with the nuisance abatement board in accordance with chapter 26, article IV, of this Code.
- (e) *Exemptions.* This article shall not be construed to apply to property owned by the city or any other governmental entity.
- (f) *Provision of this article supplemental.* Nothing in this article shall be construed to limit the authority of the city to collect special assessments by any other method according to law.

(Ord. No. 4350-11, § 2, 9-6-2011)

Key West, FL - Code of Ordinances (https://library.municode.com/fl/key_west/codes/code_of_ordinances)

Sec. 14-67. - Standard Unsafe Building Abatement Code adopted.

The 1985 edition of the Standard Unsafe Building Abatement Code, as adopted by the Southern Building Code Congress International, Inc., is adopted and made a part of the Code of Ordinances for the purpose of regulating nuisances, dwellings unfit for habitation, and dangerous buildings and providing for the abatement of such conditions.

(Code 1986, § 31.017(b))

Lake Worth Beach, FL - Code of Ordinances (https://library.municode.com/fl/lake_worth_beach/codes/code_of_ordinances)

Sec. 2-75.6.7. - Designation of unfit dwellings.

Unfit dwellings. Any dwelling or dwelling unit which shall be found to have any of the following defects shall be condemned as unfit for human habitation and declared to be a nuisance and shall be referred to the building official for demolition under the city's "unsafe building abatement code."

- (1) One which is unsafe, unsanitary, or not provided with adequate egress, or which constitutes a fire hazard, or is otherwise dangerous to human life, or, which in relation to the existing use, constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence or abandonment.
- (2) One which lacks illumination, ventilation or sanitary facilities adequate to protect the health or safety of the occupants or the public.

(Ord. No. 2013-04, § 7, 1-8-13)

Sec. 2-221. - Definition; unpaid chronic nuisance service costs; non-ad valorem assessment.

(a) Definition. "Chronic nuisance services costs", when used in this division, shall include the costs incurred by the city to abate nuisances pursuant to any of the following ordinances:

- (1) "Lot Clearing Ordinance" (sections 12-38 through 12-42);
- (2) "Board and Secure Ordinance" (sections 2-75.2 through 2-75.2.7);
- (3) "Unsafe Building Abatement Code" (section 9-2.2);
- (4) "Chronic Nuisance Property Code" (sections 2-200 through 2-211); and
- (5) Any other existing ordinance, or ordinance adopted hereinafter, that authorizes the city to abate a nuisance or otherwise comply a violation of the Code of Ordinances and assess the costs thereof as a special assessment.

(b) Any chronic nuisance service costs that remain delinquent and unpaid as of June 1st of each year shall be a special assessment levied against the benefited real property as a non-ad valorem assessment superior to all other private rights, interests, liens, encumbrances, title and claims upon the benefited real property and equal in rank and dignity with alien for ad valorem taxes.

(Ord. No. 2012-01, § 2, 1-3-12; Ord. No. 2014-13, § 3, 5-6-14)

Sec. 9-2.4. - Reserved.

Editor's note— Ord. No. 97-1, § 1, adopted Feb. 4, 1997, deleted § 9-2.4, which contained amendments to the 1995 Edition of the Standard Unsafe Building Abatement Code, fifth printing, and which derived from:

Ord. No.	Sec.	Date	Ord. No.	Sec.	Date
88-42	2	2- 6-89	95-18	2	7-18-95
91-3	1	2-18-91	96-24	2	9-3-96

Lake Helen, FL - Code of Ordinances (https://library.municode.com/fl/lake_helen/codes/code_of_ordinances)

1.10.01 - Building Code and Fire Prevention and Life Safety Code.

The Florida Building Code, and the Unsafe Building Abatement Code as may be amended and as promulgated and established by F.S. ch. 553 is hereby adopted as fully as if incorporated and set forth at length in this Article and made part of these Land Development Code (LDC) regulations by reference.

The Uniform Fire Prevention and Life Safety Code as adopted by the State of Florida Fire Marshal and as same may be amended are adopted and incorporated by reference as if fully set forth herein. The most current edition of the Florida Fire Prevention Code, adopted and as amended in the future, is adopted by the city as a part of its Fire Prevention Code.

St. Pete Beach, FL - Code of Ordinances (https://library.municode.com/fl/st._pete_beach/codes/code_of_ordinances)

Sec. 46-152. - Construction of article.

- (a) *Levy of special assessments.* This article shall not be construed to limit the city from levying special assessments and the amendments to the standard unsafe building abatement code, as adopted by the city.
- (b) *Monthly re-inspection assessments.* This article shall not be construed to limit the city from imposing monthly re-inspection assessments.
- (c) *Imposition of administrative fines.* This article shall not be construed to limit the city from imposing administrative fines.
- (d) *Exemptions.* This article shall not be construed to apply to property owned by the city or any other governmental entity.
- (e) *Provision of this article supplemental.* Nothing in this article shall be construed to limit the authority of the city to collect special assessments by any other method according to law.

(Ord. No. 15-04, § 2, 4-14-15)

Orange County, FL - Code of Ordinances (https://library.municode.com/fl/orange_county/codes/code_of_ordinances)

ARTICLE VIII. - RESERVED

Footnotes:

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Editor's note— Section 1(Q) of Ord. No. 2005-13, adopted Oct. 4, 2005, repealed Art. VIII, Standard Unsafe Building Abatement Code, §§ 9-301 and 9-302. Former Art. VIII derived from Ord. No. 93-25, adopted Sept. 28, 1993; Ord. No. 97-27, adopted Dec. 20, 1997; Ord. No. 2004-04, adopted Feb. 15, 2000; and Ord. No. 2001-26, adopted Dec. 18, 2001.

Secs. 9-301—9-320. - Reserved.

Palatka, FL - Code of Ordinances (https://library.municode.com/fl/palatka/codes/code_of_ordinances)

Sec. 2-314. - Enforcement generally; uniform civil penalty schedule.

- (a) All city codes and/or ordinances may be enforced by this division, by citation reviewable by the code enforcement board except where prohibited by law or statute. A violation of a city code or ordinance is a civil infraction. There is hereby adopted the following uniform fine schedule:

Class	Fine	Administrative Costs (fee imposed if appealing case to the code enforcement board)	Total
Class I	\$135.00	\$50.00	\$185.00
Class II	110.00	50.00	160.00
Class III	60.00	50.00	110.00
Class IV	35.00	50.00	85.00
Class V	25.00	50.00	75.00

- (b) Violators wishing to appear before the code enforcement board to appeal the citation shall pay the administrative cost of \$50.00 to have the appeal heard.
- (c) Repeat violations shall carry a civil penalty of up to \$1,000.00 at the discretion of the code enforcement board if contested by the violator, and if not contested by the violator, a maximum civil penalty of less than \$500.00 at the discretion of the code enforcement board. The code enforcement board may impose a civil penalty not to exceed \$5,000.00 per violation if it finds the violation to be irreparable or irreversible in nature, in accordance with [section 2-288\(b\)](#). The following fines are hereby imposed on the following violations of this Code:

UNIFORM CIVIL PENALTY SCHEDULE

Section No.	Description	Class Fine
<u>CHAPTER 6. ADVERTISING</u>		
Article II. Handbills		
<u>6-33</u>	Permit required	4
<u>6-36</u>	Unlawful distribution	4
<u>6-37</u>	Distributing in public	4
<u>6-38</u>	Depositing on automobiles	4
<u>6-39</u>	Depositing on vacant premises	4
<u>6-40</u>	Depositing on posted property	4
<u>6-41</u>	Depositing on inhabited premises	4
<u>6-42</u>	Information required	4
<u>6-43</u>	Posting without consent	4
<u>6-44</u>	Prohibitions on owners of property	4
<u>6-45</u>	Prohibited handbills	4
<u>CHAPTER 10. ALCOHOLIC BEVERAGES</u>		
<u>10-1</u>	Location restrictions	1
<u>10-2</u>	Hours of operation	1

<u>10-3</u>	Hours when premises to be secured	1
<u>10-4</u>	Prohibited in public/private places	4
<u>CHAPTER 14. ANIMALS AND FOWL</u>		
Article I. In General		
<u>14-2</u>	Running at large	4
<u>14-3</u>	Fastening to trees, etc.	4
<u>14-4</u>	Cruelty	1
<u>14-5</u>	Destruction of animals	1
<u>14-6</u>	Undomesticated animals unlawful in city	4
<u>14-7</u>	Animals creating public nuisances	3
Article II. Bird Sanctuary		
<u>14-32</u>	Destruction of nests or killing birds	4
<u>14-33</u>	Disturbing eggs prohibited	4
<u>14-34</u>	Possession of eggs	4
Article III. Dogs		
<u>14-61</u>	Running at large	4
<u>14-62</u>	Failure to vaccinate animals	2
<u>14-63</u>	Transfer of vaccination tag	4
Article V. Rabies Control		
<u>14-122</u>	Failure to surrender animal	4
<u>14-129</u>	Destruction, removal of rabid animals	4
<u>14-130</u>	Surrender of carcass	4
<u>14-131</u>	Report of dog bite cases	2
<u>14-132</u>	Failure to obey	4
<u>CHAPTER 18. BUILDINGS AND BUILDING REGULATIONS</u>		
Article I. In General		
<u>18-2</u>	Failure to subcontract	2
Article III. Building Code		
<u>18-61</u>	Building code violation	2
Article IV. Electrical Code		
<u>18-81</u>	Electrical code violation	2
Article V. Energy Efficiency Building Code		
<u>18-101</u>	Energy code violation	2
Article VI. Gas Code		
<u>18-121</u>	Gas code violation	2
Article VII. Housing Code		
<u>18-141</u>	Standard Housing Code violation	2
Article VIII. Mechanical Code		
<u>18-161</u>	Mechanical code violation	2
Article IX. One- and Two-Family Dwelling Code		
<u>18-181</u>	Dwelling code violation	2
Article X. Plumbing Code		
<u>18-201</u>	Plumbing code violation	2
Article XI. Swimming Pool Code		
<u>18-221</u>	Swimming pool code violation	2
Article XII. Unsafe Building Abatement Code		
<u>18-241</u>	Unsafe building violation	1
Article XIII. Permits and Inspections		

<u>18-261</u>	Permit violation	2
<u>18-270</u>	Satellite dish permit violation	2
Article XIV. Contractors		
<u>18-291</u>	Certificate of competency violation	2
<u>18-300</u>	Notice of severance violation	2
<u>18-301</u>	Failure to supervise	2
<u>CHAPTER 22. CEMETERIES</u>		
<u>22-3</u>	Gravesite regulations	2
<u>CHAPTER 30. ENVIRONMENT</u>		
Article II. Nuisances		
<u>30-32</u>	Weeds, etc., prohibited	3
<u>30-33</u>	Owner failure to abate	3
Article III. Junked Automobiles and Abandoned Property		
<u>30-62</u>	Abandoned property violation	3
Article IV. Noise Control		
<u>30-101</u>	Noise control	5
<u>30-105</u>	Noise levels	2
<u>30-106</u>	Noise prohibitions	2
<u>30-109</u>	Noise permits	2
<u>CHAPTER 34. FIRE PREVENTION AND PROTECTION</u>		
Article III. Fire Codes		
<u>34-61</u>	Standard Fire Prevention Code violation	2
<u>34-63</u>	National Fire Codes violation	2
<u>CHAPTER 46. OFFENSES AND MISCELLANEOUS PROVISIONS</u>		
Article I. In General		
<u>46-3</u>	Gates swinging inward	3
<u>46-4</u>	Damage to trees	2
<u>46-5</u>	Peddlers, etc.; nuisance	4
<u>46-6</u>	Discharge of airguns, etc.	5
<u>46-7</u>	Registration of religious institutions	4
Article II. Convenience Store Security		
<u>46-33</u>	Required security	3
<u>46-34</u>	Training of employees	3
Article III. Minors		
<u>46-84</u>	Curfew for minors	2
<u>46-85</u>	Parents' responsibility	2
Article V. Shopping Cart Regulations		
<u>46-162</u>	Responsibility of merchant	5
<u>CHAPTER 50. PARKS AND RECREATION</u>		
Article II. Use and Conduct Regulations		
<u>50-37</u>	Closed or posted areas	5
<u>50-38</u>	Loitering	5
<u>50-39</u>	Alcoholic beverages prohibited	4
<u>50-40</u>	Intoxication prohibited	2
<u>50-41</u>	Damage to property	2
<u>50-42</u>	Removing natural resources	2
<u>50-43</u>	Damage to trees, etc.	2
<u>50-44</u>	Climbing trees, etc.	5

<u>50-45</u>	Erecting structures	4
<u>50-46</u>	Polluting waters	2
<u>50-47</u>	Disposal of refuse and trash	2
<u>50-48</u>	Molesting, harming animals	2
<u>50-49</u>	Weapons and shooting	2
<u>50-50</u>	Fireworks and explosives	2
<u>50-51</u>	Picnic areas and use	5
<u>50-52</u>	Camping	5
<u>50-53</u>	Games and roller skating	5
<u>50-54</u>	Horseback riding prohibited	5
<u>50-55</u>	Dogs and domestic animals	5
<u>50-56</u>	Fires	5
<u>50-57</u>	Sales prohibited	5
<u>50-58</u>	Advertising prohibited	5
<u>50-59</u>	Signs	4
<u>50-83</u>	Vehicles confined to road	4
<u>50-84</u>	Location/manner of parking	4
<u>50-86</u>	Double parking	4
<u>50-87</u>	Bicycles	5
<u>50-111</u>	Swimming areas	5
<u>50-112</u>	Hours for swimming	5
<u>50-113</u>	Structures in swimming areas	5
<u>50-114</u>	Bathing attire regulated	5
<u>50-115</u>	Dressing, undressing	5
<u>50-116</u>	Boating areas	5
<u>50-117</u>	Operation of boats	5
<u>50-118</u>	Boating during closed hours	5
<u>50-141</u>	Park permit required	2
<u>50-148</u>	Interference with park permittees	4
<u>CHAPTER 54. PLANNING</u>		
Article III. Historic Districts		
<u>54-78</u>	Certificate of appropriateness	2
<u>54-80</u>	Maintenance of historic structures	2
<u>CHAPTER 58. SECONDHAND GOODS</u>		
Article II. Secondhand Dealers		
<u>58-34</u>	Secondhand dealer register	2
<u>58-35</u>	Secondhand dealer transcripts	2
<u>58-36</u>	Disposal of goods by secondhand dealer	
<u>58-37</u>	Dealing with minors	3
<u>58-38</u>	Inspections of stock	3
<u>CHAPTER 62. SIGNS</u>		
Article I. In General		
<u>62-4</u>	Maximum area for signs	4
<u>62-5</u>	Number of signs	4
<u>62-6</u>	Height of signs	4
<u>62-7</u>	Construction of signs	4
<u>62-8</u>	Lighting of signs	4
<u>62-9</u>	Political signs	4

<u>62-10</u>	Wall signs	4
<u>62-11</u>	Wall graphics	4
<u>62-12</u>	Billboards	4
<u>62-13</u>	Flashing lights	4
<u>62-14</u>	Portable signs	4
<u>62-15</u>	Snipe signs/illegally placed ground signs/illegally placed temporary signs	2
Article II. Permits		
<u>62-41</u>	Permit for signs	4
<u>62-42</u>	Electrical permit for signs	4
<u>62-44</u>	Licenses required	3
<u>62-47</u>	Maker's name required	4
<u>62-51</u>	Permit for work on signs	4
Article III. Minimum Requirements		
<u>62-82</u>	Hanging of signs	4
<u>62-83</u>	Prohibited contents	4
<u>62-84</u>	Structural requirements for signs	4
<u>62-85</u>	Wind load allowance for signs	4
<u>62-86</u>	Safety requirements for signs	4
<u>62-87</u>	Obstruction by signs	4
<u>62-88</u>	Posting of signs	4
<u>62-89</u>	Projecting signs	4
<u>62-90</u>	Concealing rear of signs	4
<u>62-91</u>	Weeds, rubbish, etc.	3
<u>62-92</u>	Maintenance of signs	3
<u>62-94</u>	Signs over water	4
<u>62-95</u>	Nonconforming signs	3
<u>CHAPTER 66. SOLID WASTE</u>		
<u>66-1</u>	Garbage disposal	4
<u>66-2</u>	Garbage containers, residential	4
<u>66-3</u>	Garbage containers, commercial	4
<u>66-4</u>	Garbage pickup	4
<u>66-5</u>	Disposal by city	4
<u>66-6</u>	Disposal requirements, raw garbage	4
<u>66-7</u>	Disposal requirements, boxes etc.	4
<u>66-8</u>	Rummaging through garbage	4
<u>CHAPTER 70. STREETS, SIDEWALKS AND OTHER PUBLIC PLACES</u>		
Article I. In General		
<u>70-1</u>	Permit for street work	3
<u>70-2</u>	Poles or other fixtures interfering with street improvements	3
<u>70-3</u>	Open manholes	2
<u>70-4</u>	Shrubbery on streets	4
<u>70-5</u>	Depositing garbage, etc., on streets	2
Article II. Sidewalks		
<u>70-31</u>	Goods, wares on sidewalks	3
Article III. House Numbering		
<u>70-82</u>	Numbering of buildings	4

<u>70-83</u>	House number requirements	4
<u>CHAPTER 78. TAXATION</u>		
Article V. Occupational License Tax		
<u>78-162</u>	No occupational license	2
<u>78-165</u>	License transfer violation	2
<u>78-179</u>	Yard, garage sale violation	2
<u>78-202</u>	Coin-operated device license fee	2
<u>78-203</u>	Additional coin-operated device fee	2
<u>CHAPTER 82. TRAFFIC AND VEHICLES</u>		
Article II. Stopping, Standing and Parking		
<u>82-34</u>	Bus stops	5
<u>82-35</u>	Parking prohibited	5
<u>82-36</u>	Loading zones	5
<u>CHAPTER 86. UTILITIES</u>		
Article II. Water		
<u>86-31</u>	Permit for water	3
<u>86-32</u>	Illegal use of water	2
<u>86-36</u>	Repair of water connections	3
<u>86-61</u>	Separate service for dwellings	3
<u>86-62</u>	Separate service for businesses	3
<u>86-63</u>	Check valve required	3
Article III. Sewers and Sewage Disposal		
<u>86-114</u>	Use of public sewers required	1
<u>86-127</u>	Malicious damage	1
Division 3	Sewers and connections	1
Division 4	Private sewage disposal	1
<u>86-241</u>	Discharge prohibitions	1
<u>86-247</u>	Excessive discharge	1
<u>86-248</u>	Pretreatment	1
<u>86-249</u>	Cooling waters	1
<u>86-250</u>	Accidental discharges	1
Article IV. Rates and Charges		
<u>86-286</u>	Using service after disconnection	2
<u>CHAPTER 90. VEHICLES FOR HIRE</u>		
Article I. In General		
<u>90-1</u>	Bus terminals to be on private property	3
<u>90-2</u>	Buses stopping on city property	3
Article II. Taxicabs		
<u>90-34</u>	Certificate required	3
<u>90-40</u>	Transfer of certificate	3
<u>90-71</u>	Driver's permit required	3
<u>90-79</u>	Destruction of driver's permit	3
<u>90-80</u>	Display of driver's permit	3
<u>90-101</u>	Vehicle inspection	3
<u>90-102</u>	Sign on vehicles	3
<u>90-103</u>	Advertising on vehicles	3
<u>CHAPTER 94. ZONING</u>		
Article III. Districts		

Division 2	District regulations	1
Division 3	Supplementary district regulations	1
Article V. Off-Street Parking and Loading		
	Off-street parking and loading facilities	1

(Ord. No. 14-26, § 1, 9-25-2014)

Chapter 30 - ENVIRONMENT

Footnotes:

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Cross reference— *Animals, ch. 14; buildings and building regulations, ch. 18; unsafe building abatement code, § 18-241 et seq.; floods, ch. 38; parks and recreation, ch. 50; planning, ch. 54; signs, ch. 62; solid waste, ch. 66; streets, sidewalks and other public places, ch. 70; subdivisions, ch. 74; utilities, ch. 86; zoning, ch. 94.*

ARTICLE I. - IN GENERAL

Secs. 30-1—30-30. - Reserved.

ARTICLE II. - NUISANCES

Footnotes:

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Editor's note— Ord. No. 14-19, § 1, adopted July 10, 2014, repealed the former Art. II, §§ 30-31—30-40, and enacted a new Art. II as set out herein. The former Art. II pertained to similar subject matter and derived from Code 1981, §§ 21-1—21-21-10.

Sec. 30-31. - Penalty.

Every owner who shall fail, refuse or neglect to comply with the order of the city manager or the city commission or who otherwise violates any of the provisions of this article shall be deemed guilty of a violation of this Code and shall, upon conviction thereof, be subject to punishment as provided in section 1-10.

(Ord. No. 14-19, § 1, 7-10-2014)

Sec. 30-32. - Prohibited conditions and public nuisances.

- (a) *Purpose and intent.* The purpose and intent of this section is to prohibit and prevent the following conditions:
- (1) Accumulation of trash, junk, or debris, living and nonliving plant material, hazard tree(s), and stagnant water.
 - (2) Excessive and untended growth of grass, weeds, brush, branches, and other overgrowth.
 - (3) The existence of all other objectionable, unsightly or unsanitary matter, materials, and conditions on improved property.
 - (4) Property being inhabited by, or providing a habitat for, rodents, vermin, reptiles, or other wild animals.
 - (5) Property providing a breeding place for mosquitoes.

- (6) Property being a place, or being reasonably conducive to serving as a place, for illegal or illicit activity.
- (7) Property threatening or endangering the public health, safety, or welfare of city residents.
- (8) Property reasonably believed to cause currently, or potentially to cause in the future, ailments or disease.
- (9) Property adversely affecting and impairing the economic value or enjoyment of surrounding or nearby property.
- (10) Failure to replace or repair with similar or improved material in a reasonable period, not to exceed 60 days, broken or missing building components, including, but not limited to, doors, windows, roofing material, siding, and drives/walks outside the right-of-way which detract from the aesthetics of the neighborhood, shopping area, industrial area or other commercial area within the service district.
- (11) Failure to repair, replace, or remove broken fencing, screening or decorative elements on a developed parcel or lot.
- (12) Failure of owner of land to keep any sidewalk abutting thereon and all parkways to the curb line free and clear of all weeds, undergrowth, rubbish, debris and trash.

(b) *Definitions.* These words, terms and phrases, when used in this article, will mean the following:

Abandoned property includes, but is not limited to, wrecked or derelict property which has been left behind when it appears that the former owner does not intend to come back, pick it up, or use it. Examples may include, but are not limited to, possessions left in a house, possessions left outside a structure, vehicles, vessels, etc., left behind or beside a road for a period of time not to exceed ten days.

Abandoned vehicle means, but is not limited to, any wrecked or derelict property which has been left abandoned and unprotected from the elements and shall include, but is not limited to, a vehicle in a state of disuse, neglect, a vehicle without a license plate, a vehicle with a license plate that is not registered to that vehicle, a vehicle that does not have a registration sticker affixed to the license plate, a vehicle that has a registration sticker affixed to the license plate which has expired. Evidence of disuse, neglect or abandonment may include, but is not limited to, factors such as: Refuse or debris collected underneath or the vehicle being used solely for storage purposes; if it is partially dismantled, having no engine, transmission, or other major and visible parts; having major and visible parts which are dismantled; incapable of functioning as a motor vehicle in its present state; having only nominal salvage value; or being in any physical state rendering it inoperable. A vehicle will be considered abandoned or derelict if it is in an evident state of extended disuse or neglect and which has been left abandoned and unprotected from the elements.

Abate means to repair, replace, remove, destroy or otherwise remedy the condition in question by such means and in such manner and to such an extent as necessary in the interest of the general health, safety and welfare of the community as determined by the city manager, or his/her designee.

Actual cost means the actual contract amount plus interest, if any, as invoiced by an independent, private contractor for terminating and abating a violation of this section on a lot, tract, or parcel, plus the cost of serving notice of the remedy, obtaining title information on the property, administrative costs of \$150.00, and all other identifiable costs incurred by the city for the abatement of the public nuisance on the lot, tract, or parcel.

Attractive nuisance means, but is not limited to, leaving a piece of equipment or other condition on property which would be attractive and dangerous to the safety of curious children. This would include, but is not limited to, unguarded swimming pools, open pits, abandoned personal and real property, refrigerators, and buildings which have been boarded up for longer than 60 days.

City means the incorporated municipality of Palatka, with definite boundaries and legal powers as set forth in the State Charter, including any subsequent annexation.

Compost bin means a container designed for the purpose of allowing nonliving plant or vegetative material to decompose for use as fertilizer. For purposes of this article, any such compost bin shall be constructed of wire, wood lattice or other material which allows air to filter through the structure. A compost bin shall not exceed an area of 16 square feet and a height of three feet.

Excessive growth of grass, weeds, or brush and other overgrowth means grass or weeds greater than 18 inches in height or brush, or bushes, or shrubs, or trees, or vines, or flowering plants and other living plant life that is allowed to grow in a wild and unkempt manner not in keeping with the neighborhood.

Hazard tree means, but is not limited to, a tree that is dead, diseased, or dying, or has a structural defect that predisposes it to becoming a hazard that could cause personal injury or property damage and the tree is located near a target, as defined herein.

Imminent public health threat means the condition of a lot, tract, or parcel of land that, because of the accumulation of trash, junk, or debris, which includes but is not limited to, broken glass, rusted metal, automotive and appliance parts, abandoned vehicles or inoperable vehicles, some of which may contain chemicals, such as Freon, oils, fluids or the like, capable of causing injury or disease to humans or animals or contaminate the environment; or the condition of a lot, tract or parcel that, because of excessive growth of grass, weeds, or brush, hazard tree(s), or stagnant water, can harbor criminal activity, create a habitat for rodents, vermin, reptiles, or other wild animals, become a breeding ground for mosquitoes, or become a place to conduct illegal activity; a place that threatens or endangers the public health, safety or welfare of city residents; a place that is reasonably believed to cause currently, or potentially to cause in the future, ailments or disease.

Improved lot means, but is not limited to, any lot or parcel of land on which the wild or natural state has been changed or altered, or possessing a valid permit for construction of a dwelling house, commercial or industrial building assigned to it.

Inoperable vehicle means any wrecked or partially dismantled vehicle that is parked or stored without having all the wheels mounted, or is in a condition of substantial disrepair, or which is parked or stored without having tires inflated, or cannot be operated legally upon the roadways of Florida, or other similar conditions.

Nonliving plant material means nonliving vegetation such as, but not limited to, leaves, grass cuttings, shrubbery cuttings, tree trimmings and other material incidental to attending to the care of lawns, shrubs, vines and trees.

Nuisance means (i) the excessive growth of grass, weeds, brush, branches, and other overgrowth; (ii) a habitat for rodents, vermin, reptiles, or other wild animals; or (iii) a breeding ground for mosquitoes; (iv) a place conducive to illegal activity as listed in [section 46-252](#); (v) a place that threatens or endangers the public health, safety or welfare of city residents; (vi) a place that is reasonably believed to cause currently, or potentially to cause in the future, ailments or disease; or (vii) a condition on the property that adversely affects and impairs the economic value or enjoyment of surrounding or nearby properties; (viii) failure to replace or repair with similar or improved material in a reasonable period, not to exceed 60 days, broken or missing building components, including, but not limited to, doors, windows, roofing material, siding, and drives/walkways outside the right-of-way which detract from the aesthetics of the neighborhood, shopping area, industrial area or other commercial area within the service district; (ix) failure to repair, replace, or remove broken fencing, screening or decorative elements on a developed parcel or lot, is declared to be a nuisance and menace to the public health, safety, and welfare of the citizens of the city, including, but not limited to abandoned property, abandoned vehicle(s), inoperable vehicles, or any other attractive nuisance.

Property means a lot or tract or parcel of land and the adjacent right-of-way portion, whether such lot or tract or parcel is improved or unimproved.

Stagnant water means, but is not limited to, any swimming pool, pond, cesspool, well, cistern, rain barrel or other receptacle containing water or accumulation of water that is not moving or flowing, may become foul smelling, contain growth of various flora, become coated with scum and in such a condition that mosquitoes may breed therein or may injure health or cause offense to other persons.

Target means an area where personal injury or property damage could occur if a tree or portions of a tree fails. "Target" includes, but is not limited to, sidewalks, walkways, roads, vehicles, structures, or a place where people gather (for example, a backyard).

Trash, junk, or debris means waste materials, including, but not limited to, putrescible and nonputrescible waste, combustible and noncombustible waste, and generally all waste materials including, but not limited to, paper, cardboard, tin cans, lumber, concrete rubble, glass, bedding, crockery, household furnishings, household appliances, inoperable vehicle(s), dismantled pieces of motor vehicles or other machinery, abandoned vehicles, tires, rusted metal articles, and abandoned property of any kind.

Unimproved lot means a lot, tract or parcel that is not made use of; is not legally cleared of trees and brush; in the wild or natural state; and does not have certain basic required services necessary to utilize it for other purposes. These services may include, but are not limited to, electricity, telephone, sewer, street access, or water.

(c) *Declaration of nuisance.* The city prohibits the existence of any nuisance as defined herein for the following reasons: The property is dangerous, unhygienic, unhealthy, and a visual nuisance because it depreciates, or potentially can depreciate, the value of neighboring property.

(d) *Duties and maintenance requirements of property owners and permissible uses.*

(1) It shall be the duty of the owner of property to eliminate on their lot, tract or parcel of land any public nuisance as provided by the Statutes of the State of Florida or the City Code and city ordinances, including, but not limited to, excessive growth of grass, weeds, brush, hazard tree(s), and other overgrowth on the property, and that portions of the adjoining public right-of-way between the property and the paved or graded street; conditions which endanger human life or substantially and detrimentally affect the utility, livability, safety or security of occupants, nearby occupants or passers-by; conditions which render air, food or drink unwholesome or detrimental to the health of human beings; fire hazards; structurally unsound fences or structures; abandoned buildings when they are unsecured or unsecurable and when by reason of abandonment or neglect they contain hazards, or other unsafe conditions; and any attractive nuisance which may prove detrimental to the health or safety of children or others whether in a building, on the premises of a building or upon an unimproved lot.

(2) Maintenance requirements.

- a. Properties subject to this article 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, abandoned 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 codes.
- d. Landscape shall include, but not be limited to, grass, groundcovers, bushes, shrubs, hedges or similar plantings, decorative rock or bark or artificial turf/sod designed specifically for residential installation. Landscape shall not include weeds, gravel, 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. 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 code enforcement board/hearing officer, the city may take the necessary action to ensure compliance with this section unless the city manager or his/her designee determines that conditions on a property constitute an imminent public health threat.
- (3) The following uses are permissible:
- a. Storage of trash, junk, debris, and living and nonliving plant material in garbage cans that comply with applicable ordinances relating to solid-waste collection.
 - b. The storage of nonliving plant material in compost bins, except that any property may have no more than two compost bins.
 - c. Keeping wood on the property for use as fire or fuel, provided such wood shall be piled, stacked, bundled, or corded and the area surrounding the piles, stack, bundles, or cords shall be free of excessive growth of grass, weeds, brush, branches, and other overgrowth.
- (e) *Imminent public health threat.* Whenever the city manager or his/her designee determines that conditions on a property constitute an imminent public health threat, and the situation calls for abatement sooner than the abatement procedures in this Code permit, the city manager or his/her designee may order and cause the summary abatement of those conditions without the prior notice or hearing requirements prescribed herein. After-the-fact notice will be provided by the city to the owner no later than ten working days after the abatement. After-the-fact notice shall be sent as set forth in section 30-35 below, and the owner shall have: (i) 30 days from the date the invoice is mailed to reimburse the city; or (ii) 15 days to appeal, as set forth in section 30-36 below, the city's determination that an imminent public health threat existed on the property. If the subject property is secured by locks or otherwise, the city shall have the authority to enter said property for purposes of remedying the condition causing the nuisance or violation, and any additional costs incurred by the city in gaining access to the property including, but not limited to, judicial action, or in resecuring the property after cleaning and clearing, shall be considered expenses of remedying the condition.

(Ord. No. 14-19, § 1, 7-10-2014)

Sec. 30-33. - Abatement required.

It shall be the duty of every owner of land lying within the corporate limits of the city to abate any of the conditions set forth in section 30-32.

(Ord. No. 14-19, § 1, 7-10-2014)

Sec. 30-34. - Enforcement.

If the owner of any land within the city shall fail to comply with the provisions of section 30-32 or 30-33, enforcement shall be carried out as set forth in sections 2-285 through 2-291 of this Code. Civil penalties and fees for violations of section 30-32 are set forth in section 2-314, uniform fine schedule.

(Ord. No. 14-19, § 1, 7-10-2014)

Sec. 30-35. - Notice to abate.

The city manager or his/her designee shall give notice to such owner, requiring him or her to comply with such requirements, or such of the requirements as may be necessary and appropriate in the particular case. The notice shall specify the time, not less than 15 days, in which the owner shall abate the nuisance and clear the land. Such notice may be given by mailing, by certified mail, return receipt requested, a true copy of such notice to the owner of the land at the address as shown on the latest tax rolls. If the notice is returned unclaimed or marked "address unknown," then notice may be served by posting a true copy thereof on the property involved for ten consecutive days.

(Ord. No. 14-19, § 1, 7-10-2014)

Sec. 30-36. - Appeal from notice to abate.

Any owner aggrieved by the findings and order of the city manager or his/her designee as set forth in the notice provided for in sections 30-34 and 30-35 shall have the right to appeal to the code enforcement board. Appeal shall be taken within ten days after service of such notice by filing with the city manager or city clerk a notice of appeal and specifying the grounds thereof. The code enforcement supervisor shall schedule the appeal for the next regular or special meeting of the code enforcement board. An appeal shall stay all proceedings in furtherance with the action appealed from until a hearing on the appeal is had by the code enforcement board.

(Ord. No. 14-19, § 1, 7-10-2014)

Sec. 30-37. - Abatement by city authorized.

If an owner fails, refuses or neglects to comply with the order of the city manager or his/her designee pursuant to this article, and fails, refuses or neglects to exercise the right of appeal provided for in section 30-36 within the time prescribed therefor, or fails, refuses or neglects to comply with the order of the code enforcement board upon appeal to the code enforcement board, the city manager or his/her designee shall cause the nuisance to be abated, and the reasonable cost and expense of such abatement by the city is hereby assessed against the land cleared and cleaned or the land abutting on the sidewalk cleaned or cleared, or the land filled.

(Ord. No. 14-19, § 1, 7-10-2014)

Sec. 30-38. - Assessment of costs of abatement.

As soon as feasible after such abatement of a nuisance pursuant to section 30-37, the cost thereof to the city for each parcel or lot shall be calculated and reported by the city manager or his/her designee to the code enforcement board. Thereupon, the code enforcement board shall by finding of fact, conclusion of law and order assess such cost against such parcel. The finding of fact, conclusion of law and order shall describe the land, give the name of the owner thereof, and give the cost of the abatement actually incurred by the city in abating such nuisance.

(Ord. No. 14-19, § 1, 7-10-2014)

Sec. 30-39. - Recording of assessing costs of abatement.

As soon as possible after the adoption of the finding of fact, conclusion of law and order provided for in section 30-38, the code enforcement officer shall record a certified copy of such finding of fact, conclusion of law and order in the office of the clerk of the circuit court in and for the county. The code enforcement officer also shall mail a notice to the owner of

record of each parcel of land described in the finding of fact, conclusion of law and order, which notice shall be mailed to the last available address of such owner.

(Ord. No. 14-19, § 1, 7-10-2014)

Secs. 30-40—30-60. - Reserved.

ARTICLE III. - JUNKED AUTOMOBILES AND ABANDONED PROPERTY

Footnotes:

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Editor's note— Ord. No. 14-20, § 1, adopted July 10, 2014, effectively repealed the former Art. III, §§ 30-61—30-77, and enacted a new Art. III as set out herein. The former Art. III pertained to similar subject matter. Prior legislative history has been retained in history notes following sections.

Cross reference— *Traffic and vehicles, ch. 82.*

Sec. 30-61. - 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:

Abandoned property means wrecked or derelict property having no value other than nominal salvage value, if any, which has been left abandoned and unprotected from the elements, and shall include wrecked or partially dismantled motor vehicles, trailers, boats, machinery, refrigerators, washing machines, plumbing fixtures, furniture, and any other similar article which has no value other than nominal salvage value, if any, and which has been left abandoned and unprotected from the elements.

Enforcement officer means the city manager, police chief, police officer, code enforcement officer, director of public services, building official, building inspector or compliance officer, or any other officer or employee of the city designated by law or by the Charter, ordinances or resolutions of the city to enforce the provisions of this article.

Junked vehicle means any motor vehicle, as defined by state statutes, which:

- (1) Is inoperative and which does not have lawfully affixed thereto a valid unexpired license tag and which is wrecked, dismantled, partially dismantled or discarded; or
- (2) Remains inoperable for a continuous period of more than 120 days.

Private property means real property located within the city which is not owned or used by a governmental body, but does not include a place licensed and permitted under chapter 94 (the zoning code) to be used as a junkyard.

Public property means lands and improvements owned by the federal government or its agencies or bureaus, the state or its departments, divisions or districts, the county, and the city or any other municipalities lying within the county, and includes buildings, grounds, parks, playgrounds, streets, sidewalks, parkways, rights-of-way and other similar property.

(Code 1981, § 10-1; Ord. No. 14-20, § 1, 7-10-2014)

Cross reference— Definitions generally, § 1-2.

Sec. 30-62. - Penalty.

Any person violating the provisions of this article shall, upon conviction, be subject to punishment, as provided by section 2-314. Each day that such violation shall continue shall constitute a separate offense.

(Code 1981, § 10-5; Ord. No. 14-20, § 1, 7-10-2014)

Sec. 30-63. - Declaration of public nuisance.

The location or presence of any junked vehicle or abandoned, wrecked or derelict property on any lot or tract or parcel of land, or portion thereof, public or private, improved or unimproved, occupied or unoccupied, within the city shall be deemed a public nuisance, and it shall be unlawful for any person in the city to cause or maintain such public nuisance by wrecking, dismantling, rendering inoperable, abandoning or discarding his vehicle on the property of another, or to suffer, permit or allow such vehicle to be placed, located, maintained or exist upon his own real property; provided that this section shall not apply to:

- (1) A vehicle or part thereof which is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property.
- (2) A vehicle or part thereof which is stored or parked in a lawful manner on private property in connection with the business of a licensed vehicle dealer.
- (3) Unlicensed inoperable vehicles stored on private property; provided, however, that the vehicles and outdoor storage areas are maintained in such a manner that they do not constitute a health hazard and are screened from ordinary public view from the fronting street or roadway by means of a fence, trees, shrubbery or other appropriate means.

(Code 1981, § 10-3; Ord. No. 14-20, § 1, 7-10-2014)

Sec. 30-64. - Prohibited acts.

It shall be unlawful and no person shall:

- (1) *Abandoning property.* Place, leave or cause to be placed or left on public or private property any junked vehicles or any abandoned property.
- (2) *Abandoning airtight containers.* Place or leave outside a building or dwelling or on an unenclosed porch, areaway or other portion of a building or dwelling or in a place accessible to children, or permit to remain in a place under his control, an abandoned, unattended or discarded icebox, refrigerator, freezer or other container having an interior capacity of 1.5 cubic feet or capacity of 1.5 cubic feet or more, which has a substantially airtight door or cover designed or intended to be fastened with a snap lock or other mechanical device which, when closed, cannot readily be released for opening from the inside of the icebox, refrigerator, freezer or other container, unless the locking device shall have been removed and the door or cover which it was designed or intended to secure will open freely at all times.
- (3) *Obstructing enforcement officer.* Oppose, obstruct or resist the enforcement officer or any person authorized by the enforcement officer in the discharge of his duties as provided by this article.
- (4) *Removing or defacing notice.* Remove, deface or destroy any notice affixed to abandoned property under this article without the enforcement officer's consent.

(Code 1981, § 10-4; Ord. No. 14-20, § 1, 7-10-2014)

Sec. 30-65. - Removal of junked vehicles from public property.

Removal of junked vehicles from public property shall be in accordance with F.S. § 705.103. (Ord. No. 14-20, § 1, 7-10-2014)

Sec. 30-66. - Notice to remove abandoned property from public property—posting of notice.

- (a) Whenever a public nuisance exists in the city in violation of this article and the enforcement officer for the city shall ascertain that an article of abandoned property is present on public property within the limits of the city, he shall prepare a notice of abandoned property, with sufficient copies thereof, and shall cause one copy of the notice to be placed upon such abandoned article in substantially the following form:

NOTICE OF ABANDONED PROPERTY

NOTICE TO THE OWNER AND ALL
PERSONS INTERESTED IN THE
ATTACHED PROPERTY

This property, to wit: (setting forth brief description) is unlawfully upon public property known as (setting forth brief description of location) and is a public nuisance, and must be abated and removed within ten days or, if the property is a boat, 30 days from date of this notice; otherwise it shall be presumed to be junked, abandoned or derelict property as defined by the Ordinances of the City of Palatka. Upon your failure to remove said property as hereby demanded, it is subject to removal by and may be removed and destroyed by order of the City of Palatka. If the property is a wrecked or partially dismantled motor vehicle or is a boat, you as the owner will be liable for the costs of removal and destruction.

Pre-taking hearing. You are further notified that you may, within the ten-day period, request a pre-taking hearing as to the propriety of this determination and necessity of removal of this article, by contacting the City of Palatka City Manager at the City of Palatka City Hall, 201 N. 2nd Street, Palatka, Florida.

Your failure to request a hearing within the ten-day period will act as a waiver of your right to a hearing and may result in the assessment of the cost of removal against you personally.

Dated this: (setting forth the date of posting of notice). Signed: (setting forth name, title, address and telephone number of enforcement officer).

- (b) Such notice shall be not less than eight inches by ten inches and shall be sufficiently weatherproof to withstand normal exposure to the elements for a period of ten days.

(Code 1981, § 10-6; Ord. No. 14-20, § 1, 7-10-2014)

Sec. 30-67. - Same—Service of notice.

In addition to posting as provided in section 30-67, the enforcement officer shall make a reasonable effort to ascertain the name and address of the owner. If he can reasonably ascertain the person responsible for placing, leaving or causing the placing or leaving of such abandoned property on public property, he shall serve that person, by mail or delivery, a copy of the notice of abandoned property and so indicate the service thereof on the face of the notice, noting the time, date and type of service and the name of the person so served. If the service is by delivery, the person receiving the notice shall sign the enforcement officer's copy as an acknowledgement that he has received such notice. If the person required by this section to sign a notice of abandoned property willfully fails or refuses to do so, the enforcement officer shall note this fact on the face of the notice, which shall constitute prima facie evidence of delivery or service of notice as required by this

section. If the service is by mail, it shall be sent to the person certified, return receipt requested. If the notice is returned undelivered by the United States Postal Service, official action to abate the nuisance shall be continued to a date not less than ten days from the date of such return.

(Code 1981, § 10-7; Ord. No. 14-20, § 1, 7-10-2014)

Sec. 30-68. - Notice to remove junked vehicle or abandoned property from private property—Posting of notice.

- (a) Whenever a public nuisance exists in the city in violation of this article, and the enforcement officer of the city shall ascertain that a junked vehicle or an article of abandoned property is present on private property within the limits of the city in violation of any zoning ordinance or regulation, anti-litter ordinance or regulation, or other similar ordinance or regulation, he shall prepare a notice of abandoned property, with sufficient copies, to be placed upon such junked vehicle or abandoned article, in substantially the following form:

NOTICE OF ABANDONED PROPERTY

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 or location) is a public nuisance that must be abated, and is improperly stored and is in violation of (setting forth ordinance or regulation violated of the City of Palatka) and must be removed within ten days or, if the property is a boat, 30 days from date of this notice; otherwise it shall be presumed to be junked, wrecked, abandoned or derelict property as defined by the Ordinances of the City of Palatka. Upon your failure to remove said property as hereby demanded, it is subject to removal by and may be removed and destroyed by order of the City of Palatka. If the property is a motor vehicle or boat, you as the owner will be liable for the costs of removal and destruction.

Pre-taking hearing. You are further notified that you may, within the ten-day period, request a pre-taking hearing as to the propriety of this determination and necessity of removal of this article, by contacting the City of Palatka City Manager at the Palatka City Hall, 201 N. 2nd Street, Palatka, Florida.

Your failure to request a hearing within the ten-day period will act as a waiver of your right to a hearing and may result in the assessment of the cost of removal against you personally.

Dated this: (setting forth date of posting of notice). Signed: (setting forth name, title, address and telephone number of enforcement officer).

- (b) Such notice shall be sufficiently weatherproof to withstand normal exposure to the elements for a period of ten days.

(Code 1981, § 10-8; Ord. No. 14-20, § 1, 7-10-2014)

Sec. 30-69. - Same—Service of notice.

In addition to posting as provided in section 30-69, the enforcement officer shall make a reasonable effort to ascertain the name and address of the owner of the article and of the private property upon which the article was left. If he can reasonably ascertain the person responsible for placing, leaving or causing the placing or leaving such article on private property and the landowner, he shall serve such persons, by mail or delivery, a copy of the notice of abandoned property and so indicate the service thereof on the face of the notice, noting the persons so served. If the service is by delivery, the

person receiving the notice shall sign the enforcement officer's copy as an acknowledgement that he has received such notice. If the persons required by this section to sign a notice of abandoned property willfully fail or refuse to do so, the enforcement officer shall note this fact on the face of the notice, which shall constitute prima facie evidence of delivery or service of notice as required by this section. If the service is by mail, it shall be sent to such persons certified, return receipt requested. If the notice is returned undelivered by the United States Postal Service, official action to abate the nuisance shall be continued to a date not less than ten days from the date of such return.

(Code 1981, § 10-9; Ord. No. 14-20, § 1, 7-10-2014)

Sec. 30-70. - Filing of copies of notices.

After the posting and serving of the notices as provided in this article, the enforcement officer shall retain information of the posting for the official record.

(Code 1981, § 10-10; Ord. No. 14-20, § 1, 7-10-2014)

Sec. 30-71. - Failure to request hearing.

The failure of the interested person or owner of a junked vehicle abandoned on private property or an article abandoned on public or private property, upon which notice has been attached, to contact the city clerk or to otherwise request a pre-taking hearing as to the necessity of removal shall constitute a waiver of the right of such person to the hearing. If an abandoned article was removed from public property and the owner thereof was served with notice, the costs of removal, storage and disposition may be assessed against him personally. If the junked vehicle or abandoned article was removed from private property and the owner of the land was served with notice, such charges may be assessed by the disposal company and filed as a lien against the real estate from which the junked vehicle or abandoned article was removed.

(Code 1981, § 10-11; Ord. No. 14-20, § 1, 7-10-2014)

Sec. 30-72. - Effect of request for hearing; conduct of hearing; decision.

- (a) If the person who received a notice of abandoned property under this article or his agent timely requests (within ten days of notice to remove) a pre-taking hearing on the propriety of this determination and a hearing of the necessity for removal of the abandoned property, a date shall be set for the next scheduled meeting of the code enforcement board for a public hearing prior to the removal of the junked vehicle from private property or abandoned property from public or private property. The request for hearing shall be filed with the code enforcement office. The hearing shall be held before the code enforcement board. The timely filing of the request for a hearing shall operate as a stay of further action by the city under this article until the hearing has been completed and a decision rendered.
- (b) The city shall provide a convenient place for the hearing, which may be at the city hall, and shall make provision for a typed recording of the proceedings. A record shall be kept of any evidence presented and of the names and addresses of any witnesses who testify. At the hearing, the interested person or property owner, his agent or his attorney shall be afforded an opportunity to present, by oral testimony or documentary evidence, his objections to:
 - (1) The propriety of the determination of the public nuisance;
 - (2) The designation of the property as a junked vehicle or abandoned property;
 - (3) The necessity for removal of the junked vehicle from private property and the abandoned property from public or private property;

- (4) His liability for the payment of cost for the removal, storage or disposition of the property, if required; and
 - (5) The proposed allocation of any proceeds realized from the disposition of the property.
- (c) At the conclusion of the hearing, the code enforcement board shall promptly render a decision on all issues presented. If the board:
- (1) Finds that no nuisance exists or that the property is not a junked vehicle or abandoned property, it shall direct that the notice of abandoned property previously served on the person, as a result of which the hearing was requested and held, be cancelled and that the removal notice attached to or near the property be removed.
 - (2) Finds that the property is a junked vehicle or abandoned property, it shall direct the removal of the property or its other disposition so that it no longer is abandoned, establish the extent of the liability of the person who requested the hearing for payment of the cost of such removal or other disposition, including storage charges, and direct the disbursement of the proceeds, if any, realized from the disposition of the property.
- (d) The decision so rendered shall be final, and a copy of the decision shall be furnished to the person who filed the request for the hearing, to the enforcement officer and to the city clerk.

(Code 1981, § 10-12; Ord. No. 14-20, § 1, 7-10-2014)

Sec. 30-73. - Storage of abandoned property removed by city.

The enforcement officer is authorized to take possession of and store abandoned property found on public property whenever the abandoned property apparently is of more than nominal value and may be subject to destruction, damage or loss if it remains where the enforcement officer found it. The storage charges, if any, occasioned by the storage of the abandoned property pursuant to this section shall be and constitute a lien upon the stored abandoned property, and shall be paid or otherwise satisfied before the abandoned property is returned to the person entitled to possession thereof or when it is disposed of. In no case shall abandoned property be stored under this section for longer than 60 days unless it is the subject of judicial proceedings.

(Code 1981, § 10-13; Ord. No. 14-20, § 1, 7-10-2014)

Sec. 30-74. - Removal by city authorized; payment of costs.

If no pre-taking hearing has been requested under this article, or if requested, the decision resulting from the hearing upholds the propriety of the actions of the enforcement officer in determining that a public nuisance does thereby exist, actions of the enforcement officer in determining that a public nuisance does thereby exist, the junked vehicle when on private property and abandoned articles shall be promptly removed and disposed of pursuant to the following procedure:

- (1) If, at the end of ten days or, if the property is a boat, 30 days after posting such notice, the owner or any person interested in the abandoned article described in such notice has not removed the article and complied with the ordinance or regulation cited in the notice, the enforcement officer may cause the junked vehicle or articles of abandoned property to be removed and destroyed. The salvage value, if any, of such articles shall be retained by the removal company and/or the city to be applied against the cost of removal and destruction thereof, unless the costs of removal, storage and destruction are paid by the owner as provided in subsection (2) of this section, in which case the salvage value may be deposited in the general fund, or as otherwise determined by the city.
- (2) The owner of any abandoned motor vehicle or boat who, after notice as provided in this section, does not remove the vehicle or boat within the specified period shall be liable for all cost of removal and destruction of such property, less any salvage value received. In the case of an abandoned boat, any person who neglects or

refuses to pay such amount shall not be entitled to be issued a certificate of registration for any other boat until such costs have been paid. The enforcement officer shall supply the state department of environmental protection with a list of persons whose boat registration privileges have been revoked under this subsection; and neither the department nor the tax collector or other person acting as agent thereof shall issue a certificate of registration to a person whose boat registration privilege has been revoked, as provided by this subsection, until such costs have been paid.

(Code 1981, § 10-14; Ord. No. 14-20, § 1, 7-10-2014)

Sec. 30-75. - Removal with permission of owner or occupant.

If within ten days after receipt of notice from the enforcement officer to remove the junked vehicle or abandoned article or to abate the nuisance, as provided in this article, the owner or occupant of the premises shall give his written permission to the enforcement officer for the removal of the junked vehicle or abandoned article from the premises, the giving of such permission shall be considered compliance with the provisions of this article.

(Code 1981, § 10-15; Ord. No. 14-20, § 1, 7-10-2014)

Sec. 30-76. - Exceptions.

The provisions of this article shall not prevent the city from effecting the immediate removal of a vehicle left on public property which constitutes an obstruction to traffic, or prevent prompt removal of any junked vehicle or abandoned property under circumstances constituting a public emergency or involving any actual or potential public calamity.

(Code 1981, § 10-16; Ord. No. 14-20, § 1, 7-10-2014)

Secs. 30-77—30-100. - Reserved.

ARTICLE IV. - NOISE CONTROL

Sec. 30-101. - Generally.

The rules and regulations given in this article shall apply to the control of all sound originating within the geographical limits of the city. It shall be unlawful, except as expressly permitted in this article, to make, cause or allow the making of any noise or sound which exceeds the limits set forth in section 30-105, table 1.

(Code 1981, § 13-51)

Sec. 30-102. - Definitions and measurement standards.

- (a) *Definitions.* All terminology used in this article not defined in this section shall be in conformance with applicable publications and standards of the American National Standards Institute (ANSI) or its successor body, standards of the state and other applicable industry standards. 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:

A-weighted sound level means the sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so read is designated dB(A).

Classification of use occupancies. For the purpose of defining the use occupancy, all premises containing habitually occupied sleeping quarters shall be considered in residential use. All premises containing transient commercial sleeping quarters shall be considered commercial use. All premises containing a business where sales, professional or another commercial use is legally permitted shall be considered commercial use. All premises where manufacturing is legally permitted shall be considered manufacturing use. In case of multiple use, the more restrictive use category shall prevail. Hospitals, nursing homes, schools, libraries and church uses shall be considered residential uses. Any area not otherwise classified shall conform to commercial standards.

Decibel (dB) is a unit for describing the amplitude of sound, equal to 20 times the logarithm in the base 10 of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micronewtons per square meter.

Emergency work means any work performed for the purpose of preventing or alleviating physical trauma or property damage threatened or caused by an existing or imminent peril.

Noise control officer (NCO) means the chief of police of the city and/or the person designated by the chief of police.

Sound level means the weighted sound pressure level obtained by the use of a sound level meter and frequency weighting network, such as A, B or C, as specified in American National Standards Institute specification for sound level meters (ANSI S1.4-1971, or the latest approved version thereof). If the frequency weighting employed is not indicated, the A-weighting shall apply.

Sound level meter means an instrument which includes a microphone, amplifier, RMS detector, response dampening circuit, output meter and weighting network used to measure sound pressure levels.

Sound pressure level means 20 times the logarithm to the base 10 of the ratio of the RMS sound pressure to the reference of 20 micronewtons per square meter.

- (b) *Measurement standards.* Standards, instrumentation, personnel, measurement procedures and reporting procedures to be used in the measurement of sound as provided for in this article shall be consistent with accepted and sound principles of noise measurement in accord with the standards of the American National Standards Institute or its successor body, standards of the state or other applicable industry standards.

(Code 1981, § 13-52)

Cross reference— Definitions generally, § 1-2.

Sec. 30-103. - Penalty; additional remedies.

- (a) *Criminal penalty.* Any person violating the provisions of this article shall, upon conviction, be subject to the penalties provided for in section 1-10.
- (b) *Civil proceedings.* Upon determination by the noise control officer that a source of noise is being conducted in violation of this article, in addition to other remedies provided in this article and by the laws of the state, the noise control officer may, upon authorization by the city commission, institute any appropriate action or proceedings to restrain, correct or abate such violations or otherwise prevent the unlawful use of such noise operation or the unlawful operation of such facility by any person.

(Code 1981, § 13-59)

Sec. 30-104. - Enforcement.

The noise control officer shall have the primary enforcement responsibility for this article. The noise control officer shall coordinate with federal and state authorities and as necessary enforce federal statutes and regulations to the extent authorized by the federal Quiet Communities Act and other applicable law.

(Code 1981, § 13-58)

Sec. 30-105. - Maximum permissible sound levels by receiving use occupancy.

No person shall operate or cause to be operated any source of sound from any occupancy in such a manner as to create a sound level which exceeds the limits set forth for the use occupancy category in table 1, when measured at or beyond the property boundary of the land use from which the sound emanates.

TABLE 1. SOUND LEVELS BY USE OCCUPANCY CATEGORY

Use Occupancy Category of Receiving Use	Time	Sound Level Limit L ₁₀ dB(A)
Residential or public space	7:00 a.m.—10:00 p.m.	60
	10:00 a.m.— 7:00 a.m.	55
Commercial or business	7:00 a.m.—11:00 p.m.	65
	11:00 p.m.— 7:00 a.m.	60
Manufacturing, industrial or agriculture	All times	75
Noise-sensitive zone	All times	55

(Code 1981, § 13-53)

Sec. 30-106. - Specific noises prohibited.

In addition to the general prohibitions set out in this article and the maximum permissible sound levels set out in table 1 of section 30-105, and unless otherwise exempted by this article or by act of the city, the following specific acts, or the causing or permitting thereof, are hereby declared to be in violation of this article:

- (1) *Radios, television sets, musical instruments and similar devices.* No person shall operate, play or permit the operation or playing of any radio, television, phonograph, drum, musical instrument or similar device which produces or reproduces sound in such a manner as to exceed the levels set forth for the occupancy category set forth in table 1 of section 30-105.
- (2) *Outdoor loudspeakers.* No person shall use or operate for any purpose any loudspeaker, loudspeaker system or similar device between the hours of 10:00 p.m. and 7:00 a.m. on weekdays and 10:00 p.m. and 10:00 a.m. on weekends and holidays in areas within or adjacent to residential, commercial or noise-sensitive areas, except for emergency warnings, and except any noncommercial public speaking, public assembly or other activity for which a special permit has been issued by the city manager.
- (3) *Street sales.* No person shall offer for sale, sell anything, or advertise by shouting or outcry within any residential or commercial area or noise-sensitive zone of the city, except by special permit issued by the city.
- (4) *Animals.* No person shall own, possess or harbor any animal or bird which, frequently or for continued

duration, howls, barks, meows, squawks or makes other sounds which create excessive and unnecessary noise across a residential or commercial real property line or within a noise-sensitive zone. These provisions shall not apply to public zoos or private animal attractions operated for profit to which the public has general admission and which are regulated by the city. For the purposes of this subsection, the term "barking dog" is defined as a dog that barks, bays, cries, howls or makes any other noise continuously and/or incessantly for a period of ten minutes or barks intermittently for one-half hour or more to the disturbance of any person at any time of day or night, regardless of whether the dog is physically situated in or upon private property; however, a dog shall not be deemed a barking dog for the purposes of this subsection if, at the time the dog is barking or making any other noise, a person is trespassing or threatening to trespass upon private property in or upon which the dog is situated or for any other legitimate cause which teased or provoked the dog.

- (5) *Construction and demolition.* No person shall operate or cause the operation of any tools used in construction, drilling, repair, alteration or demolition work between the hours of 7:00 p.m. and 7:00 a.m. on weekdays, or between 6:00 p.m. and 10:00 a.m. on weekends or holidays, in or within 50 yards of any residential area or noise-sensitive zone, except for emergency work by public service utilities or by special permit approved by the city manager. This subsection shall not apply to the use of domestic power tools as specified in subsection (10) of this section.
- (6) *Powered model vehicles or model airplanes.* No person shall operate or permit the operation of powered model vehicles:
 - a. Between the hours of 7:00 p.m. and 7:00 a.m. on weekdays, and 7:00 p.m. and 10:00 a.m. on weekends or holidays, in or within 100 feet of any residential area or noise-sensitive zone.
 - b. In such a manner as to exceed the levels set for public space land use, measured at a distance of not closer than 100 feet (30 meters) from any point on the path of a vehicle operating on a public space of a public right-of-way.
- (7) *Emergency signaling devices.* The intentional sounding or permitting the sounding outdoors of any fire, burglar or civil defense alarm, fire, whistle or similar stationary emergency signaling device, except for emergency, shall not occur before 7:00 a.m. or after 7:00 p.m. Any testing shall use the minimum cycle test time appropriate for such devices, in no case to exceed 60 seconds. Testing of the complete emergency signaling system, including the functioning of the signaling device and the personnel response to the signaling device, shall not occur more than once in each calendar month unless additional testing is permitted by special permit issued by the city manager. Such testing shall occur only on weekdays and not before 7:00 a.m. or after 10:00 p.m. and shall be exempt from the time limit specified in this subsection. The sounding or permitting the sounding of any exterior burglar or fire alarm or any motor vehicle burglar alarm, unless such alarm is automatically terminated within 15 minutes of activation, shall be prohibited.
- (8) *Motorboats.* No person shall operate or permit the operation of any motorboat in any lake, river, stream, canal, bay or other waterway in such a manner as to cause unnecessary and excessive noise within a residential area or noise-sensitive zone, or to exceed 85 dB(A) when measured at least 50 feet from the craft (single incident, any mode of operation).
- (9) *Noise-sensitive zones.*
 - a. No person shall create or cause any excessive and unnecessary noise within or adjacent to any noise-sensitive zone containing a hospital, nursing home, school, court or other designated area, provided that conspicuous signs are displayed indicating the presence of the noise-sensitive zone. Noise-sensitive zones are those zones created by resolution of the city commission upon a finding that the subject area contains a land use which is sensitive to or subject to adverse reactions from noise.

- b. No person shall create or cause any sound within any noise-sensitive zone so as to exceed the decibel levels such zone when measured at a distance of at least 25 feet (7.5 meters) from the sound source, provided that signs are displayed indicating the presence of the noise-sensitive zone.
- (10) *Domestic power tools.* No person shall operate or permit the operation of any mechanically powered saw, drill, grinder, lawn or garden tool, or similar tool between 10:00 p.m. and 7:00 a.m. the following day on weekends, or 10:00 p.m. and 8:00 a.m. on weekends and holidays, unless such equipment is operated inside a building or other structure so that the sound therefrom does not travel across any residential real property line or sensitive zone and exceed the levels set forth in table 1 of section 30-105. All such equipment shall be properly muffled and maintained in working order so as not to create excessive and unnecessary noise.
- (11) *Multifamily dwellings.* No person shall operate or permit the operation within a multifamily dwelling of any source of sound in a manner so as to exceed 55 dB(A) from 7:00 a.m. to 10:00 p.m. when measured within an adjacent intra-building dwelling. The maximum permissible sound level, when measured in an adjacent intra-building area between 10:00 p.m. and 7:00 a.m. on weekdays and 10:00 p.m. and 10:00 a.m. on weekends and holidays, shall be 50 dB(A).
- (12) *Recreational motorized vehicles operating off public right-of-way.* No person shall operate or cause to be operated any recreational motorized vehicle, motorcycle, moped, dune buggy or other type of motorized vehicle that exceeds the limits set forth in table 1 of section 30-105 off the public right-of-way in any residential or noise-sensitive zone. This subsection shall apply to all motorized vehicles noted in this subsection, whether or not duly licensed and registered.
- (13) *Go-carts.* Any provision of this article to the contrary notwithstanding, the operation of go-carts in any residential area or noise-sensitive zone is prohibited.

(Code 1981, § 13-54)

Sec. 30-107. - Method of sound level measurement.

Sound level measurement shall be made with a sound level meter using the A-weighting scale, in accordance with standards promulgated by American National Standards Institute or other reasonable standards adopted by the city or the state.

(Code 1981, § 13-55)

Sec. 30-108. - Exemptions.

The following are exempt from the provisions of section 30-105:

- (1) Lawn mowers and agricultural equipment during daylight hours (7:00 a.m. to 10:00 p.m.) when operated with all manufacturer's standard mufflers and noise-reducing equipment in use and in proper operating condition.
- (2) Nonamplified crowd noises resulting from the activities such as those planned by student, governmental or community groups.
- (3) Construction operations for which building permits have been issued, or construction operations not requiring permits due to ownership of the project by any agency of government, providing all equipment is operated in accord with the manufacturer's specifications and with all standard equipment, manufacturer's mufflers and noise-reducing equipment in use and in proper operating condition. Such construction shall not begin prior to 7:00 a.m. and shall cease by 7:00 p.m. unless a special permit has been granted by the city manager.

- (4) Noises of safety signals, warning devices, emergency pressure relief valves, and bells and chimes of churches, ex relating to operation of trains.
- (5) Noises resulting from any authorized emergency vehicle when responding to an emergency call or acting in time of emergency.
- (6) Any other noise resulting from activities of a temporary duration permitted by law and for which a license or permit therefor has been granted by the city in accordance with this article. Regulation of noises emanating from operations under a permit shall be according to the conditions and limits stated on the permit and contained in section 30-105.
- (7) Noises made by persons having obtained a permit issued by the city manager to use the streets.
- (8) All noises, including but not limited to noise relating to the operation of trains, regulation of which is preempted by the federal government, but only to the extent of such federal preemption.

(Code 1981, § 13-56)

Sec. 30-109. - Special permit to exceed noise levels.

Application for a permit for relief from the maximum noise level limits designated in the article, which is not being made as part of a special events permit as provided for under this Code of Ordinances, chapter 50, article III, may be made in writing to the city manager for presentation to the city commission. Application must be received by the city clerk a minimum of ten business days prior to a regularly scheduled meeting of the city commission. After hearing the request, the city commission may grant permission as follows:

- (1) *Imposition of restrictions.* The city manager may prescribe any reasonable conditions or requirements he deems necessary to minimize adverse effects upon the community or the surrounding neighborhood, including use of mufflers, screens or other sound-attenuating devices.
- (2) *Permits for entertainment.* Permits may be granted for the purpose of entertainment under the following conditions:
 - a. The function must be open to the public (admission may be charged).
 - b. The permit will be given for not more than eight hours in one 24-hour day, with times to be set by the city commission.
- (3) *Other special permits.* Other special permits for non-entertainment special purposes may be issued under the following conditions:
 - a. If the special purpose relates to the operation of a trade or business, the special purpose must not be in the ordinary course of that trade or business and must be necessary to the operation of the trade or business.
 - b. If the special purpose does not relate to the operation of a trade or business, the special purpose must not be an ordinary event in the affairs of the applicant and must be compatible with the ordinary activities within the neighborhood in which the special purpose is proposed to occur.
 - c. If the special purpose is a recurring one, it must not recur more than four times each calendar year.
 - d. Except in emergency situations, as determined by the city commission, the special permit may be issued for eight hours (between 7:00 a.m. and 12:00 midnight) only.
 - e. Special permits may be issued for no longer than 15 consecutive days, and are renewable by further application to the city commission.

(Code 1981, § 13-57; Ord. No. 10-18, § 1, 8-26-2010)

Secs. 30-110—30-130. - Reserved.

ARTICLE V. - WETLANDS PROTECTION

Footnotes:

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Cross reference— *Floods, ch. 38.*

Sec. 30-131. - Title of article.

This article shall be known and may be cited as the City of Palatka Wetlands Protection Ordinance.

(Code 1981, § 22-1)

Sec. 30-132. - Purpose and intent of article.

It is the purpose of this article to provide for the protection, maintenance, enhancement and proper utilization of wetlands within the city, recognizing the rights of individual property owners to use their lands in a reasonable manner as well as the rights of all citizens to protection and purity of waters of the city and their associated wetland ecosystems. It is the policy of the city to conserve and protect wetlands in the city and that their use be only for purposes which are compatible with their natural functions and environmental benefits. It is further the purpose and intent of this article to work toward the goal of permitting no net loss of significant wetlands in the city.

(Code 1981, § 22-2)

Sec. 30-133. - 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:

Best management practices (BMP) means management practices as found in Silviculture Best Management Practices Manual, Florida Department of Agriculture and Consumer Services, Division of Forestry.

Buffer means upland areas adjacent to wetlands which are necessary to protect the wetlands and wetland-dependent species from the detrimental impacts of the development or alteration. The buffer shall include canopy, understory and ground cover which consists of preserved existing vegetation, or, where there is no existing vegetation, planted native species. Native indigenous species listed in Guide to the Vascular Plants of Central Florida, by Richard P. Wunderline, University Presses of Florida, Gainesville, Florida, shall be used. Exotics and naturalized species shall not be used.

Mitigation means actions including, but not limited to, restoration, enhancement or creation of wetlands, required to be taken by a person to offset environmental impacts of permitted activities.

Wetland vegetation is as defined in Florida Administrative Code 62-340, or its successor.

Wetlands means lands which are identified by the St. Johns River Water Management District as being inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do or would support, a prevalence of vegetation typically adapted for life in saturated soil conditions. The

definition includes all noncontiguous isolated wetlands and wetlands contiguous to waters, water bodies and watercourses. Wetlands include but are not limited to swamp hammocks, hardwood hydric hammocks, riverine cypress, cypress ponds, bayheads, bogs, wet prairies, freshwater marshes, tidal flats, salt marshes, mangrove swamps and marine meadows.

(Code 1981, § 22-3)

Cross reference— Definitions generally, § 1-2.

Sec. 30-134. - Enforcement; penalty.

- (a) This article shall be enforced by the planning and zoning commission. Such enforcement mechanisms shall include stop work orders or injunctions and recovery of costs, expert fees and attorney's fees.
- (b) Penalties for violation of this article shall be assessed by the code enforcement board. A fine not to exceed \$200.00 for each day the violation continues past the date set for compliance and up to \$500.00 per day for repeat violators may be determined as appropriate by the commission.

(Code 1981, § 22-8)

Sec. 30-135. - Protection standards.

- (a) Development in wetlands shall be limited to one unit per five acres or less density with the permitted density clustered on the least environmentally sensitive portion of the parcel.
- (b) A 25-foot buffer of vegetation native to the site shall be provided where development occurs adjacent to wetlands areas.
- (c) Silviculture in wetland areas shall follow best management practices to minimize soil erosion and minimize impact on wetlands. Management practices shall follow Management Guidelines for Forested Wetlands in Florida, Florida Division of Forestry, 1988, which includes recommendations for harvesting systems by wetland site type and the establishment of stream-side management zones.
- (d) Uses and activities involving structures, grading, filling, dredging, vegetative removal or disturbing the wetland hydroperiod are prohibited except as they are permitted as a variance.
- (e) Wetlands shall be protected from sedimentation during development activity on adjacent sites.

(Code 1981, § 22-4)

Sec. 30-136. - Exemptions.

The following activities are exempted from the requirements of this article:

- (1) Construction of single-family homes on existing recorded lots or parcels which are not part of a larger common development plan.
- (2) Maintenance of existing roads and drainage facilities.
- (3) Recreational uses.
- (4) Agricultural uses applying best management practices (including silviculture and cattle grazing).
- (5) Activities for which applicable federal, state and local dredge and fill or wetland jurisdictional permits have been approved prior to August 27, 1992.

(Code 1981, § 22-5)

Sec. 30-137. - Variances.

A variance to the requirements of this article may be granted by the city commission as long as the proposed activity will not:

- (1) Threaten public safety;
- (2) Create a nuisance;
- (3) Increase flooding on adjacent lands;
- (4) Impair public rights to the enjoyment of plant or animal species; or
- (5) Violate pollution control standards or other federal, state or local regulations.

(Code 1981, § 22-6)

Sec. 30-138. - Nonconforming activities.

A regulated activity that was lawful by permit before August 27, 1992, but which is not in conformity with the provisions of this article may be continued subject to the following:

- (1) No such activity shall be expanded, changed, enlarged or altered in a way that increases its nonconformity without obtaining a variance; provided, however, no structural alteration or addition to any nonconforming structure over the life of the structure shall exceed 50 percent of its value at the time of its becoming a nonconforming activity unless the structure is permanently changed to a conforming use.
- (2) If a nonconforming activity is discontinued for 12 consecutive months, any resumption of the activity shall conform to this article. Forestry and specified agricultural activities do not constitute nonconforming activities for purposes of this section.
- (3) If any nonconforming use or activity is destroyed by man's activities or an act of God, it shall not be resumed except in conformity with the provisions of this article.

(Code 1981, § 22-7)

Secs. 30-139—30-165. - Reserved.

ARTICLE VI. - MINIMUM STANDARDS FOR MAINTENANCE

Footnotes:

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Editor's note— Ord. No. 14-21, § 1, adopted July 10, 2014, amended Art. VI in its entirety to read as herein set out. Former Art. VI pertained to the same subject matter and derived from Ord. No. 98-7, § 1, adopted March 12, 1998.

Sec. 30-166. - Purpose.

The purpose of this article is to promote the public health, safety and welfare by establishing minimum maintenance standards for all properties within the city. The minimum standards are required to eliminate existing blight and nuisances, preserve the economic value of property in the city, prevent the spread of blight into areas of the city, and promote the general health, safety and welfare of the citizens.

(Ord. No. 14-21, § 1, 7-10-2014)

Sec. 30-167. - Applicability.

These standards shall be applicable to all property and structures within the city.

(Ord. No. 14-21, § 1, 7-10-2014)

Sec. 30-168. - 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:

Blight, blighting influence or blighting factor means either that which endangers life or property by fire or other causes or that which substantially impairs or arrests the sound growth of the city and is a menace to the public health, safety, morals, or welfare in its present condition and use. This may include, but is not limited to, the following factors:

- (1) Faulty lot layout in relation to size, adequacy, accessibility, or usefulness;
- (2) Unsanitary or unsafe conditions;
- (3) Deterioration of site or other improvements;
- (4) Tax or special assessment delinquency exceeding the fair value of land; and
- (5) Diversity of ownership or defective or unusual conditions of title which prevent the free alienability of land within the deteriorated or hazardous area.

Building or structure means that which is built or constructed, an edifice of any kind, or any piece of work artificially built or composed of parts joined together in some form. The term "building" or "structure" shall be construed as if followed by the words "or part thereof." Accessory buildings, canopy, shelving, rack, and each and every type of portable equipment shall be considered buildings or structures within the meaning of the definition.

Chief means chief building official and such employees to whom shared authority has been delegated, and shall be referred to throughout this article as if singular in number and masculine in gender.

City means the City of Palatka, Florida.

Commercial means all structures and/or uses other than homestead residential structures or uses.

Deterioration means the condition or appearance of a building or structure, characterized by holes, breaks, rot, crumbling, crackling, spalling, peeling, rusting, or other evidence of physical decay or neglect, excessive use, or lack of maintenance.

Enforcement officer means the chief building official or his duly authorized representative or designee. The enforcement officer may also be the code enforcement officer as defined in section 2-312 for violations of Code that are cosmetic or are primarily in reference to appearance and not requiring the expertise of the chief building official for detection. Violations requiring the expertise of the chief building official for detection or authorities granted to the chief building official are denoted in this article.

Exposed to public view means any premises, or open space, or any part thereof, or any building or structure that may be lawfully viewed by any member of the public from a sidewalk, street, alleyway, or from any adjoining or neighboring premises.

Exterior premises means those portions of a building or structure that are exposed to public view, and the open space of any premises outside of any building or structure erected thereon.

Good state of repair means and be a standard of maintenance that renders a building safe, serviceable, habitable, and possessed of a neat and orderly appearance.

Good working condition means the item is fully operable for the use for which it was intended.

Graffiti means a crude drawing or inscription, painted or inscribed upon any surface; includes any scrawling written or drawn so as to be seen by the public. This definition does not include wall graphic as defined in section 62-1.

Health department official means a duly appointed representative of the Putnam County Health Department.

Nuisance means any one or combination of the following:

- (1) Any public nuisance known at common law or in equity jurisprudence or as provided by statute, administrative rule, or ordinances of the city, including this article;
- (2) Any attractive nuisance which may prove detrimental to health or safety;
- (3) Physical conditions dangerous to human life or property, or detrimental to health, or detrimental to property values, or which tend to degrade the appearance of a neighborhood;
- (4) Conditions relating to private property which impede the free passage of persons on a public or private sidewalk, or which impede ingress or egress to property; or which impede safe passage of vehicles on a public alley or street;
- (5) Fire hazards.

Operator means any person who has charge, care, or control of a building or structure or part thereof.

Owner includes any person having individual or joint or common title to property in any form defined by the laws of the state as an estate or interest, whether legal or equitable and however acquired, in real property.

Person includes an individual, a partnership, a joint venture, a corporation, an association, and any other organization recognized as an entity by the laws of the state.

Premises means building, structure and the grounds thereon situated.

Property means land and whatever is erected or growing upon, placed on, or affixed thereto.

Repair means the replacement or alteration of existing work. The term "repair" shall not apply to any change of construction.

Required means required by some provisions of this Code or another applicable code.

Show window includes the building face, porches, and entrance area leading to the door, sidelights, transoms, display platform, devices, lighting, and signage designed to be viewed from the public right-of-way.

(Ord. No. 14-21, § 1, 7-10-2014)

Sec. 30-169. - Building fronts and sides abutting streets or public areas.

- (a) All deteriorated structural and decorative elements visible from a public right-of-way shall be repaired or replaced.
- (b) Every such part of a structure visible from a public right-of-way or abutting a street shall be made structurally sound. Rotten or weakened portions shall be removed, repaired, or replaced in a manner compatible with the rest of the structure or to match the original materials and construction techniques. All exposed wood shall be stained or painted. Every part shall be clean of graffiti, litter, dirt or other debris. Where surfaces were once painted, or stained, not more than ten percent of the surface may be free of paint or stain.
- (c) Existing miscellaneous nonfunctional elements on the building fronts such as empty electrical conduits, unused sign brackets, etc., shall be removed and building surface repaired or rebuilt as required to match adjacent

surfaces and original condition.

- (d) Mildew shall be cleaned from buildings having street visibility, and loose wires (such as TV cable) shall be secured. Not more than ten percent of the buildings having street visibility may have mildew.

(Ord. No. 14-21, § 1, 7-10-2014)

Sec. 30-170. - Rear and side walls.

Rear and side walls of all structures shall be repaired and painted to present a neat and fresh appearance. Rear walls should be painted to cover evenly all miscellaneous patched and filled areas or be stuccoed to present an even, uniform surface.

(Ord. No. 14-21, § 1, 7-10-2014)

Sec. 30-171. - Windows.

- (a) Every broken, cracked or missing window shall be repaired or replaced with glass.
- (b) All windows must fit tightly and have sashes of proper size and design. Sashes with rotten wood, broken joints or loose mullions or muntins shall be replaced.
- (c) Window openings in upper floors of that portion of the building having street visibility shall not be filled or boarded up. Window panes shall not be painted.

(Ord. No. 14-21, § 1, 7-10-2014)

Sec. 30-172. - Show windows.

- (a) All windows exposed to public view shall be kept clean and free of marks or foreign substances except when necessary in the course of changing displays. The temporary use of paper or other screening material shall not be allowed for a period any longer than 20 days. Storage of materials, stock or inventory shall be prohibited in window display areas or other areas ordinarily exposed to public view. Drapes, blinds or other permanent covering of the windows shall be used to render the windows opaque to public view. All screening of interiors shall be maintained in a clean and attractive manner and in a good state of repair. Nothing herein shall be construed to prohibit window displays which are attractive, neat, orderly and in keeping with community standards.
- (b) Show windows, entrances, signs, lighting, sun protection, awnings, porches, security grills, etc., shall be compatible and harmonious with the original scale and character of the structure. All show window elements must be located within their original opening dimension.
- (c) Except for "For Rent" or "For Sale" signs, any temporary sign or other paper advertising taped or otherwise attached to a window or windows, or otherwise exposed to public view shall be removed at the expiration of the event or sale for which it is erected or within 60 days after erection, whichever shall sooner occur.

(Ord. No. 14-21, § 1, 7-10-2014)

Sec. 30-173. - Awnings.

- (a) Soft, flameproof awnings are permitted over the first floor and on upper floors above windows only.
- (b) Awnings that are torn, badly faded, or structurally compromised shall be repaired or replaced.

(Ord. No. 14-21, § 1, 7-10-2014)

Sec. 30-174. - Signs.

All signage shall be maintained in accordance with chapter 62.

(Ord. No. 14-21, § 1, 7-10-2014)

Sec. 30-175. - Auxiliary structures.

- (a) Structures at the rears of buildings attached or unattached to the principal commercial structure which are structurally deficient shall be repaired to meet the minimum code standards or demolished.
- (b) All fences, lighting devices and supports, retaining walls, nonstructural walls, outdoor service and seating areas, and signs and their supporting elements shall be made structurally sound, kept free of overgrowth, trash, and debris and be repaired and painted to present a neat and fresh appearance.

(Ord. No. 14-21, § 1, 7-10-2014)

Sec. 30-176. - Exterior property areas.

- (a) The exterior property areas of structures regulated by this article shall be kept free of all nuisances, any hazards to the safety of occupants, customers, pedestrians and other persons utilizing the premises, and free of unsanitary conditions as defined by the health department official or chief. Any of the foregoing shall be promptly removed or abated by the owner or operator.
- (b) Where a vacant lot exists or is created through demolition, the owner must maintain the property according to section 30-31 et seq., of the city Code.

(Ord. No. 14-21, § 1, 7-10-2014)

Sec. 30-177. - Temporary coverings.

No temporary covering of any part of a structure may remain for more than 15 days after construction has been completed. An example of a temporary covering is a board covering a broken or missing window.

(Ord. No. 14-21, § 1, 7-10-2014)

Sec. 30-178. - Green areas.

(a) All green yard areas shall be kept free of overgrowth, weeds, trash, and debris. All dead tree limbs and dead trees shall be removed.

(b) All parking areas are to be kept of overgrowth, weeds, trash, and debris. Paving and stripping will be maintained in a neat and clean appearance and in good repair.

(Ord. No. 14-21, § 1, 7-10-2014)

Cross reference— Nuisances, § 30-31 et seq.

Sec. 30-179. - Other repairs.

- (a) All other repairs to a building determined necessary to safeguard the health and safety of possible building occupants or passersby shall be made in accordance with applicable sections of the building code.
- (b) The chief building official or his/her designee shall have authority over violations under this section.

(Ord. No. 14-21, § 1, 7-10-2014)

Sec. 30-180. - Time period of compliance.

- (a) If the total project cost to bring the structure into compliance is \$5,000.00 or less based on contractor estimates approved by the chief building official, then from the date of receipt of written notice of noncompliance the owner or representative must apply for a building permit within 30 days and all the work must be completed within 90 days of permit issuance.
- (b) If the total project cost to bring the structure into compliance will exceed \$5,000.00 based on a contractor estimates approved by the chief building official, the building's owner or representative must submit plans for review by the building department within 90 days. Upon approval by the building department, repairs must be completed within 180 days from permit issuance with extensions as granted by the board of rules and appeals.
- (c) Any structure which is damaged by fire, accident, or act of God must be repaired or demolished. The owner of such a structure shall, within 90 days after damage, present proposed construction plans to the chief building official for review. Damaged structures must be brought into compliance within 180 days.
- (d) This section is enforceable by the chief building official or his/her designee.

(Ord. No. 14-21, § 1, 7-10-2014)

Sec. 30-181. - Review procedures.

- (a) Plans shall be submitted for all proposed work subject to these requirements which shall include drawings, specifications, and sketch elevations indicating the appearance of the structure, height, mass, exterior building material type, location and size and type of all signs, and significations or example showing the color scheme proposed for the exterior of the structure.
- (b) Information on all ordinances and procedures is available at the building and zoning department.
- (c) This section is enforceable by the chief building official or his/her designee.

(Ord. No. 14-21, § 1, 7-10-2014)

Sec. 30-182. - Right of entry.

- (a) The chief building official is authorized to enter any building, structure or premises at any reasonable time for the purpose of performing his duties under this article. A reasonable time shall be deemed to be between the hours of 8:00 a.m. and 9:00 p.m., Monday through Saturday. If any owner, occupant or other person in charge of a building, structure or premises subject to the provisions of this article refuses, impedes, inhibits, interferes with, restricts or obstructs lawful entry or access to any part of the building, structure or premises where an inspection authorized by this code is sought, the chief building official may seek an inspection warrant pursuant to state statute.
- (b) At the time of inspection, the chief building official shall properly identify himself and shall advise the occupant of his right to refuse entry to the nonpublic areas of the building, structure or premises. He shall further advise the occupant that an inspection warranty may be obtained if entry is refused.

(Ord. No. 14-21, § 1, 7-10-2014)

Sec. 30-183. - Violation notices.

- (a) Whenever the chief building official determines that any building, structure or premises fails to meet the

requirements set forth in this article or in applicable rules promulgated pursuant to this article, he shall issue a notice setting forth the alleged violations and advising the owner or other responsible party, as appropriate, that such violation must be corrected within a specified reasonable time.

(b) This section is enforceable by the chief building official or his/her designee.

(Ord. No. 14-21, § 1, 7-10-2014)

Sec. 30-184. - Form and service of notice.

Notices of violations issued pursuant to this article shall:

- (1) Be in writing.
- (2) Describe the building, structure or premises where the violations are alleged to exist or to have been committed, with sufficient specificity to identify both the place and the violations.
- (3) Set forth the alleged violation of this article or the applicable rules promulgated pursuant to this article.
- (4) Provide a reasonable time, not less than 24 hours, for the correction of any alleged violation.
- (5) Include a statement that the owner and/or other responsible party shall be subject to the penalties provided in this article if the violations are not remedied within the time specified.
- (6) Be served upon the owner, owner's agent, or other responsible party, as appropriate, of the building, structure or premises personally or by certified mail addressed to the last known mailing address of the owner or other responsible party, or of the agent of the owner or other responsible party, as shown in the public records. Failure to give any notice as required by this article to other persons included within the definition of the term "owner," as defined in section 30-168, shall in no way affect the notice to the owner so notified. If one or more persons to whom such notice is addressed cannot be found after diligent effort to do so, service may be made upon the unfound person or persons by posting a notice in or about the building, structure or premises described in the notice or by causing such notice to be published in a daily newspaper of general circulation in the city once a week for three successive weeks.
- (7) Be served in such other manner as authorized by law.

(Ord. No. 14-21, § 1, 7-10-2014)

Sec. 30-185. - Recording of violation notice.

Whenever the violations specified in a violation notice have not been corrected within the time specified in the notice, a copy of such violation notice, or other appropriate instrument, may be recorded in the public records of the county indicating that violations of this article exist upon the property involved. The recording of such violation notice or other appropriate instrument as herein provided shall constitute constructive notice to any subsequent purchasers, transferees, grantees, mortgagees, lessees, lienors and all persons having, claiming or acquiring any interest in the property described herein, or affected thereby.

(Ord. No. 14-21, § 1, 7-10-2014)

Sec. 30-186. - Final order.

All notices and orders pursuant to the provisions of this article pertaining to zoning shall be final upon the expiration of 30 days from the day notice thereof is served upon the owner or the owner's agent of the building, structure or premises, or upon the expiration of such lesser time period provided in the notice or order for compliance; unless, prior to the expiration

of such period, a written petition for appeal or request for variance to the board of zoning appeals is filed in the office of the chief. Final notices and orders shall not be reviewable by the board of zoning appeals.

(Ord. No. 14-21, § 1, 7-10-2014)

Sec. 30-187. - Notices and orders binding.

A notice or order issued by the chief building official pursuant to the provisions of this article shall not be diminished, canceled or in any way affected by the conveyance of the title to any real property, building or other structure, or of any interest in any real property, building or other structure. A person who acquires such an interest while a building, structure or premises is subject to a notice or order issued under this code shall comply with that notice or order to the same extent as if he had held his interest at the time the notice or order was issued. Upon request, the chief building official shall provide all persons acquiring such interest with copies of records pertaining to all notices and orders previously served and issued with respect to the real property, building or other structure or premises conveyed at the expense of the person requesting the copies.

(Ord. No. 14-21, § 1, 7-10-2014)

Sec. 30-188. - Unlawful to fail to comply with order.

It shall be unlawful for a person to violate a provision of this article or to fail to comply with an order issued by the chief building official or the board of zoning appeals pursuant to the provisions of this article. A separate offense shall be deemed to have been committed for each 15 days that a violation of this article continues.

(Ord. No. 14-21, § 1, 7-10-2014)

Sec. 30-189. - Unlawful to refuse or restrict lawful entry.

It shall be unlawful for any person to refuse, impede, inhibit, interfere with, restrict or obstruct lawful entry or access to any part of a building, structure or premises where an inspection authorized by this article is sought.

(Ord. No. 14-21, § 1, 7-10-2014)

Sec. 30-190. - Enforcement.

The chief building official is authorized to enforce the provisions of this article by the use of courts, municipal code enforcement boards, special masters and all other means provided by law.

(Ord. No. 14-21, § 1, 7-10-2014)

Sec. 30-191. - Penalties.

Violations of this article shall be punishable by civil penalties as established in section 2-314.

(Ord. No. 14-21, § 1, 7-10-2014)

Secs. 30-192—30-210. - Reserved.

ARTICLE VII. - REGISTRATION OF VACANT, BLIGHTED, UNSECURED OR ABANDONED STRUCTURES

Sec. 30-211. - Intent.

The purpose of this article is to protect the public health, safety and welfare by:

- (1) Establishing a program for identification and registration of real property located within the city that the mortgagee files a lis pendens (intent to foreclose) or become vacant, blighted, unsecured and abandoned.
- (2) Establishing the responsibilities of owners of foreclosed, vacant, blighted, unsecured and abandoned real property.
- (3) Providing for administration, enforcement and penalties.
- (4) Allowing the city police department to enforce the trespassing penalties described in F.S. § 810.08 on vacant, blighted, unsecured, and abandoned structures.
- (5) Providing a fair, equitable, and efficient method of allocating and apportioning the assessed service costs, which constitute a special benefit to residential and commercial properties, among property owners in violation of this article.

(Ord. No. 14-11, § II, 5-8-2014)

Sec. 30-212. - Definitions.

Unless otherwise expressly stated, the following terms shall, for the purpose of this article, have the meanings indicated in this section:

Abandoned/vacant real property means any real property or building, as defined herein, or portion thereof, which may have multiple housing, code enforcement or building code violations, or may be illegally occupied and:

- (1) Under a public notice of default, evidenced by the filing of a lis pendens;
- (2) Is the subject of a pending mortgage foreclosure;
- (3) Is the subject of a mortgagee's sale or lien sale;
- (4) Has been the subject of a mortgage foreclosure sale where title is retained by the mortgagee;
- (5) Is property transferred under a deed-in-lieu of foreclosure sale, a short sale or other legal means;
- (6) The property is unsecured and abandoned;
- (7) Unsafe as defined herein or as in article III of chapter 18 of this Code, Building Code, as amended;
- (8) Condemned as defined by this Code, as amended;
- (9) Vacant for a period of time over 30 days, beginning from the date of city inspection and during which time the enforcement officer has issued an order to correct violations, abate a nuisance, or remove an attractive nuisance;
- (10) Vacant for a period of time over 30 days without evidence of functioning water, electric and/or gas utilities;
- (11) Boarded up, partially destroyed, or partially constructed or incomplete after the building permit authorizing its construction has expired; and
- (12) Accessible to trespassers, criminals or other unauthorized persons.

Approved materials means all city approved materials used to secure a structure.

Blighted property means:

- (1) Structures that have broken or severely damaged windows, doors, walls, or roofs which create hazardous conditions and encourage trespassing or malicious mischief;

- (2) Structures whose maintenance is so out of harmony and conformity with the maintenance and quality of adjacent nearby properties as to cause substantial diminution in the use or property value of such adjacent or nearby property;
- (3) A structure defined as a public nuisance pursuant to section 46-1, as amended or pursuant to state statute;
- (4) Any individual, commercial, industrial, or residential structure or improvement that endangers the public's health, safety or welfare because the structure or improvement upon the property is dilapidated, deteriorated, or violates minimum health and safety standards, and lacks maintenance as defined by the Florida Building Code; or
- (5) A structure which exhibits objectively determinable signs of deterioration sufficient to constitute a threat to human health, safety, and public welfare.

Code violations means violations of any code adopted and enforced by the city, which may include, but not be limited to, the National Fire Prevention Code, Florida Building Code, the Palatka Municipal Code.

Codes means all applicable codes, including, but not limited to, National Fire Prevention Code, Florida Building Code, the Putnam County Code and the City Code.

Enforcement officer means code enforcement inspector, code enforcement officer, police officer, building inspector, or manager's designee.

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, overgrown and/or dead vegetation, electricity, water or other utilities turned off; stagnant swimming pool; or statements by neighbors, passerby, delivery agents or government agents.

Foreclosure means any judicial process by which the property, placed as security for a mortgage loan, is to be sold pursuant to judicial order at an auction to satisfy a debt upon which the borrower has defaulted.

Mortgagee means the creditor, including but not limited to, service companies, lenders in a mortgage agreement, and any agent or employee of the mortgagee, or any successor or assignee to the mortgagee's rights, interest or obligations under the mortgage agreement, the mortgagee or beneficiary of the mortgage foreclosure action obtaining title pursuant to a foreclosure sale. For purposes of this article, real estate brokers and agents, solely marketing or selling real property on behalf of the mortgagee will not be deemed an agent or employee of the mortgagee.

Nuisance means any condition, including but not limited to, an abandoned, unsafe, unsecured residence, building, structure or real property with code violations that constitute a menace to life, property, public health or public welfare, or create a fire hazard; any conditions that may be injurious to the health, safety or welfare of the public; or, any conditions that constitute an attractive nuisance or otherwise endanger the public's safety while in the vicinity thereof.

Owner means any person, legal entity or other party having any ownership interest in real property, including but not limited to, owners identified on the blighted, unsecured or abandoned structures registration form; or a purchaser, devisee, lessee, fiduciary, or holder of an unrecorded deed. This term shall also apply to any person, legal entity or agent responsible for the construction, maintenance or operation of the structure involved, as well any person, legal entity or agent authorized to initiate a foreclosure or collection proceeding against the property, whether or not such proceeding has in fact been initiated. This term shall not apply to the city.

Plan means a city approved proposal required to be submitted by the owner to bring a structure into compliance pursuant to all applicable codes.

Structure means a structure or building as defined by the Florida Building Code.

Unsafe structure means a structure or building which is potentially hazardous to persons or surrounding structures, including, but not limited to:

- (1) A structure which has collapsed, that is in danger of partial or complete collapse, or unable to support the weight of normally imposed loads;
- (2) A structure with any exterior parts which are loose or in danger of falling;
- (3) A structure which is vacant, unguarded and open at doors or windows;
- (4) A structure with an accumulation of debris or other material therein representing a hazard of combustion;
- (5) A structure in a condition that creates hazards with respect to means of ingress and egress and fire protection as provided herein for the particular occupancy;
- (6) A structure or structural parts that are in deterioration;
- (7) A structure that is partially destroyed;
- (8) A structure with electrical or mechanical installations or systems creating a hazardous condition contrary to the standards of the Florida Building Code; or
- (9) A structure that by reasons of use or occupancy, the area, height, type of construction, fire-resistivity, means of ingress and egress, electrical equipment, plumbing, air conditioning or other features regulated by this Code do not comply with this Code for the use and group of occupancy.

Unsecured means an unoccupied structure or a structure without a lawful tenant or occupant which is open to entry by unauthorized persons or covered with unapproved materials and that are not in conformity with the nearby structures or materials not in compliance with the Florida Building Code.

Vacant means a structure that is unoccupied and is not actively used as a place of residence or business by human beings.

(Ord. No. 14-11, § II, 5-8-2014)

Sec. 30-213. - Responsibilities of mortgagee and owners of vacant, blighted, unsecured or abandoned structures.

Mortgagee or owner of a foreclosed, blighted, unsecured or abandoned structure shall maintain said structure and shall comply with the requirements of subsections (1) through (6) as follows:

- (1) A mortgagee or owner of a blighted, unsecured or abandoned structure shall secure and maintain all entrances and all other openings of the structure, including but not limited to windows and doorways. Such blighted, unsecured or abandoned structure shall be secured as follows:
 - a. All entrances, windows and other openings shall be secured with approved materials, provided that such materials completely seal all entrances, windows and other openings, thereby protecting the interior of the structure from wind, rain, and other naturally occurring elements. Entrances and windows above the ground floor shall be regarded as secure if the entrances and windows are locked and not otherwise open to entry and the windows contain glass that is not cracked or broken or shutters that prevent entry.
 - b. If a violation of this section is discovered by a code enforcement officer, said officer is authorized to issue a notice of violation (NOV) requiring the structure to be secured within the time period enumerated in the NOV. If the structure remains unsecured after the time period enumerated in the notice, the city shall present a case based on the violation to the code enforcement board pursuant to chapter 2, article V of this Code. As part of its case, or at any subsequent properly noticed hearing, the city may present evidence showing that criminal activities or incidents presenting a threat to life and safety are occurring

on the property where the unsecured structure is located. If such evidence is presented and the code enforcement board determines that this section has been violated, the owner of the structure at issue may be required to secure all openings with commercial quality, 14-gauge, and rust proof metallic coverings.

- c. Such metallic coverings shall consist of steel sheet metal, excluding aluminum and copper, which allow for ventilation. Said metallic coverings must have an exterior finish that allows for easy graffiti removal, and be designed to prevent removal from the exterior with a crowbar or other prying device. In addition, the metallic coverings must consist of threaded rods or cables attached on the interior of the structure to a steel cross-brace that spans the opening.
 - d. Failure to comply with the requirements of this section of this article shall subject the owner to code enforcement action, as provided in section 30-34 of this chapter.
- (2) All mortgagee or owners of a vacant, blighted, unsecured or abandoned structure shall be responsible for removing unauthorized signs, posters and graffiti from the structure's exterior unless exempted by this article or the city's zoning ordinance.
 - (3) Every mortgagee or owner of a vacant, blighted, unsecured or abandoned structure shall keep the premises free from rodents, insects, vermin, and other wild animals.
 - (4) The roof of every structure shall be well drained of rain water.
 - (5) All materials used to secure blighted, unsecured or abandoned structures shall be painted in a workmanlike fashion in the same color as its other exterior walls.
 - (6) When a property subject to this section becomes vacant and/or abandoned, the owner shall be responsible to post the name and contact information for a local property manager that is available 24 hours a day. The posting shall be placed near the main entrance to the structure and shall contain language consistent with the following: "This property is managed by (name of local property manager). To report problems or concerns, call (telephone number of local property manager)".

(Ord. No. 14-11, § II, 5-8-2014)

Sec. 30-214. - Vacant structure registration.

- (a) Every owner of a commercial or single-family vacant structure shall, at no cost to the owner, register said structure with the city. Such registration shall include:
 - (1) A description of the premises including address, legal description, and folio number;
 - (2) The names, addresses, e-mail addresses and contact telephone numbers of the owner, or agents, or local agents that can be contacted 24 hours a day; and
 - (3) Written consent by the owner allowing the City of Palatka Police Department to enforce the trespassing penalties described in F.S. § 810.08.
- (b) Owners of vacant structures located within a multifamily building shall not have to comply with this section if:
 - (1) The multifamily structure has a property manager on the premises;
 - (2) The multifamily structure has a homeowners' association responsible for the management and maintenance of the property;
 - (3) The multifamily structure has security located on or responsible for the property; and
 - (4) The property manager of the multifamily building, at no costs to the property manager, registers the following information with the city:

- a. A description of the property including address and unit number of all vacant structures within the multifam
 - b. The names, addresses, e-mail addresses and telephone contact number of the property manager or agent who can be contacted within 24 hours;
 - c. Written consent by the owner allowing the city police department to enforce the trespassing penalties described in F.S. § 810.08.
- (c) If any of the requirements of subsections (b)(1) through (4) are not complied with, the individual owner of the vacant structure located within a multifamily building shall register pursuant to subsection 30-196(a).
- (d) This registration must be done upon any transfer of the property and every October 1 thereafter.
- (e) Any person that has registered a vacant real property under this subsection must report any change of information contained in the registration within ten days of the change.

(Ord. No. 14-11, § II, 5-8-2014)

Sec. 30-215. - Foreclosed, blighted, unsecured or abandoned structure registration.

- (a) After any owner of real property allows his/her property to become blighted, unsecured or abandoned structure, as defined in this article, the owner shall register the property with the enforcement officer.

An owner or mortgagee is presumed to have knowledge that a property is vacant/abandoned, blighted, or unsecured, as those terms are defined herein, after the passage of 30 days from the time said condition occurs, or upon receiving actual notice of same from the city or its designee, whichever occurs first.

- (b) The registration shall be submitted on designated forms and shall, at a minimum, include the following information supplied by the owner:
 - (1) A description of the premises, including address, legal description and folio number;
 - (2) The names, addresses, e-mail addresses and contact telephone numbers of the owner, or agents that can be contacted within 24 hours;
 - (3) The names, addresses and contact numbers of all known lien holders and all other parties with an ownership interest in the structure;
 - (4) A plan and timeline for bringing the structure into compliance; and
 - (5) Written consent by the owner allowing the city police department to enforce the trespassing penalties described in F.S. § 810.08.
- (c) The owner shall comply with all applicable laws and codes and close all outstanding City Code violations, unless waived by the appropriate department or agency.
- (d) The owner shall submit a plan and timeline, as described in subsection (b)(4) to be approved by the enforcement officer. The enforcement officer shall require completion of the plan within a reasonable time, not to exceed 90 days. Any repairs, improvements or alterations to structures must comply with any applicable housing and/or building codes.
- (e) The owner shall notify the enforcement officer of any changes to the information supplied on the registration immediately. All plan and timeline revisions and extensions must be approved by the enforcement officer or the city manager's designee.
- (f) The owner of an abandoned vacant real property or blighted real property or unsecured real property shall pay a registration fee:
 - (1) Once a mortgage company files a lis pendens (attempt to foreclose) or the owner of a blighted, unsecured or abandoned structure shall initially register the property with the city and pay an annual registration fee. The

schedule is as follows:

- a. \$200.00 for the first year and each subsequent consecutive year the building remains a blighted, unsecured or abandoned structure.
- (2) The fee for the first year of registration shall be due and payable, in full, 30 days after the structure is registered as a blighted, unsecured or abandoned structure. If the fee is not paid within 30 days of being due, the owner shall be subject to prosecution as prescribed in section 30-197.
- (3) The registration fee shall be paid in full prior to the issuance of any permits to repair or rehabilitate with the exception of a demolition permit.
- (4) All delinquent registration fees, including interest, shall be paid by the owner prior to any transfer of ownership interest. If the fees are not paid prior to transfer, the new owner shall be responsible for all outstanding fees no later than 30 days after the transfer of ownership and subsequent registration fees shall be due and payable in accordance with this article.
- (5) The registration fee is reasonably related to the administrative costs for processing the registrations and monitoring of the blighted, unsecured, or abandoned structures. Increasing fees reflect growing costs of identifying, regulating, monitoring and policing of deteriorating structures.
- (g) The enforcement officer shall keep a file for all registered blighted, unsecured or abandoned structures, which shall include any information from interested parties or citizens regarding the history, problems, status or blighting influence of such structure.

(Ord. No. 14-11, § II, 5-8-2014)

Sec. 30-216. - Enforcement.

- (a) Failure to comply with the requirements of this article shall subject the owner to code enforcement action, pursuant to F.S. ch. 162, as well as chapter 2, article V of this Code, and specifically section 2-314.
- (b) If the mortgagee or owner fails to comply with the requirements of this article, the city may, pursuant to F.S. ch. 170, secure or cause to be secured and make all reasonable repairs to such blighted, unsecured or abandoned structures which are required to bring the property into compliance and charge the violator with the reasonable cost of the repairs along with the fine imposed pursuant to this article. Making such repairs does not create a continuing obligation on the part of the local governing body to make further repairs or to maintain the property and does not create any liability against the local governing body for any damages to the property if such repairs were completed in good faith.
- (c) If the work is done or caused to be done by the city, the enforcement officer shall keep an itemized accounting of expenses of the work done and the cost thereof and notify the owner of said expenses. If the statement is not paid within ten days after the owner is notified, interest shall begin to accrue annually at the statutory rate until paid in full.
- (d) Costs resulting from any work undertaken by the city pursuant to this section, as well as service charges, interest, and penalties lawfully imposed, shall become a lien against the real property where the violation occurs when notice of same is recorded in the official records of the county pursuant to F.S. ch. 162. Said liens may be enforced by any method authorized by law, including foreclosure, and in any proceeding brought to enforce said lien, the city shall be entitled to recover all reasonable costs of collection, including reasonable attorney's fees.

(Ord. No. 14-11, § II, 5-8-2014)

Sec. 30-217. - Exemptions.

This article shall not apply to any structures protected by federal, state, or local law or any structures owned by the federal government, state government, Putnam County, or the city.

(Ord. No. 14-11, § II, 5-8-2014)

Sec. 30-218. - Penalties.

Penalties under any provision of this article shall be assessed pursuant to sections 2-314 and 2-315.

(Ord. No. 14-11, § II, 5-8-2014)

Sec. 30-219. - Alternative procedures.

Nothing in this article shall be deemed to preempt existing remedies of the city authorized under existing law.

(Ord. No. 14-11, § II, 5-8-2014)

Leesburg, FL - Code of Ordinances (https://library.municode.com/fl/leesburg/codes/code_of_ordinances)

Sec. 7-3. - Appeal procedure for building regulations.

(a) Anything contained in any of the codes adopted in this chapter notwithstanding, any appeal of a decision by the official charged with the responsibility of administration and enforcement under any of these Standard Technical Codes (Building Code, Mechanical Code, Electrical Code, Plumbing Code, Gas Code, plus the Fire Prevention Code, Housing Code, Swimming Pool Code, Unsafe Building Abatement Code, and Drainage Code) shall be directed to the board of adjustments and appeals, which is comprised of the planning and zoning commission of the City of Leesburg, Florida, as described in section 25-91 of this Code. The planning and zoning commission shall serve this function and any requirements in any of the codes adopted in this chapter regarding the composition of the board of adjustments and appeals shall not apply and are hereby specifically rendered inapplicable to appeals under those codes within the City of Leesburg. Any appeal shall be filed within thirty (30) days of the date on which the official renders the decision to be appealed and shall be initiated by submitting a written request to the city manager, or his designated representatives specifying:

- (1) The official who made the decision.
- (2) The nature of the decision to be appealed.
- (3) The date on which the decision was rendered.
- (4) The grounds on which it is to be appealed (see section 7-4 below for grounds).

(b) The city manager or his designated representative shall then schedule a hearing before the board of adjustments and appeals, at which hearing the appellant shall present arguments in favor of his position and the official involved shall have the opportunity to present his position on the issue. The board of adjustments and appeals shall then render its decision on the appeal. If the appellant is dissatisfied with the decision of the board of adjustments and appeals, and wishes to pursue further appeals, the appellant must file a notice of appeal with the Circuit Court of Lake County, Florida, within thirty (30) days of the date of the meeting at which the board of adjustments and appeals heard and decided the case.

(Ord. No. 96-09, § 2, 3-11-96)

Sec. 7-196. - Reserved.

Editor's note— Ord. No. 16-10, § X, adopted March 14, 2016, repealed § 7-196, which pertained to Standard Unsafe Building Abatement Code, adopted and derived from Ord. No. 96-09, § 2, adopted March 11, 1996.

Sec. 7-197. - Reserved.

Editor's note— Ord. No. 16-10, § X, adopted March 14, 2016, repealed § 7-197, which pertained to amendments to the Standard Unsafe Building Abatement Code and derived from Ord. No. 96-09, § 2, adopted March 11, 1996.

Titusville, FL - Code of Ordinances (https://library.municode.com/fl/titusville/codes/code_of_ordinances)

Sec. 6-116. - Code adopted.

The latest publication of the Standard Unsafe Building Abatement Code as it may change from time to time, the standards, requirements, and penalties provided in such code are hereby adopted by reference. All provisions therein are made a part of this chapter the same as if set forth herein in full. Wherever the provisions of such code conflict with the provisions of this chapter, the provisions of this chapter shall prevail. One (1) copy is on file in the office of the building official.

(Code 1963, § 5-13(a); Ord. No. 26-1995, § 4, 9-12-95)

Brevard County, FL - Code of Ordinances (https://library.municode.com/fl/brevard_county/codes/code_of_ordinances)

Sec. 22-47. - Administration.

The board of county commissioners hereby determines that in order to promote efficient and adequate local administration of the Florida Building Code, a more comprehensive version of Chapter 1, Administration, is necessary. Therefore, pursuant to F.S. § 553.73(4)(a), the board hereby adopts a more stringent administrative section as promulgated by the Florida Building Official's Association, to be in effect in the unincorporated area of the county as follows:

CHAPTER 1

ADMINISTRATION

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.

101.3.1 General. 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 of the safety, health and welfare of the public.*

101.3 Applicability

101.4.1 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.

101.4.2 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 future 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 homes used as temporary offices, except that the provisions of part V (§§ 553.501—553.513, F.S.) relating to accessibility by persons with disabilities shall apply to such mobile homes.
- (f) Those structures or facilities of electric utilities, as defined in § 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 nonwood features.

101.4.2.1 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.

101.4.2.2 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.

101.4.2.3 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.

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 Standard Unsafe Building Abatement Code, 1997 edition, promulgated by the Southern Building Code Congress International, Inc., subject to all amendments, modifications or deletions hereinafter contained.

101.4.2.4 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 Insurance to inspect state-owned buildings and boilers.

101.4.2.5 Each enforcement district* shall be governed by a board, the composition of which shall be determined by the affected localities. At its own option, each enforcement district or local enforcement agency may promulgate rules granting to the owner of a single-family residence one or more exemptions to the Florida Building Code relating to:

1. Addition, alteration or repair performed by the property owner upon his or her own property, provided any addition or alteration shall not exceed 1,000 square feet or the square footage of the primary structure, whichever is less.
2. 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.
3. Building and inspection fees.

Each code exemption, as defined in this section, shall be certified to the local board 10 days prior to implementation and shall be effective only in the territorial jurisdiction of the enforcement district or local enforcement agency implementing it.

101.4.3 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.

101.4.4 Gas. The provisions of the *Florida Building Code, Fuel Gas* shall apply to the installation of consumers' gas piping, 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.

101.4.5 Mechanical. The provisions of the *Florida Building Code, Mechanical* shall apply to the installation of mechanical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances, including ventilating, heating, cooling, air conditioning and refrigeration systems, incinerators and other energy-related devices.

101.4.6 Plumbing. The provisions of the *Florida Building Code, 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.

101.4.7 Federal and state authority. The provisions of this code shall not be held to deprive any Federal or State agency, or any applicable governing authority having jurisdiction, of any power or authority which it had on the effective date of the adoption of this code or of 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.

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.

101.4.9 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. Where code provisions conflict with a standard, the code provisions shall be enforced. Permissive and advisory provisions in a standard shall not be construed as mandatory.

101.4.10 Units of measure. The inch-pound system of measurement is applicable to the provisions of this code. Metric units indicated in parenthesis following inch-pound units are approximate equivalents and are provided for informational purposes only.

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

101.4.12 Energy. For provision related to energy, refer to Chapter 13 of the *Florida Building Code, Building*.

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 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 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 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 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 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 Section 489.105(3), Florida Statutes, 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 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.

SECTION 102

BUILDING DEPARTMENT

102.1 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.

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 applicable 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.

102.2.3 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.

102.3 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 that is inconsistent with his duties or conflict with the interest of the department.

102.4 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.

102.5 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 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 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.

103.7 Alternate materials and methods.

103.7.1 The provisions of the technical codes are not intended to prevent the use 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.

103.7.2 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

SECTION 104

PERMITS

104.1 Permit Application

104.1.1 When required. 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 part of 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 official and obtain the required permit for the work.

Exceptions:

1. Permits shall not be required for the following mechanical work.

1.1 any portable heating appliance;

1.2 any portable ventilation equipment;

1.3 any portable cooling unit;

1.4 any steam, hot or chilled water piping within any heating or cooling equipment regulated by this code;

1.5 replacement of any part which does not alter its approval or make it unsafe;

1.6 any portable evaporative cooler;

1.7 any self-contained refrigeration system containing 10 lb (4.54 kg) or less of refrigerant and actuated by motors of 1 horsepower (746 W) or less; and

1.8 the installation, replacement, removal, or metering of any load management control device.

104.1.2 Temporary structures. A special building permit for a limited time shall be obtained before the erection of temporary structures such as construction sheds, seats, canopies, tents and fences used in construction work or for temporary purposes such as reviewing stands. Such structures shall be completely removed upon the expiration of the time limit stated in the permit.

104.1.3 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 drawings and set forth in the specifications filed with the application for the permit. Where these are not shown on the drawings and covered by the specifications submitted with the application, separate permits shall be required.

104.1.4 Minor repairs. Ordinary minor repairs may be made with the approval of the building official without a permit, provided that such repairs shall not violate any of the provisions of the technical codes.

104.1.5 Information required. Each application for a permit, with the required fee, shall be filed with the building official on a form furnished for that purpose and shall contain a general description of the proposed work and its location. The application shall be signed by the owner or his authorized agent. 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 such other information as may be required by the building official. Permit application forms shall be in the format prescribed by a local administrative board, if applicable, and must comply with the requirements of §§ 713.135(6) & (7) 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 of the date of the application governs the permitted work for the life of the permit and any extension granted to the permit.

104.1.6 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 permit, or plan approval, whichever is later unless before then 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.

104.1.7 Annual Facility Permit. In lieu of an individual permit for each alteration to an existing electrical gas, mechanical, plumbing or interior non-structural office system(s), the building official is authorized to issue an annual permit for Group F occupancies 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. A facility service 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.

104.1.7.1 Annual Permit Records. The person to whom an annual permit is issued shall keep a detailed record of alterations made under such annual permit. The building official shall have reasonable access to such records upon request. The permit holder shall list/identify all work performed on a form approved by the building official. At the end of the permit validation period, a copy of the log shall be filed with the building official. The building official is authorized to revoke or withhold the issuance of future permits if a pattern of code violations is found to exist.

104.1.8 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.

104.1.9 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."

104.1.10 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.

104.2 Drawings and specifications

104.2.1 Requirements. As required by 104.3.1.1 of the code, two or more 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 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.

104.2.1.1 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.

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.

104.2.2 Design professional. If the design professional is an architect or engineer legally registered under the laws of this state regulating the practice of architecture or engineering, then he/she shall affix his official seal to said drawings, specifications and accompanying data, as required by Florida Statute.

104.2.2.1 Certification 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 Chapter 471, 481 or 489, Florida Statutes.

104.2.3 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, 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.

104.2.4 Site drawings. Drawings shall show the location of the proposed building or structure and of every existing building or structure on the site or lot. The building official 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.

104.2.5 Reserved.

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.

104.2.6 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.

104.2.7 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.

104.3 Examination of documents.

104.3.1 Plan Review. The building official shall examine or cause to be examined each application for a permit and the accompanying documents, consisting of drawings, specifications, computations and additional data, and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of the technical codes and all other pertinent laws or ordinances.

Exceptions:

1. Building plans approved pursuant to § 553.77(6) 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.

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 local government option, 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.

104.3.1.1 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 500)

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

6. Life Safety systems shall be determined and shall include the following requirements:

- occupant load and egress capacities
- 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/shut-offs

Demolition

1. Asbestos removal

Residential (One- and Two-Family):

Building

1. Site requirements
 - setback/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)

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

4. Mechanical

Exhaust systems

clothes dryer exhaust

kitchen equipment exhaust

5. Electrical

exterior disconnect location

104.3.1.2 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. Re-roofs

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

104.3.2 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 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.

104.4 Issuing Permits

104.4.1 Action on Permits

104.4.1.1 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 an application for a permit and the contract documents filed therewith conform to the requirements of the technical codes and other pertinent laws and ordinances, he shall issue a permit to the applicant. 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.

104.4.1.2 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.

104.4.1.3 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) 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 that 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 system is less than 15 tons.

Example 2: Consider a small single story office building that 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.

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

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.

104.4.1.4 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."

104.4.1.5 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.

104.4.2 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 refusal to issue such permit. Such refusal shall, when requested, be in writing and shall contain the reason for refusal.

104.4.3 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.

104.4.4 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.

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 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 Conditions of the permit

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 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.

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 § 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.

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 (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 ordinances.

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 Southern Building Code Congress International 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 105. 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.

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.

105.6 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.

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

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 foundation survey prepared and certified by a registered surveyor shall be required for all new construction prior to approval of the framing 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.

2.1 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
- draft stopping/fire-blocking
- curtain wall framing
- energy insulation
- accessibility

2.2 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
- 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.
- 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:

- 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, 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.

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.

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.

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.

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 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, 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.

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.

105.11 Termites. Building components and building surroundings required to be protected from termite damage in accordance with 1503.4.4, 1804.6.2.7, 1916.7.5, 2303, 2304, or 2603.3, specifically required to be inspected for termites in accordance with 2116, or required to have chemical soil treatment in accordance with 1816 shall not be covered or concealed until the release from the building official has been received.

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 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*.

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 Chapter 471 Florida Statutes as an engineer or under Chapter 481 Florida Statutes 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 633 Florida Statutes.

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 § 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 his or her license.

105.13.6 The building department may allow a special inspector to conduct the minimum structural inspection of threshold buildings required by this code, § 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 Chapter 481, Florida Statutes. Inspections of threshold buildings required by § 553.79(5), Florida Statutes, 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 department.

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

CONSTRUCTION BOARD OF ADJUSTMENT AND APPEALS

108.1 The *Brevard County Contractor Licensing Board* will act as the Construction Board of Adjustment and Appeals as defined in Article VI, Division 2, Sec. 22-502 Powers and Duties of the Brevard County Code.

108.2. 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.

108.3 Powers. The Construction Board of Adjustments and Appeals shall have the power, further defined in 108.4, to hear appeals of decisions and interpretations of the building official and consider variances of the technical codes.

108.4 Appeals

108.4.1 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.

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. 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 § 120.569 Florida Statutes, regarding the local governments action. Notice of Administrative Rights may be obtained from the local building department.

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 order, limit the time for such appeals to a shorter period.

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 30 calendar days after 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 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 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.

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 punished as provided in section 22-51 of the Brevard County Code. 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. 2002-45, § 3, 8-27-02)

Charlotte County, FL - Code of Ordinances (https://library.municode.com/fl/charlotte_county/codes/code_of_ordinances)

Sec. 3-2-75. - Reserved.

Editor's note— Ord. No. 2012-026, § 12, adopted Nov. 13, 2012 , deleted § 3-2-75, which pertained to the unsafe building abatement code and derived from Ord. No. 89-05, §§ 1 and 2, adopted Jan. 31, 1989.

ARTICLE IV. - RESERVED

Footnotes:

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Editor's note— Ord. No. 2016-34, adopted August 23, 2016 repealed art. IV, §§ 6-91, 6-92. Former art. IV pertained to unsafe building abatement code and derived from Ord. No. 88-94, adopted December 13, 1988.

Secs. 6-91—6-100. - Reserved.

DIVISION 2. - CONSTRUCTION TRADES LICENSING BOARD

Footnotes:

--- (2) ---

Cross reference— Board to serve as board of adjustment for unsafe building abatement code, § 6-92; board to serve as board of adjustment for housing code, § 11.5-42.

Sec. 7-31. - Established; composition.

There is established a construction trades licensing board, consisting of five (5) members from the following categories:

- (1) One (1) architect registered in the State of Florida.
- (2) One (1) business person with a principal place of business in Clay County.
- (3) One (1) engineer registered in the State of Florida.
- (4) One (1) contractor who is registered or certified under Section 489.105(3)(a)—(c), Florida Statutes.
- (5) One (1) contractor who is registered or certified under Section 489.105(3)(d)—(o), Florida Statutes.
- (6) The building director as ex officio member (to act as nonvoting member). Each member of the board shall reside in or have his principal place of business in Clay County. Members of the board shall serve without compensation, but shall be entitled to reimbursement for necessary expenses incurred in the performance of their official duties, subject to appropriation of funds. Each board member shall serve an employer different from that of any other board member.

(Ord. No. 86-1, § 3(1), 1-14-86; Ord. No. 93-15, § 1, 5-25-93; Ord. No. 2009-54, § 10, 11-10-09; Ord. No. 2010-23, § 1, 7-13-10)

Sec. 7-32. - Membership.

- (a) *Term:* Members of the board shall be appointed by the board of county commissioners for a term of three (3) years. Initial terms of office may be less than three (3) years to provide overlapping terms.
- (b) *Removal:* Any member of the board may be removed from office by a majority vote of the board of county commissioners.
- (c) *Resignation:* Any member of the board that wishes to terminate his position should do so through a letter of resignation transmitted to the board of county commissioners.
- (d) *Vacancy:* A vacancy occurring during the unexpired term of office of a board member shall be filled for the

unexpired term in the same manner as the original appointment.

(Ord. No. 86-1, § 3(2), 1-14-86; Ord. No. 93-15, § 1, 5-25-93)

Sec. 7-33. - Election of officers.

The board shall annually elect a chairman, vice-chairman, and secretary and such other officers as may be necessary from among its members.

(Ord. No. 86-1, § 3(3), 1-14-86; Ord. No. 93-15, § 1, 5-25-93)

Sec. 7-34. - Meetings.

- (a) *Number of Regular Meetings:* The board shall hold regular meetings on the first Monday of each month, providing there are agendaed items.
- (b) *Special Meetings; Calls:* Regular or special meetings shall be called by the chairman of the board and in his absence by the vice-chairman of the board or by a quorum of the board. Special meetings shall be called only with at least forty-eight (48) hours' notice to all members as to time and place.
- (c) *Public Meetings:* All meetings shall be open to the public and shall be held in a place accessible to the public. Public notice of place and date of meetings shall be placed in an approved publication.
- (d) *Records:* All minutes of the board meetings:
 - (1) Shall be kept in the office of the building division.
 - (2) Are public records, except those portions which are of confidential nature, such as, but not limited to, credit reports, financial statements, and communications received as provided herein with respect to an applicant's qualifications.

(Ord. No. 86-1, § 3(4), 1-14-86; Ord. No. 93-15, § 1, 5-25-93; Ord. No. 2009-54, § 11, 11-10-09)

Sec. 7-35. - Administration.

The board may call upon the building director to furnish materials and staff as may be needed for clerical services, investigations, enforcement of regulations, and other necessary ancillary functions within budget limitations.

(Ord. No. 86-1, § 3(5), 1-14-86; Ord. No. 93-15, § 1, 5-25-93; Ord. No. 2009-54, § 12, 11-10-09)

Sec. 7-36. - Rules and regulations; examining witnesses.

To carry out its duties, the board may:

- (1) Promulgate rules and regulations consistent with the general policies of ordinances it is required to administer; and
- (2) Administer oaths, conduct hearings, and subpoena witnesses.

(Ord. No. 86-1, § 3(6), 1-14-86; Ord. No. 93-15, § 1, 5-25-93)

Sec. 7-37. - Powers and duties.

The board shall:

- (1) Administer the construction trades regulations in the areas of Clay County under its jurisdiction;

- (2) Make recommendations to the board of county commissioners for amendments to the construction trades regu
- (3) Conduct public hearings during regular or special meetings concerning competency licenses;
- (4) Perform such other duties as are assigned to it from time to time by the board of county commissioners;
- (5) Recommend the regulation of additional trades or crafts as may be determined to protect the public health, safety and welfare; and
- (6) Hear appeals from staff denials of certificates.

(Ord. No. 86-1, § 3(7), 1-14-86; Ord. No. 93-15, § 1, 5-25-93)

Secs. 7-38—7-40. - Reserved.

APPENDIX G - TABLE OF ORDINANCES

LEGEND:—A = Amends—Ab = Amended by

—R = Repeals—Rb = Repealed by

—S = Supersedes—Sb = Superseded by

69-1—Zoning; A Ch. 57-1225 Laws of Fla.; Rb Ord. No. 73-1.

70-1—Zoning; A Ch. 57-1225 Laws of Fla.; Rb Ord. No. 73-1.

71-1—Zoning; A Ch. 57-1225 Laws of Fla.; Rb Ord. No. 73-1.

71-2—Excavations.

71-3—Music or entertainment festivals; Rb Ord. No. 74-12.

72-1—Funds to support barge canal.

72-2—Fees for approval of subdivision plats; Ab Ord. No. 76-15.

72-3—Regulates electricians; Ab Ord. No. 72-7.

72-4—Regulates plumbers; Ab Ord. No. 72-7.

72-5—Occupational license tax; Ab Ord. No. 77-7.

72-6—Funds for fire departments; Rb Ord. No. 81-69.

72-7—Plumbers and electricians; A Ord. Nos. 72-3, 72-4; Ab Ord. No. 72-9.

72-8—Bid law; Rb Ord. No. 75-2.

72-9—Plumbers and electricians; A Ord. No. 72-7.

72-10—Health care facilities.

73-1—Zoning; R Ch. 57-1225 Laws of Fla., as amended; Ab Ord. Nos. 74-4, 76-11, 79-5; Rb Ord. No. 79-16.

73-2—Child care centers; Ab Ord. Nos. 76-6, 77-3; Rb Ord. No. 78-4.

73-3—Zoning.

73-4—Dogs; A Ch. 65-13854 Laws of Fla.

73-5—Funds for fire departments; Rb Ord. No. 81-69.

- 73-6—Fuel allocation program; Ab Ord. No. 74-3.
- 74-1—Litter from vehicles.
- 74-2—Junk vehicles; Ab Ord. No. 2003-73.
- 74-3—Fuel allocation program; A Ord. No. 73-6.
- 74-4—Zoning; A Ord. No. 73-1.
- 74-5—Dogs.
- 74-6—Alcoholic beverages.
- 74-7—Subdivision regulations; Ab Ord. No. 84-48; Rb Ord. No. 85-68.
- 74-8—Vehicle weight and load limits.
- 74-9—Garbage.
- 74-10—Court filing fees; Ab Ord. Nos. 74-11, 75-4; Rb Ord. Nos. 84-90, 85-13.
- 74-11—Court filing fees; A Ord. No. 74-10; Rb Ord. Nos. 84-90, 85-13.
- 74-12—Music or entertainment festivals; R Ord. No. 71-3.
- 74-13—Regulates contractors, Ab Ord. Nos. 76-5, 76-7, 76-12, 76-14, 77-2, 77-9, 78-1, 79-6, 80-8, 80-14.
- 75-1—Creates water management authority.
- 75-2—Bids, R Ch. 57-990 Laws of Fla., Ord. No. 72-8, Rb Ord. No. 90-62.
- 75-3—Funds for fire departments; Rb Ord. No. 81-69.
- 75-4—Filing fees; A Ord. No. 74-10, as amended, Rb Ord. Nos. 84-90, 85-13.
- 75-5—Fees for dishonored checks; Ab Ord. No. 94-35.
- 75-6—Recreation board; Ab Ord. No. 76-2; Rb Ord. No. 76-8.
- 75-7—Zoning; A Ord. No. 73-1, as amended; Rb Ord. No. 79-16.
- 75-8—Speed limit of trains; Rb Ord. No. 75-11.
- 75-9—Discharging firearms on public road, Ab Ord. No. 91-24.
- 75-10—Driving motor vehicle on bicycle trail.
- 75-11—Speed of trains, R Ord. No. 75-8.
- 76-1—Funds for barge canal.
- 76-2—Recreation board; A Ord. No. 75-6.
- 76-3—Public library; Ab Ord. Nos. 77-6, 78-3.
- 76-4—HUD program.
- 76-5—Contractors; A Ord. No. 74-13.
- 76-6—Child care centers; A Ord. No. 73-2; Ab Ord. No. 77-3; 77-3; Rb Ord. No. 78-4.
- 76-7—Contractors; A Ord. No. 74-13.

76-8—Recreation; R Ord. No. 75-6, as amended.

76-9—Local planning agency.

76-10—Water management regulations; Ab Ord. Nos. 78-10, 79-7.

76-11—Alcoholic beverages; A Ord. No. 73-1.

76-12—Contractors; A Ord. No. 74-13.

76-13—Funds for fire departments; Rb Ord. No. 81-69.

76-14—Contracts, A Ord. No. 74-13.

76-15—Plat fees; A Ord. No. 72-2.

76-16—Health department fees; Ab Ord. No. 77-1, Rb Ord. No. 88-47.

77-1—Health department fees; A Ord. No. 76-16.

77-2—Contractors; A Ord. No. 74-13.

77-3—Child care centers, A Ord. No. 73-2, 76-6, Rb Ord. No. 78-4.

77-4—Historical commission, Ab Ord. Nos. 77-5, 87-102.

77-5—Historical commission; A Ord. No. 77-4.

77-6—Public library; A Ord. No. 76-3.

77-7—Occupational licenses; A Ord. No. 72-5.

77-8—Carrying concealed weapons.

77-9—Contractors; A Ord. No. 74-13.

77-10—Motorboats on Black Creek; Ab Ord. No. 78-2; Rb Ord. No. 78-7.

77-11—Sheriff's surfees.

78-1—Contractors; A Ord. No. 74-13.

78-2—Motorboats on Black Creek; A Ord. No. 77-10, Rb Ord. No. 78-7.

78-3—Public library; A Ord. No. 76-3.

78-4—Day care centers; R Ord. Nos. 73-2, 76-6, 77-3; Rb Ord. No. 80-17.

78-5—CATV franchise; Rb Ord. No. 87-44.

78-6—Building code; Ab Ord. Nos. 79-3, 79-12, 80-39, 83-1, 83-22, 88-1, 88-29, 89-62, 90-35, 90-51, 90-72.

78-7—Motorboat regulations, R Ord. Nos. 77-10, 78-2.

78-8—Payment of medical bills for indigents; Ab Ord. No. 79-8; Rb Ord. No. 89-11.

78-9—Regulates boats; Rb Ord. No. 91-58.

78-10—Water regulations; A Ord. No. 76-10.

79-1—Health department fees; Rb Ord. No. 88-47.

79-2—Alcoholic beverage regulations.

- 79-3—Building code; A Ord. No. 78-6.
- 79-4—Intention to comply with F.S. Ch. 163.
- 79-5—Zoning, A Ord. No. 73-1.
- 79-6—Contractors; A Ord. No. 74-13.
- 79-7—Water regulations; A Ord. No. 76-10.
- 79-8—Medical bills of indigents; A Ord. No. 78-8.
- 79-9—Health department fees; Ab Ord. No. 79-10; Rb Ord. No. 88-47.
- 79-10—Health department fees, A Ord. No. 79-9; Rb Ord. No. 88-47.
- 79-11—Adopts comprehensive plan; Ab Ord. Nos. 82-78, 82-89A, 83-74, Rb Ord. No. 92-3.
- 79-12—Building code; A Ord. No. 78-6.
- 79-13—CATV franchise (Green Cove Springs Cable TV Company).
- 79-14—CATV franchise (Plantation Communications).
- 79-15—Alcoholic beverage regulations; Ab Ord. Nos. 80-26, 91-54, 2011-10, 2011-13, 2012-35, 2014-21, 2017-27, 2019-11, 2019-19, 2020-1.
- 79-16—Zoning; R Ord. No. 73-1, as amended; Ab Ord. Nos. 80-1, 80-18, 80-35, 80-38, 80-45, 80-46, 80-69, 80-70, 80-71, 80-76, 81-33, 81-35, 81-68; Rb Ord. No. 82-45.
- 79-17—Electric franchise (Jacksonville Electric Authority); Ab Ord. No. 91-2; Rb Ord. No. 93-31.
- 80-1—Zoning; A Ord. No. 79-16.
- 80-2—Rezones property.
- 80-3—Rezones property.
- 80-4—Rezones property.
- 80-5—Rezones property.
- 80-6—Rezones property.
- 80-7—Rezones property.
- 80-8—Contractors; A Ord. No. 74-13; Ab Ord. No. 85-1.
- 80-9—Rezones property.
- 80-10—Rezones property.
- 80-11—Rezones property.
- 80-12—Rezones property.
- 80-13—Rezones property.
- 80-14—Contractors; A Ord. No. 74-13.
- 80-15—Rezones property.

