

MEMORANDUM

TO: Honorable Mayor and City Council Members
FROM: Elaine Wilson, Planning & Zoning Analyst II
DATE: July 14, 2009
SUBJECT: Ordinance #394, Building, Housing and Structural Requirements
STRATEGIC PLAN TRACKING NO: 0910-G5-OB-3

PURPOSE

The purpose of this item is to request City Council approval of Ordinance #394 updating Building Code for the City of Orange City in order to bring it into compliance with the Florida Building Code.

BACKGROUND

Chapter 5 of the Orange City Code of Ordinances was updated in September 2002 to incorporate the Florida Building Code and the Standard Housing Code. In 2007, the State did an extensive revision to the Building Code and incorporated the Standard Housing Code within that revision. (There is no Standard Housing Code at this time.)

The proposed revision to City Code reflects these changes by adopting the Florida Building Code 2007 and subsequent amendments. The purpose of Chapter 1 of the Florida Building Code is to allow local jurisdictions to adopt a local supplement that reflects specific items the jurisdiction deems necessary.

Sec. 5-2 of Ordinance #394 adopts the Florida Building Code, Section 101 to Section 115, with those changes needed to meet Orange City's requirements. The proposed ordinance is based on the model code written by the Building Officials Association of Florida. This model has become the standard for municipalities throughout Florida.

RECOMMENDATION

That City Council approves Ordinance #394.

ORDINANCE NO. 394

AN ORDINANCE OF THE CITY OF ORANGE CITY, FLORIDA, AMENDING CHAPTER 5 — BUILDING, HOUSING AND STRUCTURAL REQUIREMENTS — OF THE CODE OF ORDINANCES OF THE CITY OF ORANGE CITY, CONTAINING A SEVERABILITY CLAUSE, A REPEALER PROVISION, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Orange City recognizes that the State of Florida has enacted new a Florida Building Code, and

WHEREAS, the City Council of the City of Orange City hereby deems it in the City's best interest to update Chapter 5 of the City's Code of Ordinances to reflect current State statutes, and

WHEREAS, the City Council of the City of Orange City finds that the existing fee schedule for building permits does not fully cover the City's costs for administration and review of applications, and

WHEREAS, the City Council of the City of Orange City deems it in the City's best interests to recover its costs for services,

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF ORANGE CITY, FLORIDA, AS FOLLOWS:

SECTION 1. That Chapter 5 of the Code of Ordinances of the City of Orange City is hereby amended by revising Article I., as follows; and deleting Article II.; Article III.; Article IV.; Article V.; and Article VIII in their entireties,

ARTICLE I. IN GENERAL

~~Sec. 5-1. Violations.~~

~~Any person violating or failing to comply with any provision of this chapter, or any code or standard adopted by this chapter, or any statement or plans submitted hereunder, shall be punished as for a violation of this Code of Ordinances.~~

~~Sec. 5-2. Adoption of Florida Building Code and Standard Housing Code.~~

~~The Florida Building Code, 2001 edition is adopted by reference with the amendments only to the electrical codes, as provided by section 5-44 attached hereto and incorporated by reference herein.~~

~~The clerk of the city is hereby directed to transmit the amendments as specified in section 5-44 to this article to the Unified Code Committee within 30 days following enactment of this article; and the Standard Housing Code, 1976, 1977, 1978 and 1985~~

~~editions and each subsequent revision or addition of the Standard Housing Code, and all amendments thereto as hereafter adopted from time to time by the Southern Building Code Congress International; save and except such portions that are hereinafter deleted, modified or amended; and the same are hereby adopted and incorporated as fully as if set out at length herein, and the provisions thereof shall be controlling within the limits of the city.~~

~~(Ord. No. 76-9-3, § 1, 9-13-76; Ord. No. 86-6-1, § 1, 7-8-86; Ord. No. 66, § 1, 2, 3-26-02; Ord. No. 103, § 1, 9-24-02)~~

Sec. 5-1. Fees and Penalty for Violations.

(a) Fees for permits and other related charges relating to this chapter shall be set by resolution of the city council.

(b) Any person violating or failing to comply with any provision of this chapter, or any code or standard adopted by this chapter, or any statement or plans submitted hereunder, shall be punished as for a violation of this Code of Ordinances.

Section 5-2. Local supplement to the Florida Building Code

The Florida Building Code 2007, and all amendments adopted from time to time hereafter is hereby adopted by reference. Chapter 1 of the Florida Building Code 2007 is hereby amended to read:

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.

Exceptions:

1. Detached one- and two-family dwellings and multiple single-family dwellings (town houses) not more than three stories above grade plane in height with a separate means of egress and their accessory structures shall comply with the Florida Building Code, Residential.

2. Existing buildings undergoing repair, alterations or additions and change of occupancy shall be permitted to comply with Chapter 34 of this code.

101.2.1 Appendices. Provisions in the appendices shall not apply unless specifically adopted.

101.2.3 Florida Building Code, Residential

Construction standards or practices which are not covered by Florida Building Code, Residential volume shall be in accordance with the provisions of Florida Building Code, Building.

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

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

101.3.2 Warranty and Liability. The permitting, plan review or inspection of any building, system or plan by this jurisdiction, under the requirements of this code, shall not be construed in any court as a warranty of the physical condition of such building, system or plan or their adequacy. This jurisdiction shall not be liable in tort for damages or hazardous or illegal condition or inadequacy in such building, system or plan, nor for any failure of any component of such, which may occur subsequent to such inspection or permitting.

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

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

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

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

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

101.4.5 Property maintenance. Reserved.

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

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

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

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

SECTION 102 **APPLICABILITY**

102.1 General. Where, in any specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

102.1.1. The *Florida Building Code* does not apply to, and no code enforcement action shall be brought with respect to, zoning requirements, land use requirements and owner specifications or programmatic requirements which do not pertain to and govern the design, construction, erection, alteration, modification, repair or demolition of public or private buildings, structures or facilities or to programmatic requirements that do not pertain to enforcement of the *Florida Building Code*. Additionally, a local code enforcement agency may not administer or enforce the *Florida Building Code, Building* to prevent the siting of any publicly owned facility, including, but not limited to, correctional facilities, juvenile justice facilities, or state universities, community colleges or public education facilities, as provided by law.

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

The following buildings, structures and facilities are exempt from the *Florida Building Code* as provided by law, and any further exemptions shall be as determined by the Legislature and provided by law:

(a) Building and structures specifically regulated and preempted by the federal government.

(b) Railroads and ancillary facilities associated with the railroad.

(c) Nonresidential farm buildings on farms.

(d) Temporary buildings or sheds used exclusively for construction purposes.

(e) Mobile or modular structures used as temporary offices, except that the provisions of Part V (§§553.501-553.513, FS) relating to accessibility by persons with disabilities and permits shall be required for structural support and tie down, electric supply and all other such utility connections to such mobile or modular structures as required by this jurisdiction.

(f) Those structures or facilities of electric utilities, as defined in §366.02 Florida Statutes, which are directly involved in the generation, transmission, or distribution of electricity.

(g) Temporary sets, assemblies, or structures used in commercial motion picture or television production, or any sound-recording equipment used in such production, on or off the premises.

(h) Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this paragraph, the term "chickee" means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other non-wood features.

102.2.1 In addition to the requirements of §§553.79 and 553.80 Florida Statutes, facilities subject to the provisions of chapter 395 Florida Statutes and part II of Chapter 400 Florida Statutes shall have facility plans reviewed and construction surveyed by the state agency authorized to do so under the requirements of Chapter 395, Florida Statutes, and part II of Chapter 400, Florida Statutes, and the certification requirements of the federal government.

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

1. The building or structure is structurally sound, meeting the wind speed requirements of the new location and is in occupiable condition for its intended use;

2. The occupancy use classification for the building or structure is not changed as a result of the move;

3. The building is not substantially remodeled;

4. Current fire code requirements for ingress and egress are met;

5. Electrical, gas and plumbing systems meet the codes in force at the time of construction and are operational and safe for reconnection; and

6. Foundation plans are sealed by a professional engineer or architect licensed to practice in this state, if required by the applicable Florida Statutes for all buildings or structures of the same residential occupancy class.

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

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

102.2.5 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 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 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.

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

Exception: Electrical service to such playground equipment shall be in accordance with Chapter 27 of this code.

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

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

102.5 Partial invalidity. In the event that any part or provision of this code is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions.

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

102.7 Relocation of manufactured buildings.

(1) Relocation of an existing manufactured building does not constitute an alteration.

(2) A relocated building shall comply with wind speed requirements of the new location, using the appropriate wind speed map. If the existing building was manufactured in compliance with the Standard Building Code (prior to March 1, 2002), the wind speed map of the Standard Building Code shall be applicable. If the existing building was manufactured in compliance with the *Florida Building Code* (after March 1, 2002), the wind speed map of the *Florida Building Code* shall be applicable.

SECTION 103
BUILDING DEPARTMENT

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

103.2. Restrictions on employees. An officer or employee connected with the department shall not be financially interested in the furnishing of labor, material, or appliances for the construction, alteration, or maintenance of a building, structure, service, system or in the making of plans or of specifications thereof, within the jurisdiction of the department, unless he is the owner of such, which is inconsistent with his duties or conflict with the interest of the department

SECTION 104

DUTIES AND POWERS OF BUILDING OFFICIAL

104.1 General. The building official is hereby authorized and directed to enforce the provisions of this code. The building official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code, and shall not have the effect of waiving requirements specifically provided for in this code.

104.1.1 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.

104.2 Applications and permits. The building official shall receive applications, review construction documents and issue permits for the erection, and alteration, demolition and moving of buildings and structures, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code.

104.2.1 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.

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

104.2.3 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.

104.3 Notices and orders. The building official shall issue all necessary notices or orders to ensure compliance with this code.

104.4 Inspections. The building official shall make all of the required inspections, or the building official shall have the authority to accept reports of inspection by approved agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The building official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

104.5 Identification. The building official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

104.6 Right of entry.

104.6.1 Whenever necessary to make an inspection to enforce any of the provisions of this code, or whenever the building official has reasonable cause to believe that there exists in any building or upon any premises any condition or code violation which makes such building, structure, premises, electrical, gas, mechanical or plumbing systems unsafe, dangerous or hazardous, the building official may enter such building, structure or premises at all reasonable times to inspect the same or to perform any duty imposed upon the building official by this code. If such building or premises are occupied, he 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.

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

104.7 Department records. The building official shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained in the official records for the period required for retention of public records. The records of the department shall be open to public inspection.

