

MAR 06 2012 LF/CMS

EFFECTIVE DATE

MAR 15 2012

ORDINANCE NO. 2012-06

AN ORDINANCE OF ORANGE COUNTY, FLORIDA
RELATING TO BUILDING AND CONSTRUCTION
REGULATIONS; AMENDING IN PART CHAPTER 9
("BUILDING AND CONSTRUCTION REGULATIONS") OF
THE ORANGE COUNTY CODE; ADOPTING THE 2010
FLORIDA BUILDING CODES; ADOPTING CERTAIN
ADMINISTRATIVE AND TECHNICAL AMENDMENTS;
AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
ORANGE COUNTY:

Section 1. Amendments to Chapter 9, In General. Chapter 9 of the Orange County Code is hereby amended as set forth in sections A. through C., below. Whenever section numbers are changed herein, all such numbers shall be and are hereby changed accordingly whenever referenced elsewhere in Chapter 9 or in any other part of the Orange County Code.

A. Section 9-33 ("Florida Building Code, Building, adopted") is hereby deleted and recreated to read as follows:

Sec. 9-33. Florida Building Code, adopted.

(a) *Adopted.* Subject to the administrative and technical amendments set forth in subsection (b) below, the *2010 Florida Building Code, Building*, as it may be amended from time to time (the "Code"), shall be the governing law relative to building standards in Orange County, Florida ("Orange County"). Flood plain provisions shall be governed and enforced in accordance with the 2010 Florida Building Codes and Chapter 19 ("Flood Plain Management") of the Orange County Code. In the case of any apparent conflict between the flood plain regulations set forth in this Chapter and those in Chapter 19, the provisions of Chapter 19 shall control.

(b) *Amendments.* The *2010 Florida Building Code, Building*, is hereby amended as follows:

A. Section 101.3.1 is hereby created to read as follows:

101.3.1. Permitting and inspection. The permitting or inspection of any building system or plan by Orange County under the requirements of this Code shall not be construed as a warranty of the physical condition of such building, system, or plan or of their adequacy. Neither Orange County nor any employee thereof shall be liable in tort for damages for any defect or hazardous or illegal condition or inadequacy in such building, system, or plan, nor for any failure of any component of such, which may occur subsequent to such inspection or permitting.

B. Section 102.5 is hereby created to read as follows:

102.5. Partial Invalidity. If any section, subsection, sentence, clause, or phrase of this Code is for any reason held to be invalid and/or unconstitutional, such finding shall not affect the validity of the remaining portions of this Code.

C. Section 103 is hereby created to read as follows:

Section 103. Division of Building Safety.

103.1. Establishment. There is hereby created a division to be called the Division of Building Safety (the "Division").

103.2. Employee qualifications.

103.2.1. Building official qualifications. The building official shall be licensed as a Building Code Administrator by the State of Florida. The building official shall be appointed by the County Mayor or his/her designee.

103.2.2. Employee qualifications. A person shall not be appointed or hired as inspector or plans examiner unless that person meets the qualifications for licensure as an inspector or plans examiner in the appropriate trade, as established by the State of Florida.

103.3. Restrictions on employees. Officers or employees connected with the Division, except one whose only connection is as a member of a board established by this Code, shall not be financially interested: (i) in the furnishing of labor, material, or appliances for the construction, alteration, or maintenance of a building, structure, service, or system; or (ii) in the making of

plans, or of specifications thereof, within the jurisdiction of the Division, unless they are the owners of such. Said officers or employees shall not engage in any other work which is inconsistent with their duties or which conflicts with the interest of the Division.

D. Section 104 is hereby created to read as follows:

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; however, for purposes of enforcing any floodplain management regulation contained herein, the building official may coordinate with the Orange County Public Works Department in carrying out the aforementioned duty. 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. Any requirements necessary: (i) for the strength, stability, or proper operation of an existing or proposed building or structure or of an electrical, gas, mechanical, or plumbing system; or (ii) for the public safety, health, and general welfare, not specifically covered by this Code, shall be determined by the building official.

104.2. Applications and permits.

104.2.1. Misrepresentation in application. The building official may revoke a permit or approval issued under the provisions of this Code where there has been any false statement or misrepresentation regarding any material fact in the application or plans on which the permit or approval was based.

104.2.2. Revocation of permits. The building official is authorized to reasonably 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.