- 80-16—Rezones property.
- 80-17—Child day care center regulations; R Ord. No. 78-4.
- 80-18—Zoning; A Ord. No. 79-16.
- 80-19—Housing finance authority.
- 80-20—Rezones property.
- 80-21—Rezones property.
- 80-22—Rezones property.
- 80-23—Rezones property.
- 80-24—Rezones property.
- 80-25—Rezones property.
- 80-26—Hours of sale of alcoholic beverages; A Ord. No. 79-15. Declared invalid by final judgment in Case No. 80-290-CA, Circuit Court of Fourth Judicial Circuit, Clay County, Florida.
- 80-27—Rezones property.
- 80-28—Rezones property.
- 80-29—Rezones property.
- 80-30—Rezones property.
- 80-31—Rezones property.
- 80-32—Rezones property.
- 80-33—Rezones property.
- 80-34—Rezones property.
- 80-35—Zoning; A Ord. No. 79-16.
- 80-36—Rezones property.
- 80-37—Rezones property.
- 80-38—Zoning; A Ord. No. 79-16.
- 80-39—Building permits; A Ord. No. 78-6.
- 80-40—Rezones property.
- 80-41—Rezones property.
- 80-42—Rezones property.
- 80-43—Rezones property.
- 80-44—Rezones property.
- 80-45—Zoning; A Ord. No. 79-16.
- 80-46—Zoning; A Ord. No. 79-16.

80-47—Rezoning property.

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80-67—Rezoning property.

80-68—Adopts Code.

80-69—Zoning; A Ord. No. 79-16.

80-70—Zoning; A Ord. No. 79-16.

80-71—Zoning; A Ord. No. 79-16.

80-72—Rezoning property.

80-73—Rezoning property.

80-74—Rezoning property.

80-75—Rezoning property.

80-76—Zoning; A Ord. No. 79-16.

80-77—Rezoning property.

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- 80-81—Rezoning property.
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- 80-84—Rezoning property.
- 81-1—Rezoning property.
- 81-2—Rezoning property.
- 81-3—Rezoning property.
- 81-4—Rezoning property.
- 81-5—Rezoning property.
- 81-6—Rezoning property.
- 81-7—Rezoning property.
- 81-8—Rezoning property.
- 81-9—Sewage disposal systems; Ab Ord. No. 81-22.
- 81-10—Garbage, trash and refuse collection.
- 81-11—Acquisition and construction of transportation facilities, roads and related projects.
- 81-12—Rezoning property.
- 81-13—Rezoning property.
- 81-14—Rezoning property.
- 81-15—Rezoning property.
- 81-16—Rezoning property.
- 81-17—Rezoning property.
- 81-18—Rezoning property.
- 81-19—Rezoning property.
- 81-20—Rezoning property.
- 81-21—Rezoning property.
- 81-22—Sludge; A Ord. No. 81-9.
- 81-23—Additional court filing fees; Ab Ord. Nos. 87-93, 99-35.
- 81-24—Rezoning property.
- 81-25—Rezoning property.
- 81-26—Rezoning property.

- 81-27—Rezones property.
- 81-28—Rezones property.
- 81-29—Rezones property.
- 81-30—Rezones property.
- 81-31—Rezones property.
- 81-32—Rezones property.
- 81-33—Zoning; A Ord. No. 79-16.
- 81-34—Repeals occupational license tax provisions.
- 81-35—Zoning; A Ord. No. 79-16.
- 81-36—Rezones property.
- 81-37—Rezones property.
- 81-38—Rezones property.
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- 81-43—Rezones property.
- 81-44—Rezones property.
- 81-45—Rezones property.
- 81-46—Rezones property.
- 81-47—Flood damage prevention; Ab Ord. No. 81-83; Rb Ord. No. 2014-3.
- 81-48—Rezones property.
- 81-49—Rezones property.
- 81-50—Rezones property.
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81-67—Rezoning property.

81-68—Zoning; A Ord. No. 79-16.

81-69—Appropriations; R. Ord. Nos. 72-6, 73-5, 75-3, 76-13.

81-70—Competitive bid procedure; Ab Ord. Nos. 89-55, 89-61, 89-63, Rb Ord. No. 90-62.

81-71—Rezoning property.

81-72—Rezoning property.

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81-81—Rezoning property.

81-82—Rezoning property.

81-83—Floodways; A. Ord. No. 81-47; Rb Ord. No. 2014-3.

81-84—Rezoning.

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82-19—Rezoning.
82-20—Animal and rabies control; Ab Ord. No. 83-47.
82-21—Rezoning.
82-22—Rezoning.
82-23—Rezoning.
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82-36—Rezoning.

82-37—Court costs; Rb Ord. No. 89-31.

82-38—Rezoning.

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82-41—Rezoning.

82-42—Rezoning.

82-43—Rezoning.

82-44—Rezoning.

82-45—Zoning; R. Ord. No. 79-16; Ab Ord. No. 82-46; Ab Ord. Nos. 82-108, 83-2, 83-21, 83-27, 83-83, 84-10, 84-11, 84-30, 84-56, 84-66, 85-15, 85-16, 86-12, 86-13, 86-19, 86-49, 86-58, 87-46, 87-71, 87-84, 87-112, 88-3, 88-35, 88-36, 88-37, 88-75, 89-1, 89-15, 89-53, 89-79, 89-80, 90-17, 90-19, 90-46, 91-33, 91-48, 91-50, 92-28, 93-16, 96-8.

82-46—Zoning; A Ord. No. 82-45.

82-47—Rezoning.

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82-76—Rezoning.

82-77—Rezoning.

82-78—Adds elements to comprehensive plan; A Ord. No. 79-11; Rb Ord. No. 92-3.

82-79—Rezoning.

82-80—Conduct on county land; Ab Ord. No. 87-20.

82-81—Rezoning.

82-82—Rezoning.

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82-89—Rezoning.

82-89A—Amends comprehensive plan; A Ord. No. 79-11; Rb Ord. No. 92-3.

82-90—Rezoning.

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82-103—Rezoning.
82-104—Rezoning.
82-105—Rezoning.
82-106—Rezoning.
82-107—Rezoning.
82-108—Zoning; A Ord. No. 82-45.
82-109—Rezoning.
82-110—Rezoning.
82-111—Rezoning.
83-1—National Electrical code; A Ord. No. 78-6.
83-2—Zoning; A Ord. No. 82-45.
83-3—Rezoning.
83-4—Rezoning.
83-5—Rezoning.
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83-20—Rezoning.

83-21—Zoning; A Ord. No. 82-45.

83-22—Board of adjustment; A Ord. No. 78-6, Rb Ord. Nos. 90-35, 90-51.

83-23—Rezoning.

83-24—Rezoning.

83-25—Rezoning.

83-26—County administrator; Rb Ord. No. 95-54.

82-27—Zoning; A Ord. No. 82-45.

83-28—Rezoning.

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83-30—Rezoning.

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83-44—Rezoning.

83-45—Rezoning.

83-46—Rezoning.

83-47—Impoundment of animals; A Ord. No. 82-20; Rb Ord. No. 86-47.

83-48—Rezoning.

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83-66—Rezoning.

83-67—Rezoning.

83-68—Rezoning.

83-69—Sick leave accrual; Ab Ord. No. 94-29; Rb Ord. No. 2002-1.

83-70—Rezoning.

83-71—Rezoning.

83-72—Rezoning.

83-73—Rezoning.

83-74—Adds Fleming Island Plan to comprehensive plan; A Ord. No. 79-11; Ab Ord. Nos. 88-86, 89-24, 90-25; Rb Ord. No. 92-3.

83-75—Rezoning.

83-76—Rezoning.
83-77—Rezoning.
83-78—Rezoning.
83-79—Rezoning.
83-80—Rezoning.
83-81—Preservation of trees; Ab Ord. Nos. 84-8, 86-39, 99-38, 2003-19.
83-82—Handling hazardous materials; Ab Ord. No. 94-67.
83-83—Zoning; A Ord. No. 82-45.
83-84—Rezoning.
83-85—Rezoning.
83-86—Rezoning.
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83-92—Rezoning.
83-93—Rezoning.
84-1—Rezoning.
84-2—Rezoning.
84-3—Rezoning.
84-4—Rezoning.
84-5—Rezoning.
84-6—Rezoning.
84-7—Rezoning.
84-8—Tree preservation exemptions; A Ord. No. 83-81.
84-9—Plumbing code; Rb Ord. No. 87-18.
84-10—Zoning; A Ord. No. 82-45.
84-11—Zoning; A Ord. No. 82-45.
84-12—Rezoning.
84-13—Rezoning.
84-14—Rezoning.

- 84-15—Rezoning.
- 84-16—Rezoning.
- 84-17—Rezoning.
- 84-18—Rezoning.
- 84-19—Annual publication of county's financial position.
- 84-20—Rezoning.
- 84-21—Rezoning.
- 84-22—Rezoning.
- 84-23—Rezoning.
- 84-24—Rezoning.
- 84-25—Rezoning.
- 84-26—Sexually oriented entertainment in alcoholic beverage establishments; Rb Ord. No. 2015-18.
- 84-27—Contractors' practical examinations.
- 84-28—Venting bathroom exhaust fans into attics.
- 84-29—Water discharge from residential heat pumps.
- 84-30—Zoning; A Ord. No. 82-45.
- 84-31—Rezoning.
- 84-32—Rezoning.
- 84-33—Rezoning.
- 84-34—Rezoning.
- 84-35—Rezoning.
- 84-36—Rezoning.
- 84-37—Rezoning.
- 84-38—Rezoning.
- 84-39—Rezoning.
- 84-40—Rezoning.
- 84-41—Rezoning.
- 84-42—Annual apportionment of investment earnings by tax collector.
- 84-43—Damages for saw-cutting county roads.
- 84-44—Rezoning.
- 84-45—Rezoning.
- 84-46—Rezoning.

84-47—Zoning; A Ord. No. 82-45.
84-48—Land development; A Ord. No. 74-7.
84-49—Gas tax; Ab Ord. No. 85-29.
84-50—Rezoning.
84-51—Rezoning.
84-52—Rezoning.
84-53—Rezoning.
84-54—Rezoning.
84-55—Swimming pool construction.
84-56—Zoning; A Ord. No. 82-45.
84-57—Rezoning.
84-58—Rezoning.
84-59—Rezoning.
84-60—Rezoning.
84-61—Rezoning.
84-62—Rezoning.
84-63—Rezoning.
84-64—Littering; Ab Ord. No. 88-18.
84-65—Rezoning.
84-66—Zoning; A Ord. No. 82-45; Ab Ord. No. 87-47.
84-67—County administrator; Rb Ord. No. 95-54.
84-68—Rezoning.
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84-34—Rezoning.

84-85—Rezoning.

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84-87—Rezoning.

84-88—Officers.

84-89—Rezoning.

84-90—Law library; R Ord. Nos. 74-10, 74-11, 754; Rb Ord. No. 85-13.

85-1—Construction; A Ord. No. 80-8.

86-2—Commemorative plaques.

85-3—Rezoning.

85-4—Rezoning.

85-5—Rezoning.

85-6—Rezoning.

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85-8—Rezoning.

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85-10—Rezoning.

85-11—Rezoning.

85-12—Evaluation of comprehensive plan.

85-13—Law library; R Ord. Nos. 74-10, 74-11, 75-4, 84-90; Ab Ord. No. 87-21.

85-14—Alcoholic beverages and drugs at minor's parties.

85-15—Zoning; A Ord. No. 82-45; Ab Ord. No. 85-23E.

85-16—Zoning; A Ord. No. 82-45.

85-17—Street access.

85-18—Rezoning.

85-19—Rezoning.

85-20—Rezoning.

85-21—Rezoning.

85-22—Landscaping Ab Ord. Nos. 99-23, 99-39, 2003-19.

85-23E—Zoning; A Ord. No. 85-15.

85-24—Rezoning.

85-25—Rezoning.

85-26—Rezoning.

85-27—Rezoning.

85-28—Rezoning.

85-29—Motor fuels tax; A Ord. No. 84-49.

85-30—Adult entertainment establishments; A Ord. No. 87-91; Rb Ord. No. 2015-18.

85-31—Rezoning.

85-32—Rezoning.

85-33—Municipal service taxing unit; Ab Ord. No. 85-76; Rb Ord. No. 86-42,

85-34—Rezoning.

85-35—Rezoning.

85-36—Rezoning.

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86-46—Rezoning.

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85-66—Rezoning.

85-67—Signs; Ab Ord. No. 85-82; Rb Ord. No. 87-74.

85-68—Subdivisions; R Ord. No. 74-7; Ab Ord. Nos. 85-75, 88-30, 88-67, 89-12, 89-41, 89-92, 91-3, 94-04, 99-12, 99-40, 2003-18, 2006-44.

85-69—Rezoning.

85-70—Rezoning.

85-71—Rezoning.

85-72—Rezoning.

85-73—Rezoning.

85-74—Rezoning.

85-75—Subdivision fees; A Ord. No. 85-68.

85-76—Municipal service benefit district; A Ord. No. 85-33; Rb Ord. No. 86-42.

85-77—Rezoning.

85-78—Rezoning.

85-79—Rezoning.

85-80—Rezoning.

85-81—Rezoning.

85-82—Signs fees; A Ord. No. 85-67.

85-83—Rezoning.

85-84—Rezoning.

85-85—Rezoning.

85-86—Rezoning.

85-87—Airport hazard areas.

85-88—Discrimination in housing.

86-1—Construction trades licensing; Ab Ord. Nos. 87-19, 87-73, 88-66, 89-82, 90-35, 90-36, 94-66; Sb Ord. No. 93-15.

86-2—Rezoning.

86-3—Rezoning.

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86-12—Rezoning; A Ord. No. 82-45.

86-13—Rezoning; A Ord. No. 82-45.

86-14—Rezoning.

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86-19—Rezoning; A Ord. No. 82-45.

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- 86-36—Rezoning.
- 86-37—Rezoning.
- 86-38—Rezoning.
- 86-39—Preservation of trees; A Ord. No. 83-81.
- 86-40—Rezoning.
- 86-41—Local telephone exchange subscribers' fee; Rb Ord. No. 88-26.
- 86-42—Abolition of Lake Asbury Municipal Service Benefit District; R Ord. Nos. 85-33, 85-76.
- 86-43—Rezoning.
- 86-44—Rezoning.
- 86-45—Rezoning.
- 86-46—Rezoning.
- 86-47—Animal control; R Ord. Nos. 82-20, 83-47; Ab Ord. Nos. 88-55, 94-22, 96-44, 01-66, 2018-22.
- 86-48—Service charge to fund family mediation unit; Ab Ord. No. 90-15; Sb Ord. No. 90-71.
- 86-49—Zoning; A Ord. No. 82-45.
- 86-50—Rezoning.
- 86-51—Rezoning.
- 86-52—Rezoning.
- 86-53—Rezoning.
- 86-54—Rezoning.
- 86-55—Rezoning.
- 86-56—Financing road, street, etc., improvements.
- 86-57—Adoption of building code appendices.
- 86-58—Zoning, A Ord. No. 82-45.

86-59—Rezoning.

86-60—Rezoning.

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- 87-16—Rezoning.
- 87-17—Rezoning.
- 87-18—Plumbing code; R Ord. No. 84-9; Rb Ord. No. 91-4.
- 87-19—Specialty contractors; A Ord. No. 86-1.
- 87-20—Conduct near county boat ramps; A Ord. No. 82-80; Ab Ord. No. 01-51.
- 87-21—County law library; A Ord. No. 85-13.
- 87-22—Rezoning.
- 87-23—Rezoning.
- 87-24—Rezoning.
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- 87-29—Rezoning.
- 87-30—Rezoning.
- 87-31—Rezoning.
- 87-32—Rezoning.
- 87-33—Dumping by commercial collectors at Rosemary Hill Landfill.
- 87-34—Garbage, rubbish and trash franchises; Ab Ord. Nos. 87-64, 87-75, 87-92, 88-2, 89-35; Rb Ord. No. 90-24.
- 87-35—Rezoning.
- 87-36—Rezoning.
- 87-37—Rezoning.
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- 87-40—Rezoning.
- 87-41—Rezoning.
- 87-42—Rezoning.
- 87-43—Rezoning.
- 87-44—CATV franchise; R Ord. No. 78-5; Ab Ord. No. 88-56.
- 87-45—Flood hazard prevention; Ab Ord. Nos. 92-4, 93-38; Rb Ord. No. 2014-3.

87-46—Zoning; A Ord. No. 82-45.

87-47—Zoning, board of adjustment; A Ord. No. 84-66.

87-48—Rezoning.

87-49—Rezoning.

87-50—Rezoning.

87-51—Rezoning.

87-52—Rezoning.

87-53—Rezoning.

87-54—Rezoning.

87-55—Rezoning.

87-56—Rezoning.

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87-58—Rezoning.

87-59—Rezoning.

87-60—Rezoning.

87-61—Rezoning.

87-62—Rezoning.

87-63—Rezoning.

87-64—Garbage franchise ordinance; A Ord. No. 87-34; Rb Ord. No. 90-24.

87-65—Rezoning.

87-66—Rezoning.

87-67—Rezoning.

87-68—Rezoning.

87-69—Rezoning.

87-70—Rezoning.

87-71—Zoning; A Ord. No. 82-45.

87-72—Comprehensive Plan amendment application fees; Rb Ord. No. 92-17.

87-73—Construction trades licensing board, A Ord. No. 86-1.

87-74—Signs; R Ord. No. 85-67; AB Ord. No. 88-28.

87-75—Garbage franchise ordinance; A Ord. No. 87-34; Rb Ord. No. 90-24.

87-76—Rezoning.

87-77—Rezoning.

87-78—Rezoning.

87-79—Rezoning.

87-80—Rezoning.

87-81—Rezoning.

87-82—Rezoning.

87-83—Rezoning.

87-84—Zoning; A Ord. No. 82-45.

87-85—Local option gas tax.

87-86—Sales tax, failed at referendum.

87-87—Rezoning.

87-88—Rezoning.

87-89—Rezoning.

87-90—Rezoning.

87-91—Adult entertainment establishments; A Ord. No. 85-30; Rb Ord. No. 2015-18.

87-92—Garbage, rubbish and trash franchise; A Ord. No. 87-34; Rb Ord. No. 90-24.

87-93—Additional filing fees in circuit court; A Ord. No. 81-23.

87-94—Rezoning.

87-95—Rezoning.

87-96—Rezoning.

87-97—Rezoning.

87-98—Rezoning.

87-99—Rezoning.

87-100—Rezoning.

87-101—Rezoning.

87-102—County historical commission; A Ord. No. 77-4.

87-103—Rezoning.

87-104—Rezoning.

87-105—Rezoning.

87-106—Rezoning.

87-107—Rezoning.

87-108—Rezoning.

87-109—Rezoning.

- 87-110—Rezoning.
- 87-111—Rezoning.
- 87-112—Zoning; A Ord. No. 82-45.
- 88-1—Building permits; A Ord. No. 78-6.
- 88-2—Garbage, rubbish and trash franchise; A Ord. No. 87-34; Rb Ord. No. 90-24.
- 88-3—Zoning; A Ord. No. 82-45.
- 88-4—Excavations, cuts, etc.
- 88-5—Rezoning.
- 88-6—Rezoning.
- 88-7—Rezoning.
- 88-8—Rezoning.
- 88-9—Rezoning.
- 88-10—Rezoning.
- 88-11—Rezoning.
- 88-12—Rezoning.
- 88-13—Rezoning.
- 88-14—Rezoning.
- 88-15—Rezoning.
- 88-16—Rezoning.
- 88-17—Publication of board of county commissioners' meeting agendas.
- 88-18—Litter and trash; A Ord. No. 84-64.
- 88-19—Barking dogs, noise disturbances.
- 88-20—Rezoning.
- 88-21—Rezoning.
- 88-22—Rezoning.
- 88-23—Rezoning.
- 88-24—Rezoning.
- 88-25—Rezoning.
- 88-26—E911 subscriber surcharge; R Ord. No. 86-41; Ab Ord. Nos. 90-22, 94-21.
- 88-27—Code enforcement board; Ab Ord. Nos. 94-05, 94-23; Sb Ord. No. 2006-39.
- 88-28—Signs; A Ord. No. 87-74; Ab Ord. No. 88-78.
- 88-29—Building code; A Ord. No. 78-6.

- 88-30—Subdivisions; A Ord. No. 85-68.
- 88-31—Tourist development council; Rb Ord. No. 88-54.
- 88-32—Rezoning.
- 88-33—Rezoning.
- 88-34—Rezoning.
- 88-35—Zoning; A Ord. No. 82-45.
- 88-36—Zoning; A Ord. No. 82-45.
- 88-37—Zoning; A Ord. No. 82-45.
- 88-38—Rezoning.
- 88-39—Rezoning.
- 88-40—Rezoning.
- 88-41—Rezoning.
- 88-42—Rezoning.
- 88-43—Rezoning.
- 88-44—Rezoning.
- 88-45—Rezoning.
- 88-46—Rezoning.
- 88-47—Environmental health fees; R Ord. Nos. 76-16, 79-1, 79-9, 79-10, Ab Ord. Nos. 90-61, 91-25.
- 88-48—Rezoning.
- 88-49—Development approval; Ab Ord. Nos. 88-61, 91-11, 93-12, 94-58, 99-47, 02-46, 03-02, 05-42, 06-18, 08-22, 2018-53.
- 88-50—Rezoning.
- 88-51—Rezoning.
- 88-52—Rezoning.
- 88-53—Rezoning.
- 88-54—Tourist development council; R Ord. No. 88-31.
- 88-55—Animal control; A Ord. No. 86-47; Ab Ord. No. 2018-22.
- 88-56—Master control television ordinance; A Ord. No. 87-44.
- 88-57—Rezoning.
- 88-58—Rezoning.
- 88-59—Rezoning.
- 88-60—Rezoning.

- 88-61—Amends development order; A Ord. No. 88-49.
- 88-62—Rezoning.
- 88-63—Rezoning.
- 88-64—Rezoning.
- 88-65—Rezoning.
- 88-66—Construction trades licensure; A Ord. No. 86-1.
- 88-67—Subdivisions; A Ord. Nos. 85-68, 04-59.
- 88-68—Landfill design contract.
- 88-69—Tourist development council, tax levy; Ab Ord. Nos. 89-10, 89-70, 90-31, 90-75, 91-32, 91-59, 93-17, 2017-31, 2017-32.
- 88-70—Transient merchants' permits; Ab Ord. Nos. 91-38, 91-62, 93-37.
- 88-71—Rezoning.
- 88-72—Rezoning.
- 88-73—Rezoning.
- 88-74—Rezoning.
- 88-75—Zoning; A Ord. No. 82-45.
- 88-76—Rezoning.
- 88-77—Approves development of regional impact; Ab Ord. Nos. 91-52, 93-4, 94-63, 96-9, 01-7, 01-27, 02-60, 03-79, 05-20, 06-57, 12-9, 14-22, 14-31, 2018-7, 2018-26, 2019-15; 2020-37.
- 88-78—Signs; A Ord. No. 88-28.
- 88-79—Rezoning.
- 88-80—Rezoning.
- 88-81—Rezoning.
- 88-82—Rezoning.
- 88-83—Rezoning.
- 88-84—Rezoning.
- 88-85—Rezoning.
- 88-86—Fleming Island Comprehensive Plan; A Ord. No. 83-74; Rb Ord. No. 92-3.
- 88-87—Development of regional impact development order; Ab Ord. Nos. 89-14, 89-34, 93-3.
- 88-88—Rezoning.
- 88-89—Rezoning.
- 88-90—Rezoning.

- 88-91—Rezoning.
- 88-92—Rezoning.
- 88-93—Rezoning.
- 88-94—Housing Code and Unsafe Building Abatement Code.
- 88-95—Rezoning.
- 89-1—Zoning; A Ord. No. 82-45.
- 89-2—Rezoning.
- 89-3—Rezoning.
- 89-4—Rezoning.
- 89-5—Rezoning.
- 89-6—Rezoning.
- 89-7—Rezoning.
- 89-8—Rezoning.
- 89-9—Rezoning.
- 89-10—Tourist development tax; A Ord. Nos. 89-69, 90-31.
- 89-11—Shared county and state health care program; R Ord. No. 78-8.
- 89-12—Subdivisions; A Ord. No. 85-68.
- 89-13—Public water system in Pier Station Community; Ab Ord. No. 90-16.
- 89-14—Amendment to development of regional impact order; A Ord. No. 88-87; Rb Ord. No. 89-34.
- 89-15—Zoning; A Ord. No. 82-45.
- 89-16—Rezoning.
- 89-17—Rezoning.
- 89-18—Rezoning.
- 89-19—Rezoning.
- 89-20—Rezoning.
- 89-21—Rezoning.
- 89-22—Rezoning.
- 89-23—Rezoning.
- 89-24—Amends comprehensive plan; A Ord. No. 83-74; Rb Ord. No. 92-3.
- 89-25—Criminal justice education degree programs and training courses trust fund.
- 89-26—Water and wastewater disposal permits.
- 89-27—Rezoning.

- 89-28—Rezoning.
- 89-29—Rezoning.
- 89-30—Rezoning.
- 89-31—Court costs for criminal justice education; R Ord. No. 82-37.
- 89-32—Rezoning; Ab Ord. No. 90-14.
- 89-33—Water and wastewater disposal permits.
- 89-34—Amends development of regional impact order; A Ord. No. 88-87; R Ord. No. 89-14.
- 89-35—Garbage, trash and rubbish franchise; Rb Ord. No. 90-24.
- 89-36—Rezoning.
- 89-37—Rezoning.
- 89-38—Rezoning.
- 89-39—Rezoning.
- 89-40—Rezoning.
- 89-41—Subdivisions; A Ord. No. 85-68.
- 89-42—Hazardous waste facilities.
- 89-43—Authorizes emergency roof repairs.
- 89-44—Imposes six-cent local option gas tax.
- 89-45—Rezoning.
- 89-46—Rezoning.
- 89-47—Rezoning.
- 89-48—Rezoning.
- 89-49—Rezoning.
- 89-50—Rezoning.
- 89-51—Rezoning.
- 89-52—Rezoning.
- 89-53—Zoning; A Ord. No. 82-45.
- 89-54—Solicitation in public rights-of-way; Ab Ord. No. 03-67.
- 89-55—Bidding procedures; A Ord. No. 81-70; Rb Ord. No. 90-62.
- 89-56—Sick leave for county employees; A Ord. No. 83-69; Rb Ord. No. 2002-1.
- 89-57—Developments of regional impact-fees and charges; Rb Ord. No. 90-23.
- 89-58—Rezoning.
- 89-59—Rezoning.

- 89-60—Rezoning.
- 89-61—Bidding procedures; A Ord. No. 81-70; Rb Ord. No. 90-62.
- 89-62—Building codes; A Ord. No. 78-6.
- 89-63—Bid requirement exemption; A Ord. No. 81-70; Rb Ord. No. 90-62.
- 89-64—Rezoning.
- 89-65—Rezoning.
- 89-66—Rezoning.
- 89-67—Rezoning.
- 89-68—Rezoning.
- 89-69—Rezoning.
- 89-70—Tourist development revenues; A Ord. No. 88-69; Ab Ord. No. 90-75.
- 89-71—Rezoning.
- 89-72—Rezoning.
- 89-73—Rezoning.
- 89-74—Rezoning.
- 89-75—Rezoning.
- 89-76—Rezoning.
- 89-77—Additional court charges for legal aid program; Ab Ord. No. 02-27.
- 89-78—Graded roads Ab Ord. Nos. 94-13, 94-34, 97-33, 97-47, 99-10, 2003-68, 2008-36.
- 89-79—Zoning; A Ord. No. 82-45.
- 89-80—Zoning; A Ord. No. 82-45.
- 89-81—One-cent sales surtax; Ab Ord. No. 94-11.
- 89-82—Construction trades licensing; A Ord. No. 86-1.
- 89-83—Rezoning.
- 89-84—Rezoning.
- 89-85—Rezoning.
- 89-86—Rezoning.
- 89-87—Rezoning.
- 89-88—Rezoning.
- 89-89—Rezoning.
- 89-90—Rezoning (declared null and void).
- 89-91—Stopping, standing and parking; Ab Ord. Nos. 89-94, 90-58, 90-73, 96-25.

- 89-92—Subdivisions; A Ord. No. 85-68.
- 89-93—Rezoning.
- 89-94—Parking; A Ord. No. 89-91.
- 89-95—Road improvement municipal service benefit units; Ab Ord. No. 90-21.
- 89-96—Development of regional impact order amendment.
- 89-97—Purchases for awards, testimonials, etc.
- 89-98—Driveway and drainage structure installation permits; Rb Ord. No. 2011-10.
- 89-99—Rezoning.
- 89-100—Rezoning.
- 89-101—Rezoning.
- 89-102—Rezoning.
- 89-103—Rezoning.
- 89-104—Moratorium on construction of solid waste volume reduction plants.
- 90-1—Littering.
- 90-2—Storage and transportation of waste tires.
- 90-3—Rezoning.
- 90-4—Rezoning.
- 90-5—Rezoning.
- 90-6—Rezoning.
- 90-7—Rezoning.
- 90-8—Rezoning.
- 90-9—Rezoning.
- 90-10—Rezoning.
- 90-11—Rezoning.
- 90-12—Rezoning.
- 90-13—Rezoning.
- 90-14—Repeals site development requirement; A Ord. No. 89-32.
- 90-15—Service charge to fund family mediation unit; A Ord. No. 86-48; Sb Ord. No. 90-71.
- 90-16—Pier Station water system; A Ord. No. 89-13.
- 90-17—Zoning; A Ord. No. 82-45.
- 90-18—Court costs for convictions involving drugs or alcohol.
- 90-19—Zoning; A Ord. No. 82-45.

- 90-20—Drug abuse trust fund.
- 90-21—Road improvement MSBU's; A Ord. No. 89-95.
- 90-22—E-911 System surcharge; A Ord. No. 88-26.
- 90-23—Fees for review of applications for developments of regional impact and Florida quality developments; R Ord. No. 89-57.
- 90-24—Solid waste franchising and collection; R Ord. Nos. 87-34, 87-64, 87-75, 87-92, 88-2, 89-35; Ab Ord. Nos. 90-33, 91-31, 91-37, 91-53, 91-1, 93-29, 98-60.
- 90-25—Amends Fleming Island Comprehensive Plan; A Ord. No. 83-74.
- 90-26—Rezoning.
- 90-27—Rezoning.
- 90-28—Rezoning.
- 90-29—Rezoning.
- 90-30—Rezoning.
- 90-31—Tourist development tax; A Ord. Nos. 88-69, 89-10.
- 90-32—Rezoning.
- 90-33—Amends solid waste franchising and collection ordinance; A Ord. No. 90-24.
- 90-34—Lease-purchase agreements.
- 90-35—Building code board of adjustment; A Ord. Nos. 78-6, 86-1; R Ord. No. 83-22; Rb Ord. No. 90-51.
- 90-36—Swimming pool/spa service contractors; A Ord. No. 86-1.
- 90-37—Rezoning.
- 90-38—Rezoning.
- 90-39—Rezoning.
- 90-40—Rezoning.
- 90-41—Camping and boat launching at Lake Geneva; Ab Ord. No. 2017-37.
- 90-42—Vessel control and water safety; Ab Ord. Nos. 90-59, 91-39, 02-6.
- 90-43—Rezoning.
- 90-44—Rezoning.
- 90-45—Rezoning.
- 90-46—Zoning; A Ord. No. 82-45.
- 90-47—Rezoning.
- 90-48—Rezoning.
- 90-49—Rezoning.

90-50—Rezoning.

90-51—Zoning; A Ord. No. 78-6; R Ord. Nos. 83-22, 90-35.

90-52—Rezoning.

90-53—Rezoning.

90-54—Rezoning.

90-55—Rezoning.

90-56—Rezoning.

90-57—Rezoning.

90-58—Parking violation information; A Ord. No. 89-91.

90-59—Vessel control and water safety; A Ord. No. 90-42; Ab Ord. Nos. 01-52, 02-6.

90-60—Unauthorized temporary use of a motor vehicle; Ab Ord. No. 91-1.

90-61—County public health unit fees; A Ord. No. 88-47.

90-62—Purchasing and bid requirements; R Ord. Nos. 75-2, 81-70, 89-55, 89-61, 89-63; Ab Ord. No. 91-12.

90-63—Rezoning.

90-64—Rezoning.

90-65—Rezoning.

90-66—Rezoning.

90-67—Rezoning.

90-68—Rezoning.

90-69—Rezoning.

90-70—Rezoning.

90-71—Service charge on court proceedings; S Ord. Nos. 86-48, 90-15.

90-72—Parking and access for the handicapped; A Ord. No. 78-6.

90-73—Allows community service in lieu of payment of parking fine; A Ord. No. 89-91.

90-74—Convenience store security.

90-75—Disbursement of tourist development tax revenues; A Ord. Nos. 88-69, 89-70.

91-1—Prohibits the unauthorized temporary use of a motor vehicle; A Ord. No. 90-60.

91-2—Establishes the franchise fee and method of payment; A Ord. No. 79-17; Rb Ord. No. 93-31.

91-3—Subdivisions; A Ord. No. 85-68.

91-4—Plumbing code; R Ord. No. 87-18.

91-5—Rezoning.

91-6—Rezoning.

- 91-7—Rezoning.
- 91-8—Rezoning.
- 91-9—Rezoning.
- 91-10—Rezoning.
- 91-11—Development approval; A Ord. No. 88-49.
- 91-12—Bids; A Ord. No. 90-62.
- 91-13—Rezoning.
- 91-14—Rezoning.
- 91-15—Rezoning.
- 91-16—Rezoning.
- 91-17—Rezoning.
- 91-18—Rezoning.
- 91-19—Rezoning.
- 91-20—Rezoning.
- 91-21—Rezoning.
- 91-22—Rezoning.
- 91-23—Method of amending Charter.
- 91-24—Discharge of firearms; A Ord. No. 75-9.
- 91-25—Environmental health fees; A Ord. No. 88-47.
- 91-26—Rezoning.
- 91-27—Rezoning.
- 91-28—Rezoning.
- 91-29—Rezoning.
- 91-30—Rezoning.
- 91-31—Solid waste franchising and collection; A Ord. No. 90-24.
- 91-32—Tourist development tax; A Ord. No. 88-69.
- 91-33—Zoning; A Ord. No. 82-45.
- 91-34—Rezoning.
- 91-35—Rezoning.
- 91-36—Rezoning.
- 91-37—Solid waste franchising and collection ordinance; A Ord. No. 90-24.
- 91-38—Regulation of transient merchants; A Ord. No. 88-70.

- 91-39—Vessel control and water safety; A Ord. No. 90-42.
- 91-40—Alarm systems; Ab Ord. No. 2002-14.
- 91-41—Rezoning.
- 91-42—Rezoning.
- 91-43—Rezoning.
- 91-44—Rezoning.
- 91-45—Rezoning.
- 91-46—Rezoning.
- 91-47—Rezoning.
- 91-48—Zoning; A Ord. No. 82-45.
- 91-49—Establishes drug abuse resistance education trust fund.
- 91-50—Zoning; A Ord. No. 82-45.
- 91-51—Rezoning.
- 91-52—A Ord. No. 88-77.
- 91-53—Solid waste franchise; A Ord. No. 90-24.
- 91-54—Consumption and sale of alcohol; A Ord. No. 79-15; Ab Ord. No. 2011-10, 2011-13, 2012-35.
- 91-55—Rezoning.
- 91-56—Rezoning.
- 91-57—Rezoning.
- 91-58—Exhaust systems for boats; R Ord. No. 78-9.
- 91-59—Tourist development tax; A Ord. No. 88-69.
- 91-60—Rezoning.
- 91-61—Rezoning.
- 91-62—Transient merchants' permit; A Ord. No. 88-70.
- 91-63—Authorizes lease-purchase agreement.
- 91-64—Rezoning.
- 91-65—Rezoning.
- 91-66—Rezoning.
- 91-67—Rezoning.
- 91-68—Rezoning.
- 91-69—Construction trades licensing.
- 92-1—Solid waste franchise; A Ord. No. 90-24.

92-2—Investment of surplus public funds; Rb Ord. No. 01-64.

92-3—Adopts new Comprehensive Plan; R Ord. No. 79-11; Ab Ord. Nos. 92-31, 93-1, 93-9, 93-11, 93-14, 93-21, 93-25, 93-30, 93-33, 93-44, 94-09, 94-12, 94-14, 94-20, 94-27, 94-28, 94-32, 94-37, 94-41, 94-43, 94-46, 94-47, 94-48, 94-57, 94-59, 94-60, 95-3, 95-11, 95-13, 95-20, 95-21, 95-28, 95-33, 95-34, 95-42, 95-46, 95-47, 96-2, 96-11, 97-12, 97-17, 97-21, 97-34, 97-35, 97-36, 97-56, 99-64, 00-1, 01-19, 01-21, 01-26, 01-28, 01-62, 2002-2, 2002-23, 2002-26, 2202-54, 2002-55, 2002-56, 2002-57, 2002-58, 2003-55, 2003-56, 2003-57, 2003-58, 2003-59, 2003-60, 2003-61, 2003-62, 2003-63, 2003-64, 2003-65, 2003-66, 2003-70, 2003-71, 2003-97, 2003-98, 2004-4, 2004-14, 04-19, 2004-25, 04-31, 2004-46, 2004-48, 04-60, 2004-61, 2004-68, 2004-73, 2005-17, 05-19, 2005-25, 2005-32, 2005-33, 2005-34, 2005-36, 2005-50, 2005-59, 2005-60, 2005-61, 2005-62, 2005-64, 2005-71, 2005-72, 2006-4, 2006-11, 2006-19, 2006-34, 2006-35, 2006-36, 2006-45, 06-58, 2006-60, 2006-61, 2006-62, 2006-63, 2006-65, 2007-1, 2007-12, 2007-23, 2007-28, 2007-29, 2007-30, 2007-31, 2007-32, 2007-33, 2007-40, 2007-53, 2007-54, 2007-55, 2008-3, 2008-13, 2008-14, 2008-15, 2008-16, 2008-32, 2008-34, 2008-37, 2008-52, 2008-53, 2008-54, 2008-55, 2008-56, 2008-57, 2008-58, 2008-59, 2008-60, 2008-61, 2008-62, 2009-18, 09-27; Rb Ord. No. 09-41.

92-4—Flood prevention; A Ord. No. 87-45; Rb Ord. No. 2014-3.

92-5—Rezoning.

92-6—Rezoning.

92-7—Rezoning.

92-10—Rezoning.

92-11—Rezoning.

92-12—Rezoning.

92-13—Rezoning.

92-14—Rezoning.

92-15—Rezoning.

92-16—Rezoning.

92-17—Comprehensive Plan; adopts Amendment Procedures Manual; R Ord. No. 87-72, 95-8, 96-22; Ab Ord. No. 2009-32.

92-18—Comprehensive Plan; establishes review procedures for vested rights; Ab Ord. Nos. 92-22, 92-29, 93-26, 94-25, 96-21, 2010-22.

92-19—Comprehensive Plan; adopts Concurrency Management System; Ab Ord. Nos. 92-27; 94-18, 95-30, 95-45, 96-7, 01-54, 2003-17, 2004-52, 2004-53, 2004-66, 2006-40, 2006-69, 08-45, 2010-30, 2010-50, 2018-49.

92-20—Solid waste franchising and collection.

92-21—Surcharge for moving traffic violations.

92-22—Comprehensive Plan; review procedures for vested rights; A Ord. No. 92-18.

92-23—Rezoning.

92-24—Rezoning.

92-25—Rezoning.

- 92-26—1993 partial year solid waste disposal assessment.
- 92-27—Comprehensive Plan; Concurrency Management System; A Ord. No. 92-19.
- 92-28—Zoning; A Ord. No. 82-45.
- 92-29—Comprehensive Plan; review procedures for vested rights; A Ord. No. 92-18.
- 92-30—Rezoning.
- 92-31—Comprehensive Plan; amends Capital Improvements Element; A Ord. No. 92-3.
- 92-32—Participation in Florida Arbitrage and Investment Management Trust.
- 93-1—Comprehensive Plan; amends Capital Improvements Element; A Ord. No. 92-3.
- 93-2—Maxville Mine Development of Regional Impact; A Ord. No. 88-87.
- 93-3—Rezoning.
- 93-4—Crossings Development of Regional Impact; A Ord. No. 88-77.
- 93-5—Rezoning.
- 93-6—Creates career service system for sheriff's office; Ab Ord. No. 2017-38, 2019-5.
- 93-7—Establishes water and sewer authority; Rb Ord. No. 94-42.
- 93-8—Establishes affordable housing assistance; Ab Ord. No. 96-28.
- 93-9—Comprehensive Plan; amends Capital Improvement Element; A Ord. No. 92-3.
- 93-10—Establishes emergency medical transportation services regulations.
- 93-11—Amends various elements of Comprehensive Plan; A Ord. No. 92-3.
- 93-12—Fleming Island Development of Regional Impact; A Ord. No. 88-49.
- 93-13—Number not used.
- 93-14—Comprehensive Plan; amends Future Land Use Element; A Ord. No. 92-3.
- 93-15—Regulation and licensing of construction trades; S Ord. No. 86-1, Ab Ord. No. 02-22.
- 93-16—Adopts Zoning and Land Use Development Regulations; A Ord. No. 82-45; Ab Ord. Nos. 93-36, 94-03, 94-19, 94-26, 94-30, 94-45, 95-2, 95-32, 95-41, 95-53, 93-16, 96-10, 96-18, 96-23, 98-40, 00-50, 01-12, 01-16, 01-43, 2002-36, 2002-37, 2002-38, 02-40, 02-41, 02-42, 2002-43, 2002-45, 2002-48, 2002-51, 2002-52, 2002-53, 2003-16, 03-21, 03-22, 2003-40, 03-72, 03-75, 03-76, 03-77, 03-83, 03-84, 03-85, 2003-87, 03-89, 03-90, 03-91, 03-92, 03-93, 03-94, 03-96, 2004-17, 04-18, 2004-27, 2004-28, 04-32, 2004-34, 2004-45, 04-54, 2004-55, 2005-3, 2005-4, 2005-5, 2005-6, 2005-7, 2005-8, 2005-9, 2005-10, 2005-11, 2005-12, 2005-14, 2005-15, 2005-16, 2005-18, 05-41, 2005-45, 2005-56, 2006-1, 2006-2, 2006-25, 2006-26, 2006-38, 06-41, 2006-48, 2006-49, 2006-50, 2006-51, 06-64, 2006-66, 07-02, 2007-8, 2007-24, 2007-34, 2007-41, 2007-42, 2007-49, 2007-59, 2007-66, 2008-1, 2008-2, 2008-5, 2008-6, 2008-7, 2008-8, 2008-9, 2008-12, 2008-18, 2008-19, 2008-20, 2008-21, 2008-23, 2008-24, 2008-26, 2008-27, 2008-28, 2008-29, 08-38, 08-40, 2008-41, 2008-49, 2008-63, 2009-1, 2009-2, 2009-3, 2009-4, 2009-5, 2009-10, 2009-12, 2009-19, 2009-20, 2009-60, 2010-5, 2010-6, 2010-11, 2010-15, 2010-16, 2010-17, 2010-21, 2010-25, 2010-26, 2010-44, 2010-54, 2011-1, 2011-2, 2011-6, 2011-8, 2011-14, 2011-17, 2011-34, 2012-8, 2012-13, 2012-14, 2012-17, 2012-21, 2012-22, 2012-23, 2012-25, 2012-27, 2012-28, 2012-29, 2012-31, 2012-32, 2012-34, 2012-37, 2013-3, 2013-4, 2013-9, 2013-10, 2013-11, 2013-14, 2013-15, 2013-18, 2013-20, 2013-21, 2013-23,

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93-17—Tourist development tax; A Ord. No. 88-69.

93-18—Repeals county competitive bidding requirements.

93-19—Solid waste disposal assessment provisions established; Ab Ord. No. 93-28, 94-68, 99-9, 2006-53, 2017-16.

93-20—Water and sewer authority; A Ord. No. 93-7; Rb Ord. No. 94-42.

93-21—Comprehensive Plan; amends Five-Year Schedule of Capital Improvements; A Ord. No. 92-3; Ab Ord. Nos. 95-4, 95-14, 95-48, 95-55, 96-01, 96-13, 96-26, 96-27, 97-7, 97-13, 97-19, 97-32, 97-37, 97-46, 97-51, 97-54, 99-7, 99-34, 99-48, 99-63, 00-2, 00-8, 00-35, 01-10, 01-17, 01-53, 2002-7, 02-17, 02-47, 03-1, 03-82, 04-2, 04-19, 04-60, 2004-68, 2005-1, 2005-13, 2005-44, 2005-57, 2005-73, 2006-10, 2007-1, 2007-50, 2008-37, 2008-62.

93-22—Rezoning.

93-23—Rezoning.

93-24—Rezoning.

93-25—Comprehensive Plan; amends Future Land Use Map; A Ord. No. 92-3.

93-26—Amends review procedures for vested rights; A Ord. No. 92-18.

93-27—Rezoning.

93-28—Solid waste disposal assessment; A Ord. No. 93-19.

93-29—Solid waste franchising and collection: Container service for certain residential units; A Ord. No. 90-24.

93-30—Comprehensive Plan; amends Five-Year Schedule of Capital Improvements; A Ord. No. 92-3.

93-31—Grants franchise to Jacksonville Electric Authority; R Ord. Nos. 79-17, 91-2.

93-32—Amends article III of zoning and land use regulations.

93-33—Comprehensive Plan; amends Future Land Use Map; A Ord. No. 92-3.

93-34—Rezoning.

93-35—Rezoning.

93-36—Amends zoning and land use regulations; A Ord. No. 93-16.

93-37—Transient merchant permits; A Ord. No. 88-70.

93-38—Flood prevention; A Ord. No. 87-45; Rb Ord. No. 2014-3.

93-39—Rezoning.

93-40—Rezoning.

93-41—Rezoning.

- 93-42—Rezoning.
- 93-43—Authorizes payment of costs incurred by Refuse Services, Inc.
- 93-44—Comprehensive Plan; amends Capital Improvements Element; A Ord. No. 92-3.
- 94-01—Adopts article IX of zoning and land use regulations; Ab Ord. No. 94-44, 95-9, 96-15.
- 94-02—Rezoning.
- 94-03—Amends zoning and land use regulations; A Ord. No. 93-16.
- 94-04—Subdivisions; A Ord. No. 85-68.
- 94-05—Code enforcement board; A Ord. No. 88-27; Sb Ord. No. 2006-39.
- 94-06—Rezoning.
- 94-07—Rezoning.
- 94-08—Rezoning.
- 94-09—Comprehensive Plan; amends Future Land Use Map; A Ord. No. 92-3.
- 94-10—Amends zoning and land use regulations; A Ord. No. 2008-17, 2008-41, 2009-6; Ab Ord. Nos. 2009-19, 2009-60.
- 94-11—Surtax revenues; A Ord. No. 89-81.
- 94-12—Comprehensive Plan; amends various elements; A Ord. No. 92-3.
- 94-13—Graded roads; A Ord. No. 89-78.
- 94-14—Comprehensive Plan; amends Capital Improvements Element; A Ord. No. 92-3.
- 94-15—Rezoning.
- 94-16—Rezoning.
- 94-17—Housing assistance program; Ab Ord. No. 95-1.
- 94-18—Comprehensive Plan; concurrency management system; A Ord. No. 92-19.
- 94-19—Amends zoning and land use regulations; A Ord. No. 93-16.
- 94-20—Comprehensive Plan; amends Capital Improvements Element; A Ord. No. 92-3.
- 94-21—E-911 subscriber charge; A Ord. No. 88-26.
- 94-22—Animal control; A Ord. No. 86-47.
- 94-23—Code enforcement board; A Ord. No. 88-28; Sb Ord. No. 2006-39.
- 94-24—Rezoning.
- 94-25—Review procedure for vested rights; A Ord. No. 92-18.
- 94-26—Amends zoning and land use regulations; A Ord. No. 92-16.
- 94-27—Comprehensive Plan; amends Capital Improvements Element; A Ord. No. 92-3.
- 94-28—Comprehensive Plan, amends Capital Improvement Element; A Ord. No. 92-3.

- 94-29—Sick leave accrual; A Ord. No. 83-69, Rb Ord. No. 2002-1.
- 94-30—Amends zoning and land use regulations; A Ord. No. 93-16.
- 94-31—Rezoning.
- 94-32—Comprehensive Plan; amends Capital Improvements Element; A Ord. No. 92-3.
- 94-33—Municipal service benefit unit.
- 94-34—Graded roads; A Ord. No. 89-78.
- 94-35—Fees for dishonored checks; A Ord. No. 75-5.
- 94-36—Rezoning.
- 94-37—Comprehensive Plan; amend various elements; A Ord. No. 92-3.
- 94-38—Rezoning.
- 94-39—Rezoning.
- 94-40—Rezoning.
- 94-41—Comprehensive Plan; amends Future Land Use Map; A Ord. No. 92-3.
- 94-42—Water and sewer authority; R Ord. Nos. 93-7, 93-20.
- 94-43—Comprehensive Plan; amends Capital Improvements Element; A Ord. No. 92-3.
- 94-44—Amends historic preservation land development regulations; A Ord. No. 94-01.
- 94-45—Amends zoning and land use regulations; A Ord. No. 93-16.
- 94-46—Comprehensive Plan; amends Future Land Use Map; A Ord. No. 92-3.
- 94-47—Comprehensive Plan; amends Future Land Use Map; A Ord. No. 92-3.
- 94-48—Comprehensive Plan; amends Future Land Use Map and Conservation Element; A Ord. No. 92-3.
- 94-49—Rezoning.
- 94-50—Rezoning.
- 94-51—Rezoning.
- 94-52—Rezoning.
- 94-53—Rezoning.
- 94-54—Rezoning.
- 94-55—Rezoning.
- 94-57—Comprehensive Plan; amends Future Land Use Map; A Ord. No. 92-3.
- 94-58—Fleming Island Development of Regional Impact; A Ord. No. 88-49.
- 94-59—Comprehensive Plan; amends Capital Improvements Element; A Ord. No. 92-3.
- 94-60—Comprehensive Plan; amends Future Land Use Map; A Ord. No. 92-3.
- 94-61—Rezoning.

- 94-62—Rezoning.
- 94-63—Development of regional impact; A Ord. No. 88-77.
- 94-64—Rezoning.
- 94-65—Standard Plumbing Code.
- 94-66—Construction trades insurance; A Ord. No. 86-1.
- 94-67—Hazardous materials; A Ord. No. 83-82.
- 94-68—Solid waste disposal assessment; A Ord. No. 93-19.
- 95-1—Housing assistance program; A Ord. No. 94-17.
- 95-2—Amends land use regulations, A Ord. No. 93-16
- 95-3—Comprehensive Plan; amends Future Land Use Map; A Ord. No. 92-3.
- 95-4—Comprehensive Plan; amends Capital Improvement; A Ord. No. 93-21
- 95-5—Rezoning.
- 95-6—Rezoning.
- 95-7—Rezoning.
- 95-8—Comprehensive Plan; amendment procedures manual, A Ord. No. 92-17.
- 95-9—Amends land use regulation; historic preservation board; Ord. No. 94-01.
- 95-10—Orange Park Regional Activity Center
- 95-11—Comprehensive Plan; amends Recreation and Open Space and Capital Improvement Elements; A Ord. No. 92-3.
- 95-12—Fair housing.
- 95-13—Comprehensive Plan; amends Future Land Use and Conservation Elements; A Ord. No. 92-3; Ab Ord. No. 97-14.
- 95-14—Comprehensive Plan; amends Five-Year Schedule of Capital Improvements; A Ord. No. 93-21
- 95-15—Rezoning.
- 95-16—Curfew for minors.
- 95-17—Rezoning.
- 95-18—Rezoning.
- 95-19—Rezoning.
- 95-20—Comprehensive Plan; amends Future Land Use Element; Community Facilities Element; Intergovernmental Coordination Element; Capital Improvements Element; A Ord. No. 92-03.
- 95-21—Comprehensive Plan; amends Future Land Map; A Ord. No. 92-3.
- 95-22—Rezoning.
- 95-23—Rezoning.

- 95-24—Comprehensive Plan; amends Capital Improvements Element; A Ord. No. 92-3.
- 95-25—Amends land use regulations; A Ord. No. 93-16.
- 95-26—Amends land use regulations; A Ord. No. 93-16.
- 95-27—Amends land use regulations; A Ord. No. 93-16.
- 95-28—Comprehensive Plan; amends Future Land Use Map; A Ord. No. 92-3.
- 95-29—Amends land use regulations; A Ord. No. 93-16.
- 95-30—Concurrency management system, A Ord. No. 92-19.
- 95-31—Amends land development regulations.
- 95-32—Amends land development regulations; A Ord. No. 93-16.
- 95-33—Comprehensive Plan; amends Capital Improvements Element, A Ord. No. 92-3.
- 95-34—Comprehensive Plan; amends Future Land Use Element and Recreation and Open Space Element; A Ord. No. 92-3.
- 95-35—Rezoning.
- 95-36—Rezoning.
- 95-37—Rezoning.
- 95-38—Rezoning.
- 95-39—Rezoning.
- 95-40—Rezoning.
- 95-41—Amends land development regulations; A Ord. No. 93-16.
- 95-42—Comprehensive Plan; amends Capital Improvements Element; A Ord. No. 92-3.
- 95-43—Rezoning.
- 95-44—Amends land development regulations; Ab Ord. Nos. 2009-7, 2018-9.
- 95-45—Concurrency management system; A Ord. No. 92-19.
- 95-46—Comprehensive Plan; amends Future Land Use Element and Traffic Circulation Element; A Ord. No. 92-3.
- 95-47—Comprehensive Plan; Conservation Element; A Ord. No. 92-3.
- 95-48—Comprehensive Plan; amends Capital Improvements; A Ord. No. 93-21.
- 95-49—Rezoning.
- 95-50—Rezoning.
- 95-51—Rezoning.
- 95-52—Rezoning.
- 95-53—Amends zoning.
- 95-54—R Code §§ 2-41—2-49.

- 95-55—Comprehensive Plan; A Ord. No. 93-21.
- 96-01—Comprehensive Plan; A Ord. No. 93-21.
- 96-02—Comprehensive Plan; A Ord. No. 92-03.
- 96-3—Rezoning.
- 96-4—Rezoning.
- 96-5—Rezoning.
- 96-6—Rezoning.
- 96-07—Concurrency Management; A Ord. No. 92-19.
- 96-08—A Land Development Code; Ab Ord. Nos. 2007-48, 2009-22, 2009-51, 2012-12, 2020-18.
- 96-09—Regional Impact; A Ord. No. 88-77.
- 96-10—A zoning and land use LDR's.
- 96-11—Comprehensive Plan; A Ord. No. 92-03.
- 96-12—A Code § 6-42.
- 96-14—Rezoning.
- 96-13—Comprehensive Plan; Capital Improvement Element; A Ord. No. 92-21.
- 96-14—Rezoning.
- 96-15—Designates historic site.
- 96-16—Rezoning.
- 96-17—Rezoning.
- 96-18—A zoning.
- 96-19—Rezoning.
- 96-20—Rezoning.
- 96-21—Review procedures for vested rights; A Ord. No. 92-18.
- 96-22—Comprehensive Plan; procedural manual; A Ord. No. 92-17.
- 96-23—A zoning atlas.
- 96-24—Disruption of film or television productions.
- 96-25—Amends county parking ordinance.
- 96-26—Comprehensive Plan; Capital Improvements Plan; A Ord. No. 93-21.
- 96-27—Comprehensive Plan; Capital Improvements Plan; A Ord. No. 93-21.
- 96-28—Amends local housing incentive plan.
- 96-29—Rezoning.
- 96-30—Rezoning.

- 96-31—Rezoning.
- 96-32—A Code § 2-4.1(a).
- 96-33—Comprehensive Plan; amends Capital Improvement Element; A Ord. No. 92-21.
- 96-34—Rezoning.
- 96-35—Zoning; A Ord. No. 93-16.
- 96-36—Rezoning.
- 96-37—Comprehensive Plan; amends Traffic Circulation and Capital Improvement Elements; A Ord. No. 92-3.
- 96-38—Comprehensive Plan; amends Capital Improvement Element; A Ord. No. 92-3.
- 96-39—Comprehensive Plan; amends Water Treatment Plants Map; A Ord. No. 92-3.
- 96-40—Rezoning.
- 96-41—Rezoning.
- 96-42—Rezoning.
- 96-43—Rezoning.
- 96-44—A Code §§ 4-20, 4-22, and 4-29; Ab Ord. No. 2018-22.
- 96-45—Rezoning.
- 96-46—A Code §§ 7.5-22—7.5-25, 7.5-25.1, and 7.5-26.
- 96-47—Amends Ord. No. 88-77; development order for The Crossings at Fleming Island.
- 96-48—Comprehensive Plan; amends Capital Improvements Element; A Ord. No. 92-21.
- 96-49—Comprehensive Plan; amends Future Land Use Map; A Ord. No. 92-3.
- 96-50—Rezoning.
- 96-51—Rezoning.
- 96-52—Rezoning.
- 96-53—Rezoning.
- 96-54—Rezoning.
- 96-55—Rezoning.
- 96-56—Rezoning.
- 96-57—Amends Land Development Code.
- 96-58—Amends Zoning and Land Use LDRs.
- 97-01—A Code § 10-111.
- 97-02—Rezoning.
- 97-03—Rezoning.
- 97-04—Rezoning.

97-05—Rezoning.

97-06—Rezoning.

97-07—A Comprehensive Plan.

97-08—County Teen Court Program; Ab Ord. No. 98-33, 00-47.

97-09—Rezoning.

97-10—Rezoning.

97-11—Rezoning.

97-12—Comprehensive Plan; amends Future Land Use Map.

97-13—Comprehensive Plan; Capital Improvements 5-year Schedule; A Ord. No. 93-21.

97-14—Comprehensive Plan; amends Future Land Use plan.

97-15—Rezoning.

97-16—Rezoning.

97-17—Comprehensive Plan; A Ord. No. 92-03.

97-18—Hidden Waters Roads Municipal Service Benefit Unit; Ab Ord. No. 98-34.

97-19—Comprehensive Plan; amends Capital Improvements plan.

97-20—Rezoning.

97-21—Amends Comprehensive Plan.

97-31—Extending levy of first and second cents of local option fuel tax; A Ord. No. 89-78; Ab Ord. No. 98-32.

97-32—Amends Comprehensive Plan.

97-33—Graded road acquisition.

97-34—Amends Comprehensive Plan.

97-35—Amends Comprehensive Plan.

97-36—Amends Comprehensive Plan.

97-37—Comprehensive Plan; amends Capital Improvements Element.

97-38—Rezoning.

97-39—Rezoning.

97-40—Rezoning.

97-41—Rezoning.

97-42—Rezoning.

97-43—Rezoning.

97-44—Rezoning.

97-45—Rezoning.

- 97-46—Comprehensive Plan; A Ord. No. 93-21.
- 97-47—A Code § 18-206.
- 97-48—A Code § 4-29.
- 97-49—Rezoning.
- 97-50—Rezoning.
- 97-51—Comprehensive Plan; A Ord. No. 93-21.
- 97-54—Comprehensive Plan; A Ord. No. 93-21.
- 97-55—Amends Personnel Policies and Procedures Manual; longevity bonuses.
- 97-56—Comprehensive Plan; A Ord. No. 92-03.
- 97-57—Rezoning.
- 97-58—Rezoning.
- 98-1—Rezoning.
- 98-2—Amends Comprehensive Plan.
- 98-3—Rezoning.
- 98-4—Rezoning.
- 98-5—Regulating obstruction of roadways at railway crossing by railroad trains.
- 98-6—Imposition of fines for certain misdemeanor cases involving unlawful use of drugs.
- 98-7—Amends Land Development Code; Ab Ord. Nos. 2003-31, 2003-86.
- 98-8—Amends Zoning and Land Use.
- 98-9—Rezoning.
- 98-10—Rezoning.
- 98-11—Amends Comprehensive Plan.
- 98-12—Development order for Fleming Island Development; Ab Ord. No. 06-18.
- 98-13—Amends Comprehensive Plan—Future Land Use Element.
- 98-14—Rezoning.
- 98-15—A Code §§ 10-71, 10-75, 10-76; Ab Ord. No. 98-35.
- 98-16—Rezoning.
- 98-17—Amends Comprehensive Plan—Future Land Use Element.
- 98-18—Amends Comprehensive Plan—Traffic Circulation Element.
- 98-19—Amends Comprehensive Plan—Capital Improvement Element.
- 98-20—Amends Comprehensive Plan—Future Land Use Element.
- 98-21—Amends Comprehensive Plan—Future Land Use Element.

- 98-22—Amends Comprehensive Plan—Capital Improvement Element.
- 98-23—Amends Solid Waste Franchise Ordinance.
- 98-24—Repeals Ord. No. 92-21.
- 98-25—Amends Comprehensive Plan—Capital Improvement Element.
- 98-26—Amends Development Order for Fleming Island Plantation Development.
- 98-27—Amends Zoning Ordinance.
- 98-28—Rezoning.
- 98-29—Rezoning.
- 98-30—Rezoning.
- 98-31—Rezoning.
- 98-32—A Ord. No. 97-31.
- 98-33—A Ord. No. 97-08.
- 98-34—A Ord. No. 97-18.
- 98-35—A Ord. No. 98-15.
- 98-36—Emergency ordinance declaring state of emergency.
- 98-37—Extension of infrastructure sales surtax.
- 98-38—Rezoning.
- 98-39—Rezoning.
- 98-40—A Ord. No. 93-16.
- 98-41—Rezoning.
- 98-42—Rezoning.
- 98-43—Rezoning.
- 98-44—Rezoning.
- 98-45—Rezoning.
- 98-46—Rezoning.
- 98-47—A Ord. No. 88-49.
- 98-48—Rezoning.
- 98-49—Rezoning.
- 98-50—Rezoning.
- 98-51—Rezoning.
- 98-52—A Code § 2-1.4.
- 98-53—A Comprehensive Plan.

- 98-54—A Code § 2-1.6.
- 98-55—Rezoning.
- 98-56—Rezoning.
- 98-57—A Comprehensive Plan—Capital Improvements.
- 98-58—Rezoning.
- 98-59—A Comprehensive Plan.
- 98-60—A Ord. No. 90-24.
- 98-61—Rezoning.
- 98-62—A Comprehensive Plan.
- 98-63—Rezoning.
- 98-64—A Comprehensive Plan.
- 98-65—A Zoning and Land Use Regulations.
- 98-66—A Comprehensive Plan.
- 98-67—A Comprehensive Plan.
- 98-68—Rezoning.
- 98-69—Rezoning.
- 98-70—Rezoning.
- 98-71—A Comprehensive Plan.
- 98-72—A Comprehensive Plan.
- 99-1—A Ord. No. 93-21.
- 99-2—Rezoning.
- 99-3—A Code § 2-134.
- 99-4—Motor Vehicle Title Loans.
- 99-5—Rezoning.
- 99-6—Rezoning.
- 99-7—A Comprehensive Plan.
- 99-8—Emergency Ordinance—Fireworks.
- 99-9—Exemption for service-connected total and permanent disability and death.
- 99-10—A Code § 18-206.
- 99-11—A Code § 18.3-71.
- 99-12—A App. A, Subdivision Regulations, §§ 6, 15—17.
- 99-13—A Code §§ 18.5-22, 18.5-25—18.5-33

- 99-14—Rezoning.
- 99-15—Rezoning.
- 99-16—Rezoning.
- 99-17—Rezoning.
- 99-18—Rezoning.
- 99-19—Rezoning.
- 99-20—Rezoning.
- 99-21—Rezoning.
- 99-22—Amends Land Development Code.
- 99-23—A Code §§ 18.5-51—18.5-54.
- 99-24—A Code § 2-4.2; Ab Ord. No. 2005-49.
- 99-25—R Code Ch. 7.3; adds new Ch. 7.3; Ab Ord. Nos. 07-14, 2018-23.
- 99-26—Rezoning.
- 99-27—Rezoning.
- 99-28—Rezoning.
- 99-29—Rezoning.
- 99-30—Rezoning.
- 99-31—Rezoning.
- 99-32—Rezoning.
- 99-34—A Comprehensive Plan—Capital Improvements Element.
- 99-35—A Code § 2-1.1.
- 99-36—Public Service Tax.
- 99-37—Amends Land Development Code.
- 99-38—A Code §§ 18.5-22, 18.5-25, 18.5-27—18.5-32.
- 99-39—A Code §§ 18.5-51—18.5-54.
- 99-40—App. A, Subdivision Regulations, §§ 6, 15—17.
- 99-41—Amends Comprehensive Plan.
- 99-42—Rezoning.
- 99-43—Rezoning.
- 99-44—Rezoning.
- 99-45—Rezoning.

99-46—Amending order for Villages of Argyle Forest Development of Regional Impact; Ab Ord. Nos. 99-54, 03-47, 04-3, 06-33, 2009-48, 2013-22, 2013-24, 2015-10, 2019-27; 2020-24.

99-49—Rezoning.

99-50—Rezoning.

99-51—Rezoning.

99-52—Rezoning.

99-53—A Code §§ 2-26—2-29 and 2-31—2-33.

99-54—Ratifies Ord. No. 99-46.

99-56—Rezoning.

99-57—Rezoning.

99-58—Rezoning.

99-59—Rezoning.

99-60—Rezoning.

99-61—Rezoning.

99-62—Rezoning.

99-65—Adds Code § 2-175.

00-3—A App. D, Art. III, § IV.5.B.(3).

00-4—Rezoning.

00-5—Rezoning.

00-6—Rezoning.

00-07—A Order for The Farms Development of Regional Impact.

00-08—A Ord. No. 93-21.

00-09—Rezoning.

00-10—Rezoning.

00-11—Rezoning.

00-12—Declared state of fire emergency.

00-13—Transportation Advisory Commission—§§ 2-191—2-196.

00-14—Transportation Advisory Commission—§§ 2-191—2-196.

00-15—Rezoning.

00-16—Rezoning.

00-17—Rezoning.

00-18—Rezoning.

00-19—Rezoning.

00-20—Rezoning.

00-21—Rezoning.

00-22—A Comprehensive Plan—Future Land Use Map.

00-23—Additional homestead exemption tax—§ 18.3-1; Ab Ord. Nos. 00-31, 2007-25.

00-24—A App. D, Art. III, §§ III and IV.

00-25—A Comprehensive Plan—Traffic Circulation Element.

00-26—A Comprehensive Plan—Future Land Use Map.

00-27—A Order for The Crossings Development of Regional Impact.

00-28—Rezoning.

00-29—Rezoning.

00-30—Rezoning.

00-31—A Ord. No. 00-23.

00-32—Rezoning.

00-33—Rezoning.

00-34—A Comprehensive Plan—Future Land Use Map.

00-35—A Ord. No. 93-21.

00-36—Rezoning.

00-37—Rezoning.

00-38—Rezoning.

00-39—Rezoning.

00-40—A Comprehensive Plan—Future Land Use Map.

00-41—A Comprehensive Plan—Future Land Use Map.

00-42—A Comprehensive Plan—Future Land Use Map.

00-43—A Comprehensive Plan—Future Land Use Map.

00-44—A Comprehensive Plan—Future Land Use Map.

00-45—A App. D, Art. III, § IV.

00-46—Awards Economic Development Financial Incentive Grant.

00-47—A Ord. No. 97-8—Teen Court Program.

00-48—Amends 2015 Comprehensive Plan—Future Land Use Map.

00-49—Rezoning.

00-50—A Ord. No. 93-16—Zoning.

00-51—A 2015 Comprehensive Plan—Future Land Use Map.

00-52—A the development order for the Villages of Argyle Forest Development of Regional Impact.

00-53—A 2015 Comprehensive Plan—Capital Improvements Element.

00-54—A Code § 18.3-99.

00-55—A 2015 Comprehensive Plan—Future Land Use Map.

00-56—Rezoning.

00-57—Rezoning.

00-58—Rezoning.

00-59—Rezoning.

00-60—Rezoning.

00-61—Rezoning.

00-62—Rezoning.

00-63—A 2015 Comprehensive Plan—Capital Improvements Element.

00-64—A 2015 Comprehensive Plan—Future Land Use Map.

00-65—Rezoning.

00-66—Rezoning.

00-67—Declared state of emergency due to forest fires.

00-68—Awarding an Economic Development Financial Incentive Grant.

01-1—A 2015 Comprehensive Plan—Capital Improvements Element.

01-2—Rezoning.

01-3—Rezoning.

01-4—Rezoning.

01-5—Rezoning.

01-6—Rezoning.

01-7—A Ord. No. 88-77—The development order for The Crossings of Regional Impact.

01-8—Rezoning.

01-9—Rezoning.

01-10—A Ord. No. 93-21, 2015 Comprehensive Plan.

01-11—Rezoning.

01-12—A Ord. No. 93-16, Land Development Regulations.

01-13—Rezoning.

01-14—Rezoning.

01-15—A Code §§ 14-16, 14-22.

01-16—A Ord. No. 93-16, Land Development Regulations.

01-17—A Ord. No. 93-21, 2015 Comprehensive Plan.

01-18—Rezoning.

01-19—A Ord. No. 92-03, 2015 Comprehensive Plan.

01-20—Rezoning.

01-21—A Ord. No. 92-03, 2015 Comprehensive Plan.

01-22—Rezoning.

01-23—Rezoning.

01-24—Rezoning.

01-25—Rezoning.

01-26—A Ord. No. 92-03, 2015 Comprehensive Plan.

01-27—A Ord. No. 88-77, development order for the Crossings Development.

01-28—A Ord. No. 92-03, 2015 Comprehensive Plan.

01-29—Adds Code §§ 15-31—15-40; A Ord. No. 01-42.

01-30—Rezoning.

01-31—Rezoning.

01-32—Rezoning.

01-33—Rezoning.

01-34—Rezoning.

01-35—Adds Code § 18-22.

01-36—Adds Code § 15-20.

01-37—A Code § 15-5.

01-38—Adds Code § 15-8.

01-39—A Code §§ 2-193, 2-194, 2-196; Ab Ord. No. 2003-81.

01-40—Rezoning.

01-41—Dangerous dogs—Classifying; determination to destroy. Rb Ord. No. 2015-16.

01-42—Marketing and placement of tobacco products; A Ord. No. 01-29; Ab Ord. No. 01/02-16.

01-43—A Ord. No. 93-16, Land Development Regulations.

01-44—Rezoning.

01-45—Rezoning.

01-46—Rezoning.

01-47—Rezoning.

01-48—Rezoning.

01-49—Rezoning.

01-50—Rezoning.

01-51—Swimming at public boat ramps; A Ord. No. 87-20.

01-52—Slow down/minimum wake zones; A Ord. No. 90-42, 90-59.

01-53—A Ord. No. 93-21, 2015 Comprehensive Plan.

01-54—Land Development Code; A Ord. No. 92-19.

01-55—Rezoning.

01-56—Rezoning.

01-57—Rezoning.

01-58—Rezoning.

01-59—Rezoning.

01-60—Code enforcement board; A Ord. No. 88-27.

01-61—Rezoning.

01-62—2015 Comprehensive Plan; A Ord. No. 92-03.

01-63—Disturbing the peace; A Ord. No. 88-19.

01-64—Investment of surplus public funds; R Ord. No. 92-2.

01-65—Wind speed lines.

01-66—Animal control; A Ord. No. 86-47, Ord. No. 88-55, and Ord. No. 96-44; Ab Ord. No. 2018-22..

2002-1—R Ord. Nos. 83-69, 89-56, Code § 15.5-1.

2002-2—A Ord. No. 92-03, 2015 Comprehensive Plan.

02-3—Rezoning.

02-4—Rezoning.

2002-5—Awards economic development financial incentive grant.

02-6—A Ord. Nos. 90-42, 90-59, Code § 5-23(6).

2002-7—A Ord. No. 92-03, 2015 Comprehensive Plan.

2002-8—Rezoning.

2002-9—Rezoning.

2002-10—Rezoning.

2002-11—Rezoning.

2002-12—Rezoning.

2002-13—Rezoning.

2002-14—A Ord. No. 91-40, Code §§ 12-121—12-134.

2002-15—Rezoning.

01/02-16—A Ord. No. 01-42, Code § 15-33(c).

02-17—A Ord. No. 93-21, 2015 Comprehensive Plan.

02-18—A Ord. No. 93-16, Zoning and Land Development Regulations.

02-19—Rezoning.

02-20—Rezoning.

02-21—Emergency ordinance.

02-22—A Ord. No. 93-15, Code §§ 7-75, 7-77, 7-112. Added Code §§ 7-191—7-194, 7-201—7-204, 7-211-7-214.

02-23—Rezoning.

02-24—Rezoning.

02-25—Rezoning.

02-26—A Ord. No. 92-03, 2015 Comprehensive Plan.

02-27—A Ord. No. 89-77, Code § 2-1.4(a).

2002-28—Awards economic development financial incentive grant.

2002-29—A Land Development Code.

2002-30—Rezoning.

2002-31—Rezoning.

2002-32—A Ord. No. 92-03, 2015 Comprehensive Plan.

2002-36—A Ord. No. 93-16, Zoning and Land Development Regulations.

2002-37—Rezoning.

2002-38—Rezoning.

2002-40—Rezoning.

2002-41—Rezoning.

2002-42—Rezoning.

2002-43—A Ord. No. 93-16, Zoning and Land Development Regulations.

2002-44—A Ord. Nos. 87-45, 92-4, 93-38; Ab Ord. No. 2004-65. Rb Ord. No. 2014-3.

2002-45—A Ord. No. 93-16, Zoning and Land Development Regulations.

2002-46—A Ord. No. 88-49, Fleming Island Development of Regional Impact.

02-47—A Ord. No. 93-21, 2015 Comprehensive Plan.

2002-48—A Ord. No. 93-16, Zoning and Land Development Regulations.

2002-51—Rezoning.

2002-52—Rezoning.

2002-53—Rezoning.

2002-54—A Ord. No. 92-03, 2015 Comprehensive Plan.

2002-55—A Ord. No. 92-03, 2015 Comprehensive Plan.

2002-56—A Ord. No. 92-03, 2015 Comprehensive Plan.

2002-57—A Ord. No. 92-03, 2015 Comprehensive Plan.

2002-58—A Ord. No. 92-03, 2015 Comprehensive Plan.

02-60—A Ord. No. 88-77, Crossings Development of Regional Impact; Ab Ord. No. 03-34.

03-1—A Ord. No. 93-21, 2015 Comprehensive Plan.

03-2—Rezoning.

03-3—Rezoning.

03-4—Rezoning.

03-5—Rezoning.

03-6—Rezoning.

03-7—Rezoning.

03-8—Rezoning.

03-9—Rezoning.

03-10—Rezoning.

03-11—Rezoning.

03-12—Rezoning.

03-13—Rezoning.

03-14—Rezoning.

03-15—Rezoning.

2003-16—A Ord. No. 93-16, Zoning and Land Use Regulations.

2003-17—A Ord. No. 92-19, Land Development Code.

2003-18—A Ord. No. 85-68, Code App. A, §§ 6, 16—18, 21, and 22.

2003-19—§ 2 R §§ 20.5-1—20.5-1.8, Land Development Code; A Ord. Nos. 83-81 and 85-22, Code § 18.5-24; Ab Ord. No. 2009-14.

2003-20—A Ord. No. 93-16, Zoning and Land Use Regulations.

03-21—A Ord. No. 93-16, Zoning and Land Use Regulations.

03-22—A Ord. No. 93-16, Zoning and Land Use Regulations.

03-23—Rezoning.

03-24—Rezoning.

03-25—Rezoning.

03-26—Rezoning.

03-27—Rezoning.

2003-28—A Ord. No. 90-24, Code App. D, Art. III, § VIII.5.

03-29—Governors Creek Roads municipal service benefit unit.

2003-30—Public school impact fees, adds Code §§ 16-60—16-70. Ab Ord. Nos. 2005-21, 2005-43, 2014-10, 2017-29.

2003-31—A Ord. No. 98-7, Land Development Code.

2003-32—A Ord. No. 88-49, Fleming Island Development of Regional Impact.

03-33—Rezoning.

03-34—A Ord. No. 02-60, Crossings Development of Regional Impact.

2003-35—Pugilistic exhibitions, adds Code § 3-3. Ab Ord. No. 2019-19, 2019-11, 2020-1.

2003-36—South Village Community Development District; Ab Ord. No. 2004-67, 2018-47.

03-37—Rezoning.

03-38—Rezoning.

03-39—Rezoning.

2003-40—A Ord. No. 93-16, Zoning and Land Use Regulations.

03-41—Rezoning.

03-42—Rezoning.

03-43—Rezoning.

03-44—Rezoning.

03-45—Rezoning.

03-46—Rezoning.

03-47—A Ord. No. 99-46, Village of Argyle Forest Development of Regional Impact.

2003-48—A Ord. No. 88-69, Code § 2-134.

2003-49—Rezoning.

2003-50—Rezoning.

2003-51—Rezoning.

2003-52—Rezoning.

2003-53—Rezoning.

2003-54—Rezoning.

2003-55—A Ord. No. 92-03, 2015 Comprehensive Plan.

2003-56—A Ord. No. 92-03, 2015 Comprehensive Plan.

2003-57—A Ord. No. 92-03, 2015 Comprehensive Plan.

2003-58—A Ord. No. 92-03, 2015 Comprehensive Plan.

2003-59—A Ord. No. 92-03, 2015 Comprehensive Plan.

2003-60—A Ord. No. 92-03, 2015 Comprehensive Plan.

2003-61—A Ord. No. 92-03, 2015 Comprehensive Plan.

2003-62—A Ord. No. 92-03, 2015 Comprehensive Plan.

2003-63—A Ord. No. 92-03, 2015 Comprehensive Plan.

2003-64—A Ord. No. 92-03, 2015 Comprehensive Plan.

2003-66—A Ord. No. 92-03, 2015 Comprehensive Plan; Ab Ord. Nos. 04-18, 07-2, 07-24, 08-40, 2013-7, 2013-15.

03-67—A Ord. No. 89-54, Code § 12-54, adds §§ 12-53—12-57.

2003-68—A Ord. No. 89-78, Code § 18-206.

2003-69—Adds Code Ch. 18.3, Art. V.5; Ab Ord. No. 2019-32.

2003-70—A Ord. No. 92-03, 2015 Comprehensive Plan.

2003-71—A Ord. No. 92-03, 2015 Comprehensive Plan.

03-72—Rezoning.

2003-73—A Ord. No. 74-2, Code §§ 14-16, 14-22.

2003-74—A Ord. No. 93-16, Land Development Regulations.

03-75—Rezoning.

03-76—Rezoning.

03-77—Rezoning.

03-78—Rezoning.

03-79—A Ord. No. 88-77, Crossings Development of Regional Impact.

2003-80—Adds Code Ch. 18.3, Art. VI.

2003-81—A Ord. No. 2001-39, Code §§ 2-193, 2-194.

03-82—A Ord. No. 93-21, 2015 Comprehensive Plan.

03-83—Rezoning.

03-84—Rezoning.

03-85—Rezoning.

2003-86—A Ord. No. 98-7, Land Development Code.

2003-87—A Ord. No. 93-16, Land Development Regulations.

2003-88—Establishes Middle Village Community Development District; Ab Ord. Nos. 2005-48, 2006-20.

03-89—Rezoning.

03-90—Rezoning.

03-91—Rezoning.

03-92—Rezoning.

03-93—Rezoning.

03-94—Rezoning.

03-95—Emergency ordinance for temporary moratorium on casino style and similar businesses.

2003-96—A Ord. No. 93-16, Land Development Regulations.

2003-97—A Ord. No. 92-03, 2015 Comprehensive Plan.

2003-98—A Ord. No. 92-03, 2015 Comprehensive Plan.

04-1—Adds Code § 15-9.

04-2—A Ord. No. 93-21, 2015 Comprehensive Plan.

04-3—A Ord. No. 99-46, Village of Argyle Forest Development of Regional Impact.

2004-4—A Ord. No. 92-03, 2015 Comprehensive Plan.

2004-5—Rezoning.

2004-6—Rezoning.

2004-7—Rezoning.

2004-8—Rezoning.

2004-9—Rezoning.

2004-10—Rezoning.

2004-11—Rezoning.

2004-12—Rezoning.

2004-13—Rezoning.

2004-14—A Ord. No. 92-03, 2015 Comprehensive Plan.

2004-15—Rezoning.

2004-16—Rezoning.

2004-17—A Ord. No. 93-16, Land Development Regulations.

04-18—A Ord. No. 93-16, Land Development Regulations; Ab Ord. Nos. 07-02, 07-24, 07-58, 07-60, 08-40, 2011-11, 2011-20, 2013-7, 2013-15.

04-19—A Ord. Nos. 92-03, 93-21, 2015 Comprehensive Plan.

2004-20—Rezoning.

2004-21—Rezoning.

2004-22—Rezoning.

2004-23—Rezoning.

2004-24—Rezoning.

2004-25—A Ord. No. 92-03, 2015 Comprehensive Plan.

2004-26—Rezoning.

2004-27—A Ord. No. 93-16, Land Development Regulations.

2004-28—A Ord. No. 93-16, Land Development Regulations.

2004-29—Rezoning.

04-30—Rezoning.

04-31—A Ord. No. 92-03, 2015 Comprehensive Plan.

04-32—A Ord. No. 93-16, Land Development Regulations.

04-33—Rezoning.

2004-34—A Ord. No. 93-16, Land Development Regulations; Ab Ord. Nos. 2013-1, 2013-5, 2014-8, 2014-14, 2014-30, 2015-2.

2004-35—A Code § 2-1; Ab Ord. Nos. 2005-29, 2007-39.

2004-36—A Code § 2-1.6.

2004-37—A Code § 2-1.1.

2004-38—Approves settlement agreement between county and Rim Properties, Inc.

04-39—Rezoning.

04-40—Rezoning.

04-41—Rezoning.

04-42—Rezoning.

04-43—Rezoning.

2004-44—A Code §§ 2-108, 2-109, 2-112; Sb Ord. No. 2006-39.

2004-45—A Ord. No. 93-16, Land Development Regulations; Ab Ord. No. 2006-68, 08-46.

2004-46—A Ord. No. 92-03, 2015 Comprehensive Plan.

2004-47—Adds Code § 15-3.3.

2004-48—A Ord. No. 92-03, 2015 Comprehensive Plan.

2004-49—Imposes moratorium on rezonings in Lake Asbury area; Ab Ord. Nos. 2005-40, 2005-63, 2006-37.

2004-50—Rezoning.

2004-51—Rezoning.

2004-52—A Ord. No. 92-19, Land Development Code.

2004-53—A Ord. No. 92-19, Land Development Code.

04-54—A Ord. No. 93-16, Land Development Regulations.

2004-55—A Ord. No. 93-16, Land Development Regulations.

2004-56—Awards economic development financial incentive grant.

2004-57—Adds Code §§ 18-270—18-281.

2004-58—Adds Code §§ 18.3-211—18.3-222.

04-59—A Ord. No. 88-77, Crossings Development of Regional Impact.

04-60—A Ord. Nos. 92-03, 93-21, 2015 Comprehensive Plan.

2004-61—A Ord. Nos. 92-03, 2015 Comprehensive Plan.

04-62—Rezoning.

04-63—Rezoning.

04-64—Rezoning.

2004-65—A Ord. Nos. 87-45, 92-4, 93-38; Rb Ord. No. 2014-3.

2004-66—A Ord. No. 92-19, Land Development Code.

2004-67—A Ord. No. 2003-36, South Village Community Development District.

2004-68—A Ord. Nos. 92-03, 93-21, 2015 Comprehensive Plan.

2004-69—Rezoning.

2004-70—Rezoning.

2004-71—Rezoning.

2004-72—Rezoning.

2004-73—A Ord. Nos. 92-03, 2015 Comprehensive Plan.

04-74—Rezoning.

04-75—Rezoning.

04-76—Rezoning.

2005-1—A Ord. Nos. 92-03, 93-21, 2015 Comprehensive Plan.

2005-2—A Code § 2-108(a); Sb Ord. No. 2006-39.

2005-3—A Ord. No. 93-16, Land Development Regulations.

2005-4—A Ord. No. 93-16, Land Development Regulations.

2005-5—A Ord. No. 93-16, Land Development Regulations.

2005-6—A Ord. No. 93-16, Land Development Regulations.

2005-7—A Ord. No. 93-16, Land Development Regulations.

2005-8—A Ord. No. 93-16, Land Development Regulations.

2005-9—A Ord. No. 93-16, Land Development Regulations.

2005-10—A Ord. No. 93-16, Land Development Regulations.

2005-11—A Ord. No. 93-16, Land Development Regulations.

2005-12—A Ord. No. 93-16, Land Development Regulations.

2005-13—A Ord. Nos. 92-03, 93-21, 2015 Comprehensive Plan.

2005-14—A Ord. No. 93-16, Land Development Regulations.

2005-15—A Ord. No. 93-16, Land Development Regulations.

2005-16—A Ord. No. 93-16, Land Development Regulations.

2005-17—A Ord. No. 92-03, 2015 Comprehensive Plan.

2005-18—A Ord. No. 93-16, Land Development Regulations.

2005-19—A Ord. No. 92-03, 2015 Comprehensive Plan.

2005-20—A Ord. No. 88-77, Crossings Development of Regional Impact.

2005-21—A Ord. No. 2003-30; Ab Ord. Nos. 2005-43, 2009-30, 2014-10.

05-22—Rezoning.

05-23—Rezoning.

05-24—Rezoning.

2005-25—A Ord. No. 92-03, 2015 Comprehensive Plan.

05-26—Rezoning.

05-27—Rezoning.

05-28—Rezoning.

2005-29—A Code § 2-1; Ab Ord. No. 2007-39.

2005-30—A Code § 2-1.6; Ab Ord. No. 2007-38.

2005-31—Adds Code Ch. 7.1.

2005-32—A Ord. No. 92-03, 2015 Comprehensive Plan.

2005-33—A Ord. No. 92-03, 2015 Comprehensive Plan; Ab Ord. Nos. 2007-41, 2007-42, 08-39, 2012-29, 2013-2.

2005-34—A Ord. No. 92-03, 2015 Comprehensive Plan.

05-35—A Code §§ 2-28, 2-29.

2005-36—A Ord. No. 92-03, 2015 Comprehensive Plan.

2005-37—Rezoning.

2005-38—Rezoning.

2005-39—Rezoning.

2005-40—A Ord. No. 2004-49, moratorium on rezonings.

05-41—A Ord. No. 93-16, Land Development Regulations.

05-42—A Ord. No. 88-49, Fleming Island Development of Regional Impact.

2005-43—A Ord. Nos. 2003-30, 2005-21; Ab Ord. Nos. 2009-30, 2014-10.

2005-44—A Ord. No. 93-21, 2015 Comprehensive Plan.

2005-45—A Ord. No. 93-16, Land Development Regulations.

2005-46—Rezoning.

2005-47—Ridgewood Trails Community Development District; Ab Ord. No. 2010-27.

2005-48—A Ord. No. 2003-88, Middle Village Community Development District; Ab Ord. No. 2006-20.

2005-43—A Ord. No. 99-24, Code § 2-4.2.

2005-50—A Ord. No. 92-03, 2015 Comprehensive Plan.

2005-51—Rezoning.

2005-52—Rezoning.

2005-53—Rezoning.

2005-54—Rezoning.

2005-55—Rezoning.

2005-56—A Ord. No. 93-16, Land Development Regulations.

2005-57—A Ord. No. 93-21, 2015 Comprehensive Plan.

2005-58—Rezoning.

2005-59—A Ord. No. 92-03, 2015 Comprehensive Plan.

2005-60—A Ord. No. 92-03, 2015 Comprehensive Plan.

2005-61—A Ord. No. 92-03, 2015 Comprehensive Plan.

2005-62—A Ord. No. 92-03, 2015 Comprehensive Plan.

2005-63—A Ord. No. 2004-49, moratorium on rezonings.

2005-64—A Ord. No. 92-03, 2015 Comprehensive Plan.

2005-65—Rezoning.

2005-66—Rezoning.

2005-67—Rezoning.

2005-68—Rezoning.

2005-69—Rezoning.

2005-70—Rezoning.

2005-71—A Ord. No. 92-03, 2015 Comprehensive Plan.

2005-72—A Ord. No. 92-03, 2015 Comprehensive Plan.

2005-73—A Ord. No. 93-21, 2015 Comprehensive Plan.

2005-74—Rezoning.

2005-75—Rezoning.

2005-76—Rezoning.

2005-77—Rezoning.

2006-1—A Ord. No. 93-16, Land Development Regulations.

2006-2—A Ord. No. 93-16, Land Development Regulations.

2006-3—Rezoning.

2006-4—A Ord. No. 92-03, 2015 Comprehensive Plan.

2006-5—Pine Ridge Plantation Community Development District; Ab Ord. No. 2011-35.

2006-6—A Code App. D, Art. II, Div. 3

2006-7—Rezoning.

2006-8—Rezoning.

2006-9—Rolling Hills Community Development District.

2006-10—A Ord. No. 93-21, 2015 Comprehensive Plan.

2006-11—A Ord. No. 92-03, 2015 Comprehensive Plan.

2006-12—Rezoning.

2006-13—Rezoning.

2006-14—Rezoning.

2006-15—Rezoning.

2006-16—Rezoning.

2006-17—Rezoning.

06-18—A Ord. No. 98-12, Fleming Island Development.

2006-19—A Ord. No. 92-03, 2015 Comprehensive Plan.

2006-20—A Ord. No. 2003-88, Middle Village Community Development District.

2006-21—A Code § 10-91.

2006-22—Rezoning.

2006-23—Rezoning.

2006-24—Rezoning.

2006-25—A Ord. No. 93-16, Land Development Regulations.

2006-26—A Ord. No. 93-16, Land Development Regulations.

2006-27—Twin Creeks Community Development District.

2006-28—Economic Development Financial Incentive Grant.

2006-29—Rezoning.

2006-30—Rezoning.

2006-31—Rezoning.

2006-32—Rezoning.

2006-33—A Ord. No. 99-46, Village of Argyle Forest Development of Regional Impact.

2006-34—A Ord. No. 92-03, 2015 Comprehensive Plan.

2006-35—A Ord. No. 92-03, 2015 Comprehensive Plan.

2006-36—A Ord. No. 92-03, 2015 Comprehensive Plan.

2006-37—A Ord. No. 2004-49, moratorium on rezonings.

2006-38—A Ord. No. 93-16, Land Development Regulations.

2006-39—A Code §§ 2-101—2-114; S Ord. Nos. 88-27, 94-05, 94-23, 2004-44, 2005-2.

2006-40—A Ord. No. 92-19, Land Development Code.

06-41—A Ord. No. 04-18, Land Development Regulations.

2006-42—Rezoning.

2006-43—Rezoning.

2006-44—Adds Code App. A, § 5(3)(c).

2006-45—A Ord. No. 92-03, 2015 Comprehensive Plan.

2006-46—Rezoning.

2006-47—Rezoning.

2006-48—A Ord. No. 93-16, Land Development Regulations.

2006-49—A Ord. No. 93-16, Land Development Regulations.

2006-50—A Ord. No. 93-16, Land Development Regulations.

2006-51—A Ord. No. 93-16, Land Development Regulations.

2006-52—A Ord. No. 93-21, 2015 Comprehensive Plan.

2006-53—A Code § 10-71; adds §§ 10-124—10-150.

2006-54—Rezoning.

2006-55—Rezoning.

2006-56—Rezoning.

06-57—A Ord. No. 88-77, Crossings Development of Regional Impact.

06-58—A Ord. No. 92-03, 2015 Comprehensive Plan.

2006-59—Adds Code §§ 19-442—19-460.

2006-60—A Ord. No. 92-03, 2015 Comprehensive Plan.

2006-61—A Ord. No. 92-03, 2015 Comprehensive Plan.

2006-62—A Ord. No. 92-03, 2015 Comprehensive Plan.

2006-63—A Ord. No. 92-03, 2015 Comprehensive Plan.

06-64—A Ord. No. 93-16, Land Development Regulations; Ab Ord. Nos. 2007-41, 2007-42, 07-52, 08-39, 2012-29.

2006-65—A Ord. No. 92-03, 2015 Comprehensive Plan.

2006-66—Rezoning.

2006-67—Adds Code § 13-4.

2006-68—A Ord. No. 04-35, Land Development Code; Ab Ord. No. 08-46.

2006-69—A Ord. No. 92-19, Land Development Code.

2007-1—A Ord. No. 93-21, 2015 Comprehensive Plan.

07-2—A Ord. No. 93-16, Land Development Regulations.

07-3—Rezoning.

07-4—Rezoning.

07-5—Rezoning.

07-6—Rezoning.

07-7—Rezoning.

2007-8—A Ord. No. 93-16, Land Development Regulations.

2007-9—Rezoning.

2007-10—Rezoning.

2007-11—Rezoning.

2007-12—A Ord. No. 92-03, 2015 Comprehensive Plan.

07-13—A Res. 06/07-12, Saratoga Springs Development of Regional Impact.

07-14—A Code §§ 7.3-1—7.3-18.

2007-15—Rezoning moratorium.

2007-16—Rezoning.

2007-17—Rezoning.

2007-18—Rezoning.

2007-19—Rezoning.

2007-20—Rezoning.

2007-21—Rezoning.

2007-22—Rezoning.

2007-23—A Ord. No. 92-03, 2015 Comprehensive Plan.

07-24—A Ord. No. 93-16, Land Development Regulations.

2007-25—A Code § 18.3-1.

2007-26—Rezoning.

2007-27—Rezoning.

2007-28—A Ord. No. 92-03, 2015 Comprehensive Plan.

2007-29—A Ord. No. 92-03, 2015 Comprehensive Plan.

2007-30—A Ord. No. 92-03, 2015 Comprehensive Plan.

2007-31—A Ord. No. 92-03, 2015 Comprehensive Plan.

2007-32—A Ord. No. 92-03, 2015 Comprehensive Plan.

2007-33—A Ord. No. 92-03, 2015 Comprehensive Plan.

2007-34—A Ord. No. 93-16, Land Development Regulations.

2007-35—A Code §§ 2-28, 2-29.

2007-36—Adds Code §§ 18.3-230—18.3-253.5.

2007-37—Adds Code §§ 2-201—2-210. Ab Ord. No. 2019-18.

2007-38—A Code § 2-1.6.

2007-39—A Code § 2-1.

2007-40—A Ord. No. 92-03, 2015 Comprehensive Plan.

2007-41—A Ord. No. 93-16, Land Development Regulations.

2007-42—A Ord. No. 93-16, Land Development Regulations.

2007-43—Rezoning.

2007-44—Rezoning.

2007-45—Willford Place Community Development District; Rb Ord. No. 2010-42.

2007-46—Rezoning.

2007-47—Rezoning.

2007-48—A Ord. No. 96-8, Land Development Code.

2007-49—A Ord. No. 93-16, Land Development Regulations.

2007-50—Comprehensive Plan; amends Five-Year Schedule of Capital Improvements; A Ord. No. 93-21.

2007-51—Rezoning.

07-52—A Ord. No. 06-64, Land Development Regulations.

2007-53—A Ord. No. 92-03, 2015 Comprehensive Plan.

2007-54—A Ord. No. 92-03, 2015 Comprehensive Plan.

2007-55—A Ord. No. 92-03, 2015 Comprehensive Plan.

2007-56—Rezoning.

2007-57—Rezoning.

07-58—A Ord. No. 93-16, Land Development Regulations.

07-59—A Ord. No. 93-16, Land Development Regulations.

07-60—A Ord. No. 04-18, Land Development Regulations.

2007-61—A Code §§ 2-107, 2-108, 2-110, 2-113—2-117.

2007-62—A Code §§ 12-21, 12-22, 12-24—12-28, 12-30, 12-33.

2007-63—Kindlewood Community Development District; Rb Ord. No. 10-24.

2007-64—Rezoning.

07-65—A Code §§ 12-54, 12-55, 12-56, 12-57.

2007-66—A Ord. No. 93-16, Land Development Regulations.

2007-67—A Code § 6-6.

07-68—A Code §§ 5-20—5-30.

2007-69—Proposed Charter amendments.

2008-1—Rezoning.

2008-2—Rezoning.

2008-3—A Ord. No. 92-03, 2015 Comprehensive Plan.

2008-4—A Ord. No. 2003-36, community development district.

2008-5—Rezoning.

2008-6—Rezoning.

2008-7—Rezoning.

2008-8—Rezoning.

2008-9—Rezoning.

08-10—A Code §§ 4-17, 4-30(a); Ab Ord. No. 2018-22.

2008-11—Adds Code §§ 16-81—16-116; Ab Ord. Nos. 2008-30, 2012-19, 2017-30, 2018-14, 2019-26.

2008-12—Rezoning.

2008-13—A Ord. No. 92-03, 2015 Comprehensive Plan.

2008-14—A Ord. No. 92-03, 2015 Comprehensive Plan.

2008-15—A Ord. No. 92-03, 2015 Comprehensive Plan.

2008-16—A Ord. No. 92-03, 2015 Comprehensive Plan.

2008-17—A Ord. No. 94-10, Land Development Code.

2008-18—Rezoning.

2008-19—Rezoning.

2008-20—Rezoning.

2008-21—Rezoning.

2008-22—A Ord. No. 88-49, development of regional impact.

2008-23—Rezoning.

2008-24—Rezoning.

2008-25—A Comprehensive Plan.

2008-26—Rezoning.

2008-27—Rezoning.

2008-28—Rezoning.

2008-29—Rezoning.

2008-30—A Ord. No. 2008-11, Code §§ 16-81—16-116; Ab Ord. Nos. 2009-11, 2009-26, 2010-55, 2011-21, 2011-31, 2012-19, 2013-8, 2014-13, 2015-14, 2019-26.

2008-31—A Land Development Code; Ab Ord. Nos. 2009-8, 2009-9.

2008-32—A Ord. No. 92-03, 2015 Comprehensive Plan.

2008-34—A Ord. No. 92-03, 2015 Comprehensive Plan; Rb Ord. No. 2009-23.

2008-35—Rezoning.

2008-36—A Code §§ 18-202, 18-206(3), (10)—(12).

2008-37—A Ord. No. 93-21, 2015 Comprehensive Plan.

2008-38—Code §§ 6-105—6-123.

08-39—A Ord. No. 93-16, Land Development Regulations.

08-40—A Ord. No. 93-16, Land Development Regulations.

2008-41—A Ord. Nos. 93-16, 94-10, Land Development Regulations.

2008-42—Rezoning.

2008-43—Rezoning.

2008-44—Rezoning.

08-45—A Ord. No. 92-19, Land Development Code.

08-46—A Ord. No. 2004-45, Land Development Code.

2008-47—Rezoning.

2008-48—Rezoning.

2008-49—A Land Development Code.

2008-50—Rezoning.

2008-51—Rezoning.

2008-52—A Ord. No. 92-03, 2015 Comprehensive Plan.

2008-53—A Ord. No. 92-03, 2015 Comprehensive Plan.

2008-54—A Ord. No. 92-03, 2015 Comprehensive Plan.

2008-55—A Ord. No. 92-03, 2015 Comprehensive Plan.

2008-56—A Ord. No. 92-03, 2015 Comprehensive Plan.

2008-57—A Ord. No. 92-03, 2015 Comprehensive Plan.

2008-58—A Ord. No. 92-03, 2015 Comprehensive Plan.

2008-59—A Ord. No. 92-03, 2015 Comprehensive Plan.

2008-60—A Ord. No. 92-03, 2015 Comprehensive Plan.

2008-61—A Ord. No. 92-03, 2015 Comprehensive Plan.

2008-62—A Ord. No. 92-03, 2015 Comprehensive Plan; Ab Ord. Nos. 09-16, 09-33.

2008-63—A Ord. No. 93-16, Land Development Regulations.

2009-1—Rezoning.

2009-2—Rezoning.

2009-3—Rezoning.

2009-4—Rezoning.

2009-5—Rezoning.

2009-6—A Ord. No. 94-10, Land Development Code.

2009-7—A Ord. No. 95-44, Land Development Code.

2009-8—A Ord. No. 2008-31, Land Development Code.

2009-9—A Ord. No. 2008-31, Land Development Code.

2009-10—Rezoning.

2009-11—A Ord. No. 2008-30, moratorium on collection of fees; Ab Ord. No. 2010-55, 2011-21, 2012-19, 2013-8.

2009-12—A Ord. No. 93-16, Land Development Regulations.

2009-13—Adds Code § 16-3.

2009-14—A Ord. No. 2003-19, Land Development Code.

2009-15—A Code § 6-42.

2009-16—A Ord. No. 08-62, 2015 Comprehensive Plan (CIE).

- 2009-17—Rezoning.
- 2009-18—A Ord. No. 92-03, 2015 Comprehensive Plan.
- 2009-19—A Ord. Nos. 93-16, 94-10, Land Development Code.
- 2009-20—A Ord. No. 93-16, Land Development Code.
- 2009-21—A Land Development Code.
- 2009-22—A Ord. No. 96-08, Land Development Code.
- 2009-23—R Ord. No. 2008-34, 2015 Comprehensive Plan amendment.
- 2009-24—Rezoning.
- 2009-25—A Land Development Code.
- 2009-26—A Ord. No. 2008-30, Transportation impact fees.
- 2009-27—A Ord. No. 92-03, 2015 Comprehensive Plan.
- 2009-28—A 2015 Comprehensive Plan.
- 2009-29—Development approval; Ab Ord. No. 2017-45.
- 2009-30—Adds Code § 16-71; A Ord. Nos. 2003-30, 2005-21, 2005-43, 2009-30; Ab 2014-10. 16-71.
- 2009-31—Rezoning.
- 2009-32—A Ord. No. 92-17, Comprehensive Plan.
- 2009-33—A Ord. No. 08-62, 2015 Comprehensive Plan (CIE).
- 2009-34—A Code § 15-3.3.
- 2009-35—A Code § 2-1.1.
- 2009-36—A Code §§ 6-105, 6-112, 6-120, 6-123; deletes Code §§ 6-115—6-119.
- 2009-37—Rezoning.
- 2009-38—Rezoning.
- 2009-39—Capital improvement schedules/tables.
- 2009-40—A Code § 15-5.
- 09-41—R Ord. No. 92-03, Comprehensive Plan; adopts 2025 Comprehensive Plan; Ab Ord. Nos. 09-42, 09-43, 09-44, 09-45, 09-46, 2009-64, 2009-65, 2010-7, 2010-8, 2010-9, 2010-10, 2010-14, 2010-31, 2010-32, 2010-33, 2010-34, 2010-35, 2010-36, 2010-37, 2010-38, 2010-39, 2010-40, 2010-41, 2010-52; 2011-7, 2011-23, 2011-32, 2012-4, 2012-5, 2012-20, 2012-26, 2012-30, 2013-12, 2013-13, 2013-16, 2013-19, 2014-1, 2014-17, 2014-23, 2014-26, 2014-29, 2015-6, 2015-6A, 2015-15, 2015-17, 2017-7, 2017-11, 2017-12, 2017-21, 2017-25, 2017-28, 2017-33, 2017-35, 2017-36, 2017-39, 2017-40, 2017-44, 2018-11, 2018-19A, 2018-25; Rb Ord. No. 2018-31.
- 09-42—A Ord. No. 09-41, 2025 Comprehensive Plan.
- 09-43—A Ord. No. 09-41, 2025 Comprehensive Plan.
- 09-44—A Ord. No. 09-41, 2025 Comprehensive Plan.

09-45—A Ord. No. 09-41, 2025 Comprehensive Plan.

09-46—A Ord. No. 09-41, 2025 Comprehensive Plan.

2009-47—Rezoning.

2009-48—A Ord. No. 99-46, Development of regional impact.

2009-49—Rezoning.

2009-50—A Land Development Code.

2009-51—A Ord. No. 96-8, Land Development Code.

2009-52—A Land Development Code; Ab Ord. Nos. 2011-4, 2011-5, 2011-22, 2012-1, 2013-21, 2015-1.

2009-53—A Code § 5-23.

2009-54—A Code §§ 7-2—7-6, 7-8—7-10, 7-31, 7-34, 7-35, 7-65, 7-111, 7-121, 7-131.

2009-55—Rezoning.

2009-56—Rezoning.

2009-57—Rezoning.

2009-58—Rezoning.

2009-59—A Development of regional impact order.

2009-60—A Ord. Nos. 93-16, 94-10, Land Development Code.

2009-61—A Code § 3-1. Ab Ord. No. 2019-11, 2019-19, 2020-1.

2009-62—Adopts public employer deferred compensation plan.

2009-63—Rezoning.

2009-64—A Ord. Nos. 92-03, 2009-41, Comprehensive Plan.

2009-65—A Ord. Nos. 92-03, 2009-41, Comprehensive Plan.

2009-66—A Ord. No. 93-16, Land Development Code.

2010-1—A Code § 15-5.

2010-2—Rezoning.

2010-3—Rezoning.

2010-4—Rezoning.

2010-5—A Ord. No. 93-16, Land Development Code.

2010-6—A Land Development Code.

2010-7—A Ord. No. 2009-41, Comprehensive Plan.

2010-8—A Ord. No. 2009-41, Comprehensive Plan.

2010-9—A Ord. No. 2009-41, Comprehensive Plan.

2010-10—A Ord. No. 2009-41, Comprehensive Plan.

2010-11—A Ord. No. 93-16, Land Development Code.

2010-12—A Code § 2-11.

2010-13—A Code §§ 18.5-71—18.5-79.

2010-14—A Ord. No. 2009-41, Comprehensive Plan.

2010-15—A Land Development Code; Ab Ord. Nos. 2011-1, 2011-12, 2012-3, 2012-7, 2012-12, 2013-21, 2017-15, 2019-31.

2010-16—A Land Development Code; Ab Ord. Nos. 2018-12, 2018-27, 2018-34.

2010-17—A Land Development Code; Ab Ord. No. 2018-30.

2010-18—Rezoning.

2010-19—Rezoning.

2010-20—A Code § 4-29.

2010-21—A Ord. No. 93-16, Land Development Code.

2010-22—A Ord. No. 92-18, Land Development Code.

2010-23—A Code § 7-31.

2010-24—R Ord. No. 2007-63, Kindlewood Community Development District.

2010-25—A Ord. No. 93-16, Land Development Code.

2010-26—A Ord. No. 93-16, Land Development Code.

2010-27—A Ord. No. 2005-47, Ridgewood Trails Community Development District.

2010-28—Rezoning.

2010-29—Rezoning.

2010-30—Amends Land Development Code.

2010-31—A Ord. No. 09-41, 2025 Comprehensive Plan.

2010-32—A Ord. No. 09-41, 2025 Comprehensive Plan.

2010-33—A Ord. No. 09-41, 2025 Comprehensive Plan.

2010-34—A Ord. No. 09-41, 2025 Comprehensive Plan.

2010-35—A Ord. No. 09-41, 2025 Comprehensive Plan.

2010-36—A Ord. No. 09-41, 2025 Comprehensive Plan.

2010-37—A Ord. No. 09-41, 2025 Comprehensive Plan.

2010-38—A Ord. No. 09-41, 2025 Comprehensive Plan.

2010-39—A Ord. No. 09-41, 2025 Comprehensive Plan.

2010-40—A Ord. No. 09-41, 2025 Comprehensive Plan.

2010-41—A Ord. No. 09-41, 2025 Comprehensive Plan.

2010-42—R Ord. No. 2007-45, Dissolution of Willford Place Community Development District.

2010-43—Rezoning.

2010-44—A Ord. No. 93-16, Land Development Code.

2010-45—Rezoning.

2010-46—Rezoning.

2010-47—Rezoning.

2010-48—Rezoning.

2010-49—Amends Land Development Code.

2010-50—A Ord. No. 92-19, Land Development Code.

2010-51—Amends Land Development Code.

2010-52—A Ord. No. 09-41, 2025 Comprehensive Plan.

2010-53—Rezoning.

2010-54—A Ord. No. 93-16, Land Development Code.

2010-55—A Ord. No. 2009-11, extends moratorium; Ab Ord. No. 2011-21, 2012-19, 2013-8.

2011-1—A Ord. Nos. 2015-15, 93-16, Land Development Code.

2011-2—A Ord. No. 93-16, Land Development Code.

2011-3—Rezoning.

2011-4—A Ord. No. 2009-52, Land Development Code.

2011-5—A Ord. No. 2009-52, Land Development Code; Ab Ord. No. 2012-24.

2011-6—A Ord. No. 93-16, Land Development Code.

2011-7—A Ord. No. 09-41, 2025 Comprehensive Plan.

2011-8—A Ord. No. 93-16, Land Development Code.

2011-9—R Ord. No. 89-28; A Ord. No. 2010-16, Land Development Code.

2011-10—A Ord. No. 91-54; Ab. 2011-13, 2012-35.

2011-11—A Ord. No. 04-18, Land Development Code.

2011-12—A Ord. No. 2010-16, Land Development Code.

2011-13—A Ord. No. 91-54, 2011-10; Ab Ord. No. 2012-35.

2011-14—A Ord. No. 93-16, Land Development Code.

2011-15—Rezoning.

2011-16—Rezoning.

2011-17—A Ord. No. 93-16, Land Development Code.

2011-18—A Code §§ 18.3-41—18.3-44; Ab Ord. No. 2017-20.

- 2011-19—A Code § 15-9.
- 2011-20—A Ord. No. 04-18, Land Development Code.
- 2011-21—A Ord. No. 2010-55, extends moratorium; Ab Ord. No. 2012-19, 2013-8.
- 2011-22—A Ord. No. 2009-52, Land Development Code.
- 2011-23—A Ord. No. 2009-41, Comprehensive Plan.
- 2011-24—Rezoning.
- 2011-25—A Code §§ 7.1-1(d)–(n), 7.1-3, adds §§ 7.1-7(a)(5), 7.1-10.
- 2011-26—R Code § 15-1.
- 2011-27—R Code § 15-2.
- 2011-28—A Code § 7.1-6(b)(1).
- 2011-29—Temporary moratorium on issuance or approval of any permit, license, rezoning, etc., relating to game rooms, arcades, internet cafes, and sweepstakes redemption centers or establishments using slot machines or similar equipment; Ab Ord. No. 2011-33.
- 2011-30—Adds Code § 2-118.
- 2011-31—Adds Code § 16-83(u).
- 2011-32—A Ord. No. 2009-41, Comprehensive Plan.
- 2011-33—A Ord. No. 2011-29, temporary moratorium.
- 2011-34—A Ord. No. 93-16, Land Development Regulations.
- 2011-35—A Ord. No. 2006-5, Pine Ridge Plantation Community Development District boundaries.
- 2012-1—A Ord. No. 2009-52, Land Development Code.
- 2012-2—Adds Code §§ 12-151–12-161, 12-171–12-180.
- 2012-3—A Ord. No. 2010-15, Land Development Code.
- 2012-4—A Ord. No. 2009-41, Comprehensive Plan.
- 2012-5—A Ord. No. 2009-41, Comprehensive Plan.
- 2012-6—Rezoning.
- 2012-7—A Ord. No. 2010-15, Land Development Code.
- 2012-8—A Ord. No. 93-16, Land Development Regulations.
- 2012-9—A Ord. No. 88-77, development of regional impact.
- 2012-10—Rezoning.
- 2012-11—Rezoning.
- 2012-12—A Ord. Nos. 2015-15 and 96-8, Land Development Code.
- 2012-13—A Ord. No. 93-16, Land Development Regulations.

2012-14—A Ord. No. 93-16, Land Development Regulations.

2012-15—A Code § 10-91.

2012-16—Rezoning.

2012-17—A Ord. No. 93-16, Land Development Regulations.

2012-18—A Code § 2-9

2012-19—A Ord. No. 2011-21, further extends moratorium; Ab Ord. No. 2013-8.

2012-20—A Ord. No. 2009-41, Comprehensive Plan.

2012-21—Rezoning.

2012-22—Rezoning.

2012-23—Rezoning.

2012-24—A Ord. No. 2011-5, Land Development Code.

2012-25—Rezoning.

2012-26—A Ord. No. 2009-41, Comprehensive Plan.

2012-27—A Ord. No. 93-16, Land Development Regulations.

2012-28—Rezoning.

2012-29—A Ord. No. 2006-64, Land Development Regulations.

2012-30—A Ord. No. 2009-41, Comprehensive Plan.

2012-31—Rezoning.

2012-32—A Ord. No. 93-16, Land Development Regulations.

2012-33—A Res. No. 2006-12, development order for development of regional impact.

2012-34—Rezoning.

2012-35—A Ord. Nos. 79-15, 91-54, 2011-10, 2011-13.

2012-36—A Code § 2-4.1.

2012-37—A Ord. No. 93-16, Land Development Regulations.

2013-1—A Ord. No. 2004-34, Land Development Regulations.

2013-2—A Ord. No. 2005-33, Comprehensive Plan; Ab. Ord. No. 2013-16.

2013-3—A Ord. No. 93-16, Land Development Regulations.

2013-4—A Ord. No. 93-16, Land Development Regulations.

2013-5—A Ord. No. 2004-34, Land Development Regulations.

2013-7—A Ord. No. 03-66, Comprehensive Plan.

2013-8—A Ord. No. 2008-30, Extends moratorium.

2013-9—A Ord. No. 93-16, Land Development Regulations.

2013-10—A Ord. No. 93-16, Land Development Regulations.

2013-11—A Ord. No. 93-16, Land Development Regulations.

2013-12—A Ord. No. 09-41, Comprehensive Plan.

2013-13—A Ord. No. 09-41, Comprehensive Plan.

2013-14—A Ord. No. 93-16, Land Development Regulations.

2013-15—Land Development Regulations; A Ord. Nos. 93-16, 03-66, 04-18.

2013-16—Comprehensive Plan; A Ord. Nos. 09-41, 2013-2.

2013-17—A Code §§ 16-60, 16-61, 16-70.

2013-18—A Ord. No. 93-16, Land Development Regulations.

2013-19—A Ord. No. 09-41, Comprehensive Plan.

2013-20—A Ord. No. 93-16, Land Development Regulations.

2013-21—Land Development Regulations; A Ord. Nos. 93-16, 2009-52, 2010-15.

2013-22—A Ord. No. 99-46, Village of Argyle Forest Development of Regional Impact.

2013-23—A Ord. No. 93-16, Land Development Regulations.

2013-24—A Ord. No. 99-46, Village of Argyle Forest Development of Regional Impact.

2013-25—A Ord. No. 93-16, Land Development Regulations.

2013-26—A Ord. No. 93-16, Land Development Regulations.

2013-27—A Ord. No. 93-16, Land Development Regulations.

2014-1—A Ord. No. 09-41.

2014-2—Code Enforcement; S Ord. No. 2006-39.

2014-3—Floodplain management regulations; R Ord. Nos. 87-45, 92-4, 93-38, 2002-44 2004-65; Ab Ord. No. 2014-6.

2014-4—Local amendments to the Florida Building Code.

2014-5—A Ord. No. 93-16, Land Development Regulations.

2014-6—A Ord. No. 2014-3.

2014-7—A Ord. No. 93-16, Land Development Regulations.

2014-8—A Ord. No. 2004-34.

2014-9—A Ord. No. 93-16, Land Development Regulations.

2014-10—A Ord. Nos. 2003-30, 2005-21, 2005-43, 2009-30.

2014-11—A Ord. No. 93-16, Land Development Regulations.

2014-12—A Ord. No. 93-16, Land Development Regulations.

2014-13—A Ord. No. 2008-30.

2014-14—A Ord. No. 2004-34.

2014-15—Adds Code § 15-10.

2014-16—A Ord. No. 93-16, Land Development Regulations.

2014-17—A Ord. No. 09-41.

2014-18—A Ord. No. 93-16.

2014-19—A Ord. No. 93-16.

2014-20—A Ord. No. 93-16.

2014-21—A Code § 3-1(c); A Ord. No. 79-15. Ab Ord. Nos. 2019-11, 2019-19, 2020-1.

14-22—A Ord. No. 88-77.

2014-23—A Ord. No. 09-41.

2014-24—A Ord. No. 93-16.

2014-25—A Ord. No. 93-16.

2014-26—A Ord. No. 09-41.

2014-27—A Code § 2-115.

2014-28—A Code §§ 7-2, 7-92.

2014-29—A Ord. No. 09-41.

2014-30—A Ord. No. 2004-34.

14-31—A Ord. No. 88-77.

2014-32—A Ord. No. 93-16.

2015-1—A Ord. No. 2009-52.

2015-2—A Ord. No. 2004-34.

2015-3—A Ord. No. 93-16.

2015-4—A Code § 6-42.

2015-5—A Ord. No. 93-16.

2015-6—A Ord. No. 09-41.

2015-6A—A Ord. No. 09-41.

2015-7—A Ord. No. 93-16.

2015-8—Adds Code ch. 2.3.

2015-9—Adds Code ch. 2.4.

2015-10—A Ord. No. 99-46.

2015-11—A Ord. No. 93-16.

2015-12—A Ord. No. 93-16.

2015-13—A Ord. No. 93-16.

2015-14—A Ord. No. 2008-30.

2015-15—A Ord. No. 09-41.

2015-16—Adds Code § 4-33.1; R Ord. No. 2001-41.

2015-17—A Ord. No. 09-41.

2015-18—R Ord. Nos. 84-26, 85-30, 87-91.

2015-19—A Ord. No. 93-16.

2015-20—A Ord. No. 93-16.

2015-21—A Ord. No. 2009-41.

2015-22—A Ord. No. 09-41.

2015-23—A Ord. No. 93-16.

2015-24—A Ord. No. 93-16.

2015-25—A Ord. No. 93-16, Land Development Regulations.

2015-26—A Ord. No. 88-49; A Ord. No. 93-12

2015-27—A Ord. No. 09-41.

2015-28—A Ord. No. 04-18, Land Development Regulations.

2015-29—Clay County Challenger Center Development Municipal Service Taxing Unit.

2015-30—A Ord. No. 93-16.

2015-31—A Ord. No. 93-16.

2015-32—A Ord. No. 93-16.

2015-33—A Ord. No. 93-16.

2015-34—A Ord. No. 2008-30.

2016-2—A Ord. No. 04-58.

2016-3—A Ord. No. 93-16.

2016-4—A Ord. No. 2004-34.

2016-5—A Ord. No. 09-41.

2016-6—A Ord. No. 93-16.

2016-7—A Ord. No. 09-41.

2016-8—Regional Impact; A Ord. No. 88-87

2016-9—Amends zoning and land use regulations; A Ord. No. 93-16

2016-10—Amends zoning and land use regulations; A Ord. No. 93-16

2016-11—A Ord. No. 09-41, Comprehensive Plan, A Ord. No. 2009-41

2016-12—Amends zoning and land use regulations; A Ord. No. 93-16

2016-13—Amends zoning and land use regulations; A Ord. No. 93-16

2016-14—A Ord. No. 09-41, Comprehensive Plan

2016-15—Amends zoning and land use regulations; A Ord. No. 93-16

2016-16—A Ord. No. 93-12

2016-17—Amends zoning and land use regulations; A Ord. No. 93-16

2016-18—Amends zoning and land use regulations; A Ord. No. 93-16

2016-19—Amends zoning and land use regulations; A Ord. No. 93-16

2016-20—Sales surtax; A Ord. No. 89-81

2016-21—A Res. 06/07-12, Saratoga Springs Development of Regional Impact.

2016-22—A Ord. No. 2003-36, South Village community development district.

2016-23—Establishment of a new community development district; Ab Ord. No. 2018-40

2016-24—Amends zoning and land use regulations; A Ord. No. 93-16

2016-25—A Ord. No. 09-41, Comprehensive Plan

2016-26—Amends zoning and land use regulations; A Ord. No. 93-16

2016-27—Temporary structures on polling places

2016-28—Amends zoning and land use regulations; A Ord. No. 93-16

2016-29—Regional Impact; A Ord. No. 88-77

2016-30—Amends zoning and land use regulations; A Ord. No. 93-16

2016-31—A Ord. No. 09-41, Comprehensive Plan

2016-32—A Ord. No. 03-19

2016-33—Amends zoning and land use regulations; A Ord. No. 93-16

2016-34—Adopts new article regarding property safety and maintenance.

2016-35—A Restrictions on purchasing.

2016-36—Amends zoning and land use regulations; A Ord. No. 93-16.

2016-37—A Ord. No. 09-41, Comprehensive Plan.

2016-38—Amends zoning and land use regulations; A Ord. No. 93-16.

2016-39—Amends zoning and land use regulations; A Ord. No. 93-16.

2016-40—Amends zoning and land use regulations; A Ord. No. 93-16.

2016-41—Amends zoning and land use regulations; A Ord. No. 93-16.

2016-42—A Ord. No. 09-41, Comprehensive Plan.

2016-43—Amends zoning and land use regulations; A Ord. No. 93-16.

2016-44—Amends zoning and land use regulations; A Ord. No. 93-16.

2016-45—Amends zoning and land use regulations; A Ord. No. 93-16.

2016-46—A Ord. No. 2009-41.

2016-47—Amends zoning and land use regulations; A Ord. No. 93-16.

2016-48—A Ord. No. 09-41, Comprehensive Plan.

2016-49—Amends zoning and land use regulations; A Ord. No. 93-16.

2016-50—A Ord. No. 2008-30, 2009-11, 2010-55, 2011-21, 2012-19, 2013-8, 2014-13, 2015-14, 2015-34.

2017-1—A Ord. No. 03-66, 04-18.

2017-2—A Ord. No. 09-41, Comprehensive Plan.

2017-3—Amends zoning and land use regulations; A Ord. No. 93-16.

2017-4—Amends zoning and land use regulations; A Ord. No. 93-16.

2017-5—Amends zoning and land use regulations; A Ord. No. 93-16.

2017-6—Imposes moratorium on the operation of medical marijuana treatment centers and licensed dispensing organizations.

2017-7—A Ord. No. 09-41, 2025 Comprehensive Plan.

2017-8—Amends zoning and land use regulations; A Ord. No. 93-16.

2017-9—Rezoning.

2017-10—Rezoning.

2017-11—A Ord. No. 09-41, 2025 Comprehensive Plan.

2017-12—A Ord. No. 09-41, 2025 Comprehensive Plan.

2017-13—Amends zoning and land use regulations; A Ord. No. 93-16.

2017-14—Imposing fuel tax levy.

2017-15—Amends zoning and land use regulations; A Ord. Nos. 93-16, 2010-15.

2017-16—Adds Code § 10-91(e); A Ord. No. 93-19.

2017-17—Amends zoning and land use regulations; A Ord. No. 93-16.

2017-18—Amends zoning and land use regulations; A Ord. No. 93-16.

2017-19—Amends zoning and land use regulations; A Ord. No. 93-16.

2017-20—Repeals Code § 18.3-44; A Ord. No. 2011-18.

2017-21—A Ord. No. 09-41, 2025 Comprehensive Plan.

2017-22—Amends zoning and land use regulations; A Ord. No. 93-16.

2017-23—Amends zoning and land use regulations; A Ord. No. 93-16.

2017-24—Amends zoning and land use regulations; A Ord. No. 93-16.

2017-25—A Ord. No. 09-41, 2025 Comprehensive Plan.

2017-26—Adds Code § 15-11.

2017-27—A Ord. No. 79-15, Code Ch. 3, Art. I; Ab Ord. Nos. 2019-11, 2019-19, 2020-1.

2017-28—A Ord. No. 09-41, 2025 Comprehensive Plan.

2017-29—A Ord. No. 03-30, Code Ch. 16, Art VI.

2017-30—A Ord. No. 08-11; Code Ch. 16, Art V; Ab Ord. No. 2018-14, 2019-26.

2017-31—A Ord. No. 88-69, § 5, Code § 18.3-71.

2017-32—A Ord. No. 88-69, § 5, Code § 18.3-71.

2017-33—A Ord. No. 09-41, 2025 Comprehensive Plan.

2017-34—Rezoning.

2017-35—A Ord. No. 09-41, 2025 Comprehensive Plan.

2017-36—A Ord. No. 09-41, 2025 Comprehensive Plan.

2017-37—A Ord. No. 90-41; R Code § 15-3.1.

2017-38—A Ord. No. 93-6; Code §§ 15.5-22, 15.5-23, 15.5-30; R 15.5-31—15.5-38.

2017-39—A Ord. No. 09-41, 2025 Comprehensive Plan.

2017-40—A Ord. No. 09-41, 2025 Comprehensive Plan.

2017-41—Rezoning.

2017-42—Rezoning.

2017-43—Rezoning.

2017-44—A Ord. No. 09-41, 2025 Comprehensive Plan.

2017-45—A Ord. No. 2009-29.

2018-1—Rezoning.

2018-2—Rezoning.

2018-3—A Ord. No. 93-16, Land Development Code.

2018-4—Rezoning.

2018-5—A Ord. No. 93-16, Land Development Code.

2018-6—A Ord. No. 93-16, Land Development Regulations.

2018-7—A Ord. No. 88-77, Developmental Order for the Crossings at Fleming Island Development of Regional Impact.

2018-8—Rezoning.

2018-9—A Ord. No. 95-44, Land Development Code.

2018-10—Rezoning.

2018-11—A Ord. No. 09-41, 2025 Comprehensive Plan.

2018-12—A Ord. No. 2010-16, Land Development Code.

2018-13—A Ord. No. 93-16, Land Development Regulations.

2018-14—A Ord. Nos. 08-11, 2017-30; Code §§ 16-81, 16-108. Ab Ord. No. 2019-26.

2018-15—Rezoning.

2018-16—Rezoning.

2018-17—Rezoning.

2018-18—A Res. 06/07-12, Saratoga Springs Development of Regional Impact.

2018-19A—A Ord. No. 09-41, Comprehensive Plan.

2018-20—A Ord. No. 93-16, Land Development Code.

2018-21—Rezoning.

2018-22—A Ord. Nos. 86-47, 88-55, 96-44, 01-86, 08-10; Code Ch. 4, Art. II.

2018-23—A Ord. No. 99-25; Ch. 7.3; Ab Ord. No. 2021-1.

2018-24—Rezoning.

2018-25—A Ord. No. 09-41, Comprehensive Plan.

2018-26—A Ord. No. 88-77, Developmental Order for the Crossings at Fleming Island Development of Regional Impact.

2018-27—A Ord. No. 2010-16, Land Development Code.

2018-28—A Ord. No. 93-16, Land Development Code.

2018-29—A Ord. No. 93-16, Land Development Code.

2018-30—A Ord. No. 2010-17, Bond Requirements.

2018-31—R Ord. No. 09-41, adopts 2040 Comprehensive Plan; Ab Ord. Nos. 2018-36, 2018-41, 2018-43, 2018-46, 2018-50, 2019-2, 2019-4, 2019-10, 2019-13, 2019-17, 2019-22, 2019-24, 2019-33, 2019-37, 2019-38, 2019-44, 2020-2, 2020-4, 2020-5, 2020-11, 2020-14, 2020-19; 2020-22; 2020-23; 2020-25; 2020-28; 2020-33; 2020-35; 2021-3; 2021-5; 2021-7; 2021-14; 2021-16; 2021-17.

2018-34—A Ord. No. 2010-16, Land Development Code.

2018-35—Rezoning.

2018-36—A Ord. No. 2018-31, 2040 Comprehensive Plan.

2018-37—A Ord. No. 09-41, Comprehensive Plan.

2018-38—A Ord. No. 93-16, Land Development Code.

2018-39—A Ord. No. 93-16, Land Development Code.

2018-40—A Ord. No. 2016-23.

2018-41—A Ord. No. 2018-31.

2018-42—A Ord. No. 93-16.

2018-43—A Ord. No. 2018-31; Ab Ord. No. 2018-45.

2018-45—A Ord. No. 2018-43.

2018-46—A Ord. No. 2018-31.

2018-47—A Ord. No. 2003-36.

2018-48—A Ord. No. 93-16.

2018-49—A Ord. No. 92-19.

2018-50—A Ord. No. 2018-31.

2018-51—A Ord. No. 93-16.

2018-52—A Ord. No. 93-16.

2018-53—A Ord. No. 88-49.

2019-1—A Ord. No. 93-16.

2019-2—A Ord. No. 2018-31.

2019-3—A Ord. No. 93-16.

2019-4—A Ord. No. 2018-31.

2019-5—A Ord. No. 93-6.

2019-6—Adds Code ch. 13, art. III.

2019-7—A Ord. No. 93-16.

2019-8—A Ord. No. 93-16.

2019-9—Rezoning.

2019-10—A Ord. No. 2018-31.

2019-11—A Ord. Nos. 79-15, 03-35, 09-61, 14-21, 2017-27; Ab Ord. Nos. 2019-19, 2020-1.

2019-12—Rezoning.

2019-13—A Ord. No. 2018-31.

2019-14—Rezoning.

2019-15—A Ord. No. 88-77.

2019-16—Rezoning.

2019-17—A Ord. No. 2018-31.

2019-18—A Ord. No. 2007-37.

2019-19—A Ord. Nos. 79-15, 03-35, 2009-61, 2014-21, 2017-27, 2020-1; Ab Ord. No. 2020-1.

2019-20—Rezoning.

2019-21—Rezoning.

2019-22—A Ord. No. 2018-31.

2019-23—Rezoning.

2019-24—A Ord. No. 2018-31.

2019-25—A Ord. Nos. 93-16, 2010-15.

2019-26—A Ord. Nos. 2008-11, 2008-30, 2011-31, 2017-30, 2018-14.

2019-27—A Ord. No. 99-46.

2019-28—Rezoning.

2019-29—A Ord. No. 93-16.

2019-30—Rezoning.

2019-31—A Ord. Nos. 93-16, 2010-15.

2019-32—A Ord. No. 2003-69, Capital Project and Related Service Assessment Ordinance by adding Code §§ 18.3-135, 18.3-136.

2019-33—A Ord. No. 2018-31, 2040 Comprehensive Plan.

2019-34—Rezoning.

2019-35—Rezoning.

2019-36—Rezoning.

2019-37—A Ord. No. 2018-31, 2040 Comprehensive Plan.

2019-38—A Ord. No. 2018-31, 2040 Comprehensive Plan.

2019-39—Rezoning.