104.8 Liability. The building official, member of the board of appeals or employee charged with the enforcement of this code, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by legal representative of the jurisdiction until the final termination of the proceedings.

The building official or any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of this code.

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

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

104.10 Modifications. Wherever there are practical difficulties involved in carrying out the provisions of this code, the building official shall have the authority to grant modifications for individual cases, upon application of the owner or owner's representative, provided the building official shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, accessibility, life and fire safety, or structural requirements. The details of action granting modifications shall be recorded and entered in the files of the department of building safety.

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

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

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

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

104.12 Requirements not covered by code. Any requirements necessary for the strength, stability or proper operation of an existing or proposed building, structure, electrical, gas, mechanical or plumbing system, or for the public safety,

health and general welfare, not specifically covered by this or the other technical codes, shall be determined by the building official.

SECTION 105 **PERMITS**

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

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

105.1.2 Annual permit records. The person to whom an annual permit is issued shall keep a detailed record of alterations made under such annual permit. The building official shall have access to such records at all times or such records shall be filed with the building official as designated.

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

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

Gas:

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

Mechanical:

1. Portable heating appliance.
2. Portable ventilation equipment.
3. Portable cooling unit.

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

Plumbing:

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

105.2.1 Emergency repairs. Where equipment replacements and repairs must be performed in an emergency situation, the permit application shall be submitted within the next working business day to the building official.

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

105.2.3 Public service agencies. Reserved.

105.3 Application for permit. To obtain a permit, the applicant shall first file an application therefore in writing on a form furnished by the building department for that purpose. Permit application forms shall be in the format prescribed by a local administrative board, if applicable, and must comply with the requirements of Section 713.135(5) and (6).

Each application shall be inscribed with the date of application, and the code in effect as of that date. For a building permit for which an application is submitted prior to the effective date of the latest edition of *Florida Building Code*, the state minimum building code in effect in the permitting jurisdiction on the date of the application governs the permitted work for the life of the permit and any extension granted to the permit.

105.3.1 Action on application. The building official shall examine or cause to be examined applications for permits and amendments thereto within a reasonable

time after filing. If the application or the construction documents do not conform to the requirements of pertinent laws, the building official shall reject such application in writing, stating the reasons therefore. If the building official is satisfied that the proposed work conforms to the requirements of this code and laws and ordinances applicable thereto, the building official shall issue a permit therefore as soon as practicable. When authorized through contractual agreement with school board, in acting on applications for permits, the building official shall give first priority to any applications for the construction of, or addition or renovation to, any school or educational facility.

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

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

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

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

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

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

An air-conditioning system may be designed by an installing air-conditioning contractor certified under Chapter 489, Florida Statutes to serve any building or

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

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

Example 2: Consider a small single story office building which consists of 6 individual offices where each office has a single three-ton package air conditioning heat pump. The six heat pumps are connected to a single water cooling tower. The cost of the entire heating, ventilation and air conditioning work is \$47,000 and the office building accommodates fewer than 100 persons. Because the six mechanical units are connected to a common water tower this is considered to be an 18-ton system. It therefore could not be designed by a mechanical or air conditioning contractor.

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

5. Any specialized mechanical, electrical, or plumbing document for any new building or addition which includes a medical gas, oxygen, steam, vacuum, toxic air filtration, halon, or fire detection and alarm system which costs more than \$5,000.

Documents requiring an engineer seal by this part shall not be valid unless a professional engineer who possesses a valid certificate of registration has signed, dated, and stamped such document as provided in §471.025 Florida Statutes.

105.3.2 Time limitation of application. An application for a permit for any proposed work shall be deemed to have been abandoned, becoming null and void 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the building official is authorized to grant one or more extensions of time for additional periods not exceeding 90 days each. The extension shall be requested in writing and justifiable cause demonstrated.

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

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

105.3.5 Identification of minimum premium policy. Except as otherwise provided in Chapter 440, Workers' Compensation, every employer shall, as a condition to receiving a building permit, show proof that it has secured compensation for its employees as provided in §§ 440.10 and 440.38, Florida Statutes.

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

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

105.3.7 Public right of way. A permit shall not be given by the building official for the construction of any building, or for the alteration of any building where said building is to be changed and such change will affect the exterior walls, bays, balconies, or other appendages or projections fronting on any street, alley or public lane, or for the placing on any lot or premises of any building or structure removed from another lot or premises, unless the applicant has received a right of way permit from the authority having jurisdiction over the street, alley or public lane

105.4 Conditions of the permit.

105.4.1 Permit intent. A permit issued shall be construed to be a license to proceed with the work and not as authority to violate, cancel, alter or set aside any of the provisions of the technical codes, nor shall issuance of a permit prevent the building official from thereafter requiring a correction of errors in

plans, construction or violations of this code. Every permit issued shall become invalid unless the work authorized by such permit is commenced within six months after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of six months after the time the work is commenced.

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

105.4.1.2 If a new permit is not obtained within 180 days from the date the initial permit became null and void, the building official is authorized to require that any work which has been commenced or completed be removed from the building site. Alternately, a new permit may be issued on application, providing the work in place and required to complete the structure meets all applicable regulations in effect at the time the initial permit became null and void and any regulations which may have become effective between the date of expiration and the date of issuance of the new permit.

105.4.1.3 Work shall be considered to be in active progress when the permit has received an approved inspection within 180 days. This provision shall not be applicable in case of civil commotion or strike or when the building work is halted due directly to judicial injunction, order or similar process.

105.4.1.4 The fee for renewal reissuance and extension of a permit shall be set forth by the administrative authority.

105.5 Expiration. Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. Failure to obtain an approved inspection within 180 days of the previous approved inspection shall constitute suspension or abandonment. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated. Permits issued for the demolition of a structure shall expire sixty (60) days from the date of issuance. For a justifiable cause, one (1) extension of time for a period not exceeding thirty (30) days may be allowed. Such request shall be in writing to the building official.

105.6 Suspension or revocation. The building official is authorized to suspend or revoke a permit issued under the provisions of this code wherever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any of the provisions of this code.

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

105.8 Notice of commencement. As per §713.135 Florida Statutes, when any person applies for a building permit, the authority issuing such permit shall print

on the face of each permit card in no less than 14-point, capitalized, boldfaced type: "WARNING TO OWNER: YOUR FAILURE TO RECORD A NOTICE OF COMMENCEMENT MAY RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY. IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN ATTORNEY BEFORE RECORDING YOUR NOTICE OF COMMENCEMENT."

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

105.10 Certificate of protective treatment for prevention of termites. A weather resistant jobsite posting board shall be provided to receive duplicate Treatment Certificates as each required protective treatment is completed, providing a copy for the person the permit is issued to and another copy for the building permit files. The Treatment Certificate shall provide the product used, identity of the applicator, time and date of the treatment, site location, area treated, chemical used, percent concentration and number of gallons used, to establish a verifiable record of protective treatment. If the soil chemical barrier method for termite prevention is used, final exterior treatment shall be completed prior to final building approval.

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

105.12 Work starting before permit issuance. Upon approval of the building official, the scope of work delineated in the building permit application and plan may be started prior to the final approval and issuance of the permit, provided any work completed is entirely at risk of the permit applicant and the work does not proceed past the first required inspection.

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

105.14 Permit issued on basis of an affidavit. Whenever a permit is issued in reliance upon an affidavit or whenever the work to be covered by a permit involves installation under conditions which, in the opinion of the building official, are hazardous or complex, the building official shall require that the architect or engineer who signed the affidavit or prepared the drawings or computations shall supervise such work. In addition, they shall be responsible for conformity to the

permit, provide copies of inspection reports as inspections are performed, and upon completion make and file with the building official written affidavit that the work has been done in conformity to the reviewed plans and with the structural provisions of the technical codes. In the event such architect or engineer is not available, the owner shall employ in his stead a competent person or agency whose qualifications are reviewed by the building official. The building official shall ensure that any person conducting plans review is qualified as a plans examiner under part XII of chapter 468, Florida Statutes and that any person conducting inspections is qualified as a building inspector under Part III of chapter 468, Florida Statutes.

105.15 When any activity requiring a building permit that is applied for on or after July 1, 2008, and for which the estimated cost is \$50,000 or more for a building that is located in the wind borne debris region as defined in the Florida Building Code and that has an insured value of \$750,000 or more, or, if the building is uninsured or for which documentation of insured value is not presented, has a just valuation for the structure for purposes of ad valorem taxation of \$750,000 or more. Opening protections as required within the Florida Building Code, Building or Florida Building Code, Residential for new construction shall be provided.

SECTION 106 **CONSTRUCTION DOCUMENTS**

106.1 Submittal documents. Construction documents, special inspection and structural observation programs, and other data shall be submitted in one or more sets with each application for a permit. The construction documents shall be prepared by a design professional where required by the statutes. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a design professional.

Exception: The building official is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that review of construction documents is not necessary to obtain compliance with this code. If the design professional is an architect or engineer legally registered under the laws of this state regulating the practice of architecture as provided for in FS Chapter 481, Part II, or engineering as provided for in FS Chapter 471 & 61G15 Florida Administrative Code then he/she shall affix his/her official seal, original signature and date to said drawings, specifications and accompanying data, as required by Florida Statute. If the design professional is a landscape architect registered under the laws of this state regulating the practice of landscape architecture as provided for in FS Chapter 481, Part II, then he or she shall affix his or her seal, original signature and date to said drawings as defined in §481.303(b)(a)-(b)(c)(d), FS. & 61G1 Florida Administrative Code

106.1.1 Information on construction documents.

Construction documents shall be dimensioned and drawn upon suitable material. Electronic media documents are permitted to be submitted when approved by the building official. Construction documents shall be of sufficient clarity to indicate

the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations, as determined by the building official. Such drawings and specifications shall contain information, in the form of notes or otherwise, as to the quality of materials, where quality is essential to conformity with the technical codes. Such information shall be specific, and the technical codes shall not be cited as a whole or in part, nor shall the term "legal" or its equivalent be used as a substitute for specific information. All information, drawings, specifications and accompanying data shall bear the name and signature of the person responsible for the design. (See also Section 106.3.5).

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

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

106.1.2 Means of egress, The construction documents shall show in sufficient detail the location, construction, size and character of all portions of the means of egress in compliance with the provisions of this code. In other than occupancies in Groups R-2, R-3 and I-1, the construction documents shall designate the number of occupants to be accommodated on every floor, and in all rooms and spaces.