104.2.3. Violation of Code provision. The building official may revoke a permit upon determination that the construction, erection, alteration, repair, moving, demolition, installation, or

replacement of the building, structure, or electrical, gas, mechanical, or plumbing system for which the permit was issued is in violation of, or not in conformity with, any provision of 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 of Code violation which makes such building, structure, or premises or electrical, gas, mechanical, or plumbing system unsafe, dangerous, or hazardous, the building official may enter such building, structure, or premises at all reasonable times to inspect the same or to perform any duty imposed upon the building official by this Code. If such building or premises is occupied, s/he shall first present proper credentials and request entry. If such building, structure, or premises is unoccupied, s/he shall first make a reasonable effort to locate the owner or other person(s) 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 has obtained a proper inspection warrant or other remedy provided by law to secure entry, an owner or occupant or any other person(s) having charge, care, or control of any building, structure, or premises shall, after proper request is made as herein provided, promptly permit entry therein by the building official for the purpose of inspection and examination pursuant to this Code.

104.7. Records. The building official shall keep, or cause to be kept, a record of the business of the Division. The records of the Division shall be open to reasonable public inspection, subject to exemptions under the law.

104.8. Liability. Officers or employees or members of a board created by this Code who are charged with the enforcement of this Code, acting for the board of county commissioners in the discharge of their duties, shall not thereby render themselves personally liable, and are hereby relieved from all personal liability, for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of such duties. Any suit brought against any officer or employee or board member because of any such act shall be defended by Orange

County until the final termination of the proceedings.

E. Section 105.1.4 is hereby created to read as follows:

105.1.4. Public right-of-way. A permit shall not be given by the building official (i) for construction or alteration of any building which is to be changed, if such change will affect the exterior walls, bays, balconies, or other appendages or projections fronting any street, alley, or public lane, or (ii) for the placing on any lot or premises of any building or structure removed from another lot or premises, unless the applicant has made application for right-of-way permitting from the authority having jurisdiction over any such street, alley, or public lane.

F. Section 105.4.1 is hereby deleted and recreated to read as follows:

105.4.1. Permit intent.

a. A permit issued shall be construed to be a license to proceed with the identified work and not as authority to violate, cancel, alter, or set aside any of the provisions of this Code, nor shall such issuance of a permit prevent the building official from thereafter requiring a correction of errors in plans, or construction, or of violations of this Code. Every permit issued shall become invalid (i) unless the work authorized by such permit is commenced and an approved inspection is made within six (6) months after its issuance, or (ii) if the work authorized by such permit is suspended or abandoned for a period of six (6) months after the time the work is commenced and/or an approved inspection is made. One (1) extension of time, for a period of not more than ninety (90) days, may be allowed at the sole discretion of the building official, prior to the expiration of such permit, provided the extension is requested in writing and justifiable cause is adequately demonstrated. Any extension granted shall be in writing and signed by the building official.

b. The foregoing notwithstanding, from the period beginning November 13, 2009 and ending March 31, 2013, every building permit that was valid and existing as of January 6, 2009 and thereafter shall become invalid (i) unless the work authorized by such permit is commenced and an approved inspection is made within twelve (12) months after its issuance, or (ii) if the work authorized by such permit is suspended or abandoned for a period of twelve (12) months after the time the work is commenced and an approved inspection is made. For purposes of this section, the

term “building permit” shall include all of the following: building, plumbing, mechanical, electrical, gas, and roofing permits.

105.4.1.1. If permitted work has commenced and the permit is revoked, becomes null and void, or expires due to lack of progress or abandonment, a new permit covering the proposed construction must 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. Alternatively, a new permit may be issued, upon application, provided that both the work already in place and the newly permitted work are in full compliance with 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 date of issuance of the new permit.

105.4.1.3. A permit shall be considered to be in an active status so long as the permitted work has received an approved inspection within 180 days of (i) permit issuance or (ii) an approved inspection. This provision shall not be applicable in case of civil commotion or strike or when the work is halted due directly to judicial injunction, order, or similar process.

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

105.4.1.5. A permit issued in connection with a violation of any Orange County Code provision, or in connection with a determination or finding by the Orange County Code Enforcement Board or Special Master, shall not be used to avoid or extend the time for compliance. Any work performed in connection with such permit must be inspected and approved by Orange County prior to issuance of any subsequent permit. If the building official finds that no actual and substantial work has been performed the official may (i) deny issuance of a new permit and/or (ii) refer or remand, as the case may be, the matter to the Code Enforcement Board or Special Master for further action pursuant to this Code and in accordance with Chapter 11, Orange County Code, as may be amended from time to time.

G. Section 105.5 is hereby created to read as follows:

105.5. Expiration. The holder of any permit that has expired and not been timely brought into compliance may be precluded from receiving any other permits in Orange County; however, additional permits requested in order to bring an expired permit into compliance may be issued, and the permit holder may, at the sole discretion of the building official, be allowed to receive additional permits in Orange County.