2019-40—A Ord. No. 93-16, Land Development Regulations.

2019-41—Rezoning.

2019-42—Rezoning.

2019-43—Adds Code Ch. 15, Art. IV, §§ 15-41—15-49, Sexual Offenders and Sexual Predators.

2019-44—A Ord. No. 2018-31, 2040 Comprehensive Plan.

2019-45—Rezoning.

2019-46—Rezoning.

2020-1—A Code § 3-1; A Ord. Nos. 79-15, 2003-35, 2009-61, 2014-21, 2017-27, 2019-11, 2019-19.

2020-2—A Ord. No. 2018-31, 2040 Comprehensive Plan.

2020-3—Rezoning.

2020-4—A Ord. No. 2018-31, 2040 Comprehensive Plan.

2020-5—A Ord. No. 2018-31, 2040 Comprehensive Plan.

2020-6—A Ord. No. 93-16, Land Development Regulations.

2020-7—Rezoning.

2020-8—Rezoning.

2020-9—Rezoning.

2020-10—A Ord. No. 93-16, Land Development Code.

2020-11—A Ord. No. 2018-31, 2040 Comprehensive Plan.

2020-12—A Ord. No. 93-16, Land Development Code.

2020-13—A Code § 2-115.

2020-14—A Ord. No. 2018-31, 2040 Comprehensive Plan.

2020-15—A Ord. No. 93-16, Land Development Code.

2020-16—Establishes development district.

2020-17—A Ord. No. 93-16, Land Development Code.

2020-18—A Ord. No. 1996-8, Land Development Code.

2020-19—A Ord. No. 2018-31, 2040 Comprehensive Plan.

2020-20—Rezoning.

2020-21—Rezoning.

2020-22—A Ord. No. 2018-31, 2040 Comprehensive Plan.

2020-23—A Ord. No. 2018-31, 2040 Comprehensive Plan.

2020-24—A Ord. No. 99-46.

2020-25—A Ord. No. 2018-31, 2040 Comprehensive Plan..

2020-26—A Code § 2-118.

2020-27—Rezoning.

2020-28—A Ord. No. 2018-31, 2040 Comprehensive Plan.

2020-29—Rezoning.

2020-30—Rezoning.

2020-31—A Ord. No. 93-16, Land Development Code.

2020-32—A Ord. No. 93-16, Land Development Code.

2020-33—A Ord. No. 2018-31, 2040 Comprehensive Plan.

2020-34—A Ord. No. 93-16, Land Development Code.

2020-35—A Ord. No. 2018-31, 2040 Comprehensive Plan.

2020-36—A Ord. No. 93-16, Land Development Code.

2020-37—A Ord. No. 88-77.

2020-38—A Ord. No. 93-16, Land Development Code.

- 2020-39—Mobility Fee Study.
- 2020-40—A Tables 1 and 2 of Five-Year Capital Improvements Plan.
- 2020-41—A Ord. No. 93-16, Land Development Code.
- 2020-42—A Ord. No. 93-16, Land Development Code.
- 2020-43—A Ord. No. 93-16, Land Development Code.
- 2021-1—A Ord. No. 2018-23, Code § 7.3-6(d), (e).
- 2021-2—A Code § 3-1(a).
- 2021-3—A Ord. No. 2018-31, 2040 Comprehensive Plan.
- 2021-4—Rezoning.
- 2021-5—A Ord. No. 2018-31, 2040 Comprehensive Plan.
- 2021-6—A Tables 1 and 2 of the Five-Year Improvement Plan.
- 2021-7—A Ord. No. 2018-31, 2040 Comprehensive Plan.
- 2021-8—Rezoning.
- 2021-9—A Ord. No. 93-16, Land Development Code.
- 2021-10—Establishes the Anabelle Island Community Development District.
- 2021-11—A Ord. No. 93-16, Land Development Code.
- 2021-13—A Code § 11.5-58.
- 2021-14—A Ord. No. 2018-31, 2040 Comprehensive Plan.
- 2021-15—A Ord. No. 93-16, Land Development Code.
- 2021-16—A Ord. No. 2018-31, 2040 Comprehensive Plan.
- 2021-17—A Ord. No. 2018-31, 2040 Comprehensive Plan.
- 2021-18—Rezoning.
- 2021-19—Adds Code Ch. 18.3, Art. IX, §§ 18.3-224—18.3-272, Clay County Local Providers Participation Fund.
- 2021-20—Establishes the Creekview Community Development District.

Footnotes:

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Editor's note— *This appendix is a list of all ordinances adopted by the Clay County Board of Commissions, by ordinance number, subject, effect on prior legislation, if any, and effect of subsequent legislation, if any.*

Dunedin, FL - Code of Ordinances (https://library.municode.com/fl/dunedin/codes/code_of_ordinances)

Sec. 34-90. - Construction of article.

- (a) *Levy of special assessments.* This article shall not be construed to limit the city from levying special assessments and the amendments to the standard unsafe building abatement code, as adopted by the city.
- (b) *Monthly reinspection assessments.* This article shall not be construed to limit the city from imposing monthly reinspection assessments.
- (c) *Imposition of administrative fines.* This article shall not be construed to limit the city from imposing administrative fines.
- (d) *Exemptions.* This article shall not be construed to apply to property owned by the city or any other governmental entity.
- (e) *Provision of this article supplemental.* Nothing in this article shall be construed to limit the authority of the city to collect special assessments by any other method according to law.

(Ord. No. 14-05, § 2, 4-17-2014)

Melbourne, FL - Code of Ordinances (https://library.municode.com/fl/melbourne/codes/code_of_ordinances)

Sec. 13.30. - 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.

(Ord. No. 2001-66, § 2, 12-11-2001)

Sec. 13.81. - Standard Unsafe Building Abatement Code adopted.

The Standard Unsafe Building Abatement Code, 1985 edition, as published by the Southern Building Code Congress International, Inc., is hereby adopted by reference and incorporated herein, as if fully set. The Standard Unsafe Building Abatement Code is hereby amended to read as follows:

- (a) *Section 105.1.* The planning and zoning board shall serve as the board of adjustment and appeals for this code.
- (b) *Section 605.* Costs of repair or demolition; lien on property; collection.
 - (1) Upon repair or demolition of any building or structure, either with city forces or by independent contractor, all of the costs of demolition and/or repair shall be assessed against and constitute a lien on the property upon which the building or structure is/was situated. The lien shall be equal in rank, priority and dignity with the lien of Brevard County ad valorem taxes and shall be superior to all other liens, encumbrances, titles and claims in, to or against the property. Costs shall include, but not be limited to, administrative costs, attorney's fees, postage, newspaper publication fees and actual costs of physical removal and/or repair.
 - (2) The city clerk shall file such lien in the public records of Brevard County, Florida, showing the nature of the lien, the amount thereof, a legal description of the property and the owner thereof. Such liens shall bear interest from the date of filing at the highest rate allowed by law.
 - (3) The lien may be enforced in the same manner as a court judgment by the sheriffs of the State of Florida, including levy against personal property, and may also be foreclosed in the nature of a mortgage. All costs and attorney's fees incurred in collection of amounts due under any such lien shall also be secured by the property and included within the total sum due under the lien.

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

DIVISION 6. - STANDARD UNSAFE BUILDING ABATEMENT CODE

Footnotes:

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Editor's note— Section 3 of Ord. No. 91-09, enacted Jan. 29, 1991, repealed Ord. No. 87-29, adopted Dec. 22, 1987, from which Div. 6, § 8-136, of Ch. 8, Art. II was derived. Section 8-136 formerly adopted the Standard Code for the Elimination or Repair of Unsafe Buildings. In addition to this repeal, Ord. No. 91-09 enacted provisions which have been included herein as a new Div. 6, §§ 8-136 and 8-137.

Sec. 8-136. - Adoption of code and all appendices; amendments.

(a) *Adoption of code.* There is hereby adopted by the County of Hernando, Florida, for the purpose of providing a jurisdiction with a concise set of procedures to effect the elimination of unsafe buildings in a legal and timely manner, that certain code known as the Standard Unsafe Building Abatement Code, as recommended by the Southern Building Code Congress International, Inc., a nonprofit and nonpolitical servicing organization with its principal offices at Birmingham, Alabama, being particularly the 1985 edition with Appendix A. The same is hereby adopted and incorporated herein as fully as if set forth *in haec verba* and from the date upon which this division shall take effect, the provisions thereof except as otherwise noted herein shall be controlling in the provision for a jurisdiction with a concise set of procedures to effect the elimination of unsafe buildings in a legal and timely manner.

(b) *Amendments to code.* The Standard Unsafe Building Abatement Code adopted above in subsection (a) is hereby amended as follows:

(1) Chapter 2 of the Standard Unsafe Building Abatement Code is amended by adding the following definitions:

"*Board of adjustment and appeals* means the Hernando County Board of Construction and Regulation (HCBCR). All references to the board of adjustment and appeals shall be considered synonymous with and a direct reference to the HCBCR as established and provided in Ordinance 2001-21 as amended.

"*Public nuisance* means, but is not limited to, a structure or building which is abandoned; has sustained damage, to the extent that a permit for repair is required by the adopted building code, from fire, flood, wind, earthquake, lack of maintenance, or other cause; and a permit for repair has not been issued within one year of the damage. Any structure or building constituting a public nuisance will be subject to remedies as provided by this code.

"*Standard Building Code* means, Florida Building Code (FBC). All references to the standard building code or other model codes used prior to the implementation of the FBC shall be considered synonymous with and direct references to, the FBC.

"*Unfit* means unsanitary, unsuitable or improper for the use of occupancy for which it is intended. Unfit structures/buildings include those structures/buildings to be used as habitable space that do not meet the minimum requirements for existing buildings by the FBC.

"*Unsafe building* means any building or structure that is unfit or any building or structure that has any of the following conditions such that the life, health, property or safety of its occupants or the general public are endangered:

"1. Any means of egress or portion thereof is not of adequate size or is not arranged to provide a safe

path of travel in case of fire or panic.

- "2. Any means of egress or portion thereof, such as but not limited to fire doors, closing devices and fire resistive ratings, is in disrepair or in a dilapidated or nonworking condition such that the means of egress could be rendered unsafe in case of fire or panic.
- "3. The stress in any material, member or portion thereof, due to all imposed loads including dead load exceeds the stresses allowed in the Standard Building Code for new buildings.
- "4. The building, structure or portion thereof has been damaged by fire, flood, earthquake, wind or other cause to the extent that structural integrity of the building or structure is less than it was prior to the damage and is less than the minimum requirement established by the Standard Building Code for new buildings.
- "5. Any exterior appendage or portion of the building or structure is not securely fastened, attached or anchored such that it is capable of resisting wind, seismic or similar loads as required by the Standard Building Code for new buildings.
- "6. If for any reason the building, structure or portion thereof is manifestly unsafe or unsanitary for the purpose for which it is being used.
- "7. The building, structure or portion thereof as a result of decay, deterioration or dilapidation is likely to fully or partially collapse.
- "8. The building, structure or portion thereof has been constructed or maintained in violation of a specific requirement of the Standard Codes or of a city, county or state law.
- "9. Any building, structure or portion thereof that is in such a condition as to constitute a public nuisance.
- "10. Any building, structure or portion thereof that is unsafe, unsanitary or not provided with adequate egress, or which constitutes a fire hazard, or is otherwise dangerous to human life, or, which in relation to existing use, constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence or abandonment."

(2) Chapter 3 of the Standard Unsafe Building Abatement Code is amended by adding the following sections:

"301.2 Unfit or Unsafe Structures. All structures that are unsafe or unfit are nuisances and are hereby declared unlawful. They shall be abated by: repair, rehabilitation, or demolition of and removal in accordance with the procedures set forth in this code and all other applicable codes and/or laws governing such. This prohibition may be enforced by any legal, equitable, or administrative means available to Hernando County, including administrative hearings authorized by Ordinance 2001-21 and any future amendments thereto.

"301.3 Authority to Order Vacation, Repair, or Demolition. The Building Official or his/her designee is authorized to order the vacation, demolition, or removal of any unsafe building, or to order the repair and/or replacement of any part or parts of any structure in the County when such part or parts, by reason of fire, age, decay, moisture intrusion, flood, deterioration, structural defects, improper design, unstable foundation, or termite infestation are dangerous to the occupants thereof, or a menace to the public health, or a fire hazard, or is so unsafe as to endanger life or property or to render the use of public streets dangerous.

"In the event the owner of record or other interested party fails to comply with any Notice of Unsafe Building or compliance agreement within the time therein fixed, the Building Official or his/her designee is authorized to initiate procedures to demolish, remove, repair, and/or rehabilitate the unfit or unsafe building utilizing independent duly licensed contractors; except that in a case of a valid bona fide emergency, the Building Official is authorized to demolish the structure or take any other necessary action to abate the emergency posing an immediate threat to the public health, safety and welfare. The Building Official is also authorized to

utilize the services of duly licensed independent architects, engineers and contractors to determine the condition of the structure in question, and such costs shall be assessed in the same manner as provided in Chapter 7.

"301.4 Authority to Order Rodent Control. When the County Health Officer verifies the existence of rodent infestation in a structure or on the premises on which a structure is located that is to be demolished or removed, the Building Official may require that a licensed pest control operator exterminate the rodents using ecto parasite control measures to preclude the migration of rodents, and such costs shall be assessed in the same manner as provided in Chapter 7.

"301.5 Authority to Enter into a Compliance Agreement.

- "A. The Building Official or his/her designee is hereby authorized to enter into and negotiate a compliance agreement with the owner, in a form approved by the County Attorney, for abatement of the unfit or unsafe structure. Such agreement shall be controlling and will govern the subsequent courses of action to abate the unsafe or unfit conditions through repair and/or rehabilitation work. All repair and/or rehabilitation work shall conform to the minimum requirements of the FBC and/or other applicable laws.
- "B. The compliance agreement shall establish completion dates for the submittal of permit documents and for the completion of demolition, repair and/or rehabilitation work. The compliance agreement shall provide for the demolition and removal of the unfit or unsafe structure by Hernando County if the completion dates are not met. The cost of demolition and removal shall be assessed on the property in the form of a lien.

"301.6 Authority to Secure Open and Vacant Structures/Buildings.

- "A. The Building Official or his/her designee is hereby authorized to secure all open and vacant structures, including above and in ground pools, which are abandoned, unattended, unprotected or otherwise unsecured. Before securing any such structure or pool the current owner shall be notified by certified mail at least five (5) days prior to proceeding. Upon receipt of the notification, the owner of record may secure the structure/building/pool, or may appeal the determination that a structure is open and vacant to the board of adjustment and appeals.
- "B. All openings including open windows and doors shall be secured with exterior plywood and suitably coated with an appropriate neutral paint color blending with or harmonizing with the exterior colors of the building so as to be as inconspicuous as possible. Pools shall be provided minimal temporary barrier protection to include but not be limited to a fence, repair of an existing fence, repair of an existing screen enclosure or other approved measure as deemed appropriate by the Building Official.
- "C. Where an open and vacant structure or pool is secured by Hernando County after written notice to the owner of record as determined by the most current records of the Hernando County Property Appraisers Office, the Building Official shall cause the entire cost of securing, including all administrative costs to be assessed against the property in the form of a lien recorded in the public records of Hernando County.
- "D. All open and vacant structures that have been secured shall also be subject to inspection, and the owner of record shall be assessed a fee for each inspection. For the purpose of ensuring that the structure is locked and secured, inspections may be conducted at thirty (30) day intervals, and a fee as set forth in the department fee schedule adopted by resolution, or a minimum fee of \$50.00 for each inspection will be assessed against the property in the form of a lien.

"302.1.5 All notices required to be provided to the owner of an unsafe building or other structure by the Standard Unsafe Building and Abatement Code, 1985 Edition, may be provided to the owner by certified mail, return receipt requested; or hand delivery by the sheriff or other law enforcement officer, code inspector, or other person designated by the development department; or by leaving the notice at the owner's usual place of residence with any person residing therein who is above eighteen (18) years of age and informing such person of the contents of the notice; or by the provisions of section 302.1.7 of this code.

"302.1.6 Hernando County will be deemed to comply with the provisions of this section if it determined ownership by referring to the latest version of the property tax roll on file in the property appraiser's office and obtaining the name of the owner of the subject property from that roll. This does not preclude the county from obtaining the ownership of the property through other customarily used methods or means, including, but not limited to, opinion of a title company, opinion of an attorney, or personal investigation.

"302.1.7 Hernando County will be deemed to comply with the provisions of this section if the property owner is served by publication or posting as follows:

- "a. Such notice shall be published once during each week for four (4) consecutive weeks (four (4) publications being sufficient) in a newspaper of general circulation in Hernando County. The newspaper shall meet the requirements that are prescribed under chapter 50, Florida Statutes, for legal and official advertisements.
- "b. Proof of publication shall be made as provided in sections 50.041 and 50.051, Florida Statutes, as they may be amended from time to time.
- "c. In lieu of publication as described above, such notice may be posted for at least thirty (30) days in at least two (2) locations, one of which shall be the property upon which the dilapidated structure or building is sited or the dilapidated structure or building itself; and the other shall be in the glass enclosed case in the atrium of the Hernando County Administration Building where notices and announcements of meetings and the like are posted or other sites where notices and announcements of public meetings and the like are posted. The dimensions of the notice to be posted on the site shall be a minimum of 16" x 22".
- "d. 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.
- "e. Notice by publication or posting may run concurrently with, or may follow, an attempt or attempts to provide notice by hand delivery or by mail as prescribed above.
- "f. Evidence that an attempt has been made to hand deliver or mail notice as provided herein together with proof of publication or posting as provided herein shall be sufficient to show that the notice requirements have been met, without regard to whether or not the owner has actually received such notice."

(3) Chapter 7 of the Standard Unsafe Building Abatement Code is amended by adding the following sections:

"701.1 Special Assessment and Lien on Property.

- "A. The Board of County Commissioners shall assess the entire cost of demolition and removal including asbestos abatement, the sodding or seeding of the lot, and rodent extermination against the real property in the form of a special assessment. When the owner of record or other interested party has abated the unfit or unsafe structure as a result of having received a Notice of Unsafe Building, all costs incurred by the County to the date of abatement shall be assessed against the property in the form of a special assessment. This special assessment shall be superior to all others except property taxes, and shall include all administrative costs including postal expenses, the cost of newspaper publications, staff time, recording and documentation of inspection (photos, reports, filming), landfill, permit(s), and other

associated costs. All assessments shall be paid in full no later than the close of business on the twentieth business day after the owner has received notice of the assessment. Thereafter, the unpaid amount of the assessment will accrue interest at the maximum rate allowed by law.

- "B. Upon completion of the abatement of an unsafe structure, the Building Official shall notify in writing the owner that a special assessment has been imposed on the property. The notice shall be delivered by certified mail, return receipt requested. The notice of assessment shall set forth the following:
- "1. A description of the unsafe structure, a description of the actions taken by the County to substantially repair or demolish the building, structure, electrical, gas, mechanical or plumbing system or portion thereof, and the fact that the property has been assessed for the costs incurred by the County to substantially repair or demolish the building, structure, electrical, gas, mechanical or plumbing system or portion thereof, and any other costs related thereto.
 - "2. The aggregate amount of such costs, and an itemized list of such costs.
 - "3. The intent of the County to assess interest at the maximum legal rate if not paid within twenty days of the owner's receipt of the notice.
 - "4. The intent of the County to declare the assessment delinquent and to place the assessment on the tax roll as a non-ad valorem assessment if not paid in full by the following December 1st.
 - "5. The potential for the property to be subject to the sale of a tax certificate, bearing interest by law, if the non-ad valorem assessment is not paid as part of the tax bill on the property.
 - "6. The potential for the property to be sold and conveyed by tax deed if the tax certificate is not redeemed by payment of the non-ad valorem assessment in full, plus interest, as required by Florida law.

(Ord. No. 91-09, § 1, 1-29-91; Ord. No. 92-29, § 1, 12-22-92; Ord. No. 98-23, §§ 1, 2, 8-11-98; Ord. No. 2002-16, §§ 1—3, 8-13-02; Ord. No. 2014-19, § 2, 9-9-14; Ord. No. 2015-2, § 1, 2-24-15)

Sec. 8-137. - Violations, remedies and penalties.

- (a) Any person or persons, firm or corporation, or any agent thereof who violates any provision of this division may be prosecuted by the county building official pursuant to this chapter and the Florida Building Code. All remedies set forth in the Florida Building Code shall apply to any violation herein.
- (b) Any entity violating any provision of this division shall be subject to the penalties provided for herein. The building official or his authorized representative shall issue notice to all entities violating any provision of this division and shall order that such violations cease. Should any entity fail to comply with such notice or order, the governing body or its authorized official may institute appropriate action to bring such entity before a court of law for adjudication. Any entity violating any provision of this division shall, upon conviction, be guilty of a misdemeanor and shall be fined or imprisoned, or both fined and imprisoned, in accordance with the provisions of section 125.69, Florida Statutes.
- (c) Any person or persons, firm or corporation, or any agent thereof who violates any provision of this division may be prosecuted in the manner provided for in chapter 2, article III of this Code.
- (d) Each incident or separate occurrence of an act that violates this division shall be deemed a separate offense.
- (e) The remedies and penalties herein are not intended to be cumulative, and the county may institute any appropriate action or proceedings to prevent, restrain, correct or abate a violation of this division, as provided by law.

(Ord. No. 91-09, § 4, 1-29-91; Ord. No. 92-29, § 3, 12-22-92; Ord. No. 2018-18, § 2, 10-9-18)

Sec. 8-138. - Modification to preface.

All referenced standards concerning fuel gas which name the Standard Gas Code shall uniformly refer to NFIPA 54 and NFIPA 58 to the exclusion of the Standard Gas Code.

(Ord. No. 92-29, § 2, 12-22-92)

Sec. 8-139. - Adopting uniform method of levying and collecting non-ad valorem assessments for the abatement of unsafe structures.

- (a) For each year in which the majority of the board of county commissioners votes to use the uniform method to collect unpaid unsafe building abatement liens, the board shall adopt an enabling resolution at a public hearing prior to January 1 or, if the property appraiser, tax collector, and board of county commissioners agree, March 1. The resolution shall state the board of county commissioners' intent to collect unpaid unsafe building abatement liens by means of the uniform non-ad valorem collection method, the need for the levy, the legal descriptions of the real properties subject to the levy.
- (b) The board of county commissioners shall then send the enabling resolution to the property appraiser, tax collector, and the Florida Department of Revenue by January 10 or, if the property appraiser, tax collector, and board of county commissioners' agree, by March 10. The board of county commissioners shall send the enabling resolution in the manner required by Florida law and any applicable administrative rules of the Florida Department of Revenue.
- (c) The board of county commissioners shall adopt and certify a non-ad valorem assessment roll prior to July 1 in the manner required by Florida law and any applicable administrative rules of the Florida Department of Revenue.
- (d) All assessments imposed pursuant to this part will be included in the combined notice of ad valorem taxes and non-ad valorem assessments as provided in F.S. § 197.3635. Non-ad valorem assessments collected pursuant to this part are subject to all collection provisions in F.S. § 197.3632, including provisions relating to discount for early payment, prepayment by installment method, deferred payment, penalty for delinquent payment, and issuance and sale of tax certificates and tax deeds for nonpayment.
- (e) The board of county commissioners shall compensate the Hernando County Property Appraiser and the Hernando County Tax Collector for their costs in levying and collecting the special assessments provided for herein, at the applicable statutory rates, pursuant to the existing interlocal agreements entered into by Hernando County with the Hernando County Property Appraiser and with the Hernando County Tax Collector.

(Ord. No. 2014-19, § 3, 9-9-14)

Secs. 8-140—8-146. - Reserved.

Highlands County, FL - Code of Ordinances (https://library.municode.com/fl/highlands_county/codes/code_of_ordinances)

Section 12.16.300. - 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 by the Highlands County Standard Housing Code.

(Ord. No. 05-06-05)

Maitland, FL - Code of Ordinances (https://library.municode.com/fl/maitland/codes/code_of_ordinances)

Sec. 4.5-4. - Violations.

Violations of the provisions of this chapter or failure to comply with any of the requirements herein shall be subject to code enforcement proceedings, the penalties set forth in Chapter 5.3, Code Enforcement, of the Maitland City Code, and any and all other legal remedies available to the City of Maitland, including condemnation or demolition of structures under the Standard Unsafe Building Abatement Code, 1985 edition.

(Ord. No. 1064, § 4, 6-23-03; Ord. No. 1163, § 6, 3-10-08; Ord. No. 1308, § 2, 6-27-16)

Sec. 5-62. - Condemnation and demolition.

The city hereby adopts and incorporates by reference the Standard Unsafe Building Abatement Code, 1985 edition, republished in 1994 by the Southern Building Code Congress International, Inc. with amendments set forth in section 5-63 herein, to conform to Florida law and the city's Code of Ordinances. At least one (1) copy of the Standard Unsafe Building Abatement Code, 1985 edition, together with the ordinance from which this article derives, are on file with the city clerk. The building official is authorized to condemn and order to be demolished and removed, or to be put in a sound state of repair, any and all building(s) within the city found to be in a dilapidated, unsanitary or unsafe condition. Upon determination that said building(s) should be condemned or demolished, the procedures as set forth in the Standard Unsafe Building Abatement Code, 1985 edition, as amended, shall be followed.

(Ord. No. 1308, § 4, 6-27-16.)

Sec. 5-63. - Amendments to the Standard Unsafe Building Abatement Code, 1985 edition.

The Standard Unsafe Building Abatement Code, 1985 edition, referenced in section 5-62 is amended in the following respects:

Throughout the Standard Unsafe Building Abatement Code, the term "Standard Building Code" shall be replaced with "Florida Building Code."

Section 105, "Board of Adjustments and Appeals," is hereby deleted. All sections of Article VI of Chapter 4.7 of the City Code creating the board of adjustments and appeals shall apply.

Section 505 is hereby deleted.

(Ord. No. 1308, § 4, 6-27-16.)

Sec. 5.3-31. - Classes of violations and reduced civil penalties.

(a) Violations of city codes and ordinances, and the applicable reduced civil penalties, shall be as follows:

	Reduced Civil Penalty		
Violation Classifications	First Offense	Second Offense	Third and Subsequent Offense

Class I	\$ 50.00	\$100.00	Court hearing mandatory
Class II	\$100.00	\$200.00	Court hearing mandatory
Class III	\$150.00	\$300.00	Court hearing mandatory
Class IV	\$200.00	\$400.00	Court hearing mandatory

(b) Violations of city codes and ordinances which constitute civil infractions for which citations may be issued are as follows:

The column entitled "Class" refers to the violation classifications noted above in subsection 5.3-31(a). The column entitled "Lead Dept." refers to the department responsible for administration and enforcement of the code section. The lead department may be modified by the city manager without amending the City Code.

Code/Ordinance Chapter Or Section	Description	Class	Lead Dept.
ANIMAL CONTROL VIOLATIONS			
Orange County Animal Control Ordinance	All animal violations	I	Police
BUILDING CODE AND MAINTENANCE CODES			
<u>Sec. 5-2 and 5-3</u>	Violations of Fla. Bldg. Code	IV	Bldg.
<u>Sec. 5-61</u>	International Property Maintenance Code	II	Bldg.
<u>Sec. 5-62 and 5-63</u>	Standard Unsafe Building Abatement Code and Amendments	IV	Bldg.
FIRE PREVENTION			
1.14.1, NFPA 1, 2003 Ed.	Failure to acquire permit	II	Fire
1.14.2, NFPA 1, 2003 Ed.	Failure to display permit	I	Fire

10.7.1.1, NFPA 1, 2003 Ed.	Failure to notify fire department of fire	IV	Fire
10.8, NFPA 1, 2003 Ed.	Failure to notify fire department of inoperative fire safety equipment	III	Fire
10.8, NFPA 1, 2003 Ed.	Interference with fire protection equipment	IV	Fire
14.4.1, NFPA 1, 2003 Ed.	Failure to maintain means of egress	IV	Fire
Chapter 65, NFPA 1, 2003 Ed.	Fireworks	III	Fire
HEALTH AND SANITATION			
<u>Sec. 7-3(a)</u>	Prohibited trash, refuse, weeds, undergrowth, and long trash	II	I.S.
<u>Sec. 7-21</u>	Accumulations of trash too large for containers	II	I.S.
<u>Sec. 7-31</u>	Containers—Points of collection	I	I.S.
<u>Sec. 7-33</u>	Containers—Time for placing and removal	I	I.S.
MOTOR VEHICLE VIOLATIONS			
<u>Sec. 18-16</u>	Off-street loading	II	Police
<u>Sec. 18-23</u>	Prohibited vehicles	I	Police
<u>Sec. 18-26(4)</u>	Disabled vehicles	I	Police
OCCUPATIONAL LICENSES			
<u>Sec. 9-2</u>	Failure to obtain or falsely obtain license	II	I.S.
WATER, SEWERS, AND SEWAGE DISPOSAL			
<u>Sec. 20-14</u>	Tampering with meters	III	P.W.
<u>Sec. 20-21</u>	Free service prohibited	III	P.W.

<u>Sec. 20-73</u>	Discharge of prohibitive waste	II	P.W.
<u>Sec. 20-94</u>	Irrigation prohibitions	I	P.W.
ZONING			
<u>Sec. 21-5 II</u>	Visibility at intersections	I	C.D.
<u>Sec. 21-5 III</u>	Fences, walls, and hedges	I	C.D.
<u>Sec. 21-5 IV</u>	Parking of commercial vehicles	I	C.D.
<u>Sec. 21-5 VIII</u>	Recreational equipment	I	C.D.
<u>Sec. 21-5 IX</u>	Inoperable vehicle	I	C.D.
OTHER OFFENSES			
<u>Sec. 3-1 - 3-2</u>	Alcoholic beverage	IV	Police
<u>Sec. 10-5</u>	Adult entertainment, obscenity	IV	Police
<u>Secs. 10-10 & 10-11</u>	Loud music, loud party	I	Police
<u>Sec. 10-14</u>	Use of air guns/slingshots/etc.	I	Police
<u>Chapter 15</u>	Streets and sidewalks - permits and obstructions	I	Police

Bldg. = Building Department

C.D. = Community Development

I.S. = Internal Services

P.W. = Public Works

(Ord. No. 899, § 1, 6-24-96; Ord. No. 995, § 54, 3-27-00; Ord. No. 1026, § 1, 2-25-02; Ord. No. 1100, § 1, 1-10-05; Ord. No. 1309, § 5, 6-27-16.)

Indian Harbour Beach, FL - Code of Ordinances

(https://library.municode.com/fl/indian_harbour_beach/codes/code_of_ordinances)

Sec. 6-1. - Codes adopted by reference.

The following codes are adopted by reference:

- (a) Standard Housing Code, 1997 Edition
- (b) Standard Amusement Device Code, 1997 Edition
- (c) Standard Excavation and Grading Code, 1975 Edition
- (d) Standard Unsafe Building Abatement Code, 1997 Edition
- (e) National Electrical Code, 2011 Edition.
- (f) Chapter 1 of the Florida Building Code, 5th Edition (2014).

(Ord. No. 2002-5, §§ 1, 2, 7-9-02; Ord. No. 2009-4, § 1, 10-27-09; Ord. No. 2015-5, § 1, 7-28-15)

Sec. 6-4. - 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

ADMINISTRATION

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.

101.3.1 General. 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 of the safety, health and welfare of the public.

101.4 Applicability.

101.4.1 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.

101.4.2 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 future 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 homes used as temporary offices, except that the provisions of part V (Florida Statutes sections 553.501—553.513) relating to accessibility by persons with disabilities shall apply to such mobile homes.
- f. Those structures or facilities of electric utilities, as defined in section 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 of [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.

101.4.2.1 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.

101.4.2.2 In addition to the requirements of Florida Statutes sections 553.79 and 553.80, facilities subject to the provisions of Florida Statutes chapter 395 and Florida Statutes part II of chapter 400 shall have facility plans reviewed and construction surveyed by the state agency authorized to do so under the requirements of

Florida Statutes chapter 395 and Florida Statutes part II of chapter 400 and Florida Statutes part II of chapter 400 (sic) and the certification requirements of the federal government.

101.4.2.3 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.

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 Standard Unsafe Building Abatement Code, 1997 edition, promulgated by the Southern Building Code Congress International, Inc., subject to all amendments, modifications or deletions hereinafter contained.

101.4.2.4 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 insurance to inspect state-owned buildings and boilers.

101.4.2.5 Each enforcement district shall be governed by a board, the composition of which shall be determined by the affected localities. At its own option, each enforcement district or local enforcement agency may promulgate rules granting to the owner of a single-family residence one (1) or more exemptions to the Florida Building Code relating to:

1. Addition, alteration or repair performed by the property owner upon his or her own property, provided any addition or alteration shall not exceed one thousand (1,000) square feet or the square footage of the primary structure, whichever is less.
2. Addition, alteration or repairs by a nonowner within a specific cost limitation set by rule, provided the total cost shall not exceed five thousand dollars (\$5,000.00) within any 12-month period.
3. Building and inspection fees.

Each code exemption, as defined in this section, shall be certified to the local board ten (10) days prior to implementation and shall be effective only in the territorial jurisdiction of the enforcement district or local enforcement agency implementing it.

101.4.3 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.

101.4.4 Gas. The provisions of the Florida Building Code, Fuel Gas shall apply to the installation of consumers' gas piping, 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.

101.4.5 Mechanical. The provisions of the Florida Building Code, Mechanical shall apply to the installation of mechanical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances, including ventilating, heating, cooling, air conditioning and refrigeration systems, incinerators and other energy-related devices.

101.4.6 Plumbing. The provisions of the Florida Building Code, 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.

101.4.7 Federal and state authority. The provisions of this code shall not be held to deprive any federal or state agency, or any applicable governing authority having jurisdiction, of any power or authority which it had on the effective date of the adoption of this code or of 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.

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.

101.4.9 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. Where code provisions conflict with a standard, the code provisions shall be enforced. Permissive and advisory provisions in a standard shall not be construed as mandatory.

101.4.10 Units of measure. The inch-pound system of measurement is applicable to the provisions of this code. Metric units indicated in parenthesis following inch-pound units are approximate equivalents and are provided for informational purposes only.

101.4.11 Accessibility. For provisions related to accessibility, refer to chapter 11 of the Florida Building Code, Building.

101.4.12 Energy. For provisions related to energy, refer to chapter 13 of the Florida Building Code, Building.

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 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 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 [Business and] Professional Regulation of the State of Florida.

Change of occupancy. A change from one (1) 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 (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 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 [Business and] 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 Section 489.105(3), Florida Statutes, 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 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.

SECTION 102

BUILDING DEPARTMENT

102.1 *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.

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 applicable 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.

102.2.3 *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.

102.3 *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.

102.4 *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.

102.5 *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 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 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 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 is occupied, he shall first present proper credentials and request entry. If such building, structure, or premises is 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.

103.7 *Alternate materials and methods.*

103.7.1 *[Intent.]* 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.

103.7.2 *Accessibility.* Alternate designs and technologies for providing access to and usability of a facility for persons with disabilities shall be in accordance with [subsection] 11-2.2

SECTION 104

PERMITS

104.1 *Permit application.*

104.1.1 *When required.* 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 part of 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 official and obtain the required permit for the work.

Exceptions:

1. Permits shall not be required for the following mechanical work.
 - 1.1. Any portable heating appliance;
 - 1.2. Any portable ventilation equipment;
 - 1.3. Any portable cooling unit;
 - 1.4. Any steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.
 - 1.5. Replacement of any part which does not alter its approval or make it unsafe;
 - 1.6. Any portable evaporative cooler;
 - 1.7. Any self-contained refrigeration system containing ten (10) pounds (4.54 kg) or less of refrigerant and actuated by motors of one (1) horsepower (746 W) or less; and
 - 1.8. The installation, replacement, removal, or metering of any load management control device.

104.1.2 *Temporary structures.* A special building permit for a limited time shall be obtained before the erection of temporary structures such as construction sheds, seats, canopies, tents and fences used in construction work or for temporary purposes such as reviewing stands. Such structures shall be completely removed upon the expiration of the time limit stated in the permit.

104.1.3 *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 drawings and set forth in the specifications filed with the application for the permit. Where these are not shown on the drawings and covered by the specifications submitted with the application, separate permits shall be required.

104.1.4 *Minor repairs.* Ordinary minor repairs may be made with the approval of the building official without a permit, provided that such repairs shall not violate any of the provisions of the technical codes.

104.1.5 *Information required.* Each application for a permit, with the required fee, shall be filed with the building official on a form furnished for that purpose and shall contain a general description of the proposed work and its location. The application shall be signed by the owner or his authorized agent. 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 such other information as may be required by the building official. Permit application forms shall be in the format prescribed by a local administrative board, if applicable, and must comply with the requirements of Florida Statutes sections 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 Florida Building Code, the state minimum building code in effect in the permitting jurisdiction of [on] the date of the application governs the permitted work for the life of the permit and any extension granted to the permit.

104.1.6 *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 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. One (1) or more extensions of time for periods of not more than ninety (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.

104.1.7 *Annual facility permit.* In lieu of an individual permit for each alteration to an existing electrical gas, mechanical, plumbing or interior non-structural office system(s), the building official is authorized to issue an annual permit for group F occupancies 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. A facility service permit shall be assessed an annual fee and shall be valid for one (1) 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.

104.1.7.1 *Annual permit records.* The person to whom an annual permit is issued shall keep a detailed record of alterations made under such annual permit. The building official shall have reasonable access to such records upon request. The permit holder shall list/identify all work performed on a form approved by the

building official. At the end of the permit validation period, a copy of the log shall be filed with the building official. The building official is authorized to revoke or withhold the issuance of the future permits if a pattern of code violations is found to exist.

104.1.8 *Food permit.* As per Florida Statutes section 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.

104.1.9 *Notice of commencement.* As per Florida Statutes section 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 eighteen-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."

104.1.10 *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 Florida Statutes section 469.003 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.

104.2 *Drawings and specifications.*

104.2.1 *Requirements.* As required by [subsection] 104.3.1.1 of the code, two (2) or more 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 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.

104.2.1.1 *[Roof assemblies.]* 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.

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.

104.2.2 *Design professional.* If the design professional is an architect or engineer legally registered under the laws of this state regulating the practice of architecture or engineering, then he/she shall affix his official seal to said drawings, specifications and accompanying data, as required by Florida Statute.

104.2.2.1 Certification by contractors authorized under the provisions of Florida Statutes section 489.115(4)(b) shall be considered to equivalent to sealed plans and specifications by a person licensed under Florida Statutes chapter 471 or Florida Statutes chapter 481 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 Florida Statutes chapters 471, 481 or 489.

104.2.3 *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, 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.

104.2.4 *Site drawings.* Drawings shall show the location of the proposed building or structure and of every existing building or structure on the site or lot. The building official 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.

104.2.5 *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.

104.2.6 *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.

104.2.7 *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.

104.3 *Examination of documents.*

104.3.1 *Plan review.* The building official shall examine or cause to be examined each application for a permit and the accompanying documents, consisting of drawings, specifications, computations and additional data, and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of the technical codes and all other pertinent laws or ordinances.

Exceptions:

1. Building plans approved pursuant to Florida Statutes section 553.77(6) and state-approved manufacturer exempt from local codes enforcing agency plan reviews except for provisions of the code relating to erection construction at the site. Erection, assembly and construction at the site are subject to local permitting and
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 local government option, 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.

104.3.1.1 *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)
 - Setback/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 500)
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
 - Calculated fire resistance
5. Fire suppression systems shall include:
 - Early warning
 - Smoke evacuation systems schematic
 - Fire sprinklers
 - Standpipes

Preengineered systems

Riser diagram

6. Life safety systems shall be determined and shall include the following requirements:

Occupant load and egress capacities

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

Setback/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)

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. Mechanical

Exhaust systems

Clothes dryer exhaust

Kitchen equipment exhaust

4. Electrical

Exterior disconnect location

104.3.1.2 *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. Re-roofs

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

104.3.2 *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 and other pertinent laws or ordinances. The building official shall ensure that any person conducting plans review is qualified as a plans examiner under Florida Statutes, part XII of chapter 468, and that any person conducting inspections is qualified as a building inspector under Florida Statutes, part XII of chapter 468.

104.4 *Issuing permits*

104.4.1 *Action on permits*

104.4.1.1 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 an application for a permit and the contract documents filed therewith conform to the requirements of the technical codes and other pertinent laws and ordinances, he shall issue a permit to the applicant. 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.

104.4.1.2 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.

104.4.1.3 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 Florida Statutes, chapter 471:

1. Electrical documents for any new building or addition which requires an aggregate service capacity of six hundred (600) amperes (two hundred forty (240) volts) or more on a residential electrical system or eight hundred (800) amperes (two hundred forty (240) volts) on a commercial or industrial electrical system and which costs more than fifty thousand dollars (\$50,000.00).
2. Plumbing documents for any new building or addition which requires a plumbing system with more than two hundred fifty (250) fixture units or which costs more than fifty thousand dollars (\$50,000.00).

3. Fire sprinkler documents for any new building or addition which includes a fire sprinkler system which contains fifty (50) or more sprinkler heads. A contractor I, contractor II, or contractor IV, certified under section 633.521, may design a fire sprinkler system of forty-nine (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 forty-nine (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 fifteen-ton-per-system capacity which is designed to accommodate one hundred (100) or more persons or for which the system costs more than fifty thousand dollars (\$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 Florida Statutes, chapter 489 to serve any building or addition which is designed to accommodate fewer than one hundred (100) persons and requires an air-conditioning system with value of fifty thousand dollars (\$50,000.00) or less; and when a fifteen-ton-per-system or less is designed for a singular space of a building and each fifteen-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 (2) ten-ton systems with each having an independent duct system, the contractor may design these two systems since each system is less than fifteen (15) tons.

Example 2: Consider a small single-story office building which consists of six (6) individual offices where each office has a single three-ton package air conditioning heat pump. The six (6) heat pumps are connected to a single water cooling tower. The cost of the entire heating, ventilation and air conditioning work is forty-seven thousand dollars (\$47,000.00) and the office building accommodates fewer than one hundred (100) persons.

Note: It was further clarified by the commission that the limiting criteria of one hundred (100) persons and fifty thousand dollars (\$50,000.00) apply to the building occupancy load and the cost of the total air-conditioning system of the building.

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 five thousand dollars (\$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 s. 471.025, Florida Statutes.

104.4.1.4 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."

104.4.1.5 A building permit for a single-family residential dwelling must be issued within thirty (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.

104.4.2 *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 refusal to issue such permit. Such refusal shall, when requested, be in writing and shall contain the reason for refusal.

104.4.3 *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 Florida Statutes, sections 440.10 and 440.38.

104.4.4 *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 one (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.

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 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 Conditions of the permit

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 six (6) months after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of six (6) months after the time the work is commenced. Failure to obtain an approved inspection within one hundred eighty (180) days of the previous approved inspection shall constitute suspension or abandonment. One (1) or more extensions of time, for periods not more than one hundred eighty (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 one hundred eighty (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 one hundred eighty (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, reissuance 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 Florida Statutes, part XII of chapter 468, and that any person conducting inspections is qualified as a building inspector under Florida Statutes, part III of chapter 468.

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 (1) 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 Florida Statutes section 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 one hundred (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);
- Reinspections;
- 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.

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 Southern Building Code Congress International 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 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 Florida Statutes, chapter 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.

105.6 *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.

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 *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 survey prepared and certified by a registered surveyor shall be required for all new construction prior to approval of the framing 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, fire blocking and bracing is in place, all concealing wiring, all pipes, chimneys, ducts and vents are complete and shall at a minimum include the following building components:
 - Window/door framing and installation
 - Vertical cells/columns
 - Lintel/tie beams
 - Framing/trusses/bracing/connectors
 - 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.
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 (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. *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.
 - 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.*
 - 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, 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 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, fire-blocking and bracing are in place and all soil,

waste and vent piping is complete, and prior to the installation of wall or ceiling membranes.

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.

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 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, such that accumulation of construction debris must not remain on the property for a period of time exceeding fourteen (14) days.
2. All debris shall be kept in such a manner as to prevent it from being spread by any means.

105.7 *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 (3) 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.

105.11 *Termites*. Building components and building surroundings required to be protected from termite damage in accordance with 1503.4.4, 1804.6.2.7, 1916.7.5, 2303, 2304, or 2603.3, specifically required to be inspected for termites in accordance with 2116, or required to have chemical soil treatment in accordance with 1816 shall not be covered or concealed until the release from the building official has been received.

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 Florida Statutes section 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, 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 Florida Statutes, chapter 471, as an engineer or under Florida Statutes, chapter 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 Florida Statutes 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 Florida Statutes section 489.105(3)(a), or to a licensed building contractor, as defined in Florida Statutes section 489.105(3)(b), within the scope of his or her license.

105.13.6 The building department may allow a special inspector to conduct the minimum structural inspection of threshold buildings required by this code, Florida Statutes section 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 Florida Statutes, part XII, Chapter 468, or certified as a special inspector under Florida Statutes, chapter 471 or chapter 481. Inspections of threshold buildings required by Florida Statutes, section 553.79(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 department.

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.

SECTION 110
CONSTRUCTION BOARD
OF ADJUSTMENT AND APPEALS

110.1 *Appointment.* There is hereby established a board to be called the construction board of adjustment and appeals, which shall consist of five members. The board shall be appointed by the city council. The city council, upon creation of such board, shall act as the construction board of adjustment and appeals until such time as the growth and population of the city warrants appointment of an independent board other than the city council.

110.2 *Membership and terms of board if composition is not the city council.*

110.2.1 *Membership.* If the city council determines to appoint members to the construction board of adjustment and appeal, other than the city council itself, the construction board of adjustment and appeals should be composed of one (1) Florida licensed general contractors, (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. All appointments to the board shall be by the city council. Any appointees shall serve at the discretion of the city council.

110.2.2 *Terms.* The terms of office of the board members shall be staggered so no more than one-third (1/3) of the board is appointed or replaced in any twelve-month period. 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 city council, render any such member subject to immediate removal from office.

110.2.3 *Quorum and voting.* A simple majority of the board shall constitute a quorum. In varying any provision of this code, the affirmative votes of four (4) members shall be required. In modifying a decision of the building official, not less than four (4) affirmative votes shall be required.

110.2.4 *Clerk of board.* The city clerk, or designee shall make a detailed record of all of its proceedings, which shall set forth the reasons for its decision, the vote of each member, and the absence of a member and any failure of a member to vote.

110.3 *Powers.* The construction board of adjustments and appeals shall have the power, further defined in 110.4, to hear appeals of decisions and interpretations of the building official and consider variances of article I, chapter 6.

110.4 *Appeals.*

110.4.1 *Decision of the building official.* The owner of a building, structure or service system, or his duly authorized agent, may appeal a decision or interpretation of a city building code provision of or by 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 under article I, chapter 6.
2. The provisions of article I of chapter 6 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 article I, chapter 6 or any of the regulations there under have been

misconstrued or incorrectly interpreted.

110.4.2 *Variances.* The construction board of adjustments and appeals, when so appealed to and after a hearing, may vary the application of any provision of article I, chapter 6 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 article I, chapter 6 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.

110.4.2.1 *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.

110.4.3 *Notice of appeal concerning a decision of the building official.* Notice of appeal shall be in writing and filed with the city clerk within thirty (30) calendar days after the decision is rendered by the building official. Appeals shall be on a form provided by the city.

110.4.4 *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.

110.5 *Procedures of the Board.*

110.5.1 *Rules and regulations.* The board subject to approval by the city council, shall establish rules and regulations for its own procedure not inconsistent with the provisions of article I, chapter 6. The board shall meet within thirty (30) calendar days after notice of appeal has been received.

110.5.2 *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 city clerk and shall be open to public inspection. A certified copy of the decision shall be sent by mail or otherwise to the applicant. Every decision of the board shall be final, subject however to such remedy as any aggrieved party might have at law or in equity.

(Ord. No. 2002-5, §§ 1, 2, 7-9-02; Ord. No. 2010-12, § 1, 5-11-10)

Indian Shores, FL - Code of Ordinances (https://library.municode.com/fl/indian_shores/codes/code_of_ordinances)

Sec. 18-122. - Building Code—Adopted.

- (a) The current edition of the Florida Building Code is adopted as the Building Code of the Town of Indian Shores, or as amended by the Pinellas County Construction Licensing Board (PCCLB) and except insofar as such provisions, by their very nature, could have no application in the town.
- (1) *Administration.* Chapter 1 of the Florida Building Code as modified by the Town of Indian Shores.
 - (2) *Building.* The provisions of the Florida Building Code and demolition of every public and private building, structure or facility or floating residential structure, or any appurtenances connected or attached, shall apply to the construction, erection, alteration, modification, repair, equipment, use and occupancy, location, maintenance, removal 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.
 - (3) *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.
 - (4) *Gas.* The provisions of the Florida Building Code, Fuel Gas shall apply to the installation of consumers' gas piping, 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.
 - (5) *Mechanical.* The provisions of the Florida Building Code, Mechanical shall apply to the installation of mechanical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances, including ventilating, heating, cooling, air conditioning and refrigeration systems, incinerators and other energy-related devices.
 - (6) *Plumbing.* The provisions of the Florida Building Code, 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.
 - (7) *[Unsafe Buildings.]* Unsafe Buildings shall be abated using the Standard Unsafe Building Abatement Code, 1985 edition, promulgated by the Southern Building Code Congress International, Inc., subject to all amendments, modifications or deletions hereinafter contained.
 - (8) *Federal and state authority.* The provisions of this code shall not be held to deprive any federal agency, state agency, or any applicable governing authority having jurisdiction, of any power or authority which it had on the effective date of the adoption of this code or of 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.
 - (9) *Appendices.* To be enforced, the appendices included in the technical codes must be adopted by a local governmental jurisdiction for use in that jurisdiction. The Town of Indian Shores hereby adopts the following:
 - a. Appendices A & D Florida Building Code
 - b. Appendices B, C & E Florida Plumbing Code
 - c. Appendices A & B Florida Gas Code
- (b) After a new edition or revision of the building code is adopted by the State of Florida, the new edition or revision shall become a part of this article.

(Ord. No. 2004-2, § 2, 4-12-04; Ord. No. 2009-4, § 1, 5-12-09)

Sec. 18-252. - Adoption of Unsafe Building Abatement Code.

(a) There is adopted by reference the 1985 edition of the Standard Unsafe Building Abatement Code, as published by the Southern Building Code Congress International, Inc., subject however to such amendments, additions and modifications which may appear in this article.

(b), (c) Reserved.

(Code 1979, § 8-132; Ord. No. 95-3, § 7, 3-15-95)

Sec. 18-253. - Code on file.

The latest editions with amendments of the unsafe building abatement code adopted in this article will be on file in the office of the town clerk and available for public use, inspection and examination.

(Code 1979, § 8-133)

Sec. 18-254. - Board of adjustments and appeals.

(a) *Established.* A board of adjustment and appeals is hereby established, pursuant to section 105.1 of the Standard Unsafe Building Abatement Code (hereinafter referred to as the Code), for the purposes provided the Code. The terms of the current members of the board shall end upon the adoption of this ordinance [Ord. No. 2010-6]. Any future board shall be appointed by the town council when necessary in order to hear an appeal under the Code and shall consist of five members and such alternate members as may be deemed necessary by the town council. Members may not be employees of the town and shall have no interest in the matter at issue. The composition of the members of the board shall be one engineer, one architect, and three members at large from the construction industry. The alternate members may be an engineer, an architect or a member of the construction industry.

(b) *Term of office.* Members and alternate members of the board shall serve only as long as necessary to hear the appeal or appeals necessitating their appointment. At the conclusion of such appeal or appeals, the service of the members and alternate members of the board shall end and their appointments shall terminate.

(c) *Quorum.* Three members of the board shall constitute a quorum. In the event that a regular member is not present or has a conflict of interest, his or her place may be taken by an alternate member. 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 or she has a personal interest.

(d) *Records.* The building official shall be an ex-officio member of the board. The building official or his or her designate shall act as secretary to the board and shall make a detailed record of all its proceedings. The record shall set forth the reasons for the board's decisions, the vote of each member participating therein, the absence of a member and any failure of a member to vote.

(e) *Procedures.* The board shall establish rules and regulations for its own procedures not inconsistent with the Code, this article and Florida law and statutes. The board shall meet at the request of the building official, or in any event, within 60 days after a notice of appeal has been filed with the building official.

(Code 1979, § 8-134; Ord. No. 2008-1, § 1, 1-8-08; Ord. No. 2010-6, § 1, 9-22-10)

Cross reference— Board of adjustment, [§ 110-56](#) et seq.

Sec. 34-110. - Unsafe building abatement.

- (a) *Unsafe buildings.* All buildings or structures which are unsafe, unsanitary or not provided with 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 by reason of inadequate maintenance, dilapidation, obsolescence or abandonment, are declared to be unsafe buildings. All such unsafe buildings are hereby declared to be public nuisances and illegal and may be abated by repair and rehabilitation or by demolition in accordance with the procedure provided in this section. The procedures set forth herein are supplemental and in addition to the Unsafe Building Abatement Code provided in the Florida Building Code.
- (1) Whenever the building official shall find any building or structure or portion thereof to be unsafe, as defined in this section, he shall give the owner, agent or person in control of such building or structure written notice stating the defects thereof. This notice shall require the owner within a stated time either to complete specified repairs or improvements, or to demolish and remove the building or structure or portion thereof.
 - (2) If necessary, such notice shall also require the building, structure or portion thereof to be vacated forthwith and not reoccupied until the specified repairs and improvements are completed, inspected and approved by the building official. The building official shall cause to be posted at each entrance to such building a notice stating: "THIS BUILDING IS UNSAFE AND ITS USE OR OCCUPANCY IS 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 or his agents, employees or other servants to remove such notice without written permission of the building official, or for any person to enter the building or structure except for the purpose of making the required repairs or demolishing the building or structure.
 - (3) The notice required in this section shall:
 - a. Be in writing;
 - b. Include a statement of the reasons why it is being issued;
 - c. Allow 60 days' time for the performance of any work it requires;
 - d. State that, if such repair, reconstruction, alteration, removal or demolition is not voluntarily completed within the stated time as set forth in the notice, the town shall institute legal proceedings charging the person or agent with a violation of this Code;
 - e. Be delivered to the owner personally, or by leaving the notice at the usual place of abode of the owner with a person of his family above 15 years of age and informing such person of the contents of the notice; or be deposited in the United States mail, certified, return receipt requested, addressed to the owner at his known address, with postage prepaid thereon; or be posted for 24 hours in a conspicuous place on the premises to be repaired or demolished.
 - (4) The owner, agent or person in control shall have the right to appeal from the decision of the building official, as provided in this chapter, and to appear before the board of adjustment and appeals at a specified time and place to show cause why he should not comply with the notice.
 - (5) If the owner, agent or person in control of any unsafe building or structure shall fail, neglect or refuse to comply with the notice to repair, rehabilitate, or demolish and remove the building or structure or portion thereof within the stated time limit, the town shall be authorized to obtain equitable or legal relief from any court of competent jurisdiction to abate the public nuisance through demolition or other appropriate means. In such proceedings where the town is the prevailing party, the town shall be entitled to recover its costs, including administrative cost, cost of demolition, court costs, and reasonable attorney's fees for trial and appellate services. Such costs and fees shall, upon recordation of a certified copy of a judgment in the county

public records, become a lien upon the real property upon which the unsafe building or structure was located, and shall bear interest at the rate permitted by law for judgments. The town shall also be entitled to recover costs and reasonable attorney's fees for trial and appellate services in foreclosing any such liens.

(6) In the event of an emergency, the building official may reduce the 60-day notice provision or, in cases of extraordinary danger, the building official shall confer with the town engineer and fire marshal having jurisdiction. If all officials concur that the property poses an immediate danger, then after notice to the owner, the town may enter the property and either secure the property to protect the public and restrict entry, or cause such repairs as may be necessary to protect the public. The costs of such emergency repairs shall be the responsibility of the owner as provided herein.

(b) Violations of this section may be enforced by proceedings before the town's special magistrate. Where an owner has failed to comply with an order of the code enforcement board, the town shall not be prohibited from also seeking judicial relief pursuant to the provisions of this section.

(Ord. No. 2020-02, § II, 3-10-20)

Tarpon Springs, FL - Code of Ordinances (https://library.municode.com/fl/tarpon_springs/codes/code_of_ordinances)

§ 8-68. - Construction of article.

- (a) *Levy of special assessments.* This article shall not be construed to limit the city from levying special assessments and the amendments to the standard unsafe building abatement code, as adopted by the city.
- (b) *Monthly reinspection assessments.* This article shall not be construed to limit the city from imposing monthly reinspection assessments.
- (c) *Imposition of administrative fines.* This article shall not be construed to limit the city from imposing administrative fines.
- (d) *Exemptions.* This article shall not be construed to apply to property owned by the city or any other governmental entity.
- (e) *Provision of this article supplemental.* Nothing in this article shall be construed to limit the authority of the city to collect special assessments by any other method according to law.

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

PART 2. LEVY AND COLLECTION OF NON-AD VALOREM ASSESSMENTS.

Minneola, FL - 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 6th 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)

Altamonte Springs, FL - Code of Ordinances (https://library.municode.com/fl/altamonte_springs/codes/code_of_ordinances)

Sec. 3-24. - Schedule of violations and penalties.

- (a) Civil infractions of city codes and ordinances, as set forth in the Land Development Code ("L.D.C.") and/or the Altamonte Springs City Code ("A.S.C.C.") for which citations may be issued include, but are not limited to the following:

<i>Class I</i>	
(1) L.D.C. 3.41.3.2	City requirements for handicap parking.
(2) L.D.C.8.2.1.3	Failure to maintain landscaping.
(3)	
(4) L.D.C. 6.1.14	Screening walls and landscape buffers required.
(5) A.S.C.C. <u>5-5</u>	Failure to comply with maintenance or registration of a security system.
(6) A.S.C.C. 25 Article I	Improper parking of recreational or commercial equipment and vehicles.
(7) L.D.C. Article 3, <u>Division 5</u> , through Art. 3, Division 24	Any improper uses of property as not specifically set forth as "permitted uses" with respect to each zoning disorder in article 3, divisions 5 through 24.
(8) L.D.C. 6.1.15	Dumpster enclosure required.
(9) L.D.C. 8.3.1	Removing a dead/dying or diseased tree or a tree endangering property without a permit.
(10) L.D.C. 14.3.2	Failure to properly post building address numbers.
(11) A.S.C.C. <u>24-15</u>	Parking of vehicle for sale upon a public street, private street or parking lot.
(12) A.S.C.C. 12-39	Sound amplification noise violation.
(13) A.S.C.C. 12-40	Noise violations.
(14) A.S.C.C. <u>17-3(b)</u>	Accumulation of debris or trash.

(15) A.S.C.C. <u>17-19</u>	Duty to keep lots clean.
(16) A.S.C.C. <u>7-3</u>	Having pet on city beach or park.
(17) A.S.C.C. <u>19-6</u>	Failure to display occupational license.
(18) L.D.C. 3.42.3	Erecting signs prohibited in zoning district.
(19) L.D.C. 3.44.2.1	Fences, walls and hedges obstructing visibility at street intersection.
<i>Class II</i>	
(1) L.D.C. 3.3.1.6	Improvement of property prohibited prior to issuance of site work permit.
(2) L.D.C. 3.44.22	Miscellaneous open air sales without a permit or in violation of the requirements.
(3) A.S.C.C. <u>15-2</u>	Miscellaneous violations of the Florida Fire Prevention Code not otherwise listed in this violation table.
(4) A.S.C.C. <u>10-2</u>	Miscellaneous violations of the Florida Building Code not otherwise listed in this violation table.
(5) L.D.C. 1.2.1	Failure to comply with home occupation requirements.
(6) A.S.C.C. 20½	Illegal advertising and handbilling.
(7) L.D.C., <u>Chapter 3</u>	Any "unpermitted uses", as set out in land development code.
(8) A.S.C.C. <u>7-2</u>	Building bonfire on city beach or park where not permitted.
(9) A.S.C.C. <u>7-5</u>	Throwing trash and/or littering in a city beach or park.
(10) A.S.C.C. <u>7-7</u>	Placing debris in toilets at public parks.
(11) L.D.C. 3.42.4	Erection of a sign without a permit.
(12) L.D.C. 3.42.16	Prohibited signs.
(13) L.D.C. 3.42.17	Specific prohibited signs (i.e., misc., advertising vehicles, attention getting devices, right-of-way).

(14) L.D.C. 6.1.16	Outdoor storage prohibited without screening.
(15) L.D.C. 3.44.3.1.4.1.e	Pool maintenance required.
(16) A.S.C.C. 6-5	Public selling without a permit.
(17) A.S.C.C. <u>17-3</u> (a) and (b)	Failure to follow pre-refuse collection practices.
(18) A.S.C.C. 20½-4	Placing handbill on vehicle.
(19) L.D.C. 11.8.1	Driveway permit required prior to construction/removal/alteration.
<i>Class III</i>	
(1) L.D.C. 3.44.3.1.4.d	Failure to properly enclose/fence swimming pool.
(2) L.D.C. 4.2.2	Approved preliminary and final site plan required before issuance of permit or before work begins.
(3) L.D.C. 4.4.4	Requirement to maintain site improvements.
(4) A.S.C.C. 24 Article 2	Abandoned vehicles.
(5) A.S.C.C. <u>20-2</u>	Soliciting from/in/on roadways.
(6) A.S.C.C. <u>20-5</u>	Solicitation without registration.
(7) A.S.C.C. <u>20-10</u>	Solicitation without permit or license.
(8) A.S.C.C. <u>22-3</u>	Engaging/advertising special event without a permit.
(9) L.D.C. 5.6.3	Erection of buildings within a subdivision without final plat approval.
(10) A.S.C.C. <u>19-4</u>	Engaging in or managing a business occupation or profession without a city occupational license.
(11) A.S.C.C. <u>15-2</u>	Failure to maintain a fire hydrant, fire detection or fire suppression equipment.
<i>Class IV</i>	

(1) L.D.C. 8.3.1	Tree removal without a permit on property used for one- or two-family residences or townhomes. Tree is not dead/dying or endangering property.
(2) L.D.C. 8.3.6	Utility company tree removal without a permit.
(3) L.D.C. 9.1.5	Permit required prior to excavation of pit, quarries or excavations.
(4) L.D.C. 9.1.7	Requirements for landfills nonexempt and/or maintenance or construction of waterfront improvement activity without permit.
(5) A.S.C.C. <u>10-2</u>	Occupying a building in violation of the certificate of occupancy or certificate of completion conditions.
(6) <u>22-3</u>	Failure to obtain special event permit (holding special event without permit).
(7) <u>22-12</u>	Failure to comply with directions, conditions and requirements of special event permit.
<i>Class V</i>	
(1) L.D.C. 10.1.5	Right-of-way easement construction without permit.
(2) A.S.C.C. <u>10-2</u>	Construction without a permit.
(3) A.S.C.C. <u>10-2</u>	Maintaining an unsafe building as defined in the Unsafe Building Abatement Code.
(4) A.S.C.C. <u>10-2</u>	Occupying a building without a valid certificate of occupancy.
(5) A.S.C.C. <u>15-2</u>	Overcrowding of an assembly occupancy.
(6) L.D.C. 8.3.1	Tree removal without a permit, on all property used for other than one- or two-family residences or townhomes, and on all vacant property. Tree is not dead/dying or endangering property.

(b) Any violation of a provision of a code or ordinance by a person who has been previously found through the code enforcement board or any other quasi-judicial or judicial process, to have violated or who has admitted violating the same provision within two (2) years prior to the violation shall be considered a repeat violation. A person who

has paid the civil citation or entered into a stipulated settlement agreement shall be construed to have admitted the violation.

- (c) Repeat violations shall be cited at the next highest class of violation. Example: A repeat class I violation would become a class II violation, a repeat class II violation would become a class III violation. A repeat class III violation would become a class IV violation, a repeat class IV violation would become a class V violation and a repeat class V violation would become a five hundred-dollar (\$500.00) citation.
- (d) The schedule of violations and penalties set forth in subsection (a) of this section endeavors to include the civil infractions of city codes and ordinances to be enforced by citations, but is not all inclusive. All violations of codes and ordinances subsequently enacted may be enforced by citation without further amendment to this article. All violations of codes and ordinances not listed in subsection (a) of this section or not specifically classified in the particular code section itself, shall be penalized as class I violations.

(Ord. No. 1374-00, § 2, 6-6-00; Ord. No. 1518-05, § 2, 2-15-05; Ord. No. 1598-09, § 1, 3-3-09; Ord. No. 1728-18, § 3, 2-6-18)

ARTICLE VII. - UNSAFE BUILDING ABATEMENT CODE

Footnotes:

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Editor's note— Formerly, Art. VII, §§ 7-91—7-102, pertained to unfit and unsafe structures, derived from Ord. No. 83-9, adopted Mar. 22, 1983. Such provisions were rescinded by Ord. No. 2000-34, adopted Aug. 28, 2000. Ord. No. 2000-26, passed July 24, 2000, provided for the adoption, by reference, of the Standard Unsafe Building Abatement Code, 1985 edition. Such provision has been included by the editor as § 7-91. The Unsafe Building Abatement Code referenced therein is not set out at length in this article, but is attached to Ord. No. 2000-26 on file and available for inspection in the offices of the county clerk and the building official. Subsequently, Ord. No. 2019-15, § 1, adopted June 10, 2019, repealed Art. VII, § 7-91, and §§ 2—9 of said ordinance, enacted new provisions to read as herein set out. Former § 7-91 pertained to the adoption of the Unsafe Building Abatement Code, and derived from Ord. No. 2000-26, adopted July 24, 2000.

Sec. 7-91. - Intent.

The Nassau County Board of County Commissioners hereby establishes this article as allowed by F.S. ch. 553 which regulates building construction, 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. Further, the provisions of this article are remedial and shall be construed to secure the beneficial interest and purposes thereof which are public safety, health, and general welfare through structural stability, sanitation, safety to life and property from fire and other hazards. 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. Nothing herein shall prevent Nassau County from pursuing enforcement of such violations described herein through other means including without limitations filing for injunctive relief or by F.S. ch. 162. It is not the intent of the board to amend the Florida Building Code or Florida Fire Prevention Code and any provision of this article that is in conflict with the Florida Building Code or Florida Fire Prevention Code shall be resolved in favor of the applicable Florida Building Code or Florida Fire Prevention Code requirements.

(Ord. No. 2019-15, § 2, 6-10-19)

Sec. 7-92. - 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:]

Building means any structure, either temporary or permanent, built for the support or enclosure of persons, chattels or property of any kind for residential or commercial purposes. Buildings shall include tents, trailers or manufactured/modular homes serving in any way the function of a building or structure for residential or commercial purposes.

Code enforcement department means the Nassau County Code Enforcement Department.

Code enforcement officer means the Nassau County Building Official or his or her designee.

County means the unincorporated area of Nassau County.

Documented means as verified by the building official or inspector(s) (i.e. Physical and/or visual evidence).

Hearing board means the Nassau County Construction Board of Adjustments and Appeals.

Owner means any person or persons owning real property, as shown on the last equalized assessment roll for county taxes or the lessee, tenant or other person having control or possession of the property.

Permitted means to possess a valid building or site improvement permit.

Person means any individual, partnership, corporation, association or other organization, however formed.

Words not defined here shall have the meaning as stated in the current edition of the Florida Building Codes, and the Florida Fire Prevention Code or Webster's 3rd New International Dictionary.

(Ord. No. 2019-15, § 3, 6-10-19)

Sec. 7-93. - Unlawful residential, commercial and industrial building nuisances.

It shall be unlawful for any person owning, leasing, renting, occupying or having charge of any real property in the county to maintain the property or to allow the property to be maintained in a manner such that any of the following conditions are found to exist thereon as determined by the building official, except as otherwise stated herein or as may be allowed by any other provision of law. The prohibited conditions are:

(1) *Buildings and structures.*

- a. Any building or structure which is vacant and open to unlawful trespass;
- b. Any partially constructed, reconstructed or demolished building or structure upon which work is abandoned. Work is deemed abandoned when there is no valid and current building or demolition permit or when there has not been any substantial completed work on the project for one hundred eighty (180) days (per Florida Building Code section 105.4.1.3) from the last date of an approved inspection;
- c. Any building or structure which by reason of rot, weakened joints, walls, floors, underpinning, roof, ceilings, unsecure foundation, or other causes has become dilapidated or deteriorated;
- d. Any building or structure with exterior walls and/or roof coverings which have become so deteriorated as to not provide adequate weather protection and be likely to, or have resulted in, termite infestation or dry rot;
- e. Buildings or structures with broken or missing windows or doors which constitute a hazardous condition or a potential attraction to trespassers. For purposes of this chapter "window" shall include any opening, including glazed doors, which open upon a yard, court, or vent shaft open to the elements;
- f. Buildings or structures including, but not limited to, walls, windows, fences, signs, retaining walls, driveways, walkways, poles or other objects which are broken, deteriorated, or damaged to the extent that the disrepair presents a risk to public safety, and any building or structure used or intended to be used for dwelling purposes which, because of inadequate maintenance, dilapidation, decay, damage, fire, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined by the building official to be unfit for human habitation;
- g. Any building or structure that is determined by the building official to be "unsafe" or "dangerous" as described in chapter 2, definitions of the current edition of the Florida Existing Building Code;

(2) *Miscellaneous.*

- a. Any other condition or use of a property that gives rise to a reasonable determination by the building official that such condition or use represents a threat to the health, safety and welfare of the public by virtue of its condition or use, or hazardous nature.
- b. Except as otherwise provided herein the provisions of this chapter shall be administered and enforced by

the building official. In the enforcement of this chapter the building official and designated officers may, according to law, enter upon private or public property to determine if any condition exists that may be detrimental to the public health, safety or general welfare or which constitutes a public nuisance. If entrance is denied, entrance may be obtained by every source available by Florida law.

(Ord. No. 2019-15, § 4, 6-10-19)

Sec. 7-94. - Declaration of public nuisance by the building official.

Any property found by the building official to be maintained in violation of section 7-93 of this article, is declared to be a public nuisance and shall be abated by rehabilitation, demolition, or repair pursuant to the procedures set forth herein. The procedures for abatement set forth herein shall not be exclusive and shall not in any manner limit or restrict the county from enforcing other county ordinances or abating public nuisances in any other manner provided by law. The building official may consult with the county fire inspector in making a determination as to violations.

(Ord. No. 2019-15, § 5, 6-10-19)

Sec. 7-95. - Notification of nuisance/unsafe building.

The building official or his designee shall prepare and issue a notice of a building violation of section 7-93 of this article, directed to the owner of record of the building or structure (including tenant and occupant) or individual determined by the building official or his designee to be the proper person to be notified. The notice shall contain but not be limited to the following information:

- (1) The street address, if any, of the building or structure, and the legal or tax assessment description of the property upon which the building or structure is located;
- (2) A description of the building or structure or portion thereof deemed to be in violation;
- (3) A statement of the particulars in which the building or structure or portion thereof is in violation;
- (4) A statement that the owner, tenant/occupant, if appropriate, or appropriate person is requested to take the necessary action to abate the violation by repair, rehabilitation, or demolition in order to be in compliance with this Code. The notice should provide a reasonable time to abate the violation which shall not be less than thirty (30) days nor more than one hundred twenty (120) days from receipt of said notice. The building official may allow more than one hundred twenty (120) days according to the necessity if requested in writing by the owner or appropriate person that sets forth the reasons for the extension of time. In the event the violation is not addressed and completed, unless an extension is granted, a notice of hearing shall be provided. If the building official allows more than one hundred twenty (120) days he shall notify the owner or appropriate person on a form to be approved by the building official and county attorney, that requires the execution and acknowledgement of the owner or the appropriate person;
- (5) The notice shall indicate that the owners or person in charge of the building or structure or premises within which the violation is located shall contact the building official within seven (7) days of the date of the violation to enter into an agreement to address the violation. The notice shall also indicate that the owner or person in charge of the building cited may appear before the construction board of adjustments and appeals and show cause why such condition should not be deemed a nuisance or unsafe condition and be abated as provided. The notice shall contain information about requesting a hearing and shall indicate that:
 - a. The form for requesting a hearing shall be provided by the building official, or his designee, upon request;
 - b. The form requesting the hearing shall be filled out and turned in to the building official within ten (10)

days of the date of the notice; and

- c. The hearing shall be set within thirty (30) days of the request being turned in to the building department. All interested parties who desire to be heard in the matter shall be directed to appear before the construction board of adjustments and appeals to show cause. The notice shall advise the owner or owners or persons in charge or control of the building or structure or premises and all interested parties that failure to appear at the hearing may be deemed an admission of the acts or omissions charged in the order and notice of the building official may direct the abatement without further evidence which served as the basis for the order and notice;

- (6) A statement that any repairs or demolition performed by a contractor directed by the county shall cause a lien and special assessment to be placed on the property for the total cost thereof and administrative fee; and a statement that the owner will also be subject to all other penalties provided in this Code or by law if the unsafe condition is not corrected within the time required.

The notice of violation shall be delivered to the owner and any lessee, occupant, lienholder, and mortgagee as follows:

The building official or designee shall deliver, or cause to be delivered, the notice of violation and/or hearing if necessary to the owner and any lessee, occupant, lienholder, and mortgagee of the building or structure, and of the land on which it is situated, by hand delivery, and by certified mail return receipt required, addressed to each such person's mailing address and regular address. The hearing, if necessary, shall be as set forth in section 7-97.

If the person is a corporation, trust, partnership, limited liability company, or other entity, diligent search and inquiry shall be made to discover the true name, domicile, principal place of business, and status of the corporation or other entity, and the names and whereabouts of all persons upon whom service of the notice would bind the corporation or other entity. Notice must be sent to the representative of the corporation or other entity.

Diligent search and inquiry shall be made to identify and locate each person required to be notified, including a title search of the official public records maintained by the Clerk of Circuit Court of Nassau County, Florida. The building official or an employee of the department and title search company shall prepare a list of the persons required to be notified hereunder and their respective mailing addresses which shall be placed in the office file.

In addition thereto, the notice of violation shall be posted in a conspicuous place on the building or structure. The notice shall be posted on the property at least thirty (30) days prior to the hearing date. Proof of posting shall be by affidavit of the person posting the notice which affidavit shall include a copy of the notice posted, the dates and places of its posting;

In addition thereto, a notice of building violation and notice of hearing shall be published in a newspaper of general circulation in Nassau County, each publication shall appear each week for two (2) consecutive weeks. The newspaper shall meet such requirements as are prescribed under F.S. ch. 50 for legal and official advertisements. Proof of publication shall be provided as required in F.S. §§ 50.041 and 50.051.

(Ord. No. 2019-15, § 6, 6-10-19)

Sec. 7-96. - Cancellation or postponement of hearing date.

- (a) The building official may cancel a hearing noticed in accordance with section 7-95 if the violation is corrected by the owner prior to the hearing date. The building official shall inform the clerk of the construction board of adjustments and appeals of the cancellation, and mail or hand deliver a written notice to each person who received a notice of the hearing by mail or hand delivery.
- (b) The building official may postpone a hearing noticed in accordance with section 7-95 if necessary to allow time to effectuate service of notice on any person or for any other reason a hearing cannot be held on the date stated in

the notice. Notice of a new hearing date caused by the postponement shall be given by the building official or his designee. Each person who received a notice of the hearing by hand delivery or mail shall be provided notice of a new hearing date by hand delivery or mail in the same manner provided in section 7-95. The hearing date shall be at least thirty (30) days after the date of mailing (or hand delivery) of the notice.

If a mailing address is not available for any person, or any person was given notice under section 7-95, notice of a new hearing date shall be given to such people at least thirty (30) days prior to the new hearing date by:

- (1) Mailing the notice to the person to the address of the building or structure involved in the proceeding;
- (2) Posting the notice in a conspicuous place on the unsafe building or structure, and also at the place legal notices are customarily displayed for inspection by the public at the county administration building located at 96135 Nassau Place, Yulee, Florida; and
- (3) In addition thereto, publishing the notice one (1) time in a newspaper of general circulation in Nassau County. Proof of publication shall be by affidavit of the building official or an employee of the publisher of the newspaper, which affidavit shall include a copy of the notice published and the date of publication. 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 dates and places of its posting.

(Ord. No. 2019-15, § 6.1, 6-10-19)

Sec. 7-97. - Hearing.

Each case before the construction board of adjustments and appeals shall be presented by the building official or his/her designee. The construction board of adjustments and appeals shall proceed to hear the cases on the agenda for that day. The county attorney shall represent the construction board of adjustments and appeals. All testimony shall be under oath and shall be recorded. The board shall hear any testimony presented by the building official, building inspector, code inspector, fire inspector, the owner, and other interested persons or witnesses. Formal rules of evidence shall not apply, but fundamental due process shall be observed and shall govern the proceedings. The proceedings shall be conducted as a quasi-judicial hearing.

The following standards shall be followed in substance by the construction board of adjustments and appeals when determining whether the building or structure is in violation and/or ordering the repair, demolition or vacation of an unsafe building or structure:

If the building or structure is in violation, the owner shall be ordered, if determined by the board, to eliminate or cure all violations by repairing the building or structure in accordance with the Florida Building Code, or by demolishing it if the board determines that repair is not possible. Required permits must be obtained prior to making repairs to, or demolishing structure(s), per 2017 Florida Building Code section 105.1. In making a demolition determination the board will set forth the basis for the determination. If a building or structure poses an immediate hazard to life or to the safety of the public, it shall be ordered vacated immediately. If the owner chooses to demolish the building or structure, the owner shall be ordered to remove the demolition debris from the property.

Construction board of adjustments and appeals shall issue findings of fact based on evidence of record, and conclusions of law, and shall issue an order consistent with the powers granted by this article. In accordance therewith, a written order shall be signed by the chairperson of the board. If the board finds that the building or structure is in violation, the board may issue an order. The order shall:

- Set forth the street address of the building or structure, and a legal description of the premises sufficient for identification. It shall contain a statement of the particulars of the condition or conditions which render the building or structure in violation, and a statement of the things required to be done to remedy the unsafe conditions;
- Specify the time that the work required (repair, demolition) shall be commenced, which shall be not less than ten (10) days nor later than sixty (60) days after the order is signed by the chairperson of the board, and shall further specify a reasonable time within which the work shall be completed; and
- Provide for a date for a hearing to determine whether the order was complied with by the owner within the time specified, and if compliance has not occurred, to authorize appropriate action to be taken to remedy the unsafe conditions. Said action shall be set forth in an order approved by the construction board of adjustments and appeals.

The time for completion of the work may be extended for additional periods not to exceed ninety (90) days each by the building official or the construction board of adjustments and appeals for cause in accordance with section 7-95. This shall be done in writing upon application in writing of any interested person.

A copy of an order shall be mailed by certified mail, return receipt requested and regular mail, to the owner and any lessee, occupant, lienholder, and mortgagee of the building or structure, and of the land on which it is situated, to the mailing address(es) listed by the building official. A copy of the order shall be posted in a conspicuous place on the unsafe building or structure. Proof of posting shall be by affidavit of the person posting the order, which affidavit shall include a copy of the order posted and the dates and places of its posting. The posted order shall not be removed without the permission of the construction board of adjustments and appeals. Upon posting of the order, the building official may remove any previously posted notices on the unsafe building or structure and at the courthouse.

A certified copy of the order shall be recorded in the office of the clerk of the circuit court in the official public records of Nassau County, and shall constitute notice to any subsequent purchases, successors in interest, grantees, or assigns. When a recorded order is complied with by the owner, the building official shall issue an order acknowledging compliance that shall be recorded in the public records.

(Ord. No. 2019-15, § 6.2, 6-10-19)

Sec. 7-98. - Failure to comply with order.

Whenever an order issued pursuant to section 7-95 is not complied with by the owner, the construction board of adjustments and appeals, upon notification of a meeting, by the building official, shall have the power to enter an order determining noncompliance, and may direct the county building official to have the building or structure repaired or demolished. The following standards shall be followed in substance by the construction board of adjustments and appeals in determining and recommending what, if any, action to correct or eliminate the violation shall be pursued:

- If the building or structure poses an immediate hazard to life or to the safety of the occupants, it shall be ordered vacated;
- In any case where a violation cannot reasonably be repaired so that the building or structure will no longer exist in violation of the Florida Building Code, the board may recommend demolition of the building or structure and removal of the demolition debris from the property;

- If there is an accumulation of trash, garbage, or debris outside of an enclosed building on property where a building or structure has been declared unsafe, the board may direct the building official to notify code enforcement.

At the conclusion of the hearing, the construction board of adjustments and appeals may issue findings of fact based on evidence of record, and conclusions of law, and shall issue an order consistent with the powers granted by this Code. In accordance therewith, a written order shall be signed by the chairperson of the board.

A copy of the order shall be provided to the owner, and any lessee, occupant, lienholder, and mortgagee of the building or structure, and of the land on which it is situated.

- (1) Any work authorized by the construction board of adjustments and appeals pursuant to this action shall be accomplished by properly licensed contractors, unless the owner/builder exemption applies in F.S. § 489.103(7) or as directed by the county manager.

(Ord. No. 2019-15, § 6.3, 6-10-19)

Sec. 7-99. - Temporary action by the owner.

When a notice of violation has been issued for a building or structure, the owner may provide temporary action by securing and sealing the unsafe building. If the owner chooses to provide temporary action by securing and sealing the property, he or she shall notify and obtain approval from the building official or his/her designee for the temporary action. The building official or his/her designee, when approving temporary action in the form of securing and sealing, shall state a reasonable time in which permanent repairs shall be made to the property. If permanent repairs are not made within the specified time, the building official or his/her designee may set the matter for hearing before the construction board of adjustments and appeals.

(Ord. No. 2019-15, § 6.4, 6-10-19)

Sec. 7-100. - Emergency securing of building.

If the building or structure poses an immediate hazard to life or to the safety of the public, the building official may order it be vacated, repaired, or demolished, and in such case the notice shall state the time within which vacation, repair, or demolition is to be completed.

If the building or structure is unoccupied and is unsafe because it is vacant, unguarded and open at doors or windows, or otherwise allows unobstructed access to the interior, and poses an immediate hazard to life or to the safety of the public, the building official may cause the temporary securing of the building or structure. The work may be performed by independent contractors, or such other qualified means as available. Materials or methods for securing the building or structure shall be as determined by the building official.

(Ord. No. 2019-15, § 6.5, 6-10-19)

Sec. 7-101. - Limitation of filing judicial action.

Any legal action appealing the construction board of adjustments and appeals order shall be commenced within thirty (30) calendar days of the date of the order and shall be in a court of competent jurisdiction in the Fourth Judicial Circuit Court in and for Nassau County, Florida.

(Ord. No. 2019-15, § 7, 6-10-19)

Sec. 7-102. - Assessment lien.

The total cost for addressing, by an independent contractor, a violation shall constitute a special assessment against the respective lot or parcel of land to which it relates, and upon recordation in the office of the county clerk of a lien, as so made and confirmed, shall constitute a lien on said property for the amount of such assessment.

Such notice of lien for recordation shall be in form substantially as follows:

NOTICE OF LIEN
(Claim of Nassau County)

Pursuant to the authority vested by the provisions of Section ___ of Nassau County Ordinance No. ____, the Construction Board Adjustments and Appeals of the Nassau County did on or about the ____ day of ____, 20__, cause the property hereinafter described, to be repaired or the building or structure on the property hereinafter described, to be repaired or demolished in order to abate a violation on said real property; and the Construction Board of Adjustments and Appeals of Nassau County did on the ____ day of ____, 20__, assess the cost of such repair or demolition upon the real property hereinafter described; and the same has not been paid nor any part thereof; and that said Nassau County does hereby claim a lien on such rehabilitation, removal, repair or demolition in the amount of said assessment, to wit: the sum of \$____ and the same, shall be a lien upon said real property until the same has been paid in full and discharged of record. The real property herein above mentioned, and upon which a lien is claimed, is that certain parcel of land lying and being in Nassau County, State of Florida, and particularly described as follows:

(description)

Dated this day of ____ day of ____, 20__.

Construction Board Adjustments and Appeals, Nassau County.

(Ord. No. 2019-15, § 8, 6-10-19)

Sec. 7-103. - Alternative actions available—Violation an infraction.

Nothing in this chapter shall be deemed to prevent the board of county commissioners from ordering the commencement of a civil proceeding to abate a public nuisance pursuant to applicable law. Violation of the provisions of this chapter constitutes an infraction. Violations of this chapter may also be taken before the code enforcement board in accordance with F.S. ch. 162.

(Ord. No. 2019-15, § 9, 6-10-19)

Secs. 7-104—7-110. - Reserved.

Oldsmar, FL - Code of Ordinances (https://library.municode.com/fl/oldsmar/codes/code_of_ordinances)**3.5.2. - Applicability.**

3.5.2.1. 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.

3.5.2.2. Building. 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 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 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:

- (a) Buildings 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 homes as temporary offices, except that the provisions of part V (F.S. §§ 553.501—553.513) relating to accessibility by persons with disabilities shall apply to such mobile homes.
- (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) Chikees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this paragraph, the term "chickee" means a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other nonwood features.

3.5.2.2.1. 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, repair or demolition of public or private buildings, structures or facilities or to programmatic requirements that do not pertain to enforcement of the FBC. Additionally, the city's code enforcement board may not administer or enforce this section 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.

3.5.2.2.2. 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 and the certification requirements of the Federal Government.

3.5.2.2.3. Residential buildings or structures moved into or within a county or municipality shall comply with the requirements of article III, section 3.3.3, Land Development Code.

3.5.2.2.4. Unsafe buildings shall be abated using the Standard Unsafe Building Abatement Code, 1985 edition, promulgated by the Southern Building Code Congress International, Inc., subject to all amendments, modifications or deletions hereinafter contained.

3.5.2.2.5. 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.

3.5.2.3. *Electrical.* The provisions of chapter 27, FBC, Building, shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.

3.5.2.4. *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.

3.5.2.5. *Mechanical.* The provisions of the FBC, Mechanical, shall apply to the installation of mechanical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances, including ventilating, heating, cooling, air conditioning and refrigeration systems, incinerators and other energy-related devices.

3.5.2.6. *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.

3.5.2.7. *Federal and state authority.* The provisions of the FBC shall not be held to deprive any federal or state agency, or any 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.

3.5.2.8. *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. Where code provisions conflict with a standard, the code provisions shall be enforced. Permissive and advisory provisions in a standard shall not be construed as mandatory.

3.5.2.9. *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.

3.5.2.10. *Accessibility.* For provisions related to accessibility, refer to chapter 11, FBC, Building.

3.5.2.11. *Energy.* For provisions related to energy, refer to chapter 13, FBC, Building.

(Ord. No. 2002-06, § 8, 3-19-02)

3.5.4. - Powers and duties.

3.5.4.1. *General.* The building code administrator is hereby authorized and directed to enforce the provisions of the FBC. The building code administrator 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.

3.5.4.2. *Right of entry.*

3.5.4.2.1. Whenever necessary to make an inspection to enforce any of the provisions of the FBC, or whenever the building code administrator 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 code administrator may enter such building, structure or premises at all reasonable times to inspect the same or to perform any duty imposed upon the building code administrator by the FBC and Land Development 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 code administrator shall have recourse to every remedy provided by law to secure entry.

3.5.4.2.2. When the building code administrator 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 as herein provided, to promptly permit entry therein by the building code administrator for the purpose of inspection and examination pursuant to the FBC and Land Development Code.

3.5.4.3. *Stop work orders.* upon notice from the building code administrator, 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 code administrator shall not be required to give a written notice prior to stopping the work.

3.5.4.4. *Revocation of permits.* The building code administrator is authorized to suspend or revoke a permit issued under the provisions of the FBC 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 the FBC.

3.5.4.4.1. *Misrepresentation of application.* The building code administrator 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 of misrepresentation as to any material fact in the application or plans on which the permit or approval was based.

3.5.4.4.2. *Violation of code provisions.* The building code administrator may revoke a permit upon determination by the building code administrator 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.

3.5.4.5. *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 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 city ordinance.

3.5.4.6. *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, safety and welfare, not specifically covered by this or the other technical codes, shall be determined by the city.

(Ord. No. 2002-06, § 8, 3-19-02)

Ponce Inlet, FL - Code of Ordinances (https://library.municode.com/fl/ponce_inlet/codes/code_of_ordinances)

ARTICLE V. - CODE ENFORCEMENT

Footnotes:

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Cross reference— *Building code, § 18-31 et seq.; electrical code, § 18-61 et seq.; plumbing code, § 18-91 et seq.; mechanical code, § 18-121 et seq.; gas code, § 18-151 et seq.; swimming pool code, § 18-181 et seq.; unsafe building abatement code, § 18-211 et seq.; excavation and grading code, § 18-241 et seq.; housing code, § 18-411 et seq.; coastal construction code, § 18-451 et seq.; fire codes, § 38-31 et seq.*

DIVISION 1. - GENERALLY

Sec. 2-141. - Intent; jurisdiction.

- (a) It is the intent of this article to promote, protect, and improve the health, safety and welfare of the citizens of the town by providing an equitable, expeditious, effective and inexpensive method of enforcing the various codes of the town.
- (b) Further, the provisions of this article are intended to provide an additional and supplemental means of enforcing the various codes of the town, and nothing contained in this article shall prohibit the town from enforcing its codes or ordinances by any other means, specifically including F.S. ch. 162.

(Code 1984, § 2-239; Ord. No. 2000-7, § 1(2-239), 8-16-2000)

Sec. 2-142. - 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:

Code means any section of the land use and development code for the town.

Code enforcement board attorney means the legal counselor for the code enforcement board of the town, as appointed by the town council.

Code enforcement officer means any authorized agent or employee of the town whose duty it is to ensure compliance with the various codes and ordinances in force in the town.

Enforcement board and *code enforcement board* mean the code enforcement board as provided for in F.S. § 162.03.

Ordinance means any section of the Code of Ordinances for the town.

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

Town attorney means the town attorney or any assistant town attorney.

(Code 1984, § 2-240; Ord. No. 2000-7, § 2(2-240), 8-16-2000)

Cross reference— Definitions generally, § 1-2.

Secs. 2-143—2-160. - Reserved.

DIVISION 2. - CODE ENFORCEMENT BOARD

Sec. 2-161. - Procedures; powers and duties; legal counsel.

- (a) The code enforcement board shall act in accordance with the Local Government Enforcement Boards Act, F.S. ch. 162, as it may be amended from time to time, and shall have all of the powers and duties set forth therein. The town attorney shall serve as a prosecutor before the code enforcement board at all code enforcement hearings. Legal counsel to the code enforcement board, if desired, shall be provided by the code enforcement board attorney.
- (b) The code enforcement board shall have the power to:
 - (1) Adopt rules for the conduct of hearings.
 - (2) Subpoena alleged violators and witnesses for hearing. Subpoenas may be served by any law enforcement officer of the town or as otherwise provided for by Florida Statutes.
 - (3) Subpoena evidence for hearing.
 - (4) Take testimony under oath.
 - (5) Issue orders having the force of law to command whatever steps are necessary to bring a violation into compliance with town codes or ordinances.
 - (6) Hear and decide appeals when authorized to do so pursuant to any ordinance in which the town council adopts a supplemental means of enforcing its codes.

(Ord. No. 2000-7, § 3(2-242), 8-16-2000; Ord. No. 2011-09, § 3, 7-20-2011)

Sec. 2-162. - Composition.

The code enforcement board shall consist of five members and two alternates.

(Ord. No. 2016-03, § 1, 9-22-2016)

Sec. 2-163. - Appointment and term of members.

The members and alternates of the code enforcement board shall be appointed by the town council and shall serve three-year staggered terms, with an exception for the current terms of members on this board: terms for seats one and four shall expire in December 2018, terms for seats two and five shall expire in December 2016, and the term for seat three shall expire in December 2017. Alternate members shall be appointed to an annual term ending in December of each year.

(Ord. No. 2016-03, § 1, 9-22-2016)

Secs. 2-164—2-180. - Reserved.

DIVISION 3. - CODE ENFORCEMENT PROCEDURE

Sec. 2-181. - Initiation of proceedings.

It shall be the duty of the code enforcement officer, as provided in this article, to investigate or initiate complaints of violations of town codes and to initiate enforcement proceedings relative thereto. The code enforcement board shall not have any independent authority to conduct its own investigation of such complaints or to initiate enforcement proceedings.

(Ord. No. 2000-7, § 4(2-243(1)), 8-16-2000)

Sec. 2-182. - Citation procedure.

Except as provided in sections 2-187 and 2-188, if a violation of a code or ordinance is found, the code enforcement officer shall provide notice to the violator in the form of a citation in accordance with the requirements of section 2-183. This citation shall advise the violator of the nature of the violation and shall give him a reasonable time, generally not to exceed 30 days, to correct the violation.

(Ord. No. 2000-7, § 4(2-243(2)), 8-16-2000)

Sec. 2-183. - Citation format.

A citation issued by the code enforcement officer shall be on a form approved by the town manager and town attorney and shall include, but is not limited to, the following:

- (1) The date and time of issuance.
- (2) The name and address of the person to whom the citation is issued.
- (3) The date and the time the violation was issued.
- (4) The facts constituting reasonable cause for issuance.
- (5) The specific section number of the code that has been violated and a description of the nature of the violation.
- (6) The name and authority of the code enforcement officer.
- (7) The statutory range of fines amount available to the code enforcement board to be imposed against the violator and subsequent purchasers, successors in interest or assigns.

(Ord. No. 2000-7, § 4(2-243(3)), 8-16-2000)

Sec. 2-184. - Notice of hearing.

If, upon personal investigation, the code enforcement officer has reasonable cause to believe that the violator has not corrected the violation within the prescribed period of time, he shall issue a notice of hearing on a form approved by the town manager and town attorney, which shall include, but not be limited to, the following:

- (1) Notice of a scheduled hearing before the code enforcement board which includes the date, time and location of the hearing.
- (2) A provision that failure to attend such a hearing shall be deemed as a waiver of the violator's right to contest the citation.
- (3) The statutory range of fines amount available to the code enforcement board to be imposed against the violator and subsequent purchasers, successors in interest or assigns.

(Ord. No. 2000-7, § 4(2-243(4)), 8-16-2000)

Sec. 2-185. - Recordkeeping.

After issuing a citation and/or notice of hearing to a violator, the code enforcement officer shall deposit the original citation in a file for the code enforcement board, and shall file the copies with the code enforcement and/or street files. All records shall be maintained in accordance with the requirements of F.S. ch. 119.

(Ord. No. 2000-7, § 4(2-243(5)), 8-16-2000)

Sec. 2-186. - Failure to appear at hearing.

If a violator fails to appear at the hearing to contest the violation, the violator shall be deemed to have waived his right to contest the violation, and in such a case the code enforcement board may enter an order against the violator imposing a fine in an amount no more than allowed by section 2-193. Notice of the hearing shall be made in accordance with section 2-195. If the violation is corrected and then recurs or if the violation is not corrected by the time specified for correction by the code enforcement officer, the case may be presented to the code enforcement board even if the violation has been corrected prior to the hearing, and the notice shall so state.

(Ord. No. 2000-7, § 4(2-243(6)), 8-16-2000)

Sec. 2-187. - Repeat violations.

If a repeat violation is found, the code enforcement officer shall notify the violator and advise him of the nature of the repeat violation, but is not required to give the violator a reasonable time to correct the repeat violation. The code enforcement officer shall, upon notifying the violator of a repeat violation, issue a citation to the violator in accordance with the requirements of section 2-183. Notice of the hearing shall be provided to the violator pursuant to section 2-195. If the repeat violation has been corrected prior to the hearing, a code enforcement board may determine and impose, as costs against the violator, reasonable enforcement fees incurred by the town. The repeat violator may choose to waive his rights to this hearing and pay such costs as determined by the code enforcement board.

(Ord. No. 2000-7, § 4(2-243(7)), 8-16-2000)

Sec. 2-188. - Emergency violations.

If the code enforcement officer has reason to believe a violation presents a serious threat to the public health, safety and welfare or the violation is irreparable or irreversible in nature, the code enforcement officer shall make a reasonable effort to notify the violator of the violation and direct the violator to immediately remedy the violation, and may immediately schedule the matter for a hearing before the code enforcement board.

(Ord. No. 2000-7, § 4(2-243(8)), 8-16-2000)

Sec. 2-189. - Authority to issue citations.

Any code enforcement officer is hereby authorized to issue a citation to a person when, based upon personal investigation, the code enforcement officer has reasonable cause to believe that the person has committed a violation of a duly enacted code or ordinance.

(Ord. No. 2000-7, § 4(2-243(9)), 8-16-2000)

Sec. 2-190. - Continuing violations.

Each day that a violation exists shall constitute a separate violation for the purpose of assessing a fine by the code enforcement board.

(Ord. No. 2000-7, § 4(2-243(10)), 8-16-2000)

Sec. 2-191. - Payment of fines.

All fines imposed pursuant to this article shall be paid to the town through its finance department and shall be paid in a manner that is acceptable to, and in the sole discretion of, the town manager or his designee.

(Ord. No. 2000-7, § 4(2-243(11)), 8-16-2000)

Sec. 2-192. - Conduct of hearings.

- (a) Code enforcement hearings shall be held at a time established by the chairman of the code enforcement board upon coordination with the town attorney. Unless there are no cases set for hearing, code enforcement hearings shall be held on a monthly basis.
- (b) The town manager or his designee shall provide clerical and administrative personnel to the code enforcement board and town attorney as may be reasonably required for the performance of his duties.
- (c) Each case before the code enforcement board shall be presented by the town attorney or his designee. The code enforcement officer shall be present at the hearing to testify at the pleasure of the town attorney. If the town prevails in prosecuting a case before the code enforcement board, it shall be entitled to recover all costs incurred in prosecuting the case and such costs may be included in any lien authorized by section 2-193.
- (d) The code enforcement board shall proceed to hear the cases on the agenda for the respective hearing. All testimony shall be under oath and shall be recorded. The code enforcement board shall take testimony from the code enforcement officer, from the alleged violator, and from any witnesses presented by the town attorney or the alleged violator. Formal rules of evidence shall not apply; however, fundamental due process shall be observed and shall govern all proceedings. Both the town and alleged violator shall have the right to subpoena witnesses to testify at the hearing.
- (e) The code enforcement board shall direct the town attorney to state the section of the code or ordinance which the alleged violator is accused of violating and the nature of the violation. The code enforcement board shall first seek to determine whether or not the alleged violator admits the violation. If the alleged violator admits the violation, the code enforcement board shall hear such testimony and evidence as presented by the town attorney or the amount the code enforcement board deems necessary to determine the existence of the violation or to punish the alleged violator. If the alleged violator denies the violation, the code enforcement board shall hear first from the town, and the alleged violator shall have the right to cross examine the town's witnesses. At the close of the town's presentation, the violator shall be permitted to present testimony of witnesses and evidence. The town shall have the right to cross examine the alleged violator and his witnesses.
- (f) The town shall have the burden of proving the violation by a preponderance of the evidence.
- (g) At the conclusion of the hearing, the code enforcement board shall issue findings of fact and conclusions of law based on the evidence of the record, and shall issue an order affording the proper relief consistent with the powers granted in this article. The order may include a notice that it must be complied with by a specified date, that a fine may be imposed for noncompliance, and that the cost of repairs may be included along with the fine under the conditions specified in section 2-193 if the order is not complied with by the prescribed date. A certified copy of this order shall be recorded in the public records of the county and shall constitute notice to any

subsequent purchasers, successors in interest or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator and, if the violation concerns real property, any subsequent purchasers, successors in interest or assigns. When an order is recorded in the public records pursuant to this subsection and the order is complied with by the date specified in the order, the code enforcement board shall issue an order acknowledging compliance that shall be recorded in the public records. A hearing is not required for the issuance of such an order acknowledging compliance.

(Ord. No. 2000-7, § 5(2-244), 8-16-2000)

Sec. 2-193. - Administrative fines and liens.

- (a) *Order imposing fine.* The code enforcement board, upon notification by the code enforcement officer that a previous order of noncompliance of the code enforcement board has not been complied with by the prescribed time or upon finding that a repeat violation has been committed, may order the violator to pay a fine in an amount specified in this article for each day the violation continues past the date set by the code enforcement board in an order of noncompliance; or, in the case of a repeat violation, for each day the repeat violation continues to exist, beginning with the date the repeat violation is found to have occurred by the code enforcement officer. Further, if the violation is a violation as described in section 2-188, the code enforcement board shall notify the town council, which may authorize and make all reasonable repairs that are required to bring the property into compliance, and the reasonable cost of those repairs may be charged against the violator along with any fine imposed pursuant to this article. Making such repairs does not create a continuing obligation on part of the town and does not create any liability against the town for any damages to the property. If a finding of a violation or a repeat violation has been made as provided in this article, a hearing shall not be necessary for issuance of the order imposing a fine. If, after due notice and hearing, the code enforcement board finds a violation to be irreparable or irreversible in nature, the code enforcement board may order the violator to pay a fine as specified in subsection (b)(1) of this section.
- (b) *Amount of fine.* The code enforcement board may impose a civil fine as prescribed in this article, or may determine and impose a fine up to the following maximum amount:
- (1) A fine imposed pursuant to this section shall not exceed \$250.00 for the first violation and shall not exceed \$500.00 per day for a repeat violation, and, in addition thereto, may include all costs of repairs pursuant to subsection (a) of this section. However, if the code enforcement board finds the violation to be irreparable or irreversible in nature, it may impose a fine not to exceed \$5,000.00 per violation.
 - (2) In determining the amount of the fine, if any, the code enforcement board shall consider the following factors:
 - a. The gravity of the violation.
 - b. Any corrective actions taken by the violator to remedy the violation.
 - c. Any previous violations committed by the violator.
 - (3) Each day a violation exists shall constitute a separate violation for the purpose of assessing a fine.
- (c) *Reduction or abatement of fine.*
- (1) Prior to recordation as a lien, the code enforcement board may reduce any fine imposed pursuant to this article upon written request by the violator or subsequent purchasers, successors in interest or assigns sent by certified mail, return receipt requested, to the town development services department. The code enforcement board may waive the requirement that the written request be made by certified mail, return receipt requested. The town development services department shall direct the request to the code

enforcement board for hearing. The code enforcement board may reduce or abate the fine with a hearing based on the factors enumerated in subsection (b)(2) of this section and due consideration to any expenses incurred by the town to prosecute the violation. Any fine recorded as a lien may not be reduced or abated by the code enforcement board.

- (2) The town council may reduce or abate any fine recorded as a lien upon written request by the violator or subsequent purchasers, successors in interest or assigns sent by certified mail, return receipt requested, to the town code enforcement department. The town code enforcement department shall direct the request to the town council for consideration.
- (d) *Lien for unpaid fine.* A certified copy of an order imposing a fine may be recorded in the public records of the county and shall thereafter constitute a lien against the land on which the violation exists and upon any other real or personal property owned by the violator. Upon petition to the circuit court, such order may be enforced in the same manner as a court judgment by the sheriffs of this state, including levy against the personal property, but such order shall not be deemed to be a court judgment except for enforcement purposes. 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 on a lien filed pursuant to this article, whichever occurs first. A lien arising from a fine imposed pursuant to this section runs in favor of the town and the town council may authorize the execution of a satisfaction and release of lien entered. The code enforcement board may authorize the town attorney to foreclose on a lien after three months from the filing of any such lien that remains unpaid. No such lien may be foreclosed on real property classified as a homestead pursuant to section 6, article VII of the Florida Constitution.
- (e) *Duration of lien.* No lien provided for by this article shall continue for a period longer than permitted by F.S. § 162.10.
- (f) *Status of code enforcement lien.* All code enforcement liens filed by the town shall be deemed to be prior in dignity to any other lien, including mortgages, irrespective of the date of the recording of the town's lien or the date of the recording of any mortgage or any other lien on real property, and such lien shall survive any action to foreclose such inferior lien whether such inferior lien arises by virtue of a mortgage, a mechanic's lien, or other security interest in real property; provided, however, that nothing herein contained shall be construed to be respecting the priority of liens; and where a law or statute specially provides for the priority of liens, the provisions hereof shall be construed to achieve harmony therewith.

(Ord. No. 2000-7, § 7(2-245), 8-16-2000; Ord. No. 2007-03, § 1, 2-21-2007; Ord. No. 2009-01, § 3, 1-21-2009)

Sec. 2-194. - Appeals.

Final administrative orders of the code enforcement board may be appealed by an aggrieved party to the circuit court as provided for in the Local Government Enforcement Act, F.S. ch. 162. The town attorney shall represent the town on all such appeals.

(Ord. No. 2000-7, § 6(2-246), 8-16-2000)

Sec. 2-195. - Notices.

- (a) All notices required under this article shall be provided to the alleged violator by:
- (1) Certified mail, return receipt requested, to the owner of the property in question at the address listed in the tax collector's office for tax notices, and at any other address provided to the town by such owner. If a notice sent under this subsection is returned unclaimed or refused, notice may be provided by posting as described

- in subsection (b)(2) of this section and by first class mail directed to the addresses furnished to the local government with a properly executed proof of mailing or affidavit confirming the first class mailing;
- (2) Hand delivery by the sheriff or other law enforcement officer, code enforcement officer, or other person designated by the town council;
 - (3) 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; or
 - (4) In the case of commercial premises, leaving the notice with manager or other person in charge.
- (b) In addition to providing notice as set forth in subsection (a) of this section, at the option of the code enforcement board, 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 (four publications being sufficient) in a newspaper of general circulation in the county. The newspaper shall meet such requirements as are prescribed under F.S. ch. 50 for legal and official advertisements. Proof of publication shall be made as provided for in F.S. §§ 50.041 and 50.051.
 - (2) In lieu of publication as described in subsection (b)(1) of this section, such notice may be posted at least ten days prior to hearing, or prior to any deadline contained in the notice, 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 the town 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.
 - (3) 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 subsection (a) of this section. Evidence that an attempt has been made to hand deliver or mail notice as provided in subsection (a) of this section, together with proof of publication or posting as provided in subsection (b) of this section, shall be sufficient to show that the notice requirements of this article have been met, without regard to whether or not the alleged violator actually received such notice.

(Ord. No. 2000-7, § 8(2-248), 8-16-2000)

Sec. 2-196. - Provisions supplemental.

Nothing contained in this article shall prohibit the town from enforcing its codes and ordinances by any other means.

(Code 1984, § 2-247)

Secs. 2-197—2-220. - Reserved.

ARTICLE VIII. - UNSAFE BUILDING ABATEMENT CODE

Footnotes:

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Cross reference— *Code enforcement, § 2-141 et seq.; environment, ch. 34.*

Sec. 18-211. - Adopted.

- (a) There is hereby adopted by the town that certain code known as the Unsafe Building Abatement Code, being the 1985 (seventh) edition thereof, as published by the Southern Building Code Congress International, Inc. Copies of

the subject code are filed in the office of the town clerk, and such code is hereby adopted and incorporated as fully as if set out at length in this section, and the provisions contained therein shall be controlling within the limits of the town.

(b) The following sections of the Unsafe Building and Abatement Code are amended as follows:

(1) *Section 302.1.1* is hereby amended as follows:

The building official shall prepare and issue a notice of unsafe building directed to the owner of record of the building or structure. The notice shall contain, but not be limited to, the following information: [Add]

5. A statement that all costs of demolition and/or repair shall be assessed against and constitute a lien on the property upon which the building or structure is/was situated.

(2) *Section 302.1.2* is hereby amended to read as follows:

1. Notice shall be given to all interested parties: the lessee, tenant, or occupants, if any, and any persons of record interest, including mortgagee, contract purchaser, agent with power of attorney, person claiming an interest under *lis pendens* and the like. Failure to effect personal service in accordance with the provisions of this section shall not prevent the town from performing necessary repairs or demolition, or from attaching a lien on the property.

2. Notice shall be sent:

- a. Certified mail, return receipt requested and a copy sent by first-class mailing, provided if such notice is sent under this paragraph to interested parties and the certified mail is returned as unclaimed or refused, notice may be provided by publishing a copy thereof once in a newspaper of general circulation within the town, and the town Manager or designee shall properly execute proof of mailing or affidavit confirming the first-class mailing. A copy of such notice shall be posted in a conspicuous place in town Hall and upon such dwelling or structure; or
- b. Hand-delivery by the sheriff or other law enforcement officer or inspector, or other person designated by the City; or
- c. Leaving the notice at the interested party'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; or
- d. In the case of commercial premises, leaving the notice with the manager or other person in charge; or
- e. If the name of any interested persons or his or her place of residence or his or her post office address cannot be ascertained after diligent search, and the notices sent by first-class mail and certified mail have been returned as undelivered, by publishing a copy thereof once in a newspaper of general circulation within the town. A copy of such notice and order shall be posted in a conspicuous place in Town Hall and upon such dwelling or structure.

(3) *Section 302.1.3* is hereby deleted in its entirety.

(4) Added to *Section 401.1* is the following: Any person entitled to service in accordance with the provisions of Chapter 3 may appeal any action of the building official under this code to the Board of Adjustments and Appeals. The planning board shall act as the Board of Adjustments and Appeals when the interpretation does not involve the Florida Building Code or the Florida Fire Prevention Code (FFPC).

(5) *Section 505, "Recourse,"* is hereby amended as follows: If the appellant is aggrieved by the decision of the planning board, (s)he may file a notice of appeal with the town clerk, to be heard by the town council within 30 days after rendition of the decision of the planning board, upon payment of any fee established by resolution of the town council. The appeal shall be heard at the soonest available council meeting.

(6) *Section 605* is hereby created to read: *Condition of lot or structure after repairs or demolition.*

A lot from which a dwelling, structure or manmade body of water is repaired or demolished shall be completely cleaned of all repair or demolition material and shall be properly filled, graded, and seeded with grass seed or sodded, as needed, within five days of the date of completion of the repairs or demolition.

(7) *Section 701* is hereby amended to read: Cost of repair or demolition; lien on property: collection.

1. Upon repair or demolition of any building or structure, either with town crews or by independent contractor, all costs of demolition and/or repair shall be assessed against and constitute a lien on the property upon which the building or structure is/was situated. The lien shall be equal in rank, priority and dignity with the lien of Volusia County ad valorem taxes and shall be superior to all other liens, encumbrances, titles and claims in, to or against the property. Cost shall include, but not limited to, all administrative costs, attorney's fees, postage, publication fees, and actual costs of physical removal and/or repair.
2. The town clerk may file such lien in the public records of Volusia County Florida, showing the nature of the lien, the amount thereof, a legal description of the property and the owner thereof. Such liens shall bear interest from the date of filing at the highest rate allowed by law.
3. The lien may be enforced in the same manner as a court judgment by the sheriffs of the State of Florida, including levy against personal property, and may also be foreclosed in the nature of a mortgage. All costs and attorney's fees incurred in collection of amounts due under any such lien shall also be secured by the property and included within the total sum due under the lien.
4. The town shall not commence any lien foreclosure action against any property for which a lien has been filed until such lien has been filed of record for a period of 90 days.

(Ord. No. 2002-09, § 1(6-131), 5-15-2002; Ord. No. 2008-10, § 3, 9-17-2008; Ord. No. 2010-03, § 2, 4-22-2010)

Secs. 18-212—18-240. - Reserved.

Chapter 34 - ENVIRONMENT

Footnotes:

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Cross reference— *Animals, ch. 10; rabies control, § 10-35; dangerous animals, § 10-121 et seq.; beaches and waterways, ch. 14; buildings and building regulations, ch. 18; unsafe building abatement code, § 18-211 et seq.; hazardous material incident cost recovery, § 42-61 et seq.; parks and recreation, ch. 46; planning and development, ch. 54; solid waste, ch. 62; disposal of razor blades, acids and other hazardous materials, § 62-35; streets, sidewalks and other public places, ch. 70; utilities, ch. 78; vegetation, ch. 82; land use and development code, pt. III; environmental standards, pt. III, § 9.1.1.*

State Law reference— *Abatement of nuisances by injunction, F.S. ch. 60.05; nuisances injurious to health, F.S. ch. 386; public nuisances, F.S. ch. 823.*

ARTICLE I. - IN GENERAL

Sec. 34-1. - Penalty.

Unless otherwise provided in this chapter, any person violating any of the provisions of this chapter shall, upon conviction thereof, be subject to the penalties designated in section 1-11. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such under this section.

(Code 1984, § 11-1)

Sec. 34-2. - Retention of sand, soil and construction debris on construction sites.

- (a) It is the intent of this section to prevent the migration and movement of loose sand, soil and construction debris from construction sites as a result of strong winds and heavy rains. It is the further intent of this section to prevent any traffic hazards and the occurrence of accidents involving serious personal injury or death as a result of such hazards by requiring that construction sites within the town adopt measures that will prevent the migration and movement of loose sand, soil and construction debris onto neighboring properties and adjoining roads.
- (b) A temporary solid, nonporous fence measuring at least six feet high shall be placed around the perimeter of all construction sites in the town, except the side facing the beach on coastal properties, prior to any construction, excavation and demolition, in order to prevent the migration and movement of loose sand, soil and construction debris from such construction sites to neighboring properties or adjoining roads as a result of high winds and heavy rains. Fencing shall also be sufficiently high to be above any sand level on the property. The fence will be constructed of concrete, properly braced plywood, stockade or board and batten fences. The design engineer or architect shall certify that the fence will withstand 110 mile per hour wind loads. Fences will be painted tan with no advertisement. Street addresses will be placed on the fence near the entrance of the construction site. Plastic fabric material or snow fencing is prohibited. Those sections of fence that must be removed to allow entry or exit of equipment or materials will be replaced as soon as possible and in any event replacement shall be completed prior to the end of the same workday that the fence is removed.
- (c) The method of compliance shall be demonstrated to the building official prior to the issuance of a permit. The building official may waive the requirement of this section if windblown sand, soil or debris is not a potential problem, i.e., construction does not include site work exposing sand or the property is surrounded sufficiently by heavy vegetation to preclude drifting or blowing of sand, soil or debris.
- (d) Where permitted construction is not in compliance with the provisions of this section, the chief building official shall issue a stop work order prohibiting further construction until compliance with this section is demonstrated, and in periods of emergency or severe weather may require or take emergency, temporary measures to prevent the movement or migration of sand, soil or construction debris, etc., onto neighboring properties or adjoining streets and charge the permittee the reasonable cost of taking such measures. These requirements for fences shall in no way relieve the owners of vacant properties from providing fences as described in this section or vegetation to prevent migration of sand, soil, debris, etc., to adjacent properties or streets. Property owners are responsible for maintaining the property so as not to create a nuisance or unsightly condition to occur on either his property or adjacent properties. The requirements for fencing and the standards for fence construction affect all construction sites, including those presently under construction upon the effective date of the ordinance from which this section is derived.
- (e) Any person violating any of the provisions of this section shall, upon conviction thereof, be subject to the penalties designated in section 1-11. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such under this section.

(Code 1984, § 11-2)

Cross reference— Buildings and building regulations, ch. 18.

Sec. 34-3. - Restrictions on building and construction operations on Saturdays, Sundays and holidays.

- (a) *Generally.* Construction and building operations, including erection of principal buildings, accessory buildings or any structures or part thereof, alteration or repair is prohibited, except as otherwise provided in this section, on Saturdays, Sundays and holidays as specified in section 1-2. Excavating, grading, or demolition or clearing shall be prohibited on Saturdays, Sundays and holidays.
- (b) *When permitted.* Construction and building operations, including erection of principal buildings, accessory buildings or any other structures or part thereof, excavation, grading, demolition, clearing, alteration or repair are permitted between the hours of 7:00 a.m. and 6:00 p.m. on weekdays that are not holidays by the owner, contractor or any other person acting on behalf of the owner or contractor. Construction and building operations, including erection of principal buildings, accessory buildings or any other structures or part thereof, alteration or repair are permitted between the hours of 8:30 a.m. to 5:00 p.m. on Saturdays and official holidays, as defined by section 1-2, by the owner, contractor or any other person acting on behalf of the owner or contractor.
- (c) *Exemption for existing single-family residences.* Repair and maintenance work on existing single-family residences is permitted on weekends and holidays. Such activities include, but are not limited to, painting, wallpapering, carpeting, tiling, minor repairs, yard work, etc.
- (d) *Delivery and unloading of construction materials.* The delivery and unloading of construction and building materials is expressly prohibited on Sundays and national holidays.
- (e) *Emergency repairs.* Emergency repairs for major structural damage caused by catastrophic event or natural phenomenon are permitted on weekends.
- (f) *Penalty.* Each day any violation of the provisions of this section is committed or permitted to continue shall constitute a separate offense and shall be punishable as a separate offense pursuant to the provisions of section 1-11, or pursuant to the provisions of F.S. ch. 162 as enforced by the code enforcement board.

(Code 1984, § 11-3; Ord. No. 2006-01, § 1, 2-15-2006)

Cross reference— Buildings and building regulations, ch. 18.

Secs. 34-4—34-30. - Reserved.

ARTICLE II. - SANITATION AND HEALTH

Sec. 34-31. - Enforcement.

The provisions of this article shall be enforced by the mayor or his appointee, any town sanitary inspector, any police officer of the town, or the state health officer, his agents and deputies as authorized and provided in the state statutes.

(Code 1984, § 11-19)

Sec. 34-32. - Committing, creating or maintaining nuisance.

It shall be unlawful for any person to commit, create, keep, maintain or permit to be kept or maintained any sanitary nuisance or any nuisances injurious to health within the limits of the town.

(Code 1984, § 11-16)

Sec. 34-33. - Sanitary nuisances designated.

A sanitary nuisance is the commission of any act by a person, or the keeping, maintaining, propagation, existence or permission of anything by a person, by which the health or life of an individual, or the health or lives of individuals, may be threatened or impaired, or by which or through which, directly or indirectly, disease may be caused.

(Code 1984, § 11-17)

Sec. 34-34. - Nuisances injurious to health designated.

The following conditions existing, permitted, maintained, kept, or caused by a person shall constitute prima facie evidence of maintaining a nuisance injurious to the health:

- (1) Untreated or improperly treated human waste, garbage, offal, dead animals or dangerous waste materials from manufacturing processes harmful to human or animal life and air pollutants, gases and noisome odors which are harmful to human or animal life.
- (2) Improperly built or maintained septic tanks, water closets or privies.
- (3) The keeping of diseased animals dangerous to human health.
- (4) Unclean or filthy places where animals are slaughtered.
- (5) The creation, maintenance or causing of any condition capable of breeding or harboring flies, mosquitoes or other arthropods, or rodents capable of transmitting diseases directly or indirectly to humans.
- (6) Any other condition determined to be a sanitary nuisance as defined in the state statutes.
- (7) Violators of this section shall be subject to noncriminal prosecution or code enforcement board prosecution and subject to the penalties provided in section 1-11(a)(1) or 1-11(a)(3), respectively.

(Code 1984, § 11-18; Ord. No. 2004-25, § 13, 11-17-2004)

State Law reference— Nuisances injurious to health, F.S. § 386.041.

Sec. 34-35. - Storage of personal property.

Personal property which is customarily associated with and incidental to residential premises, including but not limited to lawn furniture, chairs, chaise lounges, picnic tables, benches, grills, swings, slides, birdbaths, lawn decorations, birdfeeders, and doghouses, may be stored outdoors in all single-family and multifamily residential areas. All other personal property must be stored inside the principal or accessory structure except during use.

(Code 1984, § 11-20)

Sec. 34-36. - Repair of motor vehicles; storage of unlicensed or inoperable vehicles.

- (a) All motor vehicles, including but not limited to cars, motorcycles, trucks, three-wheelers, and tractors, being repaired within residentially zoned areas of the town must be currently registered to the property owner or resident of such property and any such repair must be performed in an enclosed garage or carport.
- (b) All unlicensed or inoperable vehicles located in the town shall be parked in an enclosed garage or carport at all times except at those properties zoned to allow automotive repair businesses which have a properly licensed automotive repair business operating.

(Code 1984, § 11-21)

Cross reference— Traffic and vehicles, ch. 74.

Sec. 34-37. - Occupation of boats in B-2 district.

Between the hours of 9:00 p.m. and 3:00 a.m. in any B-2 district, it shall be unlawful for any person to be aboard any boat located on dry land or for the owner of the real property where any such boat is located to permit, suffer or allow anyone other than the real property owner or an employee of the real property owner to be aboard any such boat.

(Code 1984, § 11-22)

Cross reference— Boats and boating, § 14-201 et seq.

Sec. 34-38. - Use of portable toilets.

(a) The use, location or placement of a portable wastewater sanitation device, commonly known as a port-o-let or port-o-john, is hereby prohibited after January 1, 1997, on any property within the town bearing a residential or commercial zoning designation except as follows:

- (1) As necessary to accommodate new development or construction; or
- (2) Where the use of such facilities is necessary for a public activity, event or function no longer than five days in duration at a location lacking adequate permanent wastewater sanitation and the use has been approved by the town council.

(b) Any person found in violation of any provision of this section shall be punished in accordance with section 1-11. The town may further bring suit to restrain, enjoin or otherwise prevent the violation of this section, and shall be entitled to reasonable attorneys' fees and costs if it prevails in the suit.

(Code 1984, § 11-23; Ord. No. 2019-02, § 5, 3-21-2019)

Secs. 34-39—34-60. - Reserved.

ARTICLE III. - MOSQUITO CONTROL

Footnotes:

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State Law reference— *Mosquito control districts, F.S. ch. 388.*

Sec. 34-61. - Prohibited conditions.

- (a) Collection of water in which mosquitoes breed or are likely to breed within the meaning of this section are those contained in ditches, ponds, pools, excavations, holes, depressions, open cesspools, privy vaults, fountains, cisterns, tanks, shallow wells, barrels, troughs (except horse troughs in frequent use), urns, cans, boxes, bottles, tubs, buckets, defective roof gutters, tanks, flush closets or other similar water containers.
- (b) It shall be unlawful for any person to have, keep, maintain, cause or permit within the corporate limits of the town any collections of standing or flowing water in which mosquitoes are breeding or are likely to breed unless such collections of water are treated so as to effectively prevent such breeding.

(Code 1984, § 11-31)

Sec. 34-62. - Mosquito larvae as evidence of breeding.

The natural presence of mosquito larvae in standing or running water shall be evidence that mosquitoes are breeding there.

(Code 1984, § 11-32)

Sec. 34-63. - Treatment of water collections.

Collections of water in which mosquitoes breed or are likely to breed shall be treated by one or more of the following methods:

- (1) Screening with wire netting of at least 16 meshes to the inch each way or any other material which will effectively prevent the ingress and egress of mosquitoes.
- (2) Complete emptying every seven days of unscreened containers together with thorough drying or cleaning.
- (3) Using an approved larvacide.
- (4) Covering completely the surface of the water with kerosene, petroleum, paraffin or oil once every seven days.
- (5) Cleaning and keeping sufficiently free of vegetable growth and other obstructions, and stocking with mosquito-destroying fish.
- (6) Filling or draining.
- (7) Proper disposal by removal or destruction of tin cans, tin boxes, broken or empty bottles and similar articles likely to hold water.

(Code 1984, § 11-33)

Sec. 34-64. - Right of entry of enforcement officers.

For the purposes of enforcing the provisions of this article, the mayor, chief of police or his lawful subordinate may at all reasonable times enter in and upon any premises within his jurisdiction.

(Code 1984, § 11-34)

Secs. 34-65—34-90. - Reserved.

ARTICLE IV. - NOISE

Footnotes:

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Editor's note— Ord. No. 2011-01, § 1, adopted Jan. 20, 2011, amended Art. IV to read as set out herein. Former Art. IV, §§ 34-91—34-99, pertained to similar subject matter and derived from Ord. No. 2002-02, § 2(10-1—10-9), adopted Mar. 20, 2002; and Ord. No. 2010-03, § 2, adopted Apr. 22, 2010.

Cross reference— Use of loud noises and sound-amplifying devices, § 50-33.

Sec. 34-91. - 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. The word "shall" is always mandatory and not discretionary; the word "may" is permissive. Words not defined in this section shall be construed to have the meanings given

by common and ordinary use as defined by Webster's New Collegiate Dictionary (G. & C. Merriam Co., eleventh edition, 2008, or subsequent edition). All terminology used in this article, not specifically defined, shall be in conformance with applicable publications of the American National Standards Institute (ANSI) or its successor body.

Construction means any site preparation, assembly, erection, substantial repair, alteration, or similar action, excluding demolition, for or on public or private rights-of-way, structures, utilities or similar property.

Daylight hours means one-half-hour before sunrise and one-half-hour after sunset.

Decibel (dB) means a unit for describing the amplitude of sound, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micronewtons per square meter.

Emergency work means any work performed by any individual for the purpose of preventing or alleviating physical trauma or property damage threatened or caused by an existing or imminent peril.

Noise means any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans. The term is used synonymously with the term "sound."

Noise disturbance means any sound which:

- (a) Endangers or injures the safety or health of humans or animals;
- (b) Annoys or disturbs a reasonable person of normal sensitivities;
- (c) Endangers or injures personal or real property;
- (d) Is sufficient to annoy and disturb the occupants of premises other than those premises from which the noise is emanating to the extent that it renders the ordinary use of the other premises physically uncomfortable; or
- (e) Exceeds the noise level standards set forth for the corresponding occupancy use in the table listed in subsection 34-93(b) of this article.

Person means any individual, association, partnership, corporation, governmental agency, business trust, estate, or trust, two or more persons having a joint or common interest, or any other legal entity, and includes any officer, employee, department, agency or instrumentality of the United States, a state or any political subdivision of a state.

Plainly audible sound means any sound for which the information content of that sound is communicated to the listener, such as, but not limited to, spoken speech or musical rhythms.

Real property line means an imaginary line along the surface, and its vertical plane extension, which separates the real property owned, rented or leased by one person from that owned, rented or leased by another person, excluding intrabuilding real property divisions.

Root mean square (RMS) means the square root of the mean of a set of squared values.

Signaling device means a sound emitter mounted on or within an automobile or other vehicle.

Sound means an oscillation in pressure, stress, particle displacement, particle velocity or other physical parameter, in a medium with internal forces. The description of sound may include any characteristic of such sound, including duration, intensity and frequency. The term is used synonymously with the term "noise."

Sound emitter means a device which emits sound.

Sound level means the weighted sound pressure level obtained by the use of a metering characteristic and weighting A, B or C as specified in American National Standards Institute specifications for sound level meters, ANSI S1.4-1971, or in successor publications. If the weighting employed is not indicated, the A-weighting shall apply.

Sound level meter means an instrument which includes a microphone, amplifier, RMS detector, integrator or time averager, output meter and weighting networks used to measure sound pressure levels. The output meter reads sound pressure level when properly calibrated, and the instrument is of type 2 or better, as specified in the American National Standards Institute publication S1.4-1971, or its successor publications.

Sound pressure means the instantaneous difference between the actual pressure and the average or barometric pressure at a given point in space, as produced by the presence of sound energy.

Sound pressure level means 20 times the logarithm to the base 10 of the ratio of the RMS sound pressure to the reference pressure of 20 micropascals ($20 \times 10^{-6} \text{ N/m}^2$). The sound pressure level is denoted L_p or SPL and is expressed in decibels.

Special permit means authorization, issued by the town manager or duly authorized representative, to exceed the maximum allowable noise level limits designated in this article for a specified period of time.

Town manager means the town manager and/or designee.

(Ord. No. 2011-01, § 1, 1-20-2011)

Sec. 34-92. - Jurisdiction.

The provisions of this article shall apply within the boundaries of the town.

(Ord. No. 2011-01, § 1, 1-20-2011)

Sec. 34-93. - Sound limitations.

- (a) *Noise disturbance prohibition.* Regardless of use occupancy, no person shall create, cause, operate, or cause to be operated any source of sound from any occupancy in such a manner as to create a noise disturbance except as expressly permitted by this article.
- (b) *Maximum permissible sound levels by use occupancy.* No person shall create, cause, operate, or cause to be operated any source of sound from any occupancy in such a manner as to create a sound level which exceeds the limits set forth for the use occupancy category in Table I below. It is the use occupancy of the property from which the sound is emitted that determines the category and corresponding decibel limits in Table I below. A sound level in excess of these sound level limits beyond the real property line from which the sound is emitted shall be deemed a noise disturbance.

TABLE I. DECIBEL LIMITS BY LAND USE OCCUPANCY

Use Occupancy Category	Time	Sound Level Limit
Residential	7:00 a.m. to 10:00 p.m.	60 dB
	After 10:00 p.m. to 7:00 a.m.	55 dB
Commercial	7:00 a.m. to 10:00 p.m.	<u>70</u> dB
	After 10:00 p.m. to 7:00 a.m.	65 dB

- (c) *Classification of use occupancy.* For the purposes of defining the use occupancy under this article, all premises containing habitually occupied sleeping quarters shall be considered residential use. All premises containing transient commercial sleeping quarters shall be considered commercial use. All premises containing business where sales, professional or other commercial use is legally permitted, including hospitals, shall be considered commercial use. In cases of multiple uses, the more restrictive use category shall prevail. Nursing homes, schools, libraries and church uses shall be considered residential uses. Any area not otherwise classified shall conform to commercial standards.
- (d) *Prohibited acts.* Regardless of use occupancy, the acts in this subsection are declared to be loud, disturbing and unnecessary noises in violation of this article and are unlawful. Prohibited acts include but are not limited to the following:
- (1) The unreasonable sounding of any horn or signaling device on any automobile or other vehicle, except as a danger warning; the creation by means of any signaling device of any unreasonably loud or harsh sound; the sounding of any signaling device for any unnecessary or unreasonable period of time; and the unreasonable use of any signaling device.
 - (2) The playing, using, operating or permitting of playing, use or operation of any radio, television, tape or compact disc player, amplifier, musical instrument or other machine or device used for the production, reproduction or emission of sound, any prolonged sounds made by people, and the keeping of any pet or animal which causes frequent or long continuous noise in such a manner as to disturb the public peace, quiet and comfort of the neighboring inhabitants or at any time with greater intensity than is necessary for convenient hearing for the persons who are in the room, vehicle or chamber in which such sound emitter is operated and who are voluntary listeners thereto. Quieter standards are expected during nighttime hours.
 - (3) Any plainly audible sound which may be heard at a distance of 100 feet from the real property line of the premises from which the sound is emanating and constitutes a noise disturbance. This plainly audible sound standard shall not be used if the sound in question is measured for compliance with a sound level meter where such measurement is possible and practical. In that event, the sound level meter reading shall be controlling.
 - (4) The emission of low frequency sound (bass), in a manner that such sound causes vibration which causes a noise disturbance or can be felt beyond the real property line of the parcel from which the sound is emitted.
- (e) *Exceptions.* The following uses and activities shall be exempt from this article:
- (1) Air conditioners are exempt when this equipment is functioning in accord with the manufacturer's specifications and in proper operating condition according to standards promulgated by the American Refrigeration Institute.
 - (2) Lawnmowers and agricultural equipment operated during daylight hours with original mufflers and noise-reducing equipment in use.
 - (3) Non-amplified crowd noises resulting from activities such as those planned by student government, community groups or racing/sport events are exempt.
 - (4) Construction operations for which building permits have been issued, or construction operations not requiring permits due to ownership of the project by an agency of government, are exempt from this section, providing all equipment is operated in accord with the manufacturer's specifications and with all standard equipment, manufacturer's mufflers and noise-reducing equipment in use and in proper operating condition; however, these operations shall continue to be governed by this article.