106.1.3 Exterior wall envelope. Construction documents for all buildings shall describe the exterior wall envelope in sufficient detail to determine compliance with this code. The construction documents shall provide details of the exterior wall envelope as required, including flashing, intersections with dissimilar materials, corners, end details, control joints, intersections at roof, eaves or parapets, means of drainage, water-resistive membrane and details around openings.

The construction documents shall include manufacturer's installation instructions that provide supporting documentation that the proposed penetration and opening details described in the construction documents maintain the weather resistance of the exterior wall envelope. The supporting documentation shall fully describe the exterior wall system which was tested, where applicable, as well as the test procedure used.

106.1.2 Additional data. The building official may require details, computations, stress diagrams and other data necessary to describe the construction or installation and the basis of calculations. All drawings, specifications and accompanying data required by the building official to be prepared by an

architect or engineer shall be affixed with their official seal, signature and date as state law requires.

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

106.1.4 Hazardous occupancies. The building official may require the following:

1. General site plan. A general site plan drawn at a legible scale which shall include, but not be limited to, the location of all buildings, exterior storage facilities, permanent access ways, evacuation routes, parking lots, internal roads, chemical loading areas, equipment cleaning areas, storm and sanitary sewer accesses, emergency equipment and adjacent property uses. The exterior storage areas shall be identified with the hazard classes and the maximum quantities per hazard class of hazardous materials stored.

2. Building floor plan. A building floor plan drawn to a legible scale, which shall include, but not be limited to, all hazardous materials storage facilities within the building and shall indicate rooms, doorways, corridors, exits, fire rated assemblies with their hourly rating, location of liquid tight rooms, and evacuation routes. Each hazardous materials storage facility shall be identified on the plan with the hazard classes and quantity range per hazard class of the hazardous materials stored.

106.2 Site plan. The construction documents submitted with the application for permit shall be accompanied by a site plan showing to scale the size and location of new construction and existing structures on the site, distances from lot lines, the established street grades and the proposed finished grades and, as applicable, flood hazard areas, floodways, and design flood elevations; and it shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot. The building official is authorized to waive or modify the requirement for a site plan when the application for permit is for alteration or repair or when otherwise warranted.

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

Exceptions:

1. Building plans approved pursuant to §553.77(5) Florida Statutes and state-approved manufactured buildings are exempt from local codes enforcing agency plan reviews except for provisions of the code relating to erection, assembly or construction at the site. Erection, assembly (including utility crossover connections) and construction at the site are subject to local permitting and inspections.

2. Industrial construction on sites where design, construction and fire safety are supervised by licensed design and inspection professionals and which contain adequate in-house fire departments and rescue squads is exempt, subject to approval of the building official, from review of plans and inspections, providing the appropriate licensed design and inspection professionals certify that applicable codes and standards have been met and supply appropriate approved drawings to local building and fire-safety inspectors.

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

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

106.3.3 Phased approval. Reserved

106.3.4 Design professional in responsible charge.

106.3.4.1 General. When it is required that documents be prepared by a registered design professional, the building official shall be authorized to require the owner to engage and designate on the building permit application a registered design professional who shall act as the registered design professional in responsible charge. If the circumstances require, the owner shall designate a substitute registered design professional in responsible charge who shall perform the duties required of the original registered design professional in responsible charge. The building official shall be notified in writing by the owner if the registered design professional in responsible charge is changed or is unable to continue to perform the duties.

The registered design professional in responsible charge shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building

106.3.4.2 Deferred submittals. For the purposes of this section, deferred submittals are defined as those portions of the design that are not submitted at the time of the application and that are to be submitted to the building official within a specified period.

Deferral of any submittal items shall have the prior approval of the building official. The registered design professional in responsible charge shall list the deferred submittals on the construction documents for review by the building official.

Documents for deferred submittal items shall be submitted to the registered design professional in responsible charge who shall review them and forward them to the building official with a notation indicating that the deferred submittal documents have been reviewed and been found to be in general conformance to the design of the building. The deferred submittal items shall not be installed until the design and submittal documents have been approved by the building official.

106.3.4.3 Certifications by contractors authorized under the provisions of §489.115(4)(b) Florida Statutes shall be considered equivalent to sealed plans and specifications by a person licensed under chapter 471 Florida Statutes or chapter 481 Florida Statutes by local enforcement agencies for plans review for permitting purposes relating to compliance with the wind resistance provisions of the code or alternate methodologies approved by the Florida Building Commission for one-and two-family dwellings. Local enforcement agencies may rely upon such certification by contractors that the plans and specifications submitted conform to the requirements of the code for wind resistance. Upon good cause shown, local government code enforcement agencies may accept or reject plans sealed by persons licensed under chapters 471, 481 or 489, Florida Statutes.

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

Commercial Buildings:

Building

1. Site Requirements

Parking

Fire access

Vehicle loading

Driving/turning radius

Fire hydrant/water supply/Post Indicator

Valve (PIV)

Set back/separation (assumed property lines)

Location of specific tanks, water lines and sewer lines

2. Occupancy group and special occupancy requirements shall be determined.

3. Minimum type of construction shall be determined (Table 503).

4. Fire resistant construction requirements shall include the following components:

Fire resistant separations

Fire resistant protection for type of construction protection of openings and penetrations of rated walls fire blocking and draftstopping

Calculated fire resistance

5. Fire suppression systems shall include:

Early warning smoke evacuation systems

Schematic fire sprinklers

Standpipes

Pre-engineered systems

Riser diagram

Same as above.

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

Occupant load and egress capacities

Early warning

Smoke control

Stair pressurization

Systems schematic

7. Occupancy load/egress requirements shall include

Occupancy load

Gross

Net

Means of egress

Exit access

Exit

Exit discharge

Stairs construction/geometry and protection

Doors

Emergency lighting and exit signs

Specific occupancy requirements

Construction requirements

Horizontal exits/exit passageways

8. Structural requirements shall include:

Soil conditions/analysis

Termite protection

Design loads

Wind requirements

Building envelope

Structural calculations (if required)

Foundation

Wall systems

Floor systems

Roof systems

Threshold inspection plan

Stair systems

9. Materials shall be reviewed and shall at a minimum include the following:

Wood

Steel

Aluminum

Concrete

Plastic
Glass
Masonry
Gypsum board and plaster
Insulating (mechanical)
Roofing
Insulation

10. Accessibility requirements shall include the following:

Site requirements
Accessible route
Vertical accessibility
Toilet and bathing facilities
Drinking fountains
Equipment
Special occupancy requirements
Fair housing requirements

11. Interior requirements shall include the following:

Interior finishes (flame spread/smoke develop)
Light and ventilation
Sanitation

12. Special systems

Elevators
Escalators
Lifts

13. Swimming Pools

Barrier requirements
Spas
Wading pools

Electrical

1. Electrical

Wiring
Services
Feeders and branch circuits
Overcurrent protection
Grounding
Wiring methods and materials
GFCIs
2. Equipment
3. Special Occupancies
4. Emergency Systems
5. Communication Systems
6. Low voltage
7. Load calculations

Plumbing

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

Mechanical

1. Energy calculations
2. Exhaust systems:
Clothes dryer exhaust
Kitchen equipment exhaust
Specialty exhaust systems
3. Equipment
4. Equipment location
5. Make-up air
6. Roof-mounted equipment
7. Duct systems
8. Ventilation
9. Combustion air
10. Chimneys, fireplaces and vents
11. Appliances
12. Boilers
13. Refrigeration
14. Bathroom ventilation
15. Laboratory

Gas

1. Gas piping
2. Venting
3. Combustion air
4. Chimneys and vents
5. Appliances
6. Type of gas
7. Fireplaces

8. LP tank location
9. Riser diagram/shutoffs

Demolition

1. Asbestos removal

Residential (one- and two-family) Building

1. Site requirements

Set back/separation (assumed property lines)

Location of septic tanks

2. Fire-resistant construction (if required)

3. Fire

4. Smoke detector locations

5. Egress

Egress window size and location stairs construction requirements

6. Structural requirements shall include:

Wall section from foundation through roof, including assembly and materials

connector tables

Termite protection

Design loads

Wind requirements

Building envelope

Structural calculations (if required)

Foundation

Wall systems

Floor systems

Roof systems

7. Accessibility requirements: show/identify accessible bath

Manufactured / Mobile Homes

1. Site requirements

Setback/separation (assumed property lines)

Location of septic tanks (if applicable)

2. Structural

Wind zone

Anchoring

Blocking

3. Plumbing

List potable water source and meter size (if

Applicable)

4. Mechanical

Exhaust systems

Clothes dryer exhaust

Kitchen equipment exhaust

5. Electrical

Exterior disconnect location

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

1. Replacing existing equipment such as mechanical units, water heaters, etc.
2. Minor electrical, plumbing and mechanical repairs
3. Annual maintenance permits
4. Prototype plans,

Except for local site adaptations, siding, foundations and/or modifications.

Except for structures that require waiver.

5. Manufactured buildings plan except for foundations and modifications of buildings on site.

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

106.5 Retention of construction documents. One set of approved construction documents shall be retained by the building official for a period of not less than 180 days from date of completion of the permitted work, or as required by Florida Statutes.

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

SECTION 107 **TEMPORARY STRUCTURES AND USES**

107.1 General. The building official is authorized to issue a permit for temporary structures and temporary uses. Such permits shall be limited as to time of service, but shall not be permitted for more than 180 days. The building official is authorized to grant extensions for demonstrated cause.

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

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

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

SECTION 108 **FEES**

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

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

108.2.1 Types of Fees Enumerated. Fees may be charged for but not limited to the following:

- Permits;
- Plans examination;
- Certificates of competency (including fees for applications, examinations, renewal, late renewal, and reciprocity);
- Re-inspections;
- Administrative fees (including fees for investigative and legal costs incurred in the context of certain disciplinary cases heard by the board);
- Variance requests;
- Administrative appeals;
- Violations; and
- Other fees as established by local resolution or ordinance.

108.3 Building permit valuation. The applicant for a permit shall provide an estimated permit value at time of application. Permit valuations shall include total value of work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment and permanent systems. If, in the opinion of the building official, the valuation is underestimated on the application, the permit shall be denied, unless the applicant can show

detailed estimates to meet the approval of the building official. Final building permit valuation shall be set by the building official.