H. Section 107.2.1.3 is hereby created to read as follows:

107.2.1.3. Additional data. The building official shall be allowed to require details, computations, stress diagrams, and other data necessary to describe the construction or installation and the basis of calculations. All drawings, specifications, and accompanying data required by the building official to be prepared by an architect or engineer shall be affixed with that professional's official seal.

I. Section 107.2.5 is hereby created to read as follows:

107.2.5. Site plan.

(a) Requirements. For any proposed (i) building or structure, (ii) accessory building or structure, or (iii) fence, boat dock, or boat ramp, the building official shall require a site plan drawn to scale. Subject to subsections (b)2. and (b)3., the site plan shall show:

1. all property lines;
2. all road rights-of-way;
3. all easements;
4. the location of the proposed building or structure, accessory building or structure, or fence, boat dock, or boat ramp, including all setbacks;
5. the location of all existing buildings or structures, including proposed additions thereto;
6. the location of the Normal High Water (NHW) line of all adjacent water bodies;
7. the lot grading plan; and
8. the location of any septic tank and drain field.

The above-mentioned features and items must be depicted on the site plan so that Orange County may determine whether the site plan complies with county ordinances and regulations.

(b) Preparation.

1. A site plan for (A) a proposed building or structure, (B) a mobile home (new or relocated), (C) a moved structure, (D) an addition to an existing building or structure, or (E) an accessory building or structure, shall be prepared by an architect, engineer, or surveyor or by a general, building, or residential contractor registered or certified with the State of Florida. Such plan shall comply with the requirements set forth in subsections (a)1. through (a)8. Additionally, should such plan not be prepared by a surveyor registered with the State of Florida, the plan shall contain a clear statement that it does not constitute a survey.

2. Notwithstanding subsection (b) 1. above, a site plan for a proposed addition to an existing building, structure, or mobile home may be prepared by the property owner, with the following conditions: (A) the plan must comply with the requirements set forth in the above subsections (a) 1. through (a) 6., and (a) 8.; (B) the plan must be superimposed on a copy of a survey previously prepared by a registered surveyor; and (C) the plan must contain a clear statement that it does not constitute a survey.

3. Notwithstanding subsection (b) 1. above, a site plan for a proposed (A) fence, boat ramp, or boat dock; (B) accessory building; (C) structure no larger than one hundred twenty (120) square feet [11.5 square meters]; or (D) structure required to be removed within a certain time, may be prepared by the property owner. The plan need not be superimposed on a copy of a survey previously prepared by a registered surveyor, but if it is, then it shall contain a clear statement that it does not constitute a survey. A plan for a proposed fence shall comply with the above subsections (a) 1., (a) 2., and (a) 6. A plan for any of the other uses described in this paragraph shall comply with the above subsections (a) 1. through (a) 6.

J. Section 107.2.6 is hereby created to read as follows:

107.2.6. Additionally, new building structures, additions to existing buildings or structures, and alterations to components which may affect the structural stability of a building or structure shall be designed by a Florida-licensed architect or engineer. Drawings, calculations, specifications, reports, or other documents prepared for public record shall be signed and sealed in accordance with state statutes. Construction documents shall show that the design meets the applicable wind loading requirements of Section 1609 of the Florida Building Code, Building and R301 of the Florida Building Code, Residential for any building or structure, addition, or alteration where wind loading is applicable (see

Section 9-34 of the Orange County Code).

K. Section 109.2 is hereby deleted and recreated to read as follows:

109.2. Schedule of permit fees. On all buildings, structures, and electrical, gas, mechanical, and plumbing systems, or for alterations requiring a permit, a fee for each permit shall be paid as required in accordance with the schedule as established by the Board of County Commissioners.

L. Section 109.3 is hereby created to read as follows:

109.3. Building permit valuations. If, in the opinion of the Division manager, the valuation of any building, alteration, or structure or of any electrical, gas, mechanical, or plumbing system appears to be underestimated on the application, any corresponding permit shall be denied, unless the applicant can show detailed estimates which meet with the approval of the Division manager. Permit valuations shall include total cost including, without limitation, electrical, gas, mechanical, plumbing, equipment, and other systems, and including materials and labor. The permit valuation may be calculated using the latest Building Valuation Data published by the International Code Council, or other applicable model code organization, at the sole discretion of the Division manager.