- (5) Noises of safety signals, warning devices, emergency pressure relief valves and bells and chimes of churches are
- (6) Noises resulting from any authorized emergency vehicle when responding to an emergency call or acting in time of emergency are exempt.
- (7) Noises resulting from emergency work as defined in section 34-91 are exempt.
- (8) All noises coming from the normal operations of railroad trains are exempt.
- (9) All noises coming from the normal operations of aircraft (not including scale model aircraft) are exempt.
- (10) Those motor vehicles controlled by F.S. § 316.293 are exempt, but not those motor vehicles exempted from coverage.
- (11) Motor vehicles defined in F.S. § 316.003 are exempt.
- (12) Noises otherwise exempted by state law or federal law.

(Ord. No. 2011-01, § 1, 1-20-2011; Ord. No. 2019-04, § 2, 5-20-2019)

Sec. 34-94. - Special permit to exceed maximum allowable noise level limits.

Applications for a permit for relief from the maximum allowable noise level limits designated in this article may be made in writing to the town manager or the town manager's duly authorized representative. Any permit granted by the town manager under this subsection must be made in writing and shall contain all conditions upon which the permit shall be effective. The town manager or duly authorized representative may grant the relief as applied for under the following conditions:

- (1) The town manager may prescribe any reasonable conditions or requirements as he deems necessary to minimize adverse effects upon the community or the surrounding neighborhood, including use of mufflers, screens or other sound-attenuating devices.
- (2) Permits may be granted for the purpose of entertainment (including but not limited to: parades, festivals, etc.) under the following conditions:
 - a. The function must be open to the public (admission may be charged).
 - b. The function must take place on public property.
 - c. The special permit may be issued only for four hours between 9:00 a.m. and 10:00 p.m. in one calendar day.
 - d. The function must be staged between the hours of 9:00 a.m. and 10:00 p.m.
- (3) Permits for nonentertainment purposes (including but not limited to: political gatherings, educational events, etc.) may be issued under the following conditions:
 - a. A special permit for nonentertainment purposes may be issued to an applicant if the special purpose is not in the ordinary course of business or an ordinary event in the affairs of the applicant.
 - b. Special permits for nonentertainment purposes may be issued no more than two times each calendar year per parcel of property.
 - c. Except in emergency situations, as determined by the town manager, the special permit may be issued only for four hours between 9:00 a.m. and 10:00 p.m. in one calendar day.
- (4) No special permit may be issued to allow the use of any loudspeaker or sound-amplifying device affixed to the exterior of any building, including but not limited to a public address speaker (PA), which at any time exceeds the sound level limits in table I set forth in subsection 34-93(b), except those used for emergency warnings.

(5) Special permits may be issued for no longer than 15 consecutive days, renewable by further application to the manager.

(Ord. No. 2011-01, § 1, 1-20-2011)

Sec. 34-95. - Enforcement; penalty; confiscation of noise-creating equipment; responsibility for violations.

(a) *Responsibility for violations.* The person creating a noise disturbance or other violation of this article, and/or the business owner, owner of property, a tenant, a lessee, a manager, an overseer, an agent, a corporation or any other person entitled to lawfully possess or who claims unlawful possession of such property upon which a violation occurs shall each be responsible for compliance with this article, and each may be punished for violation of this article. Each lawful possessor or claimant of the premises shall be responsible for operating or maintaining such premises in compliance with this article is subject to punishment, regardless of whether or not the person actually causing the violation is also punished.

(b) *Measurement of sound.*

i. When possible and practical a designated official of the town shall use a sound level meter to determine whether or not violation of this article has occurred. However, it is recognized that in some circumstances, the nature of a situation or sound and/or ambient sounds associated with the wind, seashore, and other natural phenomena may cause delays in the calibration of a sound level meter, or otherwise render the device impossible or impractical to use. The town manager shall promulgate standards, instrumentation, personnel, measurement procedures and reporting procedures to be used in the measurement of sound by use of a sound level meter as provided for in this article.

ii. When it is impossible or impractical to use a sound level meter, the determination of whether a sound constitutes a noise disturbance or is otherwise unlawful shall be made by a designated official of the town.

(c) *Warning.* When a designated official of the town determines there is a noise disturbance or other violation of this article, a written warning shall be issued to each person ("violation") responsible for the violation under subsection 34.95(a). The warning shall advise the violator of the allowable noise limits and of the possible penalty if the noise disturbance is not eliminated and the noise reduced to allowable limits.

(d) *Notice to appear; arrest; penalty.*

(1) If the violator has not complied within the same calendar day with the noise limits contained in this article after receiving a written warning pursuant to subsection (c) of this section, the violator may be issued a notice to appear for a violation of this article and upon conviction shall be subject to the penalties designated in section 1-11 of the Town Code of Ordinances. Repeated noncompliance on any calendar day in which a written warning and notice to appear have been issued shall result in the issuance of additional notices to appear and/or a physical arrest.

(2) Any person making a noise disturbance complaint under this article must sign a sworn affidavit prior to a notice to appear being issued, complaint forwarded to the state attorney's office or physical arrest being made.

(Ord. No. 2011-01, § 1, 1-20-2011)

Sec. 34-96. - Sound amplification equipment generally.

(a) All sound amplification equipment, including outside amplification authorized by permit, shall be operated in accordance with the decibel levels limits established in this article and shall not be operated to cause a noise disturbance, unless operated according to the requirements specified within a special permit.

- (b) No loudspeaker, sound amplification equipment, or other sound-amplifying device shall be operated either temporarily permanently outside of a completely enclosed permanent structure, or placed within a completely enclosed permanent structure so as to project sound outward through openings or the enclosed walls of the structure, without an outside amplification permit.
- (c) A property owner need not obtain an outdoor sound amplification permit for the following:
 - (1) Speakers mounted or contained in the interior of a motor vehicle and operated in accordance with state law.
 - (2) Sound amplification equipment devices located at least 1,000 feet from any occupied dwelling or sleeping unit.
 - (3) Sound amplification devices used on the property of a residential dwelling. Such devices shall not be operated for any period exceeding six hours in duration, and shall not be operated after 11:00 p.m. or before 11:00 a.m.
 - (4) Sound amplification equipment used by governmental agencies for law enforcement or public safety purposes.

(Ord. No. 2011-01, § 1, 1-20-2011)

Sec. 34-97. - Permit for outside sound amplification.

- (a) An applicant for an outside sound amplification permit shall submit a description of the equipment, the street address and specific location of the proposed use, the hours of operation of the equipment, and certification from the applicant that the use and operation of the equipment will be monitored to ensure that it is operated within the decibel levels permitted.
- (b) No permit shall be valid for the operation of any outside sound amplification equipment between the hours of 11:00 p.m. and 11:00 a.m. the following day except for the days specified below.
 - i) New Years Eve/morning of New Year's Day — All permits shall allow operation of sound amplification equipment until 12:30 a.m.
 - ii) Second Friday and Second Saturday associated with Bike Week — All permits shall allow operation of sound amplification equipment until 12:00 a.m.
 - iii) Independence Day — All permits shall allow operation of sound amplification equipment until 12:00 a.m.
 - iv) Friday and Saturday associated with Biketoberfest — All permits shall allow operation of sound amplification equipment until 12:00 a.m.
 - v) Friday and Saturday associated with Daytona 500 Race Event — All permits shall allow operation of sound amplification equipment until 12:00 a.m.
- (c) A permit shall be effective for the 12-month period that coincides with the fiscal year, beginning on October 1st and terminating on September 30 of the following year. Permit fees will not be adjusted on a pro rata basis due to actual issue date. Permits are renewable for additional 12 month periods upon reapplication and re-evaluation and review of warnings issued by the town as provided in this section. The town will conduct re-evaluation and review of warnings in order to ensure compliance this article.
- (d) A permit holder shall turn off all sound amplification equipment when requested to do so by a law enforcement and/or code enforcement officer in order for such officer to measure the ambient noise level.

(Ord. No. 2011-01, § 1, 1-20-2011)

Sec. 34-98. - Violation of restrictions on outside sound amplification.

- (a) If any person violates the permit restrictions established for outside sound amplification or any portion of this article written warning shall be issued to the permit holder identifying the nature of the violation, a demand to cure the violation and notification that the permit holder may be subject to permit suspension if the violation is not cured.
- (b) If any permit holder accumulates three written warnings for violation of any portion of this article during a 30-day period, the town code enforcement board shall suspend the permit holder's permit for outside sound amplification for a period of 30 days if the board determines that the permit holder violated this article in the manner described in each written warning. Suspension shall be effective upon written notice thereof by the town code enforcement board.
- (c) If any permit holder accumulates six or more written warnings for violation of any portion of this article within a period of 365 days during the duration of the period for which the permit is issued, the town code enforcement board shall suspend the permit holder's permit for outside sound amplification for a period of 180 days if the board determines that the permit holder violated this article in the manner described in each written warning. Suspension shall be effective upon written notice thereof by the town code enforcement board.
- (d) If any permit holder causes a violation during a suspension period, the permit shall be revoked and shall not be renewable for a period of 365 days, effective upon written notice thereof by the town code enforcement division.
- (e) Any permit holder whose permit is suspended or revoked may appeal within ten days of receiving written notice of the suspension or revocation. A hearing shall be held by the planning board at its next meeting after receipt of a written request for a hearing. The permit holder may present evidence on his behalf at the hearing, and may be represented by counsel at the hearing, but formal rules of evidence shall not apply. The town shall be represented by the town attorney. The planning board shall affirm, modify, or reverse the order of suspension. The decision of the planning board shall be deemed final administrative action.
- (f) All notices required under this section shall be deemed delivered upon hand delivery to the business office of any permitted location.
- (g) All penalties listed in this section may be imposed in addition to and in conjunction with those listed in section 34-95 of this article.

(Ord. No. 2011-01, § 1, 1-20-2011)

Secs. 34-99—34-120. - Reserved.

ARTICLE V. - BEACHES AND DUNES

Sec. 34-121. - Volusia County to administer and enforce standards.

After reviewing Volusia County Ordinance 2004-17, amending the Volusia County Code of Ordinances, Chapter 50, Article III, Division 9, it is the desire of the Town of Ponce Inlet to authorize the county to administer and enforce this division within its town limits, as permitted in section 50-344 of that ordinance.

(Ord. No. 2004-17, § 1, 10-21-2004)

Editor's note— The material furnished by the town by letter dated Jan. 20, 2005, has been included as § 34-121 at the discretion of the editor.

Port Orange, FL - Code of Ordinances (https://library.municode.com/fl/port_orange/codes/code_of_ordinances)

ARTICLE II. - PROPERTY MAINTENANCE CODE

Footnotes:

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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.

(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.

Royal Palm Beach, FL - Code of Ordinances (https://library.municode.com/fl/royal_palm_beach/codes/code_of_ordinances)

Sec. 6-175. - Adopted by reference.

The Standard Housing Code, 1997 edition, and the Standard Unsafe Building Abatement Code, 1997 edition, are hereby adopted, along with the countywide amendments thereto as the Housing and Unsafe Building Code of the Village of Royal Palm Beach.

(Ord. No. 479, § 1, 11-17-94; Ord. No. 619, § 10, 12-20-01)

Sec. 6-189. - Minimum standards for dwellings, hotels and rooming houses.

All dwellings, hotels and rooming houses must comply with the applicable edition of the Standard Housing Code and the Standard Unsafe Building Abatement Code adopted by the village, as well as with sections 6-190 through 6-194 of this article.

(Ord. No. 479, § 1, 11-17-94)

Sarasota, FL - Code of Ordinances (https://library.municode.com/fl/sarasota/codes/code_of_ordinances)

Sec. 2-310. - Procedure, initiation of proceedings.

- (a) It shall be the duty of the code compliance official to initiate compliance proceedings for violations of the various codes. No magistrate shall have the power to initiate such compliance proceedings.
- (b) Except as provided in subsections (c), (d) and (e), if the code compliance official finds or is made aware of the violation of a code, ordinance, or regulation within the jurisdiction of the magistrate, the code compliance official may issue an order to comply to the owner or violator and give him or her a reasonable time to correct the violation. The length of the time period to correct the violation shall be based on considerations of fairness; practicality; prior notice of violation; ease of correction; ability to correct; severity of violation; nature, extent and probability of danger or damage to the public; and other relevant factors relating to the reasonableness of the time period prescribed.
- (c) If a repeat violation is found, the code compliance official may issue an order to comply but is not required to give the person responsible a reasonable time to correct the violation.
- (d) If the code compliance official has reason to believe a violation or the condition causing the violation presents a serious threat to the public health, safety, and welfare or if the violation is irreparable or irreversible in nature, the code compliance official shall make a reasonable effort to notify the violator and may immediately notify the code magistrate and request a hearing.
- (e) The procedures set forth in this subsection (e) are available if the code compliance official finds a violation of:
 - (1) Chapter 16, recycling and solid waste, article III, accumulations of junk, trash, rubbish, weeds and vegetations; or
 - (2) The Standard Housing Code, 1997 edition, including the city local amendments thereto, regarding the maintenance of buildings or structures and all parts thereof, or the outdoor storage of material; or
 - (3) The Standard Unsafe Building Abatement Code, 1985 edition, including the city local amendments thereto, regarding the securing of vacant buildings or structures.

In the event the director of the department of neighborhood and development services, or his designee, determines that such a violation should be prosecuted pursuant to the quick response procedures set forth in this subsection (e), the code compliance official shall issue a written notice to the owner or violator in the form of a public nuisance order which shall include the steps necessary to correct same and the reasonable time within which said violation shall be corrected. The length of time to correct the violation shall be based upon considerations of fairness; practicality; prior notice of violation; ease of correction; ability to correct; severity of violation; nature, extent and probability of danger or damage to the public; and other relevant factors relating to the reasonableness of the time period prescribed. The reasonable time within which said violation shall be corrected shall not exceed ten (10) calendar days. The public nuisance order shall state that if the violation is not corrected within the time specified in the public nuisance order, the owner or violator shall be deemed to have provided an implied consent to the city, or the city's agents, to enter the subject property for the purpose of curing the violation. This implied consent shall be deemed to include consent to access to fenced yards or enclosed pool cages if such access is necessary to cure the violations described in this subsection (e). Upon completion of the work deemed necessary by the city to remedy the violation, the code compliance official shall bring the matter to the magistrate for assessment of all costs incurred by the city in remedying the violation.

- (f) The order to comply, or the public nuisance order, whichever is applicable, shall include, but not be limited to, the

following:

- (1) Date of issuance;
 - (2) Name of code compliance official and division or department issuing the notice;
 - (3) Name and address of respondent;
 - (4) Section number(s) of the code sections violated;
 - (5) Brief description of the nature of the violation, including location and date;
 - (6) Amount of the civil penalty, as set forth in section 2-321, to be imposed upon the owner or violator on the day following the date set for correction of the violation, or, in the case of a repeat violation, the amount of the civil fine to be imposed on the date the repeat violation is found to have occurred by the code compliance official. As to the violations described in subsection (e), above, the code compliance official shall issue a public nuisance order which shall provide to the owner or violator notice that failure to remedy the violation in the time provided shall be deemed an implied consent to the city, or its agents, entering the property so as to cure the violation and notice that the violation will be brought to the magistrate for assessment of all costs incurred by the city in remedying the violation. The public nuisance order shall notify the owner or violator that failure to file a timely appeal will result in the city curing the violation and seeking an order imposing fine from the magistrate which would create a lien against the subject property for the outstanding fines and costs;
 - (7) Notice that each day the violation continues after imposition of the initial civil penalty shall be deemed a continuing violation or continuing repeat violation, subject to an additional penalty in the same amount, per day, without the need for additional orders to comply;
 - (8) Instructions for filing for an administrative hearing before the magistrate to appeal the decision of the code compliance official which resulted in the issuance of the order to comply or public nuisance order;
 - (9) Except in the case of a repeat violation, time within which the violation must be corrected;
 - (10) Notice that the filing of a request for an administrative hearing will toll the time period, if any, within which corrective action is required;
 - (11) Notice that failure to request an administrative hearing within twenty (20) calendar days after the service of the order to comply, or within ten (10) calendar days after the date of the public nuisance order in the event the director, or his designee determined that the violation should be prosecuted pursuant to the quick response procedures set forth for violations described in subsection (e), above, shall constitute a waiver of the respondent's right to an administrative hearing before the magistrate, and that such waiver shall constitute an admission of violation, which shall subject the respondent to the imposition of continuing violation or continuing repeat violation penalties, as determined by the magistrate;
 - (12) Notice that the respondent may be liable for the reasonable costs of the investigation, prosecution and the administrative hearing should the respondent be found guilty of the violation or if the respondent fails to request a hearing before the magistrate within the period of time set forth in the order to comply or the public nuisance order, whichever is applicable, or if the respondent fails to remedy the violation.
- (g) Except in the case of a repeat violation, a person who has been served with an order to comply or a public nuisance order shall elect to:
- (1) Correct the violation within the time specified on the order to comply or the public nuisance order;
 - (2) Correct the violation after the time specified on the order to comply or the public nuisance order, whichever is applicable, and pay the civil penalty, any accrued continuing violation penalties and any costs incurred by the city to remedy the violation pursuant to subsection (e) above; or

- (3) Request an administrative hearing before the magistrate to appeal the decision of the code compliance official, which resulted in the issuance of the order to comply or public nuisance order.
- (h) In the case of a repeat violation, the person who has been served with an order to comply or public nuisance order shall elect to:
- (1) Correct the violation, pay the civil penalty and any accrued continuing repeat violation penalties and any costs incurred by the city to remedy the violation pursuant to subsection (e) above; or
 - (2) Request an administrative hearing before the magistrate to appeal the decision of the code compliance official, which resulted in the issuance of the order to comply or public nuisance order.
- (i) If the respondent fails to make an election of any of the options as required in subsection (g) or (h), the magistrate shall be informed of such failure by report from the code compliance official. Said report shall be by affidavit of the code compliance official. Failure of the respondent to request an administrative hearing before the magistrate within the prescribed time period shall constitute a waiver of that person's right to an administrative hearing before the magistrate and shall be deemed an admission of the violation and the magistrate shall impose civil penalties and costs as provided in subsection (e), above, as well as sections 2-311, 2-315 and 2-321.
- (j) Continuing violation penalties shall accrue from the day following the date set for correction contained in the order to comply or public nuisance order until correction is made or until further order of the magistrate. Continuing repeat violation penalties shall accrue from the date the repeat violation was found to have occurred by the code compliance officer until correction is made or until further order of the magistrate. The accrual of such penalties for a continuing violation but not a continuing repeat violation shall be tolled by a timely request for an administrative hearing, as provided for in this section.
- (k) A request for administrative hearing of the order to comply shall be accomplished by filing a request in writing to the magistrate at the address indicated on the order to comply, to be received by the magistrate not later than twenty (20) calendar days after the service of the order to comply or, in the event the quick response procedures set forth for violations described in subsection (e), above, are implemented, said request must be received by the magistrate not later than ten (10) calendar days after the date of the public nuisance order. The request by the respondent shall contain the respondent's complete mailing address to which notice of hearing shall be sent by regular mail. The request shall be made on a form provided by the code compliance department, unless excused by the magistrate. The request shall state all reasons for which the requesting person seeks an administrative hearing and no other matters shall be considered at the hearing unless allowed by the magistrate for good cause shown.
- (l) Upon receipt of a timely request for an administrative hearing the city manager or his or her designee shall docket the matter for hearing by the magistrate on the next regularly scheduled hearing date or as soon thereafter as practicable.
- (m) If the respondent, after notice by regular mail to the address provided by the respondent in the written request for administrative hearing, fails to attend the hearing on his request for administrative hearing before the magistrate, such failure shall constitute a waiver of the violator's right to an administrative hearing before the magistrate, shall be deemed an admission of the violation and the magistrate shall impose civil penalties and costs as provided in subsection (e), above, as well as sections 2-311, 2-315 and 2-321.
- (n) If the owner of property, which is subject to a compliance proceeding before the magistrate, as a result of service of order to comply, transfers ownership of such property between the time the initial order to comply 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 order to comply and any other materials relating to the

code compliance 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 compliance proceeding.
- (4) File a notice with the code compliance official of the transfer of the property, with the identity and address of the new owner and copies of the disclosure made to the new owner, within five (5) days after the date of the transfer.

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.

(Ord. No. 98-4044, § 1, 6-1-98; Ord. No. 99-4173, § 1, 12-20-99; Ord. No. 04-4552, § 1, 6-6-05; Ord. No. 09-4845, § 2, 7-6-09)

Sarasota, FL - Code of Ordinances (https://library.municode.com/fl/sarasota/codes/code_of_ordinances)

Sec. 11-2. - Adoption of codes and administrative amendments.

(a)

The City of Sarasota Administrative Amendments to the Florida Building Code, F.S. ch. 553, part IV, as amended, are hereby adopted by reference and one (1) copy of said administrative amendments has been filed with the city auditor and clerk and identified as the official copy filed for record on the 7th day of January, 2013 which shall be available for public use.

(b)

The Standard Housing Code, 1997 edition, and the city local amendments thereto, are hereby adopted by reference, one (1) copy of said code and the local amendments having been filed with the city auditor and clerk, identified as official copies dated the twenty-fourth day of September, 2002, which shall be available for public use.

(c)

The Standard Unsafe Building Abatement Code, 1985 edition, and the city local amendments thereto, as revised, are hereby adopted by reference, one (1) copy of said code and local amendments, as revised and amended, having been filed with the city auditor and clerk, identified as official copies dated the first day of May, 2000, which shall be available for public use.

(d)

The standard codes referred to in subsections (b) and (c) are published by the Southern Building Code Congress International, Inc. 900 Montclair Road, Birmingham, Alabama 35213.

(e)

The City of Sarasota Commercial, Business and Industrial Building Minimum Standards Code of 1992 is hereby adopted by reference, one (1) copy of said code having been filed with the city auditor and clerk, identified as official copy dated the ninth day of November, 1992, which shall be available for public use.

(f)

The Standard Plumbing Code, 1994 edition, with appendices A, C, E, F, G, I and J thereto, and the city local amendments thereto are hereby adopted by reference, one (1) copy of the code, appendices, and the local amendments thereto having been filed with the city auditor and clerk, identified as official copy filed for record on the twenty-fifth day of September, 1998, which shall be available for public use.

(g)

The Standard Gas Code, 1997 edition, and the city local amendments thereto are hereby adopted by reference, one (1) copy of the code, appendices, and the local amendments thereto having been filed with the city auditor and clerk, identified as official copy filed for record on the twenty-fifth day of September, 1998, which shall be available for public use.

(h)

The standard codes referred to in subsections (a)—(g) are published by the Southern Building Code Congress International, Inc., 900 Montclair Road, Birmingham, Alabama 35213.

(i)

The City of Sarasota Commercial, Business and Industrial Building Minimum Standards Code of 1992 is hereby adopted by reference, one (1) copy of said code having been filed with the city auditor and clerk, identified as official copy dated the ninth day of November, 1992, which shall be available for public use.

(j)

The National Electrical Code, 1990 edition, published by the National Fire Protection Association, 470 Atlantic Avenue, Boston, Massachusetts, and the City of Sarasota local amendments to said code are hereby adopted by reference, one (1) copy of the code, appendices, and the local amendments, as revised, thereto having been filed with the city auditor and clerk, identified as official copies filed for record on the fifth day of January, 1996, which shall be available for public use.

(Ord. No. 89-3288, § 1, 4-17-89; Ord. No. 91-3508, § 3, 9-16-91; 92-3537, § 2, 1-21-92; Ord. No. 92-3560, § 1, 10-19-92; Ord. No. 95-3864, § 1, 2-5-96; Ord. No. 97-3990, § 1, 5-5-97; Ord. No. 98-4057, § 1, 10-16-98; Ord. No. 00-4189, § 1, 3-6-00; Ord. No. 00-4220, § 1, 5-1-00; Ord. No. 02-4378, § 1, 9-16-02; Ord. No. 08-4778, § 1, 3-3-08; Ord. No. 13-5029, § 1, 1-7-13)

Editor's note— The codes adopted in this section have been amended as follows:

Standard Building Code

Ord. No. 93-3723, §§ 1, 2, 9-20-93

Ord. No. 94-3758, § 3, 2-22-94

Ord. No. 99-4173, § 2, 12-20-99

Standard Unsafe Building Abatement Code

Ord. No. 90-3452, §§ 1, 2, 12-17-90

Ord. No. 00-4189, § 1, 2, 3-6-00

Ord. No. 00-4220, § 1, 5-1-00

Florida Building Code

Ord. No. 07-4736, § 1, 9-4-07

Ord. No. 08-4778, § 1, 3-3-08

Ord. No. 08-4823, § 5, 9-15-08

Ord. No. 13-5029, § 1, 1-7-13

Cross reference— Codes adopted by reference, App. A.

Sec. 11-11. - Violations.

(a)

It shall be unlawful for any person to construct, alter, repair or demolish any building or part thereof or any swimming pool within the city in a manner which does not comply with the requirements of the state building code, as adopted by the provisions of F.S. ch. 553, Part VII, the requirements of the Standard Unsafe Building

Abatement Code, 1985 Edition; or the city amendments to each of the aforementioned codes. The penalty for violation shall be as set forth in [section 1-11](#) of this section. Additionally, the provisions of this chapter may be enforced under the provisions of [chapter 2](#), article V, division 5, relating to code enforcement special master. Nor shall any thing contained in this chapter prevent the city from taking such other lawful action, including, but not limited to, resorting to equitable action, as is necessary to enforce the provisions of this chapter.

(b)

It shall be unlawful for any person to construct, alter, repair, demolish, equip, use, occupy or maintain any building or part thereof within the city in a manner which does not comply with the requirements of the Standard Housing Code, 1991 edition; the requirements of the Standard Unsafe Building Abatement Code, 1985 edition; or the City of Sarasota amendments to such codes; or the City of Sarasota Commercial, Business and Industrial Building Minimum Standards Code of 1992, or otherwise violate the provisions of such codes and the amendments thereto. It shall further be unlawful for any person to fail to comply with any order issued pursuant to such codes, revisions, or any local amendments thereto. The penalty for violation shall be set forth in [section 1-11](#) of this Code. Additionally, the provisions of this chapter may be enforced under the provisions of [chapter 2](#), article V, division 5, relating to the code enforcement special master, [section 2-306](#) et seq. Nor shall anything contained in this chapter prevent the city from taking such other lawful action, including but not limited to resort to equitable action, as is necessary to enforce the provisions of this chapter.

(Ord. No. 89-3288, § 1, 4-17-89; Ord. No. 91-3508, § 4, 9-16-91; Ord. No. 92-3537, § 3, 1-21-92; Ord. No. 92-3560, § 2, 10-19-92; Ord. No. 95-3864, § 1, 2-5-96; Ord. No. 97-3990, § 1, 5-5-97; Ord. No. 98-4057, § 1, 9-19-98; Ord. No. 02-4378, § 1, 9-16-02)

Sec. 17-11. - Registration of properties with mortgages in default or that have been abandoned.

(a)

Any mortgagee who holds a mortgage on any real property located within the city, regardless of the property's land use designation, zoning district, or nature of the use or uses given to the structures found on the property, and who has determined that such mortgage is in default, has issued a notice of default, has recorded a lis pendens, or taken any other legal action to enforce its right to accelerate the debt or foreclose its interest in the property, shall register the property with the city's code compliance division. Additionally, any mortgagee who holds a mortgage on real property located within the city, shall register such property with the city's code compliance division once it has been contacted by the city and put on notice that after reasonable due diligence the city has determined such real property has been abandoned by its owner(s) and/or other inhabitants. The mortgagee must register the property within fifteen (15) days from:

(1)

The date it first gives notice to the debtor/mortgagor of its intent to accelerate the debt and/or foreclose its interest in the property, or

(2)

The date the city sends notice that it has deemed the property abandoned.

Together with the registration, the mortgagee must submit an annual fee for each property registered according to the following:

(1)

For properties that have been abandoned/foreclosed for less than two (2) years, a nonrefundable annual registration fee in the amount of two hundred fifty dollars (\$250.00) per property shall accompany the registration form(s).

(2)

For properties that have been abandoned/foreclosed for two (2) years or more but less than three (3) years, a nonrefundable annual registration fee in the amount of five hundred dollars (\$500.00) per property shall accompany the registration form(s).

(3)

For properties that have been abandoned/foreclosed for three (3) years or more but less than four (4) years, a nonrefundable annual registration fee in the amount of one thousand dollars (\$1,000.00) per property shall accompany the registration form(s).

(4)

For properties that have been abandoned/foreclosed for four (4) years or more but less than five (5) years, a nonrefundable annual registration fee in the amount of two thousand dollars (\$2,000.00) per property shall accompany the registration form(s).

(5)

For properties that have been abandoned/foreclosed for five (5) years or more, a nonrefundable annual registration fee in the amount of four thousand dollars (\$4,000.00) per property shall accompany the registration form(s).

The mortgagee must designate an individual or entity to act as its local agent who shall be responsible for inspecting, maintaining and securing the property according to the provisions of this section and be available to be contacted by the city during regular business hours. The local agent must have a place of business in Sarasota or Manatee County. All registrations must state the property address, the mortgagee's name, address, email address and telephone number, the name of an agent responsible for the property's management, agent's mailing address, email address and telephone number. If the local agent designated by the mortgagee is an entity, the registration must identify an individual and that individual's position within the entity. The individual must have the necessary authority within the entity to make all necessary decisions and take all necessary actions to discharge the mortgagee's obligations pursuant to this section. Postal box office numbers cannot be utilized as mailing addresses. Any change in the information required must be reported to the code compliance division within ten (10) days from the date of the change. If the mortgagee who first registers the property assigns the mortgage in default to another, the mortgagee must notify the city of the assignment, the identity and contact information of the assignee. The assignee must re-register the property, pay the registration fee, designate a local agent and provide all the information required for registration.

(b)

The mortgagee, through its designated local agent, must perform an inspection within fifteen (15) days from the date the mortgagee first gives notice to the debtor/mortgagor of its intent to accelerate the debt and/or foreclose its interest in the property to determine whether it is vacant or abandoned. Vacancy shall be determined when the property is no longer occupied by persons with the lawful right to occupy the property or persons named as party-defendants in a foreclosure action affecting the property. Abandonment shall be determined when one (1) or more conditions on the property, such as failure to keep any one (1) of the maintenance and security standards described herein, leads a reasonable person to believe the property is abandoned. The local agent must continue to inspect the property every thirty (30) days from the date of the agent's first inspection. If at any time the property becomes vacant or abandoned, the mortgagee, through its designated local agent, shall be responsible to perform the work necessary to bring the property into compliance with and maintain and secure the property in accordance with Section 801.3, Standard Unsafe Building Abatement Code. Proof of such inspection shall be provided at any time upon request by city, but not less than annually.

(c)

The mortgagee's obligation to register, inspect, maintain and secure properties with mortgages in default or properties the city has deemed abandoned shall continue for as long as the property remains abandoned or for as long as the mortgage remains in default, whether the mortgage in default has been foreclosed or not, until such time when the default is cured, the property is sold to a third party at a foreclosure sale or the property is sold or transferred to a third party with the consent of the mortgagee who registers the property. The mortgagee, through its designated local agent, must notify the code compliance division of such sale, transfer, or occupancy. There will be no refund of a fee paid to the city. The mortgagee shall be under a continuing obligation to register, inspect, maintain and secure the property if the mortgagee assumes title to the property securing the mortgage in default.

(d)

Properties registered pursuant to this section must be maintained and kept in accordance with all standards set forth in the Code of the City of Sarasota. In addition, properties shall be maintained free from weeds, overgrown grass or brush, dead vegetation, garbage, trash, junk, debris, and accumulation of newspapers, circulars, flyers, discarded personal items such as furniture, clothing, appliances, or any other items leading a reasonable person to believe the property is not being properly maintained or is abandoned. Weeds, grass, brush, or dead vegetation shall not be over six (6) inches in height. 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. Pools, spas, fountains, ponds, or outdoor aquariums shall be kept in working order so as to prevent the creation of an environment for the breeding of mosquitoes or other unsanitary environment through the accumulation of stagnant or polluted water, pollutants and/or debris. Water clarity shall be such that the bottom of the pool or spa can be seen from the pool or spa deck. If the pool or spa is emptied, then it must be securely covered. Doors, windows, gates, fences and all other openings of such size to allow a child or adult to access the interior of any structure on the property shall be kept locked and secured to prevent any trespassers, squatters or other unauthorized persons.

Additionally, properties subject to the provisions of this article shall be posted with the name, address, and twenty-four-hour contact phone number of the local property management company. The posted sign shall be no less than eighteen (18) inches by twenty-four (24) inches, and shall be of a font that is legible from a distance of forty-five (45) feet. The posting shall contain the applicable contact information along with the name, address, and twenty-four-hour phone number, along with the following language:

THIS PROPERTY IS MANAGED BY ...

TO REPORT PROBLEMS OR CONCERNS ...

All written information thereupon shall be clear, legible and updated as required. The posted sign shall be placed on the interior of a window facing the street to the front of the property so it is visible from the street; secured to the exterior of the building/structure facing the street to the front of the property so it is visible from the street; or, if no such area exists, on a stake of sufficient size to support the posting in a location that is visible from the street to the front of the property. Exterior posting shall be constructed of and printed with weather-resistant materials.

(e)

Failure to register/pay annual fee, inspect, maintain, or secure the property in accordance with the standards established in this section or failure to notify the city of any changes in material information required by this section is a violation of the Code and may be subject to enforcement by any means available to the city, including, but not limited to, any and all remedies and penalties provided in [chapter 2](#), article V, division 5, Code of the City of Sarasota. Additionally, any judicial order issued by a court in conjunction with a violation of this article may also be recorded in the manner of recording judgments under Florida law, and the city may take all necessary steps to enforce such judicial order as allowed under Florida law.

(Ord. No. 13-5072, § 1(17-5), 10-6-14)

APPENDIX A - ADOPTIONS BY REFERENCE

Item Adopted	Adopting Ordinance	Section of City Code
Robert's Rules of Order, Newly Revised	1690	2-2
Standard Building Code, 1997 Edition	98-4057	11-2(a)
Standard Housing Code, 1991 Edition	92-3560	11-2(b)
Standard Unsafe Building Abatement Code, 1992 Edition	92-3560	11-2(c)
Standard Swimming Pool Code, 1985 Edition	92-3560	11-2(d)
Standard Mechanical Code, 1997 Edition	98-4057	11-15
Standard Plumbing Code, 1994 Edition	98-4057	11-29(a)
Standard Gas Code, 1997 Edition	98-4057	11-29(b)
Standard Fire Prevention Code, 1994 Edition	95-3864	14-1(a)
NFPA 101 Life Safety Code, 1991 Edition	92-3560	14-1(b)
Personnel Rules and Regulations		24-1
Subdivision Regulations	83-2644	31-1
Sanitary Sewer Design Standards	1822	37-49
Zoning Code	98-4076	38-1

Footnotes:

--- (1) ---

Editor's note— This Appendix lists all items adopted by reference by the city commission. This list includes the number of the latest adopting ordinance and the section of the City Code where such ordinance has been codified.

Sewall's Point, FL - Code of Ordinances

(https://library.municode.com/fl/sewall%27s_point/codes/code_of_ordinances)

Sec. 50-34. - Applicability.

(a)

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.

(b)

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 future exemptions shall be as determined by the legislature and provided by law:

(1)

Building and structures specifically regulated and preempted by the federal government.

(2)

Railroads and ancillary facilities associated with the railroad.

(3)

Nonresidential farm buildings on farms.

(4)

Temporary buildings or sheds used exclusively for construction purposes.

(5)

Mobile homes used as temporary offices, except that the provisions of part V (F.S. §§ 553.501—553.513) relating to accessibility by persons with disabilities shall apply to such mobile homes.

(6)

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.

(7)

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.

(8)

Chickees constructed by the Miccosukee Tribe of Indians of Florida of the Seminole Tribe of Florida. As used in this paragraph, the term "chickee" means an open-sided wooden but 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.

(c)

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 other 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.

(d)

In addition to the requirements of F.S. §§ 553.79 and 553.80, 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 requirement of the federal government.

(e)

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.

(f)

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 substantially remodeled.

(g)

Unsafe buildings shall be abated using the Standard Unsafe Building Abatement Code, 1985 edition, promulgated by the Southern Building Code Congress International, Inc., subject to all amendments, modifications or deletions hereinafter contained.

(h)

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.

(i)

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.

(j)

Gas. The provisions of the Florida Building Code, Fuel Gas shall apply to the installation of consumers' gas piping, 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.

(k)

Mechanical. The provisions of the Florida Building Code, Mechanical shall apply to the installation of mechanical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances, including ventilating, heating, cooling, air conditioning and refrigeration systems, incinerators and other energy-related devices.

(l)

Plumbing. The provisions of the Florida Building Code, 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.

(m)

Federal and state authority. The provisions of this code shall not be held to deprive any federal or state agency, or any applicable governing authority having jurisdiction, of any power or authority which it had on the effective date of the adoption of this code or of 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.

(n)

Appendices. The appendices are hereby adopted by reference.

(o)

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. Where code provisions conflict with a standard, the code provisions shall be enforced. Permissive and advisory provisions in a standard shall not be construed as mandatory.

(p)

Units of measure. The inch-pound system of measurement is applicable to the provisions of this code. Metric units indicated in parenthesis following inch-pound units are approximate equivalents and are provided for informational purposes only.

(q)

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

(r)

Energy. For provisions related to energy, refer to Chapter 13 of the Florida Building Code, Building.

(s)

Rules of construction. The rules set out in this chapter 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.

(1)

Generally. All provisions, terms, phrases and expressions contained in this chapter 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 chapter, unless otherwise specifically provided, shall have the meanings prescribed by the statutes of this state for the same terms.

(2)

Text. In case of any difference of meaning or implication between the text of this chapter and any figure, the text shall control.

(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.

(4)

Month. The word "month" shall mean a calendar month.

(5)

Shall, may. The word "shall" is mandatory; "may" is permissive. The word "shall" takes precedence over "may."

(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.

(7)

Year. The word "year" shall mean a calendar year, unless a fiscal year is indicated.

(8)

Interpretation. Interpretations of this chapter shall be made by the building official.

(9)

Words not defined.

a.

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.

(10)

Conflict. 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.

(11)

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)

One hundred twenty 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.

Habitual space. A space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, screen enclosures, storage or utility space, and similar areas are not considered habitable space.

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 the all state or local requirements to be actively engaged in contracting.

Market value. As defined in floodplain regulations of this Code.

Occupancy. The purpose for which a building, or part thereof, is used or intended to be used.

Occupancy, mixed. A building used for two or more occupancies classified in different occupancy groups.

Occupant content. The actual number of total occupants permitted to occupy a floor area in accordance with the maximum capacity of the exits serving that floor area.

Occupant load. The calculated minimum number of persons for which the means of egress of a building or portion thereof is designed, based on Table 1003.1.

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: Data of issuance of construction permit.

Site clearing: 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.

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. 298, Exh. A, 2-18-2004)

Valparaiso, FL - Code of Ordinances (https://library.municode.com/fl/valparaiso/codes/code_of_ordinances)

Sec. 98-159. - Provide for removal of housing stock and rehabilitation of substandard housing.

With a beginning date established by the city commission and every subsequent five-year period or less, the city shall apply for a community development block grant (CDBG) for the removal or rehabilitation of substandard housing.

(1)

Block grants shall also be sought to buy down interest rates for rehabilitation of housing so as to provide greater incentive to and participation by the private sector.

(2)

Provisions set forth in the Standard Unsafe Building Abatement Code provided as appendix A to article 9 of Ordinance No. 360 are incorporated in this LDC by reference.

(Ord. No. 360, § 9.03.00, 2-1-91)

Sec. 114-8. - Ensure the compatibility of adjacent land uses depicted on the future land use maps (Policy 7.A.3.3).

(a)

The provisions of this article are intended to ensure functional and attractive development by requiring that all future development is consistent with accepted planning practices and principles as well as natural area limitations (Policy 7.A.4.2). Compatibility is generally interpreted as meaning consistency of land use within specified districts and/or the orderly and harmonious transition of land use from one district to another. Nonconforming development is development that does not conform to the general character of a particular district or is contrary to the use regulations and/or development design standards provided by this LDC or by the codified ordinances. The following provisions are intended to eliminate expansion of nonconforming land uses which are inconsistent with:

(1)

The future land use map; or

(2)

This chapter; and

(3)

Standard Unsafe Building Abatement Code, appendix A (Policy 7.A.2.4).

(b)

Regulations prescribed shall not be construed to require the removal or change to any existing structure completed or begun prior to the adoption of the ordinance from which the LDC is derived. Nonconforming uses, however, are otherwise prohibited. This extends to and includes the following circumstances:

(1)

Nonconforming uses declared by this LDC to be incompatible with permitted uses in the districts involved shall not be extended or enlarged.

(2)

Nonconforming uses shall not be moved in whole or in part to any portion of a lot or parcel other than that occupied by such use.

(3)

No additional structure shall be erected in connection with nonconforming uses of land.

(4)

Reconstruction of nonconforming uses destroyed by fire or other calamity to a degree equalling or exceeding 50 percent of its replacement cost is prohibited.

(5)

If any nonconforming use of land ceases for any reason for a period of more than six months, any subsequent use of such land shall conform to the regulations specified by this LDC and the codified ordinances.

(6)

The extraction of natural resources from any district in the city shall be considered nonconforming until such time as applicable state and federal permits are obtained. No development incompatible with adjacent land uses shall be permitted by the city (Policy 7.A.4.2).

(Ord. No. 360, § 7.09.02, 2-1-91)

Venice, FL - Code of Ordinances (https://library.municode.com/fl/venice/codes/code_of_ordinances)

Sec. 86-489. - Declaration of continuing operation; abandoned, unused or unsafe towers or portions of towers.

Towers shall be in continuous operation or they may be determined to be abandoned, unused, or unsafe. Towers or portions of towers that are abandoned, unused for a period of twelve months, or unsafe shall be removed as follows:

(1)

The owner of a tower shall file annually with the city manager, or his designee, a declaration as to the continuing operation (with active antennas) of every facility installed subject to these regulations. Said declaration shall include: a) a listing of all tower users' names and mailing addresses; and b) any additional information deemed appropriate by the city. In addition, every three years the declaration shall also include a statement of continued structural integrity (i.e., a statement that a thorough and complete inspection of the tower was conducted and the tower and ancillary facilities are and will continue to perform as originally designed) certified by a qualified and licensed professional engineer. Failure to file the annual declaration in a timely manner shall result in a presumption that the facility is abandoned, unused, or unsafe, and subject to the following:

a.

The building official may order that the commercial wireless telecommunication facility be demolished and removed based upon determination that the facility is unsafe or abandoned in accordance with the provisions of the Standard Unsafe Building Abatement Code (1985 edition) and the city's local amendments thereto, as revised.

b.

In addition to the remedies provided in chapter 7, Recovery of Costs or Repair of Demolition as set forth in the Standard Unsafe Building Abatement Code (1985 edition) and the city's local amendments thereto as revised, the city may recover its costs associated with the demolition and removal of any such tower under the required performance guarantee.

(2)

Reserved.

(Ord. No. 98-3, § 1, 2-10-98; Ord. No. 2003-32, § 3, 10-28-03)

Sec. 90-202. - Supplements to the Florida Building Codes; housing.

(a)

The Florida Building Codes adopted in section 90-201 are hereby supplemented in the following particulars:

(1)

Sections 101.1 and 101.7, [Chapter 2](#), and Sections 301 through 308 of the Standard Housing Code, 1994 edition, and the Standard Unsafe Building Abatement Code, 1985 edition, of which one copy each has been and is now filed in the office of the city clerk, are hereby adopted and incorporated as fully as if set forth in this article, and the provisions thereof shall be controlling in the use, maintenance, demolition and occupancy of all dwellings, dwelling units or structures within the area of jurisdiction of the city.

(2)

Upon state law mandating the adoption of a new Florida Housing Code and/or a new Florida Unsafe Building and Abatement Code and subsequent editions, such codes shall become law in the city on the date mandated by the state without any further amendment to this chapter.

(b)

Unsafe buildings. All buildings or structures which are unsafe, unsanitary or not provided with 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 by reason of inadequate maintenance, dilapidation, obsolescence or abandonment, are declared to be unsafe buildings. All such unsafe buildings are hereby declared to be public nuisances and illegal and may be abated by repair and rehabilitation or by demolition in accordance with the following procedure:

(1)

Whenever the building official shall find any building or structure or portion thereof to be unsafe, as defined in this section, he shall give the owner, agent or person in control of such building or structure written notice stating the defects thereof. This notice shall require the owner within a stated time either to complete specified repairs or improvements, or to demolish and remove the building or structure or portion thereof.

(2)

If necessary, such notice shall also require the building, structure or portion thereof to be vacated forthwith and not reoccupied until the specified repairs and improvements are completed, inspected and approved by the building official. The building official shall cause to be posted at each entrance to such building a notice stating: "THIS BUILDING IS UNSAFE AND ITS USE OR OCCUPANCY IS 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 or his agents, employees or other servants to remove such notice without written permission of the building official, or for any person to enter the building or structure except for the purpose of making the required repairs or demolishing the building or structure.

(3)

The notice required in subsection (3)a of this section shall:

a.

Be in writing;

b.

Include a statement of the reasons why it is being issued;

c.

Allow 60 days' time for the performance of any work it requires;

d.

State that, if such repair, reconstruction, alteration, removal or demolition is not voluntarily completed within the stated time as set forth in the notice, the city shall institute legal proceedings charging the person or agent with a violation of this Code;

e.

Be delivered to the owner personally, or by leaving the notice at the usual place of abode of the owner with a person of his family above 15 years of age and informing such person of the contents of the notice; or be deposited in the United States mail, certified, return receipt requested, addressed to the owner at his known address, with postage prepaid thereon; or be posted for 24 hours in a conspicuous place on the premises to be repaired or demolished.

(4)

The owner, agent or person in control shall have the right to appeal from the decision of the building official, as provided in this chapter, and to appear before the construction board of adjustment and appeals at a specified time and place to show cause why he should not comply with the notice.

(5)

If the owner, agent or person in control of any unsafe building or structure shall fail, neglect or refuse to comply with the notice to repair, rehabilitate, or demolish and remove the building or structure or portion thereof within the stated time limit, the city shall be authorized to obtain equitable or legal relief from any court of competent jurisdiction to abate the public nuisance through demolition or other appropriate means. In such proceedings where the city is the prevailing party, the city shall be entitled to recover its costs, including administrative cost, cost of demolition, court costs, and reasonable attorney's fees for trial and appellate services. Such costs and fees shall, upon recordation of a certified copy of a judgment in the county public records, become a lien upon the real property upon which the unsafe building or structure was located, and shall bear interest at the rate permitted by law for judgments. The city shall also be entitled to recover costs and reasonable attorney's fees for trial and appellate services in foreclosing any such liens.

(6)

In the event of an emergency, the building official may reduce the 60-day notice provision or, in cases of extraordinary danger, after notice to the owner, enter the property and cause such repairs as may be necessary to protect the public. The costs of such emergency repairs shall be the responsibility of the owner.

(c)

Violations of this section may be enforced by proceedings before the city code enforcement board. Where an owner has failed to comply with an order of the code enforcement board, the city shall not be prohibited from also seeking judicial relief pursuant to the provisions of this section.

(Ord. No. 2002-43, § 2, 9-24-02; Ord. No. [2016-21](#), § 2, 11-8-16)

Winter Garden, FL - Code of Ordinances

(https://library.municode.com/fl/winter_garden/codes/code_of_ordinances)

Sec. 18-151. - Standard code adopted.

There is adopted by the city for the purposes of establishing rules and regulations pertaining to or in any related to any and 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 the Standard Unsafe Building Abatement Code as published by SBCCI, and as such may be amended, modified or updated by SBCCI (the "abatement code"). The abatement code is adopted and fully incorporated herein as if fully set out at length in this section, save and except such portions as are deleted, added, modified or amended in this article. One copy of the abatement code is on file in the office of the building official. 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 abatement code, or other provisions of the building and property maintenance regulations of the city. All repairs shall be performed in accordance with the Florida Building Code.

(Ord. No. 02-04, § 2, 3-28-02)

Sec. 18-179. - Code enforcement board.

(a)

Violations of any provision of the Downtown Winter Garden Minimum Maintenance Code shall be governed by, but not limited to, the requirements and remedies of the code enforcement board pursuant to the provisions of [chapter 2](#), article 2 of the City of Winter Garden Code of Ordinances.

(b)

Other remedies: The city may institute other remedies and appropriate action to restrain, correct, or abate violations of the Downtown Winter Garden Minimum Maintenance Code including, but not limited to the use of citations or condemnation of buildings or structures pursuant to the unsafe building abatement code. If, at the option of the code enforcement officer, a citation is issued in lieu of code enforcement procedures, said violation will be a class I violation as defined in [section 2-92](#) of the Code of Ordinances.

(Ord. No. 08-21, § 2, 3-27-08)

Lady Lake, FL - Code of Ordinances (https://library.municode.com/fl/lady_lake/codes/code_of_ordinances)

Chapter 7 - HEALTH AND SANITATION

Footnotes:

--- (1) ---

Cross reference— Administration, Ch. 2; code enforcement, § 2-71 et seq.; warnings required for consumption of alcoholic beverages, § 3-4; animals, Ch. 4; buildings and building regulations, Ch. 5; standard unsafe building abatement code adopted, § 5-1; tents as temporary accessory structures, § 5-26; flood prevention and protection, Ch. 6; unlawful to occupy trailer, automobile, recreational vehicle, etc., as living quarters beyond a certain period of time and permit required, § 9-1; trash, lumber, wood or other obstructions prohibited in public streets, etc., § 14-1; mobile homes and recreational vehicles, Ch. 9; signs and advertising, Ch. 12; streets, sidewalks and other public places, Ch. 14; traffic and vehicles, Ch. 17; utilities, Ch. 18; zoning, Ch. 19.

State Law reference— Public health, F.S. ch. 381 et seq.

ARTICLE I. - IN GENERAL

Secs. 7-1—7-25. - Reserved.

ARTICLE II. - NUISANCES

Footnotes:

--- (2) ---

Cross reference— Animals, Ch. 4; buildings and building regulations, Ch. 5; mobile homes and recreational vehicles, Ch. 9; utilities, Ch. 18; zoning, Ch. 19.

State Law reference— Sanitary nuisances, F.S. § 386.01 et seq.

DIVISION 1. - GENERALLY

Sec. 7-26. - Portable toilets.

It shall be unlawful, within the town to use portable toilets (portable self-contained units not designed to be permanently attached) except portable toilets may be used at construction sites for the duration of the construction and at sporting events with the approval of the town.

(Ord. No. 82-4(97), §§ 1, 2, 8-2-82)

Secs. 7-27—7-45. - Reserved.

DIVISION 2. - JUNKED, WRECKED, ABANDONED PROPERTY

Footnotes:

--- (3) ---

Cross reference— Code enforcement board shall have jurisdiction to hear and decide cases involving violation, § 2-72; mobile homes and recreational vehicles, Ch. 10; streets, sidewalks and other public places, Ch. 14; traffic and motor vehicles, Ch. 17; zoning, Ch. 19.

State Law reference— Procedure for abandoned or lost property, F.S. § 705.103.

Sec. 7-46. - Storage of junk, etc., prohibited.

It shall be unlawful for any person to cause or permit junk, scrap metal, scrap lumber, wastepaper products, discarded building materials, or any unused abandoned vehicles, vehicles, or abandoned parts, machinery or machinery parts, or other waste materials, be in or upon any yards, garden, lawn, or premises in the town unless in connection with a business enterprise lawfully situated and licensed for that business.

(Code 1978, §§ 32-1, 32-3)

Sec. 7-47. - Fire hazards.

It shall be unlawful to permit any accumulation of any such waste materials to be in or upon any yard, lawn, garden, or premises, in the town if the same constitutes a fire hazard, a hazard to the safety of persons or property or an unsanitary condition.

(Code 1978, § 32-2)

Secs. 7-48—7-65. - Reserved.

DIVISION 3. - TRASH, WEEDS, AND WILD GROWTH

Footnotes:

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Cross reference— Administration, Ch. 2; landscaping and trees, Ch. 7.5; licenses and business regulations, Ch. 8; mobile homes and recreational vehicles, Ch. 9; planning, Ch. 11; signs and advertising, Ch. 12; streets, sidewalks and other public places, Ch. 14; subdivision regulations, Ch. 15; zoning, Ch. 19.

Sec. 7-66. - 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 indicates a different meaning:

Garbage means all kitchen and table refuse, all general combustible waste, card board boxes, accumulations of animal and vegetable matter which attends to the preparation, use, cooking, processing, handling, or storage of meats, fish, fowl, fruits, vegetables, and other matter which is subject to decomposition, decay, putrefaction or the generation of noxious or offensive gases or odors, which during or after decay may serve as breeding places or breeding material for flies, insects, or animals.

Improved property, for the purposes of this division" shall mean and be defined as any real property upon which any house, store, building or other structure has been or is being erected, or any real property which is used as a park or other recreational area.

Trash means every waste, accumulation or deposit of paper, sweepings, dust rags, bottle, cans, and other matter of any substance or kind, including but not limited to substantive compositions of paper, wood, metal, brick, glass, and matters of similar import and composition, and specifically including such matters as refrigerators, stoves, household furniture discards, paper cups, bottles, beverage cans and all types of paper, construction debris and material.

Vegetation means all natural growth upon a lot or parcel of ground, including grass, weeds, trees, vines, bushes, underbrush, and the waste materials arising therefrom.

(Code 1978, § 23-1(b); Ord. No. 82-3(96), § 1(23-1(b)), 6-7-82; Ord. No. 2004-11, § 2, 9-8-04)

Sec. 7-67. - Certain conditions, accumulations deemed public nuisance.

It shall be unlawful for the owner, occupant, lessee or person in control of any land which is within the town limits of the town, and which area is unoccupied or occupied to permit, maintain or allow to remain thereon, any

accumulation of garbage, trash, yard trash, rubbish, debris, and unsightly and unsanitary matter including but not limited to any accumulations, as defined in this division, or the development of a dense growth of trees, vines or underbrush, which is or may reasonably become infested or inhabited by rodents, vermin or wild animals; or may furnish a breeding place for mosquitoes; threatens or endangers the public health, welfare, or safety; or may reasonably cause disease; or adversely affects and impairs the economic welfare of adjacent properties; any such action or omission is hereby prohibited and declared to be a public nuisance. No lawn shall be permitted to have grass, weeds or uncultivated growth exceeding ten (10) inches in height, whether grass or weeds are located in front, side or rear yards of the premises.

(Code 1978, § 23-1(a); Ord. No. 82-3(96), § 1(23-1(a)), 6-7-82; Ord. No. 2004-11, § 2, 9-8-04; Ord. No. 2005-26, § 7, 4-21-05)

Sec. 7-68. - Notice to abate; failure of owner to comply; hearing; abatement by town.

(a)

If the owner or occupant of any area upon which there has accumulated any of the items, described in sections [7-66](#) and [7-67](#), and refuses or neglects to remove any accumulation of debris, trash, garbage, uncultivated vegetation, or yard trash or dangerous tree or fails to remove and clear and clean the property of weeds, undergrowth, rubbish, or unsightly and unsanitary matter, the town manager shall direct a letter to the owner(s) of such lot directing that the lot be cleared and further advising the owner that the town will have the lot mowed and cleared unless the owner does it within fourteen (14) days after the mailing of the notice. The notice shall be sent by certified mail.

(b)

The town manager shall state in the notice that if it is necessary for the town to clear any land or abate any condition in violation of [section 7-67](#), the following charges shall be made against the owner of any lot so cleared:

(1)

The use of all equipment, to be charged at current commercial rates prevailing in the area;

(2)

The portion of salaries of all employees utilized on the job, including all overtime necessary;

(3)

Two (2) percent over and above the hourly rate of employees, used to pay for all municipal supplemental and fringe benefits;

(4)

Six (6) percent over and above costs, as a reasonable expense to the town.

(5)

Under no circumstances shall the total per annum interest rate plus administrative charges exceed a maximum of eighteen (18) percent per annum or the interest shall be forfeited.

(c)

At the discretion of the town manager, the town may contract with a bona fide maintenance or lot clearing business to clear the land or abate the condition, and the owner or occupant of the lot shall be responsible for all

charges, administrative costs, expenses, and fees associated with clearing the lot or parcel of land.

(d)

The town attorney shall have the right to apply for an injunction against the owner or occupant of any land in violation of [section 7-67](#) prior to the town clearing the land or contracting for the clearing of the land.

(Code 1978, § 23-2; Ord. No. 82-3(96), 1(23-2), 6-7-82; Ord. No. 2004-11, § 2, 9-8-04; Ord. No. 2005-26, § 7, 4-21-05)

Sec. 7-69. - Hearing; review.

Within fourteen (14) days after the mailing and posting of the notice to abate specified in [section 7-68](#), the owner of the property may make written request for a administrative hearing to show that the condition alleged in the notice does not exist or that such condition does not constitute a public nuisance. At the hearing, the town and the property owner may introduce such evidence as is deemed necessary. The town manager, shall hold hearings as promptly as practicable within ten (10) calendar days of the filing of the appeal, at such place as is determined, and shall establish rules and regulations for the review procedure. Following that review, the owner(s) will have exhausted their administrative remedies.

(Ord. No. 2004-11, § 2, 9-8-04)

Sec. 7-70. - Failure to abate.

It is declared to be unlawful for the owner, occupant, lessee or any person in control of any land, subsequent to the notice to abate hereinbefore provided, to fail to abate any accumulation of litter or remove any excessive growth or otherwise abate any nuisance prohibited by this division within fourteen (14) days from the date of posting of the notice on the subject property.

(Code 1978, § 23-5; Ord. No. 82-3(96), § 1(23-5), 6-7-82; Ord. No. 2004-11, § 2, 9-8-04)

Sec. 7-71. - Service of notice.

Service upon the property owner of the notice to abate, hereinbefore provided, shall be either by personal service or by mailing the notice to the owner or owners of the property described, as their names and addresses are shown upon the town or county property appraisers records, by regular and certified mail, and shall be deemed complete and sufficient when so addressed and deposited in the United States mail with the proper postage prepaid, and by the posting of the notice to abate at the subject property.

In the event the area or property upon which there is an accumulation prohibited by this division is unoccupied and the address of the owner is unknown or not found in the rolls of the county property appraiser, then service of the notice shall be upon the owner by posting it on such area or property.

(Code 1978, § 23-4; Ord. No. 82-3(96), § 1(23-4), 6-7-82; Ord. No. 2004-11, § 2, 9-8-04)

Sec. 7-72. - Abatement by town.

(a)

If, after the fourteen-day period hereinbefore provided, the owner or occupant should fail, refuse or neglect to abate the nuisance, mow and clear the lot of any excessive growth of weeds or clear the property of any of the other items hereinbefore prohibited, then the town, through its appropriate personnel, may undertake to abate and clear the same and the costs, expenses, and fees thereof, as hereinbefore described, shall be assessed against and upon the lot or area on which such nuisance or excessive growth was found. The assessment shall be a lien on the property and assessed as a special assessment and foreclosed or otherwise enforced in the same manner as any other special assessment lien is enforced or foreclosed by the town in accordance with the Florida Statutes.

(b)

After causing the condition to be remedied, the town shall certify to the finance director and town clerk the expense incurred in remedying the condition and shall include a copy of the notice to abate and whereupon such expense shall become payable within ten (10) days, after which a lien, including expenses for lien recordation, and charge will be made upon the property, which shall be payable, with interest, at a rate of ten (10) percent per annum, from the date of such certification until paid.

(c)

Such lien shall be enforceable, in the same manner as a mortgage, and may be satisfied at any time by payment thereof, including recording fee expense and accrued interest. Notice of such lien may be filed in the office of the clerk of the circuit court and recorded among the public records of the county.

(Code 1978, § 23-3; Ord. No. 82-3(96), § 1(23-3), 6-7-82; Ord. No. 2004-11, § 2, 9-8-04)

Sec. 7-73. - Records.

The town clerk's office shall keep records relating to the amount payable for liens recorded as described in this article.

(Ord. No. 2004-11, § 2, 9-8-04)

Sec. 7-74. - Action declared cumulative.

Any action taken pursuant to this article in regards to the disposal, abatement or removal of the conditions described herein declared public nuisances, shall be considered cumulative and in addition to penalties and other remedies provided elsewhere in this Code and the town's land development regulations.

(Ord. No. 2004-11, § 2, 9-8-04)

Secs. 7-75—7-90. - Reserved.

ARTICLE III. - RESERVED

Footnotes:

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Editor's note— Formerly Art. III, §§ 7-91—7-93, pertained to hazardous waste and was derived from Ord. No. 87-11 (217), §§ 1—3, adopted Dec. 7, 1987. Such provisions were repealed by Ord. No. 94-08, § 2(e), adopted Aug. 15, 1994. For provisions concerning such subject matter, the user's attention is directed to the town's land development code which is not set out in this volume, but is on file and available for inspection in the office of the town clerk.

Secs. 7-91—7-101. - Reserved.

ARTICLE IV. - SOLID WASTE

Footnotes:

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Editor's note— Ord. No. 92-08, adopted Oct. 5, 1992, amended the Code by adding provisions pertaining to solid waste designated as §§ 7-27—7-38. Such provisions have been redesignated by the editor as Art. IV, §§ 7-101—7-112 for purposes of classification.

Section 7 of Ord. No. 2005-26, adopted April 21, 2005, deleted and reserved under Art. III, § 7-101, which was titled "Short title", and derived from Ord. No. 92-08, adopted Oct. 5, 1992.

State Law reference— Florida Litter Law, F.S. § 403.413; resource recovery and management, F.S. § 403.702 et seq.; local government solid waste responsibilities, F.S. § 403.706.

Sec. 7-102. - Definitions.

For the purpose of this article, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely director.

Ashes is the residue from the burning of wood, coal, coke, or other combustible materials.

Commercial cluster is an area developed and maintained as a single entity according to a plan containing commercial units which have a common or public open space as an appurtenance.

Container collection service is the service provided for the collection of large quantities of solid waste through the use of bulk containers containing two (2) cubic yards or greater which are capable of being mechanically dumped.

Curbside pickup service is the service provided for the collection of relatively small quantities of solid waste through the manual pickup and dumping of garbage cans.

Director is the director of public works of the Town of Lady Lake, Florida.

Occupied residential dwelling unit is a residential dwelling unit which is not "unoccupied" as defined in the definition of "unoccupied residential dwelling unit" below.

Recyclable material means those materials which are capable of being recycled or composted and which would otherwise be processed or disposed of as solid waste.

Recycling means any process by which solid waste, or materials which would otherwise become solid waste are collected, separated, or processed and reused or returned to use in the form of raw materials or products.

Residential cluster is an area developed and maintained as a single entity according to a plan, containing dwelling units which have a common or public open space as an appurtenance.

Residential dwelling is a structure used for habitation.

Residential dwelling unit is one (1) or more rooms designed primarily for occupancy by one (1) family and located within a dwelling.

Unoccupied residential dwelling unit is a residential dwelling unit in which water service has been permanently or temporarily disconnected. In order for a dwelling unit to be considered as "unoccupied," the owner must notify the town in writing that the dwelling unit has been vacated and water service has been disconnected. A dwelling unit shall be considered as "unoccupied" only during those billing periods in which no water service volume charges accrue. Therefore, there will be no proration of reduced charges in months in which there is partial occupation of the unit.

(Ord. No. 92-08, 10-5-92; Ord. No. 97-13, 11-17-97; Ord. No. 2005-26, § 7, 4-21-05)

Sec. 7-103. - Disposal of solid waste.

Except as otherwise provided, all solid waste within the town shall be placed in a tightly covered container. No person shall dump, place, or deposit any solid waste within the town except for collection in conformance with [section 7-104](#).

(Ord. No. 92-08, 10-5-92)

Sec. 7-104. - Mandatory collection by town.

Except as otherwise provided in this article, all solid waste accumulation in the town shall be collected, conveyed and disposed of by the town, and all persons producing solid waste shall be billed by the town for that service in accordance with the solid waste rate schedule as adopted and periodically revised by the town. No person, other than a duly authorized employee or agent of the town, shall collect or convey over any of the streets or alleys of the town, or dispose of, any solid waste accumulated in the town.

(1)

[Exception for actual producers.] Nothing contained in this article shall prohibit the actual producers of solid waste, or the owners of premises upon which solid waste has accumulated, from personally collecting, conveying and disposing of such solid waste, provided such producers or owners comply with the provisions of this section and with any other governing ordinance provision or law. This exception shall not exempt those actual producers who dispose of solid waste from paying the fees provided for in [section 7-112](#).

(2)

Exception for outside collectors. Nothing contained in this article shall prohibit collectors of solid waste from outside of the town from transporting such solid waste over town streets, provided such collectors comply with the provisions of this section and with any other governing ordinance provision or law.

(3)

Exception for franchisee. Nothing contained herein shall prohibit collectors of solid waste within the town under a franchise or other contractual agreement with the town from exercising all rights and completing all duties allowed and required under the franchise or other contractual agreement.

(4)

Nothing contained in this article shall impair a contract for the collection of solid waste between any person and any private solid waste collection service in cases where such contract exists on the effective date of the ordinance from which this subsection is derived. No such existing contract for solid waste collection and disposal may be renewed following its expiration, at which time all collection and disposal shall be provided by the town. All solid waste collection and disposal carried out pursuant to this subsection shall be performed in a manner consistent with this article.

(5)

Exception for any bona fide recycling program. Nothing contained herein shall prohibit any person from collecting and recycling any recyclable material.

(Ord. No. 92-08, 10-5-92; Ord. No. 97-13, 11-17-97; Ord. No. 2005-26, § 7, 4-21-05)

Sec. 7-105. - Collection supervised by director of public works.

All solid waste accumulated in the town shall be collected, conveyed and disposed of by the town under the supervision of the director of public works. The director shall have the authority to make regulations concerning the days of collection, type and location of waste containers and such other matters pertaining to the collection, conveyance and disposal as the director finds necessary, and to change and modify the same after notice as required by law, provided that such regulations are not contrary to the provisions of this article, and are subject to approval by the town commission of the Town of Lady Lake by resolution.

(Ord. No. 92-08, 10-5-92; Ord. No. 2005-26, § 7, 4-21-05)

Sec. 7-106. - Preparation of solid waste.

[(a)

Liquids.] All solid waste being placed in solid waste containers for collection without first being sealed in an appropriate solid waste bag which will prevent liquid from escaping shall be drained free of all liquids. Any solid waste containing liquid other than a liquid prohibited under [section 7-109](#) shall be sealed in solid waste bag which prevents leakage.

(b)

Trimmings and clippings. Tree trimmings, hedge clippings and similar material shall be cut to a length, not to exceed four (4) feet, and securely tied in bundles not more than two (2) feet thick before being deposited for collection. Grass clippings and other lawn solid waste shall be sealed in solid waste bags prior to being placed for disposal.

(Ord. No. 92-08, 10-5-92; Ord. No. 2005-26, § 7, 4-21-05)

Sec. 7-107. - Receptacles.

(a)

Requirements. In cases where town container collection service is not provided, when using curbside pickup service, the user of the service shall provide and maintain a sufficient number of receptacles to contain the solid waste accumulated on the premises. The town commission may adopt regulations limiting the number of containers that a person may place for pickup at any one time.

(b)

Rummaging in receptacles prohibited. It shall be unlawful for any person other than a duly authorized employee or agent of the town to rummage through, or remove any trash from, solid waste or recycling receptacles.

(c)

Specifications. Receptacles used for storage and collection of solid waste materials shall be watertight and meet the following specifications:

(1)

Solid waste containers shall be constructed of a durable grade of galvanized metal or other suitable nonporous material, and have a capacity of twenty (20) to thirty-two (32) gallons. Each container shall be provided with suitable lifting handle and a tightly fitting cover with a lifting handle. The container shall be without inside protrusions, and the solid waste shall be loosely packed so that the contents shall discharge freely when the receptacle is inverted.

(2)

Solid waste bags shall be made of heavy multiple-ply paper or polyethylene or ethylene copolymer resin and designed for outdoor storage of solid waste. Bags must be securely tied or sealed to prevent emission of odors, be of such material that liquids and greases will not penetrate through the material, and be of sufficient thickness and strength to contain the solid waste enclosed without tearing or ripping under normal handling.

(d)

Damaged or deteriorated containers. Solid waste containers which have deteriorated or have been damaged to the extent that the covers will not fit securely or those having jagged or sharp edges capable of causing injury to

a solid waste collector or other person whose duty it is to handle solid waste containers are declared a nuisance and shall be condemned by the director of public works. If such containers are not removed within five (5) days after notice, to the owner or user, of such defective conditions, then such containers shall be confiscated.

(Ord. No. 92-08, 10-5-92; Ord. No. 97-13, 11-13-97; Ord. No. 2005-26, § 7, 4-21-05)

Sec. 7-108. - Points of collection.

Solid waste containers used for curbside pickup service shall be placed for collection at ground level on the property. Placement shall be along the street or alley line on the side of the street or alley from which collection is made. Placement for collection shall be no earlier than the evening preceding collection. Receptacles shall be removed from the street or alley line no later than the evening of the day of collection.

(Ord. No. 92-08, 10-5-92)

Sec. 7-109. - Certain matter not to be placed in receptacles.

Dead animals, sewage, poisons, explosives, dangerous or corrosive chemicals, clothing taken from persons with infectious diseases, heavy metals, or metal parts, heavy or bulky items such as stoves, refrigerators, air-conditioners, sofas and chairs, lumber, dirt, rocks, bricks, concrete blocks, tires, crates and other solid waste from construction or remodeling, shall not be placed in receptacles used for regular collection service or the town container collection service. Solid waste that will not be accepted for disposal by Lake County shall not be placed in receptacles or otherwise deposited for collection by the town. Any person wishing to dispose of such solid waste shall notify the director of public works, and arrange for special collection of such solid waste prior to disposal.

(Ord. No. 92-08, 10-5-92)

Sec. 7-110. - Collection practices.

(a)

Frequency of collection.

(1)

Residential. Collection of solid waste accumulated in association with residential dwelling units shall be provided at least once each week, except in such cases where the residential dwelling unit has been vacated and is considered unoccupied, as defined herein. In addition, there shall be a biannual trash pickup for the purpose of collecting large or bulky solid waste material, including those items set forth in [section 7-109](#)

(2)

Commercial. Solid waste accumulated by hotels, restaurants and other businesses and institutions shall be collected at least once each week.

(3)

Additional collection. Nothing contained herein shall prohibit the town from requiring more frequent collection of solid waste and assessing a fee based upon the frequency of collection.

(b)

Container collection service.

(1)

Residential. All multifamily dwellings of four or more residential dwelling units shall have solid waste collected from the premises thereof by the town solid waste container collection service. Town container collection service may be provided to residential clusters upon request by the person or persons who control the common or public areas of the residential cluster. Duplexes and triplexes not using town container service shall be required to provide and maintain in a clean and sanitary condition a suitable location for the storage of solid waste containers.

(2)

Commercial. All hotels, restaurants and other businesses and institutions shall have solid waste collected from the premises thereof by the town solid waste container collection service, unless exempted under the provisions of this section. Nothing contained herein, however, shall require commercial users of this system who are joined by a common wall to have more than one (1) collection container, except in those instances where the output from all such commercial units exceeds the capacity of a single collection container. Further, town container collection service may be provided to commercial clusters upon request by the person or persons who control the common or public areas of the commercial cluster.

(3)

Provision of containers. For those premises required to use town container collection, the town shall provide containers which are capable of mechanical collection of the appropriate size and design to meet the requirements of this section. The minimum container size shall be two (2) cubic yards, but larger containers may be provided upon request, or upon a finding by the director that a larger container is necessary to accommodate the solid waste output collected on the premises. Likewise additional containers may be required or requested to accommodate solid waste output.

(4)

Exemption for minimal solid waste producers. Commercial establishments that can affirmatively demonstrate to the director that the output collected on the premises is less than two (2) cubic yards per collection shall be exempt from utilizing the town container collection service. For purposes of this subsection (4), output collected on the premises shall encompass all solid waste output collected from those commercial units with common walls, and those commercial clusters which have opted to use the town container collection service. In addition, commercial establishments using curbside pickup service as of the effective date of the ordinance from which this subsection is derived shall be exempt from using town solid waste container collection service until such time as the use of the property is changed. In lieu of the town container collection service, exempt users will be required to provide their own containers pursuant to [section 7-107\(c\)](#).

(5)

Exception for commercial establishments where containers unsafe or impractical. Commercial establishments that can affirmatively demonstrate to the director that the placement of a garbage container on their site, due to site limitations, traffic flow, etc., would be unsafe or impractical, shall be exempt from using the town container collection service. The director shall record the exemption and the reasons therefor, in writing, to the town manager. The director may condition the exemption upon the establishment agreeing to provide for solid waste collection pursuant to [section 7-107\(c\)](#), or in such other reasonable manner as the director may prescribe.

(c)

Collection by actual producers and outside collectors.

(1)

Requirements for vehicles. The actual producers of solid waste or the owners of premises upon which solid waste is accumulated who desire personally to collect and dispose of such solid waste, persons who desire to

dispose of waste material not included in the definition of solid waste, and collectors of solid waste from outside of the town who desire to haul solid waste over the streets of the town, shall use a watertight vehicle which prevents offensive odors from escaping and solid waste from being blown, dropped or spilled.

(2)

Disposal. Disposal of solid waste by persons so permitted under [section 7-104](#) shall be made outside the town limits and shall be in accordance with all local, state and federal laws and regulations.

(3)

Rules and regulations. Subject to the approval of the town commission, the director shall have the authority to make such other reasonable regulations concerning individual collection and disposal and relating to the hauling of solid waste over town streets by outside collectors as the director shall find necessary.

(d)

Solid waste property of town. Ownership of solid waste material set out for collection shall be vested in the town.

(Ord. No. 92-08, 10-5-92; Ord. No. 97-13, 11-17-97; Ord. No. 2005-26, § 7, 4-21-05)

Sec. 7-111. - Unauthorized use of receptacles; recycling required.

(a)

It shall be unlawful for any person to place, or permit another to place, any solid waste in any receptacle, at any solid waste collection point or in any solid waste container used in the town container collection service unless the solid waste is from the premises served by the container or from the premises at which the receptacle or collection point is located.

(b)

The town shall establish one (1) or more recycling centers for the collection of recyclable materials. All recyclable materials generated within the town shall be deposited at the town recycling centers. It shall be unlawful for any person to place, or permit another to place, into any solid waste container any type of solid waste that is being recycled by the town. The town may inspect any solid waste placed for collection to determine the presence of any recyclable materials, and the town shall not be obligated to pick up any solid waste which is mixed with any recyclable materials. It shall also be unlawful for any person to deposit any nonrecyclable material at any town recycling center.

(c)

This section shall be enforced by, and be within the jurisdiction of, the Town of Lady Lake Code Enforcement Board.

(Ord. No. 92-08, 10-5-92)

Sec. 7-112. - Reserved.

Editor's note— [Section 4.04](#), of Ord. No. 2003-19, adopted June 16, 2003, repealed [§ 7-112](#), which pertained to monthly collection of solid waste fees, and derived from Ord. No. 92-08, adopted Oct. 5, 1992; Ord. No. 97-13, adopted Nov. 17, 1997; and Ord. No. 2003-06, adopted April 7, 2003. Said section further provided that the method of collection of fees is now replaced with the procedures set forth in Ord. No. 2003-19, codified as Art. V, §§ [7-121](#)—7-124.

Sec. 7-113. - New accounts to be limited to property owners.

All new accounts opened with the town for the collection of solid waste shall be limited to the owner of the property being provided the service. At the time that a new account is opened, the party opening the account shall sign an agreement with the town agreeing to the filing of a lien against the property receiving the service in the event the account is not paid. This agreement shall serve as a contractual obligation by the owner to pay for the services rendered, and that the obligation to pay for the service shall be enforceable against the property served and shall be a personal obligation of the owner of the property.

(Ord. No. 2003-06, § 2, 4-7-03)

Secs. 7-114—7-120. - Reserved.

ARTICLE V. - SPECIAL ASSESSMENT DISTRICT SOLID WASTE DISPOSAL

Sec. 7-121. - Introduction.

(1)

Definitions. As used in this article, the following words and terms shall have the following meanings, unless the context clearly otherwise requires:

Annual rate resolution means the resolution described in [section 7-122\(8\)](#) of this article establishing the rate at which a solid waste assessment for a specific fiscal year will be computed. The final assessment resolution shall constitute the annual rate resolution for the initial fiscal year in which a solid waste assessment is imposed or reimposed.

Assessed property means all parcels of land with residential dwellings located thereon included on the assessment roll that receive a special benefit from the provision of solid waste collection and disposal services, programs or facilities identified in the initial assessment resolution or a subsequent preliminary rate resolution.

Assessment roll means the special assessment roll relating to a solid waste assessment approved by a final assessment resolution pursuant to [section 7-122\(6\)](#) of this article or an annual rate resolution pursuant to [section 7-122\(8\)](#) of this article.

Certificate of occupancy means the written certification issued by the Town of Lady Lake that a residential dwelling is ready for occupancy. For the purposes of this article, a set up or tie down permit or its equivalent issued for a mobile home shall be considered a certificate of occupancy.

Clerk means the clerk of the Town of Lady Lake.

Final assessment resolution means the resolution described in [section 7-122\(6\)](#) of this article which shall confirm, modify, or repeal the initial assessment resolution and which shall be the final proceeding for the initial imposition of solid waste assessments.

Fiscal year means that period commencing October 1 of each year; and continuing through the next succeeding September 30, or such other period as may be prescribed by law as the fiscal year for the town.

Initial assessment resolution means the resolution that shall be the initial proceeding for the identification of the solid waste assessed cost for which an assessment is to be made and the estimated rates of the solid waste assessment. A copy of the fiscal year 2004, initial assessment resolution, attached to Ordinance No. 2003-19 as Exhibit B.

Maximum assessment rate means the highest rate of a solid waste assessment established by the town commission in an initial or preliminary assessment resolution and confirmed by the town commission in the final or annual rate resolution.

Ordinance means the Solid Waste Collection and Disposal Assessment Ordinance No. 2003-19 (article V of this chapter).

Owner shall mean the person reflected as the owner of assessed property on the tax roll.

Person means any individual, partnership, firm, organization, corporation, association, or any other legal entity, whether singular or plural, masculine or feminine, as the context may require.

Preliminary rate resolution means the resolution described in [section 7-122\(8\)](#) of this article initiating the annual process for updating the assessment roll and directing the reimposition of solid waste assessments pursuant to an annual rate resolution.

Property appraiser means the Lake County Property Appraiser.

Residential dwelling means a structure used for habitation.

Residential dwelling unit or residential unit means one (1) or more rooms designed primarily for occupancy by one (1) family and located within a residential dwelling.

Solid waste means garbage, refuse, yard trash, clean debris, white goods, special waste, ashes, sludge, or other discarded material, including solid, liquid, semisolid, or contained gaseous material originating from any source.

Solid waste assessment means a special assessment lawfully imposed by the town commission against assessed property to fund all or any portion of the cost of the provision of solid waste collection and disposal services, facilities, or programs providing a special benefit to property as a consequence of possessing a logical relationship to the value, use, or characteristics of the assessed property.

Solid waste assessed cost means the amount determined by the town commission to be assessed in any fiscal year to fund all or any portion of the cost of the provision of solid waste collection and disposal services, facilities, or programs which provide a special benefit to assessed property, and shall include, but not be limited to, the following components:

- (a)
The cost of physical construction, reconstruction or completion of any required facility or improvement;
- (b)
The costs incurred in any required acquisition or purchase;
- (c)
The costs of all labor, materials, machinery, and equipment;
- (d)
The cost of fuel, parts, supplies, maintenance, repairs, and utilities;
- (e)
The cost of computer services, data processing, and communications;
- (f)
The cost of all lands and interest therein, leases, property rights, easements, and franchises of any nature whatsoever;

(g)

The cost of any indemnity or surety bonds and premiums for insurance;

(h)

The cost of salaries, volunteer pay, workers' compensation insurance, or other employment benefits;

(i)

The cost of uniforms, training, travel, and per diem;

(j)

The cost of construction plans and specifications, surveys and estimates of costs;

(k)

The cost of engineering, financial, legal, and other professional services;

(l)

The costs of compliance with any contracts or agreements entered into by the town to provide solid waste collection and disposal services;

(m)

All costs associated with the structure, implementation, collection, and enforcement of the solid waste assessments, including any service charges of the tax collector, or property appraiser and amounts necessary to off-set discounts received for early payment of solid waste assessments pursuant to the uniform assessment collection act or for early payment of solid waste assessments collected pursuant to [section 7-123\(2\)](#) of this article;

(n)

All other costs and expenses necessary or incidental to the acquisition, provision, or construction of solid waste collection and disposal services, facilities, or programs, and such other expenses as may be necessary or incidental to any related financing authorized by the town commission by subsequent resolution;

(o)

A reasonable amount for contingency and anticipated delinquencies and uncollectible solid waste assessments; and

(p)

Reimbursement to the town or any other person for any moneys advanced for any costs incurred by the town or such person in connection with any of the foregoing components of solid waste assessed costs.

Solid waste collection and disposal services means those services associated with the collection and disposal of solid waste generated by residential dwelling units, including curbside pickup, any special programs implemented with regard to recycling or the collection of large items, hazardous waste, or vegetation, and such other programs deemed necessary by the town or the town's hauler to effectively collect and dispose of solid waste generated by residential properties in the town.

Tax collector means the Lake County Tax Collector.

Tax roll means the real property ad valorem tax assessment roll maintained by the property appraiser for the purpose of the levy and collection of ad valorem taxes.

The solid waste special assessment district means the special assessment district created hereunder comprised of assessed property located within the town limits of the Town of Lady Lake, excluding that portion of the town referred to as The Villages and Sunshine Mobile Home Park.

Town means the Town of Lady Lake, Lake County, Florida.

Town commission means the town commission of the Town of Lady Lake, Lake County, Florida.

Town manager means the chief administrative officer of the town, designated by the town commission to be responsible for coordinating solid waste assessments, or such person's designee.

Uniform Assessment Collection Act means Sections 197.3632 and 197.3635, Florida Statutes, or any successor statutes authorizing the collection of non-ad valorem assessments on the same bill as ad valorem taxes, and any applicable regulations promulgated thereunder.

(2)

Interpretation. Unless the context indicates otherwise, words importing the singular number include the plural number, and vice versa; the terms "of this article," "hereby," "herein," "hereto," "hereunder" and similar terms refer to this article; and the term "hereafter" means after, and the term "heretofore" means before the effective date of this article. Words of any gender include the correlative words of the other genders, unless the sense indicates otherwise.

(3)

General findings. It is hereby ascertained, determined, and declared that:

(a)

Pursuant to Article VIII, section 2(b), Florida Constitution, and Chapter 160, Florida Statutes, and the town Charter of the Town of Lady Lake, the town commission has all powers of local self-government to perform municipal functions and to provide municipal services in a manner not inconsistent with law, and such power may be exercised by the enactment of town ordinances.

(b)

The town commission derives its authority to impose solid waste assessments as provided in this article from the home rule power of municipalities in Article VIII, section 2(b), Florida Constitution, and Section 166.021, Florida Statutes.

(c)

The principal purposes of the ordinance are to authorize and prescribe procedures for the imposition of solid waste assessments and the funding of solid waste collection and disposal services, facilities, or programs providing a special benefit to improved, residential property within the solid waste special assessment district.

(d)

The article authorizes the town commission to impose solid waste assessments on benefited property within the solid waste special assessment district.

(e)

The annual solid waste assessments to be imposed using the procedures provided in this article shall constitute non-ad valorem assessments within the meaning and intent of the Uniform Assessment Collection Act. While it is the intent of the town commission to follow the procedures set forth in the Uniform Assessment Collection Act, failure to strictly adhere to said provisions shall not negate the authority of the town commission to impose solid waste assessments pursuant to its home rule powers conferred by the Florida Constitution.

(f)

The solid waste assessments to be imposed using the procedures provided in this article are imposed by the town commission, not the property appraiser or tax collector. The duties of the property appraiser and tax collector under the Uniform Assessment Collection Act are ministerial.

(4)

Legislative determinations of special benefit. It is hereby ascertained and declared that solid waste collection and disposal services, facilities, and programs provide a special benefit to property with residential dwellings located thereon based upon the following legislative determinations:

(a)

The collection of solid waste from residential dwelling units through curbside pickup scheduled on a regular basis possess a logical relationship to the use and enjoyment of improved, residential property by promoting health and sanitation through the uniform and consistent collection of solid waste generated by residential properties in the town; the collection of solid waste from residential dwelling units protects against the creation of nuisances associated with uncollected or unattended garbage, refuse, yard trash, or other discarded material, thereby promoting the use and enjoyment of residential property and the structures located and protecting the property values of said properties; the collection of solid waste from residential dwelling units promotes the use and enjoyment of residential properties and financially benefits the owners thereof by providing for the convenient collection and disposal of solid waste at competitive and economical rates for all of the residents within the solid waste special assessment district.

(b)

Residential properties with dwelling units located thereon generate solid waste regardless of whether the dwelling units are unoccupied from time to time, due to the creation of yard waste and debris associated with upkeep of said properties. The Lady Lake Code of Ordinances requires regular mowing and maintenance of property within the town in order to protect against public nuisances and unsafe and unsightly conditions that interfere with the use and enjoyment of surrounding properties. Therefore, the removal of yard trash, debris and vegetation is required regardless of whether a dwelling unit is occupied, and thus, solid waste collection and disposal services benefit all improved, residential property within the solid waste special assessment district.

(Ord. No. 2003-19, Art. I, §§ 1.01—1.04, 6-16-03)

Sec. 7-122. - Annual solid waste assessments.

(1)

General authority.

(a)

The town commission is hereby authorized to impose an annual solid waste assessment to fund all or any portion of the solid waste assessed cost upon benefited property within the solid waste special assessment district at a rate of assessment based on the special benefit accruing to such property from the town's provision of solid waste collection and disposal services, facilities, or programs. All solid waste assessments shall be imposed in conformity with the procedures set forth in this section.

(b)

The amount of the solid waste assessment imposed in a fiscal year against a parcel of assessed property shall be determined pursuant to an apportionment methodology based upon the classification of property as improved, residential property and identification of the number of residential dwelling units located thereon, in order to provide a fair and reasonable apportionment of the solid waste assessed cost among properties on a basis reasonably related to the special benefit provided by solid waste collection and disposal services, facilities, or programs funded with assessment proceeds.

(2)

Initial proceedings. The initial proceeding for the imposition of a solid waste assessment shall be the adoption of an initial assessment resolution by the town commission:

(a)

Containing a brief and general description of the solid waste collection and disposal services, facilities, or programs to be provided;

(b)

Determining the solid waste assessed cost to be assessed;

(c)

Describing the method of apportioning the solid waste assessed cost and the computation of the solid waste assessment for specific properties;

(d)

Establishing an estimated assessment rate for the upcoming fiscal year;

(e)

Establishing a maximum assessment rate, if desired by the town commission; and

(f)

Directing the town manager to:

1.

Prepare the initial assessment roll;

2.

Publish the notice required by section 2.04 of this article; and

3.

Mail the notice required by section 2.05 of this article using information then available from the tax roll.

(3)

Initial assessment roll.

(a)

The town manager shall prepare, or direct the preparation of, the initial assessment roll, which shall contain the following:

1.

A summary description of all assessed property conforming to the description contained on the tax roll.

2.

The name of the owner of the assessed property.

3.

The amount of the solid waste assessment to be imposed against each such parcel of assessed property.

(b)

The initial assessment roll shall be retained by the clerk and shall be open to public inspection. The foregoing shall not be construed to require that the assessment roll be in printed form if the amount of the solid waste assessment for each parcel of property can be determined by use of a computer terminal available to the public.

(4)

Notice by publication. Upon completion of the initial assessment roll, the town manager shall publish, or direct the publication of, once in a newspaper of general circulation within Lake County, a notice stating that at a meeting of the town commission on a certain day and hour, not earlier than 20 calendar days from such publication; which meeting shall be a regular, adjourned, or special meeting, the town commission will hear objections of all interested persons to the final assessment resolution which shall establish the rate of assessment and approve the aforementioned initial assessment roll. The published notice shall conform to the requirements set forth in the Uniform Assessment Collection Act. Such notice shall include:

(a)

A geographic depiction of the property subject to the solid waste assessment;

(b)

A brief and general description of the solid waste collection and disposal services, facilities, or programs to be provided;

(c)

The rate of assessment including a maximum assessment rate in the event one was adopted by the initial assessment resolution;

(d)

The procedure for objecting;

(e)

The method by which the solid waste assessment will be collected; and

(f)

A statement that the initial assessment roll is available for inspection at the office of the clerk and all interested persons may ascertain the amount to be assessed against a parcel of assessed property at the office of the clerk.

(5)

Notice by mail. In addition to the published notice required by subsection (4), the town manager shall provide notice, or direct the provision of notice, of the proposed solid waste assessment by first class mail to the owner of each parcel of property subject to the solid waste assessment. Such notice shall include:

(a)

The purpose of the solid waste assessment;

(b)

The rate of assessment to be levied against each parcel of property including a maximum assessment rate in the event one was adopted by the initial assessment resolution;

(c)

The unit of measurement applied to determine the solid waste assessment (i.e. "dwelling units");

(d)

The number of such units contained in each parcel of property;

(e)

The total revenue to be collected by the town from the solid waste assessment;

(f)

A statement that failure to pay the solid waste assessment will cause a tax certificate to be issued against the property or foreclosure proceedings to be instituted, either of which may result in a loss of title to the property;

(g)

A statement that all affected owners have a right to appear at the hearing and to file written objections with the board within twenty (20) days of the notice; and

(h)

The date, time, and place of the hearing.

The mailed notice shall conform to the requirements set forth in the Uniform Assessment Collection Act. Notice shall be mailed at least twenty (20) calendar days prior to the hearing to each owner at such address as is shown on the tax roll. Notice shall be deemed mailed upon delivery thereof to the possession of the United States Postal Service. The town manager may provide proof of such notice by affidavit. Failure of the owner to receive such notice due to mistake or inadvertence, shall not affect the validity of the assessment roll nor release or discharge any obligation for payment of a solid waste assessment imposed by the town commission pursuant to this article.

(6)

Adoption of final assessment resolution. At the day and time named in such notice, onto which an adjournment or continuance may be taken by the town commission, the town commission shall receive any oral or written

objections of interested persons and may then, or at any subsequent meeting of the town commission adopt the final assessment resolution which shall:

(a)

Confirm, modify, or repeal the initial assessment resolution with such amendments, if any, as may be deemed appropriate by the town;

(b)

Establish the rate of assessment to be imposed in the upcoming fiscal year;

(c)

Establish a maximum assessment rate that may be imposed in the event such rate was included in the initial assessment resolution;

(d)

Approve the initial assessment roll; with such amendments as it deems just and right; and

(e)

Determine the method of collection.

The adoption of the final assessment resolution by the town commission shall constitute a legislative determination that all parcels assessed derive a special benefit from the solid waste collection and disposal services, facilities, or programs to be provided or constructed and a legislative determination that the solid waste assessments are fairly and reasonably apportioned among the properties that receive the special benefit. All written objections to the final assessment resolution shall be filed with the town manager at or before the time or adjourned time of such hearing. The final assessment resolution shall constitute the annual rate resolution for the initial fiscal year in which solid waste assessments are imposed or reimposed hereunder.

(7)

Effect of final assessment resolution. The solid waste assessments for the initial fiscal year shall be established upon adoption of the final assessment resolution. The adoption of the final assessment resolution shall be the final adjudication of the issues presented (including, but not limited to, the determination of special benefit and fair apportionment to the assessed property; the method of apportionment and assessment; the initial rate of assessment; the maximum assessment rate, if any; the initial assessment roll; and the levy and lien of the solid waste assessments), unless proper steps shall be initiated in a court of competent jurisdiction to secure relief within twenty (20) days from the date of the town commission action on the final assessment resolution. The initial assessment roll, as approved by the final assessment resolution, shall be delivered to the tax collector, as required by the Uniform Assessment Collection Act, or if the alternative method described in [section 7-123\(2\)](#) of this article is used to collect the solid waste assessments, such other official as the town commission by resolution shall designate.

(8)

Adoption of annual rate resolution.

(a)

The town commission shall adopt an annual rate resolution during its budget adoption process for each fiscal year following the initial fiscal year for which a solid waste assessment is imposed hereunder.

(b)

The initial proceedings for the adoption of an annual rate resolution shall be the adoption of a preliminary rate resolution by the town commission:

1.

Containing a brief and general description of the solid waste collection and disposal services, facilities, or programs to be provided;

2.

Determining the solid waste assessed cost to be assessed for the upcoming fiscal year;

3.

Establishing the estimated assessment rate for the upcoming fiscal year;

4.

Establishing or increasing a maximum assessment rate, if desired by the town commission;

5.

Authorizing the date, time, and place of a public hearing to receive and consider comments from the public and consider the adoption of the annual rate resolution for the upcoming fiscal year; and

6.

Directing the town manager to:

a.

Update the assessment roll;

b.

Provide notice by publication and first class mail to affected owners in the event circumstances described in subsection (8)(f) of this section so required; and

c.

Directing and authorizing any supplemental or additional notice deemed proper, necessary or convenient by the town.

(c)

The annual rate resolution shall:

1.

Establish the rate of assessment to be imposed in the upcoming fiscal year: and

2.

Approve the assessment roll for the upcoming fiscal year with such adjustments as the town commission deems just and right.

The assessment roll shall be prepared in accordance with the method of apportionment set forth in the initial assessment resolution, or any subsequent preliminary rate resolution, together with modifications, if any, that are provided and confirmed in the final assessment resolution or any subsequent annual rate resolution.

(d)

Nothing herein shall preclude the town commission from providing annual notification to all owners of assessed property in the manner provided in either or both subsections (4) or (5) of this section.

(e)

The town commission may establish or increase a maximum assessment rate assessment in an initial or preliminary rate resolution and confirm such maximum assessment rate in the event notice of such maximum rate assessment has been included in the notices required by subsections (4) and (5) of this article.

(f)

In the event:

1.

The proposed solid waste assessment for any fiscal year exceeds the rates of assessment adopted by the town commission including a maximum assessment rate, if any, that were listed in the notices previously provided to the owners of assessed property pursuant to subsections (4) and (5) of this section;

2.

The purpose for which the solid waste assessment is imposed or the use of the revenue from the solid waste assessment is substantially changed from that represented by notice previously provided to the owners of assessed property pursuant to subsections (4) and (5) of this section;

3.

Assessed property is reclassified or the method of apportionment is revised or altered resulting in an increased solid waste assessment from that represented by notice previously provided to the owners of assessed property pursuant to subsections (4) and (5) of this section; or

4.

An assessment roll contains assessed property that was not included on the assessment roll approved for the prior fiscal year, notice shall be provided by publication and first class mail to the owners of such assessed property as provided by law.

Such notice shall substantially conform with the notice requirements set forth in subsections (4) and (5) of this section and inform the owner of the date, time, and place for the adoption of the annual rate resolution. The failure of the owner to receive such notice due to mistake or inadvertence, shall not affect the validity of the assessment roll nor release or discharge any obligation for payment of a solid waste assessment imposed by the town commission pursuant to this article.

(g)

As to any assessed property not included on an assessment roll approved by the adoption of the final assessment resolution or a prior year's annual rate resolution, the adoption of the succeeding annual rate resolution shall be the final adjudication of the issues presented as to such assessed property; including, but not limited to, the determination of special benefit and fair apportionment to the assessed property, the method of apportionment and assessment, the rate of assessment, the establishment or increase of a maximum assessment rate, the

assessment roll, and the levy and lien of the solid waste assessments, unless proper steps shall be initiated in a court of competent jurisdiction to secure relief within twenty (20) days from the date of the board action on the annual rate resolution. Nothing contained herein shall be construed or interpreted to affect the finality of any solid waste assessment not challenged within the required twenty-day period for those solid waste assessments previously imposed against assessed property by the inclusion of the assessed property on an assessment roll approved in the final assessment resolution or any subsequent annual rate resolution.

(h)

The assessment roll, as approved by the annual rate resolution, shall be delivered to the tax collector as required by the Uniform Assessment Collection Act, or if the alternative method described in [section 7-123\(2\)](#) of this article is used to collect the solid waste assessments, such other official as the town commission by resolution shall designate. If the solid waste assessment against any property shall be sustained, reduced, or abated by the court, an adjustment shall be made on the assessment roll.

(9)

Lien of solid waste assessments. Upon the adoption of the assessment roll, all solid waste assessments shall constitute a lien against assessed property equal in rank and dignity with the liens of all state, county, district, or municipal taxes and special assessments. Except as otherwise provided by law, such lien shall be superior in dignity to all other prior liens, mortgages, titles, and claims, until paid. The lien for a solid waste assessment shall be deemed perfected upon adoption by the town commission of the final assessment resolution or the annual rate resolution, whichever is applicable. The lien for a solid waste assessment collected under the Uniform Assessment Collections Act shall attach to the property included on the assessment roll as of the prior January 1, the lien date for ad valorem taxes imposed under the tax roll. The lien for a solid waste assessment collected under the alternative method of collection provided in [section 7-123\(2\)](#) shall be deemed perfected upon adoption by the town commission of the final assessment resolution or the annual rate resolution, whichever is applicable, and shall attach to the property on such date of adoption.

(10)

Revisions to solid waste assessments. If any solid waste assessment made under the provisions of this article is either in whole or in part annulled, vacated, or set aside by the judgment of any court, or if the town commission is satisfied that any such solid waste assessment is so irregular or defective that the same cannot be enforced or collected, or if the town commission has failed to include or omitted any property on the assessment roll which property should have been so included, the town commission may take all necessary steps to impose a new solid waste assessment against any property benefited by the solid waste assessed costs, following as nearly as may be practicable, the provisions of this article and in case such second solid waste assessment is annulled, vacated, or set aside, the town commission may obtain and impose other solid waste assessments until a valid solid waste assessment is imposed.

(11)

Procedural irregularities. Any informality or irregularity in the proceedings in connection with the levy of any solid waste assessment under the provisions of this article shall not affect the validity of the same after the approval thereof, and any solid waste assessment as finally approved shall be competent and sufficient evidence that such solid waste assessment was duly levied, that the solid waste assessment was duly made and adopted, and that all other proceedings adequate to such solid waste assessment were duly had, taken, and performed as required by this article; and no variance from the directions hereunder shall be held material unless it be clearly shown that the party objecting was materially injured thereby.

(12)

Correction of errors and omissions.

(a)

No act of error or omission on the part of the property appraiser, tax collector, town manager, town commission, or their deputies or employees, shall operate to release or discharge any obligation for payment of a solid waste assessment imposed by the town commission under the provision of this article.

(b)

When it shall appear that any solid waste assessment should have been imposed under this article against a parcel of property specially benefited by the provision of solid waste collection and disposal services, facilities, or programs, but that such property was omitted from the assessment roll or was not listed on the tax roll as an individual parcel of property as of the effective date of the assessment roll approved by the annual rate resolution for any upcoming fiscal year, the town commission may, upon provision of a notice by mail provided to the owner of the omitted parcel in the manner and form provided in subsection (5), impose the applicable solid waste assessment for the fiscal year in which such error is discovered, in addition to the applicable solid waste assessment due for the prior two (2) fiscal years. Such solid waste assessment shall constitute a lien against assessed property equal in rank and dignity with the liens of all state, county, district, or municipal taxes and special assessments, and superior in rank and dignity to all other prior liens, mortgages, titles, and claims in and to or against the real property involved, shall be collected as provided in Article III of this article, and shall be deemed perfected on the date of adoption of the resolution imposing the omitted or delinquent assessments.

(c)

Prior to the delivery of the assessment roll to the tax collector in accordance with the Uniform Assessment Collection Act, the town manager shall have the authority at any time, upon the town manager's own initiative or in response to a timely filed petition from the owner of any property subject to a solid waste assessment, to reclassify property based upon presentation of competent and substantial evidence, and correct any error in applying the solid waste assessment apportionment method to any particular parcel of property not otherwise requiring the provision of notice pursuant to the Uniform Assessment Collection Act. Any such correction shall be considered valid ab initio and shall in no way affect the enforcement of the solid waste assessment imposed under the provisions of this article. All requests from affected property owners for any such changes, modifications or corrections shall be referred to, and processed by the town manager and not the property appraiser or tax collector.

(d)

After the assessment roll has been delivered to the tax collector in accordance with the Uniform Assessment Collection Act, any changes, modifications, or corrections thereto shall be made in accordance with the procedures applicable to correcting errors and insolvencies on the tax roll upon timely written request and direction of the town manager.

(13)

Interim assessments. For all tax parcels for which a building permit is issued on or after January 1, 2004, an interim solid waste assessment may be imposed against all property for which a certificate of occupancy (or building permit as determined by the town commission) is issued. The amount of the interim solid waste assessment shall be calculated upon a monthly rate, which shall be one-twelfth (1/12) of the annual rate for such property computed in accordance with the annual rate resolution for the fiscal year in which the certificate of occupancy (or building permit as determined by the town commission) is issued. Such monthly rate shall be imposed for each full calendar month remaining in the fiscal year. In addition to the monthly rate, the interim solid waste assessment shall also include an estimate of the subsequent fiscal year's solid waste assessment. In the event the town commission adopts and authorizes the imposition of an interim solid waste assessment by resolution no certificate of occupancy (or building permit as determined by the town commission) shall be issued until full payment of the interim solid waste assessment is received by the town. Issuance of the certificate of occupancy (or building permit as determined by the town commission) by mistake or inadvertence,

and without the payment in full of the interim solid waste assessment, shall not relieve the owner of such property of the obligation of full payment. For the purpose of this provision, such interim solid waste assessment shall be deemed due and payable on the date the certificate of occupancy (or building permit as determined by the town commission) was issued and shall constitute a lien against such property as of that date. Said lien shall be equal in rank and dignity with the liens of all state, county, district or municipal taxes and special assessments, and superior in rank and dignity to all other liens encumbrances, titles and claims in and to or against the real property involved and shall be deemed perfected upon the issuance of the certificate of occupancy (or building permit as determined by the town commission).

(Ord. No. 2003-19, Art. II, §§ 2.01—2.13, 6-16-03)

Sec. 7-123. - Collection and use of solid waste assessments.

(1)

Method of collection.

(a)

Unless otherwise directed by the town commission, the solid assessments shall be collected pursuant to the uniform method provided in the Uniform Assessment Collection Act, and the town shall comply with all applicable provisions of the Uniform Assessment Collection Act. Any hearing or notice required by this article may be combined with any other hearing or notice required by the Uniform Assessment Collection Act or other provision of law. However, failure to strictly adhere to the provisions of the Uniform Assessment Collection Act shall not negate the authority of the town commission pursuant to home rule powers conferred by the State Constitution to impose and collect special assessments to fund the cost of providing solid waste collection and disposal to improved, residential properties within the solid waste special assessment district.

(b)

The amount of a solid waste assessment to be collected using the uniform method pursuant to the Uniform Assessment Collection Act for any specific parcel of benefited property may include an amount equivalent to the payment delinquency, delinquency fees and recording costs for a prior year's assessment for a comparable service, facility, or program provided:

1.

The collection method used in connection with the prior year's assessment did not employ the use of the uniform method of collection authorized by the Uniform Assessment Collection Act;

2.

Notice is provided to the owner as required under the Uniform Assessment Collection Act; and

3.

Any lien on the affected parcel for the prior year's assessment is supplanted and transferred to such solid waste assessment upon certification of a non-ad valorem roll to the tax collector by the county.

(2)

Alternative method of collection. In lieu of utilizing the Uniform Assessment Collection Act, the town may elect to collect the solid waste assessments by any other method that is authorized by law or under the alternative collection method provided by this subsection:

(a)

The town commission shall provide solid waste assessment bills by first class mail to the owner of each affected parcel of property. The bill or accompanying explanatory material shall include:

1.

A brief explanation of the solid waste assessment;

2.

A description of the unit of measurement used to determine the amount of the solid waste assessment (referred to as a "residential dwelling unit" or "residential unit");

3.

The number of units contained within the parcel;

4.

The total amount of the solid waste assessment imposed against the parcel for the appropriate period;

5.

The location at which payment will be accepted;

6.

The date on which the solid waste assessment is due; and

7.

A statement that the solid waste assessment constitutes a lien against assessed property equal in rank and dignity with the liens of all state, county, district or municipal taxes and other non-ad valorem assessments.

(b)

A general notice of the lien resulting from imposition of the solid waste assessments shall be recorded in the official records of the county. Nothing herein shall be construed to require that individual liens or releases be filed in the official records.

(c)

The town commission shall have the right to foreclose and collect all delinquent solid waste assessments in the manner provided by law for the foreclosure of mortgages on real property or appoint or retain an agent to institute such foreclosure and collection proceedings. A solid waste assessment shall become delinquent if it is not paid within thirty (30) days from the date any installment is due. The town commission or its agent shall notify any property owner who is delinquent in payment of his solid waste assessment within sixty (60) days from the date such assessment was due. Such notice shall state in effect that the town commission or its agent will either:

1.

Initiate a foreclosure action or suit in equity and cause the foreclosure of such property subject to a delinquent solid waste assessment in a method now or hereafter provided by law for foreclosure of mortgages on real property; or

2.

Cause an amount equivalent to the delinquent solid waste assessment, not previously subject to collection using the uniform method under the Uniform Assessment Collection Act, to be collected on the tax bill for a subsequent year.

(d)

All costs, fees and expenses, including reasonable attorney fees and title search expenses, related to any foreclosure action as described herein shall be included in any judgment or decree rendered therein. At the sale pursuant to decree in any such action, the town may be the purchaser to the same extent as any person. The town or its agent may join in one foreclosure action the collection of solid waste assessments against any or all property assessed in accordance with the provisions of this article. All delinquent owners whose property is foreclosed shall be liable for an apportioned amount of reasonable costs and expenses incurred by the town commission and its agents, including reasonable attorney fees, in collection of such delinquent solid waste assessments and any other costs incurred by the town commission as a result of such delinquent solid waste assessments and the same shall be collectible as a part of or in addition to, the costs of the action.

(e)

In lieu of foreclosure, any delinquent solid waste assessment and the costs, fees and expenses attributable thereto, may be collected pursuant to the Uniform Assessment Collection Act; provided however, that:

1.

Notice is provided to the owner in the manner required by the Uniform Assessment Collection Act and this article; and

2.

Any existing lien of record on the affected parcel for the delinquent solid waste assessment is supplanted by the lien resulting from certification of the assessment roll, as applicable, to the tax collector.

(f)

Notwithstanding the town commission's use of an alternative method of collection, the town manager shall have the same power and authority to correct errors and omissions as provided to the town manager or other government officials in [section 7-122](#)(12) of this article.

(g)

Any town commission action required in the collection of solid waste assessments may be by resolution.

(Ord. No. 2003-19, Art. III, §§ 3.01, 3.02, 6-16-03)

Sec. 7-124. - General provisions.

(1)

Applicability.

(a)

This article and the town commission's authority to impose special assessments on improved, residential property pursuant hereto shall be applicable within the Town of Lady Lake, excluding those portions of the town referred to as The Villages and Sunshine Mobile Home Park, as shown on Exhibit A attached to Ordinance No. 2003-19 (as defined herein as "The Solid Waste Special Assessment District").

(2)

Alternative method.

(a)

This article shall be deemed to provide an additional and alternative method for the doing of the things authorized hereby and shall be regarded as supplemental and additional to powers conferred by other laws, and shall not be regarded as in derogation of any powers now existing or which may hereafter come into existence. This article, being necessary for the welfare of the residents of the town within the solid waste special assessment district, and shall be liberally construed to effect the purposes of this article.

(b)

Nothing herein shall preclude the town commission from directing and authorizing, by resolution, the combination with each other of:

1.

Any supplemental or additional notice deemed proper, necessary, or convenient by the town;

2.

Any notice required by this article; or

3.

Any notice required by law, including the Uniform Assessment Collection Act.

(Ord. No. 2003-19, Art. IV, §§ 4.01, 4.02, 6-16-03)

Sec. 7-125. - Interim solid waste assessments.

(a)

Authorization to collect interim solid waste assessments. Pursuant to Ordinance 2003-19, the Town of Lady Lake is authorized to impose and collect an interim solid waste assessment for tax parcels which were not included on the assessment roll for the previous year but which are issued a certificate of occupancy on or after January 1 of each year.

(b)

Calculation of interim solid waste assessments. The amount of an interim solid waste assessment shall be calculated upon a monthly rate, which shall be one-twelfth of the annual rate for such property computed in accordance with the annual rate resolution for the fiscal year in which the certificate of occupancy is issued. Such monthly rate shall be imposed for each full calendar month remaining in the fiscal year. In addition to the monthly rate, the interim solid waste assessment shall also include an estimate of the subsequent fiscal year's solid waste assessment.

(c)

Full payment obligation. No certificate of occupancy shall be issued until full payment of the interim solid waste assessment is received by the town. Issuance of the certificate of occupancy by mistake or inadvertence, and without the payment in full of the interim solid waste assessment, shall not relieve the owner of such property of the obligation of full payment.

(d)

Lien provisions. For the purpose of this provision, such interim solid waste assessment shall be deemed due and payable on the date the certificate of occupancy was issued and shall constitute a lien against such property as of that date. Said lien shall be equal in rank and dignity with the liens of all state, county, district or municipal taxes and special assessments, and superior in rank and dignity to all other liens, encumbrances, titles and claims in and to or against the real property involved and shall be deemed perfected upon the issuance of the certificate of occupancy.

(Res. No. 2004-100, §§ 1—4, 2-2-04)

Secs. 7-126—7-130. - Reserved.

ARTICLE VI. - WATER SHORTAGE REGULATIONS

Footnotes:

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Editor's note— Ord. No. 2001-04, adopted Feb. 23, 2001, enacted provisions designated as Art. V, §§ 7-113—7-119. Inasmuch as there already exists an Art. V and § 7-113, the provisions of Ord. No. 2001-04 have been redesignated as Art. VI, §§ 7-131—7-137, to avoid duplication. The original section designations have been retained in the history notes at the end of each section.

Sec. 7-131. - Intent and purpose.

It is the intent and purpose of this article to protect the water resources of the Town of Lady Lake from the harmful effects of over utilization during periods of water shortage and allocate available water supplies by assisting the St. Johns River Water Management District in the implementation of its water shortage plan.

(Ord. No. 2001-04, § 7-113, 2-23-01)

Sec. 7-132. - Definitions.

For the purpose of this article the following terms, phrases, words and their derivatives shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural include the singular, and words in the singular include the plural. The word "shall" is always mandatory and not merely directory.

District is the St. Johns River Water Management District.

Person is any person, firm, partnership, association, corporation, company, or organization of any kind.

Water resource means any and all water on or beneath the surface of the ground, including natural or artificial water courses, lakes, ponds, or diffused surface water, and water percolating, standing, or flowing beneath the surface of the ground.

Water shortage condition is when sufficient water is not available to meet present or anticipated needs of persons using the water resource, or when conditions are such as to require temporary reduction in total water usage within a particular area to protect the water resource from serious harm. Water shortage usually occurs due to drought.

Water shortage emergency means that situation when the powers which can be exercised under part II of chapter 40C-21, Florida Administrative Code, are not sufficient to protect the public health, safety, or welfare, or the health of animals, fish or aquatic life, or a public water supply, or commercial, industrial, agricultural, recreational or other reasonable uses.

(Ord. No. 2001-04, § 7-114, 2-23-01)

Sec. 7-133. - Application of article.

The provisions of this article shall apply to all persons using the water resource within the geographical areas subject to the "water shortage" or "water shortage emergency," as determined by the district, whether from public or privately owned water utility systems, private wells, or private connections with surface water bodies.

(Ord. No. 2001-04, § 7-115, 2-23-01)

Sec. 7-134. - Amendments to water shortage plan.

Chapter 40C-21, Florida Administrative Code, as same may be amended from time to time, is incorporated herein by reference as a part of the Town of Lady Lake Code.

(Ord. No. 2001-04, § 7-116, 2-23-01)

Sec. 7-135. - Declaration of water shortage or water shortage emergency.

The declaration of a water shortage or water shortage emergency within all or any part of the Town of Lady Lake by the governing board or the executive director of the district shall invoke the provisions of this article. Upon such declaration all water use restrictions or other measures adopted by the district applicable to the Town of Lady Lake or any portion thereof, shall be subject to enforcement cotton [sic] pursuant to this article. Any violation of the provisions of Chapter 40C-21, Florida Administrative Code, or any order issued pursuant thereto, shall be a violation of this article.

(Ord. No. 2001-04, § 7-117, 2-23-01)

Sec. 7-136. - Enforcement.

Every Lady Lake police officer having jurisdiction in the area governed by this article shall, in connection with all other duties imposed by law, diligently enforce the provisions of this article. In addition, the town manager of the Town of Lady Lake may also delegate enforcement responsibility for this article to agencies and departments of the Town of Lady Lake government, including but not limited to the Town of Lady Lake Code Enforcement Department.

(Ord. No. 2001-04, § 7-118, 2-23-01)

Sec. 7-137. - Penalties.

Violation of any provisions of this article shall be subject to the following penalties:

First violation: Written warning.

Second violation: Fifty dollars (\$50.00).

Subsequent violations: Fine not to exceed five hundred dollars (\$500.00).

Each day in violation of this article shall constitute a separate offense. Law enforcement officials shall provide violators with no more than one (1) written warning. Town of Lady Lake in addition to the civil sanctions contained herein, may take any other appropriate legal action, including but not limited to injunctive action, to enforce the provisions of this article.

(Ord. No. 2001-04, § 7-119, 2-23-01)

Secs. 7-138—7-140. - Reserved.

ARTICLE VII. - RECLAIMED WATER DISTRICT

Sec. 7-141. - Findings.

The town commission has determined that the use of reclaimed water is necessary and in the best interests of the citizens of The Town of Lady Lake. This article will accomplish the objectives of providing the safe and beneficial use of reclaimed water to protect the environment and conserve Florida's limited potable water supplies.

(Ord. No. 2005-42, § 1, 8-25-05)

Sec. 7-142. - Short title.

This article shall be known and may be cited as "The Town of Lady Lake Reclaimed Water Ordinance."

(Ord. No. 2005-42, § 2, 8-25-05)

Sec. 7-143. - Definitions.

The following words and phrases, when used in this article, shall be the meanings ascribed to them as follows:

Applicant shall mean a potential customer or developer or an authorized agent of a potential customer or developer.

Board shall mean the town commission of The Town of Lady Lake, Florida.

County shall mean those portions of county, not located within the boundaries of any municipality.

Cross connection shall mean a physical connection or arrangement, which could allow the movement of fluids between the potable water system and the reclaimed water system.

Customer shall mean the actual user of reclaimed water.

Developer shall mean the owner of a development or the agent of such owner who shall have the legal right to bind the owner to all legal obligations related to utility service for the proposed development. The word "applicant" is used in the text of this article to include developer.

Development shall mean any proposed change in land use, which alters the demands for water and/or wastewater services.

Director shall mean the director of the Town of Lady Lake Public Works Department or a person designated by the director.

Potable water shall mean any water, which according to recognized standards, is safe for human consumption.

Potable water facilities shall mean all facilities required for the production, storage, transmission, distribution and use of potable water.

Reclaimed water shall mean highly treated wastewater, which is suitable for direct, nonpotable, beneficial reuse.

Reclaimed water distribution system shall mean facilities consisting of distribution mains, valves and appurtenances used to distribute reclaimed water to customers.

Reclaimed water facilities shall mean all facilities required for the production, storage, transmission, distribution and use of reclaimed water.

(Ord. No. 2005-42, § 3, 8-25-05)

Sec. 7-144. - Administration.

Except as otherwise provided herein, the director and town manager are responsible for the development and promulgation of the necessary rules and regulations for the administration and enforcement of this article.

(Ord. No. 2005-42, § 4, 8-25-05)

Sec. 7-145. - Jurisdiction and geographic boundaries of reclaimed water district.

This article shall apply to that property situated west of U.S. Highway 27/441, north of Lake Ella Road, east of Cherry Lake Road/Sumter County Line, and south of Griffin Road which is the reclaimed water district. From time to time, the director and the town manager shall designate certain additional geographical areas within the town as reclaimed water usage areas. The requirements of this article shall only apply to the specific geographical areas thus designated as reclaimed water usage areas.

(Ord. No. 2005-42, § 5, 8-25-05)

Sec. 7-146. - Sources of reclaimed water.

The source of reclaimed water shall be the town's wastewater treatment plants or other acceptable sources, as determined by the town, which provide reclaimed water which meets the requirements of this article and the rules of the Florida Department of Environmental Protection.

(Ord. No. 2005-42, § 6, 8-25-05)

Sec. 7-147. - Availability of service.

(a)

Reclaimed water use shall be a condition of all development approvals granted as of the effective date of this article, provided that service is available as set forth in this section.

(b)

Reclaimed water demand for a development shall be calculated based on a minimum irrigation of one (1) inch per week for the irrigable area of the property. This irrigation rate equals three thousand nine hundred (3,900) gallons per day per acre of irrigable area.

(c)

For new planned development (PD) projects and/or new development of regional impact (DRI) projects, reclaimed water shall be considered available if the reclaimed water facilities are located at a distance of one thousand three hundred fifty (1,350) feet or less from the development property line within two (2) years after the preliminary subdivision plan or development plan approval for any portion of the PD or DRI, and if adequate capacity exists in the reclaimed water facilities to service the development, as determined by the director.

(d)

For all other proposed development projects, reclaimed water service shall be considered available if the reclaimed water facilities are located at a distance as specified in Table 1 below within one (1) year after the board approval of the preliminary subdivision plan, and if adequate capacity exists in the reclaimed water facilities to service the applicant's property, as determined by the director.

TABLE 1

Irrigation Demand, for the Development (gallons per day)	Maximum Distance from the Development Property Line to the Town's Reclaimed Water Facilities (feet)
< 25,000	150
25,000—50,000	300
50,001—100,000	600
> 100,000	1,350

(e)

The distance in Table 1 shall be measured along a road right-of-way or an accessible utility easement accommodating public utilities.

(f)

For proposed developments where boring and jacking of a road will be required to provide reclaimed water service in accordance with the availability criteria in Table 1, such boring and jacking shall be at the developer's expense. If the town chooses not to bore and jack the reclaimed water pipe, the reclaimed water service shall be considered not available, even if the distances specified in Table 1 are met.

(g)

In new developments where reclaimed water is available, the use of potable water for irrigation shall be prohibited.

(h)

Notwithstanding the above availability requirements, officially designated affordable housing developments as approved by the board shall be exempt from complying with this article.

(Ord. No. 2005-42, § 7, 8-25-05)

Sec. 7-148. - Design and construction of new reclaimed water facilities.

(a)

All reclaimed water facilities shall be designed and constructed in accordance with applicable state and county policies, standards and specifications including, but not limited to, the Town of Lady Lake's Land Development Regulation and Standards, and construction standards of other agencies authorized by the town to distribute reclaimed water.

(b)

The applicant shall design, permit and construct, at the applicant's expense, the off-site reclaimed water mains, valves and accessories necessary to extend town reclaimed water service to the development, in accordance with the criteria in Table 1.

(c)

The applicant shall design, permit and construct, at the applicant's expense, the reclaimed water distribution system to provide reclaimed water service to individual customers within the development.

(Ord. No. 2005-42, § 8, 8-25-05)

Sec. 7-149. - Rates and charges.

The town shall establish appropriate fees and charges that it will charge for the use of reclaimed water.

(Ord. No. 2005-42, § 9, 8-25-05)

Sec. 7-150. - Use of reclaimed water.

(a)

All uses of reclaimed water shall be in accordance with applicable rules of the Florida Department of Environmental Protection and other regulatory agencies having jurisdiction.

(b)

Each customer shall be solely responsible for maintaining the customer's reclaimed water system in good working condition. Failure to maintain the reclaimed water system on his property shall be grounds for immediate discontinuance of reclaimed water service to the customer's premises.

(c)

Cross connections between reclaimed water facilities and potable water facilities are prohibited. The presence of a cross connection on a customer's property shall constitute a violation of this article and shall be grounds for immediate discontinuance of reclaimed water service to the customer's premises.

(d)

The town will monitor reclaimed water connections so as not to exceed the capacity of the system. It is the intent of the town to maximize the use of reclaimed water. However, at times it may be necessary to limit a customer's use of reclaimed water. Notwithstanding any provision of this article to the contrary, the town makes no representation as to the continuing availability or implementation of reclaimed water service within the town. Furthermore, nothing in this article shall be construed to create a debt or general obligation of the town or a pledge of the full faith and credit or taxing power of the town.

(Ord. No. 2005-42, § 10, 8-25-05)

Sec. 7-151. - Prohibition against unauthorized work on reclaimed water facilities.

Unless expressly authorized in writing by the director or town manager, no individual or organization shall tamper with, work on, or in any way alter or damage any town reclaimed water facility. Tampering with or working on shall include, but shall not be limited to, opening or closing of valves, or causing any water to flow from the system. No unauthorized person shall cut into or make any connection to the system. The offending person shall be liable for the cost of all charges attributable to the correction of such tampering, including attorney's fees.

(Ord. No. 2005-42, § 11, 8-25-05)

Sec. 7-152. - Inspections.

(a)

In order to ascertain and ensure compliance with the provisions of this article and related regulations, the town reserves the right to inspect, secure and/or disconnect any and all devices wherever located which connect to or control any discharge from reclaimed water facilities.

(b)

Inspections made by the town to ensure compliance with this article or any related regulations shall be at such times and with such frequency as the town deems necessary.

(Ord. No. 2005-42, § 12, 8-25-05)

Sec. 7-153. - Ownership.

All reclaimed water distribution systems and facilities constructed by an applicant in public easement or right-of-way shall be conveyed to the town for operation and maintenance in accordance with existing town policies for acceptance of water and wastewater facilities. If the reclaimed water distribution systems and facilities have to be conveyed to other agencies authorized by the town to distribute reclaimed water, then the conveyance shall be in accordance with existing policies of such agencies for acceptance of water and wastewater facilities.

(Ord. No. 2005-42, § 13, 8-25-05)

Sec. 7-154. - Connection fee credits.

(a)

The town recognizes that construction of reclaimed water distribution systems within a residential subdivision will require additional expenditures by the developers of such projects. To offset their cost for constructing reclaimed water distributions to provide service to individual residential lots, the town will offer certain connection fee credits to developers constructing reclaimed water distribution systems within residential subdivisions as provided below.

(b)

Credits will be offered to only those developments where the applicant designs, permits and constructs reclaimed water distribution systems to provide reclaimed water service to individual residential customers.

(c)

Development projects, which involve only off-site reclaimed water main extension in accordance with the criteria in Table 1 and do not involve reclaimed water distribution systems, are not eligible for any credits.

(d)

The town will offer a credit of ten (10) percent of the wastewater connection fee due for each residential lot that receives service from a reclaimed water distribution system constructed by the developer, provided that the town is furnishing the water service to the development. Credit will be given to the entity paying the connection fees.

(e)

The town will offer a credit of ten (10) percent of the wastewater connection fee due for each residential lot that receives service from a reclaimed water distribution system constructed by the developer, provided that the town is furnishing the wastewater service to the development. Credit will be given to the entity paying the connection fees.

(Ord. No. 2005-42, § 14, 8-25-05)

Sec. 7-155. - Discontinuation of service.

The director may interrupt the delivery of reclaimed water to any property where a violation of this article or any related regulation has occurred. Any such interruption shall continue until such time as deemed appropriate by the director for resumption of service to the subject property.

(Ord. No. 2005-42, § 15, 8-25-05)

Sec. 7-156. - Reclaimed water service to existing developments.

Existing developments desiring reclaimed water shall be responsible for designing, permitting and constructing the required reclaimed water facilities at their expense. Reclaimed water service to such developments shall be subject to the existence of adequate capacity in the town's reclaimed water facilities, as determined by the director.

(Ord. No. 2005-42, § 16, 8-25-05)

Sec. 7-157. - Penalties.

This article is enforceable by whatever remedies in law or in equity are available, which remedies shall include without limitation injunctive relief or processing violations through the code enforcement board.

(Ord. No. 2005-42, § 17, 8-25-05)

Sec. 7-158. - Appeals.

(a)

An applicant aggrieved by a discretionary determination made by the director pursuant to this article may appeal such decision to the technical review committee (TRC). The appeal must be submitted in writing, within thirty (30) calendar days of the director's written decision. Such request shall include a summary of the decision being appealed.

(b)

The TRC shall hold a hearing on the appeal. At least ten (10) calendar days written notice of the hearing shall be provided to the applicant. The TRC shall either affirm or reverse the director's determination.

(c)

The applicant may appeal the TRC decision within thirty (30) calendar days to the board, which shall hold a public hearing on the appeal. At least ten (10) calendar days written notice of the hearing shall be provided to the applicant. At the close of the hearing, the board shall uphold or reverse the TRC's determination.

(Ord. No. 2005-42, § 18, 8-25-05)

Secs. 7-159, 7-160. - Reserved.

ARTICLE VIII. - CROSS CONNECTIONS AND BACKFLOW PREVENTION

Footnotes:

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Editor's note— Ord. No. 2008-25, adopted Sept. 10, 2008, repealed Art. VIII §§ 7-161—7-169, and replaced said article to read as herein set out. Former Art. VIII pertained to similar subject matter and derived from Ord. No. 2007-06, adopted Feb. 15, 2007.

Sec. 7-161. - Cross connections and backflow prevention.

(a)

"Cross connection" means a physical arrangement whereby a public water supply is connected directly or indirectly with any other water supply system, sewer, drain, lawn sprinkler, conduit, pool, storage reservoir, plumbing fixture, appliance or any other device(s) which does contain or may contain contaminated water, sewage or other waste or liquid of unknown origin or quality, or water which is of unsafe quality. All of the above conditions are capable of imparting contamination into the public water supply as the result of backflow. All temporary or permanent devices and/or conditions through which or because of which backflow could occur, or which constitute cross connections under this definition, are hereby prohibited.

(b)

No consumer of water supplied by the Town of Lady Lake shall have a cross connection, either inside or outside of any building or structure, without first installing an approved backflow prevention device to prevent all backflow into the town water supply.

(c)

In compliance with federal and State of Florida laws, rules and regulations including, but not limited to, Rule 64E-8.013, Fla. Admin. Code, the Town of Lady Lake hereby adopts the "Cross Connection Control Program" as set out in sections [7-162](#) through [7-168](#).

(d)

All backflow prevention devices shall be checked and certified as provided in the cross connection control program. In addition, town personnel may check backflow protection devices periodically to ensure proper operation. All backflow prevention devices installed on the city's water shall have proper and up-to-date certification on file with the town at all times as provided in the cross connection control program.

(e)

The town may, at any time, enter any property or any structure thereon, served by the city's water supply to check for cross connections. If the property owner refuses to permit entry to conduct an inspection for cross connections, the town manager is authorized to obtain a warrant from a court of competent jurisdiction, to allow entry for this purpose. If any inspection reveals a cross connection, the property owner shall either remove the offending devices or piping which create the cross connection, or shall immediately install a proper backflow prevention device. Until the cross connection is either removed or a proper backflow prevention device is installed, the town may discontinue the water supply to the property. If the property owner elects to remove the cross connection instead of installing a backflow prevention device, prior to reinstatement of the water supply the town shall require the owner to certify in writing that the offending devices or piping will not be reinstalled in the system at any time.

(f)

If any other violation of the cross connection control program is found to exist, or if a water customer fails to provide proper and up-to-date certification requiring the condition and operation of any backflow prevention device, the town shall give written notice to the customer of the violation. If a violation does not present an immediate threat to the safety of the water supply, the town shall allow a reasonable time (to be specified in the notice) to correct the violation. If a violation presents a reasonable probability of immediate harm to the water supply, the town may terminate water service to the premises immediately and the service may remain discontinued until the violation has been remedied in full.

(Ord. No. 2008-25, § I, 9-10-08)

Sec. 7-162. - Overview.

(1)

Purpose. The purpose of this policy is to protect the public potable water supply of the Town of Lady Lake from the possibility of contamination. To promote the elimination or control of existing cross connections, actual or potential, between its customers' in-plant plumbing fixtures, industrial piping, reuse system and public water supply; and to provide for the maintenance of a continuing program of cross connection control which will systematically and effectively prevent the contamination of the potable water distribution system. More exactly, this policy is intended to prevent delivered water that has passed beyond the public water system and into the public distribution system of consumers from reentering the public distribution system and being subsequently delivered to consumers, and to ensure that persons active in piping design and installation incorporate and install appropriate backflow prevention devices correctly.

(2)

Causes of backflow. The causes of backflow cannot usually be eliminated completely since backflow is often initiated by accidents or unexpected circumstances. However, some causes of backflow can be partially controlled by good design and informed maintenance. Listed below are the major causes of backflow as outlined under the two (2) types of backflow, backsiphonage and backpressure.

(a)

Backsiphonage. Backsiphonage is caused by reduced or negative pressure being created in the supply piping. The principal causes of backsiphonage are:

1.

Line repair or break which is lower than a service point. This will allow negative pressure to be created by water trying to flow to a lower point in the system.

2.

Undersized piping if water is withdrawn from a pipe at a very high velocity, the pressure in the pipe is reduced and the pressure differential created can cause water to flow into the pipe from a contaminated source.

3.

Lowered pressure in water mains due to high water withdrawal rate such as firefighting, water main flushing or water main breaks.

4.

Reduced supply main pressure on suction side of a booster pump.

(b)

Backpressure. Backpressure may cause backflow to occur where a potable water system is connected to a nonpotable system of piping, and the pressure in the nonpotable system exceeds that in the potable system. The principal causes of backpressure are:

1.