108.4 Work commencing before permit issuance. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the building official's approval or the necessary permits shall be subject to a penalty of 100 percent of the usual permit fee in addition to the required permit fees or as provided by local ordinance. This provision shall not apply to emergency work when delay would clearly have placed life or property in imminent danger. But in all such cases the required permit(s) must be applied for within three (3) business days and any unreasonable delay in obtaining those permit(s) shall result in the charge of a double fee. The payment of a double fee shall not preclude or be deemed a substitute for prosecution for commencing work without first obtaining a permit. The building official may grant extensions of time or waive fees when justifiable cause has been demonstrated in writing.

108.5 Related fees. The payment of the fee for the construction, alteration, removal or demolition for work done in connection to or concurrently with the work authorized by a building permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law.

108.6 Refunds. The building official is authorized to establish a refund policy.

SECTION 109 **INSPECTIONS**

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

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

109.1.2 Inspection service. The building official may make, or cause to be made, the inspections required by 109. He or she may accept reports of department inspectors, independent inspectors or of recognized inspection services.

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

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

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

Building

1. Foundation inspection. To be made after trenches are excavated and forms erected and shall at a minimum include the following building components:

- Stem-wall
- Monolithic slab-on-grade
- Piling/pile caps
- Footers/grade beam

1.1. Slab Inspection. To be made after the reinforcement is in place, all concealed conduit, piping, ducts and vents are installed and the electrical, plumbing and mechanical work is complete. Slab shall not be poured until all required inspections have been made and passed.

A foundation/Form board survey prepared and certified by a registered surveyor may be required, prior to approval of the slab inspection. The survey shall certify placement of the building on the site, illustrate all surrounding setback dimensions and shall be available at the job site for review by the building inspector. In lieu of providing a survey, the contractor may elect to uncover all property line markers and string-up all property lines in preparation for inspection.

2. Framing inspection. To be made after the roof, all framing, fireblocking and bracing is in place, all concealing wiring, all pipes, chimneys, ducts and vents are complete and shall at a minimum include the following building components:

- Window/door framing and installation
- Vertical cells/columns
- Lintel/tie beams
- Framing/trusses/bracing/connectors (including

- truss layout & Engineered drawings)
- Draft stopping/fire blocking
- Curtain wall framing
- Energy insulation
- Accessibility.

2.1. Insulation Inspection: To be made after the framing inspection is approved and the insulation is in place.

2.2 Gypsum board nailing inspection

3. Sheathing inspection. To be made either as part of a dry-in inspection or done separately at the request of the contractor after all roof and wall sheathing and fasteners are complete and shall at a minimum include the following building components:

- Roof sheathing
- Wall sheathing
- Sheathing fasteners
- Roof/wall dry-in.
- Sheathing/cladding inspection
- Window/door buck attachment

NOTE: Sheathing fasteners installed and found to be missing the structural member (shiners) shall be removed and properly reinstalled prior to installation of the dry-in material.

4. Roofing inspection. : To be made as two inspections and shall at a minimum include the following building components:

- Dry-in
- Insulation
- Roof coverings (including In Progress)
- Flashing

5. Final inspection. To be made after the building is completed and ready for occupancy.

6. Swimming pool inspection.

- First inspection to be made after excavation and installation of reinforcing steel, bonding and main drain and prior to placing of concrete shell.
- Underground electric inspection.
- Underground piping inspection including a pressure test
- Deck inspection: to be made prior to installation of the deck material (with forms, deck drains, and any reinforcement in place
- Final inspection to be made when the swimming pool is complete and all required enclosure requirements are in place.

- In order to pass final inspection and receive a certificate of completion, a residential swimming pool must meet the requirements relating to pool safety features as described in 424.2.17.

7. Demolition Inspections.

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

8. Manufactured building Inspections. The building department shall inspect construction of foundations; connecting buildings to foundations; installation of parts identified on plans as site installed items, joining the modules, including utility crossovers; utility connections from the building to utility lines on site; and any other work done on site which requires compliance with the *Florida Building Code*.

Additional inspections may be required for public educational facilities. See §423.27.20.

9. Where impact-resistant coverings are installed to meet requirements of this code, the building official shall schedule adequate inspections of impact-resistant coverings to determine the following:

- The system indicated on the plans was installed.
- The system is installed in accordance with the manufactures installation instructions and the product approval.

Electrical

1. Underground inspection (including bonding and ground). To be made after trenches or ditches are excavated, conduit or cable installed, and before any backfill is put in place.

2. Rough-In inspection. To be made after the roof, framing, fireblocking and bracing is in place and prior to the installation of wall or ceiling membranes.

3. Final inspection. To be made after the building is complete, all required electrical fixtures are in place and properly connected or protected, and the structure is ready for occupancy.

Plumbing

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

2. Rough-in inspection. To be made after the roof, framing, fireblocking and bracing is in place and all soil, waste and vent piping is complete, and prior to this installation of wall or ceiling membranes.

3. Final inspection. To be made after the building is complete, all plumbing fixtures are in place and properly connected, and the structure is ready for occupancy.

Note: See Section P312 of the *Florida Building Code, Plumbing* for required tests.

Mechanical

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

2. Rough-in inspection. To be made after the roof, framing, fire blocking and bracing are in place and all ducting, and other concealed components are complete, and prior to the installation of wall or ceiling membranes.

3. Final inspection. To be made after the building is complete, the mechanical system is in place and properly connected, and the structure is ready for occupancy.

Gas

1. Rough piping inspection. To be made after all new piping authorized by the permit has been installed, and before any such piping has been covered or concealed or any fixtures or gas appliances have been connected.

2. Final piping inspection. To be made after all piping authorized by the permit has been installed and after all portions which are to be concealed by plastering or otherwise have been so concealed, and before any fixtures or gas appliances have been connected. This inspection shall include a pressure test

3. Final inspection. To be made on all new gas work authorized by the permit and such portions of existing systems as may be affected by new work or any changes, to insure compliance with all the requirements of this code and to assure that the installation and construction of the gas system is in accordance with reviewed plans.

Site Debris

1. The contractor or owner of any active or inactive construction project shall be responsible for the clean-up and removal of all construction debris or any other miscellaneous discarded articles prior to receiving final inspection approval. Construction job sites must be kept clean.

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

109.3.1 Footings and foundation inspection. Footing and foundation inspections shall be made after excavations for footings are complete and any required reinforcing steel is in place. For concrete foundations, any required forms shall be in place prior to inspection. Materials for the foundation shall be on

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

109.3.2 Concrete slab and under-floor inspection. Concrete slab and under-floor inspections shall be made after in-slab or under-floor reinforcing steel and building service equipment, conduit, piping accessories and other ancillary equipment items are in place, but before any concrete is placed or floor sheathing installed, including the subfloor.

109.3.3 Reinforcing steel and structural frames. Reinforcing steel or structural frame work of any part of any building or structure shall not be covered or concealed without first obtaining a release from the building official.

109.3.4 Termites. Building components and building surroundings required to be protected from termite damage in accordance with Section 1503.6, Section 2304.13 or Section 2304.11.6, specifically required to be inspected for termites in accordance with Section 2114, or required to have chemical soil treatment in accordance with Section 1816 shall not be covered or concealed until the release from the building official has been received.

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

109.3.6 Threshold building.

109.3.6.1 The enforcing agency shall require a special inspector to perform structural inspections on a threshold building pursuant to a structural inspection plan prepared by the engineer or architect of record. The structural inspection plan must be submitted to the enforcing agency prior to the issuance of a building permit for the construction of a threshold building. The purpose of the structural inspection plans is to provide specific inspection procedures and schedules so that the building can be adequately inspected for compliance with the permitted documents.

109.3.6.2 The special inspector shall inspect the shoring and 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.

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

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

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

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

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

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

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

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

109.3.7 Energy efficiency inspections. Inspections shall be made to determine compliance with Chapter 13 and shall include, but not be limited to, inspections for: envelope insulation R and U values, fenestration U value, duct system R value, and HVAC and water-heating equipment efficiency.

109.3.8 Other inspections. In addition to the inspections specified above, the building official is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this code and other laws that are enforced by the department of building safety.

109.3.9 Special inspections. For special inspections, see Section 1704.

109.3.10 Final inspections. The final inspection shall be made after all work required by the building permit is completed.

109.4 Inspection agencies. The building official is authorized to accept reports of approved inspection agencies, provided such agencies satisfy the requirements as to qualifications and reliability.

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

109.6 Approval required. Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the building official. The building official, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or notify the permit holder or his or her agent wherein the same fails to comply with this code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the building official.

SECTION 110 **CERTIFICATE OF OCCUPANCY**

110.1 Use and occupancy. No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the building official has issued a certificate of occupancy therefore as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction.

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

1. The building permit number.
2. The address of the structure.
3. The name and address of the owner.
4. A description of that portion of the structure for which the certificate is issued.

5. A statement that the described portion of the structure has been inspected for compliance with the requirements of this code for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.

6. The name of the building official.

7. The edition of the code under which the permit was issued.

8. The use and occupancy, in accordance with the provisions of Chapter 3.

9. The type of construction as defined in Chapter 6.

10. The design occupant load.

11. If an automatic sprinkler system is provided, whether the sprinkler system is required.

12. Any special stipulations and conditions of the building permit.

110.3 Temporary occupancy. The building official is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely. The building official shall set a time period during which the temporary certificate of occupancy is valid.

110.4 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.

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

SECTION 111 **SERVICE UTILITIES**

111.1 Connection of service utilities. No person shall make connections from a utility, source of energy, fuel or power to any building or system that is regulated by this code for which a permit is required, until released by the building official.

111.2 Temporary connection. The building official shall have the authority to authorize the temporary connection of the building or system to the utility source of energy, fuel or power.

111.3 Authority to disconnect service utilities. The building official shall have the authority to authorize disconnection of utility service to the building, structure

or system regulated by this code and the codes referenced in case of emergency where necessary to eliminate an immediate hazard to life or property. The building official shall notify the serving utility, and wherever possible the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the owner or occupant of the building, structure or service system shall be notified in writing, as soon as practical thereafter.

SECTION 112 Reserved

SECTION 113 Reserved

SECTION 114 **STOP WORK ORDER**

114.1 Stop Work Order

(a) Whenever a violation of this chapter impairs the city's ability to secure compliance with Orange City Code, threatens the health or safety of the public or environment, or when any work or activity requires a permit, a stop work order may be issued by the city manager or designee. Designee may include, but not limited to, a building official, a code enforcement official, a fire safety inspector or a police officer.

(b) A stop work order shall be posted on the illegal structure in a conspicuous location or may be served in accordance with section 2-140.

(c) Issuance of a stop work order does not preclude the issuance of civil fines or other administrative action including code enforcement action. A stop work order may be issued in conjunction with any other notice to include, but not limited to, a notice of violation.

