

# City Of Alachua

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## ORDINANCE 09 -19

**AN ORDINANCE OF THE CITY OF ALACHUA, FLORIDA, REPEALING CHAPTER 10, BUILDINGS, AND CHAPTER 18, MOBILE HOMES, BOTH AS AMENDED FROM TIME TO TIME, OF THE CODE OF ORDINANCES, ADOPTING A NEW CHAPTER 18, BUILDINGS, AND RESERVING CHAPTER 10, PROVIDING FOR SEVERABILITY, REPEALING ALL ORDINANCES IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the State of Florida has adopted F.S. 553 with the purpose and intent of providing a mechanism for the uniform adoption, updating, amendment, interpretation, and enforcement of a single, unified state building code, to be called the Florida Building Code, which consists of a single set of documents that apply to the design, construction, erection, alteration, modification, repair or demolition of public or private buildings, structures, or facilities in this state and to the enforcement of such requirements and which will allow effective and reasonable protection for public safety, health, and general welfare for all the people of Florida at the most reasonable cost. The Florida Building Code is organized to provide consistency and simplicity of use. The Florida Building Code shall be applied, administered, and enforced uniformly and consistently from jurisdiction to jurisdiction. The Florida Building Code shall and does provide for flexibility to be exercised in a manner that meets minimum requirements, is affordable, does not inhibit competition and promotes innovation and new technology. The Florida Building Code establishes minimum standards primarily for public health and lifesafety and, secondarily, for protection of property as appropriate.

**WHEREAS**, it is the intent of the Legislature that local governments shall have the power to inspect all buildings, structures and facilities within their jurisdictions in protection of the public health, safety and welfare pursuant to chapters 125 and 166 of Florida Statutes.

**WHEREAS**, it is the intent of the Legislature that the Florida Building Code be adopted, modified, updated, interpreted and maintained by the Florida Building Commission in accordance with Florida Statutes 120.536(1) and 120.54 and enforced by authorized state and local government enforcement agencies such as the City of Alachua.

**WHEREAS**, it is the intent of the Legislature that the Florida Fire Prevention Code and the Life Safety Code of this state be adopted, modified, updated, interpreted and maintained by the Department of Financial Services in accordance with Florida Statutes 120.536(1) and 120.54 and included by reference as sections in the Florida Building Code.

**WHEREAS**, it is the intent of the Legislature that there be no conflicting requirements between the Florida Fire Prevention Code and the Life Safety Code of the state and other provisions of the Florida Building Code or conflicts in their enforcement and interpretation. Potential conflicts shall be resolved through coordination and cooperation of the State Fire Marshal and the Florida Building Commission as provided by 553 and chapter 633, Florida Statutes, and,

**WHEREAS**, Chapter 18 is identified as the "Buildings" Chapter in the ongoing effort and plan to organize and codify all existing City of Alachua ordinances,

**WHEREAS**, the City of Alachua, in furtherance of the purpose and intent set forth, finds it in the best interest of the citizens of Alachua and of the state to adopt the comprehensive Florida Building Code and repeal Chapters 10, 18 and others of like, similar or conflicting content,

**WHEREAS**, it is also in the best interest of the citizens of Alachua to replace the existing numerous property maintenance codes and expensive and difficult to maintain safe building and hazard abatement code sections with a nationally and internationally recognized model code which is continuously updated and developed, and

**WHEREAS**, the City of Alachua, by Ordinance 06-31, has abolished the Code Enforcement Board and, in its place, adopted a system giving a Special Magistrate the same status and authority.

***NOW, THEREFORE, BE IT ORDAINED BY THE PEOPLE OF THE CITY OF ALACHUA, FLORIDA.***

**Section 1. Incorporation of Recitals**

The above recitals are true and correct and are incorporated in this Ordinance.

**Section 2. Repeal of Chapters 10 and 18**

Chapters 10 and 18 of the City of Alachua Code of Ordinances, as amended from time to time, are repealed in their entirety.

**Section 3. Re-adoption of Chapter 18**

A new Chapter 18 of the City of Alachua Code of Ordinances is hereby adopted as set forth below. The repealed Chapter 10 shall be reserved for future use.