Booster pump systems designed without backflow prevention devices.

2.

Potable water connections to boilers and other pressure systems without backflow prevention devices.

3.

Connections with another system which may at times have a higher pressure.

4.

Water stored in tanks or plumbing systems which by virtue of their elevation would create head sufficient to cause backflow if pressure were lowered in the public water system.

(Ord. No. 2008-25, Exh. A, § 1, 9-10-08)

Sec. 7-163. - Responsibility.

(1)

Town of Lady Lake Water Department responsibilities. The Town of Lady Lake Water Department is mandated by the State of Florida to:

(a)

Protect the Town of Lady Lake public water supply from the possibility of contamination by isolating within its consumers' private water systems contaminants or pollutants which might, under adverse conditions, backflow through uncontrolled cross connections into the public water system.

(b)

Eliminate or control existing cross connections, actual or potential, between the consumers' in-plant potable water systems and nonpotable water systems, plumbing fixtures, industrial piping systems, and reuse system.

(c)

Provide a continuing inspection program of cross connection control, which will systematically and effectively control all actual or potential cross connections which may be installed in the future.

(2)

Customer responsibilities. It is the responsibility of the customer of the Town of Lady Lake Water Department to maintain accurate records for keeping installation, testing and repairs made to backflow prevention devices and to provide the water department with copies of such records. Records shall be kept for no less than ten (10) years and shall be on forms approved by the water department.

(a)

In the event of accidental pollution or contamination of the consumer's premises, the owner shall promptly take steps to confine further spread of pollution or contamination within the customer's premises, and shall immediately notify the water department of the hazardous condition.

(b)

In the event of accidental pollution or contamination of the consumer's premises which has reached or might reach the public water supply system, then the owner shall immediately notify the water department of the hazardous condition.

(3)

Backflow prevention device installer responsibilities.

(a)

The installer's responsibility is to make proper installation of backflow prevention devices in accordance with manufacturer's instructions and any additional instructions by the Town of Lady Lake Water Department.

(b)

The installer is also responsible for ensuring that the device is working properly when it is installed. The installer is required to furnish the following information to the cross connection control coordinator within two (2) business days after the backflow prevention device is installed:

1.

Service address where the device is located.

2.

Owner.

3.

Description of device, including location and size.

4.

Date device was installed.

5.

Type of service.

6.

Manufacturer.

7.

Model number.

8.

Serial number.

9.

Test results.

If any of the above information is not provided to the cross connection control coordinator, the building contractor/backflow prevention device installer is subject to a \$250.00 fine per device. Water service shall not be established until all nine (9) of the above requirements are met.

(Ord. No. 2008-25, Exh. A, § 2, 9-10-08)

Sec. 7-164. - Definitions.

Air gap separation. The term "air gap separation" shall mean a physical separation between the free-flowing discharge end of a potable water supply pipeline and an open or no-pressure receiving vessel. An approved air gap separation shall be a distance of at least two (2) times the diameter of the supply pipe measured vertically above the top rim of the vessel with a minimum distance of at least one (1) inch.

Approved. "Approved" means that it is accepted by the director of the environmental services department as meeting an applicable specification of the environmental services department and approved by the department of environmental protection, the State of Florida, or their representative.

Atmospheric vacuum breaker. An approved device consisting of a check valve and an air inlet to relieve a vacuum. It shall effectively shut off the reverse flow of water when a negative pressure exists on the supply side of the device.

Auxiliary water supply. Any water supply on or available to the premises other than the purveyor's approved public potable water supply. These auxiliary waters may include water from a private nonpotable water supply or any natural source(s) such as a well, spring, river, stream, harbor, etc., used waters or industrial fluids or reuse waters. These waters may be contaminated or otherwise objectionable and they constitute an unacceptable water source over which the water purveyor does not have sanitary control.

AWWA. American Water Works Association.

Backflow. The flow of water or other liquids, mixtures or substances under pressure into the distribution pipes of [the] potable water supply system from any source or sources other [than] its intended source.

Backflow prevention device. "Backflow prevention device" shall mean any effective device method, or construction used to prevent backflow into the potable water system. The type of device used should be based on the degree of hazard, either existing or potential, and shall be determined by the cross connection control program coordinator.

Backflow prevention device, approved. The term "approved backflow prevention device" shall mean a device that has met the requirements of the environmental services department, including one (1) or more of the following standards:

AWWA-C-506 Standard for backflow prevention devices. Reduced pressure principle and double check valve types.

ASSE-1001 Atmospheric type vacuum breakers (not used as a stand-alone device).

ASSE-1011 Hose connection vacuum breakers.

ASSB-1020 Pressure type vacuum breakers.

ASSE-1013 Reduced pressure principle back pressure backflow preventers.

ASSE-1015 Double check valve type back pressure backflow preventers.

USC-FCCC University of Southern California Foundation for Cross Connection Control and Hydraulic Research.

Backflow prevention device, certified technician. The term "certified backflow prevention device technician" shall mean a person who has proven his competency to the satisfaction of the Town of Lady Lake Water Department. Each person who is certified to make competent tests or to repair, overhaul and make reports on backflow prevention devices shall be knowledgeable of all applicable laws, rules and regulations and shall have attended and successfully completed a certification program for backflow prevention device testers acceptable to the Town of Lady Lake Environmental Services Department and have an up-to-date copy of all current certifications on file with the cross connection control program coordinator.

Backsiphonage. The flow of water or other liquids, mixtures or substances into the distribution pipes of a potable water supply system from any source other than its intended source caused by the reduction of pressure in the potable water system.

Backpressure. Backpressure shall mean any elevation of pressure in the downstream piping system (by pump, elevation of piping or steam and or air pressure) above the supply pressure at the point of considerations which would cause or tend to cause a reversal of normal flow.

Contamination. An impairment of the quality of the potable water by any solid, liquid or gaseous substance or mixture to a degree which would create an imminent danger to the public health, or would create an unacceptable taste, odor, or color to the potable water.

Cross connection. Any physical connection or arrangement of piping or fixtures between two (2) otherwise separate piping systems, one (1) of which contains potable water and the other a nonpotable water, industrial fluids reuse water or water of questionable safety, through which or because of which, backflow may occur into the potable water system. A service connection between a public potable water distribution system and a customer's water distribution system which is cross-connected to a contaminated fixture, industrial fluid system, reuse water, or with potentially contaminated supply or auxiliary water system, constitutes one (1) type of cross connection. Other types of cross connections include connectors such as swing connections, removable sections, four-way plug valves, spools, dummy sections of pipe, swivel or change-over devices, sliding multiport tube, solid connections, etc.

Cross connection control program coordinator. The Town of Lady Lake Environmental Services employee in charge of the cross connection control program.

Double check valve assembly. An assembly composed of two (2) single independently acting check valves, including tightly closing shutoff valves located at each end of the assembly and suitable connections for testing the water tightness of each check valve. A check valve is a valve that is drip-tight in the normal direction of flow when the inlet pressure is one (1) psi and the outlet pressure is zero. The check valve shall permit no leakage in a direction reverse to the normal direction of flow. The closure element (e.g., clapper) shall be internally weighted or otherwise internally loaded to promote rapid and positive closure.

Hazard, degree of. The term "degree of hazard" is a qualification of the potential and actual harm that might result from cross connections with a water-using facility. Establishing the degree of hazard is directly related to the type and toxicity of contaminants that could feasibly enter the public water supply system. This is determined by the environmental services department.

Hazard, health. The term "health hazard" shall mean an actual or potential threat of contamination or pollution of a physical or toxic nature to the public potable water system or the consumer's potable water system to such a degree or intensity that there would be a danger to health.

Industrial piping system, consumer's. The term "consumer's industrial piping system" shall mean any system used by the consumer for transmission of or storage of any kind of fluid, solid, or gaseous substance other than an approved water supply. Such a system includes all pipes, conduits, tanks, receptacles, fixtures, equipment and appurtenances used to produce, convey, or store substances which are or may be polluted or contaminated.

Reduced pressure backflow preventer. A device containing within its structure a minimum of two (2) independently acting, approved check valves, together with an automatically operating pressure differential relief valve located between the two (2) check valves. The first check valve reduces the supply pressure a predetermined amount so that during normal flow and at cessation of normal flow the pressure between the check valves shall be less than the supply pressure. In case of leakage of either check valve, the differential relief valve, by discharging to atmosphere, shall operate to maintain the pressure between the check valves less than the supply pressure. The unit shall include tightly closing shut-off valves located at each end of the device and each device shall be fitted with properly located test cocks.

Reuse system. "Reuse" or "reclaimed" water shall mean potable water that has been used, treated by the wastewater department and made available to the public for the sole purpose of irrigation of lawns, parks, and golf courses.

Vacuum breaker pressure type. A pressure vacuum breaker is similar to an atmospheric vacuum breaker except that the checking unit poppet valve is inactivated by a spring. This type of vacuum breaker does not require a negative pressure to react and can be used on a pressure side of a valve.

Water purveyor. The term "water purveyor" shall mean the owner or operator of the public potable water system supplying an approved water supply to the public. The utility shall be one (1) that is operating under a valid permit from the department of environmental protection. As used herein, the terms "water purveyor" and Town of Lady Lake Water Department may be used synonymously.

Water system, customer's. The term "customer's water system" shall include any water system located on the consumer's premises, whether supplied by a public potable water system or an auxiliary water supply or reuse system. The system or systems may be either a potable water system or industrial piping system.

Water, used. Any water supplied by a water purveyor from a public potable water system to a customer's water system after it has passed through the point of delivery and is no longer under the sanitary control of the water purveyor.

(Ord. No. 2008-25, Exh. A, § 3, 9-10-08)

Sec. 7-165. - Inspections.

(1)

Frequency. Due to changes in models or components of equipment, methods of manufacturing and additions to plants, buildings, etc., water use requirements undergo continual change. As a result new cross connections may be installed and existing protection may be bypassed, removed, or otherwise rendered ineffective; therefore an annual or biennial detailed inspection by the customer of all water usage is required.

(2)

Proposed construction. All new construction plans and specifications shall be reviewed by the Town of Lady Lake Water Department to determine the degree of possible cross connection hazard. At this time backflow prevention requirements in accordance with this policy will be established. Any new and existing connections to the reuse system are subject to the terms and conditions of this policy.

(3)

New and existing facilities. In order to determine the degree of hazard to the public potable water system, a survey will be made of the consumer's presently installed water system. This survey need not be a detailed inspection of the location or disposition of the water lines, but may be confined to establishing the water usage on the premises, the existence of cross connections and the availability of auxiliary water supplies or reuse water. On-site inspections will be made of new and existing facilities and should any devices or plumbing changes be required, a followup inspection will be made of the same facilities at a later date. Water system owners are required to be open for inspection to the public water system.

(a)

Facilities that require changes. In the event that a building, facility, home, or business requires the installation of a backflow because of a failed inspection and a potential cross connection is found, the cross connection control program coordinator will send a letter noting the problem and give a deadline for when a followup inspection will be, and when the situation must be corrected by (usually fifteen (15) days). At the follow up inspection, if the cross connection has been eliminated through the installation of an approved backflow prevention device that has been tested, no further action will be made. In the event that the potential cross connection still exists at the followup inspection, a second letter will be issued warning [of] the possible loss of water service if the situation is not corrected.

(b)

Examples of items that would require a backflow preventer be installed. [Section 7-168](#) gives a detailed description of cross connection hazards and the required protection. The purpose of this subsection (b) is to clarify some of the changes that are made at a consumer's water system that would require the installation of a backflow prevention device. The installation of a sprinkler system would require the installation of a backflow prevention device. Premises having a private well or a pump pulling water from a pond or reservoir would require the installation of a backflow prevention device. Premises with [a] water storage tank for the purpose of softening or purifying water would require the installation of a backflow prevention device. The examples in this paragraph are just a few of the situations; there are other situations that could possibly pose a cross connection. To be sure which device is an approved device please refer to [section 7-168](#).

(Ord. No. 2008-25, Exh. A, § 4, 9-10-08)

Sec. 7-166. - Testing of backflow prevention devices.

It shall be the duty of the customer-user at any premises where reduced pressure backflow prevention devices (RP), double check valve assemblies (DCVA), and pressure vacuum breakers (PVB) are installed to have thorough inspections and operational tests made at least once every year, or more often in those instances where inspections indicate a need. These inspections and tests shall be at the expense of the water user and be performed by the device manufacturer's representative, or by a certified device technician. The water purveyor will notify the customer-user when tests are required and supply the necessary instructions. The test results shall be entered on forms approved by the water purveyor and returned to the water purveyor by the date indicated.

(Ord. No. 2008-25, Exh. A, § 5, 9-10-08)

Sec. 7-167. - Procedures for letters and penalties for noncompliance.

The cross connection control program coordinator will send a written reminder letter notifying the owner or authorized agent that the backflow prevention device or devices must be tested. The letter will give a specified time or deadline for the test to be completed. Upon failure of the owner or authorized agent of the owner of the building or premises to have the device tested, a second reminder letter will be sent explaining that if the test is not completed there is a possibility of discontinuance of water service. Upon failure of the owner or authorized agent of the owner of the building or premises to have the device or devices tested after the second letter, a third letter will be sent. The third letter will be hand-carried or sent certified mail according to the conditions set forth under Chapter 162, Florida Statutes. For those customers/water users inside the city limits, the third letter will contain a date and time that the building owner will have to appear before the code enforcement special master. For the utility users outside the city limits, the third letter will contain the exact date the water service will be discontinued.

(1)

Fines and reconnection fees. In the event that water service is discontinued to a building or premises for violation of any part of ordinance 7-120 [sic], whether it is inside or outside the city limits, there will be a \$40.00 service charge to have the water service reconnected, in addition to any fines imposed by a code enforcement special master.

Failure to comply with the provisions of the cross connection policy constitutes a violation of the Lady Lake Code of Ordinances. Under conditions stated in Chapter 162, Florida Statutes, a first offense code violation carries a maximum fine of two hundred fifty dollars (\$250.00). Each subsequent offense carries a maximum fine of five hundred dollars (\$500.00).

(Ord. No. 2008-25, Exh. A, § 6, 9-10-08)

Sec. 7-168. - Cross connection hazards and required protection.

(1)

Facilities. An approved backflow prevention device of the type designed shall be installed on each water service connection to the following types of facilities. This list is presented as a guideline and should not be construed as being complete.

Abbreviations used are as follows:

A.G.—Air gap separation.

P.V.B.—Pressure vacuum breaker.

D.C.V.A.—Double check valve assembly.

R.P.Z.—Reduced pressure zone principle backflow preventer.

D.C.D.V.—Double check detector valve (used on fire systems).

Type of Facility	Minimum Type of Protection
Breweries, distilleries and bottling plants	R.P.Z.
Car wash with recycling system and/or wax educator	R.P.Z.
All commercial property	R.P.Z.
Chemical plants	R.P.Z.
Dairies	R.P.Z.
Dentist office	R.P.Z.
Fertilizer plants	R.P.Z.
Film lab or processing plant	R.P.Z.
Food or beverage plant	R.P.Z.
Hospitals, clinics, medical buildings	R.P.Z.
Irrigation systems	P.V.B. D.C.V.A. R.P.Z.
Irrigation systems with automatic fertilizers	R.P.Z.
Laboratories	R.P.Z.
Laundries and dry cleaning plants	R.P.Z.
Machine tool plants	R.P.Z.
Metal processing plant	R.P.Z.
Morgues or mortuaries	R.P.Z.
New residential construction without an irrigation system	D.C.V.A. R.P.Z.
Nursing homes	R.P.Z.
Packing houses or rendering plants	R.P.Z.
Paper products plant	R.P.Z.
Pesticide companies	R.P.Z.

Petroleum processing plant and storage yard	R.P.Z.
Pharmaceutical or cosmetic plants	R.P.Z.
Piers, docks and waterfront facilities	R.P.Z.
Power plants	R.P.Z.
Radioactive material plants	R.P.Z.
Restaurants	R.P.Z.
Reuse systems	R.P.Z.
Sand and gravel plants	R.P.Z.
Schools	R.P.Z.
Swimming pools	R.P.Z.
Sewage treatment plants or lift stations	R.P.Z.
Tall buildings over three (3) stories	R.P.Z.
Veterinary facilities	R.P.Z.

In addition to and including those types of facilities listed above, an approved backflow prevention device of the type designed shall be installed on each domestic water service connection to any premises containing the following real or potential hazards:

Type of Facility	Minimum Type of Protection
Premises with an auxiliary water system (a well) not connected to public water system	R.P.Z.
Premises having a water storage tank, reservoir, pond or similar appurtenance	R.P.Z.
Premises having submerged inlets to equipment	R.P.Z.
Premises having self-draining yard hydrants, fountains, hose boxes, or similar devices presenting a health hazard	R.P.Z.

(2)

Installations requiring continuous service. All backflow devices are required to be tested at least once a year, more often if the degree of hazard warrants it. Testing requires a water shut-down usually lasting five (5) to twenty (20) minutes. For facilities that require an uninterrupted supply of water, and when it is not possible to provide water service from two (2) separate meters, provisions shall be made for a parallel installation of backflow preventers. A parallel installation allows the water service to stay on because while one (1) device is being tested, the other is allowing flow to the building. Multistory buildings which have a number of flushometer toilets should be equipped with parallel devices. Experience has shown if the water is shut off to this type of building, flushometers may have to be manually reset. The Town of Lady Lake Environmental Services Department will not allow an unprotected bypass around a backflow preventer when the device is in need of repair, testing or replacement.

(3)

Exterminating companies. M tanks, tank trucks and spraying apparatus used to convey pesticides in an exterminating process are required to use only design-protected potable water fill locations. Filling with potable

water at unspecified locations or private residences is prohibited. All filling locations will consist of overhead piping arrangements with correctly installed pressure vacuum breakers and an air gap. If for any reason an overhead piping arrangement cannot be used, a reduced pressure zone backflow preventer must be installed on the fill line. All filling locations must be approved by the Town of Lady Lake Environmental Services Department.

(4)

Requirements for protection of the potable water supply backflow devices and/or assembly standards. Locations where backflow assemblies could be installed: commercial, fire sprinkler systems (commercial and residential), reclaimed residential irrigation or based on degree of hazard on site.

Hazard (toxic): Required assembly RPBA standard ASSE 1013

Hazard (nontoxic): Required assembly DCVA standard ASSE 1015

All backflow prevention devices or assemblies shall be installed at meter connection or property line or side of home for residential irrigation and shall meet standards of: American Water Works Association (AWWA), Foundation for Cross Connection Control and Hydraulic Research of Southern California (FCCCHR of SC) or American Society of Sanitary Engineers (ASSE).

ASSE-1001 Atmospheric-type vacuum breakers (AVB).

ASSE-1020 Pressure-type vacuum breakers (PVB).

ASSE-1011 Hose bib vacuum breakers (HBVB).

ASSE-1013 Reduced-pressure principle, backflow assembly (RPBA).

ASSE-1015 Double check valve assembly (DCVA).

ASSE-1047 Reduced pressure detector check assembly (RPDCA).

ASSE-1048 Double check detector check assembly (DCDCA).

(a)

Potable commercial accounts. All commercial connections, minimum double check valve assembly (ASSE 1015).

Commercial, toxic chemical used on site	RPBA (ASSE 1013)
Commercial, nontoxic chemicals used on site	DCVA (ASSE 1015)
Commercial irrigation	RPBA (ASSE 1013)
Master meter connections	

(b)

Residential or commercial.

Homes or buildings	HBVB (ASSE 1011)
Irrigation, chemicals added	RPBA (ASSE 1013) orPVB (ASSE 1020)
Reclaimed, on domestic water meter	DCVA (ASSE 1015)
Auxiliary wells or water etc., not connected	DCVA (ASSE 1015)
Auxiliary wells or water etc., connected	RPBA (ASSE 1013)

A backflow prevention assembly shall be required in all premises not described in the previous sections. All existing fire suppression systems being modified or upgraded shall have provisions for any additional head loss caused by the required backflow preventer in the modification design. New fire suppression systems shall comply with the CCCPM manual.

(5)

Types of backflow protection for fire systems. An approved backflow prevention device of the type designated shall be installed on each fire protection service to any premises where the fire protection system contains any of the following components, unless the environmental services department determines that no real or potential health, pollution or system hazard to the public water system exists. Fire systems may be divided into six (6) general classes. The following are typical:

	Minimum Type of Protection
Class 1—A closed automatic fire system, without pumper connection	D.C.D.V.
Class 2—A closed automatic fire system with pumper connection	D.C.D.V.
Class 3—A closed automatic fire system with pumper connection and an auxiliary water supply on or available to the premises; or an auxiliary water supply may be located within 1,700 feet of the pumper connection	R.P.Z.
Class 4—A closed automatic fire system with a closed pressure tank supply (this class may have a jockey pump interconnected with the domestic water supply and/or an air compressor connection)	R.P.Z.
Class 5—A closed automatic sprinkler system interconnected with an auxiliary water supply	R.P.Z.
Class 6—A fire system used for the combined purpose of supplying the automatic sprinklers, hose lines, fire hydrants and standpipes and of being used for industrial purposes	R.P.Z.
A. Self-draining fire hydrants on premises presenting a health hazard (i.e., chemical plants,	R.P.Z.

	petroleum storage plants, bulk storage yards, stockyards, sewer plants or similar facilities where ground seepage or toxic materials may occur)	
B.	Self-draining fire hydrants on premises presenting a pollution hazard (i.e., apartment house, office complex, fabricating plants or similar facilities where ground seepage or pollution, but not toxic materials, may occur)	R.P.Z.

(6)

Other cross connection hazards.

(a)

Fixtured inlets or valved outlets. Fixtured inlets or valved outlets with hose attachments, which may constitute a cross connection, shall be protected by the proper approved vacuum breaker (AVB, HSVB, etc.) installed at least six (6) inches above the highest point of usage and located on the discharge side of the last valve. Fixtures with integral vacuum breaker manufactured as a unit may be installed in accordance with their approved requirements.

(b)

Air conditioning cooling tower. Potable water inlet shall have an approved air gap separation of twice the inside diameter on the inlet line or a minimum of two (2) inches above the flood lever rim.

(c)

Aspirators and ejectors. Aspirators and ejectors shall have a PVB on the faucet from which these devices are attached or operated.

(d)

Booster pumps. All booster pumps shall be provided with a low-pressure cutoff, unless other acceptable provisions are made to prevent the creation of low or negative pressure in the piping system.

(e)

Private wells. Private wells are not legal inside of the Town of Lady Lake city limits. Premises outside the city limits that have a well must have an R.P.Z. installed at the service connection.

(f)

Portable spray and cleaning equipment. Any portable pressure spray or cleaning units that have capability of connecting to any potable water supply and do not contain a built-in approved air gap, should be fitted with a reduced pressure backflow prevention device.

(g)

Miscellaneous uses of water from fire hydrants. The operation of fire hydrants by other than authorized personnel is prohibited.

(7)

Educating premises owners.

(a)

Owners must have registered professional engineers or certified fire protection system contractors check the hydraulics of existing fire protection systems when premises isolation backflow preventers are added at existing service connections to which existing fire protection systems are in turn connected.

(b)

Owners must install thermal expansion devices and/or pressure relief valves within closed-loop plumbing systems created by the installation of premises-isolating backflow preventers.

(8)

What do you do in an emergency? If there is a change in water use on the premises that would affect the type of hazard to the public water system, the customer shall inform the Town of Lady Lake Utilities Department. For immediate action please do the following:

(a)

Turn off the water main.

(b)

Turn off central air if you have it.

(c)

Do not let anyone drink tap water or come in contact with flooded areas.

(d)

Call your sewer or sanitation department.

(e)

Call your homeowner's insurance company.

(f)

Call your plumber if they recently did work.

(g)

Do not clean anything.

(h)

Do not touch anything that may be contaminated.

(i)

Open up windows if possible.

(j)

Notify your neighbors so they are aware of potential cross contamination.

(9)

Notes.

(a)

A single check valve will not be accepted as a means to protect the portability of drinking water and therefore may only be used to prevent backflow which would affect the functioning of a plumbing system, such as to prevent recirculation of potable hot water. Where single check valves are improperly used, they will be replaced by an appropriate approved backflow prevention device.

(b)

Vacuum breakers (vacuum relief valves) designed to prevent collapse or implosion of a steam-heated pressure vessel when being cooled are not acceptable devices for protection against backflow in potable water lines.

(c)

Any device, equipment or situation not covered by this cross connection policy, which may constitute a potential health hazard, will be examined for appropriate treatment by the environmental services department or authorized agent.

(d)

Customer connected to the reuse system must be inspected at the time of initial connection and additional routine inspection must be specified. The routine inspections may be different for commercial and residential customers.

(e)

Cross connection control for residences connected to the reuse system must be specified. At a minimum, a dual check valve assembly (dual residential check) is required on the potable water line to each residence.

(Ord. No. 2008-25, Exh. A, § 7, 9-10-08)

Secs. 7-169, 7-170. - Reserved.

ARTICLE IX. - NPDES STORMWATER ILLICIT DISCHARGE REGULATIONS

Sec. 7-171. - Purpose/intent.

The purpose of this article is to protect the health, safety, and general welfare of the citizens of Lady Lake through the regulation of nonstormwater discharges to storm drainage systems as required by federal and state law. This section shall apply to all discharges entering the storm drain system generated from any developed or undeveloped lands unless explicitly exempted by law. This section establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process and state law.

The objectives of these regulations are:

(1)

To regulate the contribution of pollutants to the municipal separate storm sewer system (MS4) by stormwater discharges.

(2)

To prohibit illicit connections and discharges to the municipal separate storm sewer systems.

(3)

To establish authority to carry out all inspection, monitoring and enforcement procedures necessary to ensure compliance with this section.

(Ord. No. 2008-26, § 2.A, 11-3-08)

Sec. 7-172. - Definitions.

For the purposes of this section, the following terms shall mean:

(1)

Best management practices (BMPs). Methods that are the most effective means of preventing or reducing pollution from nonpoint sources, such as pollutants carried by runoff. BMPs can be structural (e.g., ponds, oil and water separator, silt fence, hay bales) or nonstructural (e.g., education, maintenance).

(2)

Illegal discharge. Any direct or indirect nonstormwater discharge to the storm drain system, except as exempted in [section 7-173](#), discharge prohibitions.

(3)

Illicit connections. Either of the following:

a.

Any surface, or subsurface, drain or conveyance which allows an illegal discharge to enter the storm drain system, including, but not limited to, any conveyances which allow any nonstormwater discharge including sewage, wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized agency; or

b.

Any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by an authorized agency.

(4)

Industrial activity. Activities subject to NPDES industrial permits as defined in 40 CFR, Section 122.26(b)(14).

(5)

Municipal separate storm sewer (MS4). A conveyance or system of conveyances like roads with stormwater systems, municipal streets, catch basins, curbs, gutters, constructed channels or storm drains as defined in Section 62-624.200, Florida Administrative Code.

(6)

National Pollutant Discharge Elimination System (NPDES) stormwater discharge permit. A permit issued by the Environmental Protection Agency (EPA) or Florida Department of Environmental Protection (DEP) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

(7)

Nonstormwater discharge. Any discharge to the storm drain system that is not composed entirely of stormwater.

(8)

Pollutant. Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; nonhazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, and accumulation, so the same may cause or contribute to pollution; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage and other biological waste, dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

(Ord. No. 2008-26, § 2.B, 11-3-08)

Sec. 7-173. - Discharge prohibitions.

The commencement, conduct or continuance of any nonstormwater discharge to the municipal separate storm sewer system or watercourse from a storm drain system is prohibited, except the following:

(a)

Uncontaminated waterline flushing.

(b)

Rising groundwaters.

(c)

Uncontaminated groundwater infiltration.

(d)

Uncontaminated pumped groundwater.

(e)

Potable water.

(f)

Foundation drains.

(g)

Air conditioning condensate.

(h)

Irrigation.

(i)

Springs.

(j)

Water from crawl space pumps.

(k)

Footing drains.

(l)

Individual residential car washing.

(m)

Natural flows from riparian habitats and wetlands.

(n)

Dechlorinated swimming pool discharges.

(o)

Fire fighting discharges.

(Ord. No. 2008-26, § 2.C, 11-3-08)

Sec. 7-174. - Industrial or construction activity discharges.

Any person subject to an industrial or construction activity NPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit shall be required in a form acceptable to the town prior to the allowing of discharges to the MS4.

(1)

Access to facilities.

a.

The Town of Lady Lake shall be permitted to enter and inspect facilities subject to regulation as often as may be necessary, at reasonable times, to determine compliance with this section. Facility operators shall make the necessary arrangements to allow access to representatives of the town. Failure to allow the town access to a permitted facility is a violation of a stormwater discharge permit and of this section.

b.

Facility operators shall allow the town ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge stormwater, and the performance of any additional duties as defined by state and federal law.

c.

The Town of Lady Lake shall have the right to set up on any permitted facility such devices as are necessary to conduct monitoring and/or sampling of the facility's stormwater discharge.

d.

The town has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by

the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.

e.

Any temporary or permanent obstruction to access the facility to be inspected or sampled shall be promptly removed by the operator at the written request of the town and shall not be replaced. The costs of clearing such access shall be borne by the operator.

(Ord. No. 2008-26, § 2.D, 11-3-08)

Sec. 7-175. - Requirement to prevent, control, and reduce stormwater pollutants by the use of best management practices.

The Town of Lady Lake shall require that best management practices are utilized for any activity, operation or facility which may cause or contribute to pollution or contamination of stormwater, the storm drain system, or waters of the United States. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of structural or nonstructural BMPs. Any person responsible for a property or premises which is the source of an illegal discharge shall be required to implement, at said person's expense, additional structural or nonstructural BMPs to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with industrial activity shall be required. These BMPs shall be part of a stormwater pollution prevention plan (SWPPP) as necessary for compliance with requirements of the NPDES permit.

(Ord. No. 2008-26, § 2.E, 11-3-08)

Sec. 7-176. - Notification of discharge.

Notwithstanding other requirements of law, if any person responsible for a facility or operation, is aware of any known or suspected release of materials which may result in illegal discharges or pollutants discharging into a storm drain system or Florida waters, said person shall notify the town and immediately take all necessary steps to ensure the discovery, containment, and cleanup of such release. If the discharge of prohibited materials emanates from an industrial or construction activity, the owner or operator shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three (3) years or as required by federal or state law, whichever is longer.

(Ord. No. 2008-26, § 2.F, 11-3-08)

Sec. 7-177. - Enforcement.

Whenever the Town finds that a person has violated or failed to meet a requirement of this section, the Town shall order compliance by written notice of violation to the responsible person.

(a)

The performance of monitoring, analyses, and reporting may be required;

(b)

The elimination of illicit connections and illegal discharges shall be required;

(c)

The violating discharges, practices, and operations shall be required to cease and desist;

(d)

The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property shall be required; and

(e)

The implementation of source control or treatment BMPs shall be required.

If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. If, after a reasonable period of time to comply, the violation has not been corrected, the case will be enforced according to Lady Lake's applicable code enforcement regulations.

(Ord. No. 2008-26, § 2.G, 11-3-08)

Destin, FL - Code of Ordinances (https://library.municode.com/fl/destin/codes/code_of_ordinances)

ORDINANCE DISPOSITION TABLE

This table identifies the disposition of ordinances of the City of Destin, detailing ordinance number, adoption date, subject matter and location in this Code. Ordinances identified as omitted have not been included in this Code.

Ordinance Number	Date	Subject	Section	Section this Code
001	3- 4-85	General provisions for interpretation and enforcement of ordinances	1—4	1-2 —1-5
		General provisions for interpretation and enforcement of ordinances	5	1-8
002	3- 4-85	Offense code		omitted
003	3- 4-85	Building code; amended by Ord. No. 003.1	1	6-46
003.1	3-20-89	Adopts 1988 Standard Building Code	1, 2	6-46
		Adopts 1988 Standard Building Code	3	6-47
004	3- 4-85	Plumbing code; amended by Ord. No. 004.1	1	6-151
004.1	3-20-89	Adopts 1988 Standard Plumbing Code	1, 2	6-151
		Adopts 1988 Standard Plumbing Code	3	6-152
004.2	2 3-92	Adopts 1991 Standard Gas Code	2	6-151
005	3- 4-85	Electrical code; amended by Ord. No. 005.1	1	6-66
005.1	3-20-89	Adopts 1987 National Electrical Code	1	6-66
005.2	8-14-91	Adopts 1990 National Electrical Code	2	6-66
006	3- 4-85	Gas code; amended by Ord. No. 006	1	6-86
006.1	3-20-89	Adopts 1988 Standard Gas Code	3	6-86, 6-87
006.2	2- 3-92	Adopts 1991 Standard Gas Code	2	6-86
007	3- 4-85	Mechanical code, amended by Ord. No. 007.1	1	6-131
007.1	3-20-89	Adopts 1988 Standard Mechanical Code	1, 2	6-131, 6-132
007.2	2- 3-92	Adopts 1991 Standard Mechanical Code	2	6-131
008.1	6-17-85	Fire prevention code	1	10-26
009	4-15-85	Harbor board	1—6	5-26—5-31
010.1	4-15-85	Board of adjustment	1—6	21-71—21-76
011	3-25-85	Planning commission	1—4	16-46—16-49
012	3-25-85	Local planning agency designated		omitted
013	3-18-85	Boards and commissions	1—9	2-26 —2-34
013.1	8-15-94	Amends Ord. No. 013 relating to boards, panels, and commissions	2	2-30
			3—5	2-33-2-35
			6, 7	2-37 , 2-38
013.2	5- 5-97	Amends Ord. No. 013 relating to boards,	2—6	2-33 —2-27

		panels, and commissions		
			7 Rpld	2-38
			8	2-39
014	3-25-85	Comprehensive planning		omitted
015	3-25-85	Municipal planning		omitted
016	4-15-85	Emergency management	1—7	8-26 —8-32
017	4-15-85	Civil emergencies	1—6	8-51 —8-56
018	9- 3-85	Amends zoning ordinance (off-site parking)		omitted
019	12- 2-85	Litter control	2—9	12-51 —12-58
020	8-19-85	Rezoning—995 Airport Road		omitted
021	9-26-85	Business and occupation licenses	2—14	13-27 —13-39
		Business and occupation licenses	15	13-26
		Business and occupation licenses		13-40
022	10-28-85	Budget for 1985-86		omitted
023.1	3- 3-86	Subdivision streets	3	19-27
023.2	9-18-89	Subdivision streets	2	19-27
024	10-28-85	Ad valorem tax for 1985		omitted
025	10-21-85	Rezoning—Corner of New Highway 98/Crystal Beach Rd.		omitted
026	10-21-85	Rezoning—Corner of Airport Rd./Main St.		omitted
027		Construction permit fees; repealed by No. 42		omitted
028	11- 4-85	Projects of areawide impact, repealed by No. 55		omitted
029	11- 4-85	Protection of white sand beaches	1—6	5-106—5-111
030		Denied—Rezoning—Elk's Club, Airport Road		omitted
031	10-21-85	Inspections and certificates of occupancy	1—4	6-291—6-294
		Inspections and certificates of occupancy	6	6-295
032	11-18-85	Law enforcement training fund	1—5	14-2
033.3		Destin Harbor regulations; repealed by No. 087		omitted
034.1	5-19-86	Landscape development	1	6-241
		Landscape development	3—12	6-242—6-251
034.2	10-17-89	Landscape development, amends Ord. 034.1	2—5	6-244—6-247
			6	6-251
035	2- 3-86	Annexation—1101 Highway 98		omitted
036	1- 6-86	Conduct in establishments dealing in alcoholic beverages	I—III	3-2
037	1- 6-86	Utilities commission	1—5	20-1
038	2- 3-86	Annexation—1225 Airport Road		omitted
039	1- 6-86	Water-saving devices	2—4	20-2

040	3-24-86	Storage of reel-building materials	2—9	12-26 —12-33
041	3- 3-86	Off-street parking	3	21-206
042	2-17-86	Construction permit fees; repeals Ord. 27	1—5	6-271—6-275
043	4-21-86	Annexation—1245 Airport Road (approved)		omitted
044	7- 8-86	Stormwater management	2—6	6-346—6-350
		Stormwater management	8—13	6-352—6-357
045	8- 4-86	Coastal construction regulations	2—4	6-196—6-198
		Coastal construction regulations	5	6-211
		Coastal construction regulations	5(A)—5(J)	6-212—6-221
		Coastal construction regulations	6	6-199
046	6-30-86	Garbage and waste disposal franchise		omitted
046.2	10- 7-91	Garbage, waste collection and disposal franchise amendment		omitted
046.3	11- 4-91	Garbage, waste collection and disposal franchise amendment		omitted
047	8- 4-86	Protection of shoreline	2—7	5-81—5-86
048	5-19-86	Electric utility franchise		omitted
049		Denied—Animal control		omitted
050	5-19-86	Elections	2—10	9-1 —9-9
		Elections	11	9-2
		Elections	12, 13	9-10, 9-11
051	6- 2-86	Vacating right-of-way (portion of 7th Street)		omitted
052	6- 2-86	Vacating right-of-way (portion of 2nd Ave./Luke)		omitted
053	5- 5-86	Public utility permits		omitted
054		Amends Ord. No. 33.3, repealed by No. 87		omitted
055	7-21-86	Projects of areawide impact; repeals Ord. No. 28		omitted
055.1	11- 7-88	Repeals Ord. No. 055, re projects of areawide impact	3, 4	16-67, 16-68
055.2	9- 5-89	Projects of areawide impact; amends Ord. No. 055.1	2, 3	16-67, 16-68
056	6-16-86	Procedures for conveying and leasing city property	2—4	2-51
057	6- 2-86	Public utility permits	2—9	18-1 —18-8
058		Pending—Use of public funds		omitted
059		Pending—Sign ordinance		omitted
060		Rezoning—Crystal Beach		omitted
061		Cable TV franchise; repealed by No. 87		omitted
062	9-16-86	Ad valorem tax rate for 1986		omitted
063	9-16-86	Budget for 1986-87		omitted

064.1	11-17-86	Discharge of firearms	5	14-3
065				omitted
065.2	1- 5-87	Animal control	2—14	4-1 —4-13
066		Pending—Okaloosa Gas Franchise		omitted
065.3	3-19-90	Animal control	Rpld	4-1 —4-13
			1—25	4-1 —4-25
065.4	3- 2-93	Animals—public nuisances	2	4-7(a)(5)
067	2-23-87	Planning commission	3	16-48
068	2-23-87	Local planning agency	2, 3	16-26, 16-27
069	2-23-87	Land development regulation commission	2, 3	16-28, 16-29
070	2-23-87	Board of adjustment (amends Ord. No. 10.1)	3	21-73
		Board of adjustment (amends Ord. No. 10.1)	4	21-77, 21-78
		Board of adjustment (amends Ord. No. 10.1)	6—8	21-79—21-81
		Board of adjustment (amends Ord. No. 10.1)	9, 10	21-74, 21-75
071		Sidewalks; repealed by No. 71.1		omitted
071.1	5- 2-88	Sidewalks; repeals No. 71	2—6	6-381—6-385
072	3-16-87	Rezoning—154 thru 174 Azalea Drive		omitted
073		Pending—Underground utilities		omitted
074	4- 6-87	Contract execution authority	2, 3	2-1
075		Denied—Nonprofit Special Exception Authority		omitted
076	11- 2-87	Road and street construction	3	19-62
077	11- 2-87	Planning and zoning commission ordinance amendment	1	1-2
		Planning and zoning commission ordinance amendment	2	16-50, 16-51
		Planning and zoning commission ordinance amendment		21-56
078		Alcoholic beverages, time of sale, repealed by Ord. No. 78.1		omitted
078.1	6- 1-87	Alcoholic beverages, time of sale, repeals Ord. No. 78	2	3-1
		Alcoholic beverages, time of sale, repeals Ord. No. 78	3	1-2
		Alcoholic beverages, time of sale, repeals Ord. No. 78	4	3-1
079	5-18-87	Beaches use regulations	2	15-1
		Beaches use regulations	3(B)	15-2
		Beaches use regulations	4—7	15-3 —15-6
080	7-10-87	Rezoning—New 98/Crystal Beach Drive		omitted
081	9- 8-87	Comprehensive planning process	1—8	16-86—16-93

082		Denied—Construction of Single Family Residence by owner		omitted
083	9- 8-87	Off-street parking	3	21-5
		Off-street parking	4	21-206
084	11-16-87	Rezoning—311 Main Street		omitted
085	11-16-87	Rezoning—755 Legion		omitted
086	7-20-87	Repeals Ord. No. 61 (Cable TV franchise)		omitted
087	11- 2-87	Destin Harbor Regulations	2	5-52
		Destin Harbor Regulations	3	5-51
		Destin Harbor Regulations	4	5-54
		Destin Harbor Regulations	5	5-53
		Destin Harbor Regulations	6, 7	5-55, 5-56
		Destin Harbor Regulations	8	5-63
		Destin Harbor Regulations	9—15	5-56—5-62
088		Denied—Contractors & Tradesmen Regulations		omitted
089	2-16-88	Amends subdivision regulations	2	19-86—19-88
090		Denied—Construction Standards Board		omitted
091	9-22-87	Ad valorem taxes for 1987		omitted
092	9-22-87	Budget for 1987-88		omitted
093	11-16-87	Vacating right-of-way		omitted
094	10- 5-87	Comprehensive planning process	2	16-91
094.2	7- 2-90	Procedure regarding planning agency recommendation	1	16-91(a)
095	12- 7-87	Amusement Device Code adopted	2	6-26
096	2-16-88	Housing Code adopted	2	6-112
096.1	6- 6-88	Amends ordinance adopting Standard Housing Code	3	6-111, 6-112
		Amends ordinance adopting Standard Housing Code	4, 5	6-113, 6-114
096.2	2-3-92	Adopts 1991 Standard Housing Code	2	6-111—6-113
097	2-16-88	Unsafe Building Abatement Code adopted	2	6-172
097.1	6- 6-88	Amends ordinance adopting Unsafe Building Abatement Code	2	6-171
		Amends ordinance adopting Unsafe Building Abatement Code	3, 4	6-172
		Amends ordinance adopting Unsafe Building Abatement Code	5	6-173
		Amends ordinance adopting Unsafe Building Abatement Code	6	6-172
098		Denied—Standard Excavation and Grading Code		omitted

099		Denied—Standard Swimming Pool Code		omitted
100	1- 4-88	TV cable franchise		omitted
101	2-16-88	Rezoning—623 Highway 98		omitted
102		Denied—Abandonment of right-of-way		omitted
103	6- 6-88	Administrative record keeping	2—13	2-71 —2-82
104	8- 1-88	Swimming pools	2—8	6-311—6-317
105	8- 1-88	Amends section 15.01 of zoning ordinance	3	21-206
106	7-18-88	Garbage and waste collection and disposal franchise		omitted
106.1	1-22-91	Garbage, waste collection and disposal franchise amendment		omitted
107	7- 5-88	Registration of out of town construction contractors	2, 3	6-1
108	8- 1-88	Vacates specific street		omitted
109	8- 1-88	Administrative Code (Personnel Policy)		omitted
109.1	12- 3-90	Personnel policy amendment		omitted
110	7- 5-88	Flood damage prevention		omitted
111	8- 1-88	Flood damage prevention	Art. 1, § B— Art. 1, § D	11-2—11-4
		Flood damage prevention	Art. 2	11-1
		Flood damage prevention	Art. 3, § A, Art. 3, § B	11-5, 11-6
		Flood damage prevention	Art. 3, § C	11-51
		Flood damage prevention	Art. 3, § D—Art. 3, § G	11-7—11-10
		Flood damage prevention	Art. 4, § A	11-31
		Flood damage prevention	Art. 4, § B	11-52
		Flood damage prevention	Art. 4, § C, Art. 4, § D	11-32, 11-33
		Flood damage prevention	Art. 5, § A— Art. 5, § D	11-71—11-74
112	10- 3-88	Rezoning of specific property		omitted
113	9-20-88	Ad valorem taxes for 1988		omitted
114	9-20-88	Budget for 1988-89		omitted
115	10- 3-88	Establishes uniform property numbering system	2—7	18-46 —18-51
116	11- 7-88	Cemetery plots	2, 3	7-1 , 7-2
117	9- 5-89	Parking regulations	1—12	15-31 —15-42
118	11-17-88	Creates new zoning district; amends section 320.01	3	21-187

119		Pending—Alcoholic beverages in parks		omitted
119.1		Pending—Alcoholic beverages in parks		omitted
119.2	5-15-89	Alcoholic beverages in parks	1—7	15-61 —15-67
120		Rezoning of 3420 Highway 98		omitted
121		Rezoning of Gulf Shore Drive		omitted
122				omitted
123		Denied—Rezoning		omitted
124		Pending—Rezoning		omitted
124.1		Pending—Rezoning		omitted
125	5- 1-89	Rezoning of specific property		omitted
126	3-20-89	Adopts 1985 Standard Fire Code	1	10-26
126.1	2- 3-92	Adopts 1991 Standard Fire Code	2	10-26
127	3-20-89	Adopts 1987 NFPA #1	1	10-27
128	3-20-89	Adopts 1988 NFPA #101	1	10-28
129	5- 1-89	Personnel Rules amendment; amends Ord. No. 109		omitted
131	11- 6-89	Noise regulations	1—10	14-51 —14-60
132	6- 5-89	Amends section 9 of cable TV franchise; Ord. No. 100		
133	7-17-89	Municipal investments	1—3	2-101 —2-103
135	6- 5-89	Disposal of surplus property	1—5	2-61 —2-65
136	9- 5-89	Subdivision regulations	3	19-4
137	7-17-89	Stopping, standing and parking	1—6	19.5-51 — 19.5-56
138	7-17-89	Fire zone and handicap parking	1—7	19.5-71 — 19.5-77
138.1	2- 5-90	Amends section 3 of Ord. No. 138	2	19.5-73
140	9- 5-89	Amends section 17 of zoning ordinance	3	21-5
141	10- 2-89	Garbage collection	1—8	12-81 —12-88
142	7-17-89	Stormwater management; amends Ord. No. 044	2	6-348.1, 6-349
			3, 4	6.350, 6.351
143	9-19-89	Rezoning—Specific property		omitted
146.1	11- 6-89	Amends budget; Ord. No. 146		omitted
147	10- 1-90	Rezoning—Specific property		omitted
148	10- 2-89	Recreation fees	1	15-7
149	10- 2-89	Fee for applicants for alcoholic beverage use permits	1	15-64 (f)
151.1	12-21-92	Comprehensive plan amendment		omitted
151.3	12-21-92	Comprehensive plan amendment		omitted
152.1	4- 1-91	Land development code amendment		omitted

152.2	9-16-91	Land development code amendment		omitted
152.4	10-13-92	Land development code amendment		omitted
152.5	10-13-92	Land development code amendment		omitted
152.6	10-13-92	Land development code amendment		omitted
153	10-17-89	Employee thrift plan adopted	1	2-2
154	11-16-89	Parking regulations; amends Ord. No. 137	1	19.5-56
155	3-19-90	Cemetery regulations	1—16	7-21 —7-36
155.1	2- 3-92	Cemetery regulations	1(1)—(16)	7-21 —7-36
155.2	10-18-93	Cemeteries	2	7-29 (d)
156	12- 4-89	Main Street parking prohibition		omitted
159	11- 6-89	Emergency ordinance relating to closing of Old Highway 98		omitted
160	12- 4-89	Municipal transportation corridor and construction restrictions therein	4	19.5-1
			5	6-2
161	2- 5-90	Rezoning—Specific property		omitted
163	7- 2-90	Acceptance of private streets	2	18-9
164	1-16-90	Building regulations	2	6-46
164.1	2- 3-92	Adopts 1991 Standard Building Code	2	6-46
165	8- 1-94	Code enforcement board	1—15	14-71 —14-85
166	8-20-90	Emergency management committee appointment	2	8-29
		Terms of emergency management committee members	3	Rpld 8-30
		Capacity of emergency management committee members	4	Rpld 8-31
167	5- 7-90	License requirement	1	13-27
		Schedule of fees	2	13-40
168	5- 7-90	Construction permit fees	1	6-272(1)f., g.
170	3-19-90	Rabies vaccination	1	4-13
171	8-20-90	Road and street construction	1	19-62
178	8-20-90	Off-street parking spaces	2, 3	21-206
		Off-street loading spaces	4	21-208
		Elimination of parking or loading spaces	5	21-209
181	11-19-90	Coastal construction provisions repealed	2	Rpld 6-196—6-199, 6-211—6-221
		Coastal Code	3	6-196—6-205
187	9-21-92	Natural gas franchise		omitted
187.1	10-19-92	Amends natural gas franchise; Ord. No. 187		omitted

188	10-21-91	Telephone utility franchise		omitted
189	11-19-90	Recreation fees	2, 3	15-7
190	11-19-90	Rezoning—Specific property		omitted
197	12- 3-90	Abolished harbor master department		omitted
198	4- 1-91	Occupational license amendment	1	13-30
		Occupational license amendment	2, 3	13-31
		Occupational license amendment	4	13-40
199	6- 3-91	Rezoning—Specific property		omitted
201	7- 1-91	Rezoning—Specific property		omitted
203	8- 5-91	Vacated certain alley		omitted
204	7-15-91	Gulf Shore Drive parking		omitted
207	8- 3-92	Contractors	2	6-401—6-406
208	8-19-91	Recreation fees	2	15-7(c)
208.1	4-20-92	Recreation fees	2	15-7(c)
208.2	11-16-92	Recreation fees	2	15-7(c)
214	12- 2-91	Board of adjustment rules of procedure	2	21-82
222	2-18-92	Noise regulations	1—9	14-51 —14-59
225		Pending—Permitting procedures		
226	8-17-92	Legal advertisements of real property descriptions	2	2-52
227	8-17-92	Legal notices	2	21-11
230	10-13-92	Land development code amendment		omitted
232	10-19-92	Land development code amendment		omitted
233	10-13-92	Zoning construction setbacks	1	21-5
		Land development code amendment	2	omitted
234	1- 4-93	Annexation		omitted
235	1- 4-93	Use of public parks	1	15-40(c)(1)
			2	15-7(b)
236	1- 4-93	Annexation		omitted
237	6- 7-93	Home solicitation sales	2	13-41 —13-57
237.1	2- 7-94	Home solicitation sales, exemptions	2	13-44
244	8- 2-93	Enacts provisions pertaining to purchasing	2	2-171—2-183
258	11- 1-93	Administration and management of certain grant programs	1—3	2-141 —2-143
266	9-19-94	Special assessments	1(1-11)	2-121 —2-131
279	4-15-96	Commercial communications tower regulations	1—12	8.5-1—8.5-12
291	8- 5-96	Provides for charter amendments		Rejected
297	5-19-97	Land development code amendment		Omitted
289.1	9- 2-97	Solid waste franchise amendment		Omitted

290.2	9- 2-97	Solid waste franchise amendment		Omitted
299	6- 2-97	Fair housing code	1—12	8.7-21 —8.7-32
311	11-17-97	Abandons portion of right-of-way		Omitted
005.5	12- 1-97	Land development code amendment		Omitted
006.4	12- 1-97	Land development code amendment		Omitted
007.4	12- 1-97	Land development code amendment		Omitted
096.3	12- 1-97	Land development code amendment		Omitted
128.2	12- 1-97	Land development code amendment		Omitted
126.3	2- 2-98	Land development code amendment		Omitted
004.4	2- 2-98	Land development code amendment		Omitted
164.4	2- 2-98	Land development code amendment		Omitted
313	2 2-98	Abandons portion of right-of-way		Omitted
314	2- 2-98	Abandons portion of right-of-way		Omitted
065.6	3- 3-98	Amends section 4-15 pertaining to impoundment and redemption of animals	2	4-15(e)
315	4-20-98	Enacts provisions for the granting of cable communications franchises, renewal fees, etc.	2(22-1, 22-2)	6.5-1 , 6.5-2
			2(22-3—22-9)	6.5-11 —6.5-17
316	4-20-98	Grants cable communications franchise		Omitted
322	4- 6-98	Land development code amendment		Omitted
324	4-20-98	Lease of certain city-owned real property		Omitted
325	5-18-98	Corrective annexation of property		Omitted
152.37	6-15-98	Land development code amendment		Omitted
290.3	7- 6-98	Amends solid waste franchise terms		Omitted
331	12- 7-98	Grants telecommunications franchise		Omitted
334	5- 3-99	Lease of certain city-owned real property		Omitted
335	8- 2-99	Enacts provisions pertaining to local licensing of contractors	1—10	13-71 —13-80
336	8- 2-99	Enacts provisions pertaining to the construction regulations board	1—10	2-221 —2-230
341	12- 6-99	Grants toll telephone franchise		Omitted
109.6	2- 7-00	Amends personnel policies		Omitted
263.3	2- 7-00	Amends water franchise terms		Omitted
264.3	2- 7-00	Amends sewer franchise terms		Omitted
345	4-17-00	Amends various provisions pertaining to parks and recreation	2	15-2
			3	15-6
			4	15-7
			5	15-36

			6	15-37
			7	15-40
			8	15-64
367	1- 8-01	Assesses a fee on telecommunications companies that occupy municipal rights-of-way for telecommunications facilities, etc.	1, 2	13-101, 13-102
013.3	4- 2-01	Amends section 2-33(a) pertaining to standing committees and boards	2	2-33(a)
013.4	4- 2-01	Amends section 2-28 pertaining to officers, terms, etc.	2	2-28
65.7	7-16-01	Amends provisions pertaining to harboring stray animals	3	4-13
309.1	7-16-01	Land development code amendment		Omitted
152.40	8- 6-02	Land development code amendment		Omitted
245.8	9- 4-01	Land development code amendment		Omitted
373	9-10-01	Grants an exclusive franchise to Waste Management, Inc. for the collection and disposal of all residential and commercial trash, garbage, and other refuse within the city		Omitted
374	9-25-01	Adopts the final levying of as valorem taxes for the City of Destin for fiscal year 2001/2002		Omitted
378	10- 1-01	Repeals Ch. 7 pertaining to cemeteries and enacts new provisions pertaining to similar subject matter	2 Rpld	7-1, 7-2,
				7-21—7-36
			4 Added	7-1—7-4,
				7-21—7-37
158.1	10- 1-01	Repeals the rate schedule for the sale of the City Code and supplements		Omitted
379	10-15-01	Relates to charter amendments		Failed
141.1	10-15-01	Amends provisions pertaining to garbage collection	1	12-82
			2	12-87
			3	12-89
151.19	10-15-01	Amends the comprehensive plan		Omitted
377	11- 5-01	Adds provisions pertaining to utilities in rights-of-way	1—18	18-41—18-58
152.47	1- 7-02	Land development code amendment		Omitted
384	4- 1-02	Adopts amendments to the Florida Building Code	2	6-47
152.42	4- 1-02	Land development code amendment		Omitted
152.48	4-1-02	Land development code amendment		Omitted

057.1	4-15-02	Land development code amendment		Omitted
387	4-15-02	Adopts provisions pertaining to prohibition of truck use of city streets	2	19.5-80 — 19.5-84
382	5- 6-02	Adopts the Florida Building Code	3	6-46
389	5- 6-02	An ordinance relating to consolidated home rule financing and assessment regulations	1—12	2-121 —2-132
			13 Rpld	2-121 —2-131
151.23	6- 3-02	Adds provisions pertaining to registration of short-term rentals	3	13-103 —13-119
368.1	7- 1-02	Adds provisions pertaining to code enforcement citation program and procedures	3	14-90 , 14-91 ,
				14-93 —14-101
386.1	7- 1-02	Repeals Ord. No. 386		Omitted
318.2	7-16-02	Land development code amendment		Omitted
319.2	7-16-02	Land development code amendment		Omitted
320.2	7-16-02	Land development code amendment		Omitted
385	9-16-02	Land development code amendment		Omitted
390	9-16-02	Land development code amendment		Omitted
391	9-16-02	Land development code amendment		Omitted
392	9-16-02	Land development code amendment		Omitted
152.22.1	9-16-02	Land development code amendment		Omitted
02-09-CC	11 - 4-02	Amends licensing provisions	3	13-116 (2)
02-11-CC	11-18-02	Repeals purchasing provisions	2 Rpld	2-171—2-183
02-06-LC	5- 5-03	Land development code amendment		Omitted
02-07-LC	12 - 2-02	Land development code amendment		Omitted
309.2	12 - 2-02	Land development code amendment		Omitted
01-12-LC	1- 6-03	Land development code amendment		Omitted
03-04-LC	5-19-03	Land development code amendment		Omitted
03-05-CC	5-19-03	Imposes an immediate moratorium until August 1, 2003, on the filing, processing or issuance of any and all permits or other approvals within the jurisdictional limits of the City of Destin for all signs exceeding 200 square feet in size or 25 feet in height or any outdoor advertising sign as defined in section VI of the City of Destin Sign Code		Omitted
03-06-LC	7- 7-03	Land development code amendment		Omitted
03-11-CC	7- 7-03	Amends provisions pertaining to committees, boards, panels and commissions generally	2	2-28
			3	2-32
			4	2-33
			5	2-34 (a)

			6	2-35
03-12-CC	7- 7-03	Amends provisions pertaining to parks and recreation	2 Rpld	15-7(d)
			3—5 Rnbd	15-65 —15-67
			as	15-66 —15-68
			6 Added	15-65
03-34-CC	2-17-04	Relates to notices of certain city council, committees, boards, panels, and agencies meetings or hearings of the city; providing for authority; providing for adoption of section 2-35.1 , Additional notice requirements	2	2-35.1
04-01-LC	3-15-04	Amends Code by adding provisions §§ 18-1 —18-9 pertaining to general streets and public places regulations	3 Added	18-1 —18-9
04-10-CC	4-19-04	Amends Code by adding provisions pertaining to boats, harbors and waterways	4 Added	5-26 — 5-28 , 5-29 — 5-34
04-28-CC	9- 8-04	Amends Code by repealing provisions pertaining to utilities	2 Rpld	Ch. 10
			3 Rpld	Ch. 11
			4 Rpld	Ch. 16
			5 Rpld	Ch. 19
			6 Rpld	Ch. 20
			7 Rpld	Ch. 21
05-25-CC	12- 5-05	Amends Code by adding provisions pertaining to sexual offenders and sexual predators	3 Added	14-150 —14-153
06-03-CC	2-21-06	Amends Code provisions pertaining to election day	2	9-4
06-07-CC	7-10-06	Amends Code provisions pertaining to posting of signs	3	13-116
06-08-CC	7-10-06	Amends Code by adding provisions pertaining to registration of long-term rentals	3 Added	13-120 —13-134
06-09-CC	7-10-06	Amends Code by adding provisions pertaining to construction site screening	3 Added	6-48 —6-54
06-11-CC	6-19-06	Amends Code by addition provisions pertaining to wrecker and towing service rates	3 Added	19.5-90 — 19.5-92
06-01-LC	12-18-06	Amends Code provisions pertaining to maximum permissible sound levels by use occupancy	3	14-56
06-19-CC	9- 5-06	Local licensing of contractors	1	13-71 —13-79
06-20-CC	10- 2-06	Providing for an amendment to Chapter 19.5 of the Code of Ordinances of the City of Destin; providing for an amendment to Division 2 Stopping, Standing, and Parking, Section 19.5-56 penalty for violations; providing for an amendment to Division 3 Fire	3	19.5-56 , 19.5-77

		Lane and Handicap Parking, section 19.5-77 penalty for violations		
06-21-LC	12-18-06	Land development code amendment		Omitted
06-23-CN	12-18-06	Amends the Code to redesignate the occupational license tax to the local business tax	2	Ch. 13, Art. II (tit.),
				13-27, 13-28,
				13-31, 13-35,
				13-40 (B), (I), (L)
				13-102 (a)(1)
				13-116 (4), (5)
				14-72
07-28-CC	6-18-07	An ordinance relating to wrecker and immobilizing regulations	3 Rpld	19.5-90—19.5-92
			4 Added	19.5-90—19.5-122
08-01-LC	4-21-08	Land development code amendment		Omitted
08-03-LC	5-19-08	Land development code amendment		Omitted
08-08-LC	4-21-08	Land development code amendment		Omitted
08-14-LC	1-20-09	Land development code amendment		Omitted
08-17-LC	6- 2-06	Land development code amendment		Omitted
08-16-CC	10-20-08	An ordinance relating to soliciting, begging, and panhandling	3—6 Added	14-181—14-184
08-18-LC	5-19-08	Land development code amendment		Omitted
08-21-LC	12-15-08	An ordinance relating to mitigation of non-residential and multi-family residential construction activity impact on surrounding properties	7	6-49
			8	6-51
			9	14-57 (c)
08-22-CC	11- 3-08	An ordinance relating to the regulation of residential rentals	3	13-120
			4	13-121
			5	13-122
08-23-LC	12-15-08	Land development code amendment		Omitted
08-25-LC	9- 2-08	Land development code amendment		Omitted
08-26-CC	12-15-08	An ordinance relating to obsolete references in Article IV, Code Enforcement Citation Program and Procedures	3	14-94
09-04-LC	1-20-09	Land development code amendment		Omitted
09-06-LC	3-30-09	Land development code amendment		Omitted
09-06-LC	3-30-09	An ordinance regulating sexually oriented	2 Added	2.5-55—2.5-

		businesses			170
10-06-CC	6-21-10	An ordinance providing for regulation relating to the dog-friendly dining program	3	Added	4-26
10-09-LC	1-18-11	An ordinance repealing provisions relating to commercial communications towers	3	Rpld	8.5-1—8.5-12
10-16-CC	2-22-11	An ordinance relating to regulation of home solicitation sales	3		13-41 , 13-43 , 13-44 , 13-47
11-01-CC	1- 3-11	An ordinance relating to regulation of animal nuisances	3		4-7
11-12-CN	5-16-11	Master service assessment ordinance			4.03 2-130
11-13-CC	9-19-11	Amending firearms control regulations	3		8-55
			4	Rpld	14-3
			5		15-34(c)
					15-38(a)
11-17-CN	9-19-11	Repeal of master service assessment ordinance	1		2-130
11-20-CN	10-17-11	Repeal of special assessments	1		2-130
11-26-CN	12- 5-11	Mandatory garbage collection	3		12-83(a)
11-24-CN	12-19-11	Recreates section 2-130 , special assessments	10		2-130
12-04-CN	3- 5-12	An ordinance relating to boating	2		15-33
			3	Added	15-37(b)(3)
12-09-CN	1- 7-13	An ordinance relating to parks and recreation	2	Rpld	15-3
			3	Rpld	15-4
			4	Rpld	15-5
			5	Rpld	15-6
			6		15-36
			7		15-38
			8		15-42
			9		15-68
13-04-CN	5-20-13	An ordinance relating to alcoholic beverage and open container prohibitions	2	Added	18-59 —18-68
378.1	2- 1-10	City cemeteries	3		7-23(d) 7-28(a)
15-04-CC	4-20-15	Code Enforcement	2		Ch. 14 , Art. III(tit.)
			3—5		14-72 —14-74
			6		14-76
			7	Added	14-76.01
			8—12		14-77 —14-81
			13	Rpld	14-82
			14		14-83

			15	14-84
15-08-LC	10-19-15	Unsafe building abatement	16	6-47(1)b.
				6-47(3)c.
15-15-CC	12-21-15	Registration of short term rentals	3	13-104
			4	13-106
			5	13-107
			6 Added	13-108
			7—10 Rnbd	13-108 —13-111
			as	13-109 —13-112
			11 Rpld	13-112 —13-114
			12 —16 Rnbd	13-115 —13-119
			as	13-113 —13-117
16-09-CC	3- 7-16	Regulating city cemeteries	3	7-28
16-15-CC	9 - 8-16	Code enforcement	3 Added	14-94(4), (5)
			4 Added	15-37(g)
			5	15-42(b)(1)
16-32-CC	12 - 5-16	Conservation of established residential neighborhoods by prohibiting parking in specified places or under certain circumstances	3	19.5-53
			4 Added	19.5-57
			5 Added	19.5-58
16-33-CC	1- 3-17	Temporary moratorium cannabis related activities	Added	13-135
17-01-CC	2- 6-17	Watercraft regulations	3	Ch. 5, Art. I(title)
			5—13 Added	5-1 —5-9
			14—17 Rpld	5-26—5-28
			18 Rnbd	Ch. 5, Art. III
			as	Ch. 5, Art. II
			20 Rpld	14-57(l)
17-02-CC	2-21-17	Permitting of livery vessels	3 Added	Ch. 13, Art. VIII
			4—17 Added	13-140 —13-153
17-03-CC	2-21-17	Short-term rental registrations	3	13-103 —13-116

17-07-CC	3-20-17	Livery vessels	2	13-140
			3	13-141
			4	13-142
			5	13-143
			6	13-144
			7	13-146
			8	13-153
17-09-CC	4-17-17	City waterways	2	5-2
			3 Rpld	5-3
			4	5-5
			5	5-9
17-10-CC	5-15-17	Livery vessels	2	13-145
17-12-CC	8-21-17	Standards of behavior and operation of public parks	3	15-33
				15-39
17-14-CC	6-19-17	Prohibited parking	3	19.5-54
			4	19.5-55
			5	19.5-56
17-15-CC	3-19-18	Mobile vending permits	2 Added	13-160 —13-164
17-19-CC	10-16-17	Noise	App. A Rpld	14-52 —14-60
			3 Added	14-52 —14-66
17-24-CC	9- 6-17	Agencies, authorities, boards, panels, commissions and committees	2	2-37
17-27-CC	9-18-17	Burial plots and mausoleum niches	3	7-23 (d)
				7-28
17-31-CC	12-18-17	Restricted area—Joe's Bayou	3	5-29 —5-31
				5-34
18-02-CC	2- 5-18	Hours of sale of alcoholic beverages	3	3-1
18-03-CC	2-20-18	Committees, boards, panels and commissions	2	2-33 (a)
18-07-CC	4- 2-18	Building Code	3	6-46 , 6-47
18-10-CC	6-18-18	Registration of short-term rentals	3	13-105
				13-107 , 13-108
				13-109 (4)
18-14-CC	9- 5-18	Gambling prohibited within city limits	3 Added	14-200 —14-207
18-22-CC	11- 5-18	Wireless facilities in the public rights-of-way	Added	13-175 —13-184
18-28-CC	1- 7-19	Obstructing channels; unlawful anchoring,	2	5-2

		mooring or docking		
18-29-CC	1-22-19	Registration of short-term rentals	3	13-108
				13-114
			Added	13-117, 13-118
19-08-CN	4-15-19	Temporary moratorium on livery vessel permits, expires November 1, 2019		Omitted
19-11-CC	11- 4-19	Election day for council members and mayor	2	9-4
20-19-CC	7- 6-20	Construction noise	3	14-56(10)
			Rpld	14-56(11)
				14-63(c)
20-28-CC	10-19-20	Regulate roosters	3	4-7(a)(5)
				4-8
20-30-CC	11- 2-20	Livery vessels	3	13-149

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Sec. 5-171. - Code adopted.

The Standard Unsafe Building Abatement Code, 1985 Edition, as promulgated by the Southern Building Code Congress International, Inc., is hereby adopted by reference in its entirety, unless otherwise provided for in this chapter.

(Ord. No. 89-35, § I, 9-6-89; Ord. No. 90-02, 2-7-90; Ord. No. 90-53, § I(9), 1-2-91)

Section 4-44 - Appeal Procedure for Building Regulations

Anything contained in any of the codes adopted in this Division notwithstanding, any appeal of a decision by the official charged with the responsibility of administration and enforcement under any of these codes (the Florida Building Code, the Standard Plumbing Code, the Standard Fire Prevention Code, the Standard Gas Code, the Standard Mechanical Code, the Standard Existing Buildings Code, the Standard Swimming Pool Code, the Standard Unsafe Building Abatement Code, the CABO One and Two Family Dwelling Code, and the Standards Amusement Device Code) shall be directed to the Board of Adjustment, which is comprised of the City Council for the City of Tavares, Florida. The City Council shall serve this function and any requirements in any of the codes adopted in this chapter regarding the composition of the Board of Adjustment shall not apply and are hereby specifically rendered inapplicable to appeals under those codes within the City of Tavares. Any appeal must be filed within thirty (30) days of the date on which the official renders the decision to be appealed, and shall be initiated by submitting a written request to the city manager, specifying the official who made the decision, the nature of the decision to be appealed, the date on which it was rendered, and the grounds on which it is being appealed. The city administrator shall then schedule a hearing before the Board of Adjustment, at which hearing the appellant shall present arguments in favor of his position and the official shall have the opportunity to present his position on the issue. The Board of Adjustment shall then render its decision on the appeal. If the appellant is dissatisfied with the decision of the Board of Adjustment, and wishes to pursue further appeals, the appellant must file a notice of appeal with the circuit court in and for Lake County, Florida, within thirty (30) days of the date of the meeting at which the Board of Adjustment heard and decided the case.

Section 22-3 - Administrative procedures

Chapter 1, Florida Building Code, is amended to add (or if indicated herein, to delete) the following language regarding the section specified:

A)

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 the jurisdiction is found to have acted on bad faith or with malicious purpose in a manner exhibiting wanton and willful disregard of the safety, health and welfare of the public.

B)

101.4.1.3.3. 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.

C)

101.4.2.3.2. Unsafe Building Abatement

Unsafe Buildings shall be abated using the Standard Unsafe Building Abatement Code, 1985 edition, promulgated by the Southern Building Code Congress International, Inc., subject to all amendments, modifications or deletions hereinafter contained.

D)

101.4.2.5 Administrative Procedures

Each enforcement district shall be governed by a board, the composition of which shall be determined by the affected localities. At its own option, each enforcement district of local enforcement agency may promulgate rules granting to the owner of a single-family residence one or more exemptions from the Florida Building Code relating to:

1.

Addition, alteration or repair performed by the property owner upon his or her own property, provided any addition or alteration shall not exceed 1,000 square feet or the square footage of the primary structure, whichever is less.

2.

Addition, alteration or repairs be a non-owner within a specific cost limitation set by rule, provided the total cost shall not exceed \$5,000.00 within any 12 month period.

3.

Building and inspection fees.

Each code exemption, as defined in this section, shall be certified to the local board ten (10) day prior to implementation and shall be effective only in the territorial jurisdiction of the enforcement district or local enforcement agency implementing it.

E)

102.1. 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.

F)

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.

Provided all the requirements of the Florida Building Code 101.4.2.5 are met and the permit is issued to the property owner/lessee and the owner/less resides at the property and performs the work, the owner/lessee may be exempted from certain requirements of the Florida Building Code, as approved by the Building Official.

1.

Applicant may present to the Building Official, for plan review as required by Florida Building Code 104.2.1, plans and specifications drawn to scale with sufficient clarity and detail to indicate the nature and character of the work. Provided the applicant can show compliance with Florida Building Code the requirement for sealed or certified drawings by an architect or engineer will be waived. The building department shall not design, specify, or create any of the required drawings. This does not exempt the permit holder from the requirement for engineered drawings on beams, lintels, roof and/or floor trusses, and other structural elements as determined by the Building Official.

2.

Owner/Lessee shall not be charged a re-inspection fee or permit extension fee provided the permit is in active status as defined by Florida Building Code 104.5. All other fees shall be applicable unless otherwise approved and waived by the board.

Waiving the above items shall not be construed as authority to violate, cancel, alter, or set aside any provisions of the technical codes, Florida Statutes, or local ordinances; 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.

G)

103.2. 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.

H)

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.

I)

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.

J)

103.4. Revocation of Permits; Misrepresentation of Application

The building official may revoke a permit or approval, issued under the provision 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.

K)

103.6. Requirements not covered by the Code(s)

Any requirements necessary for the strength, stability of 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.

L)

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.

M)

104.2.4. Site Drawings

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.

N)

104.3.1.1. Minimum Plan Review Criteria for Buildings

1)

Manufactured/Mobile Homes

a)

Site Requirements

1.

Setback/separation (assumed property lines)

2.

Location of septic tank(s), if applicable

b)

Structural

1.

Wind zone

2.

Anchoring

3.

Blocking

c)

Plumbing

1.

Backflow protection

d)

Mechanical

1.

Exhaust systems

2.

Clothes dryer exhaust

3.

Kitchen disconnect location

e)

Electrical

1.

Exterior disconnect location

O)

104.5.1.2. Language

The following language is hereby deleted from section 104.5.1.2 of the Florida Building Code:

Alternately, a new permit may be issued on application, providing the work in place and the work to be done 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.

P)

104.5.1.5. Demolition

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.

Q)

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 one-hundred percent (100%) of the usual permit fee in addition to the required permit fees or 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.

R)

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 Southern Building Code Congress International or other applicable model code organization, at the option of the building official.

S)

105.6.(3). Required Inspections

NOTE: Sheathing fasteners installed and found to be missing the structural member (shines) shall be removed and properly reinstalled prior to installation of the dry-in material.

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ARTICLE VII. - UNSAFE BUILDING ABATEMENT CODE

Footnotes:

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Editor's note— Ord. No. 12-08, § 2, adopted Dec. 3, 2012, repealed the former Art. VII, §§ 7-171—7-184, and enacted a new Art. VII as set out herein. The former Art. VII pertained to dangerous buildings and derived from Code 1967, §§ 7-104—7-118; Ord. No. 86-4, §§ I—IV, adopted March 10, 1986; Ord. No. 04-13, § 1, adopted Jan. 3, 2005.

Sec. 7-171. - Purpose; scope.

(a)

Purpose. This section is hereby declared to be remedial in nature. The purpose of this section is to secure the public health, safety and welfare by ensuring that all buildings and structures within the city are structurally sound and that such premises provide adequate egress, sanitation, light and ventilation for the protection of life and property and are free from fire and other hazards incidental to their construction, alteration, use and occupancy.

(b)

Scope. The provisions of this Code shall apply to all unsafe buildings and structures, as herein defined, and shall apply equally to new and existing conditions.

(Ord. No. 12-08, § 3, 12-3-12)

Sec. 7-172. - 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.

Building. Building means any structure built for the support, shelter or enclosure of persons, animals, chattels or property of any kind. The term building, as used herein, shall include any building, structure, or portion thereof.

Interested parties. Interested parties mean the owner, as determined by the records of the Palm Beach County Tax Collector, the occupant of the building, and any other person or entity having a legal or equitable interest in the building, including but not limited to, any mortgage holders, judgment holders or other lien holders of record.

Unsafe building. An unsafe building means any building that endangers the life, health, property or safety of the general public and has any of the following conditions:

(1)

Any means of egress or portion thereof is not of adequate size or is not arranged to provide a safe path of travel in case of fire or panic.

(2)

Any means of egress or portion thereof, such as but not limited to fire doors, closing devices and fire resistive ratings, is in disrepair or in a dilapidated or non-working condition such that the means of egress could be

rendered unsafe in case of fire or panic.

(3)

The stress in any material, member, or portion thereof, due to all imposed loads, including dead loads, exceeds the working stresses allowed in the Florida Building Code for new buildings, which was in effect at the time of the issuance of the certificate of occupancy or completion.

(4)

A building thereof has been damaged, by any cause, to the extent that the structural integrity of the building is less than it was prior to the damage or is less than the minimum requirement established by the Florida Building Code for new buildings, which was in effect at the time of the issuance of the certificate of occupancy or completion.

(5)

Any exterior appendage or portion of a building is not securely fastened, attached or anchored such that it is capable of resisting wind, seismic or similar loads as required by the Florida Building Code for new buildings, which was in effect at the time of the issuance of the certificate of occupancy or completion.

(6)

Any building is manifestly unsafe for any reason or is unsanitary for the purpose for which it is being used.

(7)

Any building as a result of decay, deterioration or dilapidation, is likely to fully or partially collapse.

(8)

Any building that has been constructed or maintained in violation of a specific requirement of the Florida Building Code or of a city, county or state law.

(9)

Any building is in such a condition as to constitute a public nuisance.

(10)

Any building is unsafe, unsanitary, or not provided with adequate egress, or which constitutes a fire hazard, or is otherwise dangerous to human life, or, which in relation to the existing use, constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence or abandonment.

(11)

Any building which lacks illumination, ventilation or sanitary facilities adequate to protect the health or safety of the occupants or the public.

(Ord. No. 12-08, § 3, 12-3-12)

Sec. 7-173. - Enforcement; inspection; emergency action.

(a)

Enforcement. The provisions of this section shall be enforced by the building official.

(b)

Right of entry for inspection.

(1)

The building official or his/her authorized designee, in accordance with the provisions of this subsection, may enter any building or premises at all reasonable times to make an inspection or enforce any of the provisions of this section. In cases of emergencies or exigent circumstances where extreme hazards are known to exist, the building official may enter the building at any time.

(2)

When attempting to enter a building that is occupied, the building official or his/her authorized designee shall first identify him or herself, display proper credentials and request entry. If the building is unoccupied, the building official shall first make a reasonable effort to locate the owner or other persons having charge of the building and request entry. If entry is refused, or if the owner or other persons having charge of an unoccupied building cannot be located, the building official shall have recourse to every remedy provided by law to secure entry, including but not limited to, an inspection warrant.

(3)

When the building official or his/her authorized designee shall have obtained permission to enter, secured an inspection warrant, or obtained another remedy provided by law to secure entry, no person shall fail, after proper credentials are displayed, to promptly permit entry into the building by the building official or his/her authorized designee for the purpose of inspection and examination pursuant to this section. Any person violating this section may be prosecuted to the extent permitted by law.

(c)

Inspection. The building official shall inspect, or cause to be inspected, any building which is or may be unsafe. After the building official has inspected or caused to be inspected a building and has determined that such building is unsafe, he/she shall initiate proceedings to cause the abatement of the unsafe condition by repair, vacation or demolition, or any combination thereof.

(d)

Emergency action. If the building official or designee finds that a building is likely to fully or partially collapse, posing an immediate hazard to life or to the safety of the general public, the building shall be deemed an emergency and ordered demolished immediately by the building official by affidavit attesting to the unsafe condition and by letter of authorization by the city manager. Prior to such demolition, notice shall be given to the owner of record and to any other interested party by hand delivery or, if hand-delivery is not reasonably possible, by posting the property in accordance with the notice provisions set forth below. 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. Notice so posted may run concurrently with, or may follow, an attempt or attempts to provide notice by hand delivery. In any event, such notice shall give the owner of the property five (5) days to request, in writing to the building official, a hearing before the special magistrate.

(Ord. No. 12-08, § 3, 12-3-12)

Sec. 7-174. - Notices; service.

(a)

Notices. Whenever the building official has determined that such building is unsafe, the building official shall prepare a written notice of violation to the owner of record and all other interested parties as follows.

(1)

The notice of violation shall contain, but not be limited to, the following information:

a.

The street address and legal description or property control number of the building.

b.

A statement indicating the building has been declared unsafe by the building official, and a summary of the conditions that led to the building official's determination.

c.

A statement advising that if the following required action as determined by the building official is not commenced within or completed by the time specified, the building will be ordered vacated and posted to prevent further occupancy until the work is completed.

1.

If the building is to be repaired, the notice shall require that all necessary permits be secured and the work commenced within thirty (30) days and continued to completion within such time as the building official determines.

2.

If the building is to be vacated, the notice shall indicate the time within which vacation is to be completed.

3.

If the building is to be demolished, the notice shall require that all required permits for demolition be secured and that the demolition be completed within such time as determined reasonable by the building official. If the building is occupied, the notice shall require that the premises be vacated within sixty (60) days.

d.

State that if the building is not brought into compliance in accordance with the notice or a hearing is not timely requested, a notice of pending administrative action may be recorded in the public records.

e.

State that the building official may cause the work to be done and after such repair, reconstruction, alteration, removal or demolition by or on behalf of the building official, the city may record a special assessment lien against the owner in accordance with this section to recover the costs incurred by the city in performing the work.

f.

State that if the property owner or other interested party wishes to: (1) contest in whole or in part the material allegations in the notice; (2) assert that the time period as set forth in the notice poses an undue hardship; (3) assert that the true intent and meaning of the code has been misconstrued or misinterpreted; or (4) make any other argument, the parties have a right to a hearing. Any request for a hearing must be made in writing and received by the building official or designee within fifteen (15) days after the notice of violation is received, as defined in subsection (b) below, or the right to hearing is waived.

(2)

If the building is not brought into compliance in accordance with the notice or a hearing is not timely requested, a notice of pending administrative action shall be recorded with the county clerk of court and shall be served upon the property owner and other interested party as indicated below and contain the name of the property owner, the specific violations of the City Code that are applicable to the property, the property address and legal description. This notice shall remain until such time as the conditions rendering the building unsafe have been abated. At such time, the building official shall file a new notice indicating that corrective action has been taken and the building is no longer unsafe based upon the previously noticed conditions.

(b)

Service of notice of violation and notice of pending administrative action. The notice shall be served either personally or by certified mail, postage pre-paid, return receipt requested, to each owner at the address as it appears in the official public records and to all other known interested parties. If addresses are not available on any person required to be served the notice, the notice addressed to such person shall be mailed to the address of the building or structure involved in the proceedings. The failure of any person to receive proper notice as described herein, other than the owner of record, shall not invalidate any proceedings under this section. Service by certified or registered mail as herein described shall be effective on the date the notice was received as indicated on the return receipt. In the event the certified mail is unclaimed or refused or there is no mailing address for an interested party, including the owner, the notice shall be posted at the property and City Hall for ten (10) days; the notice shall be re-sent by first class mail documented by a properly executed proof of mailing and posting or affidavit confirming the first class mailing and posting; and a notice of condemnation shall be published once (1) a week for four (4) consecutive weeks in a newspaper of general circulation within the City of Belle Glade. For properties that are published and posted, the notice shall be deemed received at the expiration of two (2) days after the last publication or ten (10) days after posting, whichever is later.

(c)

Placard posted. Every notice to vacate, in addition to complying with the above, shall be posted at each exit and entrance to the building or structure and shall essentially state:

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 to remove such notice without written permission of the building official, or for any person to enter the building except for the purpose of making the required repairs or of demolishing the same.

(Ord. No. 12-08, § 3, 12-3-12)

Sec. 7-175. - Hearing; implementation.

(a)

Hearing.

(1)

The city commission shall appoint a special magistrate to conduct all hearings contemplated by this section. In the alternative, the special magistrate appointed to hear code enforcement hearings may be used to conduct these administrative hearings. The special magistrate shall serve at the pleasure of the city commission and may be removed by the city commission at any time, with or without cause.

(2)

Any interested party entitled to notice may request a hearing before the special magistrate. Such request must be made in writing and received by the building official within fifteen (15) days from the date of service along with any required filing fee and must contain, at a minimum, the following:

a.

Identification of the building by street address;

b.

Legal interest of the person requesting the hearing;

c.

Statement identifying the order or code section being challenged;

d.

Statement detailing the issues on which he or she desires to be heard; and

e.

The legal signature of the person requesting the hearing, his or her telephone number and mailing address.

Upon timely receipt of the written request, the building official or designee shall schedule a hearing before the special magistrate as soon as is practical. Written notice of the date, time and location of the hearing shall be delivered personally or mailed certified mail, return receipt requested, to the interested party requesting the hearing, or to his or her attorney of record, at the address provided on the written request for hearing.

(3)

A hearing before the special magistrate shall offer the property owner and other interested parties a reasonable opportunity to be heard on any matter or issue that is relevant to the proceeding. The property owner or interested parties may appear at the hearing in person or through an attorney or other designated representative. Failure of any person to appear at any hearing scheduled in accordance with this section shall constitute a waiver of that person's right to a hearing.

(4)

The special magistrate may obtain the issuance and service of subpoenas for the attendance of witnesses or the production of evidence at the hearings. Subpoenas may be issued by the special magistrate at the request of any party involved in the hearing.

(5)

All testimony shall be under oath and shall be recorded. The formal rules of evidence shall not apply, but fundamental due process shall be observed and shall govern the proceedings.

(b)

Implementation.

(1)

If a hearing is not timely requested as set forth above, the building official may take action to repair or reconstruct the building or to cause the building to be boarded and secured, or to cause the building to be

removed or demolished if required by the notice, or any combination thereof.

(2)

If a hearing is requested, and the special magistrate determines:

a.

That the condition exists as set forth in the notice of violation, and that the remedial action required in the notice has not been voluntarily completed by the property owner, or other legally interested party, the special magistrate shall issue a written order authorizing the building official to vacate, board and secure, repair or reconstruct the building or to cause the building to be removed or demolished, or any combination thereof. After this order is entered, the building official shall record in the public records, the notice of pending administrative action in accordance with [section 7-174\(a\)\(2\)](#) above.

b.

That the condition, as set forth in the notice of violation does not exist or has been corrected as required by the notice of violation, the notice of violation shall be dismissed by written order of the special magistrate.

(3)

The building official may, upon written request of the property owner, grant an extension of time as the building official may determine to be reasonable to complete the required remedial action. If the extensions of time, in total, exceed one hundred twenty (120) days, the special magistrate, without further public hearing, must also approve the extension for it to be effective. The special magistrate may consider and approve an extension of time over the objection of the building official if the interested party presents evidence or testimony to establish that such extension is reasonable.

(Ord. No. 12-08, § 3, 12-3-12)

Sec. 7-176. - Appeals.

An aggrieved party, including the city, may appeal a final order of the special magistrate by filing a petition for writ of certiorari with the circuit court. Said appeal must be filed within thirty (30) days from the effective date of the special magistrate's written order.

(Ord. No. 12-08, § 3, 12-3-12)

Sec. 7-177. - Miscellaneous provisions.

(a)

Interference. No person shall obstruct or interfere with the implementation of any action required by the final notice of the building official or by order of the special magistrate. Any violation of this subsection, if enforced by a law enforcement officer, may be prosecuted as a misdemeanor of the second degree and punished by a fine of not more than five hundred dollars (\$500.00) and/or imprisonment in an authorized facility for not more than sixty (60) days.

(b)

Performance of work. The repair or demolition of an unsafe building as required in the notice by the building official or the final decision by the special magistrate shall be performed in an expeditious and workmanlike manner in accordance with the requirements of the City Code and all other applicable codes and accepted engineering practice standards.

(c)

Authority to expend funds. Nothing contained herein shall require the city commission to appropriate or expend any funds to carry out the purpose of this section. 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.

(d)

Emergency powers. Nothing herein precludes exercise of emergency powers otherwise available in the face of imminent threat to public safety.

(Ord. No. 12-08, § 3, 12-3-12)

Sec. 7-178. - Recovery of costs; lien; uniform method.

(a)

Recovery of costs.

(1)

Whenever a building or structure is boarded and secured, repaired or demolished in accordance with the provisions of this code and the cost of such boarding and securing, repair or demolition is borne by the city, all costs incurred by the city, including but not limited to, the cost incurred in the compliance of the unsafe building, searching of the public records or title work to determine the record owners and interested parties in serving the notice as specified above, costs of publication and the costs of service and postage, and any other cost or fee attributable to the unsafe building shall be assessed to the owner of the affected land or premises and shall become a lien against such land or premises as provided in this section.

(2)

The building official shall certify the costs borne by the city, as described above, and shall serve such cost certification upon the property owner by certified mail return receipt requested. This cost certification is a demand for payment from the property owner.

(b)

Lien created.

(1)

If the owner fails to make payment within thirty (30) days from the date of the demand for payment, the amount of the certified costs shall be reported to the city commission in the form of a resolution assessing the costs against the real property upon which such costs were incurred, as a special assessment equal in rank and dignity with taxes and other non-ad valorem assessments. Such assessment shall be recorded in the public records.

(2)

Said assessment shall bear interest at the current legal rate of interest per annum as provided by law and shall constitute a lien upon the land from the date of the assessment and shall be collectible in the same manner as liens for taxes and special assessments.

(3)

Collection of such assessments, with such interest and with a reasonable attorney's fee, may also be made by the city commission by proceedings in a court of competent jurisdiction to foreclose the lien of the assessment in the

manner in which a lien for mortgages is foreclosed under the laws of the state and it shall be lawful to join in any complaint for foreclosure any one or more lots or parcels of land, by whomever owned, if assessed under the provisions of this section. However, no lien created pursuant to the provisions of this section may be foreclosed on property that is homestead under section 4, Article X of the State Constitution.

(4)

Property subject to lien may be redeemed at any time prior to sale by its owner by paying the total amount due under the corresponding assessment lien including interest, court costs, advertising costs and reasonable attorney's fees.

(5)

The city may choose to use the uniform method to collect such non-ad valorem assessments as authorized under F.S. § 197.3632, as amended from time to time.

(Ord. No. 12-08, § 3, 12-3-12)

Secs. 7-179—7-195. - Reserved.

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ARTICLE II. - NUISANCES

Footnotes:

--- (2) ---

Cross reference— Solid waste, ch. 38; unsafe building abatement code, § 58-261 et seq.

State Law reference— Municipal Home Rule Powers Act, F.S. ch. 166; abatement of nuisances by injunction, F.S. § 60.05 et seq.; nuisances injurious to health, F.S. ch. 386; public nuisances generally, F.S. ch. 823.

Sec. 26-31. - Definition.

For the purposes of this chapter, the word "nuisance" is defined as the doing of an unlawful act, or the omitting to perform a duty, or the suffering or permitting of any condition or thing to be or exist, which act, omission, condition or thing either:

(1)

Injures or endangers the comfort, repose, health or safety of others;

(2)

Offends decency;

(3)

Is offensive to the senses;

(4)

Unlawfully interferes with, obstructs or tends to obstruct or renders dangerous for passage any public or private street, highway, sidewalk, stream, ditch or drainage;

(5)

In any way renders other persons insecure in life or the use of property;

(6)

Essentially interferes with the comfortable enjoyment of life and property, or tends to depreciate the value of the property of others; or

(7)

Is declared by ordinance to be a nuisance.

(Code 1990, § 14-1)

Cross reference— Definitions generally, [§ 1-2](#).

Sec. 26-32. - Illustrative enumeration.

The maintaining, using, placing, depositing, leaving or permitting to be or remain on any public or private property of any of the following items, conditions or actions is hereby declared to be and constitute a nuisance; provided, this enumeration shall not be construed as a designation of all nuisances:

(1)

Any weeds such as broom grass, jimson, burdock, ragweed, sandspur or other similar weeds; or any other vegetation, other than trees, ornamental bushes, flowers or other ornamental plants with a height exceeding ten inches.

(2)

Accumulation of trash, litter, debris, garbage, bottles, paper, cans, rags, dead or decayed fish, fowl, meat or other animal matter, fruit, vegetables, offal, bricks, concrete, scrap lumber or other building debris or other refuse of any nature.

(3)

Any condition which provides harborage for rats, mice, snakes and other vermin.

(4)

Any building or other structure which is in such a dilapidated condition that it is unfit for human habitation, or kept in such an unsanitary condition that it is a menace to the health of people residing in the vicinity thereof, or presents a more than ordinarily dangerous fire hazard in the vicinity where it is located.

(5)

All unnecessary or unauthorized noises and annoying vibrations, including animal noises.

(6)

All disagreeable or obnoxious odors and stenches, as well as the conditions, substances or other causes which give rise to the emission or generation of such odors and stenches.

(7)

The carcasses of animals or fowl not disposed of within a reasonable time after death.

(8)

The pollution of any public well or cistern, stream, lake, canal or body of water by sewage, dead animals, creamery or industrial wastes, or other substances.

(9)

Any building, structure or other place or location where any activity which is in violation of local, state or federal law is conducted, performed or maintained.

(10)

Any accumulation of stagnant water permitted or maintained on any lot or piece of ground.

(11)

Dense smoke, noxious or lethal fumes, lethal gas, soot or cinders, in unreasonable quantities.

(12)

Any condition constituting a fire hazard.

(13)

Any wornout, scrapped, partially dismantled, nonoperative, unusable or discarded materials or objects, such as automobiles or parts thereof, building materials, machinery, metal, wastepaper, rags, glassware, tinware, vehicles, boats or parts thereof, or other items of junk.

(14)

The storage of any inoperative motor vehicle, or parts thereof, on private or public property by any person who is not in possession of a current town occupational license. Any vehicle, or part thereof, without a valid license plate titled in the owner's or occupier's name being attached to the vehicle shall be presumed inoperative.

(15)

Any violation of chapter 82.

(Code 1990, § 14-2)

Sec. 26-33. - Prohibited.

It shall be unlawful for any person to create a nuisance, or suffer or permit a nuisance to exist, upon property which is under his care, custody or control.

(Code 1990, § 14-3)

Sec. 26-34. - Abatement by town authorized.

Upon a determination by the code enforcement officer that a violation of [section 26-33](#) exists, the town manager/clerk shall abate the nuisance if the owner or person in control of the property upon which it is located fails to do so within 15 days of the finding of the code enforcement officer.

(Code 1990, § 14-4)

Sec. 26-35. - Recovery of costs of abatement by town.

(a)

After causing a nuisance to be abated pursuant to this article, the town manager/clerk will determine the costs involved, including all costs described in [section 26-36](#), and shall notify the town council. The town council shall fix a date for a public hearing at which it shall assess the costs against the property upon which the nuisance was located.

(b)

Immediately upon the determination by the town council of the date for public hearing, the town manager/clerk, or his designee, shall cause to be published, in a daily newspaper of general circulation, a notice in substantially the following form:

Notice to Taxpayers

You are hereby notified that the Town of Cinco Bayou has just abated a nuisance in the town, and has determined the amount to be assessed against each of lots, tracts or parcels of land to defray the cost thereof. A

list of the nuisances and amount to be assessed against each of said properties is on file and open for inspection in town offices. You are further notified that the Town Council of the Town of Cinco Bayou will hold a public hearing on the ____ day of _____, 19 ___, in the Town Hall for the purpose of hearing any complaints or protests that any affected party may wish to offer why said assessments should not be made final.

	_____ Town Manager/Clerk
--	-----------------------------

(c)

The notice shall be published one time, and the hearing provided for by the notice shall be not less than five days from the date of publication of the notice.

(d)

The town council shall meet at the time and place specified in the notice and hear any and all complaints that any person affected by the proposed assessment wishes to offer and shall correct any and all mistakes or errors in the assessment. The town council shall then approve the assessment.

(e)

When the assessment is approved by the town council, the assessment shall, from the date of the approval, be a lien against the properties until paid. The town manager/clerk shall file and record in the office of the clerk of the circuit court of the county notice of the lien against the property, showing thereon the amount and nature of the lien and legal description of the property.

(f)

The principal amount of the lien imposed under this section shall bear interest at the rate of ten percent per annum from a date 30 days after the date of approval of the assessment, and this interest shall also constitute a lien against the property assessed, in the amount of the assessment plus accrued interest.

(g)

At any time after the expiration of 30 days from the date of approval of the assessments, the town may proceed to foreclose the liens created thereby in the manner prescribed in F.S. ch. 173.

(Code 1990, § 14-5)

Sec. 26-36. - Fees for clearing or mowing of lot by town.

The following fees shall be charged by the town whenever lot clearing or lot mowing is done:

(1)

There shall be an administrative fee for all administrative and clerical work done by the town administration in connection with the lot clearing or lot mowing, in the amount of \$250.00.

(2)

If it becomes necessary to do any tree trimming, the cost will be passed on to the property owner, who will be charged for the actual cost of the trimming, plus the cost of removing the trimmings from the area.

(Code 1990, § 14-6)

Sec. 26-37. - Provisions of article supplemental.

This article shall be supplemental to all other ordinances and shall be deemed to provide a supplemental, additional and alternative procedure. Any action taken pursuant to this article in regard to nuisance abatement shall be considered cumulative and in addition to penalties and to other remedies provided elsewhere by ordinance or law.

(Code 1990, § 14-7)

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Sec. 8-32. - Amendments.

The Florida Building Code adopted in this article is amended in the following respects:

Section 101. General.**101.3. Code Remedial.**

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 of the safety, health and welfare of the public.

101.4. Applicability.

101.4.2.3.2, Unsafe Buildings. Unsafe Buildings shall be abated using the Standard Unsafe Building Abatement Code, 1997 edition, promulgated by the Southern Building Code Congress International, Inc., 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 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 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 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 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 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 Section 489.105(3), Florida Statutes, 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 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.

Section 102. Building Department.

102.1, 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.

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 applicable

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.

102.2.3, 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.

102.3, Restrictions on employees. An officer or employee connected with the department, except one (1) 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.

102.4, 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.

102.5, 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 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 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.

Section 104. Permits.

104.1. Permit Application.

104.1.6, 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 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. One (1) or more extensions of time for periods of not more than ninety (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.

104.2. Drawings and specifications.

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. 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.

104.2.5, 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.

104.3. Examination of documents.

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

4.

Mechanical:

Exhaust systems

clothes dryer exhaust

kitchen equipment exhaust

5.

Electrical:

exterior disconnect location

104.4. Issuing Permits.

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. Conditions of the permit.

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 six (6) months after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of six (6) months after the time the work is commenced. Failure to obtain an approved inspection within one hundred eighty (180) days of the previous approved inspection shall constitute suspension or abandonment. One (1) or more extensions of time, for periods not more than one hundred eighty (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.

104.5.1.5. 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.

104.6. Fees.

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 one hundred (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.

104.6.5, 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 (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.

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 Southern Building Code Congress International 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 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 Statues.

Building.

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 survey prepared and certified by a registered surveyor shall be required for all new construction prior to approval of the framing 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

- 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.

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 (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

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.

Section 106. Certificates.

106.1. Certificate of Occupancy.

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.

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.

107.2. Potable Well Testing.

107.2.1. Well owners shall insure that each newly constructed, replaced or repaired well is accessible for cleaning, treatment, repair, testing, inspection or other attention, as may be necessary.

107.2.2. Each newly constructed well shall be located in accordance with applicable state, county, or municipal law, ordinance, and rules and regulations.

107.2.3. Each newly constructed, replaced or repaired well shall be thoroughly cleaned of foreign substances, developed, sanitized and disinfected prior to being placed into permanent service.

107.2.4. Each newly constructed, replaced or repaired well shall be tested for yield prior to being placed into permanent service.

107.2.5. The most current water sampling requirements of the public health authority having jurisdiction shall be observed. All newly constructed, replaced or repaired private potable wells serving one or two single/family residences shall be analyzed for nitrates, chloride concentration, and microbiological analysis. Test results must be below maximum contamination levels, as specified by County Health Department. Final clearance of a well requires a microbiological analysis showing an absence of coliform bacteria. Samples must be collected and analyzed by a laboratory certified by the Florida Department of Health. Newly repaired or replaced wells must meet these standards within 30 days of completion. Water sampling and testing is not required for wells used exclusively for agricultural purposes.

107.3. Enforcement; Violation, Penalty. The provisions of this section may be enforced by any person having the authority to enforce County ordinances. As set forth in Section 162.21, Florida Statutes, violation of this ordinance is punishable by citation issued by a Code Enforcement officer who has reasonable cause to believe the person has committed an act in violation of this Code. A violation of this section is a civil infraction punishable by a civil fine not to exceed five hundred dollars (\$500.00). A civil penalty of less than the maximum civil penalty will be assessed if the person cited does not contest the citation.

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.

Section 110. Construction Board of Adjustment and Appeals.

110.1, Appointment. There may be Established a Board to Be Called the Construction Board of Adjustment and Appeals, Which Should Consist of Nine (9) Members but not less than seven (7). The Board Shall Be Appointed by the Applicable Governing Body.

110.2, Membership and terms.

110.2.1, Membership. The 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.

110.2.2, Terms. The terms of office of the board members shall be staggered so no more than one third (1/3) of the board is appointed or replaced in any twelve-month period. 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.

110.2.3, 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 (3) affirmative votes, shall be required. In modifying a decision of the building official, not less than four (4) affirmative votes, but not less than a majority of the board, shall be required.

110.2.4, Secretary of board. A person shall be appointed by the local jurisdiction, to 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.

110.3, Powers. The Construction Board of Adjustments and Appeals shall have the power, further defined in [subsection] 108.4, to hear appeals of decisions and interpretations of the building official and consider variances of the technical codes.

110.4. Appeals.

110.4.1, 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 (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.

110.4.2, 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.

110.4.2.1, 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.

110.4.3, Notice of appeal. 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 section 120.569, Florida Statutes, regarding the local governments action. Notice of Administrative Rights may be obtained from the local building department.

110.4.4, 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.

110.5. Procedures of the Board.

110.5.1, 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 notice of appeal has been received.

110.5.2, 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.

Subpart 1606.1.6, Wind Speed and Wind Borne Debris Lines.

Line A: Establishment of 130 MPH ultimate design wind speed line for risk category II buildings.

Begin at Flagler/St. Johns County boundary intersection with MAIN LINE CANAL GRADE. South on MAIN LINE CANAL GRADE, crossing Powerline twice before reaching EAST GRADE. South on EAST GRADE to MCNABS CROSSING. West on MCNABS CROSSING to JOHN CAMPBELL DRIVE. South on JOHN CAMPBELL DRIVE to W HIGHWAY 100. East on W HIGHWAY 100 to COUNTY ROAD 305. South on COUNTY ROAD 305 to Flagler/Volusia County boundary.

Line B: Establishment of 140 MPH ultimate design wind speed line for risk category III buildings.

Begin at Flagler/St. Johns County boundary intersection with US HIGHWAY 1N. South on US HIGHWAY 1N to W HIGHWAY (overpass). West on W HIGHWAY 100 to Powerline. South on Powerline to STATE HIGHWAY 11 to Flagler/Volusia County boundary.

Line C: Establishment of 120 MPH ultimate design wind speed line for risk category I buildings.

Begin at Flagler/St. Johns County boundary intersection with MAIN LINE CANAL GRADE. South on MAIN LINE CANAL GRADE, crossing Powerline twice before reaching EAST GRADE. South on EAST GRADE to MCNABS CROSSING. West on MCNABS CROSSING to JOHN CAMPBELL DRIVE. South on JOHN CAMPBELL DRIVE to W HIGHWAY 100. East on W HIGHWAY 100 to WATER OAK ROAD. South on WATER OAK ROAD to COUNTY ROAD 2006 W. West on COUNTY ROAD 2006 W to Dead Lake. South on eastern shore of Dead Lake to Flagler/Volusia County boundary.

Line D: Establishment of 150 MPH ultimate design wind speed line for risk category IV buildings.

The Wind Speed Line as depicted on Figure 1609.3(3), Ultimate Design Wind Speeds Risk Category IV Buildings Map, dated June 2nd, 2020, and kept on file in the Office of the Clerk of the Court.

Wind Borne Debris Line: Any area of Flagler County lying west of the established wind speed lines shall be deemed to have a wind speed of that line unless linear interpolation between the wind speed line for the category of the structure established by Flagler County to the west is provided by a State of Florida licensed Design Professional.

Begin at Flagler/St Johns County boundary at a point (over water) approximately one mile west of the Atlantic Ocean shoreline. Continue south at the same distance from the shoreline until this path intersects the Intra Coastal Waterway (ICW). South along the ICW past Hammock Dunes Bridge to St. Joe Canal. West, entering St. Joe Canal and bearing left into a canal known as DITCH 10. Continue along DITCH 10 to COLBERT LANE. South on COLBERT LANE to ROBERTS ROAD. South on ROBERTS ROAD to MOODY BLVD (SR 100), crossing MOODY BLVD to JOHN ANDERSON HIGHWAY. South on JOHN ANDERSON HIGHWAY to Flagler/Volusia County boundary.

(Ord. No. 87-1, § 1, 1-5-87; Ord. No. 01-24, § 1, 12-17-01; Ord. No. 01-25, § 1, 12-17-01; Ord. No. 05-11, § 1, 9-6-05; Ord. 2012-02, § I, 3-19-12; Ord. No. 2020-02, § 2A., 7-13-20; Ord. No. 2021-02, § 2A., 4-5-21)

Editor's note— Ord. No. 2021-02, § 2B., adopted April 5, 2021, states "Adopts by reference a map figure (Figure 1609.3(3)) depicting the Ultimate Design Wind Speeds for Risk Category IV Buildings. A copy of Figure 1609.3(3) is available at the city clerk's office.

ARTICLE X. - UNSAFE BUILDING ABATEMENT CODE

Footnotes:

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Editor's note— Ord. No. 03-08, §§ 1—12, adopted June 30, 2003, was not specifically amendatory of the Code and has been included as art. X to read as herein set out. See the Code Comparative Table for a detailed analysis of inclusion.

DIVISION 1. - ADMINISTRATION

Sec. 8-301. - Title.

The provisions included within the following chapters and sections shall constitute and be known and may be cited as "The Flagler County Standard Unsafe Abatement Code," hereinafter referred to as "this code."

(Ord. No. 03-08, § 1, 6-30-03)

Sec. 8-302. - 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 incident to the construction, alteration, repair, demolition, use and occupancy of buildings, structures or premises.

(Ord. No. 03-08, § 1, 6-30-03)

Sec. 8-303. - Scope.

The provisions of this code shall apply to all unsafe buildings or structures, as herein defined, in the unincorporated areas of the county, and shall apply equally to new and existing conditions.

(Ord. No. 03-08, § 1, 6-30-03)

Sec. 8-304. - Alterations, repairs or rehabilitation work.

(a)

Alterations, repairs or rehabilitation work may be made to any existing building without requiring the building to comply with all the requirements of the Florida Building Code provided that the alteration, repair or rehabilitation work conforms to the requirements of the Florida Building Code for new construction.

(b)

Alterations, repairs or rehabilitation work shall not cause an existing building to become unsafe as defined in division 5.

(c)

If the occupancy classification of an existing building is changed, the building shall be made to conform to the intent of the Florida Building Code for the new occupancy classification as established by the building official.

(d)

Repairs and alterations, not covered by the preceding paragraphs of this section, restoring a building to its condition previous to damage or deterioration, or altering it in conformity with the provisions of this code in such manner as will not extend or increase an existing nonconformity or hazard, may be made with the same kind of materials as those of which the building is constructed; but not more than twenty-five (25) percent of the roof covering of a building shall be replaced in any period of twelve (12) months unless the entire roof covering is made to conform with the requirements of the Florida Building Code for new buildings.

(Ord. No. 03-08, § 1, 6-30-03)

Sec. 8-305. - Special historic buildings and districts.

The provisions of this code relating to the construction alteration, repair, enlargement, restoration, relocation or moving buildings or structures shall not be mandatory for existing buildings or structures identified and classified by the state or local jurisdiction as historic buildings when such building or structures are judged by the building official to be safe and in the public interest of health, safety and welfare regarding any proposed construction, alteration, repair, enlargement, restoration, relocation or moving of buildings within fire districts. The applicant must submit complete architectural and engineering plans and specifications bearing the seal of a registered professional engineer or architect.

(Ord. No. 03-08, § 1, 6-30-03)

Sec. 8-306. - Maintenance.

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 Florida Building Code in a building when erected, altered or repaired, shall be maintained in good working order. The owner, or his/her designated agent, shall be responsible for the maintenance of buildings and structures.

(Ord. No. 03-08, § 1, 6-30-03)

Secs. 8-307—8-310. - Reserved.

DIVISION 2. - ORGANIZATION

Sec. 8-311. - Enforcement officer.

The provisions of this code shall be enforced by the Flagler County Building Official.

(1)

Restrictions on building department employees.

a.

An officer or employee connected with the building department shall not have a financial interest in the furnishing of labor, material or appliances for the construction, alteration, demolition, repair or maintenance of a building, or in the making of plans or of specifications therefore, unless he/she is the owner of such building. Such officer or employee shall not engage in any work which is inconsistent with his/her duties or with the interests of the building department.

b.

The building official shall keep, or cause to be kept, a record of the business of the building department. The records of the building department shall be open to public inspection.

(Ord. No. 03-08, § 2, 6-30-03)

Secs. 8-312—8-320. - Reserved.

DIVISION 3. - POWERS AND DUTIES OF BUILDING OFFICIAL

Sec. 8-321. - Inspections.

The building official, the fire marshal, county engineer, code enforcement officers, and other authorized representatives are hereby authorized to make such inspections and take such actions as may be required to enforce the provisions of this code.

(Ord. No. 03-08, § 3, 6-30-03)

Sec. 8-322. - Right of entry.

(a)

If required, the building official or his/her authorized representative may apply for an inspection warrant as provided by F.S. § 933.20, et seq.

(b)

When entering a building, structure or premise that is occupied, the building official shall first identify himself/herself, present proper credentials and request entry. If the building, structure or premise is unoccupied, he/she shall first make a reasonable effort to locate the owner or other persons having charge of the building and demand entry. If entry is refused, the building official or his/her authorized representative shall have recourse to every remedy provided by law to secure entry.

(Ord. No. 03-08, § 3, 6-30-03)

Sec. 8-323. - Requirements not covered by code.

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, not specifically covered by this code, shall be determined by the building official.

(Ord. No. 03-08, § 3, 6-30-03)

Sec. 8-324. - Liability.

Any officer or employee, or member of the board of county commissioners, charged with the enforcement of this code, acting for Flagler County in the discharge of his/her duties, shall not thereby render himself/herself liable personally, and he/she 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 because of such act performed by him/her in the enforcement of any provision of this code shall be defended by the county attorney of Flagler County, or his or her designee, until the final termination of the proceedings.

(Ord. No. 03-08, § 3, 6-30-03)

Sec. 8-325. - Reports.

The building official shall annually submit a report to the county administrator of the decisions rendered by the board of county commissioners during the preceding year. The report shall include a summary of the decisions of the board of county commissioners during said year.

(Ord. No. 03-08, § 3, 6-30-03)

Secs. 8-326—8-330. - Reserved.

DIVISION 4. - VIOLATIONS AND PENALTIES

Sec. 8-331. - Violations and penalties.

Any person, firm, corporation or agent who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, or who shall erect, construct, alter, demolish or move any structure, or has erected, constructed, altered, repaired, moved or demolished a building or structure in violation of a detailed statement or drawing submitted and approved thereunder, shall be prosecuted within the limits provided by state and local law. Each such person shall be deemed guilty of a separate offense for any violation of any of the provisions of this code, and upon conviction of any such violation such person shall be punished within the limits and as provided by state and local laws.

(Ord. No. 03-08, § 4, 6-30-03)

Secs. 8-332—8-340. - Reserved.

DIVISION 5. - DEFINITIONS

Sec. 8-341. - Tense, gender and number.

For the purpose of this code, certain abbreviations, terms, phrases, words and their derivatives shall be construed as set forth in this section. Words used in the present tense include the future. Words in the masculine gender include the feminine and neuter. Words in the feminine and neuter gender include the masculine. The singular number includes the plural and the plural number includes the singular.

(Ord. No. 03-08, § 5, 6-30-03)

Sec. 8-342. - Words not defined.

Words not defined herein shall have the meanings stated in the Florida Building Code, Standard Mechanical Code, Standard Plumbing Code, Standard Gas Code, Standard Housing Code or Standard Fire Prevention Code. Words not defined in the Standard Codes shall have the meanings stated in the Webster's Eighth New Collegiate Dictionary, as revised.

(Ord. No. 03-08, § 5, 6-30-03)

Sec. 8-343. - Definitions.

APPLICABLE GOVERNING BODY OR THE BOARD means the Flagler County Board of County Commissioners.

APPROVED means approved by the building official or other authority having jurisdiction.

BUILDING means any structure built for the support, shelter or enclosure of persons, animals, chattels or property of any kind which has enclosing walls for fifty (50) percent of its perimeter. The term "building" shall be construed as if followed by the words "or part thereof." For the purpose of this code each portion of a building separated from other portions by a firewall shall be considered as a separate building.

BUILDING OFFICIAL means the Flagler County Building Official or his/her duly authorized representative.

DEPARTMENT means the Flagler County Building Department.

OFFICE OF THE RECORDER means the Flagler County Clerk of Courts.

OWNER means any person, agent, firm or corporation having a legal or equitable interest in the property.

STRUCTURE means that which is built or constructed.

UNSAFE BUILDING means any building or structure that has any of the following conditions, such that the life, health, welfare, property or safety of its occupants or the general public are endangered:

(1)

Any means of egress or portion thereof is not of adequate size or is not arranged to provide a safe path of travel in case of fire or panic.

(2)

Any means of egress or portion thereof, such as but not limited to fire doors, closing devices and fire resistive ratings, is in disrepair or in a dilapidated or nonworking condition such that the means of egress could be rendered unsafe in case of fire or panic.

(3)

The stress in any material, member or portion thereof, due to all imposed loads including dead load exceeds the stresses allowed in the Florida Building Code for new buildings.

(4)

The building, structure or portion thereof has been damaged by fire, flood, earthquake, wind or other cause to the 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 requirement established by the Florida Building Code for new buildings.

(5)

Any exterior appendage or portion of the building or structure is not securely fastened, attached or anchored such that it is capable of resisting wind, seismic or similar loads as required by the Florida Building Code for new buildings.

(6)

If for any reason the building, structure or portion thereof is manifestly unsafe or unsanitary for the purpose for which it is being used.

(7)

The building, structure or portion thereof as a result of decay, deterioration or dilapidation is likely to fully or partially collapse.

(8)

The building, structure or portion thereof has been constructed or maintained in violation of a specific requirement of the standard codes or of a city, county or state law.

(9)

Any building, structure or portion thereof that is in such a condition as to constitute a public nuisance.

(10)

Any building, structure or portion thereof that is unsafe, unsanitary or not provided with adequate egress, or which constitutes a fire hazard, or is otherwise dangerous to human life, or, which in relation to existing use, constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence or abandonment.

(Ord. No. 03-08, § 5, 6-30-03)

Secs. 8-344—8-350. - Reserved.

DIVISION 6. - INSPECTION AND NOTICE OF NONCOMPLIANCE

Sec. 8-351. - Action required.

The building official shall inspect or cause to be inspected any building, structure or portion thereof which is or may be unsafe. After the building official has inspected or caused to be inspected a building, structure or portion thereof and has determined that such building, structure or portion thereof is unsafe, he/she shall initiate proceedings to cause the abatement of the unsafe condition by repair, vacation or demolition or combination thereof. For residential buildings, the building official may, but is not required to, utilize the services of the fire marshal, county engineer, or independent consultants in making such a determination. For all commercial buildings, the building official shall utilize the services of the fire marshal, county engineer and, if necessary, independent consultants in determining whether a structure is unsafe.

(Ord. No. 03-08, § 6, 6-30-03)

Sec. 8-352. - Notice, content.

The building official shall prepare and issue a notice of unsafe building directed to the owner of record of the building or structure. The notice shall contain, but not be limited to, the following information:

(1)

The street address and legal description of the building, structure or premise.

(2)

A statement indicating the building or structure has been declared unsafe by the building official, and a detailed report documenting the conditions determined to have rendered the building or structure unsafe under the provisions of this code.

(3)

A statement advising that if the following required action as determined by the building official is not commenced within or completed by the time specified, the building will be ordered vacated and posted to prevent further occupancy until the work is completed and the building official may cause the work to be done and all costs incurred charged against the property or the owner of record.

a.

If the building or structure is to be repaired, the notice shall require that all necessary permits be secured and the work commenced within sixty (60) days and continued to completion within such time as the building official determines. The notice shall also indicate the degree to which the repairs must comply with the provisions of the Florida Building Code.

b.

If the building or structure is to be vacated, the notice shall indicate the time within which vacation is to be completed.

c.

If the building or structure is to be demolished, the notice shall require that the premises be vacated within sixty (60) days, that all required permits for demolition be secured and that the demolition be completed within such time as determined reasonably by the building official.

(4)

A statement advising that any person having any legal interest in the property may appeal the notice by the building official to the board of county commissioners; and that such appeal shall be in writing in the form specified in [division 9](#) and shall be filed with the building official within thirty (30) days from the date of the notice and that failure to appeal in the time specified will constitute a waiver of all rights to an administrative hearing.

(Ord. No. 03-08, § 6, 6-30-03)

Sec. 8-353. - Notice procedures.

(a)

The notice and all attachments thereto shall be served upon the owner of record and posted on the property in a conspicuous location. A copy of the notice and all attachments thereto shall also be served on any person determined from official public records to have a legal interest in the property. Failure of the building official to serve any person herein required to be served other than the owner of record shall not invalidate any proceedings hereunder nor shall it relieve any other person served from any obligation imposed on him/her.

(b)

The notice shall be served either personally or by certified mail, postage prepaid, return receipt requested, to each person at the address as it appears on the official public records. If addresses are not available on any person required to be served the notice, the notice addressed to such person shall be mailed to the address of the building or structure involved in the proceedings. The failure of any person to receive notice, other than the owner of record, shall not invalidate any proceedings under this section. Service by certified or registered mail as herein described shall be effective on the date the notice was received as indicated on the return receipt. Notice by publication may be utilized where mail service cannot be perfected.

(c)

Proof of service of the notice shall be by written declaration indicating the date, time and manner in which service was made and signed by the person served on by the return receipt.

(Ord. No. 03-08, § 6, 6-30-03)

Sec. 8-354. - Recording of notice.

If the notice is not complied with nor an appeal filed within the allotted time, the building official shall file in the official public records of Flagler County a certificate describing the property and certifying that the building or structure is unsafe and that the owner of record has been served. This certificate shall remain on file until such time as the conditions rendering the building or structure unsafe have been abated. At such time, the building official shall file a new certificate indicating that corrective action has been taken and the building or structure is no longer unsafe from that condition.

(Ord. No. 03-08, § 6, 6-30-03)

Secs. 8-355—8-360. - Reserved.

DIVISION 7. - STANDARDS FOR COMPLIANCE

Sec. 8-361. - Standards for compliance.

The following action shall be taken by the building official when ordering the repair, vacation or demolition of an unsafe building or structure.

(1)

The building shall be ordered repaired in accordance with the Florida Building Code or demolished at the option of the owner.

(2)

If the building or structure poses an immediate hazard to life or to the safety of the public it shall be ordered vacated immediately.

(Ord. No. 03-08, § 7, 6-30-03)

Secs. 8-362—8-370. - Reserved.

DIVISION 8. - POSTING OF NOTICE TO VACATE

Sec. 8-371. - Notice to vacate.

(a)

Every notice to vacate, in addition to complying with [section 8-352](#), shall be posted at each exit and entrance to the building or structure and shall state:

THIS BUILDING IS UNSAFE AND ITS USE OR OCCUPANCY HAS BEEN PROHIBITED BY THE FLAGLER COUNTY BUILDING OFFICIAL.

(b)

Such notice shall remain posted until the required repairs are made or demolition is completed. It shall be unlawful for any person, firm or corporation or their agents to remove such notice without written permission of the building official, or for any person to enter the building except for the purpose of making the required repairs or of demolishing same.

(Ord. No. 03-08, § 8, 6-30-03)

Secs. 8-372—8-380. - Reserved.

DIVISION 9. - APPEALS

Sec. 8-381. - Filing.

Any person entitled to service in accordance with the provisions of this article may appeal any action of the building official under this code to the board of county commissioners. Such appeal must be filed in writing with the building official within thirty (30) days from the date of mailing the building violation notice and must contain at least the following information:

1.

Identification of the building or structure concerned by street address or legal description.

2.

A statement identifying the legal interest of each appellant.

3.

A statement identifying the specific order or section being appealed.

4.

A statement detailing the issues on which the appellant desires to be heard.

5.

The legal signature of all appellants and their official mailing address.

(Ord. No. 03-08, § 9, 6-30-03)

Sec. 8-382. - Hearing.

Upon receipt of an appeal, the building official and the county administrator acting on behalf of the Board shall, as soon as practicable, assign a hearing examiner, fix a date, time and location for the hearing of the appeal. The hearing date shall not be more than sixty (60) days from the date the appeal was filed with the building official. Written notice of the time and location of the hearing shall be delivered personally or mailed to each appellant at the address listed on the appeal, by certified mail, postage prepaid and receipt requested.

(Ord. No. 03-08, § 9, 6-30-03)

Sec. 8-383. - Failure to appear.

Failure of any person to appear at the hearing set in accordance with the provisions of this chapter shall constitute a waiver of his/her right to an administrative hearing on the notice.

(Ord. No. 03-08, § 9, 6-30-03)

Sec. 8-384. - Scope of hearing.

The hearing shall offer the appellant reasonable opportunity to be heard on only those specific matters or issues raised by the appellant in his/her appeal. The appellant may appear at the hearing in person or through his/her attorney or other designated representative.

(Ord. No. 03-08, § 9, 6-30-03)

Sec. 8-385. - Staying of notice under appeal.

Except for a vacation order issued in accordance with division 8, enforcement of any notice issued by the building official under the provisions of this code shall be held in abeyance during the course of an appeal.

(Ord. No. 03-08, § 9, 6-30-03)

Secs. 8-386—8-390. - Reserved.

DIVISION 10. - RULES OF PROCEDURE FOR HEARING APPEALS

Sec. 8-391. - Hearing examiner.

The board shall appoint a hearing examiner to conduct the appeals hearings. The hearing examiner shall exercise all powers relating to the conduct of hearings until a report is submitted by him/her to the board.

(Ord. No. 03-08, § 10, 6-30-03)

Sec. 8-392. - Reporting.

A permanent record shall be made of all hearings and proceedings. A transcript of the proceedings of all hearings shall, upon payment of the prescribed fees, be made available to any person on request.

(Ord. No. 03-08, § 10, 6-30-03)

Sec. 8-393. - Reasonable dispatch.

The hearing examiner shall proceed with reasonable dispatch to conclude any matter before the hearing examiner, with due regard to the convenience and necessity of the parties involved.

(Ord. No. 03-08, § 10, 6-30-03)

Sec. 8-394. - Form of notice.

(a)

The hearing notice shall include but not be limited to the following information:

You are hereby notified that on the ___ day of _____, 200___, at _____ o'clock, at _____, a hearing will be held before a hearing examiner of the Board of County Commissioners of Flagler County to consider the appeal from the order of the building official regarding property located at _____. You may choose to be represented by counsel. You may present relevant evidence and will be given an opportunity to cross-examine all witnesses. You may request the issuance of subpoenas to compel witnesses to appear and/or for the production of other supporting data or documentation, by filing a written report with the hearing examiner designated by the board of county commissioners.

(b)

The hearing notice shall be served personally or mailed as required in [section 8-353](#) at least fifteen (15) days prior to the hearing date.

(Ord. No. 03-08, § 10, 6-30-03)

Sec. 8-395. - Procedures for hearing.

(a)

The hearing examiner may grant continuance for good cause.

(b)

In any proceedings under this chapter the hearing examiner shall have the power to administer oaths and affirmations and to certify official acts.

(c)

Oral evidence shall be taken only on oath or affirmation.

(d)

Formal rules of evidence shall not apply, but fundamental due process shall be observed and govern the proceedings.

(e)

Relevant evidence shall be admitted if it is the type on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil courts.

(Ord. No. 03-08, § 10, 6-30-03)

Sec. 8-396. - Inspections.

The hearing examiner may inspect any building, structure or premise involved in the appeal during the course of the hearing, provided the following are complied with:

(1)

Notice of such inspection is given to the parties prior to making the inspection, and

(2)

The parties are allowed to be present during the inspection, and

(3)

The inspector states for the record, upon completion of the inspection, the facts observed and any conclusions and recommendations drawn therefrom.

(Ord. No. 03-08, § 10, 6-30-03)

Sec. 8-397. - Decision procedure; board hearing of hearing examiner's report.

(a)

The hearing examiner shall schedule a hearing with the board at a regularly scheduled county commission meeting or a special session, if necessary, through the office of the county administrator, and all the parties to the proceeding shall be notified by mail of same. The hearing examiner's report shall constitute the agenda material for that item on the agenda. The property owner(s) shall also submit any material deemed relevant to their case.

(b)

The hearing examiner's report shall summarize the evidence submitted and considered and which state precisely the examiner's findings, conclusions and recommendations. The report shall also contain a proposed decision that may be adopted by the board. All such reports shall become matters of public record and shall be available to all parties to the proceeding.

(c)

The board shall hold a quasi-judicial hearing at which time it will consider the hearing examiner's report and any material and testimony provided by the property owner(s) and county staff.

(d)

At the conclusion of the quasi-judicial hearing, the board may adopt or reject the hearing examiner's proposed decision in whole or in part and may modify the proposed decision.

(e)

If the proposed decision of the hearing examiner is not adopted as provided above, the Board may decide the appeal upon the entire record before it, or the cause may be referred back to the hearing examiner for additional evidence.

(f)

The final decision of the board shall be in writing and shall contain all findings of fact and detailed requirements to be complied with. A copy of the decision shall be delivered to the appellant either personally or by certified mail, postage prepaid, return receipt requested.

(g)

The effective date of the board's final decision shall be as stated therein.

(Ord. No. 03-08, § 10, 6-30-03)

Sec. 8-398. - Recourse.

If the appellant is aggrieved by the decision of the board of county commissioners, nothing in this code shall be construed to deprive him/her of seeking redress in the civil or other applicable court through a petition for writ of certiorari, as provided by law.

(Ord. No. 03-08, § 10, 6-30-03)

Secs. 8-399—8-410. - Reserved.

DIVISION 11. - IMPLEMENTATION

Sec. 8-411. - Compliance.

(a)

Failure to respond. Any person who, after the order of the building official or the decision of the board of county commissioners becomes final, fails or refused to respond to the direction of such order, shall be prosecuted to the extent provided for by law.

(b)

Failure to commence work.

(1)

Whenever the required repair, vacation or demolition is not commenced within thirty (30) days after the effective date of any order, the building, structure or premise shall be posted as follows:

UNSAFE BUILDING DO NOT OCCUPY

It shall be punishable by law to occupy this building or remove or deface this notice

FLAGLER COUNTY ORDINANCE NO. _____; Violation of this Ordinance may result in civil fines, imprisonment or both; Flagler County Building Official; telephone no. 386-_____

(2)

Subsequent to posting the building, the building official may cause the building to be repaired to the extent required to render it safe or if the notice required demolition, to cause the building or structure to be demolished

and all debris removed from the premises. The cost of repair or demolition shall constitute a lien on the property and shall be collected in a manner provided by law.

(3)

Any monies received from the sale of a building or from the demolition thereof, over and above the cost incurred, shall be paid to the owner of record or other persons lawfully entitled thereto.

(Ord. No. 03-08, § 11, 6-30-03)

Sec. 8-412. - Extension of time.

The building official may approve one or more extensions of time as he/she may determine to be reasonable to complete the required repair or demolition. Such requests for extensions shall be made in writing stating the reasons therefor. If the extensions of time, in total, exceed one hundred twenty (120) days, they must also be approved by the board of county commissioners, which may act without further public hearing.

(Ord. No. 03-08, § 11, 6-30-03)

Sec. 8-413. - Interference.

No person shall obstruct or interfere with the implementation of any action required by the final notice of the building official or the board. Any person found interfering or obstructing such actions shall be prosecuted to the extent provided for by law.

(Ord. No. 03-08, § 11, 6-30-03)

Sec. 8-414. - Performance of work.

The repair or demolition of an unsafe building, as required in the notice by the building official or the final decision by the board, shall be performed in an expeditious and workmanlike manner in accordance with the requirements of this code and all other applicable codes and accepted engineering practice standards.

(Ord. No. 03-08, § 11, 6-30-03)

Secs. 8-415—8-420. - Reserved.

DIVISION 12. - RECOVERY OF COST OF REPAIR OR DEMOLITION

Sec. 8-421. - Recovery.

Whenever a building or structure is repaired or demolished in accordance with the provisions of this code and the cost of such repair or demolition is borne by Flagler County, expenditure and recovery of all funds, including legal fees, required to effectuate the repair or demolition, shall be established and shall constitute a lien against the real and personal property of the property owner(s). Said lien shall be recorded as provided by law.

(Ord. No. 03-08, § 12, 6-30-03)

Rockledge, FL - Land Development Regulations

(https://library.municode.com/fl/rockledge/codes/land_development_regulations_)

58.17. - Amendments to building code.

The Florida Building Code adopted by reference as part of this Code is hereby amended, modified, changed and enlarged in the following respects:

Administration**Section 101—General.**

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 or 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.

101.4.2 Building.

101.4.2.3.2 Unsafe buildings shall be abated using the Standard Unsafe Building Abatement Code, 1997 edition, promulgated by the Southern Building Code Congress International, Inc., 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.

104.4.13.2 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.

101.4.13.2 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.

101.4.14 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 and twenty (120) per cent 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.

Certificate of 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 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 the 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.

Spa. Any constructed or prefabricated pool containing water jets.

Specialty contractor. A contractor whose services do not fall within the categories specified in Section 489.105(3), Florida Statutes, 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 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.

Section 102 Building Department.

102.1 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.

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 applicable 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.

102.2.3 Employee qualifications. The Building Official, with the approval of the applicable governing authority, may appoint or hire such number of officers, inspectors, plans examiners, assistant 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 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.

102.4 Records. The Building Official shall keep, or cause to be kept, a record of the business of all the department. The records of the department shall be open to public inspection.

102.5 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 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 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 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 building 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 building, 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.

Section 104 Permits.

104.1.6 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 permit, or plan approval, whichever is later unless before then a permit has been issued. One (1) 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.

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.

104.2.6 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 building, 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.

104.3.1.1 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

104.5 Conditions of the permit.

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 (1) 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.

104.5.1.5 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.

104.6.2 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 per cent 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.

104.6.5 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 (including fees for investigative and legal costs incurred in the context of certain disciplinary cases heard by the board)

Variance requests

Administrative appeals

Violations

Other fees as established by local ordinance

104.6.5 Building permit valuation. 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 Southern Building Code Congress International or other applicable model code organization, at the option of the building official.

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 code.

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 105. 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.

105.6 Building.

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 form board survey prepared and certified by a registered surveyor shall be required for all new construction prior to approval of the rough plumbing 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. This survey must be stamped APPROVED by the Rockledge Building Department before any further construction or inspection commences.

The form board survey MUST include the following information:

1.

Permit number

2.

Street address

3.

Property boundaries

4.

All easements and rights-of-way

5.

Setbacks. (From the slab side of form boards, or outside of block in stemwall construction to the property line at the nearest point on the front, both sides and rear.)

6.

Firm Zone. (Noted within footprint of structure)

7.

Inches above crown of road. (Noted within footprint of structure)

8.

Finish floor elevation of abutting structures (in residential construction only). Indicate "vacant" if abutting lot(s) are vacant.

9.

Dated and sealed.

10.

Center line, center lot reference point.

11.

All submitted surveys shall meet the minimum technical standards set forth by the rules of the Department of Professional Regulation, Board of Land Surveys, Chapter 61G17.

NOTES: For properties located within a Special Flood Hazard Area:

1.

Show base flood elevation

2.

Indicate N.G.V.D. elevation

4.0 Roofing inspection: To be made as two 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

Site debris

105.11.1 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.

Section 106 Certificates.