(d) It shall be unlawful for person, firm, corporation or agent who knew or should have known a stop work order had been issued to continue to work or remove a posted stop work order.

(e) A stop work order shall remain in effect until released by the city manager, or designee.

SECTION 115 **UNSAFE STRUCTURES AND EQUIPMENT**

115.1 Conditions. Structures or existing equipment that are or hereafter become unsafe, insanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation, or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. Unsafe structures shall be taken down and removed or made safe, as the building official deems necessary and as provided for in this section. A vacant structure that is not secured against entry shall be deemed unsafe.

115.2 Record. The building official shall cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.

115.3 Notice. If an unsafe condition is found, the building official shall serve on the owner, agent or person in control of the structure, a written notice that describes the condition deemed unsafe and specifies the required repairs or improvements to be made to abate the unsafe condition, or that requires the unsafe structure to be demolished within a stipulated time. Such notice shall require the person thus notified to declare immediately to the building official acceptance or rejection of the terms of the order.

115.4 Method of service. Such notice shall be deemed properly served if a copy thereof is (a) delivered to the owner personally; (b) sent by certified or registered mail addressed to the owner at the last known address with the return receipt requested; or (c) delivered in any other manner as prescribed by local law. If the certified or registered letter is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the structure shall constitute service of notice upon the owner.

115.5 Restoration. The structure or equipment determined to be unsafe by the building official is permitted to be restored to a safe condition. To the extent that repairs, alterations or additions are made or a change of occupancy occurs during the restoration of the structure, such repairs, alterations, additions or change of occupancy shall comply with the requirements of Section 105.2.2 and Chapter 34.

ARTICLE II. PLUMBING*

~~*Cross references: Health and sanitation, ch. 7; utilities, ch. 17.3.
State law references: Construction contracting, F.S. § 489.101 et seq.~~

~~Sec. 5-16. Adoption of state regulations and Standard Plumbing Code.~~

~~The city hereby adopts by reference chapter 10D-9 of the rules and regulations of the state department of health and rehabilitative services adopted in accordance with F.S. ch. 381, and additions thereto applicable to the city, and that certain code known as the Standard Plumbing Code, 1975, 1977, 1978, and 1985 editions and each subsequent revision or addition of the Standard Plumbing Code, and all amendments thereto as hereafter adopted from time to time by the Southern Building Code Congress International; save and except such portions as are hereinafter deleted, modified or amended; and the same is hereby adopted and incorporated as if set out in length herein, and the provisions thereof shall be controlling within the limits of the city.~~

~~(Ord. No. 76-9-1, § 1, 9-13-76; Ord. No. 86-6-1, § 2, 7-8-86)~~

~~State law references: Florida Building Code, F.S. § 553.73.~~

~~Sec. 5-17. Amendments to Standard Plumbing Code.~~

~~Section 104.1 of the Standard Plumbing Code is hereby amended by deleting the entire section and in lieu of and substitution therefor adopting a new section, as applicable to the city:~~

~~Any duly licensed master plumber who desires to connect any plumbing work with septic tanks, or private connections, or install fixtures or appliances in new or existing systems, structures or premises, or repair or add to any existing plumbing, shall first make application to the plumbing inspector and obtain the required permit therefor. Ordinary minor repairs may be made with the approval of the plumbing inspector without a permit provided that such repairs shall not violate any of the provisions of this Code.
(Ord. No. 76-9-1, § 2, 9-13-76)~~

~~Sec. 5-18. Permits required.~~

~~It shall be unlawful to install any plumbing as such is defined herein, or do any plumbing, sewer, or drainage work, or cause or permit any plumbing to be done or installed as owner, agent, manager or employer of a building or premises, or to make any alterations, additions to, changes or repairs in or of any existing plumbing or part thereof, including fixtures, appliances and appurtenances in or on any building or upon any premises within the city, without first having procured a permit therefor from the plumbing inspector, except as provided for in section 5-19. Applications for such permits shall be made in writing upon forms furnished for that purpose as provided in section 5-20 and shall be issued only to persons as provided in this article.
(Ord. No. 76-9-1, § 5, 9-13-76)~~

~~Sec. 5-19. Permit not required for minor repairs.~~

~~No permit will be required for the repair of leaks, unstopping of sewers, drains and waste pipes and the making of minor repairs to existing plumbing in buildings and premises. The making of minor repairs shall not be construed to mean the replacement of complete water systems, nor making connections with sewer or water mains, nor the replacement of water tanks or water heaters or parts thereof, or plumbing fixtures.
(Ord. No. 76-9-1, § 4, 9-13-76)~~

~~Sec. 5-20. Application for permit.~~

~~Before a master plumber or owner installs any plumbing as such is defined herein, or does any plumbing, sewer or drainage work, or makes additions to or alterations in existing plumbing, sewers, drains, fixtures or appliances in any new or old buildings, or upon any premises within the city, he shall file with the plumbing inspector an application in writing for a permit to do such work. Before any master plumber does any repairing or replacing of any plumbing requiring a permit under the provisions of this article, he shall file with the plumbing inspector an application in writing for the permit. With any application for a plumbing permit, there shall be filed a diagram, drawing or plan showing clearly the character and kind of plumbing, sewer, or drainage work to be done under said application. Said diagram, drawing or plan shall also show the manner in which the plumbing, sewage or drainage installation is to be made, or the character of any alterations of or additions to any existing plumbing, sewers or drains. Said application shall be made on a form which shall be furnished by the office of the plumbing inspector. In addition thereto, the following information shall appear on the form, to be filled in by the applicant correctly:~~

~~Street and house number of the premises where the work is to be done.
Name of the owner and/or lessee.
Name of the master plumber.
Name of the plumber doing the actual installation.
Kind of building and number of stories.
A list of the plumbing fixtures, sewer, septic tank, water heater, etc., and such other information as may be required.~~

~~Sec. 5-21. Action on permit application.~~

~~The application, when properly filled in, as required above, shall be referred to the plumbing inspector, who shall have the authority to issue or refuse the permit.
(Ord. No. 76-9-1, § 4, 9-13-76)~~

~~Sec. 5-22. Permit fees established.~~

~~Before a permit is issued for any plumbing, sewer, irrigation or drainage work or installation for which a permit is required, a fee or fees, in accordance with the table below, shall be paid to the Building Official, who shall give a receipt therefore and shall deposit all fees collected by him into the proper authorized authority.~~

~~Fees established. The following amounts shall be charged:~~

~~1. — New Structure, Additions & Alterations — \$40.00 base fee, plus \$.70 per thousand total valuation. \$40.00 minimum fee.~~

~~(Ord. No. 56, § 2, 10-23-01)~~

~~Editor's note: Ord. No. 56, adopted October 23, repealed in its entirety section 5-22, and enacted a new section 5-22 as set out herein. Former said section pertained to similar subject matter and derived from Ord. No. 76-9-1, § 3, 9-13-76; Ord. No. 90-5-1, § 12, 6-12-90; Ord. No. 21, § 2, 8-22-00.~~

~~Sec. 5-23. Permit fee refund.~~

~~A contractor or owner may receive a refund of the plumbing permit fee, less a \$1.00 handling charge, within 90 days from the issuance of the plumbing permit, if no construction is started on the premises covered by said plumbing permit within said period.~~

~~(Ord. No. 76-9-1, § 3, 9-13-76)~~

~~Sec. 5-24. Sewer and water connection fees; point of connection.~~

~~(a) — Sewer connection fees. The sewer connection fees shall be as are from time to time prescribed by the city.~~

~~(b) — Water connection fees. The water connection fees shall be as are from time to time prescribed by the city.~~

~~(c) — Point of connection. Building sewers and water service pipes shall connect to the public sewer and water main at a point designated by the proper city authority.~~

~~(Ord. No. 76-9-1, § 3, 9-13-76)~~

~~Cross references: Utilities, ch. 17.3; water connection charges, § 17.3-26.~~

~~Sec. 5-25. Fees for inspections.~~

- (a) ~~— The fee for a trailer inspection shall be \$20.00.~~
 - (b) ~~— The total fees for inspection of the consumer's gas piping at any one location (including both rough and final piping inspection) shall be \$2.50 for one outlet and \$1.00 for each outlet above four.~~
 - (c) ~~— The fees for inspecting conversion burners, floor furnaces, boilers, or central heating plants shall be \$2.50 for each unit.~~
 - (d) ~~— The fees for inspecting vented recessed heaters and water heaters shall \$1.00 for each unit.~~
 - (e) ~~— If the inspector is called back, after correction of defects noted, an additional fee of \$5.00 shall be made for each return inspection.~~
- ~~(Ord. No. 76-9-1, § 3, 9-13-76; Ord. No. 90-5-1, § 13, 6-12-90)~~

Sec. 5-26. Homeowners doing own work.

Nothing herein contained shall prohibit any bona fide owner of any home from personally installing plumbing in his own home, if the building is single occupancy, provided that said owner shall:

- (a) ~~— File plans and specifications and/or working drawings of such plumbing or proposed plumbing with the plumbing inspector and secure his approval thereof.~~
 - (b) ~~— Apply for and secure a permit for such plumbing from the plumbing inspector and pay the required fee for such permit.~~
 - (c) ~~— Do such plumbing work for which the permit has been issued, in accordance with all provisions of this article pertaining thereto.~~
 - (d) ~~— Apply for inspection and test of such plumbing work when ready for such, and receive approval of such plumbing work by the plumbing inspector. Such work shall be altered or corrected in order to comply with this article.~~
 - (e) ~~— Receive a certificate of approval of such work from the plumbing inspector.~~
 - (f) ~~— Do the work in a manner which complies with this article.~~
 - (g) ~~— This privilege may be exercised for not more than one house in any two-year period. Satisfactory proof of ownership will be required by the plumbing inspector. Applicants under this provision are advised that the plumbing inspector is an inspection authority and is not available as a technical advisor.~~
- ~~(Ord. No. 76-9-1, § 7, 9-13-76)~~
~~Secs. 5-27-5-36. Reserved.~~

ARTICLE III. ELECTRICITY*

*Cross references: Cable television, ch. 5-3; fire protection and prevention, ch. 5-5; alarm devices, § 10-6; tax on electrical service, § 15-16 et seq.
 State law references: Electrical and alarm system contractors, F.S. § 489.501 et seq.; Florida Building Code, F.S. § 553.73.

Sec. 5-37. Adoption of National Electrical Code; exceptions.