M. Section 109.4 is hereby deleted and recreated to read as follows:

109.4. Work commencing before permit issuance. Any person who commences any work on a building or structure, or electrical, gas, mechanical, or plumbing system before obtaining the building official's approval and/or the necessary permits shall be subject to a penalty equivalent to double the permit fee, or one hundred three dollars (\$103.00), whichever is greater, in addition to the required permit fees. This provision shall not apply to emergency work when delay would clearly have placed life or property in imminent danger, as long as any and all required permits are obtained within three (3) business days of commencing such work; any unreasonable delay (as determined by the building official) in obtaining such permits shall result in a penalty equivalent to double the permit fee. In any case, payment of a penalty as described herein 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 the fees if justifiable cause (as determined by the building official) has been adequately demonstrated, in writing.

N. Section 110.1.1 is hereby created to read as follows:

110.1.1. Site Debris.

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

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

O. Section 110.3, (Building), item 6, is hereby deleted and recreated to read as follows:

6. Swimming pool inspection. First inspection to be made after excavation and installation of reinforcing steel, bonding, and main drain, prior to placing of concrete.

Second inspection to be made after the forms and reinforcement are in place and all concealed conduit, piping, and electrical bonding are installed. Slab shall not be placed until all required inspections have been approved by the county.

Final inspection to be made when the swimming pool is complete and all required enclosure requirements are in place.

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

P. Section 111.1 is hereby deleted and recreated to read as follows:

111.1. Building use and occupancy. An existing building (except for a one or two-family dwelling or non-transient residential buildings) or a new building shall not be occupied or a

change made in the occupancy, nature, or use of a building or part of a building until after the building official has issued a certificate of occupancy in the name of the occupant or tenant. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this Code or of any provisions under any laws including, but not limited to, the Orange County Code.

Q. Section 111.2.1 is hereby created to read as follows:

111.2.1. Notwithstanding the foregoing, no certificate of occupancy or completion shall be issued unless and until all Orange County and/or other applicable agency holds have been released.

R. Section 114 is hereby created to read as follows:

Section 114. Violations and penalties. Any person, firm, corporation, or agent who (i) shall violate or fail to comply with any provision of this code, or with any of the requirements thereof; or (ii) shall erect, construct, alter, install, demolish, or move any structure or electrical, gas, mechanical, or plumbing system; or (iii) has erected, constructed, altered, repaired, moved, or demolished a building or structure or an electrical, gas, mechanical, or plumbing system, in violation of a county-approved detail or drawing, shall be subject to prosecution in accordance with the law, including but not limited to, the provisions of Chapter 1-9 of the Orange County Code.

S. Section 115.2 is hereby deleted and recreated to read as follows:

115.2. Issuance. The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited work will be permitted to resume. Where an emergency exists, as determined by the building official, the building official shall not be required to give a written notice prior to stopping the work.

T. Section 116 is hereby created to read as follows:

Section 116. Unsafe buildings or systems. All buildings, structures, electrical, gas, mechanical, or plumbing systems (i) which are unsafe, unsanitary, or do not provide adequate egress; or

(ii) which constitute a fire hazard or are otherwise dangerous to human life; or (iii) which, in relation to existing use, constitute a hazard to safety or health, are considered unsafe buildings or service systems. All such unsafe buildings, structures, or service systems are hereby declared illegal and shall be abated by repair and rehabilitation or by demolition in accordance with the provisions of the Orange County Non-Residential Property Maintenance Code or other local ordinance.

U. Section 1612.3.1, item 3 is hereby created to read as follows:

3. Any such submissions required by the building official shall be subject to review and approval by the Orange County Public Works Department.

V. Subsection 1612.4 is hereby deleted and recreated to read as follows:

1612.4. Design and construction. The design and construction of buildings and structures located in flood hazard areas, including flood hazard areas subject to high-velocity wave action, shall be in accordance with Chapter 5 of ASCE 7, ASCE 24, and Chapter 19 of the Orange County Code.

W. Section 1804.4, item 5, is hereby created to read as follows:

5. Unless acceptable compensating storage area is provided.

B. Section 9-34 (“Wind speed requirement”) is hereby deleted and recreated to read as follows:

Sec. 9-34. Wind speed requirements. The basic wind speed requirements for Orange County are established pursuant to (i) Section 1609.3 and Figures 1609A, 1609B, and 1609C of the *Florida Building Code, Building* and (ii) Section 301.2.1 of the *Florida Building Code, Residential*. The aforementioned references shall be kept on file at the Orange County Division of Building Safety and may be accessed online through the Orange County Infomap link.