## **Chapter 18**

### **BUILDINGS**

**Article I     In General**

**Article II    Building and Maintenance**

#### **Article I – In General**

##### **Sec. 18-1. Exception to Alachua County land development road impact fee**

(a) The City commission finds that the imposition of the Alachua County land development road impact fee within the city is detrimental to and in conflict with the city's goals, objectives and policies relating to land use, traffic circulation, housing, industrial development and commercial development; and that the exemption of the city from the road impact fee will promote the city's goals, objectives and policies and discourage urban sprawl.

(b) The city manager or designee shall issue a building permit or mobile home permit for property within the limits of the city without complying with the requirements imposed by the Alachua County Land Development Road Impact Fee Ordinance.

(c) The city manager or designee shall approve electrical energizing for property within the limits of the city without complying with the requirements imposed by the Alachua County Land Development Road Impact Fee Ordinance.

(d) Neither the city manager or designee nor any person owning or developing land within the limits of city shall be subject to any penalty provided for by the Alachua County Land Development Road Impact Fee Ordinance for acts or omissions in accordance with this section.

#### **Article II – Building and Maintenance**

##### **Sec. 18-2. Florida Building Code**

The 2007 Florida Building Code (Code), as amended from time to time and adopted by Florida Statute 553, is hereby adopted and shall be enforced in the City of Alachua.

The Florida Building Code is hereby amended by adding: Surface treatment of masonry walls and structures. All exterior masonry walls and structures shall have a finished appearance

through the application of stucco or other approved surfacing materials or by tooling all joints and properly sealing and painting the surface.

The City Commission shall set and determine its own fees for permits and all inspections and any other type of fees applicable under the Code.

**Sec. 18-3. Building Permit Fees**

For all building permits, which are required to be issued, there shall be charged a permit fee as determined by the following schedule. Current square foot value for Residential and Commercial New Construction and Additions shall be computed by utilizing the most current Building Valuation Data (BVD) table published by the International Code Council. The data published in the February issue shall become effective the first day of April following publication. The data published in the August issue shall become effective the first day of October following publication. The total value of new construction is calculated by multiplying the total square footage (heated and unheated) of new construction by the current square foot value as determined by the BVD.

**Building Permit Fee Schedule**

**Residential New Construction and Additions Permit Fee**

- A. Minimum Fee                      \$50.00
- B. Construction valuation calculated by BVD
- C. Residential New Construction and Additions Permit Fee determined as follows:

<b>Total Valuation</b>	<b>Base</b>	<b>Cost Per Thousand</b>
0-\$1,000	\$ 50.00	
\$1,001-\$100,000	\$ 50.00	\$5.00
\$100,001-\$500,000	\$545.00 + \$50.00	\$3.00
\$500,001-\$1,000,000	\$1795.00 + \$50.00	\$2.00
\$1,000,000 and up	\$2845.00 + \$50.00	\$1.00

**Commercial New Construction and Additions Permit Fee**

- A. Minimum Fee                      \$100.00
- B. Construction valuation calculated by BVD
- C. Commercial New Construction and Additions Permit Fee determined as follows:

Total Valuation	Base	Cost Per Thousand
0-\$1,000	\$100.00	
\$1,001-\$100,000	\$100.00	\$5.00
\$100,001-\$500,000	\$595.00 + \$100.00	\$3.00
\$500,001-\$1,000,000	\$1895.00 + \$100.00	\$2.00
\$1,000,000 and up	\$2995.00 + \$100.00	\$1.00

**Other Residential Permit Fee**

Including alterations, re-roofs, foundation, remodeling, swimming pools, spas, plumbing, mechanical, electrical, enclosures and any other permits not specifically addressed herein

- A. Minimum Fee \$50.00
- B. Construction valuation determined by signed contract value
- C. Residential Alterations Permit Fee determined as follows:

Total Valuation	Base	Cost Per Thousand
0-\$1,000	\$ 50.00	
\$1,001-\$100,000	\$ 50.00	\$5.00
\$100,001-\$500,000	\$545.00 + \$50.00	\$3.00
\$500,001-\$1,000,000	\$1795.00 + \$50.00	\$2.00
\$1,000,000 and up	\$2845.00 + \$50.00	\$1.00