There is hereby adopted by the city that certain code known as the National Electrical Code, 1978 and 1984 editions and each subsequent revision or addition of the National Electrical Code, and all amendments thereto as hereafter adopted from time to time by the National Fire Protection Association of Boston, Massachusetts, except that no aluminum wire shall be used smaller than No. 1

~~AWG, and except any residential building with more than two places of residency shall be wired in conduit. The National Electrical Code is hereby adopted by reference and made a part hereof as if set forth in extenso and said National Electrical Code shall hereby be the electrical code of the city.~~

~~(Ord. No. 79-2-2, § 1, 3-12-79; Ord. No. 86-6-1, § 3, 7-8-86)~~

~~State law references: Electrical and alarm system contracting, F.S. § 489.501 et seq.~~

~~Sec. 5-38. Permits required.~~

~~A permit will be required to be obtained by electricians, individuals or corporations when said individual or corporation performs electrical construction of any character, installs any electrical wiring, apparatus or equipment, or makes any extensions or changes to existing systems of wiring for light, heat, power or advertising within the city, excepting the repairing of damaged or broken fixtures, apparatus, or equipment and the ordinary work necessary for the proper maintenance of same; provided, however, that:~~

~~(a) — No permit shall be required for the replacement of lamps or the connection of portable devices to suitable receptacles which have been permanently installed.~~

~~(b) — No permit shall be required for the installation, alteration or repair of wiring, devices, appliances or equipment for the operation of signals or the transmission of intelligence where such wiring devices, appliances or equipment operate at a voltage not exceeding 50 between conductors and do not include generating or transforming equipment capable of supplying more than 50 watts of energy.~~

~~(Ord. No. 79-2-2, § 2, 3-12-79)~~

~~Sec. 5-39. Inspector to issue permits.~~

~~Permits required by this article shall be issued by the electrical inspector.~~

~~(Ord. No. 79-2-2, § 2, 3-12-79)~~

~~Sec. 5-40. Persons entitled to permits.~~

~~Permits to do electrical work in the city will be issued only to those electricians, individuals or corporations who are or who have agents who hold a certificate of competency issued by the Florida Electrical Contracting Licensing Board of the State of Florida or who have certificates of competency from Volusia County, Florida, authorizing said electricians, individuals or corporations to perform electrical work in Volusia County.~~

~~(Ord. No. 79-2-2, § 2, 3-12-79)~~

~~Sec. 5-41. Payment of permit fee.~~

~~Before any permit is issued for the installation or alteration of any electrical wiring, device or equipment, the electrician, contractor or owner making application for such permit shall pay to the city a fee in the amount specified in section 5-42.~~

~~(Ord. No. 79-2-2, § 3, 3-12-79)~~

~~Sec. 5-42. Permit fees established.~~

~~The Building Official shall obtain from the applicant for such electric permit a fee for the privilege of the receipt of such permit, and the fee shall be in accordance with the following schedule:~~

~~Fees established. The following amounts shall be charged:~~

~~1. — New Structure, Additions & Alterations—\$40.00 base fee, plus \$.70 per thousand total valuation. \$40.00 minimum fee.~~

~~(Ord. No. 56, § 3, 10-23-01)~~

~~Editor's note: Ord. No. 56, adopted October 23, 2001, repealed in its entirety section 5-42, and enacted a new section 5-42 as set out herein. Former said section pertained to similar subject matter and derived from Ord. No. 79-2-2, § 4, 3-12-79; Ord. No. 90-5-1, § 14, 6-12-90; Ord. No. 21, § 3, 8-22-00)~~

~~Sec. 5-43. Homeowners doing own work.~~

~~Nothing herein contained shall prohibit any bona fide owner of any home from personally installing electrical wiring in his own home, if the building is single occupancy, for himself and by himself, provided that said owner shall:~~

~~(a) — File plans and specifications and/or working drawings of such electrical work or proposed electrical work with the electrical inspector and secure his approval thereof.~~

~~(b) — Apply for and secure a permit for such electrical work from the electrical inspector and pay the required fee for such permit.~~

~~(c) — Do such electrical work for which the permit has been issued in accordance with all provisions of this article pertaining thereto.~~

~~(Ord. No. 79-2-2, § 5, 3-12-79)~~

~~Sec. 5-44. Amendments to National Electrical Code.~~

~~B. — Permanently Installed Pools.~~

~~680-20. Underwater Lighting Fixtures.~~

~~Paragraphs (1) through (d) apply to all lighting fixtures installed below the normal water level of the pool.~~

~~(a) — General.~~

~~(1) — The design of an underwater lighting fixture supplied from a branch circuit either directly or by way of a transformer meeting the requirements of Section 680-5(a) shall be such that, where the fixture is properly installed without a ground-fault circuit interrupter, there is no shock hazard with any likely combination of fault conditions during normal use (not relamping). The installation of the ground-fault circuit interrupter shall be such that there is no shock hazard with any likely fault condition combination that involves a person in a conductive path from any ungrounded part of the branch circuit or the fixture to ground.~~

~~Compliance with this requirement shall be obtained by the use of a listed underwater lighting fixture and by installation of a listed ground fault circuit interrupter in the branch circuit.~~

~~(2) — All lighting fixtures shall be installed for operation in supply circuits at 15 volts or less between conductors.~~

~~680-11. Equipment Rooms and Pits.~~

~~Electric equipment shall not be installed in rooms or pits that do not have adequate drainage to prevent water accumulation during normal operation of filter maintenance.~~

~~Swimming pool equipment rooms shall be wired in rigid non-metallic conduit, plastic coated rigid metal conduit, or other material for use in a corrosive environment. Plain galvanized or sheradized conduit shall not be used.~~

~~680-8. Overhead Conductor Clearances.~~

~~The following parts of pools shall not be placed under existing service drop conductors or any other open overhead wiring; nor shall such wiring be installed above the following:~~

- ~~1. — Pools and the area extending 10ft (3.05M) horizontally from the inside of the wall of the pool,~~
- ~~2. — Diving structure, or~~
- ~~3. — Observation stands, towers, or platforms.~~

~~Delete Table 680-8.~~

~~Delete Figure 680-8.~~

~~339-3. Use.~~

~~(a) — Uses Permitted.~~

- ~~1. — Type UF cable shall be permitted for use underground, including direct burial in the earth, as feeder of branch-circuit cable where provided with over-current protection of the rated ampacity as required in Section 339-4 for one and two family residential property only.~~

~~336-4. Uses Permitted.~~

~~Type NM, Type NMC, and Type NMS cables shall be permitted to be used in the following:~~

- ~~1. — One and two family dwellings.~~
- ~~2. — All other buildings shall be wired with rigid conduit or metal molding, PVC, electrical metallic tubing, or other approved wiring systems, except as prohibited in Section 336-5 and provided that non-metallic sheathed cable shall not be permitted. All conduit or other approved wiring systems shall contain an equipment grounding conductor.~~

~~Table 310.16. Allowable Ampacities of Insulated Conductors Rated 0 Through 2000 Volts, 60°C Through 90°C (140°F), Not More Than Three Current-Carrying Conductors in Raceway, Cable, or Earth (Directly Buried), Based on Ambient Temperature of 30°C (86°F)~~

~~Aluminum or copper clad aluminum conductors shall not be used except sizes No. 1 and larger. All aluminum conductor termination shall have approved inhibitor used, unless prohibited by the manufacturer.~~

~~230.70.~~

~~(A) — Location. The service disconnecting means shall be installed at a readily accessible location either outside of a building or structure or inside nearest the point of entrance of the service conductors.~~

~~All new or substantially improved (as defined in FBC 101.4.15) construction on commercial or multi-family buildings with the main disconnect(s) located inside or metered from a current transformer shall have a shunt trip control installed outside adjacent to the meter at 7 feet above grade.~~

~~Service disconnecting means shall not be installed in bathrooms.~~

~~Exceptions 1:~~

- ~~(1) — A rapid entry security box or other means of securing from vandalism as approved by the fire official, may be provided, housing a shunt trip operator assembly. Provide a permanent nameplate indicating "Shunt Trip Operator Inside".~~

~~230-50. Protection of Open Conductors and Cables Against Damage Above Ground Service entrance conductors installed above ground shall be protected against physical damage as specified in (a) or (b).~~

~~(a) — Service Cables. Service cables, where subject to physical damage, shall be protected by any of the following:~~

- 1) — Rigid metal conduit
 - 2) — Intermediate metal conduit
 - 3) — Rigid nonmetallic conduit suitable for the location
- 210.52.

B) — Small Appliances.

(1) — Receptacle Outlets Served. In the kitchen, pantry, breakfast room, dining room, or similar area of a dwelling unit, the two or more 20-ampere small appliance branch circuits required by 210.11 (c)(1) shall serve all receptacle outlets covered by 210.52(A) and (C) and receptacle outlets for refrigeration equipment. Dishwasher, refrigerator, freezer, microwave, and all water pump systems shall each be on a separate circuit. Garbage disposal may be included on the small appliance circuits.

Exception No. 1: In addition to the required receptacles specified by 210.52, switched receptacles supplied from a general purpose branch circuit as defined in 210.70(A)(1), Exception No. 1 shall be permitted.

Exception No. 2: The receptacle outlet for refrigeration equipment shall be permitted to be supplied from individual branch circuit rated 15 amperes or greater.

(Ord. No. 66, §§ 1, 2, 3-26-02)

Secs. 5-45-5-53. Reserved.

ARTICLE IV. MECHANICAL REGULATIONS

Sec. 5-54. Adoption of Standard Mechanical Code; permit fee.

There is hereby adopted by the city, for the purpose of prescribing regulations governing public safety, health and general welfare, through structural stability, sanitation, adequate lighting and ventilation and safety to life and property from fire and other hazards incidental to the construction, alteration, repair, removal and use of air conditioning systems, heating systems, refrigerating systems, gas systems, and other mechanical systems similar to the foregoing, that certain code known as the Standard Mechanical Code, 1979 and 1985 additions and each subsequent revision or addition of the Standard Mechanical Code, and all amendments thereto as hereafter adopted from time to time by the Southern Building Code Congress International; save and except such portions as are hereinafter deleted, modified or amended, and the same are hereby adopted and incorporated as fully as if set out at length herein, and the provisions thereof shall be controlling within the limits of the city.

Fees Established. The following amounts shall be charged:

1. — New Structure, Additions & Alterations — \$40.00 base fee, plus \$.70 per thousand total valuation. \$40.00 minimum fee.