Section 106.1.1.1. A new Section 106.1.1.1 is added to Section 106 and reads as follows:

106.1.1.1 Before any certificate of occupancy shall be issued for any structure other than a single-family residence or duplex, the building official may require the applicant to submit the following items: A statement under the seal of an architect or professional engineer licensed by the State of Florida certifying that based on periodic inspection made by such architect or engineer, the building is built in accordance with the approved plans and specifications on file with the city and that the building is in compliance with all applicable city codes; and a statement under the seal of an architect or professional engineer licensed by the State of Florida certifying that based on a final inspection made by such architect or engineer, the site construction has been done according to the approved site plan on file with the city and all site construction has been in compliance with applicable city codes.

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 specification, 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.

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 Construction Boards Of Adjustment And Appeals.

108.1 Appointment. There may be established a Board to be called the Construction Board of Adjustment and Appeals, which should consist of nine members but not less than seven. The Board shall be appointed by the applicable governing body.

108.2 Membership and terms.

108.2.1 Membership. The Construction Board of Adjustment and Appeals should be composed of two (2) division 1 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.

108.2.2 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. Vacancies shall be filled for an unexpired 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.

108.2.3. 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.

108.2.4 Secretary of board. A person shall be appointed by the local jurisdiction, to 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.

108.3 Powers. The Construction Board of Adjustments and Appeals shall have the power, further defined in 108.4 to hear appeals of decisions and interpretations of the building official and consider variances of the technical codes.

108.4 Appeals.

108.4.1 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 (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 thereunder have been misconstrued or incorrectly interpreted.

108.4.2 Variances. The Construction Board of Adjustments and Appeals, when so appealed to 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. Notice of appeal shall be in writing and filed within 30 calendar days after the decision is tendered 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 government's action. Notice of Administrative Rights may be obtained from the local building department.

108.4.4 Unsafe or dangerous building 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.

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 30 calendar days after 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 weeks after filing. Every decision of the board shall be final, subject however to such remedy as an aggrieved party might have at law or in equity.

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.

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 thereunder, 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. 1014-91, § 2, 10-16-91; Ord. No. 1048-93, §§ 3, 4, 4-21-93; Ord. No. 1058-93, § 1, 8-4-93; Ord. No. 1069-94, § 1, 3-2-94; Ord. No. 1120-96, § 21, 8-14-96; Ord. No. 1144-97, § 5, 8-20-97; Ord. No. 1240-2000, §§ 6, 7, 10-18-00; Ord. No. 1268-2002, §§ 7—17, 4-3-02)

58.22. - Standard Unsafe Building Abatement Code—Adopted; amendments, modifications and changes.

(a)

The city does hereby adopt by reference, as fully and completely as though set out at length herein, that certain published code known as the 1985 Edition of the Standard Unsafe Building Abatement Code published by the Southern Building Code Congress International, Inc., except as said code is amended, modified or changed by paragraph (b) of this section.

(b)

The 1985 Edition of the Standard Unsafe Building Abatement Code, as adopted by reference in this section, is hereby amended, modified and changed in the following respects:

Section 105.1 is amended to read as follows:

105.1. The members appointed by the Rockledge City Council to the building code board of adjustment and appeals, which said board was established pursuant to the provisions of the Standard Building Code adopted by reference as part of the Rockledge Code, shall constitute the membership of the board of adjustment and appeals referred to in subsection (a) of this section, and the terms of office of the members of the board of adjustment

and appeals established pursuant to the provisions of the Standard Building Code shall be the same as the terms of office of the members of said building code board of adjustment and appeals until and unless the Rockledge City Council hereafter appoints members of the board of adjustment and appeals referred to in subsection (a) of this section different from the members of the building code board of adjustment and appeals.

A new Section 107 is added which reads as follows:

107. Any building, structure or portion thereof that is vacant, abandoned, damaged, or deteriorated must be secured to assure public safety, until properly abated by this Code. All exterior openings must be closed and locked or properly boarded. Any building, structure or portion thereof not properly secured shall constitute a public nuisance.

In cases of fire, wind or other damage, or emergency as determined by the building official, or if the owner fails to abide by a lawful order in the time allowed by this Code, the city shall take appropriate action necessary to secure the property.

Authorized representatives of the city shall have the right to go upon the land to close the building. The invoicing, hearings and liens for cost of abatement by the city shall be conducted pursuant to Sections 10-23, 10-25 and 10-26 of the Rockledge Code of Ordinances.

(Ord. No. 1120-96, § 22, 8-14-96)

Port Orange, FL - Land Development Code

https://library.municode.com/fl/port_orange/codes/land_development_code

Chapter 8 - BUILDING AND FIRE CODES

Footnotes:

--- (1) ---

Code of Ordinances references—Unsafe building abatement code, § 14-26 et seq.; uniform property numbering system, § 14-286 et seq.; local business tax, § 18-26 et seq.; fire code, § 30-26 et seq.

ARTICLE I: - REFERENCE CODES**Section 1: - Building codes.**

(a)

In general.

(1)

The adopted building codes regulate the construction, alteration, repair, equipment, use and occupancy, location, maintenance, removal, demolition, and renovation of every building, structure, or appurtenance and any related mechanical, plumbing, or electrical device or system within the city.

(2)

The building official is responsible for administration and enforcement of the adopted building codes and all local amendments thereto. All references within the adopted building codes or the local amendments to "administrative authority" shall be construed to refer to the building official. All references within the adopted building codes to "construction board of adjustment and appeals," "board of adjustment and appeals," "housing board of adjustments and appeals," and any other administrative boards responsible for initial review of the building official's decisions under such codes, shall be construed to refer to the construction regulation board or other regulatory body as authorized by ordinance of the Port Orange City Council.

(3)

In case of any conflict between a provision of any adopted building code and a provision of the Code of Ordinances, City of Port Orange, Florida, the Code of Ordinances shall prevail.

(b)

Adopted building codes.

(1)

The latest edition of the Florida Building Code and all appendices as published by the State of Florida Department of Community Affairs and adopted by F.S. § 553.73 including all revisions which may be made by administrative rules promulgated by the Florida Building Commission.

(c)

Local amendments to the adopted building codes. The following local amendments to the adopted building codes shall regulate the construction, alteration, repair, equipment, use and occupancy, location, maintenance, removal, demolition and renovation of every building, structure, or appurtenance and any related mechanical,

plumbing, electrical or other device or system within the city and shall supplement the Florida Building Code requirements. In the event of any conflict between a provision of any adopted local amendment and the adopted building code, the local amendment shall prevail. Where identified, the amendments shall be incorporated into the Florida Building Code under the designated numerals preceding the amendment.

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 Section 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

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.

Modify definitions in Section 1612.2. as follows:

SUBSTANTIAL DAMAGE. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. The term also includes flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

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 the effective date of this article. 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.

Modify definitions in Section 202 as follows:

SUBSTANTIAL DAMAGE. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. The term also includes flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

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 the effective date of this article. 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. 322.2.1, Florida Building Code, Residential

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 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 plus 1 foot, or at least 3 feet 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.

Sec. 322.3.2, Florida Building Code, Residential

Modify Sec. R322.3.2 as follows:

R322.3.2 Elevation requirements.

1.

All buildings and structures erected within coastal high-hazard areas shall be elevated so that the lowest portion of all structural members supporting the lowest floor, with the exception of mat or raft foundations, piling, pile caps, columns, grade beams and bracing, is:

1.1

Located at or above the base flood elevation plus 1 foot or the design flood elevation, whichever is higher, if the lowest horizontal structural member is oriented parallel to the direction of wave approach, where parallel shall mean less than or equal to 20 degrees (0.35 rad) from the direction of approach, or

1.2

Located at the base flood elevation plus 2 feet , or the design flood elevation, whichever is higher, if the lowest horizontal structural member is oriented perpendicular to the direction of wave approach, where perpendicular shall mean greater than 20 degrees (0.35 rad) from the direction of approach.

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.

Exception: Walls and partitions enclosing areas below the design flood elevation shall meet the requirements of Sections R322.3.4 and R322.3.5.

(d)

For the purpose of complying with the structural requirements related to wind loads, all buildings and structures shall be designed for a minimum wind load of 120 mph in accordance with Florida Building Code section 1609. With regard to compliance with criteria relating to protection from wind-borne debris, this city is deemed to be located seaward of the 120 mph wind contour line. Therefore, all buildings within the city, are required to comply with the requirements for buildings in the wind-borne debris regions.

(Ord. No. 1992-6, 3-17-92; Ord. No. 1993-2, 3-16-93; Ord. No. 1995-26, §§ 5, 6, 8-22-95; Ord. No. 1997-29, §§ 1, 2, 5-27-97; Ord. No. 1998-54, §§ 1—6, 9-22-98; Ord. No. 2001-98, §§ 1-3, 1-29-02; Ord. No. 2002-10, § 1, 2-19-02; Ord. No. 2006-12, §§ 8—11, 5-2-06; Ord. No. 2011-5, § 2, 3-22-11; Ord. No. 2014-2, §§ 4—7, 1-28-2014)

Section 2: - Fire codes.

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

(a)

In general. Adopted fire codes [are necessary] for the reasonable protection of life and property from the hazards of fire and explosion due to the storage, use or handling of hazardous materials, substances and devices, and from conditions hazardous to life or property in the use or occupancy of buildings and premises.

(b)

Adoption of Standard Fire Prevention Code. The Florida Fire Prevention Code, current and future editions as adopted or amended by the state fire marshal, is adopted subject to all amendments, modifications or deletions noted in chapter 30, Code of Ordinances.

(Ord. No. 1992-6, 3-17-92; Ord. No. 1992-29, 11-3-92; Ord. No. 2006-12, § 12, 5-2-06)

Section 3: - Reserved.

Editor's note— Ord. No. 2006-12, § 13, adopted May 2, 2006, deleted § 3, which pertained to required fire (water) flow and derived from Ord. No. 1992-6, adopted March 17, 1992.

ARTICLE II: - SITE PLANS, SINGLE- AND TWO-FAMILY RESIDENTIAL

Section 4: - Site plan required for real property improvements.

Any application for a permit to improve residential real property which will affect any exterior dimensions or relationship to property lines, including new, moved, or relocated structures or mobile homes, additions, swimming pools, fences, or accessory structures, shall be accompanied by a certified survey and a site development plan in accordance with the following:

(a)

Certified survey. The required certified survey shall be drawn to a scale of one inch equal to 20 feet for lots up to one acre and to a scale no smaller than one inch equal to 40 feet for lots of one acre or larger, shall bear the seal and signature of the surveyor-of-record, and shall show all lot lines with bearings and distances, all easements thereon, all abutting rights-of-way, and a property description.

(b)

Site development plan. The required site development plan shall be drawn to a scale of one inch equal to 20 feet for lots up to one acre and to a scale no smaller than one inch equal to 40 feet for lots of one acre or larger, and shall show the following:

(1)

All easements, required building setbacks, and dimensions between proposed buildings and all lot lines measured at the closest point perpendicular to said lot lines;

(2)

All existing and proposed driveways, sidewalks, and patios including material type, dimensions, and distances to lot lines;

(3)

The location of all existing and proposed accessory structures, including mechanical equipment, swimming pools, fences, sheds, etc.;

(4)

The proposed location and specifications of water, sewer, and electric utility services;

(5)

The proposed landscaping including required new materials, trees to remain, tree preservation details, and lawn treatment;

(6)

A site grading plan showing proposed finish elevations of floors, patios, driveways, street crown and lot corners, and proposed grading to provide positive drainage of the lot to an approved public conveyance or designated detention or retention area.

Section 5: - Exceptions to site plan requirements.

The following exceptions shall apply to the requirements for single-family residential site plans:

(a)

The requirement for a certified survey may be waived by the building official in accordance with subsection 2(a), [chapter 7](#) of this code.

(b)

The requirement for a landscape plan may be waived on applications for permits for accessory structures that do not affect existing trees or landscape improvements.

(c)

The requirement for a site grading plan may be waived on applications for permits for accessory structures that do not affect existing grading or drainage.

(Ord. No. 1995-43, § 39, 12-19-95)

Section 6: - Required improvements.

The following improvements shall be shown on the required site plan for all proposed new primary structures and shall be completely installed and approved prior to the issuance of a certificate of occupancy for such structure:

(a)

Driveway. A paved Portland concrete or bituminous concrete driveway of sufficient size to provide the required minimum number of off-street parking spaces for the site, and to provide access to carports and garages shall be installed in accordance with adopted standards.

(1)

Exception. The portion of the required driveway from one foot inside the property line and including any other portion on the property may be paved with an alternate material approved by the city in those cases where it is determined appropriate, based upon the prevalent material used on the driveways in the surrounding area, the expected required maintenance of the proposed material, and the probability of erosion of the proposed material due to the soil type and topography of the property.

(b)

Sidewalk. Unless otherwise specified in the approved subdivision plan, a paved Portland concrete sidewalk four feet wide shall be installed one foot inside from the property line and parallel to the right-of-way in accordance with adopted standards along all lot frontages abutting any such right-of-way. Such sidewalk shall be continuous from the property line of the abutting property or shall meet the end of any existing sidewalk in such manner to allow the sidewalk to be continuous along the entire street without interruption.

(c)

Water service. City water service shall be provided to all new dwellings in accordance with adopted standards and codes unless an approved exception allows an alternative water supply. Such water service shall be a minimum of three-quarter-inch diameter pipe and shall be installed a minimum of one foot below grade. The meter box shall be installed underground in an approved location with the top flush with the final grade.

(d)

Sewer service. City sewer service shall be provided to all new dwellings in accordance with adopted standards and codes unless an approved exception allows an on-site sewage disposal system. Such sewer shall be a minimum of four-inch diameter pipe and shall contain accessible clean-outs at the property line and as further required in the adopted plumbing code.

(e)

Electric, telephone, and video cable service. Any utility service provided to a new dwelling shall be installed underground from the provider's point of origin in the right-of-way to the customer's house connection unless the subject property is part of an existing subdivision that was approved for overhead service and the properties in the surrounding neighborhood area are predominantly overhead.

(f)

Landscaping. Each new single-family dwelling shall be provided with the minimum landscaping specified in [chapter 13](#) of this code.

(Ord. No. 1992-29, 11-3-92; Ord. No. 1995-43, § 40, 12-19-95)

Section 7: - Reserved.

Editor's note— Former [§ 7](#), which pertained to repairing disturbed yard areas, was repealed by § 41 of Ord. No. 1995-43, adopted December 19, 1995.

ARTICLE III: - FLOODPLAIN MANAGEMENT

Footnotes:

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Editor's note— Ord. No. 2014-2, § 2, adopted Jan. 28, 2014, repealed the former art. III, §§ 8—23, and enacted a new art. III, inclusive of § 8, as set out herein. The former art. III, entitled Flood Damage Prevention, pertained to similar subject matter and derived from the 1990 Land Development Code; Ord. No. 1993-2, adopted March 16, 1993; Ord. No. 1196-32, §§ 3—11, adopted Dec. 17, 1996; Ord. No. 1999-6, § 15, adopted Feb. 23, 1999; and Ord. No. 2010-2, § 2, adopted March 16, 2010. Section 3 of Ord. No. 2014-2 did not specify its manner of inclusion and has been codified as § 9 of this article.

Section 8: - Administration.

(a)

General provisions.

(1)

Title. These regulations shall be known as the Floodplain Management Ordinance of the City of Port Orange, hereinafter referred to as "this article."

(2)

Scope. The provisions of this article shall apply to all development that is wholly within or partially within any flood hazard area, including but not limited to the subdivision of land; filling, grading, and other site improvements and utility installations; construction, alteration, remodeling, enlargement, improvement, replacement, repair, relocation or demolition of buildings, structures, and facilities that are exempt from the Florida Building Code; placement, installation, or replacement of manufactured homes and manufactured buildings; installation or replacement of tanks; placement of recreational vehicles; installation of swimming pools; and any other development.

(3)

Intent. The purposes of this article and the flood load and flood resistant construction requirements of the Florida Building Code are to establish minimum requirements to safeguard the public health, safety, and general welfare and to minimize public and private losses due to flooding through regulation of development in flood hazard areas to:

a.

Minimize unnecessary disruption of commerce, access and public service during times of flooding;

b.

Require the use of appropriate construction practices in order to prevent or minimize future flood damage;

c.

Manage filling, grading, dredging, mining, paving, excavation, drilling operations, storage of equipment or materials, and other development which may increase flood damage or erosion potential;

d.

Manage the alteration of flood hazard areas, watercourses, and shorelines to minimize the impact of development on the natural and beneficial functions of the floodplain;

e.

Minimize damage to public and private facilities and utilities;

f.

Help maintain a stable tax base by providing for the sound use and development of flood hazard areas;

g.

Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events; and

h.

Meet the requirements of the National Flood Insurance Program for community participation as set forth in the Title 44 Code of Federal Regulations, section 59.22.

(4)

Coordination with the Florida Building Code. This article is intended to be administered and enforced in conjunction with the Florida Building Code. Where cited, ASCE 24 refers to the edition of the standard that is referenced by the Florida Building Code.

(5)

Warning. The degree of flood protection required by this article and the Florida Building Code, as amended by this community, is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by manmade or natural causes. This article does not imply that land outside of mapped special flood hazard areas, or that uses permitted within such flood hazard areas, will be free from flooding or flood damage. The flood hazard areas and base flood elevations contained in the flood insurance study and shown on flood insurance rate maps and the requirements of Title 44 Code of Federal Regulations, sections 59 and 60 may be revised by the Federal Emergency Management Agency, requiring this community to revise these regulations to remain eligible for participation in the National Flood Insurance Program. No guaranty of vested use, existing use, or future use is implied or expressed by compliance with this article.

(6)

Disclaimer of liability. This article shall not create liability on the part of the city council of the City of Port Orange or by any officer or employee thereof for any flood damage that results from reliance on this article or any administrative decision lawfully made thereunder.

(b)

Applicability.

(1)

General. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

(2)

Areas to which this article applies. This article shall apply to all flood hazard areas within the City of Port Orange, as established in [section 8\(b\)\(3\)](#) of this article.

(3)

Basis for establishing flood hazard areas. The flood insurance study for Volusia County, Florida and Incorporated Areas dated February 19, 2014, and all subsequent amendments and revisions, and the accompanying flood insurance rate maps (FIRM), and all subsequent amendments and revisions to such maps, are adopted by reference as a part of this article and shall serve as the minimum basis for establishing flood hazard areas. Studies and maps that establish flood hazard areas are on file at the Community Development Department located at 1000 City Center Circle, Port Orange, Florida 32129.

(4)

Submission of additional data to establish flood hazard areas. To establish flood hazard areas and base flood elevations, pursuant to [section 8\(e\)](#) of this article the floodplain administrator may require submission of additional data. Where field surveyed topography prepared by a Florida licensed professional surveyor or digital topography accepted by the community indicates that ground elevations:

a.

Are below the closest applicable base flood elevation, even in areas not delineated as a special flood hazard area on a FIRM, the area shall be considered as flood hazard area and subject to the requirements of this article and, as applicable, the requirements of the Florida Building Code.

b.

Are above the closest applicable base flood elevation, the area shall be regulated as special flood hazard area unless the applicant obtains a letter of map change that removes the area from the special flood hazard area.

(5)

Other laws. The provisions of this article shall not be deemed to nullify any provisions of local, state or federal law.

(6)

Abrogation and greater restrictions. This article supersedes any ordinance in effect for management of development in flood hazard areas. However, it is not intended to repeal or abrogate any existing ordinances, including but not limited to land development regulations, zoning ordinances, stormwater management regulations, or the Florida Building Code. In the event of a conflict between this article and any other ordinance, the more restrictive shall govern. This article shall not impair any deed restriction, covenant or easement, but any land that is subject to such interests shall also be governed by this article.

(7)

Interpretation. In the interpretation and application of this article, all provisions shall be:

a.

Considered as minimum requirements;

b.

Liberally construed in favor of the governing body; and

c.

Deemed neither to limit nor repeal any other powers granted under state statutes.

(c)

Duties and powers of the floodplain administrator.

(1)

Designation. The administrative official is designated as the floodplain administrator. The floodplain administrator may delegate performance of certain duties to other employees.

(2)

General. The floodplain administrator is authorized and directed to administer and enforce the provisions of this article. The floodplain administrator shall have the authority to render interpretations of this article consistent with the intent and purpose of this article and may establish policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall not have the effect of waiving requirements specifically provided in this article without the granting of a variance pursuant to [section 8\(g\)](#) of this article.

(3)

Applications and permits. The floodplain administrator, in coordination with other pertinent offices of the community, shall:

a.

Review applications and plans to determine whether proposed new development will be located in flood hazard areas;

b.

Review applications for modification of any existing development in flood hazard areas for compliance with the requirements of this article;

c.

Interpret flood hazard area boundaries where such interpretation is necessary to determine the exact location of boundaries; a person contesting the determination shall have the opportunity to appeal the interpretation;

d.

Provide available flood elevation and flood hazard information;

e.

Determine whether additional flood hazard data shall be obtained from other sources or shall be developed by an applicant;

f.

Review applications to determine whether proposed development will be reasonably safe from flooding;

g.

Issue floodplain development permits or approvals for development other than buildings and structures that are subject to the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code, when compliance with this article is demonstrated, or disapprove the same in the event of noncompliance; and

h.

Coordinate with and provide comments to the building official to assure that applications, plan reviews, and inspections for buildings and structures in flood hazard areas comply with the applicable provisions of this article.

(4)

Substantial improvement and substantial damage determinations. For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the floodplain administrator, in coordination with the building official, shall:

a.

Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;

b.

Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;

c.

Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; the determination requires evaluation of previous permits issued for improvements and repairs as specified in the definition of "substantial improvement" and previous permits issued to repair flood-related damage as specified in the definition of "substantial damage"; and

d.

Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the Florida Building Code and this article is required.

(5)

Modifications of the strict application of the requirements of the Florida Building Code. The floodplain administrator shall review requests submitted to the building official that seek approval to modify the strict application of the flood load and flood resistant construction requirements of the Florida Building Code to determine whether such requests require the granting of a variance pursuant to [section 8\(g\)](#) of this article.

(6)

Notices and orders. The floodplain administrator shall coordinate with appropriate local agencies for the issuance of all necessary notices or orders to ensure compliance with this article.

(7)

Inspections. The floodplain administrator shall make the required inspections as specified in [section 8\(f\)](#) of this article for development that is not subject to the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code. The floodplain administrator shall inspect flood hazard areas to determine if development is undertaken without issuance of a permit.

(8)

Other duties of the floodplain administrator. The floodplain administrator shall have other duties, including but not limited to:

a.

Establish, in coordination with the building official, procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to [section 8\(c\)\(4\)](#) of this article;

b.

Require that applicants proposing alteration of a watercourse notify adjacent communities and the Florida Division of Emergency Management, State Floodplain Management Office, and submit copies of such notifications to the Federal Emergency Management Agency (FEMA);

c.

Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the flood insurance rate maps if the analyses propose to change base flood elevations, flood hazard area boundaries, or floodway designations; such submissions shall be made within six months of such data becoming available;

d.

Review required design certifications and documentation of elevations specified by this article and the Florida Building Code and this article to determine that such certifications and documentations are complete;

e.

Notify the Federal Emergency Management Agency when the corporate boundaries of the City of Port Orange are modified; and

f.

Advise applicants for new buildings and structures, including substantial improvements, that are located in any unit of the Coastal Barrier Resources System established by the Coastal Barrier Resources Act (Pub. L. 97-348) and the Coastal Barrier Improvement Act of 1990 (Pub. L. 101-591) that federal flood insurance is not available on such construction; areas subject to this limitation are identified on Flood Insurance Rate Maps as "Coastal Barrier Resource System Areas" and "Otherwise Protected Areas."

(9)

Floodplain management records. Regardless of any limitation on the period required for retention of public records, the floodplain administrator shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of this article and the flood resistant construction requirements of the Florida Building Code, including flood insurance rate maps; letters of change; records of issuance of permits and denial of permits; determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required design certifications and documentation of elevations specified by the Florida Building Code and this article; notifications to adjacent communities, FEMA, and the state related to alterations of watercourses; assurances that the flood carrying capacity of altered watercourses will be maintained; documentation related to appeals and variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to this article and the flood resistant construction requirements of the Florida Building Code. These records shall be available for public inspection at the community development department located at 1000 City Center Circle, Port Orange, Florida 32129.

(d)

Permits.

(1)

Permits required. Any owner or owner's authorized agent (hereinafter "applicant") who intends to undertake any development activity within the scope of this article, including buildings, structures and facilities exempt from the Florida Building Code, which is wholly within or partially within any flood hazard area shall first make application to the floodplain administrator, and the building official if applicable, and shall obtain the required permit(s) and approval(s). No such permit or approval shall be issued until compliance with the requirements of this article and all other applicable codes and regulations has been satisfied.

(2)

Floodplain development permits or approvals. Floodplain development permits or approvals shall be issued pursuant to this article for any development activities not subject to the requirements of the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code. Depending on the nature and extent of proposed development that includes a building or structure, the floodplain administrator may determine that a floodplain development permit or approval is required in addition to a building permit.

(3)

Buildings, structures and facilities exempt from the Florida Building Code. Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 C.F.R. sections 59 and 60), floodplain development permits or approvals shall be required for the following buildings, structures and facilities that are exempt from the Florida Building Code and any further exemptions provided by law, which are subject to the requirements of this article:

a.

Railroads and ancillary facilities associated with the railroad.

b.

Nonresidential farm buildings on farms, as provided in F.S. § 604.50.

c.

Temporary buildings or sheds used exclusively for construction purposes.

d.

Mobile or modular structures used as temporary offices.

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.

Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this subsection, 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.

g.

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.

h.

Temporary housing provided by the Department of Corrections to any prisoner in the state correctional system.

i.

Structures identified in F.S. § 553.73(10)(k) are not exempt from the Florida Building Code if such structures are located in flood hazard areas established on flood insurance rate maps.

(4)

Application for a permit or approval. To obtain a floodplain development permit or approval, the applicant shall first file an application in writing on a form furnished by the community. The information provided shall:

a.

Identify and describe the development to be covered by the permit or approval.

b.

Describe the land on which the proposed development is to be conducted by legal description, street address or similar description that readily identifies and definitively locates the site.

c.

Indicate the use and occupancy for which the proposed development is intended.

d.

Be accompanied by a site plan or construction documents as specified in [section 8\(e\)](#) of this article.

e.

State the valuation of the proposed work.

f.

Be signed by the applicant or the applicant's authorized agent.

g.

Give such other data and information as required by the floodplain administrator.

(5)

Validity of permit or approval. The issuance of a floodplain development permit or approval pursuant to this article shall not be construed to be a permit for, or approval of, any violation of this article, the Florida Building Code, or any other ordinance of this community. The issuance of permits based on submitted applications, construction documents, and information shall not prevent the floodplain administrator from requiring the correction of errors and omissions.

(6)

Expiration. A floodplain development permit or approval shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized is suspended or

abandoned for a period of 180 days after the work commences. Extensions for periods of not more than 180 days each shall be requested in writing and justifiable cause shall be demonstrated.

(7)

Suspension or revocation. The floodplain administrator is authorized to suspend or revoke a floodplain development permit or approval if the permit was issued in error, on the basis of incorrect, inaccurate or incomplete information, or in violation of this article or any other ordinance, regulation or requirement of this community.

(8)

Other permits required. Floodplain development permits and building permits shall include a condition that all other applicable state or federal permits be obtained before commencement of the permitted development, including but not limited to the following:

a.

The St. Johns River Water Management District; F.S. § 373.036.

b.

Florida Department of Health for onsite sewage treatment and disposal systems; F.S. § 381.0065 and Chapter 64E-6, F.A.C.

c.

Florida Department of Environmental Protection for construction, reconstruction, changes, or physical activities for shore protection or other activities seaward of the coastal construction control line; F.S. § 161.141.

d.

Florida Department of Environmental Protection for activities subject to the Joint Coastal Permit; F.S. § 161.055.

e.

Florida Department of Environmental Protection for activities that affect wetlands and alter surface water flows, in conjunction with the U.S. Army Corps of Engineers; Section 404 of the Clean Water Act.

f.

Federal permits and approvals.

(e)

Site plans and construction documents.

(1)

Information for development in flood hazard areas. The site plan or construction documents for any development subject to the requirements of this article shall be drawn to scale and shall include, as applicable to the proposed development:

a.

Delineation of flood hazard areas, floodway boundaries and flood zone(s), base flood elevation(s), and ground elevations if necessary for review of the proposed development.

b.

Where base flood elevations, or floodway data are not included on the FIRM or in the flood insurance study, they shall be established in accordance with [section 8\(e\)\(2\)\(b\)](#) or (c) of this article.

c.

Where the parcel on which the proposed development will take place will have more than 50 lots or is larger than five acres and the base flood elevations are not included on the FIRM or in the flood insurance study, such elevations shall be established in accordance with [section 8\(e\)\(2\)\(a\)](#) of this article.

d.

Location of the proposed activity and proposed structures, and locations of existing buildings and structures; in coastal high hazard areas, new buildings shall be located landward of the reach of mean high tide.

e.

Location, extent, amount, and proposed final grades of any filling, grading, or excavation.

f.

Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose.

g.

Delineation of the coastal construction control line or notation that the site is seaward of the coastal construction control line, if applicable.

h.

Extent of any proposed alteration of sand dunes or mangrove stands, provided such alteration is approved by the Florida Department of Environmental Protection.

i.

Existing and proposed alignment of any proposed alteration of a watercourse.

The floodplain administrator is authorized to waive the submission of site plans, construction documents, and other data that are required by this article but that are not required to be prepared by a registered design professional if it is found that the nature of the proposed development is such that the review of such submissions is not necessary to ascertain compliance with this article.

(2)

Information in flood hazard areas without base flood elevations (approximate zone A). Where flood hazard areas are delineated on the FIRM and base flood elevation data have not been provided, the floodplain administrator shall:

a.

Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices.

b.

Obtain, review, and provide to applicants base flood elevation and floodway data available from a federal or state agency or other source or require the applicant to obtain and use base flood elevation and floodway data available from a federal or state agency or other source.

c.

Where base flood elevation and floodway data are not available from another source, where the available data are deemed by the floodplain administrator to not reasonably reflect flooding conditions, or where the available data are known to be scientifically or technically incorrect or otherwise inadequate:

1.

Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices; or

2.

Specify that the base flood elevation is three feet above the highest adjacent grade at the location of the development, provided there is no evidence indicating flood depths have been or may be greater than three feet.

d.

Where the base flood elevation data are to be used to support a letter of map change from FEMA, advise the applicant that the analyses shall be prepared by a Florida licensed engineer in a format required by FEMA, and that it shall be the responsibility of the applicant to satisfy the submittal requirements and pay the processing fees.

(3)

Additional analyses and certifications. As applicable to the location and nature of the proposed development activity, and in addition to the requirements of this section, the applicant shall have the following analyses signed and sealed by a Florida licensed engineer for submission with the site plan and construction documents:

a.

For development activities proposed to be located in a regulatory floodway, a floodway encroachment analysis that demonstrates that the encroachment of the proposed development will not cause any increase in base flood elevations; where the applicant proposes to undertake development activities that do increase base flood elevations, the applicant shall submit such analysis to FEMA as specified in [section 8\(e\)\(4\)](#) of this article and shall submit the conditional letter of map revision, if issued by FEMA, with the site plan and construction documents.

b.

For development activities proposed to be located in a riverine flood hazard area for which base flood elevations are included in the flood insurance study or on the FIRM and floodways have not been designated, hydrologic and hydraulic analyses that demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachments, will not increase the base flood elevation more than one foot at any point within the community. This requirement does not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in flood hazard areas identified as zone AO or zone AH.

c.

For alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained in a manner which preserves the channel's flood-carrying capacity; the applicant shall submit the analysis to FEMA as specified in [section 8\(e\)\(4\)](#) of this article.

d.

For activities that propose to alter sand dunes or mangrove stands in coastal high hazard areas (zone V), an engineering analysis that demonstrates that the proposed alteration will not increase the potential for flood damage.

e.

Hydrologic and hydraulic engineering analyses demonstrating that compensatory storage as specified in [section 9\(c\)\(6\)](#) of this article is hydraulically equivalent.

(4)

Submission of additional data. When additional hydrologic, hydraulic or other engineering data, studies, and additional analyses are submitted to support an application, the applicant has the right to seek a letter of map change from FEMA to change the base flood elevations, change floodway boundaries, or change boundaries of flood hazard areas shown on FIRMs, and to submit such data to FEMA for such purposes. The analyses shall be prepared by a Florida licensed engineer in a format required by FEMA. Submittal requirements and processing fees shall be the responsibility of the applicant.

(f)

Inspections.

(1)

General. Development for which a floodplain development permit or approval is required shall be subject to inspection.

(2)

Development other than buildings and structures. The floodplain administrator shall inspect all development to determine compliance with the requirements of this article and the conditions of issued floodplain development permits or approvals.

(3)

Buildings, structures and facilities exempt from the Florida Building Code. The floodplain administrator shall inspect buildings, structures and facilities exempt from the Florida Building Code to determine compliance with the requirements of this article and the conditions of issued floodplain development permits or approvals.

(4)

Buildings, structures and facilities exempt from the Florida Building Code, lowest floor inspection. Upon placement of the lowest floor, including basement, and prior to further vertical construction, the owner of a building, structure or facility exempt from the Florida Building Code, or the owner's authorized agent, shall submit to the floodplain administrator:

a.

If a design flood elevation was used to determine the required elevation of the lowest floor, the certification of elevation of the lowest floor prepared and sealed by a Florida licensed professional surveyor; or

b.

If the elevation used to determine the required elevation of the lowest floor was determined in accordance with [section 8\(e\)\(2\)c.2.](#) of this article, the documentation of height of the lowest floor above highest adjacent grade, prepared by the owner or the owner's authorized agent.

(5)

Buildings, structures and facilities exempt from the Florida Building Code, final inspection. As part of the final inspection, the owner or owner's authorized agent shall submit to the floodplain administrator a final certification of elevation of the lowest floor or final documentation of the height of the lowest floor above the highest adjacent grade; such certifications and documentations shall be prepared as specified in [section 8\(f\)\(4\)](#) of this article.

(6)

Manufactured homes. The building official shall inspect manufactured homes that are installed or replaced in flood hazard areas to determine compliance with the requirements of this article and the conditions of the issued permit. Upon placement of a manufactured home, certification of the elevation of the lowest floor shall be submitted to the building official.

(g)

Variances and appeals.

(1)

General. The construction regulation board shall hear and decide on requests for appeals and requests for variances from the strict application of this article. Pursuant to F.S. § 553.73(5), the construction regulation board shall hear and decide on requests for appeals and requests for variances from the strict application of the flood resistant construction requirements of the Florida Building Code. This section does not apply to Section 3109 of the Florida Building Code, Building.

(2)

Appeals. The construction regulation board shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the floodplain administrator in the administration and enforcement of this article. Any person aggrieved by the decision of the construction regulation board may appeal such decision to the city council, and subsequently, if appropriate, to the Circuit Court, as provided by Florida Statutes.

(3)

Limitations on authority to grant variances. The construction regulation board shall base its decisions on variances on technical justifications submitted by applicants, the considerations for issuance in [section 8\(g\)\(7\)](#) of this article, the conditions of issuance set forth in [Section 8\(g\)\(8\)](#) of this article, and the comments and recommendations of the floodplain administrator and the building official. The construction regulation board has the right to attach such conditions as it deems necessary to further the purposes and objectives of this article.

(4)

Restrictions in floodways. A variance shall not be issued for any proposed development in a floodway if any increase in base flood elevations would result, as evidenced by the applicable analyses and certifications required in [section 8\(e\)\(3\)](#) of this article.

(5)

Historic buildings. A variance is authorized to be issued for the repair, improvement, or rehabilitation of a historic building that is determined eligible for the exception to the flood resistant construction requirements of the Florida Building Code, Existing Building, [Chapter 11](#) Historic Buildings, upon a determination that the proposed repair, improvement, or rehabilitation will not preclude the building's continued designation as a historic building and the variance is the minimum necessary to preserve the historic character and design of the building. If the proposed work precludes the building's continued designation as a historic building, a variance shall not be granted and the building and any repair, improvement, and rehabilitation shall be subject to the requirements of the Florida Building Code.

(6)

Functionally dependent uses. A variance is authorized to be issued for the construction or substantial improvement necessary for the conduct of a functionally dependent use, as defined in this article, provided the variance meets the requirements of [section 8\(g\)\(3\)](#), is the minimum necessary considering the flood hazard, and all due consideration has been given to use of methods and materials that minimize flood damage during occurrence of the base flood.

(7)

Considerations for issuance of variances. In reviewing requests for variances, the construction regulation board shall consider all technical evaluations, all relevant factors, all other applicable provisions of the Florida Building Code, this article, and the following:

a.

The danger that materials and debris may be swept onto other lands resulting in further injury or damage;

b.

The danger to life and property due to flooding or erosion damage;

c.

The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners;

d.

The importance of the services provided by the proposed development to the community;

e.

The availability of alternate locations for the proposed development that are subject to lower risk of flooding or erosion;

f.

The compatibility of the proposed development with existing and anticipated development;

g.

The relationship of the proposed development to the comprehensive plan and floodplain management program for the area;

h.

The safety of access to the property in times of flooding for ordinary and emergency vehicles;

i.

The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and

j.

The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges.

(8)

Conditions for issuance of variances. Variances shall be issued only upon:

a.

Submission by the applicant, of a showing of good and sufficient cause that the unique characteristics of the size, configuration, or topography of the site limit compliance with any provision of this article or the required elevation standards;

b.

Determination by the construction regulation board that:

1.

Failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable; increased costs to satisfy the requirements or inconvenience do not constitute hardship;

2.

The granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws and ordinances; and

3.

The variance is the minimum necessary, considering the flood hazard, to afford relief;

c.

Receipt of a signed statement by the applicant that the variance, if granted, shall be recorded in the office of the clerk of the court in such a manner that it appears in the chain of title of the affected parcel of land; and

d.

If the request is for a variance to allow construction of the lowest floor of a new building, or substantial improvement of a building, below the required elevation, a copy in the record of a written notice from the

floodplain administrator to the applicant for the variance, specifying the difference between the base flood elevation and the proposed elevation of the lowest floor, stating that the cost of federal flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation (up to amounts as high as \$25.00 for \$100.00 of insurance coverage), and stating that construction below the base flood elevation increases risks to life and property.

(h)

Violations.

(1)

Violations. Any development that is not within the scope of the Florida Building Code but that is regulated by this article that is performed without an issued permit, that is in conflict with an issued permit, or that does not fully comply with this article, shall be deemed a violation of this article. A building or structure without the documentation of elevation of the lowest floor, other required design certifications, or other evidence of compliance required by this article or the Florida Building Code is presumed to be a violation until such time as that documentation is provided.

(2)

Authority. For development that is not within the scope of the Florida Building Code but that is regulated by this article and that is determined to be a violation, the floodplain administrator is authorized to serve notices of violation or stop work orders to owners of the property involved, to the owner's agent, or to the person or persons performing the work.

(3)

Unlawful continuance. Any person who shall continue any work after having been served with a notice of violation or a stop work order, except such work as that person is directed to perform to remove or remedy a violation or unsafe condition, shall be subject to the enforcement provisions described in [chapter 3](#), article I, [section 7](#) of this code in addition to any other applicable penalties as prescribed by law.

(Ord. No. 2014-2, § 2, 1-28-2014)

Section 9: - Flood resistant development.

(a)

Buildings and structures.

(1)

Design and construction of buildings, structures and facilities exempt from the Florida Building Code. Pursuant to [section 8\(d\)\(3\)](#) of this article, buildings, structures, and facilities that are exempt from the Florida Building Code, including substantial improvement or repair of substantial damage of such buildings, structures and facilities, shall be designed and constructed in accordance with the flood load and flood resistant construction requirements of ASCE 24. Structures exempt from the Florida Building Code that are not walled and roofed buildings shall comply with the requirements of [section 9\(g\)](#) of this article.

(2)

Buildings and structures seaward of the coastal construction control line. If extending, in whole or in part, seaward of the coastal construction control line and also located, in whole or in part, in a flood hazard area:

a.

Buildings and structures shall be designed and constructed to comply with the more restrictive applicable requirements of the Florida Building Code, Building, Section 3109 and Section 1612 or Florida Building Code, Residential, Section R322.

b.

Minor structures and non-habitable major structures as defined in F.S. § 161.54 shall be designed and constructed to comply with the intent and applicable provisions of this article and ASCE 24.

(3)

Accessory structures. Accessory structures are permitted below the base flood elevation provided the accessory structures are used only for parking or storage and:

a.

If located in special flood hazard areas (zone A/AE) other than coastal high hazard areas, are one-story and not larger than 600 sq. ft., and have flood openings in accordance with Section R322.2 of the Florida Building Code, Residential.

b.

If located in coastal high hazard areas (zone V/VE), are not located below elevated buildings and are not larger than 100 square feet.

c.

Are anchored to resist flotation, collapse or lateral movement resulting from flood loads.

d.

Have flood damage-resistant materials used below the base flood elevation plus one foot.

e.

Have mechanical, plumbing and electrical systems, including plumbing fixtures, elevated to or above the base flood elevation plus one foot.

(b)

Subdivisions.

(1)

Minimum requirements. Subdivision proposals, including proposals for manufactured home parks and subdivisions, shall be reviewed to determine that:

a.

Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;

b.

All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and

c.

Adequate drainage is provided to reduce exposure to flood hazards; in zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

(2)

Subdivision plats. Where any portion of proposed subdivisions, including manufactured home parks and subdivisions, lies within a flood hazard area, the following shall be required:

a.

Delineation of flood hazard areas, floodway boundaries and flood zones, and design flood elevations, as appropriate, shall be shown on preliminary plats and final plats;

b.

Where the subdivision has more than 50 lots or is larger than five acres and base flood elevations are not included on the FIRM, the base flood elevations determined in accordance with [section 8\(e\)\(2\)a.](#) of this article; and

c.

Compliance with the site improvement and utilities requirements of [section 9\(c\)](#) of this article.

(c)

Site improvements, utilities and limitations.

(1)

Minimum requirements. All proposed new development shall be reviewed to determine that:

a.

Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;

b.

All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and

c.

Adequate drainage is provided to reduce exposure to flood hazards; in zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

(2)

Sanitary sewage facilities. All new and replacement sanitary sewage facilities, private sewage treatment plants (including all pumping stations and collector systems), and on-site waste disposal systems shall be designed in accordance with the standards for onsite sewage treatment and disposal systems in Chapter 64E-6, F.A.C. and ASCE 24 [Chapter 7](#) to minimize or eliminate infiltration of floodwaters into the facilities and discharge from the facilities into flood waters, and impairment of the facilities and systems.

(3)

Water supply facilities. All new and replacement water supply facilities shall be designed in accordance with the water well construction standards in Chapter 62-532.500, F.A.C. and ASCE 24 [Chapter 7](#) to minimize or eliminate infiltration of floodwaters into the systems.

(4)

Limitations on sites in regulatory floodways. No development, including but not limited to site improvements, and land disturbing activity involving fill or regrading, shall be authorized in the regulatory floodway unless the floodway encroachment analysis required in [section 8\(e\)\(3\)a.](#) of this article demonstrates that the proposed development or land disturbing activity will not result in any increase in the base flood elevation.

(5)

Limitations on placement of fill. Subject to the limitations of this article, fill shall be designed to be stable under conditions of flooding including rapid rise and rapid drawdown of floodwaters, prolonged inundation, and protection against flood-related erosion and scour. In addition to these requirements, if intended to support buildings and structures (zone A only), fill shall comply with the requirements of the Florida Building Code.

(6)

Compensatory storage. Hydraulically equivalent compensatory storage shall be required except for development within redevelopment districts or residential in-fill development on an existing subdivision. If any fill is placed in the special flood hazard area, reducing the volume of floodplain storage available, a minimum of an equal volume of soil shall be excavated and the area designed to drain freely to the watercourse. A restriction against modification of the compensatory storage area shall be recorded on the deed of the property where it is located and the restriction shall be binding on future owners.

(7)

Limitations on sites in coastal high hazard areas (zone V). In coastal high hazard areas, alteration of sand dunes and mangrove stands shall be permitted only if such alteration is approved by the Florida Department of Environmental Protection and only if the engineering analysis required by [section 8\(e\)\(3\)d.](#) of this article demonstrates that the proposed alteration will not increase the potential for flood damage. Construction or restoration of dunes under or around elevated buildings and structures shall comply with [section 9\(g\)\(8\)](#) of this article.

(d)

Manufactured homes.

(1)

General. All manufactured homes installed in flood hazard areas shall be installed by an installer that is licensed pursuant to F.S. § 320.8249, and shall comply with the requirements of Chapter 15C-1, F.A.C. and the requirements of this article. If located seaward of the coastal construction control line, all manufactured homes shall comply with the more restrictive of the applicable requirements.

(2)

Limitations. New installations of manufactured homes shall not be permitted in floodways or coastal high hazard areas (zone V).

(3)

Foundations. All new manufactured homes and replacement manufactured homes installed in flood hazard areas shall be installed on permanent, reinforced foundations that:

a.

In flood hazard areas (zone A) other than coastal high hazard areas, are designed in accordance with the foundation requirements of the Florida Building Code, Residential, Section R322.2 and this article.

b.

In coastal high hazard areas (zone V), are designed in accordance with the foundation requirements of the Florida Building Code, Residential, Section R322.3 and this article.

(4)

Anchoring. All new manufactured homes and replacement manufactured homes shall be installed using methods and practices which minimize flood damage and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Methods of anchoring include, but are not limited to, use of over-the-top or frame ties to ground anchors. This anchoring requirement is in addition to applicable state and local anchoring requirements for wind resistance.

(5)

Elevation. All manufactured homes that are placed, replaced, or substantially improved in flood hazard areas shall be elevated such that the bottom of the frame is at or above the elevation required, as applicable to the flood hazard area, in the Florida Building Code, Residential Section R322.2 (zone A) or Section R322.3 (zone V and coastal A zone).

(6)

Enclosures. Enclosed areas below elevated manufactured homes shall comply with the requirements of the Florida Building Code, Residential, Section R322 for such enclosed areas, as applicable to the flood hazard area.

(7)

Utility equipment. Utility equipment that serves manufactured homes, including electric, heating, ventilation, plumbing, and air conditioning equipment and other service facilities, shall comply with the requirements of the Florida Building Code, Residential, Section R322, as applicable to the flood hazard area.

(e)

Recreational vehicles and park trailers.

(1)

Temporary placement. Recreational vehicles and park trailers placed temporarily in flood hazard areas shall:

a.

Be on the site for fewer than 180 consecutive days; or

b.

Be fully licensed and ready for highway use, which means the recreational vehicle or park model is on wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanent attachments such as additions, rooms, stairs, decks and porches.

(2)

Permanent placement. Recreational vehicles and park trailers that do not meet the limitations in [section 9\(e\)\(1\)](#) of this article for temporary placement shall meet the requirements of [section 9\(d\)](#) of this article for manufactured homes.

(f)

Tanks.

(1)

Underground tanks. Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty.

(2)

Above-ground tanks, not elevated. Above-ground tanks that do not meet the elevation requirements of [section 9\(f\)\(3\)](#) of this article shall:

a.

Be permitted in flood hazard areas (zone A) other than coastal high hazard areas, provided the tanks are anchored or otherwise designed and constructed to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty and the effects of flood-borne debris.

b.

Not be permitted in coastal high hazard areas (zone V).

(3)

Above-ground tanks, elevated. Above-ground tanks in flood hazard areas shall be attached to and elevated to or above the design flood elevation on a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area.

(4)

Tank inlets and vents. Tank inlets, fill openings, outlets and vents shall be:

a.

At or above the design flood elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and

b.

Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

(g)

Other development.

(1)

General requirements for other development. All development, including manmade changes to improved or unimproved real estate for which specific provisions are not specified in this article or the Florida Building Code, shall:

a.

Be located and constructed to minimize flood damage;

b.

Meet the limitations of [section 9\(c\)\(4\)](#) of this article if located in a regulated floodway;

c.

Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;

d.

Be constructed of flood damage-resistant materials; and

e.

Have mechanical, plumbing, and electrical systems above the design flood elevation, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of building code for wet locations.

(2)

Fences in regulated floodways. Fences in regulated floodways that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of [section 9\(c\)\(4\)](#) of this article.

(3)

Retaining walls, sidewalks and driveways in regulated floodways. Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of [section 9\(c\)\(4\)](#) of this article.

(4)

Roads and watercourse crossings in regulated floodways. Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of [section 9\(c\)\(4\)](#) of this article. Alteration of a watercourse that is part of a road or watercourse crossing shall meet the requirements of [section 8\(e\)\(3\)c.](#) of this article.

(5)

Concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses in coastal high hazard areas (zone V). In coastal high hazard areas, concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses are permitted beneath or adjacent to buildings and structures provided the concrete slabs are designed and constructed to be:

a.

Structurally independent of the foundation system of the building or structure;

b.

Frangible and not reinforced, so as to minimize debris during flooding that is capable of causing significant damage to any structure; and

c.

Have a maximum slab thickness of not more than four inches.

(6)

Decks and patios in coastal high hazard areas (zone V). In addition to the requirements of the Florida Building Code, in coastal high hazard areas decks and patios shall be located, designed, and constructed in compliance with the following:

a.

A deck that is structurally attached to a building or structure shall have the bottom of the lowest horizontal structural member at or above the design flood elevation and any supporting members that extend below the design flood elevation shall comply with the foundation requirements that apply to the building or structure, which shall be designed to accommodate any increased loads resulting from the attached deck.

b.

A deck or patio that is located below the design flood elevation shall be structurally independent from buildings or structures and their foundation systems, and shall be designed and constructed either to remain intact and in place during design flood conditions or to break apart into small pieces to minimize debris during flooding that is capable of causing structural damage to the building or structure or to adjacent buildings and structures.

c.

A deck or patio that has a vertical thickness of more than 12 inches or that is constructed with more than the minimum amount of fill necessary for site drainage shall not be approved unless an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to the building or structure or to adjacent buildings and structures.

d.

A deck or patio that has a vertical thickness of 12 inches or less and that is at natural grade or on nonstructural fill material that is similar to and compatible with local soils and is the minimum amount necessary for site drainage may be approved without requiring analysis of the impact on diversion of floodwaters or wave runup and wave reflection.

(7)

Other development in coastal high hazard areas (zone V). In coastal high hazard areas, development activities other than buildings and structures shall be permitted only if also authorized by the appropriate federal, state or local authority; if located outside the footprint of, and not structurally attached to, buildings and structures; and if analyses prepared by qualified registered design professionals demonstrate no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to adjacent buildings and structures. Such other development activities include but are not limited to:

a.

Bulkheads, seawalls, retaining walls, revetments, and similar erosion control structures;

b.

Solid fences and privacy walls, and fences prone to trapping debris, unless designed and constructed to fail under flood conditions less than the design flood or otherwise function to avoid obstruction of floodwaters; and

c.

On-site sewage treatment and disposal systems defined in 64E-6.002, F.A.C. as filled systems or mound systems.

(8)

Nonstructural fill in coastal high hazard areas (zone V). In coastal high hazard areas:

a.

Minor grading and the placement of minor quantities of nonstructural fill shall be permitted for landscaping and for drainage purposes under and around buildings.

b.

Nonstructural fill with finished slopes that are steeper than one unit vertical to five units horizontal shall be permitted only if an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to adjacent buildings and structures.

c.

Where authorized by the Florida Department of Environmental Protection or applicable local approval, sand dune construction and restoration of sand dunes under or around elevated buildings are permitted without additional engineering analysis or certification of the diversion of floodwater or wave runup and wave reflection if the scale and location of the dune work is consistent with local beach-dune morphology and the vertical clearance is maintained between the top of the sand dune and the lowest horizontal structural member of the building.

(Ord. No. 2014-2, § 3, 1-28-2014; Ord. No. [2021-6](#), §§ 3, 4, 3-2-21)

Dundee, FL - Code of Ordinances (https://library.municode.com/fl/dundee/codes/code_of_ordinances)

Sec. 14-91. - Adoption of technical codes.

The building and related codes in this section are adopted by the town. One copy of each of such codes, with the latest additions and subsequent amendments, alterations and supplements thereto, shall be kept on file in the office of the town clerk. The building and related codes, saving and excepting any portion of any of such codes as may be amended or modified by this Code, are as follows:

(1)

Life Safety Code NFPA101—1997 Edition.

(2)

National Electrical Code—Latest Edition.

(3)

Florida State Building Code—Effective January 1, 2002.

(4)

Standard Gas Code—1997 Edition.

(5)

Standard Mechanical Code—1997 Edition.

(6)

Standard Plumbing Code—1994 Edition.

(7)

Standard Fire Prevention Code—1997 Edition.

The Associated Codes and Standards:

(1)

SBCCI Standard for Proscenium Curtains SSTD 1-88.

(2)

Standard for Hurricane Resistant Residential Construction SSTD 10-97.

(3)

SBCCI Test Standard for Determining Wind Resistance of Concrete or Clay Roof Tiles SSTD 11-97.

(4)

Standard for Determining Impact Resistance from Windborne Debris SSTD 12-97.

(5)

Standard Amusement Device Code—1997 Edition.

(6)

Standard Housing Code—1997 Edition.

(7)

Standard Swimming Pool Code—1997 Edition.

(8)

Standard Unsafe Building Abatement Code—Latest Edition.

(9)

SBCCI Interpretations Chapter—1997 Edition.

(10)

Standard for Existing High Rise Buildings SSTD 3-97.

(11)

SBCCI Standard for Flood Plain Management SSTD 4-89.

(12)

SBCCI Standard for Soil Expansion SSTD 7-86.

(13)

SBCCI Standard for Sound Control SSTD 8-97.

(14)

Standard for SBCCI Test Method for Evaluating Fire Growth Contribution of Textile Wall Covering SSTD 9-88.

(15)

SBCCI By Laws.

(Code 1976, § 6-3; Ord. No. 89-04, § 1, 5-9-89; Ord. No. 90-07, § 2, 7-10-90; Ord. No. 91-08, § 1, 8-13-91; Ord. No. 91-15, § 1, 12-10-91; Ord. No. 93-13, § 1, 12-14-93; Ord. No. 94-08, § 1, 10-11-94; Ord. No. 95-20, § 1, 12-12-95; Ord. No. 98-01, § 1, 2-10-98; Ord. No. 01-11, § 1, 10-9-01)

Cross reference— Swimming pool regulations, part III, land development code, [§ 3.08.04](#)

Casselberry, FL - Code of Ordinances (https://library.municode.com/fl/casselberry/codes/code_of_ordinances)

Section 1-4.1. - Adopted codes—Standard codes adopted by reference.

A.

Florida Building Code. The Florida Building Code (FBC), as published by the State of Florida, Department of Community Affairs, and the Standard Unsafe Building Abatement Code (SUBAC), 1992 edition, and Standard Housing Code (SHC), 1994 edition, as published by the Southern Building Code Congress International, Inc., Birmingham, Alabama are hereby adopted by reference.

B.

National Electrical Code. The current edition of the National Electrical Code, as adopted by the State of Florida, is hereby adopted.

C.

Florida Fire Prevention Code. The current edition of the Florida Fire Prevention Code as adopted by the State of Florida, is hereby adopted.

The City shall require, as a condition of development approval, that all applicable federal, state and local laws be satisfied.

(Ord. No. 03-1092, § 2, 8-11-03)

Section 1-4.4. - Florida Building Code; additions.

The Florida Building Code provides opportunities for municipalities to adapt portions of the code to meet the community's standards. Those additions and/or revisions are preceded with the initials FBC (Florida Building Code). The following are authorized additions to the Florida Building Code:

**FBC SECTION 101
GENERAL**

FBC 101.4.13 Words not defined.

FBC 101.4.13.1 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 Code. Words not defined in those documents shall have the meaning stated in the Webster's Ninth New Collegiate Dictionary, as revised.

FBC 101.4.13.2 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 article; conflicts within the same code; or conflicts between codes; the more stringent requirements shall be applicable.

**FBC SECTION 102
BUILDING DIVISION**

FBC 102.1 Establishment. There is hereby established a division within the Community Development Department to be called the Building Division and the person in charge shall be known as the Building Official.

FBC 102.2 Employee qualifications.

FBC 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 by the City Manager or as provided in [Chapter 62](#) of the Casselberry Code of Ordinances. The Building Official shall not be removed from office except as provided in [Chapter 62](#) of the Code of Ordinances.

FBC 102.2.3 Employee Qualifications. The Building Official, with the approval of the appointing authority and the Department Director, may 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 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.

FBC 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 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 division.

FBC 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.

FBC 102.5 Liability. Any officer or employee 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 required and permitted in the discharge of his duties. Any suit brought against any officer or employee, because of such act performed by him in the enforcement of any provisions of this code and required and permitted in the discharge of his duties, shall be defended by the City of Casselberry 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.

FBC SECTION 103 POWERS AND DUTIES OF THE BUILDING OFFICIAL

FBC 103.1 General. The Building Official, hereinafter including his designee, 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.

FBC 103.2 Right of entry.

FBC 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.

FBC 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.

FBC 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 performed contrary to the provisions of this code or the code ordinances of Casselberry 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.

FBC 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 or the Code of Ordinances of Casselberry.

FBC 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.

FBC 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 or the Code of Ordinances of Casselberry

FBC 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 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, 1992 Edition, published by the Southern Building Code Congress, International, Inc., or other provisions of the building and property maintenance code of Casselberry. All repairs shall be in performed in accordance with the Florida Building Code.

FBC 103.5.1. Public nuisances. 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/her 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 Code, 1992 edition. 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.

FBC 103.5.2. 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. 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.

FBC 103.5.3. Condemnation Authority. The City shall have the authority and power to condemn and remove or cause to be removed all decayed, unsightly, dangerous and unlawful buildings, ruins, awnings, porches or structures within the corporate limits of the City. The procedures shall be in accordance with the Standard Unsafe Building Abatement Code, 1992 Edition.

FBC 103.5.4. Demolition - Rodent 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 shall be certification by a state certified pest control operator that the building is free of infestation by rodents.

FBC 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.

FBC SECTION 104 PERMITS

FBC 104.2.1.2 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.

FBC 104.5.4 Site development and foundation permits. Upon approval of the Building Official and after the issuance of a permit, the certain site development work or foundation work as delineated in the building permit application and plans may be started prior to the final approval and issuance of the general project permit provided any work completed is entirely at risk of the permit applicant, and the work does not proceed past the first required inspection.

FBC 104.5.5 Contractor's Responsibilities. It shall be the duty of every contractor who shall make contracts for the installation or repairs of building, structure, electrical, gas, mechanical or plumbing systems, for which a permit is required, to comply with state or local rules and regulations concerning licensing and inspections which the applicable governing authority may have adopted.

FBC 104.5.6 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.

FBC 104.6.2.1 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 double the basic permit fee in addition to the required permit fees. 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 the increased 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.

FBC 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, the permit shall be denied, unless the applicant can show detailed estimates or a signed contract for services 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 Southern Building Code Congress International or other applicable model code organization, at the option of the Building Official.

FBC 104.6.6 Refund policy on permit fees. On all buildings, structures, electrical, plumbing, mechanical and gas systems or alterations requiring a permit, a fee 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 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. After one month has elapsed from the time of a permits issuance, no refunds shall be processed. Request for refunds must be in writing and received within a month of permit issuance to be accepted.

FBC SECTION 105 INSPECTIONS

FBC 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.

FBC 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. 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.

FBC 105.3 Inspection service. The Building Official may make, or cause to be made, the inspections required by Section 105. The specific required inspections and inspection sequence shall be determined by the Building Official upon application for a building permit. The Building Official may accept reports of Building 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 with Chapter 468, Florida Statutes.

FBC 105.14 Final inspections. The licensed contractor and 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 104.5 for residential construction. Failure to obtain such final inspections and certificates of occupancy/completion shall be a violation of this code, and subject to penalties as established in Sec. 1-2.1.B of the City Code.

FBC 105.15 Cleaning of Sidewalks and Streets. The contractor, the owner or his agent, upon completion of a building or construction project, shall immediately remove all walkways, debris and all other obstructions and leave such public property in as good a 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/completion or within 14 calendar days from notification if no certificate of occupancy/completion is issued. Failure to correct damaged public property will result in the city taking action to make corrections and all costs incurred will be charged to the property owner and/or contractor, and a lien will be placed against the property for the costs of repairs.

FBC SECTION 106 CERTIFICATES

FBC 106.1.2.1 Timely issuance of C.O. The Certificate of Occupancy or Certificate of Completion shall be issued within 3 working days after all pertinent City of Casselberry Departments have verified that they have approved their final inspections.

FBC 106.3.4 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 of buildings or when a building is undergoing an electrical service upgrade from a 100 amperage service to a greater amperage 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. 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.

FBC SECTION 107 TESTS

FBC 107.1 Proof of compliance. 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.

FBC 107.2 Product approval. 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.

FBC SECTION 108 SEVERABILITY

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

FBC SECTION 109 VIOLATIONS AND PENALTIES

It shall be unlawful for any person to violate this Code, the provisions of the sections adopted in this Code or the lawful orders of any City Inspector or Building Official. Any person, firm, corporation or agent who shall violate a provision of this Code, or fails 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 in violation of this Code. 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.

FBC SECTION 110 APPEALS PROCEDURE

FBC 110.1 Appeal of Building Official decision. The owner of a building, structure or service system, or his duly authorized agent, may appeal a decision of the Building Official to the Florida Building Commission 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.

FBC 110.2 Procedures. Every decision shall be promptly filed in writing in the office of the Florida Building Commission and shall be open to public inspection.

FBC 110.3 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.

FBC 110.4 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.

FBC 110.5 Decisions. 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 Florida Building Commission shall be final, subject however to such remedy as any aggrieved party might have at law or in equity.

(Ord. No. 03-1092, § 3, 8-11-03)

Section 1-4.6. - Amendments to the standard unsafe building abatement code.

The following portions of the Standard Unsafe Building Abatement Code (SUBAC), adopted by reference in this article, are included in Article IV of the Unified Land Development Regulations and are modified and amended as follows:

SUBAC CHAPTER 2

SUBAC SECTION 202. DEFINITIONS.

Unsafe Building —Any building or structure that has any of the following conditions, such that the life, health, property or safety of its occupants or the general public are endangered:

1. Any means of egress or portion thereof is not of adequate size or is not arranged to provide a safe path of travel in case of fire or panic.
2. Any means of egress or portion thereof, such as but not limited to fire doors, closing devices and fire resistive ratings, is in disrepair or in a dilapidated or nonworking condition such that the means of egress could be rendered unsafe in case of fire or panic.
3. The stress in any material, member or portion thereof due to all imposed loads including dead load, exceeds the stresses allowed in the Florida Building Code for new buildings.
4. The building, structure or portion thereof has been damaged by fire, flood, earthquake, wind or other cause to the 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 requirement established by the Florida Building Code for new buildings.
5. Any exterior appendage or portion of the building or structure is not securely fastened, attached or anchored such that it is capable of resisting wind, seismic or similar loads as required by the Florida Building Code for new buildings.
6. If for any reason the building, structure or portion thereof is manifestly unsafe or unsanitary for the purpose for which it is being used.
7. The building, structure or portion thereof as a result of decay, deterioration or dilapidation is likely to fully or partially collapse.
8. The building, structure or portion thereof has been constructed or maintained in violation of a specific requirement of the standard codes or of a city, county or state law.
9. Any building, structure or portion thereof that is in such a condition as to constitute a public nuisance.

10. Any building, structure or portion thereof that is unsafe, unsanitary or not provided with adequate egress or which constitutes a fire hazard or is otherwise dangerous to human life or which, in relation to existing use, constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence or abandonment.

11. Any building, structure or portion thereof that is declared a public nuisance by the City Manager upon the advice of the Code Enforcement Officer.

(Ord. No. 03-1092, § 5, 8-11-03)

Lee County, FL - Land Development Code

(https://library.municode.com/fl/lee_county/codes/land_development_code)

DIVISION 4. - UNSAFE BUILDING ABATEMENT CODE

Footnotes:

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Editor's note— Ord. No. 02-20, § 2, adopted June 25, 2002, renumbered former Div. 8 as Div. 4. See the Code Comparative Table for a detailed analysis of inclusion.

Sec. 6-211. - Adoption; amendments.

The following sections of the 1985 Standard Unsafe Building Abatement Code, as published by Southern Building Code Congress International, Inc., 900 Montclair Road, Birmingham, Alabama 35213-1206, are hereby adopted and made part of this article as follows:

Chapter I, Administration.

Section 105, relating to the Board of Adjustment and Appeals, is deleted, and the latest adopted county ordinance relating to the Board of Adjustment and Appeals is substituted therefor.

Chapter II, Definitions.

Chapter III, Inspection and Notice of Noncompliance.

Chapter IV, Appeals.

Chapter V, Rules of Procedure for Hearing Appeals.

Chapter VI, Implementation.

Chapter VII, Recovery of Cost of Repair or Demolition.

Exception: If the building official proceeds to demolish the building or structure as set forth herein, the Chairman of the Board of County Commissioners, on behalf of the entire Board, will execute a resolution, assessing the entire cost of demolition and removal against the real property upon which the cost was incurred. Assessments will constitute a lien upon the property superior to all others except taxes. The lien will be filed in the public land records of the county. The resolution of assessment and lien must indicate the nature of the assessment and lien, the lien amount, and an accurate description of the property affected. The lien becomes effective on the date the notice of lien is filed and bears interest from the date of filing at a rate of ten percent per annum. If the resulting lien is not satisfied within two years after the date it is filed, then the county may:

1.

File suit to foreclose on the lien property as provided by law in suits to foreclose mortgages; or,

2.

Follow any other lawful process or procedure available for enforcement of the lien in accordance with any general law of the state relating to the enforcement of municipal liens.

(Ord. No. 92-36, § 7.009, 8-19-92; Ord. No. 97-10, § 2, 6-10-97)

Secs. 6-212—6-221. - Reserved.

Cape Canaveral, FL - Code of Ordinances

(https://library.municode.com/fl/cape_canaveral/codes/code_of_ordinances)

Sec. 38-28. - Life Safety Code—Adopted.

The Life Safety Code adopted by the state fire marshal, Florida Statute 633.025 (3), is adopted by reference as though it were copied in this article in full.

(Code 1981, § 626.01; Ord. No. 12-94, § 1(626.01), 4-5-94; Ord. No. 25-95, § 1, 9-19-95; Ord. No. 13-2002, § 2, 8-20-02)

Cross reference— Unsafe building abatement code, [§ 82-56](#) et seq.; housing code, § 82-271 et seq.

Sec. 82-12. - 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 provisions of the City of Cape Canaveral Codes.

(Ord. No. 06-2001, § 1, 12-4-01)

ARTICLE III. - UNSAFE BUILDING ABATEMENT CODE

Sec. 82-56. - Standard Unsafe Building Abatement Code adopted.

The Standard Unsafe Building Abatement Code, 1985 edition, as published by the Southern Building Code Congress International, Inc., is hereby adopted by reference and incorporated herein as if fully set. The Standard Unsafe Building Abatement Code is hereby amended to read as follows:

(a)

Section 105.1. The special magistrate or code enforcement board shall serve as the board of adjustment and appeals for this code.

(b)

Section 605. Cost of repair or demolition; lien on property: collection.

1.

Upon repair or demolition of any building or structure, either with city crews or by independent contractor, all costs of demolition and/or repair shall be assessed against and constitute a lien on the property upon which the building or structure is/was situated. The lien shall be equal in rank, priority and dignity with the lien of Brevard County ad valorem taxes and shall be superior to all other liens, encumbrances, titles and claims in, to or against the property. Cost shall include, but not limited to, administrative cost, attorney's fees, postage, newspaper publication fees and actual costs of physical removal and/or repair.

2.

The city clerk shall file such lien in the public records of Brevard County Florida, showing the nature of the lien, the amount thereof, a legal description of the property and the owner thereof. Such liens shall bear interest from the date of filing at the highest rate allowed by law.

3.

The lien may be enforced in the same manner as a court judgment by the sheriffs of the State of Florida, including levy against personal property, and may also be foreclosed in the nature of a mortgage. All costs and attorney's fees incurred in collection of amounts due under any such lien shall also be secured by the property and included within the total sum due under the lien.

(Ord. No. 06-2001, § 1, 12-4-01; Ord. No. 16-2017, § 2, 1-16-18; Ord. No. 11-2019, § 3, 6-18-19)

Secs. 82-57—82-87. - Reserved.

Palm Springs, FL - Code of Ordinances

(https://library.municode.com/fl/palm_springs/codes/code_of_ordinances)

Sec. 46-31. - Definition; unpaid chronic nuisance service costs; non-ad valorem assessment.

(a)

Definition. "Chronic nuisance services costs", when used in this division, shall include the costs incurred by the village to abate nuisances pursuant to any of the following ordinances:

(1)

Lot clearing;

(2)

Board and secure;

(3)

Unsafe Building Abatement Code;

(4)

Chronic Nuisance Code; and

(5)

Any other existing ordinance, or ordinance adopted hereinafter, that authorizes the village to abate a nuisance or otherwise comply a violation of the Code of Ordinances and assess the costs thereof as a special assessment.

(b)

Any chronic nuisance service costs that remain delinquent and unpaid as of June 1st of each year shall be a special assessment levied against the benefited real property as a non-ad valorem assessment superior to all other private rights, interests, liens, encumbrances, title and claims upon the benefited real property and equal in rank and dignity with alien for ad valorem taxes.

(Ord. No. 2015-20, § 2, 5-14-2015)

Bartow, FL - Code of Ordinances (https://library.municode.com/fl/bartow/codes/code_of_ordinances)

Sec. 18-26. - Standard Unsafe Building Abatement Code—Optional means of enforcement.

As a further optional and alternative means of enforcement, the Standard Unsafe Building Abatement Code, 1985 edition, as such code may be amended from time to time, is hereby adopted and may be employed by the building official to remedy any structure existing in violation thereof. A copy of the Standard Unsafe Building Abatement Code may be found on file with the city clerk's office.

(Ord. No. 2012-07, §§ 2, 3(Exh. A), 8-6-12)

Satellite Beach, FL - Code of Ordinances

(https://library.municode.com/fl/satellite_beach/codes/code_of_ordinances)

Sec. 3-1. - Adoption of building codes.

The following codes are adopted by reference:

(1)

Standard Housing Code, 1994 edition.

(2)

Standard Swimming Pool Code, 1994 edition, excluding section 315.2.1.9.

(3)

Standard Amusement Device Code, 1985 edition.

(4)

Standard Excavation and Grading Code, 1975 edition.

(5)

Standard Unsafe Building Abatement Code, 1985 edition.

(Ord. No. 824, § 3, 1-2-02; Ord. No. 1088, § 2, 3-5-14)

Avon Park, FL - Code of Ordinances (https://library.municode.com/fl/avon_park/codes/code_of_ordinances)

Sec. 22-2. - Adoption by reference of additional technical codes.

(a)

In addition to such other technical codes as are specifically adopted in this Code, the following technical codes relative to buildings and building regulations are hereby adopted by reference as fully as if set forth in this section:

(1)

Standard Unsafe Building Abatement Code, 1985 edition.

(2)

NFPA 101 Life Safety Code, 1997 edition.

(3)

One- and Two-Family Dwelling Code, 1986 edition.

(4)

Standard Swimming Pool Code, 1997 edition.

(5)

Florida Energy Efficiency Code for Building Construction, 1997 edition, with 1998 amendment.

(6)

Florida Accessibility Standards, 1997 edition.

(b)

Any amendment to or subsequent edition of the codes adopted in subsection (a) of this section shall become effective in the city upon the approval thereof by the city council by resolution.

(Code 1990, § 98-2; Ord. No. 04-99, § 1(98-2), 5-24-1999)

DeBary, FL - Code of Ordinances (https://library.municode.com/fl/debary/codes/code_of_ordinances)

DIVISION 6. - UNSAFE BUILDING ABATEMENT CODE

Sec. 14-81. - Adopted.

There is hereby adopted by the city that certain code known as the Unsafe Building Abatement Code, being the 1985 (seventh) edition thereof, as published by the Southern Building Code Congress International, Inc. Copies of the subject code are filed in the office of the city clerk, and such code is hereby adopted and incorporated as fully as if set out at length in this section, and the provisions contained therein shall be controlling within the limits of the city.

(Ord. No. 05-07, § 1(Exh. A), 2-7-07)

Secs. 14-82—14-85. - Reserved.

Fernandina Beach, FL - Code of Ordinances

(https://library.municode.com/fl/fernandina_beach/codes/code_of_ordinances)

Sec. 2-382. - 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:

Authority having jurisdiction (AHJ) means the duly appointed fire chief or fire marshal of the city.

Board has the same meaning as enforcement board below.

Building official means the building official of the city, as the enforcement officer of the Standard Unsafe Building Abatement Code.

City attorney means the Charter Officer and Legal Counselor for the City of Fernandina Beach.

City commission means the legislative body of the City of Fernandina Beach.

City Code and City Ordinances means the Code of Ordinances of the City of Fernandina Beach, as amended from time to time, and city ordinances enacted by the city commission to be codified into the Code of Ordinances of the City of Fernandina Beach.

Code inspector or code enforcement officer means any authorized agent or employee of the city whose duty it is to assure code compliance.

Enforcement board or code enforcement board means the city code enforcement and appeals board.

Fire codes means the Florida Specific edition of NFPA 101, the Life Safety Code, and the Florida specific edition of NFPA 1, the Uniform Fire Code, as adopted within chapter 69A-60, Florida Administrative Code, of the Florida Fire Prevention Code, all as adopted by the state fire marshal and the city commission pursuant to law.

Fire marshal means the same as the authority having jurisdiction (AHJ), and the terms may be used interchangeably for the purposes of this article.

Local governing body or city means the City of Fernandina Beach.

Local governing attorney means the city attorney or any attorney designated by the city commission to represent the code enforcement and appeals board.

Member means a regular member of the enforcement board, or an alternate member when the alternate member has been seated due to the absence or disqualification of the regular member.

Person means an individual, firm association, organization, partnership, company, corporation, or any other business entity, trust, whether government or private.

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

Special magistrate: any special magistrate appointed by the city commission to hear code enforcement violation cases and/or appeal cases.

Standard Building Code means the Standard Building Code by the South Building Congress International, Inc. in the version as adopted by the city commission.

Standard Unsafe Building Abatement Code means the Standard Unsafe Building Abatement Code by the South Building Congress International, Inc. in the version as adopted by the city commission.

(Ord. No. 2002-09, §§ 1, 2, 4-16-02; Ord. No. 2006-19, § 1, 8-1-06; Ord. No. 2007-06, § 1, 3-6-07; Ord. No. 2010-38, § 2, 12-7-10)

Sec. 2-387. - Jurisdiction; powers and duties.

(a)

The code enforcement and appeals board shall have the jurisdiction and authority to hear and decide alleged violations of the following:

(1)

City of Fernandina Beach Code of Ordinances;

(2)

State, county and local laws and ordinances whose intent is to promote the health, welfare and safety of the citizens of the city.

(b)

The jurisdiction of the code enforcement and appeals board shall not be exclusive. Any alleged violation of any of the provisions in 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.

(c)

The code enforcement and appeals board shall have the powers as set forth in F.S. section 162.08 as may be amended from time to time.

(d)

Additional powers and duties:

(1)

The code enforcement and appeals board shall also hear issues relating unsafe housing, pursuant to the Standard Unsafe Building Abatement Code as those cases may be brought forth by the Building Official;

(2)

The code enforcement and appeals board shall also hear appeals from decisions and interpretations of the building official and consider variance of technical codes, as set forth in the Standard Building Code.

(3)

The code enforcement and appeals board shall also hear appeals from decisions of the fire marshal and shall provide reasonable interpretation of the provision of the fire codes, as set forth in NFPA 1, Uniform Fire Code, section 1.10.

a.

In its rulings, the board shall ensure that the intent of the fire code is complied with and public safety is secure.

(Ord. No. 2002-09, §§ 1, 2, 4-16-02; Ord. No. 2006-19, § 1, 8-1-06; Ord. No. 2007-06, § 1, 3-6-07)

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)

Madeira Beach, FL - Code of Ordinances

(https://library.municode.com/fl/madeira_beach/codes/code_of_ordinances)

Sec. 34-412. - Construction of article.

(a)

Levy of special assessments. This article shall not be construed to limit the city from levying special assessments and the amendments to the standard unsafe building abatement code, as adopted by the city.

(b)

Monthly reinspection assessments. This article shall not be construed to limit the city from imposing monthly reinspection assessments.

(c)

Imposition of administrative fines. This article shall not be construed to limit the city from imposing administrative fines.

(d)

Exemptions. This article shall not be construed to apply to property owned by the city or any other governmental entity.

(e)

Provision of this article supplemental. Nothing in this article shall be construed to limit the authority of the city to collect special assessments by any other method according to law.

(Ord. No. 2012-09, § 2, 10-23-12)

Destin, FL - Land Development Code (https://library.municode.com/fl/destin/codes/land_development_code)

9.03.00. - Provide for removal of housing stock and rehabilitation of substandard housing.

A.

With a beginning date in 1991 and every subsequent five-year period or less, the city shall apply for a community development block grant (CDBG) for the removal or rehabilitation of substandard housing.

1.

Block grants shall also be sought to buy down interest rates for rehabilitation of housing so as to provide greater incentive to and participation by the private sector.

2.

Provisions set forth in the Standard Unsafe Building Abatement Code.

Editor's note— See the editor's note following § 9.06.05.

9.06.00. - Accessory structures and uses.

9.06.01. General standards and requirements. Any number of different accessory structures may be located on a parcel, provided that the following requirements are met:

A.

There shall be a permitted principal development on the parcel, located in full compliance with all standards and requirements of this Code, except that boat docks may be permitted prior to construction of [the] principal structure when submitted as part of a master plan which shows the location of the principal structure.

B.

All accessory structures shall comply with standards pertaining to the principal use, unless exempted or superseded elsewhere in this Code.

C.

Accessory structures shall not be located in a required buffer, landscape area or minimum building setback area.

D.

Accessory structures shall be included in all calculations of impervious surface and stormwater runoff.

E.

Accessory structures shall be shown on any concept development plan with full supporting documentation.

9.06.02. Satellite dish antenna.

A.

Standards.

1.

All satellite dish antenna installations beginning with the enactment of this Code shall meet the following requirements:

a.

The satellite dish antenna shall be considered a structure requiring a building permit to be issued prior to installation. Subsequent to installation, the antenna shall be maintained in compliance with all applicable building and electrical codes.

b.

The satellite dish antenna installation and any part thereof shall maintain vertical and horizontal clearances from any electrical lines and shall conform to the National Electrical Code.

c.

The satellite dish antenna installation shall meet all Federal Communications Commission (FCC) and manufacturer specifications, rules and requirements.

d.

The satellite dish antenna shall be of a nonreflective surface material and shall be made, to the maximum extent possible, to conform and blend into the surrounding area and structures.

e.

The satellite dish antenna shall contain no advertising or signage of any type.

f.

The installer of any satellite dish antenna, prior to installation, shall submit detailed blueprints/drawings of the proposed satellite dish antenna installation and foundation which shall be certified by the manufacturer or a professional engineer.

g.

The satellite dish antenna installation shall be permitted to be placed in side and rear areas of the main dwelling or commercial structure only and must meet setback requirements.

2.

The following standards are for installation in developments:

a.

A satellite dish antenna shall be considered an accessory structure to the main dwelling structure and shall not constitute the principal use of the property.

b.

The satellite dish antenna installed pursuant to this subsection shall not be used for any commercial purposes. It shall only provide service to the main dwelling structure.

c.

Satellite dish antenna installations shall be limited to one installation per residential lot.

d.

The maximum size of the satellite dish antenna, whether ground- or pole-mounted, shall be limited to 12 feet in diameter.

e.

The satellite dish antenna installation shall be mounted at a fixed point and shall not be portable.

B.

Nonconforming antenna. Any satellite dish antenna lawfully installed prior to the enactment of this Code shall be allowed to remain, until such time as it is replaced or moved. At the time of replacement or relocation, the provisions of this Code shall be met.

9.06.03. Storage buildings, utility buildings, greenhouses.

A.

No accessory buildings used for industrial storage of hazardous, incendiary, noxious or pernicious materials shall be located nearer than 100 feet from any property line.

B.

All accessory buildings shall meet the minimum yard setback requirements for the district in which they are located.

C.

Storage and other buildings regulated by this section shall not be permitted between the principal structure and the right-of-way, and shall not encroach into any required building setback.

Exception: When a storage building or other building regulated by this section is setback from the right-of-way a distance equal to or greater than the width of the lot frontage of the property upon which the building is located and the building is visually screened from the right-of-way, this building may be permitted between the principal structure and the right-of-way.

D.

Storage and other buildings regulated by this section shall be included in calculations for impervious surface, floor area ratio, or any other site design requirements applying to the principal use of the lot.

E.

Vehicles, including manufactured housing and mobile homes, shall not be used as storage buildings, utility buildings or other such uses.

9.06.04. Swimming pools.

A.

[Generally.] In the interest of public health and safety, the following provisions shall apply to swimming pools:

1.

That the location of swimming pools should be regulated as to minimum distances from buildings or structures for safety reasons and from side or rear property lines for human safety, constructual integrity reasons and to abate noise;

2.

That safety barriers in the form of pool enclosures, fences or walls are necessary to prevent accidental injury or drownings; and

3.

That these regulations are necessary to protect the health, safety and welfare of the citizens of the city.

B.

Definition. As used in this article, the term "swimming pool" is hereby defined as a permanent receptacle for water or an artificial pool of water, having a depth, at any point, of more than two feet, intended for the purpose of immersion or a partial immersion therein of human beings, and including all pertinent equipment.

C.

Construction or alteration permit required. No swimming pool, as defined in subsection B of this section, shall be constructed or altered within the city unless a building permit therefor shall first be obtained from the city inspections department.

D.

Compliance with building code and article required. No swimming pool, as defined in subsection B of this section, shall be constructed, altered or maintained within the city except in conformity with the provisions of this article and the building code.

E.

Location. All pools shall maintain a minimum of a four-foot unobstructed clearance from any property line, measured from the property line to the pool's water edge.

F.

Fencing.

1.

Any person who owns, possesses, manages, operates, maintains or controls any real property where any swimming pool is situated shall erect a fence around the perimeter of any such pool which shall be no less than four feet in height and such a fence may be built, constructed or erected either around the immediate proximity of such pool or around or within the boundary of the real property where such pool is located, whichever method shall provide an obstacle barrier and security for any such pool. The term "immediate proximity of such pool," as used in this subsection, shall be construed as that area which includes the pool, the surrounding patio, or the play or lounge area associated therewith; provided, however, that when any such pool is located within an area of real property where such real property is bounded by a lake, Choctawhatchee Bay and bayous thereof, Destin Harbor or the Gulf of Mexico, such person shall not be required to erect a fence along the shore of any of those water bodies, provided that the remaining boundaries of such property, wherein the pool is located, shall be required to be fenced as provided by this section.

2.

All such fences shall be constructed of sound material erected in accordance with good trade practice with no space between adjacent fence components of greater than four inches including those types of fences commonly known as chain link, wood picket, stockade, woven wire or woven wood. All gates providing ingress or egress into the pool area shall have an effective self-closing, self-latching mechanism incorporated therein and the owner and the person who owns, occupies or possesses the real property where any such pool is located shall keep any such gate in a latched condition when such pool is not actually being used or supervised by any such person or by any person having the permission to use or supervise any such pool by such person. A solid wall of brick, stone or masonry material of at least four feet in height shall be sufficient to provide an enclosure for any such pool. The purpose of this section is to provide a barrier which shall be comprised of any or a combination of all of the above and foregoing types of fences or walls which are intended to prevent the unrestricted entry of persons or animals into such a pool area. The side of a building may also be considered to be part of any such barrier. Such pools which are wholly enclosed by screen enclosures or other similar enclosure devices shall be exempt from the provisions of this section.

9.06.05. Fences, general.

A.

All fences to be built shall comply with the Standard Building Code. Fences must be resistant to decay, corrosion and termite infestation.

B.

In areas where the property faces two roadways or is located in any other area construed to be a corner lot, no fence shall be located in the clear visibility triangle.

C.

Any fence located adjacent to a public right-of-way or private road shall be placed with the finished side facing that right-of-way.

D.

A fence for safety or hazard protection by any public entity may not be subject to height limitations. Approval to exceed maximum height standards may be given by the city manager, or designee, upon receipt of satisfactory evidence of the need to exceed height standards.

E.

No fence or hedge shall be constructed or installed in such a manner as to interfere with drainage on the site.

F.

Any fence containing barbed wire or razor wire material shall be prohibited from being erected or maintained on any lot that contains single-family detached, duplex, town home or multifamily residences.

Editor's note— Following this section in the land development code was an appendix A that consisted of a photocopy of the 1985 edition of the Standard Unsafe Building Abatement Code. Such appendix has not been included in this publication of the land development code.

9.06.06. Home occupations—Standards.

A.

Conditions and limitations. The standards which shall be applied to the conduct of customary home occupations are more particularly defined by conditions and limitations as follows:

(1)

No person other than a resident of the premises shall be engaged in such occupation. This provision prohibits the use of the premise by any clients, customers, employees, or contractors doing business with the owner or operator of the home occupation.

(2)

The use of the dwelling unit for the home occupation shall be clearly and absolutely incidental and subordinate to its use for residential purposes by its occupants.

(3)

The total square footage of area used for the home occupation, including storage, shall not exceed 25 percent of the habitable floor area of the dwelling unit. Floor area of garages, storage buildings, open decks and porches shall not be included in the calculation of the total habitable area of the dwelling unit.

(4)

There shall be no change in the outside appearance of the principal dwelling unit, other buildings on the premises, or other visible evidence of the conduct of such home occupations. Outside or auxiliary building storage or signs pertaining to the home occupations are prohibited.

(5)

Nothing shall be permitted, the use of which would generate noise, vibration, glare, fumes, odors, electrical or electronic interference beyond that which normally occurs in the applicable zoning district.

(6)

No equipment or process shall be used which creates visual and/or audible interference in any radio or television receiver or causes fluctuations in the line voltage off the premises of the dwelling unit.

(7)

No provision for off-street parking or loading facilities associated with the home occupation other than the requirements of the residential district in which the use is located shall be permitted.

(8)

No part of a required landscape area shall be used for off-street parking or loading purposes, and no additional driveways to serve home occupations shall be permitted.

(9)

No merchandise, commodities or goods of any kind shall be sold or traded on the premises, nor displayed on the premises for sale elsewhere.

(10)

All storage, including equipment, relating to the home occupation shall be contained entirely within a completely enclosed structure. Such storage space shall be included in the total square footage allowed for the conduct of the home occupation as outlined in (3).

(11)

Any home occupation requiring the conduct of business with clients, customers, employees, or contractors shall designate on an affidavit made a part of the Home Occupation License the means (e.g. "phone", "internet", "e-mail", "fax") or location (name and address of a business location at which such activity will be conducted) for the execution of contracts, storage or provision of goods or services, meeting with individuals, and related matters.

B.

Permitted home occupations. Permitted home occupations are those which meet the standards provided herein, except as specifically prohibited herein. No home occupation permit shall be issued to a person who has not purchased an occupational license.

C.

Prohibited home occupations. The following uses are specifically prohibited in residential zones and are not, by definition, permitted home occupations:

(1)

Beauty/barber shops.

(2)

Appliance and motor repair.

(3)

Automotive/vehicle repairs/paint and body work.

(4)

Florist.

(5)

Veterinary clinic.

(6)

Radio/television repair.

(7)

Work involving hazardous materials.

(8)

Restaurants, bars, lounges or bottle clubs.

(9)

Fortunetellers or similar occupations.

(10)

Wholesale sales.

(11)

Retail sales.

(12)

Commercial special event venues.

(13)

Any other occupation which does not meet the standards set forth herein.

D.

Permitting procedures. The following procedures shall be followed in order for the applicant to obtain a home occupation permit from the City:

(1)

Application for a business tax receipt shall be made to the Planning Division for a determination of compliance with standards set forth herein.

(2)

Provide proof of ownership of the premises upon which the home occupation is to be conducted or state what the relationship is to the property owner.

(3)

Review the standards provided herein with staff from the Planning Division.

(4)

Sign an affidavit:

(a)

Agreeing to comply with all standards contained in preceding Subsection C;

(b)

Acknowledging that any departure from the conditions authorizing the use shall be grounds for revocation of the applicable business tax receipt and the right to continue the home occupation;

(c)

Recognizing the need to renew the requisite business tax receipt annually or as may be otherwise required;

(d)

Agreeing to permit reasonable inspection of premises upon which home occupation is conducted to ensure compliance with the conditions thereof; and

(e)

Acknowledging that if a nuisance complaint is received, an inspection shall be made to ensure compliance and, if noncompliance is determined, the person to whom the business tax receipt was issued shall be given 30 days

in which to comply or cease operation at the permitted site.

(Ord. No. 06-23-CN, § 7, 12-18-06; Ord. No. 07-32-LC, §§ 10, 11, 5-7-07; Ord. No. 07-38-LC, § 3, 6-18-07; Ord. No. 08-14-LC, § 74, 1-20-09; Ord. No. 10-21-LC, § 4, 1-3-11; Ord. No. [18-30-LC](#), § 5, 5-6-19; Ord. No. [19-01-LC](#), § 3, 3-4-19)

Pomona Park, FL - Code of Ordinances

(https://library.municode.com/fl/pomona_park/codes/code_of_ordinances)

Sec. 26-1. - 1994 Standard Housing Code.

CHAPTER 1 ADMINISTRATION**101 TITLE AND SCOPE**

101.1 Title. Provisions in the following chapters and sections shall constitute and be known and may be cited as "The Standard Housing Code" hereinafter referred to as "this code."

101.2 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 incident to the construction, alteration, repair, removal, demolition, use or occupancy of residential buildings and accessory structures.

101.3 Scope.

101.3.1 The provisions of this code shall apply to all buildings or portions thereof, all accessory structures or portions thereof located on residential property, used or unused, designed or intended to be used for human habitation or the storage of materials associated with human habitation.

101.3.2 This code establishes minimum standards for occupancy, and does not replace or modify standards otherwise established for construction, replacement or repair of buildings except such as are contrary to the provisions of this code.

101.3.3 Buildings or structures moved into or within the jurisdiction shall comply with the requirements in the Standard Building Code for new buildings.

101.4 Existing Buildings.

101.4.1 Alterations, repairs or rehabilitation work may be made to any existing building without requiring the building to comply with all the requirements of this code provided that the alteration, repair or rehabilitation work conforms to the requirements of this code for new construction. The housing official shall determine, subject to appeal to the Board of Adjustments and Appeals, the extent, if any, to which the existing building shall be made to conform to the requirements of this code for new construction.

101.4.2 Alterations, repairs or rehabilitation work shall not cause an existing building to become unsafe as defined in 103.2.

101.4.3 If the occupancy classification of an existing building is changed, the building shall be made to conform to the intent of this code for the new occupancy classification as established by the housing official.

101.4.4 Repairs and alterations, not covered by the preceding paragraphs of this section, restoring a building to its condition previous to damage or deterioration, or altering it in conformity with the provisions of this code or in such manner as will not extend or increase an existing nonconformity or hazard, may be made with the same kind of materials as those of which the building is constructed, but not more than 25% of the roof covering of a building shall be replaced in any period of 12 months unless the entire roof covering is made to conform with the requirements of this code for new buildings.

101.5 Special Historic Buildings and Districts. The provisions of this code relating to the construction, alteration, repair, enlargement, restoration, relocation or moving buildings or structures shall not be mandatory for existing buildings or structures identified and classified by the state or local jurisdiction as Historic Buildings

when such buildings or structures are judged by the housing official to be safe and in the public interest of health, safety and welfare regarding any proposed construction, alteration, repair, enlargement, restoration, relocation or moving of buildings within fire districts. The applicant must submit complete architectural and engineering plans and specifications bearing the seal of a registered professional engineer or architect.

101.6 Maintenance. 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 this Code in a building when erected, altered, or repaired, shall be maintained in good working order. The owner, or this designated agent, shall be responsible for the maintenance of buildings, structures and premises.

101.7 Application of Zoning Ordinance. Nothing in this code shall be construed to cancel, modify or set aside any provision of the zoning ordinance of the authority having jurisdiction.

102 ORGANIZATION

(This portion is administered by Putnam County Code Enforcement per the Pomona Park-Putnam County interlocal agreement executed 9/25/2007)

102.1 Enforcement Officer. There is hereby established by the applicable governing body provisions for the enforcement of this code by the housing official.

102.2 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 act, shall not be financially interested in the furnishing of labor, material, or appliances for the construction, alteration, or maintenance of a building, or in the making of plans or of specifications therefor, unless he is the owner of such building. Such officer or employee shall not engage in any work which is inconsistent with his duties or with the interests of the department.

102.3 Records. The housing 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 POWERS AND DUTIES OF HOUSING OFFICIAL

103.1 Right of Entry. The housing official shall enforce the provisions of this code, and he, or his duly authorized representative upon presentation of proper identification to the owner, agent, or tenant in charge of such property, may enter any building, structure, dwelling, apartment, apartment house, or premises, during all reasonable hours, except in cases of emergency where extreme Hazards are known to exist which may involve the potential loss of life or severe property damage, in which case the above limitations shall not apply.

103.2 Unsafe Residential Buildings.

103.2.1 All residential buildings or structures used as such which are unsafe, unsanitary, unfit for human habitation, or not provided with 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 by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment, are considered unsafe buildings. All such unsafe buildings are hereby declared illegal and shall be abated by repair or rehabilitation or by demolition in accordance with 103.2.2, 103.2.3 and 103.2.4.

103.2.2 Whenever the housing official determines that there are reasonable ground to believe that there has been a violation of any provision of this code or of any rule or regulation adopted pursuant thereto, he shall give notice of such alleged violation to the person or persons responsible therefor and such alleged violations shall constitute a nuisance. Such notice shall:

1.

Be put in writing;

2.

Include a statement of the reasons why it is being used;

3.

Allow 45 days to correct major violations and 60 days to correct minor violations with a Maximum time limit of 120 days for either, subject to approval of the housing official; and

4.

State that, if such repairs, reconstruction, alterations, removal or demolition are not voluntarily completed within the stated time as set forth in the notice, the housing official shall institute such legal proceedings charging the person or persons, firm, corporation or agent with a violation of this code.

103.2.3 Service of notice shall be as follows:

1.

By delivery to the owner personally, or by leaving the notice at the usual place of abode of the owner with a person of suitable age and discretion; or

2.

By depositing the notice in the United States Post Office addressed to the owner at his last known address with postage prepaid thereon; or

3.

By posting and keeping posted for 24 hours a copy of the notice in a conspicuous place on the premises to be repaired.

103.2.4 When a residential building is to be demolished, it shall be done so in accordance with the provisions of the Standard Unsafe Building Abatement Code.

103.3 Requirements Not Covered By Code. Any requirement, not specifically covered by this code, found necessary for the safety, health, and general welfare of the occupants of any dwelling, shall be determined by the housing official subject to appeal to the Housing Board of Adjustments and Appeals.

103.4 Liability. Any officer or employee, or member of the Housing Board of Adjustments and Appeals, charged with the enforcement of this code, in the discharge of his duties, shall not thereby render himself liable personally, and he 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 because of this code shall be defended by the Department of Law until the final termination of the proceedings.

103.5 Reports. The housing official shall annually submit a report to the chief administrator covering the work of the department during the preceding year. He shall incorporate in said report a summary of the decisions of the Housing Board of Adjustments and Appeals during said year.

103.6 Letter of Compliance. A letter indicating compliance with the provisions of this code may be issued by the housing official.

104 INSPECTIONS

The housing official shall make or cause to be made inspections to determine the condition of residential buildings and premises in the interest of safeguarding the health and safety off the occupants of such buildings and of the general public. For the purpose of making such inspections, the housing official, or his agent, is hereby authorized to enter, examine, and survey at all reasonable times all residential buildings and premises. The owner or occupant of every residential building or the person in charge thereof shall give the housing official free access to such residential building and its premises, at all reasonable times for the purpose of such inspection, examination, and survey.

105 HARDSHIPS

Where the literal application of the requirements of this code would appear to cause undue hardship on an owner or tenant or when it is claimed that the true intent and meaning of this code or any of the regulations therein have been misconstrued or wrongly interpreted, the owner of such building or structure, or his duly authorized agent, may appeal the decision of the housing official to the Housing Board of Adjustments and Appeals, as set forth in 107.

106 HOUSING BOARD OF ADJUSTMENTS AND APPEALS

106.1 Appointment.

106.1.1 There is hereby created by the applicable governing body a board to be known as the Housing Board of Adjustments and Appeals, which shall consist of not less than three members appointed by the governing body. The members shall be residents of the governed area. Members of the board shall be appointed for 3 year terms, except that on the initial appointment, one shall be appointed for 1 year, one for 2 years, and one for 3 years. Any one or more members of said board shall be subject to removal or replacement by the appointing authority at any time for cause of stated charges after a public hearing before the appointing authority, and a vacancy on said board shall be filled by the appointing authority for the unexpired term of such vacancy. The members of said board shall serve without compensation.

106.1.2 As soon as practical after their appointment, the members of the Housing Board of Adjustments and Appeals shall meet and organize by electing a chairman, vice-chairman, and secretary. Thereafter officers of the board shall be elected by the members at the first annual meeting of the board.

106.2 Meetings. The board shall meet at regular intervals to be determined by the chairman but in any event the board shall meet within 10 days after notice of appeal has been received. Reasonable notice of the place, time and date of such meetings shall be given all the members of the board and all interested parties in each case to be heard by the board.

106.3 Records. All minutes of the board meetings shall be public records and the secretary of the board shall keep all records and perform such additional duties as the board may deem proper.

106.4 Duties.

106.4.1 The duties of the Housing Board of Adjustments and Appeals shall be:

1.

To consider and determine appeals whenever it is claimed that the true intent and meaning of this code or any of its regulations have been misconstrued or wrongly interpreted.

2.

To permit, in appropriate cases where the application of the requirement of this code in the allowance of the stated time for the performance of any action required hereunder would appear to cause undue hardship on an owner, one or more extensions of time, not to exceed 120 days each, from the date of such decision of the board. Applications for additional extensions of time shall be heard by the board. Such requests for additional

extensions of time shall be filed with the housing official not less than 30 days prior to the expiration of the current extension.

106.4.2 An appeal should not be considered where an appeal case has been previously decided involving the same premises.

106.5 Procedure. The Housing Board of Adjustments and Appeals shall establish its own rules of procedure for accomplishment of its duties and functions, provided that such rules shall not be in conflict with the provisions of this code and the laws of the state.

106.6 Decisions. All decisions of the Housing Board of Adjustments and Appeals to vary the application of any provision of this code or to modify an order of the housing official shall specify in what manner such variance or modification is made, the condition upon which it is made, and the reasons therefor. Every decision shall be in writing and shall indicate the vote upon the decision. A copy of all decisions shall be promptly filed in the office of the housing official and shall be open to public inspection. The secretary shall notify the appellant in writing of the final action of the board.

107 APPEALS

Any person receiving written notice from the housing official of deficiencies in his property under this code may within 30 days following the date of such notice enter an appeal in writing to the Housing Board of Adjustments and Appeals. Such appeal shall state the location of the property, the date of the notice of violations, and the number of such notice. The appellant must state the variance or modification requested the reasons therefor, and the hardship or conditions upon which the appeal is made.

108 VIOLATIONS AND PENALTIES

Any person, firm, corporation or agent, who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, or who shall erect, construct, alter, demolish or move any structure, or has erected, constructed, altered, repaired, moved or demolished a building or structure in violation of this Code shall be prosecuted within the limits provided by state or local laws. Each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this code is committed, or continued and upon conviction of any such violation such person shall be punished within the limits and as provided by state laws.

109 VALIDITY

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

110 PERMITS

Any owner, authorized agent, or contractor who desires to construct, enlarge, alter, repair, move, demolish, or change a residential building or structure or to cause any such work to be done, shall first make application to the housing official and obtain the required permit therefor. Ordinary minor repairs may be made with the approval of the housing official without a permit, provided that such repairs shall not violate any of the provisions of this code.

CHAPTER 2 DEFINITIONS

201 GENERAL

201.1 Tense, Gender And Number. For the purpose of this code, certain abbreviations, terms, phrases, words, and their derivatives, shall be construed as set forth in this chapter. Words used in the present tense include the future. Words in the masculine gender include the feminine and neuter. Words in the feminine and neuter gender include the masculine. The singular number includes the plural and plural number includes the singular.

201.2 Special Meaning and Words Not Defined.

201.2.1 Words not defined herein shall have the meanings stated in the Standard Building Code, Standard Mechanical Code, Standard Plumbing Code, Standard Gas Code or Standard Fire Prevention Code. Words not defined in the Standard Codes shall have the meanings in Webster's Ninth New Collegiate Dictionary, as revised.

201.2.2 Whenever the words "dwelling," "dwelling units," rooming house,' rooming units," and "premises" are used in this code, they shall be construed as though they were followed by the words, "or any part thereof."

202 DEFINITIONS

ADDITION - an extension or increase in floor area or height of a building or structure.

ALTER OR ALTERATION - any change or modification in construction or occupancy.

APARTMENT - a dwelling unit as defined in this code.

APARTMENT HOUSE - any building or portion thereof used as a multiple dwelling for the purpose of providing three or more separate dwelling units which may share means of egress and other essential facilities.

APPLICABLE GOVERNING BODY - a city, county, state, state agency or other political government subdivision or entity authorized to administer and enforce the provisions of this code, as adopted or amended.

APPROVED - approved by the housing official or other authority having jurisdiction.

BASEMENT - that portion of a building between floor and ceiling, which is partly below and partly above grade, but so located that the vertical distance from grade to the floor below is less than the vertical distance from grade to ceiling, provided, however, that the distance from grade to ceiling shall be at least 4 ft. 6 inches (1372 mm).

BUILDING - any structure built for the support, shelter or enclosure of persons, animals, chattels, or property of any kind which has enclosing walls for 50% of its perimeter. The term "building" shall be construed as if followed by the words "or part thereof." (For the purpose of this code each portion of a building separated from other portions by a fire wall shall be considered as a separate building.)

CELLAR - that portion of a building, the ceiling of which is entirely below grade or less than 4 ft. 6 inches (1372 mm) above grade.

DORMITORY - a space in a unit where group sleeping accommodations are provide with or without meals for persons not members of the same family group, in one room, or in a series of closely associated rooms under joint occupancy and single management, as in college dormitories, fraternity houses, military barracks and ski lodges.

DWELLING - when used in this code without other qualifications means a building occupied exclusively for residential purposes by not more than two families.

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.

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

FAMILY - one or more persons living together, whether related by blood, marriage or adoption, and having common housekeeping facilities.

FLOOR AREA - the total area of habitable space in a building or structure.

GARBAGE - the animal and vegetable waste resulting from the handling, preparation, cooking, and consumption of food.

HABITABLE ROOM - a space in a building for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space, and similar areas are not considered habitable space.

HOTEL - any building containing six or more guests rooms intended or designed to be used, or which are used, rented or hired out to be occupied or which are occupied for sleeping purposes by guests.

HOUSING OFFICIAL - the officer or his duly authorized representative charged with the administration and enforcement of this code.

INFESTATION - the presence within or around a dwelling, of any insects, rodents, or other pests.

INOPERABLE MOTOR VEHICLE - one which cannot be driven upon the public streets for reasons including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

MAJOR VIOLATION - A defect that exists on a property or structure that is immediately dangerous to the health, safety or welfare of the occupants, passerby or persons in contiguous areas; a defect that exists that seriously undermines that component or structural member which renders that component or member unsafe to use or exist in its present condition.

MINOR VIOLATION - A defect that exists on a property or structure that in its present state of disrepair, deterioration or absence, does not constitute an immediate hazard.

MULTIPLE DWELLING - any building, or portion thereof, which is occupied as the home or residence of more than two families living independently of each other and doing their own cooking in the said building, and shall include flats and apartments.

NUISANCE - the following shall be defined as nuisances:

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 health officer.

4.

Overcrowding a room with occupants.

5.

Insufficient ventilation or illumination.

6.

Inadequate or unsanitary sewage or plumbing facilities.

7.

Uncleanliness, as determined by the health officer.

8.

Whatever renders air, food or drink unwholesome or detrimental to the health of human beings, as determined by the health officer.

OPENABLE AREA - that part of a window 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 building or part thereof, in which dwelling units or rooming units are let.

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

1.

Shall have legal title to any dwelling or dwelling unit, with or without accompanying actual possession thereof; or

2.

Shall have charge, care or control of any dwelling or dwelling unit, as owner, executor, executrix, administrator, trustee, guardian of the estate of the owner, mortgagee or vendee in possessions, or assignee of rents, lessee, or other person, firm, or corporation in control of a building; or their duly authorized agents. Any such person thus representing the actual owner shall be bound to comply with the provisions of this Code, and of rules and regulations adopted pursuant thereto, to the same extent as if he were the owner. It is his responsibility to notify the actual owner of the reported infractions of these regulations pertaining to the property which apply to the owner.

PERSON - any individual, firm, corporation, association or partnership.

PLUMBING - the practice, materials, and fixtures used in the installation, maintenance, extension, and alteration of all piping, fixtures, appliances, and appurtenances in connection with any of the following: sanitary drainage or storm drainage facilities, the venting system and the public or private water supply systems, within or adjacent to any building, structure, or conveyance; also the practice and materials used in the installation, maintenance, extension, or alteration of stormwater, liquid waste, or sewerage, and water supply systems of any premises to their connection with any point of public disposal or other acceptable terminal.

PREMISES - a lot, plot or parcel of land including the buildings or structures thereon.

PUBLIC AREA - an unoccupied open space adjoining building and on the same property, that is permanently maintained accessible to the fire department and free of all encumbrances that might interfere with its use by the fire department.

REPAIR - the replacement of existing work with the same kind of material used in the existing work, not including additional work that would change the structural safety of the building, or that would affect or change required exit facilities, a vital element of an elevator, plumbing, gas piping, wiring or heating installations, or

that would be in violation of a provision of law or ordinance. The term "repair" or "repairs" shall not apply to any change of construction.

REQUIRED - required by some provision of this code.

RESIDENTIAL BUILDINGS - buildings in which families or households live or in which sleeping accommodations are provided, and all dormitories. Such buildings include, among others, dwellings, multiple dwellings, and rooming houses.

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

ROOMING UNIT - any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.

RUBBISH - combustible and noncombustible waste materials, except garbage, including the residue from the burning of wood, coal, coke or other combustible material, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metal, mineral matter, glass crockery, and dust.

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

STORY - that portion of a building included between the upper surface of floor and upper surface of the floor or roof next above.

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

SUPPLIED - paid for, furnished, or provided by or under control of, the owner or operator.

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

VALUATION OR VALUE - as applied to a building, the estimated cost to replace the building in kind.

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

YARD - an unoccupied open space other than court.

CHAPTER 3 MINIMUM STANDARDS FOR BASIC EQUIPMENT AND FACILITIES

301 GENERAL

No person shall occupy as owner-occupant or let sublet to another for occupancy any dwelling or dwelling unit designed or intended to be used for the purpose of living, sleeping, cooking, or eating therein, nor shall any vacant dwelling building be permitted to exist which does not comply with the following requirements.

302 FACILITIES REQUIRED

302.1 Sanitary Facilities. Every dwelling unit shall contain not less than a kitchen sink, lavatory, tub or shower, and a water closet all in good working condition and properly connected to an approved water and sewer system.

Every plumbing fixture and water and waste pipe shall be properly installed and maintained in good sanitary working condition free from defects, leaks, and obstructions.

302.2 Location of Sanitary Facilities. All required plumbing fixtures shall be located within the dwelling unit and be accessible to the occupants of same. The water closet, tub or shower and lavatory shall be located in a room affording privacy to the user and such room shall have a minimum floor space of 30 sq. ft. (2.8 m²) with no dimension less than 4 ft. (1219 mm). Bathrooms shall be accessible from habitable rooms, hallways, corridors or other protected or enclosed area.

302.3 Hot and Cold Water Supply. Every dwelling unit shall have an adequate supply of both cold and hot water connected to the kitchen sink, lavatory, and tub or shower. All water shall be supplied through an approved distribution system connected to a potable water supply.

302.4 Water Heating Facilities. Every dwelling unit shall have water heating facilities which are properly installed and maintained in a safe and good working condition and are capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory basin, bathtub or shower at a temperature of not less than 120 F (49° C). Such water heating facilities shall be capable of meeting the requirement of 302.4 when the dwelling or dwelling unit heating facilities required under the provisions of this code are not in operation. Apartment houses may use a centralized water heating facility capable of heating an adequate amount of water as required by the Standard Plumbing Code © to not less than 120 F (49° C).

302.5 Heating Facilities.

302.5.1 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.

302.5.2 Where a central heating system is not provided, each dwelling unit shall be provided with facilities whereby heating appliances may be connected.

302.5.3 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. (314 W/m³) of room content. Such heaters shall be prohibited in bedrooms.

302.5.4 The use of any liquid fueled unvented heating appliance shall be permitted in one or two family residences only, providing such appliance is tested and listed by an approved laboratory according to requirements off UL 647 (1984) and providing the fuel is stored in containers meeting ASTM ES-8 for kerosene containers.

302.6 Kitchen Facilities. Every dwelling unit shall contain a kitchen equipped with the following minimum facilities:

1.

Food preparation surfaces impervious to water and free of defects which could trap food or liquid.

2.

Shelving, cabinets or drawers for the storage of food and cooking and eating utensils, all of which shall be maintained in good repair.

3.

Freestanding or permanently installed cook stove. Portable electric cooking equipment shall not fulfill this requirement. Portable cooking equipment employing flame shall be prohibited.

4.

Mechanical refrigeration equipment for the storage of perishable foodstuffs. EXCEPTION: Nothing herein shall preclude a written agreement between an owner and tenant that the tenant will furnish mechanical refrigeration equipment and/or a cookstove as required in this section. It shall be an affirmative defense available to an owner charged with a violation of this section if such an agreement exists.

302.7 Garbage Disposal Facilities. Every dwelling unit shall have adequate garbage disposal facilities or garbage storage containers, of a type and location approved by the applicable governing body.

302.8 Fire Protection. A person shall not occupy as owner-occupant nor shall let to another for occupancy, any building or structure which does not comply with the applicable provisions of the fire prevention code of the applicable governing body.

302.9 Smoke Detector Systems. Every dwelling unit shall be provided with an approved listed smoke detector, installed in accordance with the manufacturer's recommendations and listing. When activated, the detector shall provide an audible alarm. The detector shall be tested in accordance with and meet the requirements of UL 217 (1989), Single and Multiple Station Smoke Detectors.

303 MINIMUM REQUIREMENTS FOR LIGHT AND VENTILATION

303.1 Windows. Every habitable room shall have at least one window or skylight facing directly to the outdoors. The minimum total window area, measured between stops, for every habitable room shall be 8% of the floor area of such room. Whenever walls or other portions of structures face a window of any such room and such light-obstruction structures are located less than 3 ft. (914 mm) from the window and extend to a level above that of the ceiling of the room, such a window shall not be deemed to face directly to the outdoors and shall not be included as contributing to the required minimum total window area. Whenever the only window in a room is a skylight-type window in the top of such room, the total window area of such skylight shall equal at least 15% of the total floor area of such room.

303.2 Ventilation.

303.2.1 Every habitable room shall have at least one window or skylight which can be easily opened, or such other device as will adequately ventilate the room. The total of openable window area in every habitable room shall equal to at least 45% of the minimum window area size or minimum skylight-type window size, as required, or shall have other approved, equivalent ventilation.

303.2.2 Year round mechanically ventilating conditioned air systems may be substituted for windows, as required herein, in room other than rooms used for sleeping purposes. Window type air conditioning units are not included in this exception.

303.3 Bathroom. Every bathroom shall comply with the light and ventilation requirements for habitable rooms except that no window or skylight shall be required in adequately ventilated bathrooms equipped with an approved ventilating system.

303.4 Electric Lights and Outlets. Where there is electric service available to the building structure, every habitable room or space shall contain at least two separate and remote receptacle outlets. Bedroom shall have, in addition, at least one wall switch controlled lighting outlet. In kitchens, two separate and remote receptacle outlets shall be provided (receptacles rendered inaccessible by appliances fastened in place or by appliances occupying dedicated space shall not be considered as these required outlets) and a wall or ceiling lighting outlet controlled by a wall switch shall be provided. Every hall, water closet compartment, bathroom, laundry room or furnace room shall contain at least one ceiling-mounted or wall-mounted lighting outlet. In bathrooms, the lighting outlet shall be controlled by a wall switch. In addition to the lighting outlet in every bathroom and laundry room, there shall be provided at least one receptacle outlet. Any new bathroom receptacle outlet shall have ground fault circuit interrupter protection.

303.5 Light in Public Halls and Stairways. Every common hall and inside stairway in every building, other than one-family dwellings, shall be adequately lighted at all times with an illumination of at least 1 foot candle intensity (10.76 lux) at the floor in the darkest portion of the normally traveled stairs and passageways.

304 MINIMUM REQUIREMENTS FOR ELECTRICAL SYSTEMS

Every electrical outlet and fixture, and all electrical wiring and equipment shall be installed, maintained and connected to a source of electric power in accordance with the provisions of the electrical code of the authority having jurisdiction.

305 GENERAL REQUIREMENTS FOR THE EXTERIOR AND INTERIOR OF STRUCTURES

305.1 Foundation. The building foundation system shall be maintained in a safe manner and capable of supporting the load which normal use may cause to be placed thereon.

305.2 Exterior Walls. Every exterior wall shall be free of holes, breaks, loose or rotting boards or timbers, 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.

305.3 Roofs.

305.3.1 Roofs shall be structurally sound and maintained in a safe manner and have no defects which might admit rain or cause dampness in the walls or interior portion of the building.

305.3.2 All portions, additions or sections of a roof including, but not limited to, the fascia, eave, soffit, sheathing, rafter tail, barge rafter, vent screening, gutter, downspout, roof jack, lead or metal flashing, shall be complete with all trim strips, moldings, brackets, braces and supports in accordance with common building practices. No item shall display signs of deterioration, abuse or improper installation that could be construed to affect the purpose of that item or cause damage to the immediate area or roof structure, that could allow dampness or admit rain to the interior of that building.

305.4 Means of Egress. Every dwelling unit shall have safe, unobstructed means of egress with minimum ceiling height of 7 ft. (2134mm) leading to a safe and open space at ground level. Stairs shall have a minimum head room of 6 ft. 8 inches (2032 mm).

305.5 Stairs, Porches and Appurtenances. Every inside and outside stair, porch and any appurtenance thereto shall be safe to use and capable of supporting the load that normal use may cause to be placed thereon and shall be kept in sound condition and good repair.

305.6 Protective Railings. Protective railings shall be required on any unenclosed structure over 30 inches (762 mm) above the ground level or on any steps containing four risers or more.

305.7 Windows. Every window shall be substantially weather tight, watertight and rodent proof, and shall be kept in sound working condition and good repair.

305.8 Windows to Be Glazed. Every window sash shall be fully supplied with glass window panes or an approved substitute which are without open cracks or holes.

305.9 Window Sash. Window sash shall be properly fitted and weather tight within the window frame.

305.10 Windows to Be Openable. Every window required for light and ventilation for habitable rooms shall be capable of being easily opened and secured in position by window hardware.

305.11 Exterior Doors.

305.11.1 Every exterior door, basement or cellar door and hatchway shall be substantially weather tight, watertight, and rodent proof, and shall be kept in sound working condition and good repair.

305.11.2 Every exterior door shall be provided with properly installed hardware that is maintained to insure reasonable ease of operation to open, close and secure in an open or closed position, as intended by the manufacturer of the door and the attached hardware.

305.12 Exterior Door Frames.

305.12.1 Exterior door frames shall be properly maintained and shall be affixed with weather stripping and thresholds as required to be substantially weather tight, watertight and rodent and insect resistant when the door is in a closed position.

305.12.2 Exterior door jambs, stops, headers and moldings shall be securely attached to the structure, maintained in good condition without splitting or deterioration that would minimize the strength and security of the door in a closed position.

305.13 Screens.

305.13.1 Dwelling units which do not have a central air conditioning system shall have screens on all exterior openable windows and doors used or required for ventilation. Screens on windows and doors shall be stretched and fitted and maintained without open rips or tears.

305.14 Protective Treatment. All exterior wood surfaces, other than decay resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. All siding shall be weather resistant and water tight. All masonry joints shall be sufficiently tuck pointed to insure water and air tightness.

305.15 Accessory Structures. Garages, storage buildings and all other accessory structures shall be maintained and kept in good repair and sound structural condition.

305.16 Interior Floors, Walls, and Ceilings.

305.16.1 Every floor, interior wall and ceiling shall be substantially rodent proof, shall be kept in sound condition and good repair and shall be safe to use and capable of supporting the load which normal use may cause to be placed thereon.

305.16.2 Every toilet, bathroom and kitchen floor surface shall be constructed and maintained so as to be substantially impervious to water and so as to permit such floor to be easily kept in a clean and sanitary condition.

305.17 Structural Supports. Every structural element of the dwelling shall be maintained structurally sound and show no evidence of deterioration which would render it incapable of carrying normal loads.

305.18 Protective Railing for Interior Stairs. Interior stairs and stairwells more than four risers high shall have handrails located in accordance with the requirements of the Standard Building Code. Handrails or protective railings shall be capable of bearing normally imposed loads and be maintained in good condition.

305.19 Fire stopping and draft stopping.

305.19.1 Fire stopping shall be maintained to cut off all concealed draft openings both horizontal and vertical and to form a fire barrier between floors and between the upper floor and the roof space.

305.19.2 Draft stopping shall be maintained to cut off all concealed draft openings in floor/ceiling assemblies and in attics.

305.20 Interior Doors. Every existing 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.

305.21 Interior Door Hardware. Every interior door shall be provided with proper hardware, securely attached and maintained in good condition. Hasp lock assemblies are not permitted on the exterior side of the door of habitable rooms.

305.22 Bathroom doors. Privacy of bathrooms shall be afforded by doors complete with privacy hardware intended by the manufacturer for that purpose.

305.23 Skirting.

305.23.1 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.

305.23.2 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.

306 MINIMUM DWELLING SPACE REQUIREMENTS

306.1 Required Space in Dwelling Unit. Every dwelling unit shall contain as least 150 sq. ft. (13.9 m²) of floor space for the first occupant thereof and at least an additional 100 sq. ft. (9.3 m²) of floor area per additional occupant. The floor area shall be calculated on the basis of the total area of all habitable rooms.

306.2 Required Space in Sleeping Rooms. In every dwelling unit, every room occupied for sleeping purposes by one occupant shall contain at least 70 sq. ft. of floor space, and every room occupied for sleeping purposes by more than one occupant shall contain at least 50 sq. ft. (4.6m²) of floor space for each occupant thereof.

306.3 Minimum Ceiling Height.

306.3.1 Habitable (space) rooms other than kitchens, storage rooms and laundry room shall have a ceiling height of not less than 7 ft. (2134 mm). Hallways, corridors, bathroom, water closet room and kitchens shall have a ceiling height of not less than 7 ft. (2134 m) measured to the lowest projection from the ceiling.

306.3.2 If any room in a building has a sloping ceiling, the prescribed ceiling height for the room is required in only one-half the room area. No portion of the room measuring less than 5' (1524 mm) from the finished floor to the finished ceiling shall be included in any computation of the minimum room area.

306.4 Occupancy of Dwelling Unit below Grade. No basement or cellar space shall be used as a habitable room or dwelling unit unless:

1.

The floor and walls are impervious to leakage of underground and surface runoff water and are insulated against dampness, and

2.

The total window area in each room is equal to at least the minimum window area size as required in 303.a, and

3.

Such required minimum window area is located entirely above the grade of the ground adjoining such window area, and

4.

The total of openable window area in each room is equal to at least the minimum as required under 303.2.1, except where some other device affording adequate ventilation is supplied.

307 SANITATION REQUIREMENTS

307.1 Sanitation. Every owner of a multiple dwelling shall be responsible for maintaining in a clean and sanitary condition the shared or common areas of the dwelling and premises thereof.

307.2 Cleanliness. Every tenant of a dwelling or dwelling unit shall keep in a clean and sanitary condition that part of the dwelling, dwelling unit and premises thereof which he occupies or which is provided for his particular use.

307.3 Garbage Disposal. Every tenant of a dwelling or dwelling unit shall dispose of all his garbage and any other organic waste which might provide food for rodents and all rubbish in a clean and sanitary manner by placing it in the garbage disposal facilities or garbage or rubbish storage containers.

307.4 Care Of Premises. 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 abandoned 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 housing official.

307.5 Extermination. Every occupant of a single dwelling building and every owner of a building containing two or more dwelling units shall be responsible for the extermination of any insects, rodents, or other pests within the building or premises.

EXCEPTION: Extermination of wood-destroying organisms shall, in all cases, be the responsibility of the building owner.

307.6 Use and Operation of Supplied Plumbing Fixtures. Every tenant of a dwelling unit shall keep all plumbing fixtures therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.

308 ROOMING HOUSES

308.1 Compliance Exceptions. No person shall operate a rooming house, or shall occupy or let to another for occupancy any rooming unit in any rooming house, except in compliance with the provisions of every section of this code except the provisions of 301, 302 and 307.

308.2 License Required. No person shall operate a rooming house unless he holds a valid rooming house license.

308.3 Water Closet, Lavatory and Bath Facilities. At least one flush water closet, lavatory basin, and bathtub or shower, properly connected to a water and sewer system and in good working condition, shall be supplied for each four rooms within a rooming house wherever such facilities are shared. All such facilities shall be located on the floor they serve within the dwelling so as to be reasonably accessible from a common hall or passageway to all persons sharing such facilities.

308.4 Water Heater Required. Every lavatory basin and bathtub or shower shall be supplied with hot water at all times.

308.5 Minimum Floor Area for Sleeping Purposes. Every room occupied for sleeping purposes by one person shall contain at least 70 sq. ft. (6.5m²) of floor space and every room occupied for sleeping purposes by more than one person shall contain at least 50 sq. ft. (4.6m²) of floor space for each occupant thereof.

308.6 Exit Requirements. Every rooming unit shall have safe, unobstructed means of egress leading to safe and open space at ground level, as required by the building code of the applicable governing body.

308.7 Sanitary Conditions. The operator of every rooming house shall be responsible for the sanitary maintenance of all walls, floors, and ceiling, and for maintenance of a sanitary condition in every other part of the rooming house, and shall be further responsible for the sanitary maintenance of the entire premises where the entire structure or building is leased or occupied by the operator.

309 DESIGNATION OF UNFIT DWELLINGS AND LEGAL PROCEDURE FOR CONDEMNATION

309.1 Dangerous Structures. Any dwelling or dwelling unit which shall be found to have any of the following defects shall be condemned as unfit for human habitation and declared to be a nuisance and shall be so designated and placarded by the housing official.

1.

One which 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.

One which lacks illumination, ventilation, or sanitation facilities adequate to protect the health or safety of the occupants or the public.

309.2 Form of Notice. Whenever the housing official has declared a dwelling or multiple dwelling as unfit for human habitation and constituting a nuisance, he shall give notice to the owner of such declaration and placarding of the dwelling or multiple dwelling as unfit for human habitation. Such notice shall:

1.

Be in writing;

2.

Include a description of the real estate sufficient for identification;

3.

State the time occupants must vacate the dwelling units; and

4.

State that, if such repairs, reconstruction, alterations, removal, or demolition are not voluntarily completed within the stated time as set forth in the notice, the housing official shall institute such legal proceedings charging the person or persons, firm, corporation, or agent with a violation of this code.

309.3 Service of Notice. Service of notice to vacate shall be as follows:

1.

By delivery to the owner personally, or by leaving the notice at the usual place of abode of the owner with a person of suitable age and discretion; or

2.

By depositing the notice in the United States Post Office addressed to the owner at his last known address with postage prepaid thereon; or

3.

By posting and keeping posted for 24 hours a copy of the notice in placard form in a conspicuous place on the premises to be vacated.

309.4 Vacating Of Condemned Building. Any dwelling or dwelling unit condemned as unfit for human habitation, and so designated and placarded by the housing official, shall be vacated within 30 days after notice of such condemnation has been given by the housing official to the owner and/or occupant of the building.

309.5 Occupancy of Building. No dwelling or dwelling unit which has been condemned and placarded as unfit for human habitation shall again be used for human habitation until approval is secured from and such placard is removed by the housing official. The housing official shall remove such placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated.

309.6 Removal of Placard or Notice. No person shall deface or remove the placard from any dwelling or dwelling unit which has been condemned as unfit for human habitation and placarded as such, except as provided in 309.5.

(Ord. No. 2013-7, § 1, 9-23-2013)

Century, FL - Code of Ordinances (https://library.municode.com/fl/century/codes/code_of_ordinances)

Sec. 14-31. - Title.

This article shall be known as the Town of Century Unsafe Building Abatement Code.

(Ord. No. 3-01, § 1, 10-15-2001)

Sec. 14-34. - Unsafe building abatement code.

Structures of buildings which are unsafe and unsanitary and which constitute a hazard to safety or health are considered unsafe buildings, and are declared illegal and shall be abated by repair and rehabilitation or demolition in accordance with the Southern Building Code Congress International, Inc., Standard Unsafe Building Abatement Code identified in this article as the unsafe building abatement code. The rules and regulations promulgated in accordance with the provisions of the unsafe building abatement code and any amendments thereto are hereby adopted, except as amended as in this article.

(Ord. No. 3-01, § 4, 10-15-2001)

Sec. 14-35. - Amendments.

The unsafe building abatement code adopted in [Section 14-34](#) is amended as follows:

(a)

Section 104 (Violations and Penalties) is replaced with the following:

Any person, who shall violate 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, moved or demolished a building in violation of a detailed statement or drawing submitted and approved thereunder, shall be prosecuted in the same manner as a misdemeanor. Any person who violates this code or fails to comply with any of the requirements of this code shall, upon conviction thereof, be punished by a fine not to exceed \$500.00.

The owner or tenant of any building, structure, premises or part thereof, and any architect, building contractor, agent, or other person, who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

(b)

Section 105.1 (Appointment) is hereby amended as follows:

The composition of the board shall be the town council.

(c)

Section 105.2 (Term of Office) is deleted.

(d)

Section 105.2 (Quorum) is deleted, and the following added:

Three members of the board of adjustment and appeals shall constitute a quorum. A majority of quorum present is required for each action.

(e)

Section 105.3 (Records) is deleted and the following added:

A record shall be kept of all proceedings. The record shall set forth the reasons for the board's decisions, the vote of each member participating therein, the absence of a member and any failure of a member to vote.

(e)

Section 105.5 (Procedures) is hereby amended as follows:

The board shall meet within 30 days after notice of appeal has been received.

(Ord. No. 3-01, § 4, 10-15-2001)

Brooksville, FL - Code of Ordinances (https://library.municode.com/fl/brooksville/codes/code_of_ordinances)

Sec. 10-1.2. - Florida Building Code.

(a)

Adoption. There is adopted by the City that certain statewide unified code known as the Florida Building Code, as developed and maintained by the state building commission, together with all appendices of the Florida Building Code, Building; all appendices of the NFPA 70, National Electrical Code; all appendices of the Florida Building Code, Plumbing; all appendices of the Florida Building Code, Mechanical; and all appendices of the Florida Building Code, Fuel Gas, thereof. The Florida Building Code is adopted and incorporated in this Article as fully as if set forth in haec verba and, from the date upon which this Article shall take effect, the provisions thereof except as otherwise noted herein shall be controlling in the construction, alteration, removal, demolition, moving, improving, repairing of equipment, use and occupancy, location and maintenance of all buildings and structures within the incorporated areas of the City.

(b)

Scope. The provisions of this Article shall govern the administration and enforcement of the Florida Building Code.

(c)

Title. The provisions of this Article shall constitute and be known and cited as the City of Brooksville Building Code.

(d)

Code remedial.

(1)

Generally. The Code adopted in this Article is 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.

(2)

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 in this Article.

(3)

Permitting and inspection. The inspection or permitting of any building, system or plan by the City under the requirements of this Article 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 City 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 the City 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.

(e)

Applicability of Article.

(1)

Where, in any specific case, different Sections of this Article 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.

(2)

The provisions of this Article 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 of chapter 34 of the Florida Building Code. The following buildings, structures and facilities are exempt from the provisions of this Article as provided by law, and any future exemptions shall be as determined by the legislature and provided by law:

a.

Buildings and structures specifically regulated and preempted by the federal government.

b.

Railroads and ancillary facilities associated with the railroad.

c.

Non-residential farm buildings on farms.

d.

Temporary buildings or sheds used exclusively for construction purposes.

e.

Mobile homes used as temporary offices, except that the provisions of F.S. §§ 553.501—553.513 relating to accessibility by persons with disabilities shall apply to such mobile homes.

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 subsection, 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.

Each enforcement district shall be governed by a board, the composition of which shall be determined by the affected localities. At its own option, each enforcement district or local enforcement agency may promulgate rules granting to the owner of a single-family residence one or more exemptions to the Florida Building Code relating to:

(1)

Addition, alteration or repair performed by the property owner upon his own property, provided any addition or alteration shall not exceed 1,000 square feet or the square footage of the primary structure, whichever is less.

(2)

Addition, alteration or repairs by a non-owner within a specific cost limitation set by rule, provided the total cost shall not exceed \$5,000.00 within any 12-month period.

(3)

Building and inspection fees.

j.

Each Code exemption shall be certified to the City ten days prior to implementation and shall be effective only in the territorial jurisdiction of the enforcement district or local enforcement agency implementing it.

(3)

This Article does not apply to, and no code enforcement action shall be brought under this Article 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 the enforcement of this Article. Additionally, a local code enforcement agency may not administer or enforce this Article 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.

(4)

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, Part 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, Part II, and the certification requirements of the federal government.

(5)

Residential buildings or structures moved into or within the City 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:

a.

The building or structure is structurally sound and in an occupiable condition for its intended use;

b.

The occupancy use classification for the building or structure is not changed as a result of the move;

c.

The building is not substantially remodeled;

d.

Current fire code requirements for ingress and egress are met;

e.

Electrical, gas and plumbing systems meet the codes in force at the time of construction and are operational and safe for reconnection; and

f.

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.

(6)

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.

(7)

Unsafe buildings shall be abated using the Standard Unsafe Building Abatement Code, 1985 Edition, promulgated by the Southern Building Code Congress International, Inc., as adopted and amended by ordinance.