C. Section 9-35 (“Florida Building Code, Residential, adopted”) is hereby

deleted and recreated to read as follows:

Sec. 9-35. Florida Building Code, Residential, adopted.

(a) Subject to the administrative and technical amendments set forth in subsection (b) below, the *2010 Florida Building Code, Residential*, as it may be amended from time to time, shall be the governing law relative to residential building standards in Orange County, Florida. Flood plain provisions shall be governed and enforced in accordance with the 2010 Florida Building Codes and Chapter 19 (“Flood Plain Management”) of the Orange County Code. In the case of any apparent conflict between the flood plain regulations set forth in this Chapter and those in Chapter 19, the provisions of Chapter 19 shall control.

(b) The *2010 Florida Building Code, Residential*, is hereby amended as follows:

A. Sections R101.2 and R101.2.1 are hereby deleted and recreated to read as follows:

R101.1. Scope. The provisions of Chapter 1, Florida Building Code, Building, as amended by Section 9-33(b) of the Orange County Code, shall govern the administration and enforcement of the Florida Building Code, Residential.

B. Chapter 2 (“Definitions”) is hereby amended by the addition of a definition for the term “Lowest floor” which shall be applied in conjunction with or in the place of the term “Habitable space” as and when applicable:

LOWEST FLOOR means the lowest floor of the lowest enclosed area of a structure (including basement). An unfinished or flood-resistant enclosure, used solely for parking of vehicles, building access, or storage, in an area other than a basement, is not considered a building’s lowest floor, provided that such enclosure is not built so as to render the structure in violation of the non-elevation design standards of this chapter.

C. Section R309.5, item 1, is hereby deleted and recreated to read as follows:

1. Elevated a minimum of one (1) foot above the design flood elevation as determined in Section R322.

D. Section R322.1.4 is hereby deleted and recreated to read as follows:

322.1.4. Establishing the design flood elevation. The design flood elevation shall be used to define areas prone to flooding, and shall be established in accordance with Sections 19-7, 19-41, 19-93, and 34-228 of the Orange County Code.”

E. Section R322.1.6 is hereby deleted and recreated to read as follows:

322.1.6. Protection of mechanical and electrical systems. Electrical systems, equipment, and components; heating, ventilating, air conditioning; plumbing appliances and plumbing fixtures; duct systems; and other service equipment shall be located a minimum of one (1) foot above the elevation required in Section R322.2 (flood hazard areas including A Zones) or R322.3 (coastal high-hazard areas including V Zones). If replaced as part of a substantial improvement, electrical systems, equipment, and components; heating, ventilation, air conditioning, and plumbing appliances and plumbing fixtures; duct systems; and other service equipment shall meet the requirements of this section. Systems, fixtures, equipment, and components shall not be mounted on or penetrate through walls intended to break away under flood loads.

Exception: Locating electrical systems, equipment, and components; heating, ventilating, air conditioning; plumbing appliances and plumbing fixtures; duct systems; and other service equipment is permitted below the elevation required in Section R322.2 (flood hazard areas including A Zones) or R322.3 (coastal high-hazard areas including V Zones) provided they are designed and installed to prevent water from entering or accumulating within the components and to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during the occurrence of flooding to the design flood elevation in accordance with ASCE 24. Electrical wiring systems are permitted to be located below the required elevation provided they conform to the provisions of the electrical part of this code for wet locations.

F. Section R322.2.1 hereby deleted and recreated to read as follows:

R322.2.1. Elevation requirements.

1. Buildings and structures in flood hazard areas not designated as Coastal A Zones shall have the lowest floors elevated to a minimum of one (1) foot above the design flood elevation.
2. Buildings and structures in flood hazard areas designated as Coastal A Zones shall have the lowest floors elevated to or above the base flood elevation plus 1 foot (305 mm), or to the design flood elevation, whichever is higher.
3. In areas of shallow flooding (AO Zones), buildings and structures shall have the lowest floor (including basement) elevated at least as high above the highest adjacent grade at least as high as one (1) foot above the depth number specified in feet on the Flood Insurance Rate Maps ("FIRM"), or at least three (3) feet (914.4 mm) if a depth number is not specified.

Section 2. Effective date. This ordinance shall become effective as of March 15, 2012.

ADOPTED THIS _____ DAY OF MAR 06 2012, 2012.

ORANGE COUNTY, FLORIDA

By: Board of County Commissioners

By: *Teresa Jacobs*
Teresa Jacobs, Mayor
Orange County

ATTEST: Martha O. Haynie, County Comptroller
As Clerk of the Board of County Commissioners

By: *Martha O. Haynie*
Deputy Clerk