(Ord. No. 56, § 4, 10-23-01)

Editor's note: Ord. No. 56, adopted Oct. 23, 2001, repealed in its entirety § 5-54, and enacted a new § 5-54 as set out herein. Former said section pertained to similar subject matter and derived from Ord. No. 76-9-3, § 1, 9-13-76; Ord. No. 86-6-1, § 4, 7-8-86; Ord. No. 90-5-1, § 15, 6-12-90; Ord. No. 21, § 4, 8-22-00. State law references: Florida Building Code, F.S. § 553.73.

Sec. 5-55. Amendments to Standard Mechanical Code.

~~Section 106 of the Standard Mechanical Code is hereby deleted in its entirety. Subsection 307.1, paragraph (a) of the Standard Mechanical Code is hereby amended to read:~~

~~307.1 Systems required.~~

~~(a) Exhaust systems shall be provided, maintained and operated for all occupied areas where machines, vats, tanks, furnaces, forges, salamanders, and any other equipment and processes in such areas produce or throw off dust or particles sufficiently to float in the air, or which emit heat, odors, fumes, spray, gas or smoke, in such quantities as to be irritating or injurious to health or safety, and shall mechanically discharge such exhaust to the outdoor atmosphere. The total outdoor air supplied shall be equal in volume to that removed.~~

~~Subsection 307.1, paragraph (c) of the Standard Mechanical Code is hereby amended to read:~~

~~307.1 Systems required.~~

~~(c) Air exhausted from a bath, toilet, urinal, lavatory, locker, coat room, kitchen, boiler room, or rooms of similar use shall not be recirculated at any time except for properly engineered or listed residential or commercial kitchen hood systems.~~

~~Subsection 307.4, paragraph (a) of the Standard Mechanical Code is hereby amended to read:~~

~~307.4 Ducts Grease hoods only.~~

~~(a) Material. The duct system shall be constructed of steel, copper, or other material approved for the use intended. No vibration isolation connector shall be used, unless it consists of a metal sleeve joint packed with asbestos rope and its design is acceptable to the building official.~~

~~Ducts shall be of 16 gauge welded steel to comply with NFPA Bulletin No. 96.4121 and shall be graded toward the hood or an approved grease reservoir. All joints and seams, except the vibration isolation connector, shall be made with a continuous grease tight weld or braze made of the external surface of the duct system.~~

~~Every portion of the duct system exposed to the outside air shall be suitably protected against corrosion.~~

~~Subsection 307.4, paragraph (b) of the Standard Mechanical Code is hereby amended to read:~~

~~307.4 Ducts Grease hoods only.~~

~~(b) When a centrifugal fan is used it shall be positioned so the discharge outlet is in a bottom horizontal position and the air shall be so diverted that there will be no impingement on the roof, other equipment or parts of the structure.~~

~~Subsection 307.5 of the Standard Mechanical Code is hereby amended to read:~~

~~307.5 Exhaust outlets.~~

~~Exhaust outlets for ducts that convey noxious gases, flammable vapors, or corrosive vapors, and for ducts serving commercial food heat processing equipment, shall terminate outside of the building and at least ten feet from any adjacent building, adjacent property line, or air intake opening into any building, and shall be located at least ten feet above the adjoining grade level. Every such exhaust outlet which is located above the roof shall extend at least 40 inches above the roof surface.~~

~~The exhaust from hoods serving commercial food heat processing equipment may terminate in a properly engineered air recovery system for recirculation to the room in which the hood is located or shall terminate in an upblast type exhaust fan.~~

~~Section 502, first paragraph of the Standard Mechanical Code is hereby amended to read:~~

~~502—Standards.~~

~~Ducts shall be constructed, braced, reinforced and installed to provide structural strength and durability, shall be essentially airtight and when in accordance with the following standards shall be deemed as meeting the intent of this code.~~

~~Section 603.1 of the Standard Mechanical Code is hereby amended to read:~~

~~603.1—General.~~

~~Condensation from all cooling coils or evaporators shall be carried full size from the drip pan outlet and piped to a sanitary sewer drain, a storm sewer drain or an approved French drain on units larger than 15 tons nominal capacity. Drains from units 15 tons and smaller capacity may terminate in a gutter or roof drain, on a concrete pad or other location subject to approval of the building official.~~

~~Condensate drains from rooftop units may spill on the roof providing they do not drain into a street or alley, or other area, in sufficient amounts to be a menace.~~

~~(Ord. No. 76-9-3, §§ 1-9, 9-13-76)~~

~~Secs. 5-56-5-65. Reserved.~~

Sec. 5-3. Stop work order.

(a) Whenever a violation of this chapter impairs the city's ability to secure compliance with Orange City Code, threatens the health or safety of the public or environment, or when any work or activity requires a permit, a stop work order may be issued by the city manager or designee. Designee may include, but not limited to, a building official, a code enforcement official, a fire safety inspector, or a police officer.

(b) A stop work order shall be posted on the illegal structure in a conspicuous location or may be served in accordance with section 2-140.

(c) Issuance of a stop work order does not preclude the issuance of civil fines or other administrative action including code enforcement action. A stop work order may be issued in conjunction with any other notice to include, but not limited to, a notice of violation.

(d) It shall be unlawful for person, firm, corporation or agent who knew or should have known a stop work order had been issued to continue to work or remove a posted stop work order.

(e) A stop work order shall remain in effect until released by the city manager, or designee.

(Ord. No. 254, § 1, 9-13-05)

Sec. 5.4. Plans to show nonsusceptibility to flooding.

No building permit for the construction of any building within the city shall be issued, nor shall work be commenced thereon, unless proper plans are filed with the building official showing plot location of the building site, and showing that such building will be set to grades which will preclude flooding of any part or portion thereof due to normally expected rainfall, or the natural percolation of underground waters, or by reason of the discharge of any existing surface water drainage pipe or canal.

Sec. 5.5. Height of driveways.

All driveways must be graded at the property line to be no higher than the crown of the right-of-way they enter.

ARTICLE V II. CITATIONS; UNLICENSED CONTRACTORS; FAILURE TO OBTAIN BUILDING PERMIT

Sec. 5-666. Intent and purpose.

It is the intent and purpose of this article to authorize the issuance of citations for violations of F.S. §§ 489.127 and 489.132(1), as may be amended or renumbered from time to time by the Florida Legislature. It is also the intent and purpose of this article to establish a procedure to implement the issuance of such citations by code enforcement officers, who under this article shall be the building official, municipal police officers and those persons designated by the city manager. Nothing contained in this article shall prohibit the city from enforcing its codes or ordinances by any other lawful means.

Sec. 5-676. Findings.

The city council of the City of Orange City hereby finds:

- (1) The commencement or performance of work for which a building permit is required without such building permit being in effect creates a grave threat to the public health, safety and welfare and jeopardizes the safety of occupants of buildings.
- (2) The performance of construction by contractors who are not duly licensed, when a contracting license is required, may pose a danger of significant harm to the public when incompetent or dishonest unlicensed contractors provide unsafe, unstable, or short-lived products or services.

Sec. 5-687. Citation authorized for construction contracting violations.

A code enforcement official is hereby authorized to issue a citation for any violation of F.S. §§ 489.127 and 489.132(1), whenever, based upon personal investigation, the code enforcement official has reasonable and probable grounds to believe that such violation has occurred. A citation shall be issued in accordance with the rules and procedures established by this article and Florida Statutes. This article does not grant the code enforcement official special authority to perform any function or duty of a law enforcement officer, unless said official is also a law enforcement officer.

Sec. 5-698. Citation form.

A citation issued by a code enforcement official shall be in a form prescribed by the city manager, and shall contain at a minimum:

- (1) The time and date of issuance.
- (2) The name and address of the person to whom the citation is issued.
- (3) The time and date of the violation.
- (4) A brief description of the violation and the facts constituting reasonable cause.
- (5) The name of the code enforcement official.

- (6) The procedure for the person to follow in order to pay the civil penalty or to contest the citation.
- (7) The applicable civil penalty if the person elects not to contest the citation.

Sec. 5-709. Penalty.

In addition to any other criminal penalties provided by F.S. § 489.127(2), a civil penalty of \$500.00 shall be levied for any violation of this article. All monies collected by the city from citations issued under this article shall be deposited in the city's general fund and may be expended for any public purpose authorized by the city council. A person cited for a violation pursuant to this article is deemed to be charged with a non-criminal infraction. Each violation is a separate civil infraction. Each day such violation shall continue shall be deemed to constitute a separate civil infraction.

Sec. 5-7410. Refusal to sign citation.

Except in the absence of the person who has committed the violation, a code enforcement official shall require the person to sign and accept a citation being issued. If the person refuses to sign and accept the citation, the code enforcement official shall write the words "Refused to Sign" or any other words of similar meaning in the space provided in the citation for the person's signature and shall leave a copy of the citation with the person if possible, or mail a copy to the person, if possible, by registered or certified mail, return receipt requested. Following such refusal to sign and accept, the code enforcement official shall also contact the Orange City Police Department to report such violation of this article and F.S. § 489.127(5) (m). Nothing herein shall limit or prevent a municipal police officer from making an arrest for violation of F.S. § 489.127(5) (m) in his or her presence.

Sec. 5-7211. Stop work.

Any person who is issued a citation under this article shall immediately cease the act for which the citation was issued upon receipt of the citation.

Sec. 5-7312. Correction of violation; payment of penalty; notice of hearing.

Upon receipt of a citation, the person charged with the violation shall elect either to:

- (1) Correct the violation and pay to the city the civil penalty in the manner indicated on the citation; or
- (2) Within ten days of receipt of the citation, exclusive of weekends and legal holidays, request an administrative hearing before the city's code enforcement hearing officer to appeal the issuance of the citation in accordance with the procedures set forth in this article. Any request for an administrative hearing shall be made and delivered in writing to the Orange City Police Department Community Improvement Unit by the time set forth in this subsection. Failure to request an administrative hearing in writing within the ten day time period shall constitute a waiver of the violator's right to an administrative hearing. A waiver of said right shall be deemed an admission of the violation, and penalties shall be imposed as set forth on the citation.

Sec. 5-7413. Administrative hearings; accrual of penalties.

(a) All administrative hearings held pursuant to this article shall be conducted by the code enforcement hearing official in accordance with the requirements of the Local Government Code Enforcement Board Act and City Code.

(b) During the administrative hearing, if the violator demonstrates to the code enforcement hearing officer that the violation is invalid or that the violation has been corrected prior to appearing before the code enforcement hearing officer, the code enforcement hearing officer may dismiss the citation unless the violation is irreparable or irreversible, in which case the code enforcement hearing officer may order the violator to pay a civil penalty as set forth in subsection (c) below.