(8)

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.

(9)

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

(10)

The provisions of the Florida Building Code, Fuel Gas, shall apply to the installation of consumers' gas piping, 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.

(11)

The provisions of the Florida Building Code, Mechanical, shall apply to the installation of mechanical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances, including ventilating, heating, cooling, air conditioning and refrigeration systems, incinerators and other energy-related devices.

(12)

The provisions of the Florida Building Code, 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.

(13)

The provisions of this Article shall not be held to deprive any federal or state agency, or any applicable governing authority having jurisdiction, of any power or authority which it had on the effective date of the adoption of this Article or of 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.

(14)

The appendices included in the technical codes referred to in this Section are hereby adopted.

(15)

Standards referenced in the technical codes referred to in this Section shall be considered an integral part of the codes. If specific portions of a standard are denoted by code text, only those portions of the standard shall be enforced. Where code provisions conflict with a standard, the code provisions shall be enforced. Permissive and advisory provisions in a standard shall not be construed as mandatory.

(16)

The inch-pound system of measurement is applicable to the provisions of the Florida Building Code. Metric units indicated in parenthesis following inch-pound units are approximate equivalents and are provided for informational purposes only.

(17)

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

(18)

For provisions related to energy, refer to Chapter 13 of the Florida Building Code, Building.

(Ord. No. 831, § 2, 8-6-2012)

Brooksville, FL - Code of Ordinances (https://library.municode.com/fl/brooksville/codes/code_of_ordinances)

Sec. 10-1.4. - Building Division.

- (a) *Establishment of Building Department.* There is established a department to be called the Building Department and the person in charge shall be known as the Building Official.
- (b) *Employee qualifications.*
- (1) *Building official qualifications.* The Building Official shall be licensed as a building code administrator by the state. The Building Official shall be appointed or hired by the City Manager.
 - (2) *Employee qualifications.* The Building Official, with the approval of the City Manager, 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.
 - (3) *Restrictions on employees.* An officer or employee connected with the Building Department, except one whose only connection is as a member of the commission established by this Article, 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 Building 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 Building Department.
 - (4) *Records.* The Building Official shall keep, or cause to be kept, a record of the business of the Building Department. The records of the Building Department shall be open to public inspection.
 - (5) *Liability.* Any officer or employee charged with the enforcement of this Article, acting for the City in the discharge of his duties, shall not thereby render himself personally liable, and is 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 Article 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.
- (c) *Powers and duties of the Building Official.*
- (1) *Generally.* The Building Official is authorized and directed to enforce the provisions of this Article. The Building Official shall have the authority to render interpretations of this Article 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 Article, and shall not have the effect of waiving requirements specifically provided for in this Article.
 - (2) *Right of entry.*
 - a. Whenever necessary to make an inspection to enforce any of the provisions of this Article, 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 Article. 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.
 - 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 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 subsection.

- (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 Article 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. It shall be unlawful for any person to continue to work or perform acts for which a stop work order was issued. A person failing to comply with a stop work order or otherwise violate a stop work order shall be deemed to have violated this Article and is subject to applicable disciplinary guidelines as provided in the City construction licensing code.
 - (4) *Revocation of permits.* The Building Official is authorized to suspend or revoke a permit issued under the provisions of this Article 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 provisions of this Article.
 - a. *Misrepresentation of application.* The Building Official may revoke a permit or approval, issued under the provisions of this Article, 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.
 - b. *Violation of Article 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 Article.
 - (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 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 City Code.
 - (6) *Requirements not covered.* 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 Article or the other technical codes referred to in Section 10-1.2(e) shall be determined by the Building Official.
 - (7) *Alternate materials and methods.*
 - a. The provisions of the technical codes referred to in Section 10-1.2(e) 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.
 - b. 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.
- (d) *Permits.*
- (1) *Permit application.*
 - a. *When required.* 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 part of 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 referred to in Section 10-1.2(e) or to cause any such work to be done, shall first make application to the Building Official and obtain the required permit for the work. Permits shall not be required for the following mechanical work:

1. Any portable heating appliance;
 2. Any portable ventilation equipment;
 3. Any portable cooling unit;
 4. Any steam, hot or chilled water piping within any heating or cooling equipment regulated by this Article;
 5. Replacement of any part which does not alter its approval or make it unsafe, not including components of a central heating and air conditioning system;
 6. Any portable evaporative cooler;
 7. Any self-contained refrigeration system containing ten 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 load management control device; and
 9. Other construction work deemed exempt by written policy of the Building Official.
- b. *Temporary structures.* A special building permit for a limited time shall be obtained before the erection of temporary structures such as construction sheds, seats, canopies, tents and fences used in construction work or for temporary purposes such as reviewing stands. Such structures shall be completely removed upon the expiration of the time limit stated in the permit.
- c. *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 drawings and set forth in the specifications filed with the application for the permit. Where these are not shown on the drawings and covered by the specifications submitted with the application, separate permits shall be required.
- d. *Minor repairs.* Ordinary minor repairs may be made with the approval of the Building Official without a permit, provided that such repairs shall not violate any of the provisions of the technical codes referred to in Section 10-1.2(e).
- e. *Information required.* Each application for a permit, with the required fee, shall be filed with the Building Official on a form furnished for that purpose and shall contain a general description of the proposed work and its location. The application shall be signed by the owner or his authorized agent. 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 such other information as may be required by the Building Official. Permit application forms shall be in the format prescribed by the Building Official, and must comply with the requirements of F.S. § 713.135(6) and (7). Each application shall be inscribed with the date of application and the Code in effect as of that date.
- f. *Time limitations.* Except as otherwise provided in this Article, 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 months after the date of filing for the permit, or plan approval, whichever is later unless before then 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.
- g. *Annual facility permit.* In lieu of an individual permit for each alteration to an existing electrical, gas, mechanical, plumbing or interior nonstructural office system, the Building Official is authorized to issue an annual permit for group F occupancies 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. A facility service 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.

- h. *Annual permit records.* The person to whom an annual permit is issued shall keep a detailed record of alterations made annual permit. The Building Official shall have reasonable access to such records upon request. The permit holder shall work performed on a form approved by the Building Official. At the end of the permit validation period, a copy of the lo with the Building Official. The Building Official is authorized to revoke or withhold the issuance of the future permits if a code violations is found to exist.
- i. *Food permit.* As per 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.
- j. *Notice of commencement.* As per 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 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.
- k. *Asbestos.* Each building permit for the demolition or renovation of an existing structure shall 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 intentions to remove asbestos, when applicable, in accordance with state and federal law.
- (2) *Drawings and specifications.*
- a. *Requirements.* Two or more copies of specifications and of drawings drawn to a minimum one-quarter-inch 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 conformity with the technical codes referred to in Section 10-1.2(e). 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.
1. For roof assemblies required by the Florida Building 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.
 2. 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.
- b. *Design professional.* If the design professional is an architect or engineer legally registered under the laws of this state regulating the practice of architecture or engineering, then he shall affix his official seal to such drawings, specifications and accompanying data, as required by state statute. Certification 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 local enforcement agencies for plans review for permitting purposes relating to compliance with the wind resistance provisions of the Florida Building Code or alternate methodologies approved by the state building commission for one-family 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 F.S. chs. 471, 481 or 489.
- c. *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, 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.

- d. *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 shall be permitted to require a boundary line survey prepared by a qualified surveyor if the boundary lines cannot be readily determined in the field.
- e. *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.
- f. *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.
- g. *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.
- (3) *Examination of documents.*
- a. *Plan review.* The Building Official shall examine or cause to be examined each application for a permit and the accompanying documents, consisting of drawings, specifications, computations and additional data, and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of the technical codes referred to in Section 10-1.2(e) and all other pertinent laws or ordinances. Building plans approved pursuant to F.S. § 553.77(6) and state-approved manufactured buildings are exempt from City Codes enforcing agency plan reviews except for provisions of the Florida Building Code relating to erection, assembly or construction at the site. Erection, assembly and construction at the site are subject to City permitting and inspections. 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 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.
1. *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:
 - a. Commercial buildings:
 1. Building:
 - (i) Site requirements:
 - (A) Parking.
 - (B) Fire access.
 - (C) Vehicle loading.
 - (D) Driving/turning radius.

- (E) Fire hydrant/water supply/post indicator valve (PIV).
- (F) Setback/separation (assumed property lines).
- (G) Location of specific tanks, water lines and sewer lines.
- (ii) Occupancy group and special occupancy requirements shall be determined.
- (iii) Minimum type of construction shall be determined (Table 500).
- (iv) Fire resistant construction requirements shall include the following components:
 - (A) Fire resistant separations.
 - (B) Fire resistant protection for type of construction.
 - (C) Protection of openings and penetrations of rated walls.
 - (D) Fire blocking and draft-stopping.
 - (E) Calculated fire resistance.
 - (v) Fire suppression systems shall include:
 - (A) Early warning.
 - (B) Smoke evacuation systems schematic.
 - (C) Fire sprinklers.
 - (D) Standpipes.
 - (E) Pre-engineered systems.
 - (F) Riser diagram.
 - (vi) Life safety systems shall be determined and shall include the following requirements:
 - (A) Occupant load and egress capacities.
 - (B) Smoke control.
 - (C) Stair pressurization.
 - (D) Systems schematic.
 - (vii) Occupancy load/egress requirements shall include:
 - (A) Occupancy load: gross, net.
 - (B) Means of egress: exit access, exit, exit discharge.
 - (C) Stairs construction/geometry and protection.
 - (D) Doors.
 - (E) Emergency lighting and exit signs.
 - (F) Specific occupancy requirements.
 - (G) Construction requirements.
 - (H) Horizontal exits/exit passageways.
 - (viii) Structural requirements shall include:
 - (A) Soil conditions/analysis.
 - (B) Termite protection.
 - (C) Design loads.
 - (D) Wind requirements.
 - (E) Building envelope.
 - (F) Structural calculations (if required).
 - (G) Foundation.
 - (H) Wall systems.
 - (I) Floor systems.

- (J) Roof systems.
- (K) Threshold inspection plan.
- (L) Stair systems.
- (ix) Materials shall be reviewed and shall at a minimum include the following:
 - (A) Wood.
 - (B) Steel.
 - (C) Aluminum.
 - (D) Concrete.
 - (E) Plastic.
 - (F) Glass.
 - (G) Masonry.
 - (H) Gypsum board and plaster.
 - (I) Insulating (mechanical).
 - (J) Roofing.
 - (K) Insulation.
- (x) Accessibility requirements shall include the following:
 - (A) Site requirements.
 - (B) Accessible route.
 - (C) Vertical accessibility.
 - (D) Toilet and bathing facilities.
 - (E) Drinking fountains.
 - (F) Equipment.
 - (G) Special occupancy requirements.
 - (H) Fair housing requirements.
- (xi) Interior requirements shall include the following:
 - (A) Interior finishes (flame spread/smoke develop).
 - (B) Light and ventilation.
 - (C) Sanitation.
- (xii) Special systems:
 - (A) Elevators.
 - (B) Escalators.
 - (C) Lifts.
- (xiii) Swimming pools:
 - (A) Barrier requirements.
 - (B) Spas.
 - (C) Wading pools.
- 2. Electrical:
 - (i) Electrical:
 - (A) Wiring.
 - (B) Services.
 - (C) Feeders and branch circuits.

- (D) Overcurrent protection.
- (E) Grounding.
- (F) Wiring methods and materials.
- (G) GFCIs.
 - (ii) Equipment.
 - (iii) Special occupancies.
 - (iv) Emergency systems.
 - (v) Communication systems.
 - (vi) Low-voltage.
- (vii) Load calculations.
 - 3. Plumbing:
 - (i) Minimum plumbing facilities.
 - (ii) Fixture requirements.
 - (iii) Water supply piping.
 - (iv) Sanitary drainage.
 - (v) Water heaters.
 - (vi) Vents.
 - (vii) Roof drainage.
 - (viii) Backflow prevention.
 - (ix) Irrigation.
 - (x) Location of water supply line.
 - (xi) Grease traps.
 - (xii) Environmental requirements.
 - (xiii) Plumbing riser.
 - 4. Mechanical:
 - (i) Energy calculations.
 - (ii) Exhaust systems:
 - (A) Clothes dryer exhaust.
 - (B) Kitchen equipment exhaust.
 - (C) Specialty exhaust systems.
 - (iii) Equipment.
 - (iv) Equipment location.
 - (v) Make-up air.
 - (vi) Roof-mounted equipment.
 - (vii) Duct systems.
 - (viii) Ventilation.
 - (ix) Combustion air.
 - (x) Chimneys, fireplaces and vents.
 - (xi) Appliances.
 - (xii) Boilers.
 - (xiii) Refrigeration.
 - (xiv) Bathroom ventilation.

- (xv) Laboratory.
 - 5. Gas:
 - (i) Gas piping.
 - (ii) Venting.
 - (iii) Combustion air.
 - (iv) Chimneys and vents.
 - (v) Appliances.
 - (vi) Type of gas.
 - (vii) Fireplaces.
 - (viii) LP tank location.
 - (ix) Riser diagram/shut-offs.
 - 6. Demolition. Asbestos removal.
 - b. Residential (one-family and two-family):
 - 1. Site requirements:
 - (i) Setback/separation (assumed property lines).
 - (ii) Location of utility services (water-sewer) or septic tanks (if applicable).
 - 2. Fire resistant construction (if required).
 - 3. Fire.
 - 4. Smoke detector locations.
 - 5. Egress:
 - (i) Egress window size and location.
 - (ii) Stairs construction requirements.
 - 6. Structural requirements shall include:
 - (i) Wall Section from foundation through roof, including assembly and materials.
 - (ii) Connector tables.
 - (iii) Wind requirements.
 - (iv) Structural calculations (if required).
 - 7. Accessibility requirements. Show/identify accessible bath.
 - c. Manufactured/mobile homes:
 - 1. Site requirements:
 - (i) Setback/separation (assumed property lines).
 - (ii) Location of utility services (water-sewer) or septic tanks (if applicable).
 - 2. Structural:
 - (i) Wind zone.
 - (ii) Anchoring.
 - (iii) Blocking.
 - 3. Mechanical exhaust systems:
 - (i) Clothes dryer exhaust.
 - (ii) Kitchen equipment exhaust.
 - 4. Electrical. Exterior disconnect location.
- 2. *Exemptions.* Plans examination by the Building Official shall not be required for the following work:

- a. Replacing existing equipment such as mechanical units, water heaters, etc.
 - b. Re-roofs.
 - c. Minor electrical, plumbing and mechanical repairs.
 - d. Annual maintenance permits.
 - e. Prototype plans except for local site adaptations, siding, foundations and/or modifications except for structures that require waiver.
- b. *Affidavits.* The Florida Building Code, Building, Section 107.6. is hereby amended as follows:

The Building Official may accept a sworn affidavit from a registered architect or engineer stating that the plans submitted conform to the technical codes referred to in Section 10-1.2(e) 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 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 (F.S. § 468.601 et seq.), and that any person conducting inspections is qualified as a building inspector under F.S. § 468.601 et seq.

(4) *Issuing permits.*

- a. Action on permits.
 - 1. 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 an application for a permit and the contract documents filed therewith conform to the requirements of the technical codes referred to in Section 10-1.2(e) and other pertinent laws and ordinances, he shall issue a permit to the applicant. 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.
 - 2. If a state university, state community college, or public school district elects to use the City's code enforcement offices, fees charged 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.
 - 3. No permit may be issued for any building construction, erection, alteration, modification, repair or addition unless the applicant for such permit provides to the City 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:
 - 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 fixture units or which costs more than \$50,000.00.
 - c. 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 F.S. § 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.

- d. Heating, ventilation and air conditioning documents for any new building or addition which requires more than capacity which is designed to accommodate 100 or more persons or for which the system costs more than \$50,000.00 does not include any document for the replacement or repair of an existing system in which the work does not include 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. ch. 489, to accommodate fewer than 100 persons and requires an air conditioning system with a cost 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 has an independent duct system. Systems not complying with the above required design documents that are to be prepared by a professional engineer.
1. *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 system is less than 15 tons.
 2. *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 \$47,000.00 and the office building accommodates fewer than 100 persons.
- Note: The limiting criteria of 100 persons and \$50,000.00 apply to the building occupancy load and the cost of the total air conditioning system of the building.
- e. 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 \$5,000.00. 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. § 471.025.
4. The Building Official 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."
 5. 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 City's Code.
- b. *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 referred to in [Section 10-1.2\(e\)](#) 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 refusal to issue such permit. Such refusal shall, when requested, be in writing and shall contain the reason for refusal.
- c. *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.
- d. *Asbestos removal.* Moving, removal or disposal of asbestos-containing materials may be permitted 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 the disclosure statement. To qualify for exemption under this subsection, an owner must personally appear and sign the building permit application. The Building Official 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 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 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.

- e. *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 referred to in Section 10-1.2(e).
- f. *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 such 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.

(5) *Conditions of the permit.*

- a. *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 referred to in Section 10-1.2(e) nor shall issuance of a permit prevent the Building Official from thereafter requiring a correction of errors in plans, construction or violations of this Article. 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 90 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.
 - 1. If work has commenced and the permit is revoked, becomes null and void, expires because of lack of progress or abandonment, or a change in the primary contractor is made, a new permit covering the proposed or remaining construction shall be obtained before proceeding with the work.
 - 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.
 - 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.
 - 4. The fee for renewal, reissuance and extension of a permit shall be set forth by the City Council.
 - 5. 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 request shall be in writing

to the Building Official.

6. Unless otherwise stated in this Article, a permit shall be valid for a period not exceeding two years from the date of issuance.
 - b. *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 referred to in Section 10-1.2(e). 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 (F.S. § 468.601 et seq.) and that any person conducting inspections is qualified as a building inspector under F.S. ch. 468, pt. III (F.S. § 468.201 et seq.).
 - c. *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.
 - d. *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.
- (6) *Fees.*
 - a. *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.
 - b. *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 double (200 percent) the usual permit fee in addition to the required permit fees or as provided by City Council resolution. 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 permits must be obtained within three business days and any unreasonable delay in obtaining those permits shall result in the charge of a double fee in addition to the required permit fees. 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 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.
 - d. *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 City Council.
 - e. *Types of fees enumerated.* Fees are established by City Council resolution and may be charged for all of, but not limited to, the following:
 1. Permits.
 2. Plans examination.
 3. Certificates of competency (including fees for applications, examinations, renewal, late renewal and reciprocity).

4. Reinspections.
 5. Administrative fees (including fees for investigative and legal costs incurred in the context of certain disciplinary cases heard by the board).
 6. Variance requests.
 7. Administrative appeals.
 8. Violations.
 9. Other fees as established by City Council resolution.
- f. *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 materials and labor. The permit valuation may be calculated using the latest building valuation data published by the Southern Building Code Congress International or other applicable model code organization, at the option of the Building Official.
- (7) *Inspections.*
- a. *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 referred to in Section 10-1.2(e).
 - b. *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 referred to in Section 10-1.2(e).
 - c. *Inspection service.* The Building Official may make, or cause to be made, the inspections required by this Section. He 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 Article 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.
 - d. *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.
 - e. *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.
 - f. *Inspection requests.* A permit holder (owner/contractor) is responsible for requesting a final inspection within ten calendar days of the completion of permitted work, and if applicable, a re-inspection within seven days of the issuance of a red-tag. A person failing to request an inspection as described in this Section is deemed to have violated this Article.

g. *Required inspections.* The Building Official, upon notification from the permit holder or his agent, shall make the follow and shall either release that portion of the construction or shall notify the permit holder or his agent of any violations w corrected in order to comply with the technical codes referred to in [Section 10-1.2\(e\)](#). The Building Official shall determi and sequencing of when inspections occur and what elements are inspected at each inspection.

1. Building.

- a. *Grade inspection.* To be made prior to the installation and inspection of the first rough plumbing inspection to verify the elevation of the slab and surrounding areas. Additional inspection of the final grade may be required prior to the final building inspection.
- b. *Foundation inspection.* To be made after trenches are excavated and forms erected and may at a minimum include the following building components:
 1. Stem-wall.
 2. Monolithic slab-on-grade. (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.)
 3. Piling/pile caps.
 4. Column.
 5. Footers/grade beams.
- c. *Masonry bond beam inspection.* To be made after steel is placed and before concrete is poured and includes, but is not limited to:
 1. Vertical cells/columns.
 2. Lintel/tie beams.
- d. *Foundation survey.* A foundation survey prepared and certified by a registered surveyor shall be required for all new construction prior to approval of the framing 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.
- e. *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.

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.

- f. *Pre-radiant barrier.* To be made prior to installation of barrier to ensure that all metal mechanical connections that are to be concealed are installed properly.
- g. *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 may, 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.

5. Draft stopping/fire-blocking.
 6. Curtain wall framing.
 7. Accessibility.
 - h. *Firewall inspection.* To be made prior to the insulation inspection, including, but not limited to, the following:
 1. Residential firewall.
 2. Residential firewall, second layer.
 3. Commercial firewall.
 4. Commercial firewall, second layer.
 - i. *Insulation inspection.* To be made after the framing inspection is approved and the insulation is in place.
 - j. *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 may, at a minimum, include the following building components:
 1. Dry-in.
 2. Insulation.
 3. Roof coverings.
 4. Flashing.
 - k. *Top ply (cap sheet) inspection.* For cement applied tile roofs only. To be made after the top ply (cap sheet) is installed and back-nailed, and before roof covering is applied.
 - l. *Ceiling diaphragm inspection.* To be made after drywall is installed, but before any seams or screws are covered. If a ceiling diaphragm is not incorporated into the building design, this inspection is not required.
 - m. *Final inspection.* To be made after the building is completed and ready for occupancy.
2. Swimming pool.
 - a. Initial and interim inspections shall include, but not be limited to, the following:
 1. Pool first plumbing.
 2. Pool steel.
 3. Pool bond.
 4. Pool deck.
 5. Excavation/hole (fiberglass shell).
 - b. Final inspection to be made when the swimming pool is complete and all required enclosure requirements are in place and shall include, but not be limited to, the following:
 1. Pool final plumbing.
 2. Pool final electric.
 3. Pool final building.

NOTE: In order to pass the pool final building inspection and receive a certificate of completion, a residential swimming pool must meet the requirements relating to pool safety features as described in F.S. § 424.2.17.

3. Demolition.
 - a. 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. This includes, but is not limited to, sewer, water, well, septic tank, electric and any other applicable utility disconnection.
 - b. Final inspection to be made after all demolition work is completed.
4. Electrical.
 - a. *Underground inspection.* To be made after trenches or ditches are excavated, conduit or cable installed, and before any backfill is put in place.

- b. *Rough-in inspection.* To be made after the roof, framing, fire-blocking and bracing is in place and prior to the installation of ceiling membranes.
 - c. *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.
 - d. *Temporary pole inspection.* To be made after temporary service is installed.
5. Plumbing.
- a. *Underground inspection/first rough.* To be made after trenches or ditches are excavated, piping installed, and before any backfill is put in place.
 - b. *Second 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. Separate inspections for sewer, grease trap and sprinklers may be applicable and in addition to a second rough.
 - c. *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.
6. Mechanical.
- a. *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.
 - b. *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. Separate inspections for hood, hood suppression and solar may be applicable and in addition to a second rough.
 - c. *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.
7. Gas.
- a. *Underground 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.
 - b. *Rough piping inspection.* To be made after all piping authorized by the permit has been installed and not concealed and before any fixtures or gas appliances have been connected. This inspection shall include a pressure test.
 - c. *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 Article and to ensure that the installation and construction of the gas system is in accordance with reviewed plans.
- h. *Site debris.*
- 1. The contractor 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, 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.
 - 3. Compliance with this Section and/or the appropriate containment of site debris as otherwise regulated by local ordinance shall be determined by the Building Official or his designee.
- i. *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 inspections required in subsection (g) of this Section.

- j. *Reinforcing steel and structural frames.* Reinforcing steel or structural framework of any part of any building or structure covered or concealed without first obtaining a release from the Building Official.
 - k. *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.
 - l. *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.
 - m. *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, 2304 or 2603.3 of the Florida Building Code, specifically required to be inspected for termites in accordance with Section 2116 of the Florida Building Code, 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.
 - n. *Shoring.* For threshold buildings, shoring and associated form work or false work shall be designed and inspected by a state licensed professional engineer, employed by the permit holder or subcontractor, prior to any required mandatory inspections by the threshold building inspector.
- (8) *Threshold building.*
- a. The Building Official 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 Building Official 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.
 - b. The special inspector shall inspect the shoring and reshoring for conformance to the shoring and reshoring plans submitted to the Building Official. 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, Building.
 - c. 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.
 - d. On every threshold building:
 - 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 loadbearing components complies with the permitted documents, and the shoring and reshoring conforms to the shoring and reshoring plans submitted to the City of Brooksville."
 - 2. Any proposal to install an alternate structural product or system to which building codes apply shall be submitted to the City for review for compliance with this Article and made a part of the City's recorded set of permit documents.
 - 3. All shoring and reshoring procedures, plans and details shall 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.
 - 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.

5. The Building Official shall not issue a building permit for construction of any threshold building except to a licensed 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), with his license.
 6. The Building Official may allow a special inspector to conduct the minimum structural inspection of threshold buildings required by this Article, F.S. § 553.73, without duplicative inspection by the Building Official. 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 (F.S. § 468.601 et seq.), or certified as a special inspector under F.S. chs. 471 or 481. Inspections of threshold buildings required by F.S. § 553.79(5) are in addition to the minimum inspections required by this Article.
- (9) *Certificates.*
- a. *Certificate of occupancy.*
 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. Such 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 referred to in Section 10-1.2(e) and other applicable laws and ordinances and released by the Building Official.
 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 referred to in Section 10-1.2(e) 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 Article.
 3. *Temporary/partial occupancy.* A temporary/partial certificate of occupancy may be issued for a portion of a building which may safely be occupied prior to final completion of the building.
 - b. *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.
 - c. *Service utilities.*
 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 referred to in Section 10-1.2(e) for which a permit is required, until released by the Building Official and a certificate of occupancy or completion is issued.
 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.
 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 referred to in Section 10-1.2(e) 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.
 - d. *Posting floor loads.*
 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.
 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 Department.

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.

- (10) *Tests.* 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.

(Ord. No. 831, § 2, 8-6-2012; Ord. No. 874, § 1(Exh. A), 11-6-2017)

Sec. 10-2.1. - Standard Unsafe Building Abatement Code—Adopted.

There is adopted by the City for the purpose of establishing and prescribing rules and regulations for the abatement of unsafe structures, and otherwise, the Standard Unsafe Building Abatement Code, 1985 Edition, as published by the Southern Building Code Congress International, Inc. One copy of the adopted Code is on file in the office of the Building Official. The Code is adopted and incorporated as fully as if set out at length in this Section and the provisions shall be controlling in the installation, construction, alteration, removal, demolition, moving, improving, repairing, equipping, use, occupancy, location and maintenance of buildings and structures and otherwise within the City.

Sec. 10-2.2. - Construction Board of Adjustment and Appeals.

The construction board of adjustment and appeals created in Part 10-1 of this Article shall be the board named in the Standard Unsafe Building Abatement Code adopted in Section 10-2.1.

St. Cloud, FL - Code of Ordinances (https://library.municode.com/fl/st._cloud/codes/code_of_ordinances)

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)

3.20.18. - Nonconforming uses and structures.

A. *Intent.* Within the districts established by this article or amendments that may later be adopted, there may exist: (a) lots, (b) structures, (c) uses of land and structures, and (d) characteristics of use which were lawful before this article was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this article or future amendments. It is the intent of this article to permit these nonconforming structures to continue as restricted and set forth herein and to protect the health, safety, and welfare of the public by requiring any nonconforming structure that is altered, to be brought up to minimum building standards as set forth in this article. It is further the intent of this article to permit nonconforming uses to exist until they are discontinued. It is further the intent of this article that nonconformities shall not be enlarged upon, expanded or extended, except as provided herein, and shall not be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

B. *Repairs and maintenance.* Minor repair or incidental maintenance work that does not require a permit or inspection may be performed.

C. *Nonconforming use.* (Ord. No. 2001-40, 9-27-2001)

1. *Continuance.* A nonconforming use may continue in the same location provided the nonconforming use is continual and legally maintained. A nonconforming use which has not been continual and legally maintained for a period of 180 consecutive days shall irrevocably lose its nonconforming status and become a use which is not permitted. Said use may not revert back to nonconforming status. Continuous and legally maintained use shall be determined by license or permit records or other proof as determined by the city manager or his designee. The burden of proof rests with the owner of the property on which the claimed nonconforming use exists.

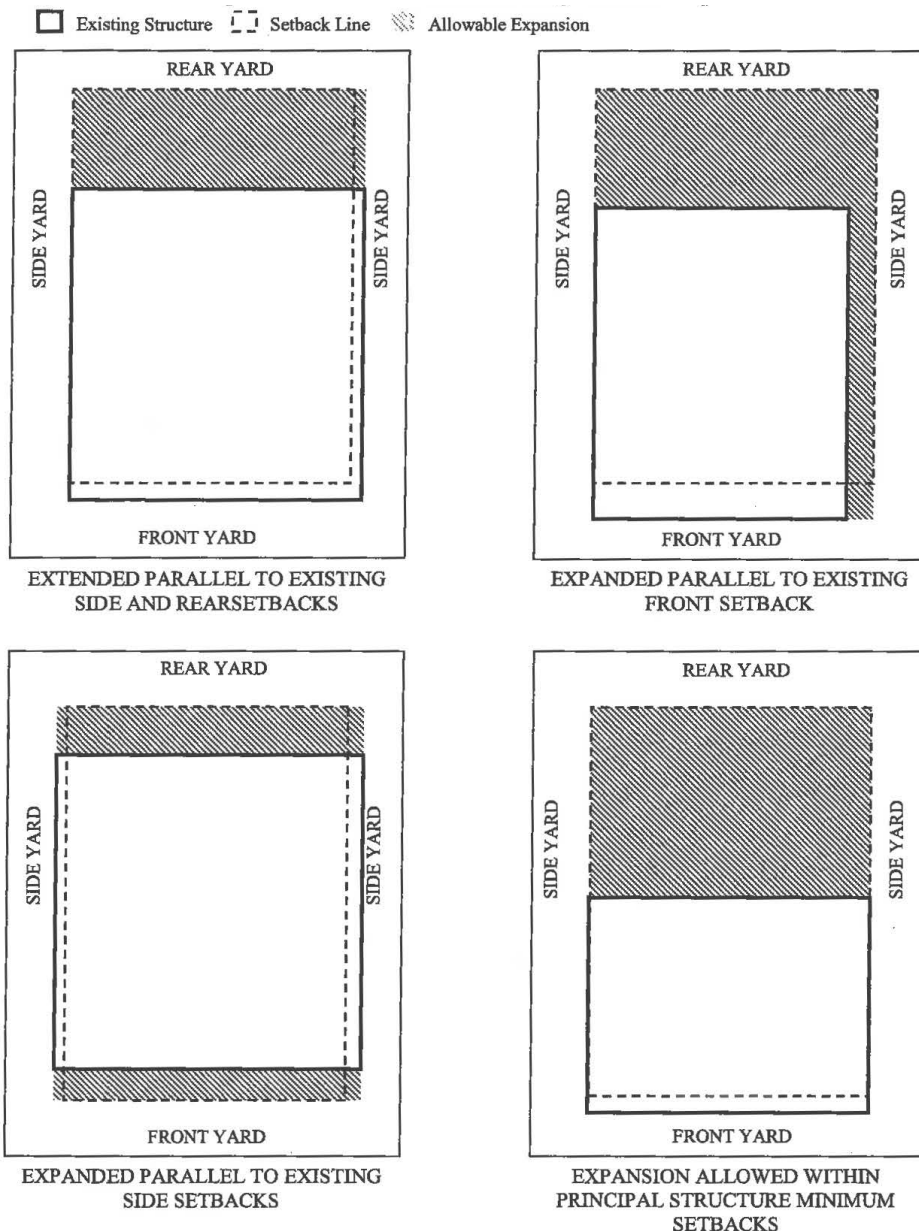
2. *Replacement with permitted use.* A nonconforming use which is replaced by a permitted use shall irrevocably lose its nonconforming use status. Said location may not revert back to, or be changed to, any nonconforming uses or uses

which are not permitted.

3. *Extension.* A nonconforming use shall not be extended, except that permission to extend the use to any portion of a building or lot which portion was arranged or designed for such nonconforming use at the time of the effective date of these regulations may be granted by the board of adjustments. No other extension, enlargement, or relocation of a nonconforming use shall be made. The addition of an accessory structure or expansion of the primary dwelling unit on a lot containing a legal nonconforming single-family residential use which meets the requirements of section 3.20.18.C.1 shall not be considered an expansion of such use provided the addition meets all other requirements of this Code.
 4. *Nonconforming use of a mobile home, manufactured home or travel trailer on an individual lot.* Whenever a nonconforming mobile home, manufactured home, or travel trailer is located on an individual lot in a district not permitting such use, and the mobile home, manufactured home or travel trailer is removed from the lot, the nonconforming use of the lot shall not thereafter be resumed.
 5. *Nonconforming use of a mobile home, travel trailer, or manufactured home park.* Whenever a mobile home, travel trailer, or manufactured home park is removed from a zoning district not permitting such use, the nonconforming use of the park shall not thereafter be resumed.
 6. *Reserved.*
- D. *Nonconforming structures.* Nonconforming structures are defined as existing improvements which do not meet required parking and loading regulations, height regulations, area regulations, and residential floor area regulations, required setbacks or other applicable regulations for the district in which they are located.
1. *Replacement of nonconforming structures.* Nonconforming structures may be replaced subject to the provisions below:
 - a. Residential: A nonconforming residential structure may be replaced or rebuilt within the setbacks of the existing structure. This includes structures damaged or destroyed by fire or other causes as well as those intentionally demolished by the owner after obtaining a demolition permit.
 - b. Non-residential: A nonconforming non-residential structure may be replaced within the setbacks of the existing structure should it be destroyed by fire or other causes.
 - c. A replacement structure may only extend the original structure subject to the provisions in section 3.20.18.D.2.
 - d. The burden of proof of the original footprint of the structure rests with the property owner. Proof of the building footprint will be considered a signed and sealed survey of the property or other acceptable proof as determined by the city manager or his or her designee.
 2. *Extension of nonconforming structure.* Any habitable portion of a nonconforming structure shall not be extended, enlarged, or replaced until a standard building inspection has been completed, and the structure has been found to be of sound construction as defined herein. (Porches, carports or garages shall not require an inspection of the habitable portion of the structure.) Structures determined to be deteriorated or dilapidated, as defined herein, by the building official shall be repaired or rehabilitated to a sound construction condition prior to, or concurrently with, approval of any extension or alteration. Those structures found to be unsafe shall be abated by repair, rehabilitation or demolition in accordance with the provisions of the Standard Unsafe Building Abatement Code. In addition to the standard building inspection, one of the following conditions must be met:
 - a. The permitted work will bring the structure into conformity with the dimensional regulations of this Zoning Code.
 - b. A variance has been granted by the board of adjustment authorizing the issuance of a building permit.
 - c. When a structure exhibits one or more nonconformities, the structure may be enlarged or altered in any lawful way for any permitted use, provided that the enlargement or alteration does not create a new nonconformity.
 - d. Structures with a nonconforming setback may be expanded along a line parallel to the existing nonconformity, provided that all other applicable zoning, building and fire codes are met. This type of expansion is allowed in front, rear and side yards as shown in Figure 3.20.18.
 3. *Nonconforming manufactured homes or mobile home parks.* Nonconforming manufactured homes or mobile home parks shall be allowed to continue in existence as approved when constructed.

4. *Nonconforming structures created by address changes required to meet 911 addressing criteria.* When a change in address by the 911 system causes a structure to become nonconforming with regard to required setbacks, that structure hereinafter considered to be conforming with regard to setbacks. Additions to the structure shall be considered based on the required prior to the address change. Reconstruction after any event that causes the structure to be completely removed shall comply Land Development Code requirements at the time an application for the replacement structure is submitted to the city.
5. *Nonconforming residential structures and uses created by a rezoning to comply with the comprehensive plan future land use map.* Any residential structures or uses made nonconforming with development criteria included in the Land Development Code as a result of Comprehensive Plan consistency based amendments to the Zoning District Map that are approved on or after September 23, 2010 shall be considered conforming for the purpose of continuance of use and additions to the structure. These residential uses shall be subject to the development criteria in the zoning district prior to the rezoning. Upon change of the use to a conforming use the structure shall not be converted back to a residential use and all development criteria in the rezoned zoning district shall become applicable. (Ord. No. 2010-39, § 1, 9-23-2010)

Figure 3.20.18 Examples of Allowable Nonconforming Structure Expansions



E. *Miscellaneous provisions.*

1. Any use or structure which was permitted by conditional use or variance shall not be deemed a nonconforming use or structure if those terms are used in this section.
2. A particular permitted use shall not become a nonconforming use solely by virtue of a code amendment, if following the code amendment such use continues to be a use permitted as a conditional use; but rather such use shall continue as if granted as a conditional use, hereunder. (Ord. No. 97-02, 2-27-1997)
3. No unlawful use of property or structures existing at the effective date of the ordinance from which this article is derived shall be entitled to any of the benefits or exceptions applicable to nonconforming uses or structures.
4. Any structure or lot which has become nonconforming as a result of a dedication to the public, voluntarily or through an action of eminent domain, shall not be considered nonconforming because of the reduction of lot size.
5. Only buildings or structures for which a building permit has been obtained, and construction has been diligently prosecuted, will be allowed to continue construction as a nonconforming use or structure. Failure to complete work in accordance with the permit or within approved time limits shall void any claim to nonconforming rights.

F. *Nonconforming lots.*

1. *Nonconforming lot of record.* A lot of record is defined as a parcel of land, the dimensions of which are shown on a recorded plat on file with the clerk of the circuit court, or other official record, at the time of the adoption of the original zoning codes (June 24, 1969), and which actually exists as so shown or a lot or parcel described by metes and bounds, the description of which has been so recorded on or before the effective date of the original zoning codes.

In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record existing at the time of the original zoning code (June 24, 1969), notwithstanding limitations imposed by other provisions of this code. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the zoning regulations for the district in which such lot is located.

If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage of the original zoning ordinance (June 24, 1969), and if all or part of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this code, and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this code, nor shall any division of any parcel be made which creates a lot width or area below the requirements stated in this zoning code.

2. *Nonconforming lot.* Nonconforming lots are defined as lots which do not meet the required lot width and/or area requirements and are not defined as lots of record. No construction shall be permitted on a vacant nonconforming lot until such time as the board of adjustments has reviewed and approved any requested variances. Any structure on a nonconforming lot shall be considered a nonconforming structure.

Lots which are annexed into the city, after being platted under county jurisdiction and are assigned a city zoning classification as close to the county zoning as possible, shall not be considered to be nonconforming lots. Said determination to be made by the city council at the time of annexation.

3. *Nonconforming lots, special application.* The East-West dimensions of the following lots in the following blocks, which are now identified as 140 feet in depth with a 20-foot platted alley, will be considered to be 150 feet in depth in the calculations of minimum square footage of parcels. All other ordinances, rules and policies of the city shall apply.

Block 298 through Block 307; inclusive	Block 274 through Block 283; inclusive
Block 240 through Block 249; inclusive	Block 216 through Block 225; inclusive

Block 182 through Block 191; inclusive	Block 158 through Block 167; inclusive
Block 125 through Block 133; inclusive	Block 331 through Block 340; inclusive

All in the Town of St. Cloud, Florida, according to the Official Plat thereof as recorded in Plat Book B, Pages 33 and 34, Osceola County, Florida.

The East-West dimension depth of all lots which have as their West Boundary, Budinger Avenue or Columbia Avenue, will be considered to be 150 feet in depth in the calculations of minimum square footage of parcels. All other ordinances, rules and policies of the city shall apply.

Lots 13-24, inclusive, Block 29	Lots 13-24, inclusive, Block 30
Lots 13-24, inclusive, Block 87	Lots 13-24, inclusive, Block 88
Lots 7-12, inclusive, Block 145	Lots 12-22, inclusive, Block 146
Lots 13-24, inclusive, Block 203	Lots 15-24, inclusive, Block 204
Lots 13-22, inclusive, Block 261	Lots 13-24, inclusive, Block 262
Lots 13-24, inclusive, Block 319	Lots 10-18, inclusive, Block 320
Lots 6-10, inclusive, Block 390	Lots 6-10, inclusive, Block 391
Lots 6-10, inclusive, Block 450	Lots 6-10, inclusive, Block 451
Lots 5-8, inclusive, Block 510	

All in the Town of St. Cloud, Florida, according to the Official Plat thereof as recorded in Plat Book B, Pages 33 and 34, Osceola County, Florida.

The East West dimension depth of all blocks which have as their east boundary, Eastern Avenue, will be considered to be 150 feet in depth in the calculations of minimum square footage of parcels. All other ordinances, rules and policies of the City of St. Cloud shall apply.

Block 349	Block 350	Block 351	Block 352	Block 353
Block 354	Block 355	Block 357	Block 358	Block 359
Block 360	Block 361	Block 420	Block 421	Block 480

All in the Town of St. Cloud, Florida, according to the official plat thereof as recorded in Plat Book B, Pages 33 and 34, Osceola County, Florida.

(Ord. No. 2008-30, § 1, 5-8-2008; Ord. No. 2010-06, § 2, 2-25-2010; Ord. No. 2017-47, §1, 12-14-2017.)

Naples, FL - Code of Ordinances (https://library.municode.com/fl/naples/codes/code_of_ordinances)

Sec. 2-82. - Jurisdiction; powers and duties.

- (a) The city council, sitting as the board of appeals, shall constitute the local administrative board, within the meaning of F.S. § 553.73, and the local board of appeals within the meaning of F.S. § 553.77, and shall conduct public hearings, pursuant to those sections and pursuant to this Code, including, without limitation, appeals from decisions of the building official in the application and interpretation of the following:
- (1) The Florida Building Code, as adopted in section 16-112.
 - (2) The property maintenance code as adopted in chapter 16, article VIII.
 - (3) The floodplain management criteria in chapter 16, article IV.
 - (4) The city unsafe building abatement code, as adopted in chapter 16, article IX.
 - (5) NFPA 1, Fire Prevention Code, by National Fire Protection Association, Inc.
 - (6) Perform any other related local government function authorized in F.S. ch. 553.
- (b) Except as may otherwise be provided by law or by this Code, the board of appeals shall have the authority to conduct hearings upon and to modify, reverse or affirm decisions of the building official concerning all codes referred to in this section. Decisions of the board shall be subject to review by the appropriate state agency in the manner prescribed in F.S. ch. 553. In any matter in which the decision of the board of appeals is not subject to review by a state agency pursuant to F.S. ch. 553, the decision shall constitute final agency action subject to review in the manner otherwise prescribed by law.

(Comp. Dev. Code 1990, § 3-21-2; Code 1994, § 2-501; Ord. No. 95-7594, § 1, 12-20-1995; Ord. No. 02-9531, § 1, 3-6-2002; Ord. No. 05-10716, § 1, 1-19-2005)

ARTICLE IX. - UNSAFE BUILDING ABATEMENT CODE

Sec. 16-321. - General provisions; administration and enforcement.

- (a) *Title and scope.*
- (1) The provisions included within this article shall constitute and be known and may be cited as the "Naples Unsafe Building Abatement Code."
 - (2) This article 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 incident to the construction, alteration, repair, removal, demolition, use and occupancy of buildings, structures or premises.
 - (3) The provisions of this article shall apply to all unsafe buildings or structures, as defined in this article, and shall apply equally to new and existing conditions.
 - (4) This article was developed to provide the city with a concise set of procedures to effect the elimination of unsafe buildings in a legal and timely manner.
 - (5) This article is applicable to all occupancies, however, it should not be substituted for the city property maintenance code.
 - (6) This article is designed to work hand in hand with the Florida Building Code and any other codes officially adopted and administered by the city.
- (b) *Applicability of standards to existing buildings.*
- (1) Alterations, repairs or rehabilitation work may be made to any existing building without requiring the building to comply with all the requirements of the Florida Building Code, as adopted by the city, provided that the alteration, repair or rehabilitation work conforms to the requirements of the Florida Building Code for new construction. The building official

shall determine, subject to appeal to the board of appeals, the extent, if any, to which the existing building shall be made to conform to the requirements of the Florida Building Code for new construction.

- (2) Alterations, repairs or rehabilitation work shall not cause an existing building to become unsafe.
- (3) Repairs and alterations restoring a building to its condition previous to damage or deterioration, or altering it in conformity with the provisions of this article or in such manner as will not extend or increase an existing nonconformity or hazard, may be made with the same kind of materials as those of which the building is constructed, but not more than 25 percent of the roof covering of a building shall be replaced in any period of 12 months unless the entire roof covering is made to conform with the requirements of the Florida Building Code for new buildings.
- (4) The provisions of this article may be waived by the building official for existing buildings and structures classified by the state as an historic building or identified in the Federal Register as an historic building or as a contributing structure within an historic district if the building official determines the building or structure to be safe and in the public interest of health, safety and welfare. The building official may require plans sealed by a professional architect or engineer to verify that the building or structure is safe.
- (5) 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 Florida Building Code in a building when erected, altered or repaired shall be maintained in good working order. The owner or the owner's designated agent shall be responsible for the maintenance of buildings and structures.

(Comp. Dev. Code 1990, § 5-12-1; Code 1994, § 94-301; Ord. No. 02-9531, § 22, 3-6-2002)

Sec. 16-322. - Inspection and notice of noncompliance.

- (a) *Inspection; initiation of proceedings.* The building official shall inspect or cause to be inspected any building, structure or portion thereof which is or may be unsafe. After the building official has inspected or caused to be inspected a building, structure or portion thereof and has determined that such building, structure or portion thereof is unsafe, the building official shall initiate proceedings to cause the abatement of the unsafe condition by repair, vacation or demolition, or a combination thereof.
- (b) *Notice.*
 - (1) *Contents.* The building official shall prepare and issue a notice of unsafe building directed to the owner of record of the building or structure. The notice shall contain but shall not be limited to the following information:
 - a. The street address and legal description of the building, structure or premises.
 - b. A statement indicating that the building or structure has been declared unsafe by the building official, and a detailed report documenting the conditions determined to have rendered the building or structure unsafe under the provisions of this article.
 - c. A statement advising that if the following required action as determined by the building official is not commenced within or completed by the time specified, the building will be ordered vacated and posted to prevent further occupancy until the work is completed and the building official may cause the work to be done and all costs incurred charged against the property or the owner of record.
 1. If an unsafe building or a fire hazard is determined to be a public nuisance, the building official shall require that the property owner secure the building within 48 hours. If the property owner does not secure the building within 48 hours, the city manager shall cause the building to be secured and the cost thereof shall be billed to the property owner. The property owner is responsible for maintaining the building in a secured fashion.
 2. If the building or structure is to be repaired, the notice shall require that all necessary permits be secured and the work commenced within 60 days and continued to completion within a 90-day period, which may be extended by the building official in accordance with [section 16-325\(b\)](#). The notice shall also indicate the degree to which the repairs must comply with the provisions of the Florida Building Code.
 3. If the building or structure is to be vacated, the notice shall indicate the time within which vacation is to be completed.

4. If the building or structure is to be demolished, the notice shall require that the premises be vacated within 60 days, that all required permits for demolition be secured, and that the demolition be completed within such time as determined reasonable by the building official.

d. A statement advising that any person having any legal interest in the property may appeal the notice by the building official to the board of appeals, and that such appeal shall be in writing in the form specified in section 16-323 and shall be filed with the building official within 30 days from the date of the notice and that failure to appeal in the time specified will constitute a waiver of all rights to an administrative hearing.

(2) *Service.*

a. The notice and all attachments thereto shall be served upon the owner of record and posted on the property in a conspicuous location. A copy of the notice and all attachments thereto shall also be served on any person determined from official public records to have a legal interest in the property. Failure of the building official to serve any person required in this section to be served other than the owner of record shall not invalidate any proceedings under this article, nor shall it relieve any other person served from any obligation imposed on such person.

b. The notice shall be served either personally or by certified mail, postage prepaid, return receipt requested, to each person at the address as it appears on the official public records. If addresses are not available on any person required to be served the notice, the notice addressed to each person shall be mailed to the address of the building or structure involved in the proceedings. The failure of any person to receive notice, other than the owner of record, shall not invalidate any proceedings under this section. Service by certified or registered mail as described in this section shall be effective on the date the notice was received as indicated on the return receipt.

c. Proof of service of the notice shall be by written declaration indicating the date, time and manner in which service was made and signed by the person served on by the return receipt. If 2 certified mail notices are refused, it shall be considered received by the owner.

(3) *Recording.* If the notice is not complied with nor an appeal filed within the allotted time, the building official shall file an affidavit with the county clerk of courts and city clerk describing the property and certifying that the building or structure is unsafe and that the owner of record has been served. This certificate shall remain on file until such time as the conditions rendering the building or structure unsafe have been abated. At such time, the building official shall file a new certificate indicating that corrective action has been taken and the building or structure is no longer unsafe from that condition.

(c) *Action by building official.* The following action shall be taken by the building official when ordering the repair, vacation or demolition of an unsafe building or structure:

(1) The building shall be ordered repaired in accordance with the Florida Building Code or demolished at the option of the owner.

(2) If the building or structure poses an immediate hazard to life or to the safety of the public it shall be ordered vacated immediately.

(d) *Posting of notice to vacate.* Every notice to vacate, in addition to complying with subsection (b) of this section, shall be posted at each exit and entrance to the building or structure and shall state:

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 or agent to remove such notice without written permission of the building official, or for any person to enter the building except for the purpose of making the required repairs or of demolishing the building.

(Comp. Dev. Code 1990, § 5-12-3; Code 1994, § 94-303; Ord. No. 02-9531, § 24, 3-6-2002)

Sec. 16-323. - Right of appeal.

(a) *Filing.* Any person entitled to service in accordance with the provisions of section 16-322 may appeal any action of the building official under this article to the board of appeals. Such appeal must be filed in writing with the building official

within 30 days from the date of service and must contain at least the following information:

- (1) Identification of the building or structure concerned, by street address or legal description.
- (2) A statement identifying the legal interest of each appellant.
- (3) A statement identifying the specific order or section being appealed.
- (4) A statement detailing the issues on which the appellant desires to be heard.
- (5) A statement stating what the correct interpretation should be.
- (6) The legal signature of all appellants and their official mailing address.

Any designated representatives shall be identified.

- (b) *Hearing date and location.* Upon receipt of an appeal, the date, time and location for the hearing of the appeal shall be established, and the hearing date shall not be more than 45 days from the date the appeal was filed. Written notice of the time and location of the hearing shall be delivered personally or mailed to each appellant and their designated representatives at the address on the appeal by certified mail, postage prepaid and receipt requested. The hearing may be continued, prior to preparation and public posting of the agenda for the initial hearing, upon mutual agreement between the building official and appellant.
- (c) *Failure to appear.* Failure of any person to appear at the hearing set in accordance with the provisions of this section shall constitute a waiver of the person's right to an administrative hearing on the notice. Where an appellant has failed to appear, the appellant may request to be reheard if the appellant shows reasonable cause for not appearing.
- (d) *Scope of hearing.* The hearing shall offer the appellant reasonable opportunity to be heard on only those specific matters or issues raised by the appellant in the appellant's appeal. The appellant may appear at the hearing in person or through the appellant's attorney or other designated representative. The party or representative designated pursuant to subsection (a) of this section shall be at the hearing.
- (e) *Staying of notice under appeal.* Except for a vacation order issued in accordance with section 16-322(c), enforcement of any notice issued by the building official under the provisions of this article shall be held in abeyance during the course of an appeal.

(Comp. Dev. Code 1990, § 5-12-4; Code 1994, § 94-304)

Sec. 16-324. - Procedure for appeals.

- (a) *Conduct of hearing generally; form and service of notice.*
 - (1) The board of appeals shall conduct the appeals hearing.
 - (2) A permanent record shall be made of all hearings and proceedings using the method of recording designated by the board.
 - (3) The board shall proceed with reasonable dispatch to conclude any matter before it, with due regard to the convenience and necessity of the parties involved.
 - (4) The hearing notice shall include but not be limited to the following information:

You are hereby notified that on the ____ day of _____, 20__, at ____ o'clock, at _____, a hearing will be held before the Board of Appeals to consider the appeal from the order of the Building Official regarding property located at _____. You may choose to be represented by yourself or a designee. You may present relevant evidence and will be given an opportunity to cross examine all witnesses. You may request the issuance of subpoenas to compel witnesses to appear and/or for the production of other supporting data or documentation, by filing a written report with the Board of Appeals.
 - (5) The hearing notice shall be served personally or mailed as required in section 16-322(b)(2)b at least 15 days prior to the hearing date.
- (b) *Subpoenas.*
 - (1) *Filing.* The board may obtain the issuance and service of subpoenas for the attendance of witnesses or the production of

evidence at the hearings. Subpoenas may be issued upon the request of any member of the board, or upon the written request of any party with legal standing on the issue of the hearing. The issuance and service of subpoenas shall be in accordance with established law.

(2) *Failure to appear.* Any person who refuses, without legal excuse, to respond to any subpoena lawfully issued and served may be prosecuted to the extent established by law.

(c) *Rules of procedure.*

(1) *Generally.*

a. Hearings shall not be required to be conducted in accordance with the technical rules relating to evidence and testimony.

b. The board may grant continuance for good cause.

(2) *Evidence.*

a. In any proceedings under this article any member of the board shall have the power to administer oaths and affirmations and to certify official acts.

b. Oral evidence shall be taken only on oath or affirmation.

c. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence. The further use of hearsay evidence shall be limited to that which would be admissible in civil court.

d. Relevant evidence shall be admitted if it is the type on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil courts.

(3) *Inspections.* The board or individual members of the board shall inspect any building, structure or premises involved in the appeal prior to or during the course of the hearing, provided the following are complied with:

a. Notice of such inspection shall be given to the parties prior to making the inspection. If the inspection is prior to hearing, 1 day's notice shall be given. If the inspection is during the course of the hearing, 2 hours' or less notice shall be given if the appellant agrees;

b. The parties shall be allowed to be present during the inspection; and

c. The inspector shall state for the record, upon completion of the inspection, the facts observed and any conclusions drawn therefrom.

(d) *Participation by board members in discussion and voting.* When an appeal is heard before the board, any member who did not hear the evidence presented or has not read the entire record from any prior meeting dealing with this issue of the proceedings shall not vote or take part in the decision.

(e) *Appeal from decision of board.* If the appellant is aggrieved by the decision of the board of appeals, nothing in this article shall be construed to deprive the appellant seeking redress in the civil or other applicable court. The appeal must be filed within 15 days from the effective date of the board's final decision.

(Comp. Dev. Code 1990, § 5-12-5; Code 1994, § 94-305)

Sec. 16-325. - Compliance with official order or decision.

(a) *Failure to comply.*

(1) *Failure to respond.* Any person who, after the order of the building official or the decision of the board becomes final, fails or refuses to respond to the direction of such order, shall be prosecuted to the extent provided for by law.

(2) *Failure to commence work.*

a. Whenever the required repair, vacation or demolition is not commenced within 30 days after the effective date of any order, the building, structure or premises shall be posted as follows (this time limit does not supersede section 16-322(c)):

UNSAFE BUILDING

DO NOT OCCUPY

It shall be punishable by law to occupy this building or remove or deface this notice (Specify the applicable local law and the penalty for violation thereof)

Building Official

City of Naples

- b. Subsequent to posting the building, the city manager may cause the building to be repaired to the extent required to render it safe, or, if the notice requires demolition, may cause the building or structure to be demolished and all debris removed from the premises. The cost of repair or demolition shall constitute a lien on the property and shall be collected in a manner provided by law.
- c. Any monies received from the sale of a building or from the demolition thereof, over and above the cost incurred, shall be paid to the owner of record or other persons lawfully entitled thereto.
- (b) *Extension of time.* The building official may approve 1 or more extensions of time as the building official may determine to be reasonable to complete the required repair or demolition. Such requests for extensions shall be made in writing, stating the reasons therefor. If the extensions of time, in total, exceed 120 days, they must also be approved by the board of appeals, which may act without further public hearing.
- (c) *Interference with official actions.* No person shall obstruct or interfere with the implementation of any action required by the final notice of the building official or the board. Any person found interfering with or obstructing such actions shall be prosecuted to the extent provided for by law.
- (d) *Standards for work.* The repair or demolition of an unsafe building as required in the notice by the building official or the final decision by the board shall be performed in an expeditious and workmanlike manner in accordance with the requirements of this article and all other applicable codes and accepted engineering practice standards.

(Comp. Dev. Code 1990, § 5-12-6; Code 1994, § 94-306)

Sec. 16-326. - Recovery of cost of repair or demolition.

Whenever a building or structure is repaired or demolished in accordance with the provisions of this article and the cost of such repair or demolition is borne by the city, procedures for the budgeting, expenditure and recovery of such funds shall be established by placing liens on property.

(Comp. Dev. Code 1990, § 5-12-7; Code 1994, § 94-307)

Cocoa Beach, FL - Land Development Code (https://library.municode.com/fl/cocoa_beach/codes/land_development_code)

Section 1-30. - Florida Building Code.

The Florida Building Code, and the Unsafe Building Abatement Code as may be amended and as promulgated and established by F.S. ch. 553, and as may be adopted by the city commission is hereby adopted as fully as if incorporated and set forth at length in this section and made part of these LDC regulations by reference.

(Ord. No. 1649, § 2(Exh. A), 10-1-2020)

Editor's note— Ord. No. 1649, § 2(Exh. A), adopted Oct. 1, 2020, amended § 1-30 in its entirety to read as herein set out. Former § 1-30 pertained to building code.

Marathon, FL - Code of Ordinances (https://library.municode.com/fl/marathon/codes/code_of_ordinances)

Sec. 6-21. - Adoption of applicable codes.

- (a) The 2007 edition of the Florida Building Code, as adopted and amended by the Florida Building Commission or any replacement thereof issued by the Florida Building Commission from time to time, is hereby adopted as the City's building code as if fully set forth herein.
- (b) All major structures in the City (except for mobile homes) shall be designed pursuant to the wind design requirements of ASCE Standard 7, as set forth in the Florida Building Code, using a basic wind speed of 150 miles per hour.
- (c) The 1985 edition of the Standard Unsafe Building Abatement Code as amended, except for Chapters 4 and 5 and Section 105, developed and promulgated by the Southern Building Code Congress International, Inc. is hereby adopted by reference as if fully set forth herein.
- (d) The Florida Fire Prevention Code, as set forth in Chapter 69A, Florida Administrative Code, as amended, is hereby adopted as the Fire Safety Code for the City.
- (e) All special laws in conflict with this article are hereby repealed to the extent of such conflict.

(Ord. No. 2003-25, § 1(art. 1, div. 1), 12-23-2003; Ord. No. 2006-01, § 2(art. II, div. 1), 1-24-2006; Ord. No. 2009-14, § 2, 4-14-2009)

ARTICLE III. - UNSAFE STRUCTURES AND EQUIPMENT

Footnotes:

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Editor's note— Ord. No. 2014-12, §§ 2, 3, adopted Aug. 26, 2014, repealed Art. III in its entirety and enacted a new Art. III to read as set out herein. Former Art. III, §§ 6-91—6-100, pertained to unsafe building abatement code and derived from Ord. No. 02-07-11, §§ 1-1, 1-3—1-11, adopted July 9, 2002; Ord. No. 2010-08, § 2, adopted Sept. 17, 2010.

Sec. 6-91. - Unsafe buildings or systems.

- (a) 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.
- (b) Physical criteria for unsafe structure. A structure shall be considered unsafe if it meets any of the following criteria:
 - (1) The structure or its electrical, gas, mechanical, or plumbing system is unsafe; dangerous; unsanitary; does not provide adequate egress; constitutes a fire or windstorm hazard; is otherwise dangerous to human life; by reason of illegal or improper use, occupancy or maintenance, constitutes a hazard to safety or health; or has been substantially damaged by the elements, fire, explosion, or otherwise.
 - (2) The structure constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment.
 - (3) The structure is not completed in substantial conformity with the plans and specifications upon which the building permit for construction was issued and 120 days or more have lapsed since the expiration, revocation, or cancellation of the building permit.
 - (4) The structure has been determined to be unsafe for entry or a hazard to fire or law enforcement officials by evidence of a report stating so.
 - (5) The structure has been boarded with materials previously approved by the Building Official and the boarding has been

breached without repair.

- (6) The structure has been used to conduct criminal activity on more than two (2) occasions within a six-month period, and such criminal activity was facilitated by the existence of one (1) or more of the conditions enumerated in this section.
 - (7) The structure is occupied and its storm shutters have not been removed from all of the means of escape required by the Florida Fire Prevention Code after a hurricane watch or warning has expired.
 - (8) The structure is a swimming pool or spa that contains stagnant water or does not conform to Section 424.2.17 of the Florida Building Code.
 - (9) There is an accumulation of debris or other combustible material in the structure that creates a hazard of combustion or the condition of the structure creates a hazard with respect to the means of egress and fire protection.
- (c) A structure shall be presumed to be unsafe if:
- (1) There is falling-away, hanging, or loose siding, blocks, bricks, or other building material;
 - (2) The structure or its structural parts are deteriorated;
 - (3) The structure is partially destroyed;
 - (4) There is an unusual sagging or leaning out of plumb or square of the structure and such effect is caused by deterioration or over-stressing;
 - (5) The electrical, plumbing, or mechanical installations or systems create a hazardous condition contrary to the standards of the Florida Building Code and the National Electric Code;
 - (6) An unsanitary condition exists by reason of inadequate or malfunctioning sanitary facilities or waste disposal systems;
 - (7) The structure is occupied and there is no potable water service or electrical service;
 - (8) The construction of the structure or the construction or installation of systems or components within the structure has been commenced or completed without a permit or where the permit has expired prior to appropriate inspections and completion and the issuance of a certificate of occupancy or certificate of completion;
 - (9) The structure is vacant and abandoned and is not covered at the doors or windows or is covered with materials not previously approved by the Building Official;
 - (10) By reason of illegal or improper use, the occupancy or maintenance does not comply with the Florida Building Code or the Florida Fire Prevention Code; or
 - (11) The structure or part thereof meets any of the physical criteria of an unsafe structure set forth above and has not been repaired and brought into compliance with the applicable codes following the expiration of a reasonable notice period.
- (d) When the building official determines a building, structure, electrical, gas, mechanical or plumbing system or portion thereof is unsafe, as set forth in this Code he/she shall provide the owner, agent or person in control of such building, structure, electrical, gas, mechanical or plumbing system 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 Fla. Stat. ch. 162 may be utilized to abate violation under this section. If this statutory method of enforcement is invoked, the Code Compliance Board established in [Chapter 10](#) of the City of Marathon's Code of Ordinances will initiate enforcement proceedings, and notice shall be in accordance with the provisions of the statute.
- (e) 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.

- (1) All administrative costs and costs of corrective action incurred by the City in enforcing this chapter shall be promptly paid by the owner or interested party or they shall become an assessment and lien on the property where the unsafe structure is located. The City may record an affidavit setting forth its costs and may foreclose on any unpaid liens. The City may sell as salvage or require the demolition contractor to dispose of the contents of the structure demolished. The City's assessment lien for the costs of repair shall have equal dignity with a lien for taxes.
- (f) 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 shall notify the Code Compliance 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.
- (g) 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 maybe necessary, and for this purpose may close a public or private way. The costs incurred in the performance of this emergency work shall be paid by the City, and upon recording in the public records of Monroe County an affidavit of the Building Official or Fire Official the amount so expended, these costs shall become an assessment and lien against the property as provided in this chapter.

(Ord. No. 2014-12, § 3, 8-26-2014)

Sec. 6-92. - Enforcement proceedings; hearings.

The City may enforce this chapter by any other lawful means and these procedures are supplemental to all others and shall not be deemed prerequisites to filing a suit for the enforcement of any section of the Code. One (1) of these means is through code enforcement. A property owner must have exhausted the administrative remedies prior to filing any action in court.

Violation proceedings and hearings for unsafe structures and equipment will be conducted before the Code Compliance Board or Special Magistrate in accordance with the provisions set forth in Fla. Stat. ch. 162. 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 Fla. Stat. ch. 162 before a transfer of property, and failure to make the required disclosures creates a presumption of fraud.

(Ord. No. 2014-12, § 3, 8-26-2014)

Sec. 6-93. - 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 (1) 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, Section 10-6, "Fines and related terms construed." All costs incurred as a result of actions taken per Section 6-91.3 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.

(Ord. No. 2014-12, § 3, 8-26-2014)

Sec. 6-94. - Appeal.

An order of the Code Compliance Board containing findings of fact and conclusions of law that a violation of the City Code has occurred shall be a final administrative order of the Code Enforcement Board as provided in Fla. Stat. § 162.1. Any appeal taken from this order must be filed within 30 days of the execution of the order as provided in Fla. Stat. § 162.11. An order imposing a fine, entered for failure to comply with an order of the Code Enforcement Board, shall only be considered a final administrative order of the Code Compliance Board for the purposes of an appeal to determine whether the violator complied with the order containing findings of fact and conclusions of law. Failure to file an appeal within the prescribed 30-day period shall render the order of the Code Compliance Board conclusive, binding and final.

(Ord. No. 2014-12, § 3, 8-26-2014)

Newberry, FL - 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 or 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, 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.

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)

Sec. 26-37. - Buildings inspection department—Establishment.

There is hereby established a building inspections department to be called the "Columbia County Building Inspections Department," and the person in charge shall be known as the building inspector or building official whose duties shall be to carry out and administer the provisions of this article. The building official shall be appointed or hired by the board of county commissioners.

- (1) *Building official employees:* The board of county commissioners may appoint or hire such number of officers, inspectors, plans examiners, assistants and other employees as it may from time to time deem necessary or appropriate to assist the building official in carrying out his duties under this article. The board or building official may designate one or more deputy building officials, employees in the department who shall, during the absence or disability of the building official, exercise all the powers of the building official. 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 as required by Florida law.
- (2) *Ordinance enforcement—General:* The building official is hereby authorized and directed to enforce the provisions of this article. The building official shall have the authority to render interpretations of this article, 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 article.
- (3) *Right of entry:* Whenever necessary to make an inspection to enforce any of this provisions of this article, 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 article. 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 warranty 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 article.
- (4) *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 article 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 written notice prior to stopping the work.
- (5) *Revocation of permits:* The building official is authorized to suspend or revoke a permit issued under the provisions of this article 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 provisions of this article.
- (6) *Misrepresentation of application:* The building official may suspend or revoke a permit or approval issued under the provisions of this article, in case there has been any false statement or misrepresentations to a material fact in the application or plans on which the permit or approval was based.
- (7) *Violation of article 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.

- (8) *Unsafe buildings or systems:* All buildings, structures, electrical, gas, mechanical, or plumbing systems which are unsafe, un
do not provide adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in re
existing use, constitute a hazard to safety or health, are considered unsafe buildings or unsafe service systems. All such un
buildings, structures or service systems are hereby declared illegal and shall be abated by repair and rehabilitation or by de
accordance with the provisions of the Standard Unsafe Building Abatement Code, 1985 edition, published by the Florida Bu
Code. All repairs shall be performed in accordance with the Florida Building Code.
- (9) *Requirements not covered by this article:* 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.

(Ord. No. 2012-2, § 7, 4-5-2012)

118.3.10 - Commercial Wireless Telecommunication Facilities.

- A. Intent and purpose.** The purpose and intent of this section is to accommodate the increasing communication needs of the community, while protecting the public health, safety and general welfare. These regulations are necessary in order to facilitate the provision of wireless telecommunication services to the residents and businesses of the city and minimize adverse visual impacts and effects of towers through the utilization of careful design, landscaping, screening, innovative camouflaging techniques, and siting standards.
- B. Siting preferences.**
1. All new commercial wireless telecommunication facilities shall conform to, and be reviewed in connection with, the following city siting preferences (listed in descending order of preference). Applicants shall demonstrate to the satisfaction of the approving authority that these preferences have been evaluated in the following order of preference:
 - a. **Preference One.** For antennas located on city owned buildings and structures, the applicant must demonstrate that there are no suitable city owned buildings or structures within a one-mile radius, as identified in subsection E.5.a.1.c) of this section, which would accommodate the facility without unreasonably compromising the facility's signal reception or transmitting capability, or unreasonably compromising the communication provider system's capability, as provided in subsection E.5 of this section.
 - b. **Preference Two.** If a facility cannot be located on candidate sites within site preference one above without unreasonably compromising the communication provider system's capability, the city will next consider sites for antennas located on non-city owned buildings and structures.
 - c. **Preference Three.** If a facility cannot be located on candidate sites within site preference one or two above without unreasonably compromising the communication provider system's capability, the city will next consider sites for towers located on city owned property.
 - d. **Preference Four.** If a facility cannot be located on candidate sites within site preference one, two or three above without unreasonably compromising the communication provider system's capability, the city will next consider sites for towers located on industrially designated property.
 - e. **Preference Five.** If a facility cannot be located on candidate sites within site preference one, two, three or four above without unreasonably compromising the communication provider system's capability, the city will next consider sites for towers located on any eligible property.
 2. The approving authority of the city may require opinions from suitable engineers or other learned professionals or experts when evaluating siting preferences.
- C. Permitted and conditional uses.**
1. Commercial wireless telecommunication antennas mounted on existing towers, buildings and other structures are permitted uses in all zoning districts.
 2. Radio, telephone, and television transmission towers and facilities (commercial) are permitted uses in the light industrial (IL) and heavy industrial (IH) zoning districts.
 3. Commercial wireless telecommunication facilities are conditional uses in all residential zoning districts (RS- and RM-), and neighborhood commercial districts (NC).
 4. Radio, telephone, and television transmission towers and facilities are conditional uses in commercial districts CG and CI, and recreation district (REC).
- D. Additional placement restrictions.** The only towers allowed in the residential zoning districts (RS- and RM-) are towers supporting commercial antennas and conforming to all applicable provisions of this section, and shall be allowed only in the following locations:

1. City owned parcels;
 2. House of worship sites, when appropriately camouflaged to blend into the facility's character (e.g., steeples, bell towers, etc.);
 3. Cemeteries, when appropriately camouflaged to blend into the facility's character.
- E. Additional application submittal requirements.** In addition to the information required elsewhere in this section, permit applications for towers shall include the following supplemental information:
1. **Report.** A report from a qualified licensed professional engineer, which:
 - a. Describes the tower height and design, including a cross section and elevation;
 - b. Documents the height above grade for all potential mounting positions for collocated antennas and the minimum separation distances between antennas;
 - c. Describes the tower's capacity, including the number and types of antennas that it can accommodate
 - d. Documents what steps the applicant has taken, or will take, to avoid interference and obstruction with established or proposed public safety telecommunication facilities;
 - e. Documents that the tower and/or antennas have been designed to withstand sustained wind speeds of 130 miles per hour, in accordance with the Florida Building Code, as locally amended, whichever is greater;
 - f. Includes an analysis and/or other data and/or documentation that certifies that, in the event of a catastrophic failure, fall, or collapse of the tower, said tower would fall or collapse within the collapse zone of the proposed tower;
 - g. Includes an engineer's signature, seal and registration number; and
 - h. Includes other information necessary to evaluate the request.
 2. **Letter of intent.** For all commercial wireless telecommunication service towers, a letter of intent, committing the tower owner and his successors to allow the shared use of the tower if an additional user agrees, in writing, to meet reasonable terms and conditions for shared use.
 3. **Balloon test.**
 - a. For a conditional use, the applicant shall submit documentation of having conducted a balloon test, together with a visual impact analysis of the test. The purpose of this test is to assist the approving authority in determining the aesthetic impact of a tower and its antennas.
 - b. Such test shall consist of the flying of a balloon, which is the same color as the proposed tower and a minimum of four feet in diameter, anchored to the ground so the balloon flies at the same height and location as the proposed tower. The balloon shall be flown continuously each day between the hours of 8:00 a.m.—11:00 a.m. for three consecutive days. Such test shall comply with any and all Federal Aviation Administration (FAA) and emergency medical service helicopter service rules, regulations, and notifications.
 - c. Such test shall be conducted prior to the required planning board public hearing. Notice of such test shall be sent to the surrounding property owners within 300 feet of the site, in accordance with the public notice requirements prescribed in the conditional use application. Said notice shall include a statement of what specific days and hours the balloon will be flown and alternative dates and hours in the event of inclement weather, as well as the planning board's public hearing date, time and location.
 - d. The applicant shall provide documentation of the balloon test to the planning board and board of adjustments. The documentation shall include photographic and/or video evidence depicting the balloon and its relationship and proximity to the neighboring properties, buildings and uses. The photographs/video may be accompanied by a corresponding written visual impact analysis and any other bona fide documentation or evidence the applicant feels may assist the approving authority in determining visual impact.
 4. **Aesthetic effects, devices and techniques.** The purpose of this subsection is to assist the planning board and board of adjustments, as part of a conditional use request, in determining whether or not a proposed tower is camouflaged and/or concealed appropriately in a given area; therefore, the applicant shall submit the following documentation:

- a. A colorized pictorial representation, artist rendering, or similar representation, drawn to scale;
 - b. Design specifications of the various proposed techniques (if drawings, plans and/or other graphic representations are included, they shall be drawn to scale); and
 - c. A corresponding statement explaining what the nature and character of the area is within which the tower is proposed with respect to land use, surrounding environment, building heights and design, and how the proposed camouflaging and/or concealment agents will blend in and harmonize with the nature and character of the area.
5. **Collocation requirements.** All commercial wireless telecommunication towers erected, constructed, or located within the city shall comply with the following requirements:
- a. **New commercial telecommunication service towers.**
 - 1) A proposed new commercial telecommunication service tower shall not be approved by the city unless the applicant demonstrates to the satisfaction of the board of adjustments, or the director for permitted structures, that the telecommunications equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or building, regardless of municipal boundaries and due to one or more of the following reasons:
 - a) The planned equipment would exceed the structural capacity of the existing or approved tower or building, as documented by a qualified and licensed professional engineer, and the existing or approved tower cannot be reinforced, modified, or replaced to accommodate the planned or equivalent equipment at a reasonable cost.
 - b) The planned equipment would cause interference or obstruction, materially impacting the usability of other existing or planned equipment at the tower or building, as documented by a qualified and licensed, if applicable, professional and the interference cannot be prevented at a reasonable cost.
 - c) Existing or approved towers and buildings within a one-mile radius cannot accommodate the planned equipment at a height necessary to function reasonably, as documented by a qualified and licensed, if applicable, professional.
 - d) Other reasons that make it unfeasible to locate the planned telecommunications equipment upon an existing or approved tower or building, as documented by a qualified and licensed, if applicable, professional.
 - 2) Verifiable evidence from the applicant of the lack of space on existing towers, buildings or other structures to locate the proposed antenna within the one-mile search radius, as identified in subsection E.5.a.1).a) of this section, or the siting preferences identified in subsection B of this section shall be supplied at the time of application for a new tower.
6. **Proposed commercial wireless telecommunication service towers.**
- a) Any proposed commercial wireless telecommunication service tower shall be designed structurally, electrically, and in all other respects to accommodate antenna arrays as follows:

Tower Heights	Number of Arrays
Greater than 161 feet	3
101—161 feet	2
Less than 101 feet	1

- b) Towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas m heights.
7. **Notice.** In order to provide the maximum opportunity for other providers to collocate on a new tower, the applicant shall provide notice to all other potential wireless telecommunication users of the new tower, offering an opportunity for collocation. If another potential user requests collocation, the request shall be accommodated, unless it can be documented as outlined in subsection E.5.a.1).a). of this section that collocation is not possible.
8. **Map.** In order to encourage collocation of facilities, the city shall maintain a map of all existing towers on which an antenna has been located. To prepare and maintain such a map, at the time of its first application after June 15, 1998, each applicant for a tower and/or antenna shall provide the city with an inventory of all the applicant's existing towers and antennas that are located in the city and within one mile outside the city limits. The inventory shall specify the location, type and design of each tower, the ability of the tower to accommodate additional antennas, and, where applicable, the height of the support structures on which the applicant's existing antennas are located. This information shall be available for public use in encouraging the collocation of antennas on existing tower facilities. By requiring and using this information, the city is in no way representing or approving such sites as available or suitable.
- F. Additional standards and criteria for review.**
1. The board of adjustments shall consider and weigh the aesthetic impact and compatibility issues with the public benefit derived from having efficient and reliable wireless telecommunications systems when determining whether or not to approve the application.
 2. In addition to general review criteria, in order to be approved, towers and antennas shall be designed, as determined by the board of adjustments, to blend into the surrounding environment through the use of color, texture, and/or camouflaging architectural treatment, or by reason of existing conditions, to minimize its visual intrusiveness and negative aesthetic impact. When considering approval of an application, the board of adjustments shall review such application with consideration of the following factors:
 - a. Whether the tower will be readily visible and whether the proposed facility/tower will, as determined by the board of adjustments, unreasonably interfere with the view from any public park, historic building or district, or scenic river view;
 - b. The type of the tower, the shape and width of the facility relative to its height, and the color, texture, and reflectivity of materials, with neutral colors and nonreflective materials being given preference, except in instances where the color is dictated by federal or state authorities such as the Federal Aviation Administration;
 - c. The type of antennas proposed for the tower, with narrow profile antenna arrays being given preference, if feasible;
 - d. The nature of uses on adjacent and nearby properties and the relationship of the proposed facility to the character and scale of surrounding structures and uses, with preference being given to sites adjacent to nonresidential uses;
 - e. On-site and surrounding tree coverage and foliage;
 - f. The effectiveness of the use of screening and concealment devices and techniques, including but not limited to the use of structural camouflaging, buffer walls, opaque fencing and landscaping.
- G. Tower design and construction requirements.** New or replacement towers shall meet the following design and construction requirements:
1. The base of the tower, anchors, and any accessory facility or building shall be substantially screened from view from public streets and adjoining and nearby protected residential properties with a combination of evergreen and deciduous trees and shrubs, with recognition of CPTED principles, except when the board of adjustments determines a design of nonvegetated screening better reflects and complements the architectural character of the surrounding neighborhood. The use of all types of barbed wire or razor wire is prohibited.
 2. All ground-mounted commercial wireless telecommunication service towers shall be of a monopole or camouflaged

design unless it can be evidenced by the applicant and approved by the board of adjustments that an alternative design would better blend into the particular surrounding environment.

3. With the exception of necessary electric and telephone service and connection lines approved by the city, no part of any tower, anchoring devices, or guys, equipment, or wires, or braces in connection with either, shall at any time project across or over any part of a public right-of-way, public street, highway, sidewalk, easement unless agreed to by the easement holder, or property line.
4. Every tower affixed to the ground shall be designed to discourage climbing of the tower by unauthorized persons.
5. All ground-mounted commercial wireless telecommunication towers shall be located to create a collapse zone equal to one-fourth of the tower's height. Such collapse zone shall be free of all buildings, except for those associated with the commercial wireless telecommunication facility and those located on the parcel on which the tower is proposed to be located.

H. Tower setbacks. All towers shall conform with each of the following minimum setback requirements:

1. Towers shall meet the setback requirements of the underlying land use district.
2. New towers shall be set back from the public rights-of-way by a minimum distance equal to one-half of the height of the tower, including all antennas and attachments.
3. New antennas may be located on existing towers, poles and other structures in all public rights-of-way and easements.
4. Towers shall not be located between a principal structure and a public street, with the following exceptions:
 - a. In industrial zoning districts, and
 - b. On sites with public streets on all sides, where towers may be placed within a side yard that abuts a local street.

I. Tower height. All proposed towers shall conform with each of the following maximum height requirements:

1. The height of towers shall be determined by measuring the vertical distance from the tower's lowest point of contact with the ground to the highest point of the tower, including all antennas or other attachments. When towers are mounted upon other structures, the combined height of the structure and tower must meet the height restrictions listed below.
2. In all residential zoning districts, the maximum height of any tower, including all antennas and other attachments, shall be 35 feet. This height limitation shall not apply in the event the applicant utilizes camouflaging architectural treatments and techniques in constructing the facility on either city owned parcels or house of worship sites.
3. In all nonresidential zoning districts, the maximum height of any tower not mounted on an existing building, including antennas and other attachments, shall not exceed one foot for each two feet the tower is set back from any residential land use district park, historic structure, or river. However, in no event shall any ground-mounted tower exceed the following heights:

Number of Array Heights	Maximum Height (Feet)
Three or more levels	200
Two levels	160
One level	100

4. Towers mounted on existing buildings shall comply with the requirements of subsection O of this section.

J. Tower lighting. Towers shall not be illuminated by artificial means and shall not display strobe lights, except for aviation caution lights shielded from sight from the ground, unless such lighting is specifically required by the Federal Aviation

Administration, local emergency medical services or other federal or state authority for a specific tower. All height or greater must be artificially lighted and maintained pursuant to the technical requirements of the Federal Aviation Administration's current Advisory Circular 70/7460-1J, Obstruction Marking and Lighting, towers 150 feet above ground level in or other appropriate aviation authority and current edition of NFPA 70 National Electrical Code and the Florida Building Code, Pamphlet EIA/TIA 222-F, latest edition. Forty-eight hours before commencing construction of a communication tower, and within 48 hours after the communication tower construction reaches its maximum height, the county mosquito control district must be notified. Notice must include the specific location of the tower. When incorporated into the approved design of the tower, and when in accordance with all other appropriate portions of this section, light fixtures used to illuminate ball fields, parking lots, or similar areas may be attached to the tower.

- K. Signs and advertising.** The use of any portion of a tower for signs other than warning or emergency information signs is prohibited.
- L. Accessory utility buildings.** All utility buildings and structures accessory to a tower and/or antenna shall be architecturally designed, as determined by the board of adjustments, to be compatible with, and blend into, the surrounding environment and shall meet the minimum building setback requirements of the underlying land use district.
- M. Bi-annual registration and certification.**
1. The owner of a tower shall bi-annually file with the director or his designee, a declaration as to the continuing operation (with active antennas) of every facility installed subject to these regulations. Said declaration shall include:
 - a. A listing of all tower users' names and mailing addresses, and
 - b. Any additional information deemed appropriate by the city.
 2. Every three years, or within 60 days following a catastrophic act of God or other emergency that affects the structural integrity of the tower, a certification of continued structural integrity (i.e., a statement that a thorough and complete inspection of the tower was conducted and the tower and ancillary facilities are and will continue to perform as originally designed), certified by a qualified and licensed professional engineer, shall also be filed with the director or his designee.
 3. The bi-annual declaration and certification, when required, shall be filed on or before October 1. Failure to timely file either the bi-annual declaration (registration) or the certification shall mean that the tower is deemed to be abandoned, unused, or unsafe, thus subject to the notice of code violations provisions set forth in sections 54-166 and 54-167.
- N. Abandoned, unused or unsafe towers.** The intent and purpose of this subsection is to address the compelling public interest in ensuring that towers are promptly disassembled, dismantled, and removed once they are no longer used. The city council finds that there is substantial risk that towers may cease being used in large numbers if there is a concentration or consolidation of competitors within the industry or if even newer technologies arise, obviating the need for towers. In accordance with subsection M.2. of this section, towers that are abandoned or unused for a period of 12 months, or are unsafe, shall be removed as follows:
1. The director may order that the commercial wireless telecommunication tower be demolished and removed, based upon determining that the tower is abandoned or unused for a period of 12 months or is unsafe in accordance with the provisions of the Standard Unsafe Building Abatement Code, 1985 edition, and the city local amendments thereto, as revised, relating to notice and hearing.
 2. In accordance with chapter 7, recovery of costs of repair or demolition as set forth in the Standard Unsafe Building Abatement Code, 1985 edition, and the city local amendments thereto, as revised, the city may recover its costs associated with the demolition and removal of any such tower.
- O. Antennas mounted on roofs, walls, and existing towers.**
1. The placement of commercial wireless telecommunication antennas on roofs, walls, existing towers, and other structures is encouraged. Such requests may be approved administratively by the director, provided the antenna meets the requirements of this Code, after submittal of:

- a. A site plan and building plan in accordance with this Code;
 - b. A report, prepared by a qualified and licensed professional engineer, indicating the existing structure's or tower's suitability to accept the antenna, and the proposed method of affixing the antenna to the structure; and
 - c. A copy of an affidavit of lease stating the parties to the lease, the term of the lease and the consent of the owner of the existing structure or tower to the proposed placement.
2. Such placements shall comply with the following requirements:
- a. No such commercial wireless telecommunication antenna shall be placed on any residential building of less than four stories;
 - b. For facilities mounted on an existing building, the tower and antenna must be of a color that is identical to, or closely compatible with, the color of the building so as to make them as visually unobtrusive as reasonably possible. In addition, supporting electrical and mechanical equipment shall be screened from view or be camouflaged;
 - c. No such commercial wireless telecommunication antenna shall exceed 25 feet in height from the top of the building, existing tower or other structure;
 - d. For all commercial wireless telecommunication antennas mounted on an existing building, the maximum height of the antennas' support structure shall not exceed ten feet from the top of the building;
 - e. The diameter of roof mounted dish antennas shall not exceed 6.5 meters (approximately 21 feet), provided that no such antenna shall be visible from front yard areas and the color, location and design shall blend into and not detract from the character and appearance of the building and surrounding properties;
 - f. The diameter of a tower mounted dish antenna shall not exceed four and one-half feet.
- P. Interference or obstruction with public safety telecommunications.** New telecommunications facilities shall not interfere with or obstruct existing or proposed public safety telecommunications facilities. All applications for new service shall be accompanied by a certification obtained by the applicant from the police chief, fire chief, county sheriff and county director of emergency management that the tower and ancillary facilities are not expected to interfere or obstruct existing or proposed public safety telecommunications facilities. The police chief, fire chief, county sheriff and county director of emergency management shall file any objections to the application for new telecommunication facilities within 30 working days from the date of their receipt for such a request for certification. The applicant shall provide the city with a copy of the request for certification, with an affidavit stating the date upon which such request was submitted to the respective agency. In the event interference or obstruction does occur with public safety telecommunication facilities, it shall be the responsibility of the owner of the commercial wireless telecommunication facility creating the interference or obstruction to make all necessary repairs and/or accommodations to alleviate the problem.
- Q. Issuance of building permit.**
1. Before the issuance of a building permit, the following supplemental information shall be submitted:
 - a. A copy of the Federal Aviation Administration's response to the submitted notice of proposed construction or alteration, or its replacement, shall be submitted to the director;
 - b. A report from a qualified and licensed professional engineer, which demonstrates the tower's compliance with the appropriate structural and electrical standards;
 - c. A notice of compliance with section 34-1008, permit for tall structure, of the county land development code, from the county port authority.
 2. Prior to receiving a final inspection by the community development department, documented certification shall be submitted to the Federal Communication Commission, with a copy to the community development department, certifying that the telecommunication facility complies with all current applicable Federal Communications Commission regulations, or is exempt from the same, for non-ionizing electromagnetic radiation (NIER).
- R. Technical consultants and experts.** The city shall have the right to retain independent technical consultants and experts

that it deems necessary to properly evaluate applications for commercial wireless telecommunication facilities and to charge a reasonable cost under the city's billable fee system for such services to the applicant.

- S. Commercial wireless telecommunication towers and antennas approved prior to effective date.** All commercial wireless telecommunication towers and antennas legally approved prior to July 20, 1998, shall be considered permitted nonconforming uses and structures. However, to encourage the use of existing facilities, such nonconforming status shall not prevent the placement, modification or relocation of any antenna on any such tower.

(Ord. No. 3422, § 4, 1-14-2008; Ord. No. 3841(Exh. A), § 1, 10-1-2018; Ord. No. 3890, § 1(Exh. A), 1-21-2020)

Cocoa Beach, FL - Code of Ordinances (https://library.municode.com/fl/cocoa_beach/codes/code_of_ordinances)**Sec. 6-40. - Process for the abatement of unsafe and dangerous buildings.**

The process for the abatement of unsafe and dangerous buildings shall be as provided and in accordance with the Standard Unsafe Building Abatement Code, latest edition, which is hereby adopted.

For buildings and/or structures which have been determined by the building official to require removal or demolition in order to abate the nuisance, the following procedures shall be followed:

- (a) The city commission shall consider such certified finding of a public nuisance as an unsafe building or structure that requires removal or demolition at any regularly scheduled meeting and shall be authorized to receive and consider such additional supporting data as it, in its sole discretion, may deem necessary to determine the prima facie existence of a public nuisance as an unsafe building or structure that requires removal or demolition. If the commission shall determine that the prima facie existence of a public nuisance as an unsafe building or structure that requires removal or demolition is established, a written notice of such determination shall be filed with the city clerk. Said notice shall contain:
 - (1) A description of the land, building, structure or premises constituting said public nuisance as an unsafe building or structure, said description to include, to the extent practicable, a description by metes and bounds or by lot number as indicated in the public records of Brevard County, Florida.
 - (2) The name or names of the occupants of the property, if known, and the names, places of residence, legal disabilities, if any and if known, and interest of the owners of such property, if known. This requirement shall be satisfied if a diligent and reasonable search of the property and the public records of Brevard County, Florida, is made. If the name of the owner and occupant is not known then such fact shall be so stated.
 - (3) The condition found to exist that constitutes the prima facie finding of public nuisance as an unsafe building or structure that requires removal or demolition.
 - (4) The corrective action required to be done to abate the specified public nuisance as an unsafe building or structure including, but not limited to, the destruction of such building or structure
- (b) A copy of said notice shall be served upon the occupant and owner of such land, building, structure or premises, if known, together with a summons to appear before the city commission at a public hearing at least ten (10) days subsequent to the date of service of said summons, and show cause, if any, why such land, building, structure or premises should not be declared a public nuisance and the corrective action of abatement specified in said notice should not be taken; or cause, if any, why the cost of the corrective action of abatement specified in said notice should not be paid for by the owner of such land, building, structure or premises; or cause, if any, why said cost should not be assessed against said land or premises. Said notice and summons shall be served in the manner specified in section 6-45 of this article.

(Ord. No. 394, § 1, 4-27-1972; Ord. No. 1323, § 2, 12-6-2001)

Sec. 6-45. - Service of notice.

All service of notice to implement provisions of this article shall as be required by the Standard Unsafe Building Abatement Code, latest edition, and as set forth as follows:

- (a) Notices shall be provided to the owner or occupant by:
 - (1) Certified mail, return receipt requested, provided if such notice is sent under this article to the owner of the property in question at the address listed in the tax collector's office for tax notices, and at any other address provided to the local government by such owner and is returned as unclaimed or refused, notice may be provided by posting as described in subsection 6-45(b)(2) of this article, and by first class mail directed to the addresses furnished to the local government with a properly executed proof of mailing or affidavit confirming the first class mailing;

- (2) Hand delivery by the sheriff or other law enforcement officer, code inspector, or other person designated by the city commission;
 - (3) Leaving the notice at the owner or occupant'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 the notice; or
 - (4) In the case of commercial premises, leaving the notice with the manager or other person in charge.
- (b) In addition to providing notice as set forth in subsection 6-45(a) of this article, at the option of the city commission, notice of any public hearing required by this article may also be served by publication or posting, as follows:
- (1) Such notice shall be published once during each week for four (4) consecutive weeks (four (4) publications being sufficient) in a newspaper of general circulation in Brevard County, Florida. The newspaper shall meet such requirements as are prescribed under Chapter 50, Florida Statutes for legal and official advertisements. Proof of publication shall be made as provided in Sections 50.041 and 50.051, Florida Statutes.
 - (2) In lieu of publication as described above, such notice may be posted at least ten (10) days prior to the hearing, or prior to the expiration of any deadline contained in the notice, in at least two (2) locations, one (1) of which shall be the property that is subject to abatement and at the Cocoa Beach 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.
 - (3) Notice by publication or posting may run concurrently with, or may follow, an attempt or attempts to provide notice by hand delivery or by mail as required under subsection 6-45(a) of this article.

Evidence that an attempt has been made to hand deliver or mail notice as provided in subsection 6-45(a) of this article together with proof of publication or posting as provided in subsection 6-45(b) of this article, shall be sufficient to show that the notice requirements of this article have been met, without regard to whether or not the owner(s) and/or occupant(s) actually received such notice.

(Ord. No. 394, § 1, 4-27-1972; Ord. No. 1323, § 2, 12-6-2001)

Marco Island, FL - Code of Ordinances (https://library.municode.com/fl/marco_island/codes/code_of_ordinances)

DIVISION 1. - RESERVED

Footnotes:

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Editor's note— Ord. No. 09-03, § 3, adopted Feb. 17, 2009, repealed Division 1, §§ 6-71—6-80 in its entirety, which previously pertained to penalties, Standard Building Code adopted; amendments; Standard Mechanical Code adopted; amendments; National Electrical Code adopted; amendments; Standard Gas Code adopted; amendments; Standard Swimming Pool Code adopted; amendments; Standard Amusement Device Code adopted; amendments; Standard Unsafe Building Abatement Code adopted; amendments; and State of Florida Accessibility Code, State of Florida Energy Efficiency Code for Building Construction, Life Safety Code (NFPA 101), and National Fire Codes volumes 1 through 11 adopted and derived from Ord. No. 98-16, §§ 2, 4—9 and 12, adopted Sept. 21, 1998.

Secs. 6-71—6-80. - Reserved.

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)

Gulf Breeze, FL - Code of Ordinances (https://library.municode.com/fl/gulf_breeze/codes/code_of_ordinances)

Sec. 5-2. - Adoption and enforcement of housing, unsafe building abatement, swimming pool and amusement device codes.

(a) *Standard Housing Code.*

- (1) *Adoption.* There is adopted by the city, for the purpose of prescribing regulations governing housing conditions within the city, the Standard Housing Code, 1985 edition. The provisions of such code are incorporated in this section in their entirety as if fully set out at length in this section. A copy of the housing code shall be on file and available for inspection in the offices of the city.
- (2) *Enforcement.* The director of public services, city code enforcement officers and county inspectors are designated as the enforcement officers regarding the housing code.

(b) *Standard Unsafe Building Abatement Code.*

- (1) *Adoption.* There is adopted by the city, for the purpose of prescribing regulations governing unsafe buildings, either existing or under construction, within the city limits the Standard Unsafe Building Abatement Code, 1985 edition. The provisions of such code are incorporated in this section in their entirety as if fully set out at length in this section. A copy of the unsafe building abatement code shall be on file and available for inspection in the offices of the city.
- (2) *Enforcement.* The fire marshal, director of public services, city code enforcement officers and county inspectors are designated as the enforcement officers regarding the unsafe building abatement code.

(c) *Standard Swimming Pool Code.*

- (1) *Adoption.* There is adopted by the city, for the purpose of prescribing regulations governing the construction and maintenance of swimming pools within the city limits, the Standard Swimming Pool Code, 1985 edition. The provisions of such code are incorporated in this section in their entirety as if fully set out at length in this section. A copy of the swimming pool code shall be on file and available for inspection in the offices of the city.
- (2) *Enforcement.* The director of public services, city code enforcement officers and county inspectors are designated as the enforcement officers regarding the swimming pool code.

(d) *Standard Amusement Device Code.*

- (1) *Adoption.* There is adopted by the city, for the purpose of prescribing regulations governing amusement devices and procedures within the city limits, the Standard Amusement Device Code, 1985 edition. The provisions of such code are incorporated in this section in their entirety as if fully set out at length in this section. A copy of the amusement device code shall be on file and available for inspection in the offices of the city.
- (2) *Enforcement.* The director of public services, city code enforcement officers and county inspectors are designated as the enforcement officers regarding the amusement device code.

(Code 1976, § 5-1.1)

Bay County, FL - Code of Ordinances (https://library.municode.com/fl/bay_county/codes/code_of_ordinances)

Sec. 6-225. - Abatement of hazardous installations.

All electrical installations, regardless of type, which constitute a hazard to human life, health or welfare are hereby declared illegal and shall be abated by repair or rehabilitation or by demolition in accordance with the procedure outlined in section 103.4, Standard Unsafe Building Abatement Code, of the Standard Building Code edition in force in the county.

(Ord. No. 75-3, § 5(D), 1-7-75)

Monroe County, FL - Code of Ordinances (https://library.municode.com/fl/monroe_county/codes/code_of_ordinances)

Sec. 6-55. - Building department.

- (a) *Organization and administration.* There is hereby established a department called the building department headed by the building official. Upon recommendation of the county administrator, the department shall be assigned to the division of county government that the board of county commissioners determines appropriate. The county administrator with the approval of the board of county commissioners shall designate the building official.
- (b) *Employee qualifications.* The building official shall be licensed as a building code administrator by the state. All appointed or hired inspectors and plan examiners shall meet the qualifications for licensing in the appropriate trade as established by the state.
- (c) *Building official authority and duties.* The building official shall have authority to administer, interpret, and enforce provisions of the Florida Building Code, floodplain management regulations, and this chapter. Such authority, jurisdiction, and duties shall include the following:
- (1) To process building permit applications and issue and revoke building permits;
 - (2) To inspect sites, buildings and structures as required by this chapter, the Florida Building Code and the Standard Unsafe Building Abatement Code;
 - (3) To issue and revoke certificates of occupancy;
 - (4) To maintain building permits, financial, and other public records related to the department's affairs;
 - (5) To establish such policies and procedures necessary for the administration of his responsibilities under the Florida Building Code and this chapter;
 - (6) To provide a recording secretary for the purpose of keeping the board of adjustment and appeals;
 - (7) To be the official source to render interpretations of this chapter and the Florida Building Code;
 - (8) To enforce provisions of the Florida Building Code and this chapter;
 - (9) To issue stop work orders;
 - (10) To conduct all other such duties and responsibilities as are otherwise required by this chapter;
 - (11) To determine the extent of damage or destruction of nonconforming uses and structures, in cooperation with the planning director;
 - (12) To review building permit applications for repair within areas of special flood hazard to determine that the proposed repair satisfies the requirements of the floodplain management provisions of the code;
 - (13) To review building permit applications for new construction or substantial improvement within areas of special flood hazard to ensure that the proposed construction (including prefabricated and mobile homes) satisfies the floodplain management requirements of the code;
 - (14) To advise permittees that additional federal or state permits may be required, and if specific federal or state permits are known to have been issued, to require that copies of such permits be obtained and provided and maintained on file with the building permit application;
 - (15) To notify adjacent communities and the Florida Department of Community Affairs prior to any alteration or relocation of a watercourse, and to submit evidence of such notification to the Federal Emergency Management Agency;
 - (16) To ensure that maintenance is provided within the altered or relocated portion of a watercourse so that the flood-carrying capacity is not diminished;
 - (17) To verify and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures;
 - (18) To verify and record the actual elevation (in relation to mean sea level) to which the new or substantially improved structures have been floodproofed;

- (19) In coastal high-hazard areas, to review certifications obtained from registered professional engineers or architects that the securely anchored to adequately anchored pilings or columns in order to withstand velocity waters and hurricane wave wa:
 - (20) To make interpretations, as needed, as to the exact location of boundaries of the areas of special flood hazard;
 - (21) When base flood elevation data has not been provided in accordance with chapter 122, to obtain, review and reasonably use any base flood elevation data available from a federal, state or other source in order to administer the floodplain management provisions of the code;
 - (22) To provide the board of county commissioners and the planning commission with reports and recommendations with respect to matters before such bodies, as directed by the board of county commissioners, growth management division director or planning director, or the county administrator; and
 - (23) To administratively review those building permits issued before October 1, 1998 and close said permits if no known factor exists to keep said permit open.
- (d) *Defense of building official.* The county shall defend the building official in any action wherein the building official's act of administratively closing an open permit is challenged. If said defense is unsuccessful, the county shall be responsible for any damages resulting directly from the action against the building official.

(Code 1979, § 6-12; Ord. No. 010-2002, § 3; Ord. No. 006-2010, § 2; Ord. No. 025-2015, § 6; Ord. No. 022-2016, § 1)

Mascotte, FL - Code of Ordinances (https://library.municode.com/fl/mascotte/codes/code_of_ordinances)

Sec. 5-109. - Standard unsafe building abatement code adopted.

There is hereby adopted by the city that certain unsafe building abatement code known as the Standard Unsafe Building Abatement Code, 1985 Edition, and all subsequent amendments and revisions thereto, save and except such portions as might hereafter be deleted, modified or amended by ordinance. The Standard Unsafe Building Abatement Code, 1985 Edition, is hereby adopted and incorporated herein by reference, as fully and completely as if set forth at length in its entirety herein. Not less than one (1) copy of the said code shall be maintained on file in the office of the city clerk/administrator.

(Ord. No. 296, § 5, 9-13-99; Ord. No. 2007-08-445, § 21, 9-17-07)

Editor's note— Ord. No. 2007-08-445, § 20, adopted Sept. 17, 2007, repealed § 5-109, which pertained to notification of owner and occupants; repair or demolition by city and derived from Code 1975. Section 21 of said ordinance renumbered § 5-110 as § 5-109 at the editors' discretion.

Eatonville, FL - Code of Ordinances (https://library.municode.com/fl/eatonville/codes/code_of_ordinances)

Sec. 50-34. - Housing, building codes adopted.

In accordance with the principles herein and in order to establish the specific minimum housing standards decreed to be essential to carry out the intent cited in section 50-30, the 1994 edition of the Standard Housing Code and the 1985 edition of the Standard Unsafe Building Abatement Code (excluding specifically chapter 4, chapter 5 and the informational flow chart for use with "Standard Unsafe Building Abatement Code") as published by the Southern Building Code Congress International, Inc., are hereby adopted as the housing code of the town, subject to and including such amendments and additions as are set forth in this chapter, including those unrepealed parts of this chapter.

(LDC 1982, ch. 4, § 2-1(5); Ord. No. 99-15, § I, 10-19-1999)

Mary Esther, FL - Land Development Code (https://library.municode.com/fl/mary_esther/codes/land_development_code)

7.10.00 - INSURE THE COMPATIBILITY OF ADJACENT LAND USES DEPICTED ON THE FUTURE LAND USE MAPS (Policy 7.A.3.3)

7.10.01: The provisions of this Article are intended to ensure functional and attractive development by requiring that all future development is consistent with accepted planning practices and principles as well as natural area limitations (Policy 7.A.3.2).

Compatibility is generally interpreted as meaning consistency of land use within specified districts and/or the orderly and harmonious transition of land use from one district to another. Nonconforming development is development that does not conform to the general character of a particular district or is contrary to the use regulations and/or development design standards provided by this Code or by the codified ordinances. The following provisions are intended to eliminate expansion of non-conforming land uses which are inconsistent with:

- A. The Future Land Use Map; or
- B. The City's Zoning Ordinance; or
- C. Standard Unsafe Building Abatement Code, Appendix A (Policy 7.A.3.1).

7.10.02: Regulations prescribed shall not be construed to require the removal or change to any existing structure completed or begun prior to the adoption of this Article. Non-conforming uses, however, are otherwise prohibited. This extends to and includes the following circumstances:

- A. Nonconforming uses declared by this Code or the City's Zoning Ordinance to be incompatible with permitted uses in the districts involved shall not be extended or enlarged.
- B. Nonconforming uses shall not be moved in whole or in part to any portion of a lot or parcel other than that occupied by such use.
- C. No additional structure shall be erected in connection with nonconforming uses of land.
- D. Reconstruction of nonconforming uses destroyed by fire or other calamity to a degree equalling or exceeding 75 percent of its replacement cost is prohibited.
- E. If any nonconforming use of land ceases for any reason for a period of more than six (6) months, any subsequent use of such land shall conform to the regulations specified by this Code and the codified ordinances.
- F. The extraction of natural resources from any district in Mary Esther shall be considered non-conforming until such time as applicable state and federal permits are obtained. No development incompatible with adjacent land uses shall be permitted by the City (Policy 7.A.4.2).

Jefferson County, FL - Code of Ordinances (https://library.municode.com/fl/jefferson_county/codes/code_of_ordinances)

Sec. 21-5. - Jurisdiction.

- (a) The code enforcement board shall have the jurisdiction to hear and decide alleged violations occurring within the unincorporated county and, if approved by interlocal agreement, within the municipal limits of the City of Monticello, of the following codes and ordinances that have been, or will in the future be, adopted by the county, or if applicable, by the city:
- (1) Florida Building Code, Building.
 - (2) Florida Building Code, Residential.
 - (3) Florida Building Code, Existing Building.
 - (4) Florida Building Code, Plumbing.
 - (5) Florida Building Code, Fuel Gas.
 - (6) Florida Building Code, Mechanical.
 - (7) Florida Building Code, Test Protocols.
 - (8) Florida Building Code, Energy.
 - (9) Florida Accessibility Code.
 - (10) Florida Fire Prevention Code.
 - (11) Florida Life Safety Code.
 - (12) Land Development Code and Comprehensive Plan.
 - (13) Subdivision codes.
 - (14) Licensing codes, including business tax receipts and licensing.
 - (15) Mobile Home Inspection Code.
 - (16) Unsafe Building Abatement Code.
 - (17) Code of Ordinances.
- (b) The jurisdiction of the code enforcement board shall not be exclusive. Any alleged violation of any of the codes and ordinances referred to in subsection (a) of this section may be pursued by appropriate remedy in court, or in any other manner, or using any procedure, provided by state statute or by any local code in effect, or which in the future may be in effect, at the option of the appropriate official whose responsibility it is to enforce that respective code or ordinance.

(Ord. No. 2011-072111-01, § 3, 9-1-2011; Ord. No. 2012-062612-01, § 4, 6-26-2012)

ARTICLE III - FORECLOSED PROPERTY REGISTRATION PROGRAM

Footnotes:

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Editor's note— Ord. No. 1383, § 3, adopted April 28, 2016, repealed the former Art. III., §§ 15-40—15-43, and Ord. No. 1401, § 2 adopted Jan. 12, 2017, enacted a new Art. III as set out herein. The former Art. III pertained to standard unsafe building abatement code and derived from Ord. No. 438, § 11, 12-13-94; Ord. No. 513, § 2, 2-11-97; Ord. No. 1294, § 1, 1-23-2014.

Sec. 15-40. - Purpose and intent.

It is the purpose and intent of this Article to establish a process to monitor and address the deterioration of property located within the City of Panama City Beach, which property is in mortgage foreclosure, where ownership has been transferred to a lender or mortgagee by any legal method or where property is deemed to be vacant or abandoned. It is further intended to establish a registration program as a mechanism to protect neighborhoods from becoming blighted through the lack of adequate maintenance or through abandoned or vacated properties which are subject to mortgages that are in default.

(Ord. No. 1401, § 2, 1-12-2017)

Sec. 15-41. - Definitions.

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them, except where the context clearly indicates a different meaning. Where the context will permit and no definitions are provided herein, the definitions provided in the Florida Building Code shall apply.

Default means that the mortgagee has filed a foreclosure action in a court of law or recorded a lis pendens.

Enforcement officer means any law enforcement officer, building official, fire inspector or code enforcement officer employed by the City of Panama City Beach.

Evidence of vacancy means 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 or dead vegetation or both; electricity, water or other utilities turned off; stagnant swimming pool; or statements by neighbors, passers-by, delivery agents or government agents.

Foreclosed property means real property that is in default.

Foreclosure means the judicial process by which a property, placed as security for a mortgage loan, after a judicial process, is sold at an auction to satisfy a debt upon which the borrower has defaulted.

Owner of record means the person or entity holding record title to the real property in questions as reflected in the Official Records of Bay County, Florida.

Secure manner means and includes, but is not limited to, the closure, locking or repairing of all windows, doors, fences, gates, garages and other openings that may allow access to the interior of a building or structure on real property. In the case of broken windows or doors, securing shall mean replacing the window or door. Temporary boarding of openings may be allowed pending repairs.

Vacant means any building or structure that is not lawfully occupied or inhabited as evidenced by the conditions set forth in the definition of "Evidence of Vacancy" above.

(Ord. No. 1401, § 2, 1-12-2017)

Sec. 15-42. - Applicability.

This Article applies to improved property which is in default located within the City of Panama City Beach, or which property is in or has been in foreclosure, or where ownership of such property has been transferred to a lender or mortgagee by any legal method.

(Ord. No. 1401, § 2, 1-12-2017)

Sec. 15-43. - Registration requirements.

- (a) Any mortgagee who holds a mortgage on real property located within the City shall within ten 10 days of default by the mortgagor of the real property that is the security for the mortgage register the property with the City. Registration shall be on a form provided by the City and shall, at a minimum, include the following:
 - (1) The mortgagee's name, direct mailing address, email address, contact person and telephone number;
 - (2) The address and parcel identification number of the real property that is being foreclosed upon by mortgagee;
 - (3) Whether the property is vacant or occupied during the default period;
 - (4) If the real property is or becomes vacant, the name, street address, email address and telephone number of the local property manager that will work on the mortgagee's behalf to inspect, maintain and secure the real property. The local property manager's current street address and land line telephone number shall be within Bay or Walton County;
 - (5) If a foreclosure complaint involving the real property has been filed in circuit court, or the real property is subject to a bankruptcy proceeding, the style of the case including court name, case number, and parties; and
 - (6) Provide express authorization for city employees to enter upon the exterior of the property in the event the property becomes vacant for the purpose of ensuring compliance with this Article.
- (b) Any person or other legal entity that has registered a property under this section shall be required to report any change of information contained in the registration within ten (10) days of the change.
- (c) In the event there are several mortgagees with mortgages on the property, the registration, inspection, maintenance, and security requirements imposed by this article shall apply to the mortgagee with the most superior mortgage that has declared the mortgage in default unless the several mortgagees notified the City to the contrary in writing. However, nothing herein shall prevent inferior mortgagees from voluntarily complying with this ordinance after a primary mortgagee registers hereunder.
- (d) An annual registration fee in an amount of \$50.00, per property, shall accompany the registration. Said fee may be amended from time to time by resolution of the City Council, and shall be based on the reasonable estimated costs of administering the provisions of this article. Fees may be based on the size and type of property being registered. Fees shall be due and payable at the time of registration or re-registration.
- (e) Once the property is transferred or sold, the mortgagee shall provide the City written proof of the sale in order to be relieved of the requirements of this Article.

(Ord. No. 1401, § 2, 1-12-2017)

Sec. 15-44. - Mortgagee inspection requirements.

- (a) If the foreclosed property becomes vacant or shows evidence of vacancy at any time, the mortgagee, or a local property manager designated by the mortgagee performing on the mortgagee's behalf, shall initiate and maintain on-site inspections of the property to verify compliance with this article and any other applicable laws. Said inspections shall occur a minimum of once every sixty (60) days unless a code enforcement officer or police chief determine, in writing, that more frequent inspections are required to ensure compliance with this article or to prevent a decline of the property, a public or attractive nuisance, or a blight on the surrounding neighborhood. Such inspections shall continue until such time as the default is cured, or property is transferred or sold to a third party. Once the property is transferred or sold, the mortgagee shall provide the City written proof of the sale in order to be relieved of the requirements of this Article. At the written request of

the City prior to any inspection required by this Article, the person performing the inspection shall be required to schedule the inspection with the City for a date and time certain so that a city code or law enforcement officer can meet the person on-site in order to address any compliance issues under this Article.

(Ord. No. 1401, § 2, 1-12-2017)

Sec. 15-45. - Maintenance requirements.

Properties subject to this Article shall be maintained in accordance with all relevant City regulations, and the following specific standards:

- (a) The property shall be kept free of excessive weeds, overgrown brush, dead vegetation, trash, junk, debris, building materials, any accumulation of newspapers, circulars, flyers, notices (excluding those required by federal, state or local law), discarded personal items such as furniture, clothing, appliances, printed materials or any other items that give the appearance that the property is abandoned or not being properly maintained.
- (b) The property shall be maintained free of graffiti or similar markings by removal or painting over such graffiti or markings with an exterior grade paint that matches the color of the exterior structure.
- (c) Yards shall be regularly landscaped and maintained in good condition pursuant to the property maintenance standards set forth by the City in its Code of Ordinances or Land Development Code, as applicable. At a minimum, landscaping shall include, but be limited to, grass, ground covers, bushes, shrubs, hedges, mulch, or similar planting which are appropriately designed for residential, commercial, or industrial installation as applicable. Maintenance shall include, but not be limited to, watering, irrigation, cutting and mowing of required landscape and removal of all trimmings.
- (d) Pools, spas, fountains or ponds shall be regularly kept in working order so as to prevent the creation of an environment for the breeding of mosquitoes or other unsanitary environment through the accumulation of stagnant or polluted water, pollutants or debris. Water clarity shall be such that the bottom of the pool or spa can be seen from the pool or spa deck. If the pool or spa is emptied, it shall be securely covered.
- (e) Outdoor play equipment, furnishings, or other accessory structures shall be properly maintained and secured so as not to be accessible to unauthorized persons or not to create an attractive nuisance or safety hazard.
- (f) In the event the National Weather service or National Hurricane Center declares a hurricane warning for any portion of the City, all materials, furnishing and equipment at the property shall be secured, stored or removed so as to not create a safety hazard due to hurricane force winds.
- (g) The property shall be regularly monitored for indications of criminal activity on the premises such as vagrancy, use and sale of controlled substances, prostitution, and criminal street gang activity. Any indication of criminal activity shall be reported to the Police Department at such time it becomes reasonably known or apparent.

(Ord. No. 1401, § 2, 1-12-2017)

Sec. 15-46. - Security requirements.

Buildings and structures on property subject to this article shall be maintained in a secure manner at all times so as not to be accessible by unauthorized persons.

(Ord. No. 1401, § 2, 1-12-2017)

Sec. 15-47. - Posting of property.

- (a) When a property subject to this Article becomes vacant or abandoned, unless prohibited by recorded covenants and restrictions, it shall be posted with the name and twenty four (24) hour contact telephone number of the local property manager. The posting shall be no less than 18 inches x 24 inches and shall be of a font that is legible from a distance of forty five (45) feet. The posting shall contain the following language, at a minimum, with supporting information:

THIS PROPERTY IS MANAGED BY _____ AND IS INSPECTED ON A REGULAR BASIS. THE PROPERTY MANAGER CAN BE CONTACTED BY TELEPHONE AT _____ OR BY EMAIL AT _____.

- (b) The posting required in subsection (a) above shall be placed on the interior of a window facing the street to this front of the property so that it is visible from the street, or secured to the exterior of the building/ structure facing the street to the front of the property so that it is visible from the street or if no such area exists, on a stake of sufficient size to support the posting in a location that is at all times visible from the street to the front of the property but not readily accessible to vandals. Exterior posting shall be constructed of and printed with weather-resistant materials.

(Ord. No. 1401, § 2, 1-12-2017)

Sec. 15-48. - Additional authority of City Manager and Police Chief.

The City Manager or Police Chief shall have the authority to require the mortgagee or owner of record, or both, of property subject to this article to implement additional maintenance or security measures as may be reasonably required to prevent a decline of the property, a public or attractive nuisance, or a blight on the surrounding neighborhood. Said additional requirements shall be stated in writing and shall have the force of law under this article.

(Ord. No. 1401, § 2, 1-12-2017)

Sec. 15-49. - Public nuisance, remedies.

- (a) All real property in violation of this Article is hereby declared to be a public nuisance, the abatement of which pursuant to the police power is hereby declared necessary for the health, safety and welfare of the residents of the City.
- (b) The provisions of this article may be enforced and penalties imposed on mortgagees or owners of record for violations of this article as provided by law. Without limiting the City's right to impose any other penalties as provided by law, or to enforce this article by any other lawful means, a violation of this article may be punished by a civil penalty not exceeding two hundred fifty dollars (\$250). Nothing under this article shall be construed as imposing liability on local property managers acting on a mortgagee's behalf pursuant to this article.
- (c) Upon failure of the mortgagee to comply with the maintenance or security requirements under this article, the City Manager or his or her designee may take such appropriate action deemed necessary to remedy a maintenance or security failure on property subject to this article. The City Council shall assess the entire cost of the action against the real property, which assessment, when made, shall constitute a lien upon the property in favor of the City. The City may also collect this abatement cost through the additional and alternative method of levying a special assessment.

(Ord. No. 1401, § 2, 1-12-2017)

Putnam County, FL - Code of Ordinances (https://library.municode.com/fl/putnam_county/codes/code_of_ordinances)

Sec. 8-20. - Declaration required codes.

- (a) The county is required by state law to use the Florida Building Code to facilitate proper administration and enforcement of the construction and maintenance of structures, and systems contained therein and relating to public safety, health and general welfare.
- (b) Pursuant to F.S. chs. 125 and 162, the county readopts the 1994 edition of the Standard Housing Code and the 1985 edition of the Standard Unsafe Building Abatement Code as promulgated by the Southern Building Code Congress International Inc. Where conflict exists in the Florida Building Code, 1985 edition of the Standard Unsafe Building Abatement Code, or the 1994 edition of the Standard Housing Code the Florida Building Code will take precedence.

(Ord. No. 2013-19, § 2, 7-23-2013)

Mulberry, FL - Code of Ordinances (https://library.municode.com/fl/mulberry/codes/code_of_ordinances)

Sec. 6-286. - Mulberry unsafe building code.

- (a) *Short title.* This article shall be known as the unsafe building ordinance.
- (b) *Purpose, policy and findings.* It is the purpose and intent of the City Commission of Mulberry, Florida, to establish a program of regulation of unsafe buildings to protect the public from injuries and property damage which the commission finds can occur due to lack of maintenance of buildings, by storm-blown debris, entry into the premises by children and others. It is the purpose and intent of the commission to eliminate the blighting influences caused by such buildings, and the detracting effect such unsafe and deteriorating buildings have on the property value of others, and to the character of the city in general.
- (c) *Adoption of Standard Unsafe Building Abatement Code.* As an alternative method for the elimination of unsafe and deteriorating buildings, the city hereby adopts the most recent version of the Standard Unsafe Building Abatement Code, currently in its 1985 edition, as published and amended from-time-to-time by the Southern Building Code Congress International, Inc. (hereinafter, the "Code"), with the exception of Chapters 4, 5 and 7, and sections 105 and 302, as follows:

(1) *Section 105.*

Section 105 of the Code, "Board of Adjustment and Appeals" is hereby deleted from the adopted code and the following shall be inserted in its place:

105 INTERPRETATION OF THIS CODE

Final interpretation of this Code shall be made by the special master, or state court of competent jurisdiction, the choice of which shall be solely the city's.

(2) *Section 302.*

Section 302 of the Code, "Notice" is hereby deleted from the adopted code and the following shall be inserted in its place:

302 NOTICE

The building official shall prepare and issue a notice of unsafe building directed to the owner of record of the building or structure. The notice and procedures for effecting notice shall comply with F.S. ch. 162, as an ordinance violation.

(3) *Chapters 4, 5 and 7.*

Chapters 4, 5 and 7 of the Code are hereby deleted from the adopted code in their entirety and, for purposes of Chapter 4, the following shall be inserted in its place:

CHAPTER 4 ENFORCEMENT

4.1 The provisions of this Code shall be enforced pursuant to City Code Enforcement Ordinances, F.S. Ch. 162, or any other lawful alternatives, including without limitation, declaratory relief, and temporary and permanent mandatory and prohibitory injunctions through action in a court of competent jurisdiction.

4.2 The city shall be entitled to, and shall seek compensation for any costs of repair or demolition, as well as attorneys fees and costs including appellate fees and costs, pursuant to the provisions of Chapter 162, and any other statutes or applicable law.

4.3 In addition to administrative and civil penalties provided by law and city code enforcement ordinances, willful violation of this article shall be a misdemeanor, punishable by imprisonment for up to 60 days.

- (d) *Administrative demolition orders.* As an additional alternative method for the elimination of unsafe and deteriorating buildings, the city's administrative officials are empowered by the commission to order that structures be demolished in the following manner:

- (1) *General authority of building official.* The building official may, by administrative demolition order, require the owner of any upon which is located any structure that is dilapidated or has become so out of repair as to be dangerous, unsafe, insanitar otherwise unfit for human habitation or occupancy:
 - a. If such structure is unreasonable to repair, to demolish and remove such structure; or
 - b. If such structure is capable of being made safe and sanitary by repair, and it is commercially reasonable to do so, to either demolish and remove such structure, or make all necessary repairs to such structure in accordance with the *Florida Building Code*, at the owner's option; or
 - c. If there has been a cessation of normal construction progress on such structure for a period of more than two years, to demolish and remove such structure or reopen or pull new building permits to complete construction of the structure in accordance to *the Florida Building Code*.
- (2) *Dilapidated structures.* There shall be a rebuttable presumption that a structure shall be considered "dilapidated" for the purpose of an administrative determination when the value of the structure is less than the estimated cost of repairing the structure to a state where the structure complies with the *Florida Building Code*. This term shall, without limitations, include any building, structure, or mobile home.
 - a. *Value of structure.* In determining the value of the structure, the building official shall use the most recent value on record with the Polk County property appraiser's office unless another value is provided by the Polk County property appraiser's office, in which case that value shall be used.
 - b. *Cost of repairs.* In determining the cost of repairs, the building official shall use the cost of repairs of structures as determined by generally accepted building cost data.
- (3) *Demolition and removal or repair by owner.* When the building official enters an order requiring a structure to be demolished and removed, the owner of such structure shall, within 30 days of first publication of the notice of demolition, demolish the structure and cause the debris to be removed to an authorized landfill. In the case where a structure is determined to be capable of being made safe, the owner may either demolish the structure and cause the debris to be removed to an authorized landfill, or make all necessary repairs to the structure as required by the *Florida Building Code* within 30 days of the first publication of the notice of demolition, unless an extension of time has been granted or an appeal has been filed.
- (4) *Demolition and removal by city.* Unless an extension of time has been granted or an appeal has been filed, in the event an administrative demolition order of the building official is not timely complied with, the building official is hereby authorized and empowered to have the structure demolished. If an extension of time has been granted and the order of the building official has not been timely complied with by the date contained in the notice of extension time, the building official is hereby authorized and empowered to have the structure demolished. The acquisition of a permit to demolish or repair the structure shall not extend the time for compliance. Notwithstanding anything herein, no action to demolish shall be taken by the city in connection with a structure which is subject of any pending judicial civil action.
- (5) *Notice requirements.* Notices shall be as follows:

Courtesy notice: Upon initial investigation by the building official to determine if a structure qualifies for demolition, the building official may placard the structure giving the owner notice that the structure is being considered for a demolition notice by the building official.

Demolition notice: Whenever the building official has determined a structure qualifies for demolition by administrative order, the building official shall post a notice in a conspicuous place in or about the structure or property containing the structure, send a copy of the notice to the owner of the property as listed with the Polk County property appraiser's office or public records of Polk County by certified mail and publish the notice once during each week for two consecutive weeks in a newspaper of general circulation in Polk County. Evidence that an attempt has been made to mail notice as provided herein, together with proof of publication, shall be sufficient to show that the notice requirements of this article have been met, without regard to whether or not the owner actually received notice. A copy of the notice

shall also be sent to any mortgage holders which have a mortgage recorded in the public records of Polk County, Florida, against the property containing the structure. The notice shall be in a form approved by the building official which shall include the following information:

State that the structure qualifies for demolition pursuant to this article;

Specify the corrective action that must be taken;

Specify the date in which the corrective action must be taken;

Specify the address to request an appeal to a special master;

State the owner has the right to appeal by filing a written request with the city clerk within ten days of the notice of demolition being first published, along with the address in which appeal should be sent and the amount of the appropriate appeal fee;

State that the owner's failure to request an appeal within ten days shall be deemed a waiver of the owner's right to contest the building official's determination; and

Specify the address to request an extension of time by the building official or his/her designee to repair or demolish the structure.

- (6) *Appeal process.* Within ten days after the demolition notice is first published, the owner may deliver a request to the city clerk for a hearing before the city's special master to show that the condition alleged in the notice does not exist. If the last day to appeal falls on a Saturday, Sunday or city holiday, then the owner shall have until the end of the next business day which is neither a Saturday, Sunday, nor city holiday to request a hearing. The address to deliver such request shall be stated in the initial notice to the owner. The request by the owner shall be in writing and shall be accompanied by a certified check or money order, payable to the city, as shall be determined by the city commission. Failure to appeal or to appear before the special master in a timely way shall be deemed a waiver of the owner's rights to appeal the administrative action. The special master shall hear the appeal on its regularly scheduled agenda unless an emergency hearing is requested by the building official. The owner seeking an appeal shall be mailed written notice of the date and location of the scheduled hearing. The hearing shall be conducted in accordance to the rules of procedures governing code enforcement hearings. The building official shall have the burden of proving that the structure qualifies for demolition by preponderance of the evidence. The decision of the special master shall be final. Further review of the special master's decision shall be by writ of certiorari in the circuit court in accordance with the *Florida Rules of Appellate Procedure*.
- (7) If the building official believes that the structure subject to the demolition notice is an immediate threat to the public health, safety or general welfare, the building official may request an emergency hearing in front of the special master. The owner shall be mailed notice of such hearing containing the location, time and date of the hearing. The hearing shall be conducted in the same manner as an appeal, except that the special master shall hear the emergency matter before any regular items of business on the master's agenda for the day.
- (8) *Extensions of Time.* The owner may request in writing an extension of time from the building official or his/her designee. Such written request shall state the basis of such request and be hand delivered or mailed by registered or certified mail, return receipt requested, to the building official. Such request shall be granted or denied in writing within five days of the building official or designated staff receiving the request. If such request is not granted within five days then it shall be deemed denied. The extension of time is at the sole discretion of the building official or his/her designee and shall be final and may not be appealed.
- (9) *Assessment of costs.* The costs for demolition, the removal of debris and/or any costs incurred by the city after the property owner failed to timely comply with an administrative demolition order of the building official shall be assessed against the property upon which the structure was situated. The building official shall mail a notice of costs to the owner at the address on record with the Polk County property appraiser's office specifying the actions taken, the address or

parcel identification number of the lot in which the actions occurred, the costs of such actions and a statement that if such costs are not paid in full within 30 days, they shall be recorded against the owner as an assessment and will create a lien on the property described in the notice. Such notice shall specify the date certain in which the costs must be paid. The notice of costs shall also state that the property owner has the right to appeal the costs to the special master by filing a request for hearing with the city clerk's office within 30 days of the notice of costs. If a hearing is requested pursuant to this subsection, the only issue to be determined is whether or not the costs in the notice are the actual costs incurred by the city and if the notice describes the proper property and owners. The city special master is not authorized to reduce or waive the costs incurred by the city for demolition-related expenses or code enforcement activities. If the property owner fails to pay the costs by the date stated in the notice of costs or file a request for hearing within 30 days, the city manager is authorized to file a claim of lien in public records for the costs without further approval of the city commission. If the lien is not paid within two years the city commission may authorize the lien to be foreclosed. Upon payment of costs imposed herein, the city manager shall record a notice of satisfaction without further approval of the city commission.

(Ord. No. 4.2004, § 4, 3-2-2004; Ord. No. 9.2018, § 2, 7-10-2019)

Hardee County, FL - Land Development Code (https://library.municode.com/fl/hardee_county/codes/land_development_code)

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 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.
- (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 in area 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, location 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 temp 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 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 in this paragraph may be exempt from asbestos removal provisions under the FBC. To qualify for exemption under this paragraph, an owner must personally appear and sign the building permit application. The building 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 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 requirements are in place. In order to pass final inspection a residential swimming pool shall meet the requirements relating to pool safety features as 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.

Fort Myers Beach, FL - Code of Ordinances (https://library.municode.com/fl/fort_myers_beach/codes/code_of_ordinances)

DIVISION 3. - UNSAFE BUILDING ABATEMENT CODE

Sec. 6-36. - Adoption; amendments.

The following chapters and sections of the 1985 Standard Unsafe Building Abatement Code, as published by Southern Building Code Congress International, Inc., 900 Montclair Road, Birmingham, Alabama 35213-1206, are hereby adopted by reference and made part of this article, with the exceptions set forth as follows:

Chapter I, Administration.

Section 105, relating to the board of adjustment and appeals, is deleted, and replaced by the procedures set forth for the delegation of authority to Lee County's Construction Board of Adjustment and Appeals found in division 2 of article II of this chapter.

Chapter II, Definitions.**Chapter III, Inspection and Notice of Noncompliance.****Chapter IV, Appeals.****Chapter V, Rules of Procedure for Hearing Appeals.****Chapter VI, Implementation.****Chapter VII, Recovery of Cost of Repair or Demolition.**

Exception: If the building official proceeds to demolish the building or structure as set forth herein, the town council shall, by proper resolution, assess the entire cost of such demolition and removal against the real property upon which such cost was incurred, which assessment, when made, shall constitute a lien upon the property superior to all others except taxes. The lien shall be filed in the public land records of the county. The resolution of assessment and lien must indicate the nature of the assessment and lien, the lien amount, and an accurate description of the property affected. The lien becomes effective on the date of filing such notice of lien and shall bear interest from such date at the rate of ten percent per annum. If the resulting lien is not satisfied within two years after the date it is filed, then the town may:

- (1) File suit to foreclose on the lien property as provided by law in suits to foreclose mortgages; or
- (2) Follow any other lawful process or procedure available for enforcement of the lien in accordance with any general law of the state relating to the enforcement of municipal liens.

Secs. 6-37—6-40. - Reserved.

Sec. 6-111. - Adoption; amendments.

The Florida Building Code is hereby adopted by reference and made a part of this article, including all revisions and amendments approved in accordance with state law, with the exceptions set forth as follows:

Chapter 1, Administration.

Sections 103.1 through 103.6 relating to powers and duties of the building official are added as follows:

103.1 General. The building official is hereby authorized and directed to enforce the provisions of this code. The building official has 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 must be in compliance with the intent and purpose of this code, and may 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 must first present proper credentials and request entry. If such building, structure, or premises are unoccupied, he must 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 has recourse to every remedy provided by law to secure entry.

103.2.2 When the building official has 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 may 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, must immediately cease. Such notice must be in writing and posted on the permit board, stating the reasons for the order. Work may only resume after lifting of the stop work order by the building official.

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 provision 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 if there has been any false statement or misrepresentation as to a material fact in the application or plans on which the permit or approval was based.

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

103.5 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 must be abated by repair and rehabilitation or by demolition in accordance with the provisions of the Unsafe Building Abatement Code (see article I of this chapter).

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, will be determined by the building official.

Section 104.1.4 is amended to read as follows:

104.1.4. Minor repairs.

Ordinary minor repairs, routine maintenance, or incidental work of a nonstructural nature may be made without a permit, provided that such repair shall not violate any of the provisions of the technical codes. For purposes of this section, "ordinary minor repairs" include the replacement of damaged or worn materials by similar new materials and any other repairs defined as such by the building official. Ordinary minor repairs under this section may not involve the cutting of any

structural beam or supporting member or include any alterations that would increase habitable floor area, change the use of any portion of the building, remove or change any required means of egress or exit access, or affect the structural integrity or fire rating of the building.