**Other Commercial Permit Fee**

Including any construction requiring review and/or inspection by the Fire Marshal, alterations, re-roofs, foundation, signs, swimming pools, spas, plumbing, mechanical, electrical, enclosures, fire suppression and any other permits not specifically addressed herein

- A. Minimum Fee \$100.00
- B. Construction valuation determined by signed contract value
- C. Commercial Alterations Permit Fee determined as follows:

Total Valuation	Base	Cost Per Thousand
0-\$1,000	\$100.00	
\$1,001-\$100,000	\$100.00	\$5.00
\$100,001-\$500,000	\$595.00 + \$100.00	\$3.00
\$500,001-\$1,000,000	\$1895.00 + \$100.00	\$2.00
\$1,000,000 and up	\$2995.00 + \$100.00	\$1.00

**Mobile Home Permit Fee**

Includes Manufactured Home and Temporary Construction Office Trailer

Flat Fee \$400.00

**E-911 Addressing Fee**

A. First Address \$20.00

B. Each additional address \$10.00

**Change of Occupancy/Use Permit Fee**

Flat Fee \$50.00

**Change of Contractor Permit Fee**

Flat Fee \$100.00

**Residential and Commercial Demolition of Structures**

Fee Per Floor \$50.00

**Reinspection Fee**

For any repeat inspection of any structure or permit type

Flat Fee \$50.00

**Renewal Fees for Expired Building Permits**

Fees for renewing expired building permits determined as follows:

<b>Number of Inspections Performed</b>	<b>Renewal Fee</b>
No work commenced no inspections performed	100% of the original permit fee.
One (1) to three (3) inspections performed	75% of the original permit fee.
Four (4) to six (6) inspections performed	50% of the original permit fee.
Seven (7) to nine (9) inspections performed	25% of the original permit fee.
More than nine (9) inspections performed	10% of the original permit fee.

**No Refund of Building Permit Fees**

No refund of any type of permit fees shall be issued.

**Plan Review Fees**

When the plans of buildings, structures or alterations must be reviewed by the City Building Official, there shall be a fee assessed that is equivalent to thirty percent (30%) of the total permit fee, but not less than a minimum fee of sixty dollars (\$60.00).

Any changes to plans that have been certified and stamped by the Building Official will require a twenty-five (\$25.00) re-certification fee.

#### **Sec. 18-4. International Property Maintenance Code**

The International Property Maintenance Code, 2009 Edition, as published by the International Code Council (Code), as amended from time to time, is hereby adopted and incorporated in this ordinance with the exception of all of Section 111, Means of Appeal, and Section 109.6, Hearing, which specifically are not being adopted or incorporated into this ordinance. The Code shall be interpreted and enforced by the City as follows:

- (1) The Department of Property Maintenance as referenced in the Code shall be the City of Alachua Code Enforcement Division;
- (2) The code official as referenced in the Code shall be the Code Enforcement Officer for the City of Alachua;
- (3) Where a term in the Code is not defined or the definition in the Code is in conflict with the definition in the Florida Building Code, the definition in the Florida Building Code shall govern;
- (4) If any provisions of the Code, as amended from time to time, conflicts with the Florida Building Code, the terms of the Florida Building Code shall govern;
- (5) Should there be a conflict between the Code, as amended from time to time, and any other provision of this Ordinance, 09-19, the provision of this ordinance shall govern.
- (6) The enforcement mechanism for violations, other than those predicated upon exigent circumstances involving issues of health, safety, and welfare, shall be through the process used for proceedings before the City of Alachua Special Magistrate (see section 18-6 below);
- (7) Any person directly affected by a decision of the Code Enforcement Officer predicted upon exigent circumstances relating to issues of health, safety and welfare, may immediately appeal the decision as set forth below:

- (a) By filing a written notice of appeal with the Office of the City Manager at City Hall within 10 (ten) calendar days of the issuance of the decision. The notice of appeal shall: i) describe with particularity the decision of the Code Enforcement officer; ii) describe with particularity all objections to this decision; iii) have attached to it all other documents the person appealing the decision wishes the City Manager to review; iv) contain citations to applicable laws, regulations, or ordinances; and v) contain the name, mailing address and phone number for the appealing party; and vi) be signed by the person appealing the decision.
- (b) The City Manager shall render a written decision within 10 (ten) calendar days of the filing of the written notice of appeal; and,
- (c) An appeal of the City Manager's decision may be taken to the Alachua City Commission by filing a written notice of appeal with the City Clerk within 10 (ten) calendar days of the date of the City Manager's decision. The notice of appeal shall state with particularity the decision being appealed, be signed by the person appealing the decision and shall have attached to it all of the following: i) the decision of the City Manager being appealed; ii) all documents filed with the City Manager; iii) any other document the person appealing the decision wishes the City Commission to review; iv) citations to any applicable laws regulations or ordinances; and v) the name, mailing address and phone number of the appealing party. The City Commission shall hear the appeal in a quasi judicial proceeding at the next regularly scheduled City Commission meeting and affirm or deny the appeal by majority vote and render a written decision within 10 days of the meeting.

The failure to strictly comply with each and every requirement of section 7, including each subsection, will result in the dismissal of the appeal.

**Sec. 18-5. Duty of fire and police department members to report dangerous buildings or lands**

Police and the fire department members shall make a report in writing to the Code Enforcement Officer of all buildings, structures or lands which are, may be or are suspected to be



dangerous buildings or hazardous lands within the terms of this Article. Such reports must be delivered to the Code Enforcement Officer within 24 hours of the discovery of dangerous buildings or hazardous land.

**Sec. 18-6. Enforcement System**

The City of Alachua has, by Ordinance 06-31, abolished the Code Enforcement Board and adopted an alternate code enforcement system that gives Special Magistrates designated by the City Commission the authority to and responsibility for enforcing City ordinances. City Ordinance 06-31 is specifically recognized and affirmed as the Code Enforcement System of the City of Alachua.

**Sec. 18-7. Administrative liability**

No officer, agent, attorney or employee of the City shall be personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of duties under this Ordinance. Any suit brought against an officer, agent or employee of the City as a result of any act required or permitted in the discharge of duties under this article shall be defended by the City until the final termination of the proceedings therein.

**Sec. 18-8. Providing for Severability**

It is the declared intent of the Alachua City Commission that, if any section, sentence, clause, phrase or provision of this ordinance is for any reason held or declared to be unconstitutional, void or inoperative by a court or agency of competent jurisdiction, such holding of invalidity or unconstitutionality shall not affect the remaining provisions of this ordinance and the remainder of this ordinance after the exclusion of such part or parts, shall be deemed to be valid.

**Sec. 18-9. Repealing all Ordinances in Conflict**

This ordinance specifically repeals the following ordinances: Chapter 10, Buildings; Chapter 12 ½, Electricity; Chapter 13, Fire Prevention and Protection; Chapter 18, Mobile Homes; Chapter 21, Plumbing; Appendix A, Zoning, Appendix B, Subdivision Regulations; Ordinance 02-01, Home Owners Association Approval – Building Permits; Ordinance 95-02, Manufactured Housing; Ordinance 02-14, Adopting 1998 Florida Building Code; Ordinance 05-17, Setting Fees;

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Ordinance 05-27, Modifying fees; and all other ordinances or parts of ordinances in conflict with the new Chapter 18 set forth above.

**Sec. 18-10. Effective Date**

This ordinance shall take effect July 1, 2009.


**PASSED** on first reading the 18<sup>th</sup> day of May 2009.

**PASSED** and **ADOPTED**, in regular session, with a quorum present and voting, by the City Commission, upon second and final reading this 1<sup>st</sup> day of June 2009.

**CITY COMMISSION OF THE  
CITY OF ALACHUA, FLORIDA**

  
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**Bonnie H. Burgess**  
Mayor

**ATTEST:**

  
\_\_\_\_\_  
Clovis Watson, Jr. MBA  
City Manager/City Clerk

**APPROVED AS TO FORM:**

  
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Marian B. Rush, City Attorney