(c) During the administrative hearing, if the code enforcement hearing officer finds that a violation exists, the code enforcement hearing officer may order the violator to pay a civil penalty of not less than the amount set forth on the citation but not more than \$1,000.00 per day for each violation. In determining the amount of the penalty, the code enforcement hearing officer shall consider the following facts:

(1) The gravity of the violation.

(2) Any actions taken by the violator to correct the violation.

(3) Any previous violations which were committed by the violator.

(d) During the administrative hearing, if the code enforcement hearing officer finds that the violator had not contested or paid the civil penalty set forth in the citation within the time required in this article, the code enforcement hearing officer shall enter an order ordering the violator to pay the civil penalty set forth on the citation, and a hearing shall not be necessary for the issuance of such order.

(e) All civil penalties imposed by the code enforcement hearing officer under this article shall continue to accrue until the violator comes into compliance or until a judgment is rendered by a court to collect or foreclose on a lien filed under this article, whichever occurs first, regardless of whether or not the order of the code enforcement hearing officer sets forth this accrual requirement.

Sec. 5-7514 Appeals of code enforcement hearing officer decisions.

Any person aggrieved by a final administrative order of the code enforcement hearing officer pursuant to this article, including the city council, may appeal the order to the circuit court in accordance with F.S. § 489.127(5)(J), as may be amended or renumbered from time to time by the Florida Legislature.

Sec. 5-7615. Recording code enforcement hearing officer orders.

A certified copy of an order of the code enforcement hearing officer imposing a civil penalty under this article may be recorded in the public records and thereafter shall constitute a lien against any real or personal property owned by the violator. Such orders shall be enforced in accordance with Florida law.

Sec. 5-7716. Notices.

All notices required by this article shall be provided to the violator by certified mail, return receipt requested; by hand delivery by a law enforcement officer or code enforcement official; by leaving the notice at the violator's usual place of

residence with some person of his or her family above 15 years of age and informing such person of the contents of the notice; or by including a hearing date within the citation.

ARTICLE VII III. UNIFORM PROPERTY NUMBERING

Sec. 5-40117. Purpose.

This article is promulgated for the purpose of providing a uniform numbering system for the assignment of address numbers to buildings with access from officially named public and private ways in the city, in the interest of the public health, safety and general welfare of the citizens and inhabitants of the city.

Sec. 5-40218. Definitions.

For the purpose of this article, the following terms, phrases, words and their derivations shall have the meanings given herein, unless the context clearly indicates otherwise:

- (a) *Accessory building*: A building clearly incidental or subordinate to and customarily utilized in connection with a principal building located on the same lot.
- (b) *Principal building*: Any structure which is designed, built or used for the support, enclosure, shelter or protection of persons, animals, chattels or property of any kind for any residential, commercial or industrial purpose.
- (c) *Building front*: That area of a building which faces the public or private way pursuant to which the building is numbered.
- (d) *Grid system*: A series of designated north/south parallel lines intersecting a second set of east/west parallel lines within a one-square-mile area (i.e., "section"), as indicated on the official property numbering maps.
- (e) *Numbering system*: A uniform method of assigning and coordinating the addresses of buildings and properties based on a designated grid system contained in the official property numbering maps.
- (f) *Occupant*: Any person, firm, entity, partnership, trust, corporation, association or other organization who is occupying or leasing a building or other property for a period exceeding 30 days.
- (g) *Owner*: Any and all persons, firms, entities, partnerships, trusts, corporations, associations or other organizations who own the fee title to, or have an undivided interest in, any building or property which is subject to the provisions of this article.
- (h) *Private way*: Any officially named thoroughfare used for vehicular traffic which is not included in the definition of "public way" and which is not maintained by the city. This term shall include, but is not limited to, roadways or driveways in apartment, condominium, commercial or industrial complexes, which have been named and signed in accordance with the city policy and F.S. § 316.077 (Florida Uniform Traffic Control Law).
- (i) *Public way*: That area of an officially named public road or right-of-way, either paved or unpaved, which is intended for vehicular traffic, excluding service entrances or driveways.

Sec. 5-40319. Numbering system established; incorporation of map.

A uniform system of numbering buildings, as shown on the maps identified by the title "Property Numbering Maps," and filed in the office of the building department, is hereby adopted for use in the city. These maps and all explanatory matter thereon and related thereto are hereby adopted, incorporated herein by reference, and made a part of this article.

Sec. 5-10420. Administration and assignment of numbers.

(a) The ~~city building development services~~ department shall be responsible for coordinating and maintaining the numbering system established by this article. The ~~building development services~~ department and such other city agencies or departments as are designated by the city ~~clerk~~ manager shall issue building numbers in conformity with the uniform numbering system established in section 5-~~10319~~. Should an existing building have, exhibit or be addressed by a number in conflict with the uniform numbering system, the ~~building development services~~ department shall give notice to those owners or occupants whose building number is in conflict with the uniform numbering system. Such notice shall be delivered to the owner and occupant (a) by certified mail, return receipt requested, (b) by posting same in a conspicuous place on the building, or (c) by hand delivery. Such notice shall include notification of a change of address which shall contain the new building number(s) assigned to the building in accordance with the provisions of this article and shall direct the owner or the occupant to post the newly assigned building number on the building or property in accordance with section 5-~~105 21~~ of this article.

(b) The ~~building development services~~ department shall, upon request and without charge, assign a number to each unnumbered building located in the city if a building has not been assigned a number pursuant to the uniform numbering system.

(c) The assignment by the ~~building development services~~ department and posting by the owner or occupant of the assigned number shall be a condition precedent to the issuance of a building permit for any such building.

(d) The ~~building development services~~ department shall duly record and keep records of all numbers assigned under this section.

Sec. 5-10521. Posting of numbers.

Every building in the city shall have its assigned building number properly displayed, whether or not mail is delivered to such building or property. It shall be the duty of the owners and occupants of each building to post the assigned building number on the property in the following manner:

(a) The building (address) number shall be affixed to the front of the building, or to a separate structure in front of the building (such as a mailbox, post, wall, fence, etc.), in such a manner so as to be clearly visible and legible from the public or private way on which the building fronts.

(b) Numerals shall be Arabic and shall not be less than three inches in height and one-half inch in width.

(c) The numerals shall be a contrasting color with the immediate background of the building or structure on which such numerals are affixed.

Sec. 5-10622. Annexation.

Whenever a parcel of land, a subdivision, or any part thereof becomes part of the city by annexation or otherwise, it shall be the responsibility of the building development services department to review the building (i.e., address) numbers of such property and determine whether such numbers, their posting, and the method of numbering for such annexed portion conform to the designated grid system and the uniform numbering system established by this article. If the number, posting or method of numbering does not conform to the city's grid system and the uniform numbering system, the building development services department, or the city, shall give notice of such nonconformance to the owners or occupants of the affected building or property. Nonconformance includes but is not limited to a number out of sequence, odd or even number on the wrong side of the street, and rural box numbers. The notice shall be delivered (a) by certified mail, return requested, (b) by posting the notice in a conspicuous place on the building, or (c) by hand delivery. The notice shall include a notification of a change of address which shall contain the new building number(s) assigned to the building or property in accordance with the provisions of this article. The notice shall further direct the owner to post the newly assigned building number(s) contained in the change of address in the building or property in accordance with section 5-105 of this article.

Sec. 5-40723. Penalty.

Any person, firm, entity, partnership, trust, corporation, association, or other organization failing to comply with the provisions of this article within 30 days of notification of an initial assignment of a building (address) number or a change of address shall be punished as provided in Section 1-10.

~~ARTICLE VIII. SWIMMING POOLS*~~

~~*Cross references: Health and sanitation, ch. 7.~~

~~Sec. 5-108. Adoption of Standard Swimming Pool Code.~~

~~There is hereby adopted by the city that certain code known as the Standard Swimming Pool Code, 1982, and each subsequent revision or addition of the Standard Swimming Pool Code, and all amendments thereto as hereafter adopted from time to time. The Standard Swimming Pool Code is hereby adopted by reference and made a part hereof as if set forth in extenso, and said Standard Swimming Pool Code shall hereby be the swimming pool code of the city.~~

~~(Ord. No. 90-5-1, § 17, 6-12-90)~~

~~Sec. 5-109. Amendments to Standard Swimming Pool Code.~~

~~Section 105.4 of the Standard Swimming Pool Code is hereby amended as follows:~~

- ~~1. New public pool—\$7.00 per thousand total valuation, minimum \$50.00, plus applicable electric, gas, mechanical, and/or plumbing permit fees.~~
- ~~2. New residential (1 or 2 family) pool. \$6.00 per thousand total valuation, minimum \$40.00 plus applicable electrical, gas, mechanical and/or plumbing permit fees.~~

~~(Ord. No. 56, § 5, 10-23-01)~~

~~Editor's note: Ord. No. 56, adopted October 23, 2001, repealed in its entirety section 5-109, and enacted a new section 5-109 as set out herein. Former said section pertained to similar subject matter and derived from Ord. No. 90-5-1, § 17, 6-12-90; Ord. No. 21, § 5, 8-22-00.~~

SECTION 3. That all ordinances or parts of ordinances and all resolutions in conflict herewith be and the same are hereby repealed.

SECTION 4. If any section, part of a section, paragraph, clause, phrase or word of this ordinance is declared invalid, the remaining provisions of this ordinance shall not be affected.

SECTION 5. This Ordinance shall take effect immediately upon its adoption by the City Council of the City of Orange City, Florida.

ROLL CALL VOTE AS FOLLOWS:

First Reading this _____ day of _____, 2009.

Jim Mahoney	_____	Donald C. Sherrill	_____
R. Paul Rasch	_____	Tom Abraham	_____
Tom Laputka	_____	Jeff H. Allebach, Vice Mayor	_____
Harley Strickland, Mayor	_____		

SECOND READING:

Second Reading this _____ day of _____, 2009.

Jim Mahoney	_____	Donald C. Sherrill	_____
R. Paul Rasch	_____	Tom Abraham	_____
Tom Laputka	_____	Jeff H. Allebach, Vice Mayor	_____
Harley Strickland, Mayor	_____		

ATTEST:

AUTHENTICATED:

Deborah J. Renner, CMC City Clerk

Harley Strickland, Mayor

Approved as to form and legal sufficiency:

William E. Reischmann Jr., City Attorney