Section 104.1.6, relating to time limitations, is amended to add the following:

104.1.6.1 A permit issued shall be construed to be a license to proceed with the work but shall not be construed as authority to violate, cancel, alter or set aside any of the provisions of this code, 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. Although a permit issued to an owner is transferable to another owner, actual notice of the transfer of permit shall be given to the building official prior to the transfer. Building permits shall be issued following the approval of site and construction plans. Building permits on multifamily projects shall be issued on each individual building or structure. Multitenant occupancies, including but not limited to shopping malls, may be permitted on an individual building or structure (shell); however, individual permits shall be used separately for tenant spaces.

104.1.6.2 The first inspection required by the permit must be successfully completed within a six-month period of issuance or the permit shall be deemed invalid. All subsequent inspections shall be made within a six-month period of the most recent inspection until completion of work or the permit shall become invalid. For purposes of this section, the foundation inspection will be considered the first inspection.

104.1.6.3 The entire foundation must be completed within the first six months from the issuance of the permit. Partial inspections due to complexity of the foundation may be made with building inspector's approval, and job site plans shall be initialed by the inspector only on that portion of the plans that is inspected, and these inspections are for compliance to plans and specifications and are in no way to be construed as the first inspection. Subsequent inspections may be made until the entire foundation is completed. At that time, the foundation will be signed off as the first inspection. One or more extensions of the building permit for good cause may be granted by the building official on a project for a period not exceeding 90 days each. The request shall be made by written notice to the building official at least 30 days prior to expiration of the building permit. The building official may require compliance with any revised building code, mechanical code, plumbing code, electrical code, gas code, swimming pool code or fire code requirements in effect at the time of granting any extension to the building permit. Any extension request denied may be appealed to the town council by the applicant on a form provided by the building official. The council shall grant or deny the extension upon a finding of good cause or lack thereof. If granted, the extension or extensions shall not exceed a period of 90 days each.

Section 106.1.4 relating to new or changed land uses is added as follows:

106.1.4 New or changed land use. A certificate of occupancy will only be granted for a new or changed use of land if that use is allowable under ch. 34 of this code.

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.

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.

Florida Building Code, Building, Section 1612.2.

SUBSTANTIAL DAMAGE. Damage of any origin sustained by a building or structure whereby the cost of restoring the building or structure to its before-damaged condition would equal or exceed 50 percent of the market value of the building or structure before the damage occurred. The term also includes flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the costs of repairs at the time of each such flood event, on average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT. Any repair, reconstruction, rehabilitation, addition or improvement of a building or structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the improvement or repair is started. 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.

Florida Building Code, Existing Building, Chapter 2.

SUBSTANTIAL IMPROVEMENT. Any repair, reconstruction, rehabilitation, addition or improvement of a building or structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the improvement or repair is started. 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.

Florida Building Code, Residential, Section R322.

R322.1.11 Enclosed areas below design flood elevation. Enclosed areas, including crawl spaces, that are below the design flood elevation shall:

1. Be permitted to enclose up to 100 percent of the area below an elevated building and shall not extend beyond the perimeter of the building.
2. Have the interior portion of any enclosed area:
 - a. Partitioned only to separate parking areas from building access or storage areas;
 - b. The minimum number of interior doors necessary for access to the stairway or elevator to the elevated buildings from areas used for parking or storage;
 - c. Not temperature-controlled.
3. Have access to enclosed areas intended for building access or storage by no more than one standard 36-inch exterior door, or one windowless 72-inch double exterior door, in any exterior wall.
4. Have access to enclosed areas intended for parking of vehicles by no more than one standard two-car garage door.
5. Have construction documents include an agreement, signed by the owner, acknowledging the limitations on allowable uses of the enclosed areas and the conditions of the building permit, using a form provided by the Floodplain Administrator. This agreement shall be recorded in the official record books in the office of the clerk of the circuit court to provide additional notice of these limitations to future purchasers.

R322.1.12 Accessory structures. Accessory structures used for parking and storage shall be permitted below the base flood if designed and constructed in compliance with Section R322 and the total cost of an accessory structure does not exceed 10% of the market value of the building or \$17,500 per dwelling unit, whichever is greater. The dollar amount specified may

be increased each year beginning in 2014 by the percentage increase of the Consumer Price Index - All Urban Consumers (CUP-U), All Items, U.S. City Average maintained by the federal Bureau of Labor Statistics.

Chapter 33, Site Work, Demolition and Construction.

Section 3311.5 is added, to read as follows:

3311.5 Trash containers.

It shall be unlawful to bury construction debris on the construction site or on any other public or private property not specifically approved for such use. A suitable trash container and adequate collection service shall be provided for each construction site. For purposes of this requirement, a suitable container is any structure, device, receptacle, designated location or combination thereof which holds construction debris on the construction site in a central location long enough for it to be removed from the site by means of whatever collection service the contractor chooses to use or may be required to use pursuant to other applicable laws before such debris is: (1) washed or blown off-site, (2) contaminates subsurface elements, (3) becomes volatile or malodorous, (4) makes an attractive nuisance, or (5) otherwise becomes a threat to the public health, safety and welfare.

Chapter 34, Existing Buildings.

Section 3401.1, relating to scope, is modified to read as follows:

3401.1 Scope. Provisions of this chapter and of division 4 of this article shall govern the application of this code to existing buildings. In interpreting this code, the building official may be guided by the Nationally Applicable Recommended Rehabilitation Provisions, published in 1997 by the U.S. Department of Housing and Urban Development.

Exception: Buildings and structures located within the High Velocity Hurricane Zone shall comply with the provisions of sections 3401.5, 3401.8, and 3401.2.2.1.

Section 3401.2.2.1, relating to change of occupancy, is deleted, and replaced with a new section 3401.2.2.1, to read as follows:

3401.2.2.1 If the occupancy classification or any occupancy subclassifications of any existing building or structure is changed to a more hazardous occupancy, the building, electrical, gas, mechanical, and plumbing systems shall be made to conform to the intent of the technical codes as required by the building official.

Section 3401.5, relating to special historic buildings, is deleted, and replaced with a new section 3401.5, to read as follows:

3401.5 Special historic buildings.

3401.5.1 The provisions of the technical codes relating to the construction, alteration, repair, enlargement, restoration, relocation or moving of buildings or structures shall not be mandatory for an existing building or structure identified and classified by the federal, state, county, or town government as a historic structure, or as a contributing structure in a historic district, when such building or structure is judged by the building official to be safe and in the public interest of health, safety, and welfare regarding any proposed construction, alteration, repair, enlargement, restoration, relocation or moving.

3401.5.2 If it is proposed that a historic building that is undergoing repair, renovation, alternation, reconstruction, or change of occupancy not comply literally with certain technical standards of this code, the building official may require the building to be investigated and evaluated by a registered design professional. Such evaluation shall identify each required feature of the building not in technical compliance and shall demonstrate how the intent of these provisions is to be complied with in providing an equivalent level of safety.

(Ord. No. 13-06, § 3, 9-3-2013; Ord. No. 17-09, § 2, 6-19-2017)

Madison, FL - Code of Ordinances (https://library.municode.com/fl/madison/codes/code_of_ordinances)

Sec. 8-4. - Same—Owners of frame houses within districts.

Owners of frame buildings within the fire district shall be required to keep them in good repair but shall not build additional stories or in any other manner enlarge the present size of their buildings; and whenever any such buildings become a nuisance or dangerous to person or property, the owner shall, upon notice given him or her by the city authorities, repair or remove or cause such building to be repaired or removed within the time frames and under the rules established by the Standard Housing Code and Standard Unsafe Building Abatement Code adopted by the city. When any of the frame or wooden buildings now standing in the fire district shall be removed for any cause, they shall not again be built except in the manner described in section 8-3 of this chapter.

(Code 1957, § 8.04; Ord. No. 91-1, § 3, 3-5-91)

Sec. 8-6. - Same—Enforcement of restrictions.

Whenever any building shall be erected or in the process of erection in violation of section 8-3 of this chapter, the same may be enjoined by any court having jurisdiction of the matter, or the city building official shall notify the owner in writing to remove it or alter it so as to comply with the requirements of this chapter; and if such notice is not complied with within ten (10) days, the city's building official shall have the authority to stop further construction and may seek a court injunction if necessary. The city's building official shall have the authority to seek removal of any building erected (either partially or completed) in violation of this section pursuant to and under the rules provided in the Standard Housing Code and Standard Unsafe Building Abatement Code adopted by the city. This section shall not apply to buildings completed prior to the adoption date of this section.

(Code 1957, § 8.06; Ord. No. 91-1, § 5, 3-5-91)

St. Lucie County, FL - 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 Complied 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 108 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

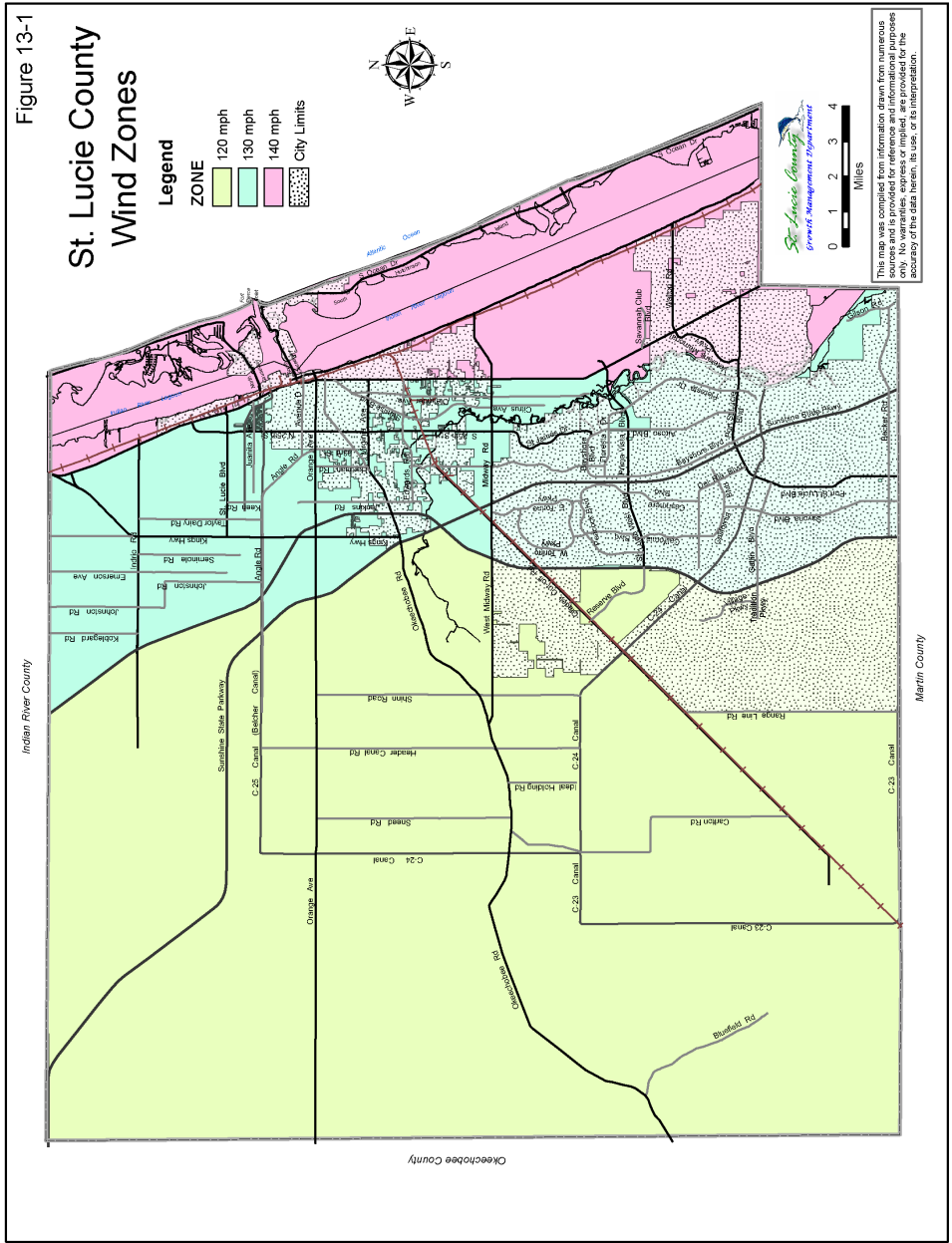
109.1 If any section, subsection, sentence, clause or phrase of this Code is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Code.

- 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.



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

Moore Haven, FL - Code of Ordinances (https://library.municode.com/fl/moore_haven/codes/code_of_ordinances)

§ 38-3. - Adoption of standards.

[Amended 1-7-1997 by Ord. No. 236]

The Standard Unsafe Building Abatement Code, 1994 Edition, is hereby adopted by reference, a copy of which is on file in the office of the City Clerk.

Wildwood, FL - Code of Ordinances (https://library.municode.com/fl/wildwood/codes/code_of_ordinances)

Sec. 7-2. - Codes adopted.

(a) The following standard codes, as they may be amended from time to time, are hereby adopted and ordained as standard codes for the city:

- (1) Standard Unsafe Building Abatement Code, 1985 Edition.
- (2) Standard Existing Building Code, 1988 Edition.

(b) To the extent it is legally permissible, if there is a requirement set out in this Code which conflicts with that of the above referenced codes, the requirement of the ordinance from which this section was derived shall supercede those of the applicable code.

(Ord. No. 281, § 2, 10-23-95; Ord. No. 310, § 1, 1-26-98; Ord. No. O2013-27, § 2, 7-8-13)

State Law reference— Florida Building Codes Act, F.S. § 553.70 et seq.

Sec. 7-26. - Definitions.

The following definitions shall apply to words used in this article and the Standard Unsafe Building Abatement Code, 1985 Edition (as adopted in section 7-2 of this chapter):

Repair means: (1) the cleaning or removal of debris, trash and other materials present and accumulated which create a health or safety hazard in or about any dwelling, building or structure; or (2) the repair of any portion or all of the building.

Unfit building means, in addition to any definition of unfit building found in the Standard Unsafe Building Abatement Code, 1985 Edition:

- (1) Any dwelling, building or structure in which there is damage or deterioration of 33 percent or more of the supporting members or 50 percent or more of the non-supporting enclosing or outside walls, exclusive of the foundation.
- (2) Any dwelling, building, or structure which has visible soil erosion adjacent to or under any structural support.

(Ord. No. 281, § 4, 10-23-95; Ord. No. O2013-27, § 3, 7-8-13)

Sec. 7-31. - Violations; penalties.

In addition to other sanctions authorized hereinabove, a violation of this article may be punished in the county court by fine or imprisonment as follows:

- (1) The owner of any "unfit building" who shall fail to comply with any notice or order to repair, vacate, or demolish said building given by any person authorized by this article to give such notice or order shall be guilty of a misdemeanor and upon conviction thereof shall be fined not exceeding \$250.00 for the first offense and \$500.00 for any subsequent offense every day such failure to comply continues beyond the date fixed for compliance.
- (2) Any person removing the notice provided for in sections 304 or 601.2.1 of the Standard Unsafe Building Abatement Code, 1985 Edition shall be guilty of a misdemeanor and upon conviction shall be fined not exceeding \$250.00 for first offense and \$500.00 for each subsequent offense.

(Ord. No. 281, § 9, 10-23-95)

Eagle Lake, FL - Land Development Regulations (https://library.municode.com/fl/eagle_lake/codes/land_development_regulations_)

Sec. 9.E.1.10. - General provisions.

In order to protect the public health, safety, and welfare of the residents of the city, the construction related safety standards/codes and Florida Statutes listed below, as published by the Southern Building Code Congress International, Inc., the National Electrical Code, and the State of Florida are adopted by reference, and as may subsequently be lawfully amended, are made a part of these land development regulations by city ordinance and codified herein.

The construction safety standards/codes hereby adopted by the city commission of the City of Eagle Lake include the following:

1. Standard Building Code, 1997 Edition;
2. Standard Plumbing Code, 1997 Edition;
3. Standard Gas Code, 1997 Edition;
4. Standard Mechanical Code, 1997 Edition;
5. Standard Fire Prevention Code, 1997 Edition;
6. Standard Swimming Pool Code, 1985 Edition;
7. Standard Unsafe Building Abatement Code, 1985 Edition;
8. National Electrical Code, 1999 Edition;
9. Chapter 553.14, Florida Statutes, Water Conservation Act;
10. Chapter 553, part V, Florida Statutes, Accessibility by Handicapped Persons; 1997 Ed. with 1999 revisions;
11. Chapter 633.025, Florida Statutes, Minimum Fire Safety Standards;
12. Life Safety Code, NFPA 101, 1991 Edition; and
13. Florida Hurricane Code, 1997 Edition.

Sec. 9.E.1.80. - Unsafe building code.

There are hereby adopted codified amendments to the duly adopted Standard Unsafe Building Abatement Code, 1985 Edition, which are made a part of the land development regulations.

St. Augustine Beach, FL - Code of Ordinances (https://library.municode.com/fl/st._augustine_beach/codes/code_of_ordinances)

Sec. 6.07.01. - General.

No person shall occupy as owner-occupant or let or sublet to another for occupancy any dwelling or dwelling unit designed or intended to be used for the purpose of living, sleeping, cooking, or eating therein, nor shall any vacant dwelling building be permitted to exist which does not comply with the requirements contained in the provisions of this article or those provisions of the Standard Housing Code or Standard Unsafe Building Abatement Code hereafter adopted by reference.

(Ord. No. 18-08, § 1(Exh. 1), 7-2-18)

Umatilla, FL - Code of Ordinances (https://library.municode.com/fl/umatilla/codes/code_of_ordinances)

ARTICLE XI. - STANDARD UNSAFE BUILDING ABATEMENT CODE

Sec. 10-151. - Adopted.

The Standard Unsafe Building Abatement Code, 1985 edition, including all appendices, as published by the Southern Building Code Congress International, Inc., be and the same is hereby adopted by the city for the purpose set forth in the code and establishing rules and regulations for the construction, alteration, removal, demolition, equipment use and occupancy, location and maintenance of buildings and structures. Not less than one copy of said code has been and is now filed in the office of the clerk of the city, and the same is adopted and incorporated as fully as if set out at length herein, and from the date on which this section shall take effect the provisions thereof shall be controlling in the construction of all buildings and other structures therein contained within the corporate limits of the city.

(Ord. No. 1983-D, § 9, 5-17-83; Ord. No. 1985-F, § 8, 6-18-85; Ord. No. 1986-I, 9-2-86)

Secs. 10-152—10-170. - Reserved.

Redington Shores, FL - Code of Ordinances (https://library.municode.com/fl/redington_shores/codes/code_of_ordinances)

Sec. 103-37. - Construction of article.

- A. *Levy of special assessments.* This article shall not be construed to limit the town from levying special assessments and the amendments to the standard unsafe building abatement code, as adopted by the town.
- B. *Monthly reinspection assessments.* This article shall not be construed to limit the town from imposing monthly reinspection assessments.
- C. *Imposition of administrative fines.* This article shall not be construed to limit the town from imposing administrative fines.
- D. *Exemptions.* This article shall not be construed to apply to property owned by the town or any other governmental entity.
- E. *Provision of this article supplemental.* Nothing in this article shall be construed to limit the authority of the town to collect special assessments by any other method according to law.

(Ord. No. 13-01, § 2, 4-10-2013)

Manalapan, FL - Code of Ordinances (https://library.municode.com/fl/manalapan/codes/code_of_ordinances)

§ - 152.64 HOUSING CODE AND UNSAFE BUILDING CODE ADOPTED.

The Standard Housing Code, 1997 Edition and the Standard Unsafe Building Abatement Code, 1997 Edition are hereby adopted, along with the county-wide amendments thereto as the Housing and Unsafe Building Code of the Town of Manalapan.

(Ord. 202, passed 6-25-02)

Sarasota, FL - Zoning (<https://library.municode.com/fl/sarasota/codes/zoning>)

Sec. VII-602. - Specific standards for certain uses.

- (a) *Quick vehicle servicing/motor vehicle service uses.* Motor vehicle service stations, repair shops, and their accessory uses shall comply with the following standards:
- (1) The minimum zoning lot size shall be 15,000 square feet, with a minimum street footage of 100 feet on each street.
 - (2) All activities and operations shall be conducted entirely within an enclosed structure, except as follows:
 - a. The dispensing of water or air; and
 - b. Services incidental to accessory car washes.
 - (3) No vehicle may be parked on the premises for the purpose of offering same for sale.
 - (4) No principal or accessory building, no sign of any type shall be located within 25 feet of the lot line of any property that is residentially zoned.
 - (5) Oil in cans may be displayed outside the station building in the standard racks provided for such display. Windshield wiper blade replacements may be displayed outside in the standard cabinets provided for such display. There shall be no outside display or stacking of tires.
 - (6) In addition to the accessory drive-through facilities standards found in this division, the drive-through portions of the facility must provide sufficient stacking area before and beyond each service bay for at least two vehicles without blocking the public right-of-way.
 - (7) Motor vehicle service stations where a flammable fluid is stored, housed, and sold for supply to motor vehicles, as a motor vehicle fuel station, shall additionally be required to meet the motor vehicle fuel pump standards found in this division.
- (b) *Motor vehicle sales agency/lots (new or used).* The purpose of this section is to ensure that motor vehicle sales agencies do not create an adverse impact on adjacent properties and surrounding neighborhoods by reason of insufficient on-site customer parking, traffic generation, obstruction of traffic, visual blight, bright lights, noise, or fumes. The following special conditions shall apply to the constructed and operation of motor vehicle sales agencies:
- (1) *Applicability.* All new motor vehicle sales agencies shall comply with the development standards for the district in which it is located and with this section. Existing motor vehicle sales agencies shall be subject to this section when seeking any one of the following:
 - a. Cumulative expansion subsequent to the adoption of this section of at least 50 percent of the improved (building and land) square footage existing at the time of adoption of this section.
 - b. Any cumulative substantial remodeling of an existing agency subsequent to the adoption of this section.
 - (2) *Parking and vehicle storage.*
 - a. Parking shall comply with article VII, division 2.
 - b. No required parking areas designated for employees and customers shall be used for motor vehicle storage (long or short term), repair or finishing work or display.
 - (3) *Landscaping and bufferyards.*
 - a. All display, storage, and work areas shall be screened from adjacent uses and rights-of-way. All screening areas shall comply with the requirements of article VII, division 3, except:
 1. No street screening (bufferyard) shall be required to incorporate accent trees. However, when accent trees are not used, they shall be replaced by additional shrubs and/or hedges.
 2. Generally, the placement of accent trees (if used), shrubs and hedges in street screening (bufferyard) areas should be evenly dispersed in such street screening areas.
 3. All parking areas not used for vehicle display or storage shall comply with the requirements of article VII, division

3.

- (4) *Loading and unloading of vehicles.* Loading and unloading of vehicles is permitted only in accordance with this subsection. It shall be the duty of the owners and operators of the motor vehicle sales agency, and it shall also be the duty of any agents and employees present on the premises, to insure that the activities of a common carrier, operator, or other person controlling such loading or unloading activities do not violate the provisions of this subsection.
- a. Loading and unloading of vehicles is limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Saturday, excluding legal holidays.
 - b. All loading and unloading shall occur on private property (on- or off-site). Shared loading and unloading areas are permitted for the purposes of meeting this requirement.
 - c. Loading and unloading activities shall not block any access way.

- (5) *Repair of vehicles.* The repair and service facility portion of a motor vehicle sales agency shall comply with the following requirements:

- a. All repair and service activities and operations shall occur within a fully enclosed structure. Outdoor hoists are prohibited. All painting shall occur within a fully enclosed booth.
- b. The portions of the building(s) where vehicle/boat repair activities occur shall be muffled with sound absorbing materials to minimize noise impacts on adjacent zoning lots.
 1. Entrances to individual service bays shall not face adjacent residentially zoned property.
 2. No vehicles to be repaired or serviced shall be parked or stored on any street or alley.
 3. Refuse storage areas shall comply with the requirements of section VII-1401 of this Code.
 4. If body work is performed by the agency, screening approved by the appropriate city approving body for the development approval (i.e., city commission, planning board or director of building and zoning) shall be provided so that vehicles awaiting repair shall not be visible from surrounding properties and public rights-of-way.

- (6) *Queuing of vehicles.* An adequate on-site queuing area for service customers shall be provided. On-site driveways may be used for queuing but shall not interfere with access to required parking spaces. Required parking spaces may not double as queuing spaces.

- (7) *Circulation.* The location of points of ingress and egress from agencies shall be located as far away from surrounding residential zoning districts as is reasonably feasible and shall be directed to commercial streets and away from residential areas by means of signage and design. No site design or arrangement shall be permitted which requires vehicles to back into an alley or public right-of-way.

- (8) *Noise control.*

- a. There shall be no use of outdoor loudspeakers, bells, gongs, buzzers, or other noise attention or attracting devices used by the agency.
- b. All noise generating equipment, exposed to the exterior at any time during operation, shall be muffled with sound absorbing materials to minimize noise impacts on adjacent residential zoning lots, and shall only be operated between 8:00 a.m. and 6:00 p.m. Monday through Saturday, excluding legal holidays.

- (9) *Litter.* The premises shall be kept in a neat and orderly condition at all times and all improvements shall be maintained in a condition of reasonable repair and appearance.

No used or discarded motor vehicle parts or equipment or permanently disabled, junked or wrecked vehicles may be stored outside of buildings.

- (10) *Hours of operation.* Unless otherwise approved by the planning board as a minor conditional use, if any improved portion of the agency is within 300 feet of a residential zone district, operation of the agency shall be prohibited between the hours of 10:00 p.m. and 7:00 a.m.

- (c) *Accessory drive-through facilities.*

- (1) *Purpose.* These regulations are intended to allow for drive-through facilities by reducing the negative impacts they may

create. Of special concern are noise from idling cars and voice amplification equipment, and queued traffic interfering with on-site and off-site traffic and pedestrian flow. The specific purposes of these regulations are to:

- a. Reduce noise, and visual impacts on abutting uses, particularly residential uses;
- b. Promote safer and more efficient on-site vehicular and pedestrian circulation; and
- c. Reduce conflicts between queued vehicles and traffic on adjacent streets.

(2) *When these regulations apply.*

- a. *Uses.* The regulations apply to all uses that have drive-through facilities.
- b. *Site development.* These regulations apply only to the portions of the site development that comprise the drive-through facility. These regulations apply to new developments, the additions of drive-through facilities to existing developments, and the relocation of an existing drive-through facility. Drive-through facilities are not a right; the size of the site or the size and location of existing structures may make it impossible to meet these regulations.
- c. *Parts of a drive-through facility.* A drive-through facility is composed of two parts, the stacking lanes and the service area. The stacking lanes are the space occupied by vehicles queuing for the service to be provided. The service area is where the service occurs. In uses with service windows, the service area starts at the service window. In uses where the service occurs indoors, the service area is the area within the building where the service occurs. For other development, such as gas pumps, air compressors, vacuum cleaning stations, the service area is the area where the vehicles are parked during the service.

(3) *Vehicular access.* All driveway entrances, including stacking lane entrances, must be at least 50 feet from an intersection. The distance is measured along the property line from the junction of the two street lot lines to the nearest edge of the entrance.

(4) *Setbacks.* No structure, sign or outdoor speaker boxes shall be located closer than 25 feet to any residentially zoned property.

(5) *Stacking lane standards.*

- a. *Gasoline pumps.* A minimum of 30 feet of stacking lane is required between a curb cut and the nearest gasoline pump.
- b. *Other drive-through facilities.*
 1. *Primary facilities.* A minimum of 120 feet for a single stacking lane or 60 feet per lane when there is more than one stacking lane is required for all other drive-through facilities except quick vehicle servicing. A stacking lane is measured from the curb cut to the service area. Stacking lanes do not have to be linear.
 2. *Accessory facilities.* A stacking lane is not required for accessory facilities where vehicles do not routinely stack up while waiting for the service. Examples are window washing, air compressor, and vacuum cleaning stations.
- c. *Stacking lane design and layout.* Stacking lanes must be designed so that they do not interfere with parking and vehicle circulation.
- d. *Stacking lanes identified.* All stacking lanes must be clearly identified, through the use of means such as striping, landscaping, and signs. Pedestrian walkways should not intersect with drive aisles if possible. If such intersections are necessary, they shall have clear visibility and be emphasized by differentiated paving or striping.

(6) *Design standards.*

- a. *Menu boards.* Menu boards shall be a maximum of 32 square feet, with a maximum height of eight feet above ground level.
- b. *Drive up windows.* For drive up windows, service shall be from the left window of the motor vehicle.

(7) *Vehicle egress.* A minimum of 50 feet of stacking lane is required beyond the last service area and the curb cut. Egress lanes do not have to be linear.

(d) *Stadiums and auditoriums.* Stadiums and auditoriums must be constructed and operated in the following manner:

- (1) Direct vehicular access to the use shall not be provided by way of a local street, if access is available from an arterial, collector or inter-state connector.

- (2) Off-street parking areas shall be designed and screened in accordance with the provisions of article VII, division 3.
- (e) *Automobile wrecking yards and recycling facilities.* Automobile wrecking yards, junkyards, and recycling facilities must be constructed and operated in the following manner:
- (1) The facility is not located closer than 100 feet to any property zoned residential.
 - (2) The first 25 feet of the zoning lot adjacent to a public street may be used only for the off-street parking of patrons and landscaping.
 - (3) Must be completely enclosed by an eight foot high, completely opaque fence or wall constructed of wood or finished masonry.
- (f) *Accessory outdoor restaurants.* The outdoor restaurant regulations as established in these regulations have city-wide applicability, are designed to encourage outdoor restaurants in commercial areas, to promote and protect public health, safety, and general welfare and to provide for the creation of a more urban pedestrian environment. Outdoor restaurants shall be constructed and operated in the following manner:
- (1) If the outdoor restaurant is on a side of the building adjacent to residentially zoned property, then the outdoor restaurant, regardless of floor level, shall be separated by an intervening building or six and one-half foot high masonry wall without windows along all side(s) of the outdoor restaurant that are adjacent to the residentially zoned property. No variance from this requirement may be granted. Notwithstanding the foregoing, the approving authority may allow the materials comprising the buffer wall to be other than masonry, and may approve the use of a window so long as it remains fixed or remains fully closed within the buffer wall. In such instances, the approving authority shall make a finding that such change in materials will protect the adjacent residentially zoned property(s) from potentially adverse impacts of the outdoor dining activity.
 - (2) If the outdoor restaurant is located on a side(s) of a building adjacent to non-residentially zoned property or a public right-of-way, it shall be separated on that side(s) of the building from the non-residentially zoned property and/or public right-of-way by either a building or a two foot high enclosure. The enclosure may consist of plants, planters, fences or walls.
 - (3) The exterior of the wall(s) required in subsections (1) and (2) above shall be finished in a manner considered appropriate to the materials used.
 - (4) All patrons of the outdoor restaurant shall vacate the outdoor restaurant no later than 11:00 p.m. on Sunday through Thursday, inclusive, except the day prior to a holiday, and 11:59 p.m. on Friday, Saturday and the day prior to a holiday. Provided, however, if the outdoor restaurant is located within 120 feet of residentially zoned property, as measured in a straight line from the nearest property boundary of the residentially zoned property, the patrons shall vacate the outdoor restaurant no later than 11:00 p.m., seven days per week. Notwithstanding the foregoing, stricter hours of operation may be established by the approving authority. In such instances, the approving authority shall make a finding that said more stringent restriction is necessary to mitigate potential impacts from the outdoor restaurant to the residentially zoned property.
 - (5) No amplified music or amplified entertainment shall be permitted.
- (g) *Child care and family day care facilities.* Child care and family day care facilities must be constructed and operated in the following manner:
- (1) Outdoor play areas shall not be located in required front setbacks.
 - (2) Outdoor play areas shall be enclosed with a minimum four foot high fence.
 - (3) No outdoor play activities shall be conducted before 8:00 a.m. or after 8:00 p.m.
 - (4) For child care facilities, a landscape bufferyard type C, in accordance with article VII, division 3, shall be provided between the outdoor play area and side and rear property lines abutting property zoned residential, unless the abutting property is used for a child care or family day care center.
 - (5) Buildings or structures shall have a minimum of 35 square feet per child of net floor space. Outdoor play areas shall provide a minimum of 100 square feet per child in any group utilizing the play area at one time. For child care centers

with staggered outdoor playtimes, the minimum outdoor play area per child shall be calculated based upon one-half of the licensed capacity of the child care center.

(6) All facilities, operation and maintenance shall meet city, county and state requirements for operation of child care centers.

(h) *Commercial wireless telecommunication towers and antennas.*

(1) *Purpose.* In order to accommodate the communication needs of residents and business while protecting the public health, safety, and general welfare of the community, these regulations are necessary in order to:

- a. Facilitate the provision of wireless telecommunication services to the residents and businesses of the city.
- b. Minimize adverse visual impacts and effects of towers through the utilization of careful design, landscaping, screening, innovative camouflaging techniques, and siting standards.
- c. Maximize the protection of the citizenry from the hazards of falling debris or equipment as a result of destruction by storm or wind or other natural occurrences.
- d. Avoid potential damage to adjacent properties from tower failure through structural standards and setback requirements.
- e. Protect residentially zoned areas and land uses from potential adverse impacts of wireless telecommunication towers.
- f. Minimize the visual impact of new towers and antennas by encouraging their location in currently visually impacted areas.
- g. Maximize the use of city owned property, existing and approved towers, buildings and structures, conforming and nonconforming, to accommodate new wireless telecommunications antennas in order to reduce the number of towers needed to serve the community.
- h. Maximize the opportunity for, and use of, co-location of new commercial wireless telecommunication towers.
- i. Expedite the removal of abandoned, unused, and unsafe commercial wireless telecommunication towers and antennas, and to provide a source of funds for such removal.
- j. Consider and protect the health, safety, and welfare of the citizens of the city.
- k. Protect and preserve the distinctive and unique natural features of the city which are in part the result of the city's location on the Gulf of Mexico and Sarasota Bay and having within its political boundaries several barrier islands, and
- l. Protect and preserve delicate ecosystems and habitats for native trees, plants, vegetation, wildlife, marine life and other environmentally sensitive areas from potential adverse impacts from the placement of towers and antennas.

(2) *Siting preferences.*

- a. Currently, commercial wireless telecommunication towers are a prohibited use in the C and MP zone districts, a permitted use in the IGD and IHD zone districts, minor conditional uses in the Downtown zone districts and major conditional uses in all other districts within the city. All new commercial wireless telecommunications towers and antennae shall be sited consistent with such zone district regulations. If a new commercial wireless telecommunications tower or antennae is to be located within a public right-of-way, such tower and antennae must also be sited and approved in complete compliance with the city's rights-of-way use ordinance (as amended). Furthermore, all new commercial wireless telecommunication facilities shall conform to, and be reviewed in connection with, the following city siting preferences (listed in descending order of preference). Applicants shall demonstrate to the satisfaction of the approving authority that these preferences have been evaluated and adhered to in their proposed site selection.
 1. Antennas located on city owned buildings and structures. The applicant must demonstrate that there are no suitable city owned buildings or structures, within the appropriate search radius as identified in section VII-602(h)(5)a. below, which would accommodate the facility without unreasonably compromising the facility's signal reception or transmitting capability or unreasonably compromising the communication provider system's capability, as provided in section VII-602(h)(5)a. below.

2. If a facility cannot be located on candidate sites within site preference class 1 above without unreasonably compromising the communication provider system's capability, the city will next consider sites for antennas located on non-city owned structures.
 3. If a facility cannot be located on candidate sites within site preference class 1 or 2 above without unreasonably compromising the communication provider system's capability, the city will next consider sites for towers located on city owned property.
 4. If a facility cannot be located on candidate sites within site preference class 1, 2 or 3 above without unreasonably compromising the communication provider system's capability, the city will next consider sites for towers located on industrially zoned property.
 5. If a facility cannot be located on candidate sites within site preference class 1, 2, 3, or 4 above without unreasonably compromising the communication provider system's capability, the city will next consider sites for towers located on any eligible property.
- b. The approving authority of the city may require opinions from suitable engineers or other learned professionals or experts when evaluating siting preferences.
- (3) *Emplacement restriction standards.* All proposed towers shall conform with the following emplacement restriction standards, in addition to the restricted areas established by section VII-602(h)(9)c. below:
- a. While commercial wireless telecommunication towers and antennas may be placed within public rights-of-way provided the relevant zone district regulations are met and provided the requirements of the city's rights-of-way use ordinance (as amended) are met, no tower shall be placed in traffic circles or on bridges;
 - b. No tower shall be placed on mangrove islands;
 - c. No tower shall be placed on beaches;
 - d. No tower shall be placed in either a Conservation (C) overlay district or Marine Park (MP) zone district;
 - e. No tower shall be placed on or adjacent to protected residential property which is otherwise eligible in accordance with section VII-602(h)(9)c. below if such eligible area is four acres or less in size; and
 - f. No tower shall be placed within 1,400 linear feet from the high water mark of either Sarasota Bay or the Gulf of Mexico (i.e., the city's scenic coastal view corridor).
 - g. The following towers shall be the only towers allowed in protected residential property areas:
 1. Towers supporting amateur radio antennas and conforming to all applicable provisions of this Code shall be allowed only in the buildable area of zoning lots to the side or rear of the principal structure.
 2. Towers supporting multi-channel multi-point distribution service (MMDS) antennas and direct broadcast satellite service (DBS) antennas when the antennas are no larger than one meter in diameter or diagonal measurement, and television broadcast receiving antennas. Such towers shall conform to all applicable provisions of this Code and shall be allowed only in the buildable area of zoning lots to the side or rear of the principal structure.
 3. Towers supporting commercial antennas and conforming to all applicable provisions of this Code shall be allowed only in the following locations:
 - (i) City-owned zoning lots;
 - (ii) Houses of worship sites, when appropriately camouflaged to blend into the facility's character (e.g., steeples, bell towers, etc.);
 - (iii) Cemeteries when appropriately camouflaged to blend into the facility's character; and
 - (iv) Colleges and universities when appropriately camouflaged to blend into the facility's architecture.
- (4) *Additional submittal requirements.* In addition to the information required elsewhere in this Code, development applications for towers shall include the following supplemental information:
- a. A report from a qualified licensed professional engineer which:
 1. Describes the tower height and design including a cross section and elevation;

2. Documents the height above grade for all potential mounting positions for co-located antennas and the minimum s distances between antennas;
 3. Describes the tower's capacity, including the number and types of antennas that it can accommodate;
 4. Documents what steps the applicant has taken, or will take, to avoid interference and obstruction with established or proposed public safety telecommunication facilities;
 5. Documents that the tower and/or antennas have been designed to withstand sustained wind speeds of 110 miles per hour, or the requirements of the Southern Standard Building Code as locally amended, whichever is greater;
 6. An analysis and/or other data and/or documentation that certifies that in the event of a catastrophic failure, fall, or collapse of the tower, said tower would fall or collapse within the collapse zone of the proposed tower;
 7. Includes an engineer's signature, seal and registration number; and
 8. Includes other information necessary to evaluate the request.
- b. For all commercial wireless telecommunication service towers, a letter of intent committing the tower owner and his or her successors to allow the shared use of the tower if an additional user agrees in writing to meet reasonable terms and conditions for shared use.
- c. Balloon test. As part of an application for a conditional use, the applicant shall submit documentation of having conducted a balloon test, together with a visual impact analysis of the test. The purpose of this test is to assist the approving authority in determining the aesthetic impact of a tower and its antenna(s) with respect to height and closeness of a tower in proximity to nearby residential uses and zoning.
1. Such test shall consist of the flying of a balloon, which is the same color as the proposed tower and a minimum of four feet in diameter, anchored to the ground so the balloon flies at the same height and location as the proposed tower. The balloon shall be flown continuously each day between 8:00 a.m. and 11:00 a.m. for three consecutive days. Such test shall comply with any and all FAA and emergency medical service helicopter service rules, regulations, and notifications.
 2. Such test shall be conducted prior to either the required neighborhood workshop or the public hearing, whichever occurs earlier. Notice of such test shall be provided by both the applicant and the city as outlined in the zoning code. Each notice shall include a statement of what specific days and hours the balloon will be flown and alternative dates and hours in the event of inclement weather.
 3. The applicant shall provide documentation of the balloon test to the planning board and city commission. The documentation shall include photographic and/or video evidence depicting the balloon and its relationship and proximity to the neighboring properties, buildings and uses. The photographs/video may be accompanied by a corresponding written visual impact analysis and any other bona fide documentation or evidence the applicant feels may assist the approving authority in determining visual impact.
- d. Aesthetic effects, devices and techniques. The purpose of this subsection is to assist the planning board and city commission, as part of a conditional use request, in determining whether or not a proposed tower is camouflaged and/or concealed appropriately in a given area. The applicant shall submit the following documentation:
1. Colorized pictorial representation, artist rendering, or similar representation drawn to scale;
 2. Design specifications of the various proposed techniques (if drawings, plans and/or other graphic representations are included, they shall be drawn to scale); and
 3. A corresponding statement explaining what the nature and character of the area is within which the tower is proposed with respect to land use, surrounding environment, building heights and design, and how the proposed camouflaging and/or concealment agent(s) will blend in and harmonize with the nature and character of the area.
- (5) *Co-location requirements.* All commercial wireless telecommunication towers erected, constructed, or located within the city shall comply with the following requirements:
- a. A proposed new commercial telecommunication service tower shall not be approved by the city unless the applicant

demonstrates to the satisfaction of the approving authority that the telecommunications equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or building within a one mile search radius for towers greater than 119 feet in height, one-half mile search radius for towers under 119 feet in height but greater than 80 feet in height, and one-quarter mile search radius for towers less than 80 feet in height, due to one or more of the following reasons:

1. The planned equipment would exceed the structural capacity of the existing or approved tower or building, as documented by a qualified and licensed professional engineer, and the existing or approved tower cannot be reinforced, modified, or replaced to accommodate the planned or equivalent equipment at a reasonable cost.
 2. The planned equipment would cause interference or obstruction materially impacting the usability of other existing or planned equipment at the tower or building as documented by a qualified and licensed, if applicable, professional and the interference cannot be prevented at a reasonable cost.
 3. Existing or approved towers and buildings within the search radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and licensed, if applicable, professional.
 4. Other reasons that make it unfeasible to locate the planned telecommunications equipment upon an existing or approved tower or building as documented by a qualified and licensed, if applicable, professional.
 5. Verifiable evidence from the applicant of the lack of space on existing towers, building or other structures to locate the proposed antenna within the appropriate search radius as identified in subsection (5)a. above, or the siting preferences identified in section VII-602(h)(2), shall be supplied at the time of application for a new tower.
- b. Any proposed commercial wireless telecommunication service tower shall be designed, structurally, electrically, and in all other respects, to accommodate antenna arrays as follows:

Tower Height	Number of Array Heights
Greater than 161 feet	3 heights
101—161 feet	2 heights
Less than 101 feet	1 height

Towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights.

- c. In order to provide the maximum opportunity for other providers to co-locate on a new tower, the applicant shall provide notice to all other potential wireless telecommunication users of the new tower, offering an opportunity for co-location. If another potential user requests co-location in writing to the city, the request shall be accommodated, unless it can be documented as outlined in section VII-602(h)(5)a. above that co-location is not possible.
 - d. Co-location map. In order to encourage co-location of facilities, the city shall maintain a map of all existing towers on which an antenna has been located. To prepare and maintain such a map, at the time of its first application after the effective date of Ordinance No. 98-4030 (December 15, 1997), each applicant for a tower and or antenna shall provide the city with an inventory of all the applicant's existing towers and antennas that are located in the city and within one mile outside the city limits. The inventory shall specify the location, type and design of each tower, the ability of the tower to accommodate additional antenna, and, where applicable the height of the support structures on which the applicant's existing antennas are located. This information shall be available for public use in encouraging the co-location of antenna on existing tower facilities. By requiring and using this information, the city is in no way representing or approving such sites as available or suitable.
- (6) *Additional standards and criteria for review of wireless telecommunication towers.* The intent and purpose of this subsection is to address and balance the concern that wireless telecommunication towers may not be appropriate uses in and near residential areas due to aesthetic and compatibility conflicts that arise when these facilities are located in close proximity to residential uses and the recognized need of the services the wireless telecommunication towers provide to the public. These issues shall be reviewed, based on the adopted standards, on a case-by-case basis for each

request. The approving authority shall consider and weigh the aesthetic impact and compatibility issues with the public benefit derived from having efficient and reliable wireless telecommunications systems when determining whether or not to approve the application.

- a. In addition to general review criteria, in order to be approved, towers and antennas shall be designed, as determined by the approving authority, to blend into the surrounding environment through the use of color, texture, and/or camouflaging architectural treatment, or by reason of existing conditions, to minimize its visual intrusiveness and negative aesthetic impact. When considering approval of an application the approving authority shall review such application with consideration of the following factors:
 1. Whether the tower will be readily visible and whether the proposed facility/tower will, as determined by the approving authority, unreasonably interfere with the view from any public park, historic building or district, or scenic coastal view corridor.
 2. Type of tower, the shape and width of the facility relative to its height, and the color, texture, and reflectivity of materials, with neutral colors and non-reflective materials being given preference, except in instances where the color is dictated by federal or state authorities such as the Federal Aviation Administration;
 3. Type of antennas proposed for the tower, with narrow profile antenna arrays being given preference, if feasible;
 4. Nature of uses on adjacent and nearby properties and the relationship of the proposed facility to the character and scale of surrounding structures and uses, with preference being given to sites adjacent to non-residential uses;
 5. Onsite and surrounding tree coverage and foliage;
 6. The effectiveness of the use of screening and concealment devices and techniques, including but not limited to the use of structural camouflaging, buffer walls, opaque fencing and landscaping.
- (7) *Tower and antenna design and construction requirements.* New or replacement towers and antennas shall meet the following design and construction requirements:
- a. As it relates to towers and facilities not located within public rights-of-way, the base of the tower, anchors, and any accessory facility or building shall be substantially screened from view from public streets. As it relates to all towers and related facilities, the base of the tower, anchors and any accessory facility or building shall be substantially screened from view from adjoining and nearby protected residential properties. Such screening shall include a combination of evergreen and deciduous trees and shrubs, with recognition of CPETD principles, except when the city commission determines a design of non-vegetated screening better reflects and complements the architectural character of the surrounding neighborhood. The use of all types of barbed wire, razor wire, and similar items is prohibited. No types of chain link fencing shall be used as buffering or screening material.
 - b. All ground-mounted commercial wireless telecommunication service towers shall be of a monopole design unless the approving authority determines that an alternative design would better blend in to the particular surrounding environment.
 - c. With the exception of necessary electric and telephone service and connection lines approved by the city, no part of any tower, anchoring devices, or guys, equipment or wires or braces in connection with either shall at any time project across or over any property line without the written consent of the adjoining property owner.
 - d. Every tower affixed to the ground shall be designed to discourage climbing of the tower by unauthorized persons.
 - e. Only one tower shall exist at any one time on any individual protected residential property as defined in this article.
 - f. All ground-mounted commercial wireless telecommunication towers shall be located to create a collapse zone equal to one-fourth of the tower's height. Such collapse zone shall be free of all buildings, except for those associated with the commercial wireless telecommunication facility and those located on the zoning lot the tower is proposed to be located on.
- (8) *Tower setbacks.* All towers which are not located within a public right-of-way shall conform with each of the following minimum setback requirements:
- a. Towers shall meet the setbacks of the underlying zoning district with the exception of industrial zoning districts (i.e.,

ICD, IHD, I and ILW), where towers may encroach into the rear setback area, provided the rear property line abuts, or is adjacent to, another industrially zoned property.

- b. New towers which are not located within a public right-of-way shall be set back from the public rights-of-way of thoroughfare plan roads as shown on the most recently amended Sarasota City Plan, by a minimum distance equal to one-half of the height of the tower including all antennas and attachments.
 - c. New towers shall not be located in the public rights-of-way of non-thoroughfare plan roads, unless in an industrial zone district. However, new antennas may be located on existing towers, poles and other structures in all public rights-of-way. Placement of new towers and related facilities within public rights-of-way shall only occur in strict compliance with the applicable zone district regulations and the city's right-of-way use ordinance (as amended).
 - d. Towers which are not located within a public right-of-way shall not be located between a principal structure and a public street, with the following exceptions:
 - 1. In industrial zoning districts (ICD, IHD, I and ILW), towers may be located within a front or side yard abutting an internal industrial street.
 - 2. On sites with public streets on all sides, towers may be placed within a side yard that abuts a local street.
 - e. A tower's set back may be reduced or its location in relation to a public street varied, at the sole discretion of the city commission, only to allow the integration of a tower onto an existing or proposed structure or building such as a church steeple, light standard, power line support device (e.g., power line tower), or similar structure.
 - f. Towers erected on any protected residential property are also subject to the setback provisions of section VII-602(h) (9) below.
- (9) *Tower height.* All proposed towers shall conform with each of the following maximum height requirements:
- a. The height of towers shall be determined by measuring the vertical distance from the tower's lowest point of contact with the ground to the highest point of the tower, including all antennas or other attachments. When towers are mounted upon other structures, the combined height of the structure and tower must meet the height restrictions listed below.
 - b. On all protected residential property the maximum height of any tower, including all antennas and other attachments, shall be 35 feet. The height limitation for any tower on protected residential property utilizing camouflaging architectural treatments and techniques in constructing the facility shall be as specified in subparagraph c. below.
 - c. Except as stated in subparagraph (9)b. above, in all zoning districts, the maximum height of any tower not mounted on an existing building, including antennas and other attachments, shall not exceed one foot for each two feet the tower is setback from adjacent or the closest protected residential property. However, in no event shall any ground-mounted tower exceed the following heights:

Number of Array Heights	Maximum Height
3 or more levels	200 feet
2 levels	160 feet
1 level	100 feet

- d. Exceptions.
 - 1. Towers mounted on existing buildings shall comply with the requirements of subsection (h)(15).
 - 2. In accordance with the Federal Communication Commission's preemptive ruling PRB1, towers erected for the sole purpose of supporting amateur radio antennas may exceed 35 feet in height provided that determination is made by the approving authority, based on evidence submitted by the applicant, that the proposed tower height is technically necessary to successfully engage in amateur radio communications.
- (10) *Tower lighting.* Towers shall not be illuminated by artificial means and shall not display strobe lights, except for aviation caution lights shielded from sight from the ground, unless such lighting is specifically required by the Federal Aviation

Administration, local emergency medical services or other federal or state authority for a specific tower. When incorporated into the approved design of the tower, and when in accordance with all other appropriate portions of this Code, light fixtures used to illuminate ball fields, parking lots, or similar areas may be attached to the tower.

- (11) *Signs and advertising.* The use of any portion of a tower for signs, other than warning or equipment information signs, is prohibited.
- (12) *Accessory utility buildings.* All utility buildings and structures accessory to a tower shall be architecturally designed, as determined by the approving authority, to be compatible with, and blend into, the surrounding environment and shall meet the minimum building setback requirements of the underlying zoning district if said tower and accessory buildings are not located within a public right-of-way.
- (13) *Annual registration and certification.*
- a. The owner of a tower shall file annually with the city manager or his designee a declaration as to the continuing operation (with active antennas) of every facility installed subject to these regulations. Said declaration shall include:
 1. A listing of all tower users' names and mailing addresses; and
 2. Any additional information deemed appropriate by the city.
 - b. Every three years, or within 60 days following a catastrophic act of God or other emergency that affects the structural integrity of the tower, a certification of continued structural integrity (i.e., a statement that a thorough and complete inspection of the tower was conducted and the tower and ancillary facilities are and will continue to perform as originally designed), certified by a qualified and licensed professional engineer, shall also be filed with the city manager or his designee.
 - c. Failure to timely file either the annual declaration or the certification shall mean that the tower is deemed to be abandoned, unused, or unsafe, thus subject to removal.
- (14) *Abandoned, unused or unsafe towers.* The intent and purpose of this section is to address the compelling public interest in ensuring that towers are promptly disassembled, dismantled, and removed once they are no longer used. The city commission finds that there is substantial risk that towers may cease being used in large numbers if there is a concentration or consolidation of competitors within the industry or if even newer technologies arise, obviating the need for towers.

Towers that are abandoned or unused for a period of 12 months, or unsafe, shall be removed as follows:

- a. The manager of building, zoning and code enforcement may order that the commercial wireless telecommunication towers be demolished and removed based upon determining that the tower is abandoned or unused for a period of 12 months or unsafe in accordance with the provisions of the Standard Unsafe Building Abatement Code, 1985 Edition, and the city local amendments thereto, as revised, relating to notice and hearing.
 - b. In addition to the remedies provided by chapter 7, recovery of costs or repair of demolition as set forth in The Standard Unsafe Building Abatement Code, 1985 edition and the city local amendments thereto as revised, the city may recover its costs associated with the demolition and removal of any such tower under the performance guarantee required in section VII-602(h)(17)a. below.
- (15) *Antennas mounted on roofs, walls, and existing towers.* The placement of commercial wireless telecommunication antennas on roofs, walls, existing towers, and other structures is encouraged. Such requests may be approved administratively by the director of neighborhood and development services, provided the antenna meets the requirements of this Code, after submittal of 1) a site plan and building plan in accordance with this Code, 2) a report prepared by a qualified and licensed professional engineer indicating the existing structure or tower's suitability to accept the antenna, and the proposed method of affixing the antenna to the structure, and 3) a copy of an affidavit of lease stating the parties to the lease, the term of the lease and the consent of the owner of the existing structure or tower to the proposed placement.

Such placements shall comply with the following requirements:

- a. No such commercial wireless telecommunication antennas shall be placed on any residential building of less than

- four stories.
- b. For facilities mounted on an existing building, the tower, and antenna must be of a color that is identical to, or closely compatible with, the color of the building so as to make them as visually unobtrusive as reasonably possible. In addition, supporting electrical and mechanical equipment shall be screened from view or camouflaged;
 - c. No such commercial wireless telecommunication antennas shall exceed 25 feet in height from the top of the building, existing tower or other structure;
 - d. For all commercial wireless telecommunication antennas mounted on an existing building, the maximum height of such antenna's support structure shall not exceed ten feet from the top of the building;
 - e. The diameter of roof mounted dish antennas shall not exceed six and one-half meters (approximately 21 feet), provided that no such antenna shall be visible from front yard areas and the color, location and design shall blend into and not detract from the character and appearance of the building and surrounding properties;
 - f. The diameter of a tower mounted dish antenna shall not exceed four and one-half feet.
- (16) *Interference or obstruction with public safety telecommunications.* New telecommunications facilities shall not interfere with existing or proposed public safety telecommunications facilities. All applications for new service shall be accompanied by a certification obtained by the applicant from the city police chief, county sheriff and county director of emergency management that the tower and ancillary facilities are not expected to interfere or obstruct. The city police chief, county sheriff and county director of emergency management shall file any objections to the application for new telecommunication facilities within 30 working days from the date of their receipt for such a request for certification. The applicant shall provide the city a copy of the request for certification with an affidavit stating the date upon which such request was submitted to the respective agency. In the event interference or obstruction does occur with public safety telecommunication facilities, it shall be the responsibility of the owner of the commercial wireless telecommunication facility creating the interference or obstruction to make all necessary repairs and/or accommodations to alleviate the problem.
- (17) *Issuance of a building permit.* Prior to the issuance of a building permit, a performance agreement, in a form suitable for recording in the public records of the county, supported by a form of guarantee shall be required for all new commercial wireless telecommunication towers approved under this Code.
- a. The performance agreement and guarantee shall obligate the tower owner and all subsequent tower owners to remove abandoned, unused or unsafe towers as detailed in section (h)(14) above.
 - 1. A cashiers check and letters of credit, in a form acceptable to the city attorney, are the only forms of guarantee acceptable to the city. The guarantee is designed to ensure the city a fund for demolition and removal of the tower and associated facilities in the event the tower owner fails to discharge his obligations to demolish and remove said tower and facilities.
 - 2. When the cashiers check option is utilized, the funds will be deposited in interest bearing accounts by the director of finance. In the event of default by the tower owner, interest that accrues on such funds shall be available to the city for application to the cost of demolition.
 - 3. Letters of credit will be accepted as guarantees, if the issuing institution meets the city's standards for providing satisfactory performance guarantees. In such instances, the performance agreement must expire a minimum of six months prior to expiration of the letter of credit. The letter of credit must be irrevocable during that time period. A minimum 90-day notification period, of the lending institution's election not to extend the validity of the letter of credit, is required and must be sent by certified mail to the director of finance. Failure to give notice as required shall automatically extend the letter of credit for successive additional six-month periods. (Such provision must be included in the letter of credit.) Should the tower owner not provide a substitute letter of credit at least 60 days prior to the expiration the funds shall be drawn immediately thereafter and a default action shall be initiated.
 - 4. The aggregate of all forms of guarantee posted on a project should not exceed the total of the estimated cost of demolition and removal, based on the city's cost estimate, with additional reasonable allowances for

administrative costs, inflation and potential damage to existing roads and utilities.

5. All deposits of cashier's checks and letters of credit shall comply with the requirements established by the city manager through administrative regulations.
 6. The city may choose to not require a performance agreement or guarantee for city owned towers or towers or antennas located on city owned property.
- b. Before the issuance of a building permit, the following supplemental information shall be submitted:
1. A copy of the Federal Aviation Administration response to the submitted notice of proposed construction or alteration, or its replacement, shall be submitted to the city manager or his designee;
 2. A report from a qualified and licensed professional engineer which demonstrates the tower's compliance with the appropriate structural and electrical standards.
- c. Prior to receiving a final inspection by the city department of building, zoning and code enforcement, documented certification shall be submitted to the Federal Communication Commission, with a copy to the city department of building, zoning and code enforcement, certifying that the telecommunication facility complies with all current applicable FCC regulations, or is exempt from same, for non-ionizing electromagnetic radiation (NIER).
- (18) *Technical consultants.* The city shall have the right to retain independent technical consultants and experts that it deems necessary to properly evaluate applications for commercial wireless telecommunication facilities and to charge a reasonable cost under the city's billable fee system for such services to the applicant.
- (19) *Right of inspection.* The city or its designee shall have the right to inspect at any time the transmission tower, antenna, or related facility, together with any appurtenant facility or property of the applicant/owner's site.
- (20) *Commercial wireless telecommunication towers and antennas approved prior to effective date.* All commercial wireless telecommunication towers and antennas legally approved prior to the effective date of Ordinance No. 98-4030 (December 15, 1997) shall be considered permitted non-conforming uses and structures. However, to encourage the use of existing facilities, such non-conforming status shall not prevent the placement, modification or relocation of any antenna on any such tower.
- (i) *Reserved.*
- (j) *Outdoor commercial recreational facilities.* All outdoor commercial recreational facilities, or portions thereof, are subject to the following standards:
- (1) Permitted hours of operation are 9:00 a.m. to 11:00 p.m.
 - (2) No outdoor amplified music or speaker systems are permitted.
 - (3) No go carts, or similar vehicles, shall be allowed to operate within 500 feet of property zoned residential.
- (k) *Reserved.*
- (l) *Religious institutions.* Religious Institutions, and the addition of or expansion to facilities within the definition of houses of worship, shall meet the following standards: The minimum zoning lot size in RSF and RMF zone districts shall be two acres.
- (m) *Cottage court housing development.*
- (1) *Purpose.* The cottage court housing regulations have several potential public benefits. They:
 - a. Provide flexible development options where the standard rectilinear lot pattern is not practical due to physical constraints;
 - b. Promote the preservation of open and natural areas;
 - c. Allow for common open areas within a development project while still achieving the density of the base zone; and
 - d. Support reductions in development costs.
 - (2) *Description.* A cottage court housing development project contains houses with some or all of the lots reduced below the minimum lot sizes, but where the overall project meets the density standard for the zone. These projects require that the planning for lots and the locations of houses on the lots be done at the same time. Because the exact location of

each house is predetermined, greater flexibility in development standards can be possible while assuring that the single dwelling character of the zone is maintained.



(3) *Regulations.*

- a. *When these regulations apply.* These regulations apply only to the RSF-3, RSF-4, RSM-9, RTD-9, all residential multiple family, G and DTN zone districts.
- b. *Procedure for approval.* Cottage court housing projects are subject to the subdivision review process if a street or alley is established.
- c. *Density.* The overall project may not exceed the density allowed by the base zone. In calculating the density, the area of the whole subdivision is included, except for public streets.
- d. *Lot sizes.* There is no minimum lot size (area width, or depth). Lot sizes must be adequate to meet all other required development standards.
- e. *Housing types allowed.* Attached single-family and detached single family are the only type of housing allowed (see II-201 residential structure types and VII-602(y) attached single-family). The proposed locations for all dwellings must be shown on the site plan. The dwelling locations must be shown in enough detail so that compliance with the required development standards is assured. Accessory dwelling units are prohibited.
- f. *Development size.* Cottage court housing development shall consist of no more than 12 cottage dwelling units.
- g. *Cottage dwelling unit floor area.* A cottage dwelling unit shall not exceed 1,500 square feet of floor area.
- h. *Building setbacks.* Along the perimeter of the project, all development must meet a minimum 15 feet building setback. Within the project, the distance between structures must be at least ten feet.
- i. *Building coverage.* The building coverage standards of the base zone do not apply to individual lots, but do apply to the overall project. Allowable areas for buildings must be shown on the site plan.
- j. *Preservation of water features.* Water features such as drainage ways and streams must be left in a natural state unless altered to improve the amenity of the water feature or to improve stormwater drainage. Water features must be in common ownership unless otherwise approved as part of the subdivision review.
- k. *Maintenance.* An enforceable maintenance agreement for any commonly owned areas must be created and recorded. The agreement must be approved by the city attorney to assure that the city's interests are protected.
- l. *Open space.*
 - i. The common open space shall be designed as a central courtyard and comprised of green space.
 - ii. A minimum of 500 square feet of common open space shall be provided for each cottage dwelling unit.

m. *Parking and access.*

- i. The main entrance to each ground floor unit shall be from the courtyard or street.
- ii. Each dwelling unit abutting a public street (not including alleys) shall have a facade, entrance, porch, bay window or other architectural enhancement oriented to the public street.
- iii. Required residential parking shall be accessed from a rear lane or alley.
- iv. Garages and carports, both attached and detached, shall not be located between the common open space and the dwelling units.



- n. *Front porch.* The main entrance on principal buildings shall include a porch, deck or similar open-air covered main entry feature. The porch, deck or similar feature shall have a minimum depth of six feet and comprise a minimum of 30 percent of the width of the principal building's front facade or eight feet whichever is larger.

(n) *Fuel stations, automatic fueling stations, and motor vehicle fuel pumps.* Fuel stations, automatic fueling stations, and motor vehicle fuel pumps where permitted shall meet the following standards:

- (1) Each fuel pump island shall be located so that there is a refueling area of at least ten feet in width on both sides of the pump island. A minimum of 20 feet is required between pump islands.
- (2) All fuel pump islands shall be located at least 15 feet from any property line, except 25 feet from an abutting residential property line.
- (3) Canopies (including their overhangs) shall be located at least five feet from any property line.
- (4) Gasoline pump islands shall be protected at each corner by a vertically imbedded metal post filled with concrete at least 30 inches in height above the ground and three inches in diameter.
- (5) Travel lanes shall be a minimum of 22 feet in width between any refueling area at the gasoline pumps and any parking spaces provided on-site.
- (6) The minimum zoning lot size for any use that includes accessory fuel pumps shall be 15,000 square feet. In addition, the zoning lot shall have a minimum of 150 feet of zoning lot frontage on at least one public street.
- (7) Drive-through portions of the facility must meet the drive-through facility standards found in this division.

(o) *Reserved.*

(p) *Motor vehicle showroom.* The purpose of this section is to ensure that motor vehicle showrooms do not create an adverse impact on adjacent properties and surrounding neighborhoods by reason of insufficient on-site customer parking, traffic generation, obstruction of traffic, visual blight, bright lights, noise, or fumes. The following special conditions shall apply to the constructed and operation of motor vehicle showrooms:

- (1) *Applicability.* All new motor vehicle showrooms shall comply with the development standards for the district in which it is located and with this section. Existing motor vehicle showrooms shall be subject to this section when seeking any one of the following:

- a. Cumulative expansion subsequent to the adoption of this section of at least 50 percent of the improved (building and land) square footage existing at the time of adoption of this section.
 - b. Any cumulative substantial remodeling of an existing showroom subsequent to the adoption of this section.
- (2) *Parking, vehicle display, and storage.*
- a. Parking shall comply with article VII, division 2.
 - b. No required parking areas designated for employees and customers shall be used for display.
 - c. Only motor vehicles meant for display and sale shall be located on the site; no on-site motor vehicle storage (long or short term) shall be permitted.
 - d. All vehicle display and sales shall be conducted inside a building.
- (3) *Landscaping and bufferyards.* All landscaping and screening shall comply with the requirements of article VII, division 3 of this Code.
- (4) *Loading and unloading of vehicles.* Loading and unloading of vehicles is permitted only in accordance with this subsection. It shall be the duty of the owners and operators of the motor vehicle sales agency, and it shall also be the duty of any agents and employees present on the premises, to insure that the activities of a common carrier, operator, or other person controlling such loading or unloading activities do not violate the provisions of this subsection.
- a. Loading and unloading of vehicles is limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Saturday, excluding legal holidays.
 - b. All loading and unloading shall occur on-site.
 - c. Loading and unloading activities shall not block any access way.
- (5) *Repair of vehicles.* No on-site repair or servicing of motor vehicles is permitted.
- (6) Refuse storage areas shall comply with the requirements of section VII-1401 of this Code.
- (7) *Noise control.* There shall be no use of outdoor loudspeakers, bells, gongs, buzzers, or other noise attention or attracting devices used by the motor vehicle showroom.
- (8) *Litter.* The premises shall be kept in a neat and orderly condition at all times and all improvements shall be maintained in a condition of reasonable repair and appearance. No used or discarded motor vehicle parts or equipment or permanently disabled, junked or wrecked vehicles may be stored outside of buildings.
- (q) *Motor vehicle storage lot.* The purpose of this section is to ensure that motor vehicle storage lots do not create an adverse impact on adjacent properties and surrounding neighborhoods by reason of insufficient on-site customer parking, traffic generation, obstruction of traffic, visual blight, bright lights, noise, or fumes. The following special conditions shall apply to the construction and operation of motor vehicle storage lots:
- (1) *Applicability.* All new motor vehicle storage lots shall comply with the development standards for the district in which it is located and with this section. Existing motor vehicle storage lots shall be subject to this section when seeking any one of the following:
 - a. Cumulative expansion subsequent to the adoption of this section of at least 50 percent of the improved (building and land) square footage existing at the time of adoption of this section.
 - b. Any cumulative substantial remodeling of an existing storage lot subsequent to the adoption of this section.
 - (2) *Parking and vehicle storage.* There is no off-street parking requirement associated with a motor vehicle storage lot.
 - (3) *Landscaping and bufferyards.*
 - a. All storage areas shall be screened from adjacent uses and rights-of-way. All screening areas shall comply with the requirements of article VII, division 3, except:
 - b. All street screening (bufferyard) shall be a minimum of ten feet wide, which distance shall be measured from the existing right-of-way line for the street.
 - (4) *Loading and unloading of vehicles.* Loading and unloading of vehicles is permitted only in accordance with this subsection. It shall be the duty of the owners and operators of the motor vehicle sales agency, and it shall also be the

duty of any agents and employees present on the premises, to insure that the activities of a common carrier, operator, or other person controlling such loading or unloading activities do not violate the provisions of this subsection.

- a. Loading and unloading of vehicles is limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Saturday, excluding legal holidays.
 - b. All loading and unloading shall occur on private property (on- or off-site). Shared loading and unloading areas are permitted for the purposes of meeting this requirement.
 - c. Loading and unloading activities shall not block any access way.
- (5) *Circulation.* The location of points of ingress and egress from motor vehicle storage lot shall be located as far away from surrounding residential zoning districts as is reasonably feasible and shall be directed to commercial streets and away from residential areas by means of signage and design. No site design or arrangement shall be permitted which requires vehicles to back into an alley or public right-of-way.
- (6) *Litter.* The premises shall be kept in a neat and orderly condition at all times.
- a. No used or discarded motor vehicle parts or equipment or permanently disabled, junked or wrecked vehicles may be stored on the lot.
 - b. Refuse storage areas shall comply with the requirements of section VII-1401 of this Code.
- (7) *Hours of operation.* The motor vehicle storage lot shall only be operated during the regular business hours of its associated motor vehicle sales agency.
- (r) *Sale of alcoholic beverages.*
- (1) Wherever bars and taverns, nightclubs and alcoholic beverage stores for the sale of alcoholic beverages are allowed by conditional use under the terms of these regulations the planning board shall be authorized to consider the following criteria, where applicable, in addition to the criteria applicable to conditional uses generally:
 - a. The adverse effects, if any, that the hours of operation of the proposed establishment will have upon neighboring properties, with particular attention to the effects of noise, parking and glare from exterior lighting or headlights on nearby residential properties.
 - b. The amount and degree of law enforcement activities which could reasonably be anticipated to be generated by the proposed establishment, both outside and inside, with particular emphasis upon noise, vehicular use by patrons and vandalism.
 - c. Whether the proposed conditional use makes adequate provision for the elimination of the potential for adverse impact upon adjacent residential areas from hazardous or illegal overflow parking.
 - d. Whether the proposed conditional use makes adequate provision for the elimination of noise in the form of recorded or live music and for the elimination of common parking lot noises, which could disturb the peace and quiet of the surrounding neighborhood, by means of soundproofing, architectural design, buffers, air conditioning or any other available means.
 - (2) Any conditional use for a bar or tavern, nightclub or alcoholic beverage store shall be revoked or suspended automatically for either of the following reasons:
 - a. Revocation or suspension of the state beverage license of the conditional use permittee by the division of alcoholic beverages and tobacco or the state department of business regulation.
 - b. A finding by the state beverage commission that a rule or regulation of the division of alcoholic beverages and tobacco or department of business regulation has been violated by the conditional use permittee.

After an automatic revocation of a conditional use approval as provided in this paragraph, a new conditional use approval shall be required to commence operation of a bar, tavern, nightclub or alcoholic beverage store at the same location as the previous business establishment.
 - (3) No bar, tavern, nightclub, or alcoholic beverage store shall be permitted at any location within 500 feet from the nearest school or church/synagogue sanctuary, a property residentially zoned, or another bar, tavern, nightclub, or alcoholic beverage store. However, when a bar, tavern or nightclub (alcoholic beverage store excluded) is located above the

ground floor, ten feet shall be subtracted from the 500-foot requirement for each story the facility is located above the ground floor. (For example: the separation requirement for a facility located on the third floor of a building is 480 feet.) Such minimum separation distance shall be measured in a straight line, in any direction, from the nearest point of any tenant space containing the bar, tavern, nightclub, or alcoholic beverage store to the nearest property line of a zoning lot containing a school, nearest perimeter door of a church/synagogue sanctuary, or perimeter of a residentially zoned property. In the case of another bar, tavern, nightclub or alcoholic beverage store, the measurement shall be taken in a straight line, in any direction, from the nearest point of any tenant space to the nearest point of the other tenant space.

- a. Whenever a license to sell alcoholic beverages has been lawfully procured from the division of alcoholic beverages and tobacco and thereafter a school, church/synagogue or residentially zoned property is established within a distance from the licensed premises which would otherwise be prohibited; the establishment of the school, church/synagogue or residentially zoned property shall not render the licensed premises in violation of the minimum separation distance standard of these regulations.
 - b. Bars and taverns may be located on the same premises as alcoholic beverage stores.
 - c. As used in this section, the term school shall mean a state-accredited public or private school for children from the preschool or kindergarten level through senior high school, but shall not be deemed to include any other types of schools.
- (4) All business establishments which are in existence as of February 6, 1984 which do not meet the minimum distance requirements of this section shall nevertheless be permitted to continue in operation. Failure to meet such minimum distance requirements shall be deemed a nonconforming characteristic of use in accordance with article V.
- (5) Exemptions.
- a. The distance restrictions set forth above shall not be applicable to establishments which hold a 4 COP-SRX liquor license.
 - b. The distance restrictions set forth above shall not be applicable to bars, taverns or nightclubs which are accessory to any hotel, motel, or bowling alley.
 - c. Indications in the regulations pertaining to specific districts that the sale of alcoholic beverages is permitted in such zone district shall not in any way be deemed to limit, qualify or repeal any other existing city ordinance or regulation of the state relating to the licensing, dispensing or sale of such beverages or the location of alcoholic beverage establishments.
 - d. The distance restrictions set forth above shall not require bars, taverns or nightclubs to be separated from one another in the area bounded on the east by North Washington Boulevard, on the north by Fruitville Road, on the west by Cocconut Avenue and Palm Avenue and the south by Ringling Boulevard. See map below. However; bars, taverns and nightclubs, within the exemption area, are required to meet the separation requirements from schools, churches/synagogues or properties residentially zoned. This exemption does not apply to alcoholic beverage stores.

Exemption Area
Bars, Taverns and Nightclubs



(s) *Bed and breakfast inns.* A bed and breakfast inn:

- (1) May serve meals for compensation, where food is placed upon the table in family style, without service or ordering of

individual portions from a menu.

- (2) There shall be no kitchen facilities in the sleeping rooms.
 - (3) The owner-manager is required to reside at the bed and breakfast inn. There may be one apartment, with kitchen facilities, for the owner-manager.
 - (4) Does not provide personal services to the guests as are provided in an adult care home or assisted living facility. For purposes of this section, personal services means services in addition to housing and food services, which may be one or more of the following: Personal assistance with eating, bathing, grooming, dressing, ambulation, and housekeeping; supervision of self-administered medication; arrangement for or provision of social and leisure activities or arrangement for the provision of health care services.
- (t) *Schools; kindergarten, elementary, secondary, vocational and trade (public or private).*
- (1) Buildings or structures shall have a minimum of 30 square feet per student for classroom uses within the facility.
 - (2) Outdoor activity areas shall have a minimum of 500 square feet per student. Vocational and trade schools are exempt.
 - (3) Automobile stacking space for pickup and delivery of students shall be provided for a minimum of two automobiles.
 - (4) Landscaped hedges shall be provided along side and rear property lines adjoining property zoned residential, unless adjoining property is used for educational or instructional purposes, [and] such hedge shall meet the opacity and maintenance requirements of division 3 of article VII.
 - (5) Design of the educational facility shall be compatible with the scale and character of the surrounding area.
 - (6) Wherever service areas are provided, they shall be screened and so located as not to interfere with the livability of adjacent residential areas.
 - (7) On-site bus loading is required for new school sites. The size and design of the bus loading area is determined as part of the conditional use review.
 - (8) Temporary or portable structures are treated as any other type of structure. Structures that are proposed to be placed temporarily on a site during construction are reviewed as part of the conditional use review of the proposed construction.
- (u) *Car washes, self-service and non-self-service.*
- (1) Site plan approval shall be obtained.
 - (2) No sales, repair and outside storage of motor vehicles shall be conducted on the site.
 - (3) The minimum zoning lot width shall be 200 feet.
 - (4) The maximum zoning lot coverage shall be 25 percent.
 - (5) The site shall have frontage on a street which has been designated as an interstate connector, major or minor arterial in accordance with the Sarasota City Plan.
 - (6) Drive-through portions of the facility must meet the drive-through facility standards found in this division.
- (v) *Reserved.*
- (w) *Non-profit bingo.*
- (1) *Intent and purpose.* It is the intent and purpose of the city that all phases of the regulation, licensing and supervision of non-profit bingo be closely controlled and the law pertaining thereto be strictly construed and rigidly enforced, to the end that commercialization in all its forms be discouraged, participation by criminal and other undesirable elements be prevented and diversion of the proceeds of bingo games from the purposes authorized by F.S. § 849.0931 be eliminated.
 - (2) *Conduct of games.* Each bingo game shall be conducted under the following conditions of play:
 - a. No organization may conduct bingo any more than two days during any week.
 - b. No lessor shall lease the lessors property for the conduct of bingo any more than four days during any week.
 - c. No organization which conducts bingo on its own property may lease to another organization its property for the conduct of bingo so that between the lessor organization and lessee organization bingo is conducted on the same property more than four times per week.

- d. No person who assists in the conduct of any bingo game anywhere in the state may conduct or assist in conducting, or associated with the conduct of any bingo game or games for more than two days during any week.
 - e. Each person conducting or assisting in the conduct of a bingo game shall wear a legible tag bearing his name and the name of the organization he represents. The member or volunteer of the organization shall not conduct bingo for any other organization or lessor licensed under this article.
 - f. During the course of a bingo game; the organization shall post, as directed below in a conspicuous place in letters and numbers no less than three inches high the following information:
 1. The names of all members or volunteers conducting or assisting in the conduct of the bingo game.
 2. Within 24 hours, the total gross receipts collected at each bingo game or series of bingo games.
 3. The total value of all prizes, whether in money or other takings of value, to be awarded at each bingo game or series of bingo games.
 4. The net receipts collected but not awarded as prizes.
 - g. Every person directly involved in the conduct of a bingo game must be a bonafide member of the organization sponsoring the game for at least a period of one year and a resident of the county for at least six months prior to their involvement with the conduct of any bingo game. It shall be unlawful for any person or any member of any organization to falsely represent the membership status of any person involved in the conduct of a bingo game.
- (3) *Use of premises.* A premises may be used to conduct bingo under the following conditions:
- a. Bingo shall not be conducted between the hours of 11:00 p.m., and 11:00 a.m.
 - b. Not more than one licensed organization shall lease any premises for the conduct of bingo in any twenty-four-hour period, and no other licensed organization shall conduct bingo upon the same premises in that time period. This prohibition shall not extend to or affect the leasing, rental or use of premises for any other purpose than the conduct of bingo.
 - c. The rental fee for the lease and any premises on which bingo games are to be conducted shall not be calculated on a percentage basis of the seating capacity of the leased premises or the game receipts before or after payment of the actual business expenses or of the number of persons attending any occasion that includes the play of bingo games. The amount paid for such lease shall not exceed the fair market value of the leasehold interest. The director of neighborhood and development services shall be authorized to require the lessor to demonstrate the manner or method by which the fair market rent was determined. The director of neighborhood and development services shall have the right to use the services of an appraiser to ascertain whether or not the rental charge represents a fair market rent for the premises.
 - d. When the actual fee for the lease of any premises on which bingo games are to be conducted includes the use of equipment, tables, chairs and other articles essential to the conduct of bingo, the provisions of subsection c. shall apply, except that the amount paid for the lease may include a separate charge which shall not be greater than the fair market rental charge for such equipment. The director of neighborhood and development services may require the lessor to demonstrate the manner and method by which the fair market rental charge for such equipment was determined.
- (4) *License required.*
- a. It shall be unlawful for any person or organization to conduct a bingo game or a series of bingo games without a license as required by this article.
 - b. It shall be unlawful to lease any premises of any type for the conduct of bingo games as a lessor unless the lessee is the holder of a license as required by this article.
- (5) *Maintenance of records.* An organization shall maintain adequate records according to generally accepted accounting practices and in a form prescribed by the city which records shall show:
- a. Gross proceeds from any source related to the conduct of bingo, including a method of cash control with respect to admissions and other related activities.

- b. Receipts records.
- c. Actual expenses.
- d. Entire or net proceeds.
- e. The distribution or disposition of the entire or net proceeds.

These records shall be made available on demand for immediate inspection by the director of neighborhood and development services at reasonable times during normal business hours and whenever a bingo game is in progress, but the director of neighborhood and development services shall not interrupt an actual bingo game or interfere with the operation of the premises where bingo is played unless necessary in order to make an inspection. All records shall be retained by an organization for a minimum time of three years.

(6) *Disqualification.*

- a. No license shall be issued to an organization if the representative or any of the principal officers thereof or any of the members of said organization who shall be responsible for the running of any bingo game has within five years of the date of application, been convicted of any misdemeanor involving a theft or illegal gambling or of any felony under the laws of this state, any other state, or the United States.
- b. No license shall be issued to an organization whose license under this section has previously been revoked unless the city commission has, after public hearing, specifically authorized the issuance of the license after it is satisfied that the reason or reasons for revocation have been corrected and steps taken to insure that such problem or problems will not arise in the future.

(7) *License, application, and fee.*

- a. Any organization desiring to obtain a license under this article shall file with the director of neighborhood and development services a sworn application on forms supplied by the department of neighborhood and development services. The application shall be executed under oath by the chairperson of an organization. The application shall contain the following information:
 1. The applicant's name, address, phone number, and any address and phone numbers used by the applicant in the previous three years.
 2. The name, address and phone number of the chairperson designated by the applicant who will be responsible for the running of any bingo game allowed under this article.
 3. The name, address and phone number of any member of the applicant's organization who will conduct or assist in conducting bingo games allowed under this article.
 4. Whether any of the individuals listed pursuant to subparagraphs 1, 2 and 3 has, within the five-year period immediately preceding, been convicted of any misdemeanor involving a theft or illegal gambling or of any felony under the laws of the state, the United States or any other state and, if so, the particular criminal act involved and the place of conviction.
 5. Whether the applicant has had any license under this article or a similar license issued by any other jurisdiction revoked or suspended and, if so, the date of each revocation or suspension.
 6. The names of all municipalities or counties where an application has been made for a license to conduct bingo or to lease premises for the conduct of bingo.
 7. The name and address of each bank in which the net proceeds from the conduct of bingo are to be deposited.
 8. A statement that all individuals listed in subparagraphs 2 and 3 are current and active members of the applicant organization and have been for at least one year and that said individuals have been a resident of the county for at least six months.
 9. A statement that the applicant agrees to abide by all the provisions of this article and the failure to do so may result in revocation or suspension of the licensee, or the imposition of criminal penalties.
- b. Upon receipt of an application properly completed and filed and upon payment of the application fee, the director of building, zoning and code enforcement shall investigate the qualifications of the applicant to determine the

applicant's eligibility for a license in accordance with the provisions of this article. The director of building, zoning and code enforcement may request the assistance of the police department or other city, county, or state agencies to investigate the applicant.

- c. In order to defray the administrative and inspection costs associated with these regulations, there shall be an initial non-refundable application fee of \$150.00.
 - d. A license issued under this article shall be non-transferable from one organization to another. The prohibition shall not be construed to prevent an organization from changing the name set forth in the original application; however, an amendment to the original application for the license shall be filed with the director of neighborhood and development services.
 - e. All licenses issued under this article shall be renewed annually provided all the requirements of this article have been complied with by the licensed organization during the previous year. There shall be imposed a \$150.00 annual license fee, separate from the application fee.
 - f. Each organization licensed under this article shall display the license in a conspicuous place on the premises where bingo games are conducted, or premises leased for the conduct of bingo games, in a transparent cover or frame. The license shall be available for inspection at all times by persons using the premises when bingo games are in progress. No person shall mutilate, cover, obstruct or remove a license so displayed.
- (8) *Suspension and revocation of license.*
- a. The building official is authorized to suspend or revoke a license when he determines, upon sufficient cause that an organization:
 - 1. Permitted its name to be used in connection with a bingo game that is conducted by any person, contrary to the prohibition of this article, or acquiesced in such use.
 - 2. Permitted its representative to conduct a bingo game on its behalf contrary to any of the conditions of play stated in subsection 1. above, or acquiesced in such conduct.
 - 3. Required or permitted any person or volunteer who has not been an active member of the organization for a period of at least one year prior to this appointment or designation to act or serve as its representative or to conduct bingo.
 - 4. Offered, paid or gave any salary, compensation, tip or reward in any form whatsoever, directly or indirectly, to any person or volunteer conducting or assisting in the conduct of bingo.
 - 5. Failed or refused to maintain the records or make the reports required by this article or by the director of neighborhood and development services pursuant to this article.
 - 6. Its representative, or its principal officers, servants, employees, volunteers or members violated any of the requirements of this article.
 - b. Before the director of neighborhood and development services suspends or revokes a license, he shall furnish the organization a written statement, by certified or registered mail or by personal service, of the cause of the suspension or revocation. Upon revocation or suspension, the organization shall immediately cease the operation of bingo games. Within 20 days of the date of revocation or suspension of a license, the organization may appeal the revocation or suspension. An appeal shall be deemed perfected when the organization has submitted, in writing, a statement that an appeal is being taken and the grounds or reasons thereof, to the city auditor and clerk. The city auditor and clerk shall schedule the appeal for consideration by the city commission. At an appeal hearing before the city commission, the organization shall be given a reasonable opportunity to be heard in order to show cause why the revocation or suspension of the license should not be allowed to stand. After hearing from the organization and such other persons or sources that the city commission shall deem appropriate, the city commission shall render its decision on the appeal. The action of the city commission shall be final.
 - c. The revocation of any license issued pursuant to this article shall be for a period of one year, unless the city commission agrees to allow reinstatement upon a finding that the cause of the initial revocation has been satisfactorily eliminated by the organization. The suspension of a license may be made for up to a period of one

year.

(x) *Open air market/bazaar.*



- (1) *Purpose.* The purpose of these regulations is to allow for open-air sale of retail products in certain nonresidential zone districts, to provide for the creation of a more urban pedestrian environment, to stimulate business and to promote and protect public health, safety and general welfare.
- (2) *Where these regulations apply.* Permitted locations shall be limited to property zoned CN, CP, CSCN, CSCC, CSCR, CG, CI, ILW, I, CND, CSD, CRD, CGD, CSC, NT, DTE, DTC, DTB, ICD, IGD, IHD, G and CBN.
- (3) *Standards.* Applications for a provisional use permit shall be submitted to the director of development services and shall meet the following standards:
 - a. Written approval of the owner(s) of the site shall be obtained and provided to the city. This approval shall identify the site address, owner's name, owner's mailing address, owner's telephone number, owner's acknowledgment of proposed activity and dates activity is to operate;
 - b. Uses shall be limited to those permitted by the zone district (this does not include prohibited uses and uses permitted by conditional use);
 - c. Hours of operation shall be limited to daylight hours only (sunup to sundown). However, the director of development services may reduce or extend the hours of operation if compatible with the surrounding properties;
 - d. All vendor goods are to be removed daily from the premises after operational hours;
 - e. Adequate sanitary facilities shall be provided for the intended activity. Documentation shall be provided that restrooms or other sanitary facilities are available during the duration of the activity;
 - f. Temporary structures (vendor booths, administrative office space and sanitary facilities) are permitted provided they meet applicable building safety standards.
 - g. Adequate and safe ingress and egress, such that the normal traffic pattern shall not be disrupted, shall be provided;
 - h. One parking space for separate retail vendor shall be required either on or off-site. Stacked parking is allowed at the discretion of the director of neighborhood and development services;
 - i. No sales shall be allowed within the public right-of-way.
 - j. Signage shall be allowed as part of the provisional use permit as follows:
 1. One double-faced or two single-faced identification sign(s) for the market site; not exceeding 32 square feet in area per face.
 2. One single-faced sign for each retail vendor; not exceeding 16 square feet in area may be located only on the vendor's booth or one temporary portable A-frame sign (on private property during the hours of operation) may be allowed for each vendor, provided the sign is less than four feet high and less than 18 by 24 inches per face.
 - k. Music may be permitted provided the volume is consistent with applicable noise limits. However, the director of

development services may at any time modify the permit to prohibit music to ensure compatibility with surrounding properties;

- l. The applicant shall submit a sketch of the site identifying the location of all uses. The director of development services may require modifications at any time to ensure public safety and compatibility of surrounding uses;
- m. Commercial activities authorized in accordance with this section shall be subject to all other applicable city, county or state, taxes, permits and approvals including, but not limited to, local business tax, building permits, occupancy permits, access permits, hazardous use permits, Americans with Disability Act (ADA) standards, and similar requirements. However, signage shall be permitted in conjunction with the provisional use permit application.

(4) *Revocation of permit.* The director of development services may revoke any provisional use permit issued pursuant to this section, in accordance with the provisions of article IV, section IV-1803(l) of this Code, for the failure of the permittee to adhere to any standard or requirement of this section, for the violation of any standards or requirements of the Sarasota City Code, including the zoning code and for the failure of the permittee to adhere to any written condition imposed upon the issuance of the provisional use permit.

(y) *Attached single-family.* The attached single-family design provisions have been established to promote unique, interesting, human-scaled architectural designs that reinforce a neighborhood's character and enliven the streetscape, while furnishing sufficient density to provide a true urban housing type.

- (1) Each zoning lot shall include a private yard meeting the minimum district requirements for open space. A wall or solid fence, not less than five feet in height, is required on side zoning lot lines where a private yard adjoins such zoning lot lines.
- (2) *Facade and roof articulation.* Separations, changes in plane and height, and the inclusion of elements such as balconies, porches, arcades, dormers, and cross gables mitigate the barracks-like quality of flat walls and roofs of excessive length. Variations in wall and rooflines shall be used to add interest to, and reduce the massing of buildings. Roof features shall be in scale with the building's mass and complement the character of adjoining and/or adjacent buildings and neighborhoods.

(z) *Alcoholism and drug receiving and treatment center.*

- (1) *Districts permitted:* Major conditional uses in the SMH district.
- (2) *Parking requirements:* As may be required by section VII-204 for similar principal uses.
- (3) *Loading requirements:* As may be required by section VII-204 for similar principal uses.
- (4) *Additional provisions:* Shall only be allowed in conjunction with a permitted principal hospital facility.

(aa) *Group living.*

- (1) *Purpose.* These regulations ensure that uses in the group living category will be compatible with the character of their surrounding residential and commercial areas.
- (2) *Where these regulations apply.* The regulations of this section apply to all uses in the group living use category. The base zones state whether group living uses are allowed or prohibited. Group living uses that are accessory to a college or medical center, such as dormitories, fraternities and nursing homes, are exempt from these regulations.
- (3) *Development standards.* The development standards of the base zone and/or overlay districts apply unless superseded by the standards below.

a. *Minimum spacing.*

- 1. *Purpose.* The minimum spacing standards assure that group living uses do not unduly affect the character of residential and commercial areas.
- 2. *Spacing standards.* Group living uses that are conditional uses must be at least 600 feet from all other zoning lots with any other group living use that is also a conditional use. Such minimum separation distance shall be measured in a straight line, in all directions from the property line of the zoning lot containing the other group living use. However, this requirement is subject to reduction or elimination in the event that the city is required to make a "reasonable accommodation" pursuant to the fair housing act.

b. *Required outdoor area.* The requirement for outdoor areas applies in all residential zones. The outdoor area requirements are six feet for every three residents, with a minimum dimension of six feet by six feet. Individual outdoor areas may be combined. The minimum size of a combined area is 500 square feet and the minimum dimension is 15 feet by 15 feet. Larger outdoor areas may be required as part of a site specific conditional use review.

(bb) *Convenience stores.*

- (1) *Purpose.* The convenience store requirements provide regulations and procedures to allow convenience stores while reducing the negative impacts on nearby residents and businesses. This is achieved by requiring convenience store owners or operators to meet with interested parties both before and after the development process and by requiring the formulation of a written implementation program, referred to as a good neighbor plan. This chapter provides a consistent method of addressing issues and areas of concern to the convenience store owner/operators and nearby residents and businesses.
- (2) *Where the regulations apply.* All convenience stores proposing to locate in a new building or in an existing building are subject to these regulations and must obtain conditional use and site plan approval.
- (3) *Additional site plan information.* In addition to the site plan requirements of article IV, division 5, the site plan must contain the following information:
 - a. The location of all items required in subsection (5)a.1. below; and
 - b. Building elevations showing building entrances, signs, windows, height, and roof lines.
- (4) *Additional conditional use information.* In addition to the conditional use requirements of article IV, division 9, the conditional use application must include all of the following:
 - a. *Good neighbor plan.* A written implementation program, referred to as a good neighbor plan, must be submitted, containing all of the items listed below.
 1. Crime prevention and awareness training.
 2. Alcohol awareness and employee training.
 3. Litter control.
 4. Loitering control.
 5. Trespass enforcement.
 6. Landscape maintenance.
 7. Neighborhood communication.
 - b. *Record of good faith.* The conditional use application must be accompanied by written verification that the owner, operator, manager, or a representative of the parent company met with or attempted in good faith to meet with the local recognized organization(s), adjacent property owners, and the planning department. The written verification must include all of the following:
 1. A copy of the notice and the names and addresses of those notified of the applicant's desire to meet;
 2. A copy of the time, date, and location of the meeting(s), and the names, addresses, and phone numbers of those who participated in the meeting(s);
 3. A copy of the draft good neighbor plan and site plan sent to the neighborhood association and as presented at the meeting(s), if different; and
 4. Identification of those components of the good neighbor plan which were agreed upon and those which were unresolved, plus any additional items discussed during the meeting(s).
 - c. *Lighting certification.* The applicant must document in advance that the proposed lighting meets the standards of section VII-1402.
- (5) *Approval criteria.* An application for conditional use approval for a convenience store may be approved if the reviewing body finds that the standards for conditional use review in IV-906 have been met and the applicant has shown that all of the following have been met:

- a. Convenience stores that abut a residential use or residential zoned land must meet the objectives stated below. The primary objectives is to reduce the noise impacts on adjacent residential areas, minimize loitering, and improve safety.
 1. Parking areas, loading areas, mechanical equipment, dumpsters, and any telephones, benches, or other customer amenities should be sited or designed to reduce their impact on adjacent residential uses, where practical. Important considerations are screening to reduce noise, and the ability of store employees to monitor these areas from inside the store.
 2. Lighting must be oriented away from residential uses or residential zoned land.
- b. The good neighbor plan, site plan, the record of good faith, and the lighting report meet all of the requirements of this section and other applicable requirements of the zoning code.

(cc) *Accessory dwelling units.*

(1) *Purpose.* Accessory dwelling units are allowed in certain situations to:

- a. Create new housing units while respecting the look and scale of single family neighborhoods;
- b. Increase the housing stock of existing neighborhoods in a manner that is less intense than alternatives;
- c. Allow more efficient use of existing housing stock and infrastructure;
- d. Provide a mix of housing that responds to changing family needs and smaller households;
- e. Provide a means for residents, particularly seniors, single parents, and families with grown children, to remain in their homes and neighborhoods, and obtain extra income, security, companionship and services; and
- f. Provide a broader range of accessible and more affordable housing.

(2) *Design standards.*

a. *Purpose.* Standards for creating accessory dwelling units address the following purposes:

1. Ensure that accessory dwelling units are compatible with the desired character and livability of the city's residential neighborhoods;
2. Respect the general building scale and placement of structures to allow sharing of common space on the zoning lot, such as driveways and yards;
3. Ensure that accessory dwelling units are smaller in size than single family and attached dwelling units; and
4. Provide adequate flexibility to site buildings so they fit the zoning lot.

b. *Generally.* The design standards for accessory dwelling units are stated in this section. If not addressed in this section, the base zone development standards shall apply.

c. *Requirements for all accessory dwelling units.* All accessory dwelling units must meet the following:

1. *Creation.* An accessory dwelling unit may only be created through the following methods:
 - (i) Converting existing living area, attic or garage;
 - (ii) Adding floor area to the living area or garage of an existing detached or attached single family dwelling;
 - (iii) Constructing a detached accessory dwelling unit on a zoning lot with an existing detached or attached single family dwelling; or
 - (iv) Constructing a new detached or attached dwelling with an internal or detached accessory dwelling unit.
2. *Other uses.* An accessory dwelling unit is prohibited on a zoning lot that has three or more dwelling units existing on the zoning lot.
3. *Parking.* The parking requirements balance the need to provide adequate parking, while maintaining the character of single-dwelling neighborhoods and reducing the amount of impervious surface on a site. More parking is required when a vacant lot is being developed because generally, the site can more easily be designed to accommodate the parking spaces while minimizing impervious surface. In situations where an accessory dwelling unit is being added to a zoning lot with an existing dwelling unit, it is appropriate to not require additional impervious surface if adequate on-street parking is available.
 - (i) The following parking requirements apply to accessory dwelling units. All parking must also meet the

requirements of article VII division 2.

(ii) No additional parking space required. No additional parking space is required for the accessory dwelling unit if it is created on a zoning lot with an existing single family detached or attached single family dwelling and at least one abutting street allows on-street parking. Accessory dwelling units in the DTN zone shall not be required to provide off-street parking.

(iii) One additional parking space required. one additional parking space is required for the accessory dwelling unit when either: none of the abutting streets allow on-street parking, or the accessory dwelling unit is created at the same time as the single family detached or attached single family dwelling. Accessory dwelling units in the DTN zone shall not be required to provide off-street parking.

4. Maximum size. The size of the accessory dwelling unit may be no more than 600 square feet of habitable space.

d. *Additional requirements for accessory dwelling units created through the addition of floor area.* Accessory dwelling units created through the addition of floor area must meet the following:

1. *Exterior finish materials.* The exterior finish materials must be the same or visually matched in type, size and placement with the exterior finish materials of the principal dwelling.
2. *Roof pitch.* The roof pitch must be the same as the predominate roof pitch of the principal dwelling.
3. *Trim.* Trim edges of elements on the addition must be the same in type size and location as the trim used on the rest of the principal dwelling.
4. *Windows.* Windows must match those in the principal dwelling in proportion (relationship of width to height) and orientation (horizontal or vertical).
5. *Eaves.* Eaves must project from the building walls the same distance as the eaves on the rest of the principal dwelling.

e. *Additional requirements for detached accessory dwelling units.* Detached accessory dwelling units must meet the following:

1. *Setbacks.* The accessory dwelling must be located at least six feet behind the principal dwelling building.
2. *Height.* The maximum height allowed for a detached accessory dwelling unit is 20 feet.
3. *Character.* The design, character and treatment of the detached accessory dwelling unit should be as close as reasonably possible to those of the principal dwelling building.

(dd) *Manufactured home parks.* Manufactured homes shall not be used for dwelling purposes, except in a manufactured home park as authorized in these regulations. Manufactured home parks are prohibited in any district other than those authorized in these regulations.

In any district where manufactured home parks are either a permitted or conditional uses, the regulations and minimum standards of this division shall apply.

(1) *Permitted uses.*

- a. One manufactured home per manufactured home lot.
- b. Recreation facilities for the park, including room or center, courts for games, docks, piers, boat launching areas and similar facilities; provided that this provision shall exclude boat repair requiring the removal of the boat from the water.
- c. Park offices.
- d. Facilities for laundry, maintenance and enclosed storage for travel trailers, campers, and boats; provided that such facilities shall be designed and available only for the use of residents of the manufactured home park.

(2) *Development standards for manufactured home parks.*

- a. Minimum park area: 15 acres.
- b. Minimum park width for portions used for entrance and exit: 80 feet with frontage on a public street.
- c. Minimum park width for portions used for manufactured home lots: 200 feet.

- d. Maximum density of units per gross acre: Seven.
 - e. Minimum number of lots completed and ready for occupancy before first occupancy is permitted: 75 manufactured home lots.
 - f. Setbacks adjacent to public streets: 50 feet.
 - g. All other setbacks: 25 feet.
 - h. Access: To be designed for safe and convenient movement of traffic into and out of the park, with minimization of marginal friction with free movement of traffic on adjacent streets. All traffic into or out of the park shall be through such entrances or exits.
 - i. Utilities: Landscaped utilities easements may be provided along the rear of each manufactured home lot. Easements shall be no less than ten feet in width, and the area of easements shall be in addition to minimum lot size requirements. No permanent structures other than walkways, benches, recreational facilities, picnic areas and lighting systems shall be located within utility easements, and permitted structures shall be located so as not to impede the maintenance of underground facilities. All utilities, including electric power, telephone, gas and central television, shall be located within rear easements if provided, or within the 15-foot setback areas adjacent to street pavements if such rear easements are not provided; and, in both cases, such utilities shall be underground. Fuel gas, if used, and electrical power shall be serviced by an individually metered central system. Water and sewer lines shall be connected to the city system. Streetlights shall be provided on all streets and may be overhead or low level, but must reflect onto the street.
 - j. Streets and drainage: Internal collector streets shall have a minimum pavement width of 26 feet back-to-back of gutter; divided roadway, 20 feet minimum pavement width for each direction of traffic, with a landscaped median no less than six feet in width; internal minor streets, minimum pavement width of 22 feet back-to-back of gutter for two-way traffic or 20 feet back-to-back of gutter for one-way traffic. Inverted-crown streets are not permitted. Open ditches and swale-type gutters are not permitted. Streets shall be constructed with a minimum four inches of limerock base or equivalent and one inch of asphalt topping, with concrete gutters. All streets in a manufactured home park shall be private and shall comply with applicable city pavement and drainage standards; an adequately engineered drainage plan is required.
 - k. Recreation facilities: Six percent of gross land area shall be developed for recreational purposes, and such percentage shall not include setbacks, buffers, utilities easements or storage areas.
 - l. Storage areas: While not required, storage areas may be provided for travel trailers, campers and boats; such equipment shall be permitted only in such areas, and the use of such storage areas is limited to park residents. Such storage areas shall not be visible from streets or front setbacks and shall be buffered with a six foot high, ten foot wide planted area or a six foot high structure in a five foot wide planted area.
 - m. Buffers and required setbacks: All required setbacks shall be landscaped. All required setbacks of 25 feet shall have type C landscaped bufferyard.
- (3) *Development standards for manufactured home lots.* All home lots in manufactured home parks shall conform to the following standards:
- a. Minimum lot size. 3,500 square feet.
 - b. Minimum lot width. 50 feet.
 - c. Setbacks. No manufactured home, carport or other structure shall be placed or erected closer to the back of the gutter line on any internal roadway than ten feet if a utility easement is provided, or 15 feet if a utility easement is not provided. No manufactured home shall be placed or erected closer than five feet to any side or rear manufactured home lot line, provided that roof projections, overhangs, rain gutters and air conditioners may project 18 inches into any required yard areas.
 - d. Concrete slab. Each lot shall have one concrete slab for carport or patio use, of no less than ten feet by 20 feet. Such slab is not required until after the manufactured home is in place.
 - e. Foundation and tie-down. Each manufactured home shall be placed on a foundation to consist of a series of

concrete or metal blocks or piers on concrete pads with a bearing area of at least 144 square inches or the equivalent. Bearing pads shall be spaced not more than ten feet apart along each side of the manufactured home. In addition, each manufactured home shall be firmly fastened to the ground with no less than four anchors of the screw auger, arrowhead, deadman or equivalent type, with a horizontal area of at least 28 square inches no less than 36 inches below the surface of the ground near each corner of the manufactured home. Vented skirting shall be required around each manufactured home to effectively enclose the area under the manufactured home. Foundation requirements shall not be interpreted to cause manufactured homes situated on manufactured home lots in manufactured home parks to be considered as real property.

- f. Garbage. Each manufactured home shall be provided with at least one garbage container of no less than 20 gallon capacity, with all such containers so located as to be excluded for view.

(4) *Nonconforming manufactured home parks/lots.*

- a. The use of a manufactured home, mobile home or recreational vehicle located on an individual lot (or situated on a site not located in a manufactured home park) and in a district not permitting such use, shall not thereafter be allowed to resume when the use is removed from the lot or site for a period of more than six months.
- b. The following provision applies to existing nonconforming manufactured home parks that may be nonconforming because they are on land zoned other than RMF-2 and are nonconforming by reason of noncompliance with current development standards in subsections VII-602 (dd)(1), (2), and (3) above.
1. Manufactured homes and their accessory structures in such existing, nonconforming manufactured home parks may be replaced, provided that in all cases and without any regard to time limits, replacement manufactured homes and structures shall comply with the requirements of the National Fire Protection Association (NFPA) Standard 501A, as may be amended, and shall comply (regardless of zoning district) with the following standards.

(i) *Maximum lot coverage.*

Lot or site area (square feet)	Maximum coverage (all structures)
4,250 or less	60%
4,251-5,250	55%
5,251-6,250	50%
6,251-7,250	45%
Greater than 7,251	40%

(ii) *Minimum setback requirement.*

(A) *Front or street:* Ten feet.

- (I) On a lot in a manufactured home park that has previously had a manufactured or mobile home on it, the depth of the front or street setback shall be no smaller than the lesser of:

- i. Five feet; or
- ii. The distance from the edge of the street to the front of the home previously located on the lot.

- (II) If the home that was previously on the lot had a front setback depth of less than five feet, that home's location shall be indicated by a drawing with a surveyor's seal. This drawing shall show the distance from the edge of pavement to the front of the home previously on the lot and that distance shall be the minimum front or street setback for that lot.

- (III) In all cases, adequate access for emergency vehicles shall be maintained.

(B) *Side:* Five feet. Provided that in a nonconforming park the side setback may be less than five feet if the separation requirements of the NFPA are met and the application provides written acknowledgment at the time of permit application that the lesser setback may affect placement of homes on adjacent lots and the adjacent lots must be under the control of the applicant.

(C) *Rear:* Five feet. Provided that in a nonconforming park the rear setback may be less than five feet if the separation requirements of the NFPA are met and the application provides written acknowledgment at

the time of permit application that the lesser setback may affect placement of homes on adjacent lots and the adjacent lots must be under the control of the applicant.

(D) *Encroachment*: Roof projections, overhangs, rain gutters and air conditioners may project into any required setback areas.

(iii) *Maximum height of structures*.

(A) *Recreational facilities*: 35 feet.

(B) *All other structures*: 25 feet.

(ee) *Temporary uses and activities*.

(1) *Purpose and intent*. These regulations allow short-term and minor deviations from the requirements of the zoning code for uses and activities on private property, but not for uses and activities on public parks or city-owned property (see definition of special event permit or park permit), which are truly temporary in nature, will not adversely impact the surrounding areas and land uses, and which can be terminated and removed immediately. Temporary uses and activities have no inherent rights to permanent continuance within the zone district in which they [are] located.

(2) *Description*. Temporary uses and activities (temporary commercial activities) are characterized by their short term or seasonal nature and by the fact that permanent improvements are not made to the site. Temporary commercial activities include activities such as: construction trailers, leasing offices, temporary carnivals and fairs, parking lot sales, and seasonal sales such as Christmas tree, pumpkin sales and fireworks stands. There are two categories of temporary commercial activities. First, there are those which are allowed by the district in which they are located but do not meet the development standards. Examples include Christmas tree sales and a parking lot sale in a commercial zone. Second, there are temporary commercial activities which if permanent, would not be allowed by the base zone district. Examples include church carnivals and pumpkin sales in residential districts.

(3) *Temporary commercial activities*. The following temporary activities, and activities of a similar nature, may be administratively approved in any zoning district by the director of neighborhood and development services through the issuance of a temporary commercial activity permit when, in his judgment, the public health, safety and welfare will not be impaired, and when the use is not so recurring in nature as to constitute a permanent use requiring an approved site plan, and when the following enumerated conditions are met:

- a. Temporary commercial activity permits. An application for a temporary commercial activity permit shall be reviewed by the director of neighborhood and development services. The director of neighborhood and development services shall grant, grant with conditions, or deny the application for a temporary commercial activity permit subject to appeal to the planning board. If an appeal by an aggrieved person of a decision by the director of neighborhood and development services relating to a temporary commercial activity permit is filed with the city auditor and clerk's office within ten days of the director's decision, the planning board shall consider the appeal at a public hearing. The planning board shall grant, grant with conditions, or deny the application. The decision of the planning board is final.
- b. Seasonal sales stands for a period not to exceed 30 days, and provided that:
 1. No structure of a permanent nature shall be constructed;
 2. Removal of all temporary structures shall be guaranteed in writing, and such structures shall be subsequently removed;
 3. Written approval of the owner of the site shall be obtained and provided to the city. This approval shall identify the site address, owner's name, owner's mailing address, owner's telephone number, owner's acknowledgment of proposed activity and dates activity is to operate. No structure shall be located in a public right-of-way;
 4. Adequate and safe ingress and egress, such that the normal traffic pattern shall not be disrupted, shall be provided;
 5. Removal of all signs, trash, or debris from the site and the immediate vicinity, upon termination of the activity shall be guaranteed in writing, and subsequently accomplished;
 6. Adequate sanitary facilities shall be provided for the intended activity and, when necessary. Documentation shall be provided that rest rooms or other sanitary facilities are available during the duration of the activity;

7. Adequate bond, deposit in cash, cashier's check or other suitable security shall be required to insure that conditions of the permit will be met, that signs, trash, or debris will be removed from the site and from the immediate vicinity. The amount of the security shall be established by the director of neighborhood and development services upon considering the nature, size and duration of the temporary use. The form of the security shall be subject to the approval of the city attorney;

The bond, deposit in cash, cashier's check or other security, required by subsection b.7. above shall be forfeited to the city if:

- (i) The site is not adequately cleared of all trash, debris, signs and temporary structures;
- (ii) The activity remains on the site after expiration of the permit, or
- (iii) Violations of either this chapter or the conditions of the permit occur.

8. No more than four such temporary commercial activity permits shall be issued for the same zoning lot during a calendar year; and

9. Adequate parking for the activity intended, but no less than four parking spaces, shall be provided on-site. Parking or stopping in a public right-of-way shall be prohibited.

- c. Carnivals, circuses, craft fairs, concerts (outdoor), flea markets, car shows and sales, meetings (outdoor), revivals, business catered events (outdoor), picnics and similar activities for a period not to exceed 14 days, provided that:

- 1. All the standards of subsections b.1. through 6. above shall be met;
- 2. Adequate parking for the intended activity shall be provided on the site or on property adjacent to the site. Parking or stopping in the public right-of-way shall be prohibited.
- 3. An adequate bond, deposit in cash, cashier's check or other suitable security shall be required to insure that conditions of the permit will be met, and that signs, trash, or debris will be removed from the site and from the immediate vicinity. The amount of the security shall be established by the director of neighborhood and development services upon considering the nature, size and duration of the temporary use. The form of the security shall be subject to the approval of the city attorney.

The bond, deposit in cash, cashier's check or other security, required by subsection b.7. above shall be forfeited to the city if:

- (i) The site is not adequately cleared of all trash, debris, signs and temporary structures;
- (ii) The activity remains on the site after expiration of the permit, or
- (iii) Violations of either this section or the conditions of the permit occur.
- (iv) No more than two such permits shall be issued for the same zoning lot during a calendar year.

However, the Sarasota County Agricultural Fair Association, Inc. may be permitted to conduct one automobile sales event each month at the county fairgrounds in the area between Fruitville Road on the north, S. Brink Avenue on the west, Ringling Boulevard on the south and S. Pompano Avenue on the east provided all of the following conditions are met prior to the issuance of any temporary use permit for automobile sales:

- a. The total number of sale days does not exceed 28 days annually.
- b. Compliance with the following code sections:

VII-304(1)b.—Fruitville Road landscaping. The Fruitville Road frontage from Pompano Avenue to approximately 650 feet west of Brink Avenue shall be required to meet or exceed the standard of VII-304(1)b. No other landscaping shall be required.

VII-602(b)(4)—Loading and unloading of vehicles at motor vehicle sales agencies/lots.

VII-602(b)(8)—Noise control at motor vehicle sales agencies/lots.

- c. Section VII-602(ee)(3)c.4. is intended as an interim measure while the county fairgrounds is developing a

unified master plan for the site. In consideration of the foregoing, this subsection shall be scheduled for repeal by adoption of an ordinance of the city commission no later than December 31, 2012.

- d. The use of mobile offices by construction firms may be authorized subject to the following standards:
1. A final site plan or subdivision plat has been approved, and is valid, for the site on which the mobile office will be located;
 2. A building permit and/or zoning approval has been issued, and is current, for the site on which the mobile office will be located;
 3. Adequate utilities (sewer and water) shall serve the mobile office;
 4. The applicant shall submit, a sketch of the site, identifying the location of the mobile or modular office, and construction plans;
 5. No such mobile office shall be used as a sales or rental office;
 6. Such mobile office may be used as a dwelling unit for a night watchman during the period of construction; and
 7. The temporary commercial activity permit shall expire ten days after a certificate of occupancy is issued for the last building to be constructed on the site. Notwithstanding the foregoing, the maximum duration of the permit shall not exceed 365 days. The mobile office shall be removed by the person to whom the authorization was issued before expiration.
- e. Modular or mobile offices may be used during construction of a development for sales and rental activities if the following criteria are met:
1. An approved final subdivision or site plan, which is valid, shall have been issued for the project;
 2. The applicant shall submit a sketch of the site identifying the location of the modular or mobile office, and construction plans;
 3. The modular or mobile office shall be subject to the minimum setbacks of the zoning district in which it is located;
 4. The modular office shall be located within the boundary of the project in which zoning lots or units are to be sold or rented;
 5. No sleeping accommodations shall be provided within the modular or mobile office;
 6. A minimum of six off-street parking spaces must be provided;
 7. Landscaping shall be provided and the office shall be securely attached to the ground and underpinned;
 8. The modular or mobile office shall not exceed one story in height and 750 square feet of floor area;
 9. The temporary commercial activity permit for the modular or mobile office shall expire upon the sale or rental of the last zoning lot or unit in the development. Notwithstanding the foregoing, the maximum duration of the permit shall not exceed 365 days. The office shall be removed within 30 days of the expiration date;
 10. Adequate utilities (sewer and water) shall serve the mobile office; and
 11. An adequate bond, as outlined in subsection b.7. above, shall be provided.
- f. On-premises promotional sales events may be permitted at hardware stores, home improvement centers and other similar retail stores, whether freestanding or in a shopping center, located in commercial and production intensive commercial districts, selling their own merchandise, provided that:
1. Such events shall not exceed 14 days and each such event shall be separated by a period of not less than 21 days;
 2. The requirements of subsections b.1. through 5. above shall be met;
 3. The requirements of section VII-602(i) of this Code shall be met;
 4. No more than three such permits shall be issued during a calendar year;
 5. Adequate parking for the intended activity shall be provided on the site or on property adjacent to the site. Parking or stopping in public right-of-way shall be prohibited.

- g. Staging areas for public utility installation. Staging areas for public utility improvement projects such as the installation water pipes, and road improvements, are authorized subject to following conditions:
1. Only projects that last one year or less are allowed as temporary commercial activities. Projects that last over one year are subject to the regulations for permanent uses.
 2. During the project, operational procedures must include steps to reduce dust and mud on the site and to reduce dust and mud on adjacent streets from vehicles entering and leaving the site. During the length of the project, the site must be enclosed or protected in a manner to prevent on-site erosion and to prevent sediment from leaving the site.
 3. At the end of the project, the site must be prepared and seeded with a mixture of appropriate grass seed to create a low maintenance vegetative ground cover. An exception to this requirement is sites that have paving prior to the start of the project. In these cases the portion of the site that has paving may remain in paving. All other portions of the site must be seeded as provided above. The ground cover or paving must be installed to the approval of the department of public works.
- h. Natural disasters and emergencies. Temporary activities and structures needed as the result of a natural disaster or other health and safety emergencies are allowed, as may be authorized by the city manager, for the duration of the emergency.
- i. Temporary signs, provided that:
1. Must be advertising a sale or special event operated by an existing principal business.
 2. No more than one such temporary sign shall be approved for a principal business at any time.
 3. Shall be erected for no longer than 14 consecutive days.
 4. Shall not be approved more than three times in a calendar year.
 5. Shall not exceed a total sign area of 50 square feet.
 6. If the temporary sign is a banner, the banner shall be affixed to a solid surface.
- j. Temporary off-street construction site parking.
1. Shall be required with a construction project, not involving single family and two-family dwelling units, with an approved building permit.
 2. A drawing showing the proposed location(s) of the temporary construction parking spaces and projected work force shall be submitted to the city manager, or his designee. The city manager shall consider the following criteria for approval prior to the issuance of a building permit for the project.
 - (i) No such temporary parking spaces shall be located in a public right-of-way, unless in the opinion of the city manager, or his designee, there is no other area to locate the spaces.
 - (ii) The number of spaces shall be sufficient, as determined by the city manager or his designee, to guarantee that no project construction workers will utilize existing public on-street parking spaces. The specific number shall be based on the projected project workforce.
- k. Noise permit in CND, CSD, CT, DTE, DTC, DTB and CBN zone districts.
1. Shall be in conjunction with a community public event, community program, construction or demolition project.
 2. A drawing showing the proposed location of the event causing the noise shall be submitted to the city manager, or his designee, as part of the application process. In addition, a narrative stating the nature of the event, its importance to the general community; the potential benefit to the city or the general public which may result from the proposed event; the size of the event with respect to the anticipated public participation or attendance; and the availability of alternate locations where the event may reasonably be located without creating the adverse effects anticipated would result at the site for which the temporary permit is requested.
 3. The application shall also state a specific limited period of time for the request. If approved, the temporary permit may be issued for the requested period of time or any shorter period deemed appropriate by the city manager, or his designee.

4. All standards of subsections b.2. through 6. above shall be met.
5. Adequate parking for the intended activity, if appropriate, shall be provided on the site or on property adjacent to the site.

- (4) *General standards.* Temporary commercial activity permits shall be issued in accordance with the following standards:
- a. Only one temporary commercial activity permit can be active on a zoning lot at any time, unless an event or activity is sponsored, managed or operated by a nonprofit organization, and in the judgment of the director of neighborhood and development services, adequate space exists for two temporary commercial activities and the goals of sections (ee)(1) through (3) et seq. are not jeopardized. In the event the director of neighborhood and development services so finds, no more than two events or activities can be active on the same zoning lot at the same time.
 - b. Each activity or event shall be separated by a period of not less than 21 consecutive days.
 - c. If a non-profit organization is sponsoring the conduct of a temporary commercial activity, such nonprofit organizations shall submit a copy of their tax exempt status or other documentation, including but not limited to financial statements or sworn statements, with their temporary commercial activity permit application to demonstrate bona fide nonprofit or not-for-profit status.

For any temporary commercial activity sponsored, managed or operated by a nonprofit organization, a representative from the nonprofit organization shall be present at the activity at all times it is in operation and an affidavit shall be submitted to this effect.
 - d. All temporary commercial activities and any appurtenant structures, signs, goods and other features must be set back from any public right-of-way at least 20 feet.
 - e. Permanent changes to the site are prohibited.
 - f. No temporary commercial activity permit shall be issued to an applicant until at least 21 days after any permit issued to that same applicant on an adjacent zoning lot has expired.
 - g. The director of neighborhood and development services may deny approval of all temporary commercial activities on a site for a period of up to one year if any temporary commercial activity is commenced without, or prior to, all required approvals by the city or other agencies, or the conditions of a previously issued permit were violated.
 - h. Temporary commercial activities authorized in accordance with article VII, division 6, section VII-602(ee) shall be subject to all other applicable city, county or state permits and approvals including but not limited to building permits, occupancy permits, access permits, hazardous use permits, vendor licenses, sign permits and similar requirements.
 - i. Additional conditions may be required, as deemed necessary by the director of neighborhood and development services, for any temporary commercial activity.
 - j. A temporary permitted use shall be valid for the period of time specified in the approval, but in no event shall such approval be valid for a period in excess of six months from the date of approval.

(ff) *Home occupations.*

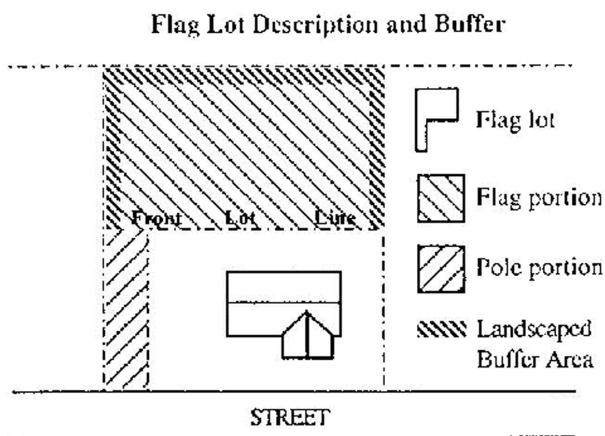
- (1) *Purpose.* The purpose of this division is to provide regulations governing the size, location, and operation of home occupations in a manner that is consistent with the residential character of the area while providing flexibility to the residents.
- (2) *Standards.*
 - a. *Permitted uses.* Home occupations, except as provided below, shall be permitted accessory to single-family, duplex or multifamily uses in all zoning districts subject to the limitations of this section.
 - b. *General use limitations.* Home occupations shall be subject to all use limitations applicable in the zone district in which they are located, the following additional limitations, and such limitations which may be imposed by the director of neighborhood and development services:
 1. The principal person or persons conducting the home occupation shall reside in the dwelling and all employees of the home occupation shall be inhabitants of the dwelling.

2. The home occupation shall be located within the dwelling or an accessory building thereto, and does not exceed 25 total gross combined floor area of the buildings or 500 square feet, whichever is less.
3. The home occupation shall not alter the outside appearance of the dwelling unit.
4. There shall be no displays, or sale of merchandise on the premises.
5. There shall be no signs other than the address and name of the resident.
6. There shall be no use or storage of material or mechanical equipment not recognized as being part of a normal household use.
7. Activities conducted and equipment or material used shall not change the fire safety or occupancy classifications of the premises.
8. No traffic is generated by such home occupation in greater volume than would normally be generated by the dwelling unit without such home occupation.
9. No traffic is generated by such home occupation so as to require any additional on-site parking spaces other than those spaces normally utilized by the dwelling unit without the home occupation.

(gg) *Flag lots.*

- (1) *Purpose.* This division provides standards for the development of flag zoning lots from existing zoning lots that have adequate land area for two zoning lots but that either do not have adequate street frontage for more than one zoning lot or wish to have one zoning lot behind the other. The standards require access for fire protection and also require screening in the front setback to protect the privacy of the abutting residence. The intent of these regulations is to provide additional housing opportunities and to promote the efficient use of residential land. Nonresidential uses are restricted because of limited access and the greater impacts on abutting sites.
- (2) *Measurements.*
 - a. *Flag zoning lot dimensions.* Residential flag zoning lot dimensions (width and depth) are measured from the midpoints between two opposite zoning lot lines of the flag portion of the zoning lot. See illustration below.
 - b. *Flag zoning lot area calculations.* When calculating zoning lot area, both the flag portion and the pole portion are counted.
- (3) *Land subdivision standards.*
 - a. *Flag zoning lot area.* The required minimum zoning lot area is the same as required in the base zone district.
 - b. *Flag zoning lot dimensions.* The minimum zoning lot width and depth are the same as the minimum width required for the base zone district. See illustration below.
 - c. *Ownership.* The access pole shall be part of the flag zoning lot and must be under the same ownership as the flag portion. An easement is not an allowed means of providing access to a flag zoning lot.
 - d. *Land subdivision review.* All applicable regulations of article IV, division 10, subdivisions/plats shall be met.
- (4) *Use regulations.* Nonresidential development is not allowed on residential flag zoning lots.
- (5) *Development standards.* The following development standards shall apply to development on residential flag zoning lots:
 - a. *Generally.* All base zone district requirements shall be met, unless otherwise stated in this section.
 - b. *Setbacks.* All the setbacks for flag zoning lots are the same as required in the base zone district, except for the RSM-9 zone district. In the RSM-9 zone the minimum required front setback shall be 20 feet, and there shall be no maximum front setback. The zoning lot in front of a flag lot may reduce its side setbacks along the flag pole portion of the zoning lot line to three feet. All other setback requirements for the lot in front of a flag lot remain the same.
 - c. *Landscaped buffer area.* In all base zones, a landscaped buffer area is required around the perimeter of the flag lot to buffer the flag portion from the surrounding lots. The pole and the lot line that separates the flag lot and the lot from which it was divided, are exempt from this requirement. At least a Type A buffer shall be used in accordance with article VII, division 3. All other buffers, if required, shall be in accordance with the standards of article VII, division 3, except the pole area shall be exempt from all buffer requirements. See illustration below.

d. *Access pole.* The minimum width of the access pole shall be 20 feet.



Flag Lot Description and Buffer

(hh) *Short-term housing and mass shelters.*

(1) *Purpose.* This division provides regulations for community service uses that provide short-term housing or mass shelter. These regulations recognize that it is in the public interest to provide short-term housing and mass shelter to people who would otherwise not receive it, and to ensure that standards of public health and safety are maintained. The regulations are intended to reduce conflicts between these and other uses. These regulations recognize that short-term housing and mass shelters have differing impacts, and encourages providers to locate in existing structures and work with neighbors. These regulations also focus on the land use impacts of these uses.

(2) *Description.* Short-term housing and mass shelters are defined in article II, division 2 definitions. Both are community service uses, and are managed by public or non-profit agencies. They may be in a variety of structures, from conventional houses to large institutional buildings.

(3) *Standards.*

a. *Short-term housing.*

1. *Existing structures and additions to existing structures.* Short term housing provided in an existing structure is subject to the development standards for residential development in the base zone or overlay zone, unless superseded by standards in this subsection. Sites that do not meet the development standards at the time of application are subject to the regulations of article V, vested rights and non-conformities.
2. *New structures.* Short-term housing provided in a new structure is subject to the development standards for residential development in the base zone or overlay zone, unless superseded by standards in this section.
3. *Density.* The density standards for group living in section VII-602(aa)(3) must be met.
4. *Hours of operation.* The facility must be open 24 hours a day.
5. *Reservations/referral.* Lodging must be provided on a reservation or referral basis so clients will not be required or allowed to queue for services.

b. *Mass shelters.*

1. *Maximum capacity.* Mass shelters may have up to one shelter bed per 35 square feet of floor area. Adjustments to this standard are prohibited.
2. *Density.* Table VII 6 GG 1 below sets out the maximum number of shelter beds allowed within a facility and within 1,300 feet of another facility. If the site has split zoning, the smaller number applies. Adjustments to this standard are prohibited.

Table VII 6 GG 1. Maximum Number of Shelter Beds For Mass Shelters

Zone of proposed site	Maximum number of shelter beds
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ORD, MCI	25
CGD	50
ICD, CI	100

3. *Outdoor activities.* All functions associated with the shelter, except for children's play areas, outdoor recreation areas and parking must take place within the building proposed to house the shelter.
4. *Hours of operation.* To limit outdoor waiting, the facility must be open for at least eight hours every day between 7:00 a.m. and 7:00 p.m.
5. *Supervision.* On-site supervision must be provided at all times.
6. *Development standards.* The development standards for residential development in the base zone or overlay zone apply to short term housing and mass shelters, unless superseded by standards in this section.
7. *Parking.* The parking space requirements shall be one space for every 500 square feet of floor area for that portion of a community service facility devoted to short-term housing and mass shelter use.

(ii) *Mobile food trucks.*

- (1) *Where these regulations apply.* Permitted locations shall be limited to those zone districts which authorize the use in article VI.
- (2) *Business tax receipt requirements.* A mobile food truck shall comply with all state and local business tax regulations.
- (3) *Vehicle requirements.* A mobile food truck shall not be used for vending a product unless the vehicle has been designed and constructed specifically for such purpose. The mobile food truck shall be licensed in accordance with the rules and regulations of any state and federal agency having jurisdiction over the mobile food truck or products sold therein.
- (4) *Insurance requirements.* A mobile food truck shall obtain at a minimum, the insurance as required by any local, state or federal laws and regulations.
- (5) *Standards.*
 - a. *Sales.* No person shall be allowed within the public right-of-way.
 - b. *Permission.* Written approval of the owner(s) of the site shall be obtained and provided to the city. This approval shall identify the site address, owner's name, owner's mailing address, owner's telephone number, owner's acknowledgment of proposed activity and dates activity is to operate.
 - c. *Hours of operation.* Mobile food trucks shall be allowed to operate between 6:00 a.m. and 11:00 p.m., Sunday through Thursday, and between 6:00 a.m. and 2:00 a.m., Friday and Saturday.
 - d. *Solid waste collection.* The operator shall provide separate refuse and recycling receptacle(s) for public use and comply with the mandatory recycling policy outlined in the city Code, chapter 16. The area shall be kept neat and orderly at all times. The refuse and recycling materials shall be separated and removed by operator prior to departure of the mobile food truck each day and properly disposed. The operator shall comply with section 37-51, Sarasota City Code, as it relates to disposal of any substances (including, but not limited to, fats, oils, and grease) into the public sewer system.
 - e. *Restroom facility.* Mobile food trucks operating at a site for duration of more than three hours shall provide documentation which confirms that employees have access to a restroom or other sanitary facility at the vending location during the hours of operation.
 - f. *Maximum number of mobile food trucks.* No more than three mobile food trucks shall operate on any property at any one time. The number of mobile food trucks allowed on G zoned city-owned properties may be increased at the discretion of the city manager.
 - g. *Required parking.* One parking space is required if more than two mobile food trucks are located on a single zoning lot.
 - h. *Overnight parking.* Except for production intensive commercial zone districts, overnight parking is prohibited.
 - i. *Access.* A mobile food truck shall not be placed in any location that impedes the ingress or egress of other

businesses or building entrances or emergency exits.

- j. *Noise*. No outdoor amplified music and/or speaker systems from a mobile food truck are permitted.
- k. *Signage*. No signage other than that exhibited on or inside the mobile food truck shall be permitted.
- l. *Alcohol sales*. Alcohol sales from mobile food trucks are prohibited, except as allowed by special event permit and/or temporary commercial activity permit.
- m. *Private event exclusion*. This section excludes a contractual or other private arrangement between a mobile food truck and an individual or group that wishes to have food catered to a specific location and which is not open to the public.

(Ord. No. 02-4357, 4-29-02; Ord. No. 03-4429, § 12, 1-21-03; Ord. No. 03-4472, §§ 5, 10, 11, 6-16-03; Ord. No. 04-4514, § 7, 1-20-04; Ord. No. 04-4515, § 11, 1-20-04; Ord. No. 04-4531, § 3, 6-7-04; Ord. No. 04-4538, § 13, 6-7-04; Ord. No. 04-4573, § 12, 6-20-05; Ord. No. 05-4649, § 3, 2-21-06; Ord. No. 06-4682, § 2, 7-26-06; Ord. No. 07-4720 § 2, 5-21-07; Ord. No. 07-4770, § 2, 12-17-07; Ord. No. 08-4799, § 2, 4-28-08; Ord. No. 09-4838, § 2(att. 1), 2-17-09; Ord. No. 09-4890, § 2(att. 1), 10-19-09; Ord. No. 10-4912, § 2(att. 1), 6-7-10; Ord. No. 10-4915, § 2(att. 1), 6-7-10; Ord. No. 10-4927, § 2(att. 1), 2-22-11; Ord. No. 13-5041, § 2(att. 1), 3-4-13; Ord. No. 13-5049, § 2(Att. 1), 4-15-13; Ord. No. 20-5309, § 2(Exh. A), 11-2-20; Ord. No. 21-5346, § 3(Exh. A), 12-7-20; Ord. No. 21-5364, § 2(Exh. A), 5-18-21)