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WHEREAS, the Town of Ponce Inlet actively participates in the enforcement of regulations relevant to safe, sanitary, and habitable property maintenance and structures; and

WHEREAS, the Florida Building Commission updates the Florida Building Code every three years, pursuant to F.S. § 553.73(7)(a); and

WHEREAS, local governments, such as the Town of Ponce Inlet, may adopt amendments to the administrative provisions of the Florida Building Code, pursuant to F.S. § 553.73(4)(a), which are found in Chapter 1 of the Florida Building Code; and

WHEREAS, the Town of Ponce Inlet has determined that it is in the best interest of the health, safety, and welfare of the citizens, businesses within the Town, and patrons of such businesses, to adopt and incorporate by reference the most recent version of the NFPA 70 National Electrical Code (NEC) as published by the National Fire Prevention Association.

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the Town of Ponce Inlet;

NOTE: Underlined words constitute additions to the Town of Ponce Inlet Land Use and Development Code, ~~strike through~~ constitutes deletions from the current Land Use and Development Code, and asterisks (***) indicate an omission from the existing text which is intended to remain unchanged.

NOW, THEREFORE, BE IT ENACTED BY THE TOWN COUNCIL OF THE TOWN OF PONCE INLET, FLORIDA:

SECTION 1. Legislative Findings and Intent. The findings set forth in the recitals above are hereby adopted as legislative findings pertaining to this Ordinance.

SECTION 2. Incorporation of Amendments. The proposed amendments to Chapters 18 and Chapter 34 of the Ponce Inlet Code of Ordinances are attached to this Ordinance as Exhibit “A,” and are hereby incorporated into the text of this Ordinance as though fully set forth herein verbatim as the Code of Ordinances amendments, said amendments also adopting by reference the Florida Building Code, 7th Edition (2020) and the NFPA 70 National Electrical Code (NEC).

SECTION 3. As reflected in Exhibit “A,” Chapter 18, Section 31 of the Town of Ponce Inlet Code of Ordinances is amended to adopt BOAF’s Model Administrative Code for the Florida Building Code, 7th Edition (2020). Pursuant to its authority under F.S. § 553.73(4)(a), and based on the recommendations of the Town’s Building Official, the Town further adopts certain additions to the BOAF’s Model Administrative Code, which are reflected in the Model Administrative Code attached to this Ordinance as Exhibit “B,” and which are incorporated by reference as if fully set forth herein. The Town’s additions to the BOAF Model Code are on file in the office of the town clerk.

SECTION 4. Directions to the Town Manager. Pursuant to F.S. § 553.73(4)(a), within thirty (30) days of the date of adoption of this Ordinance, the Town Manager or designee shall submit a copy of this Ordinance, together with all attachments thereto and all documents adopted by reference herein, to the Florida Building Commission, c/o Ms. Marlita Peters, Code Administration TAC, 2601 Blair Stone Road, Tallahassee, FL 32399; or shall upload the Ordinance, together with all attachments thereto and all documents adopted by reference herein, to the Commission by accessing and logging on to the Commission’s webpage at www.floridabuilding.org.

SECTION 5. Codification. It is the intent of the Town Council of the Town of Ponce Inlet that the provisions of this Ordinance shall be codified. The codifier is granted broad and liberal authority in codifying the provision of this Ordinance.

SECTION 6. Severability. If any section, sentence, phrase, word or portion of this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase,

word or portion of this Ordinance not otherwise determined to be invalid, unlawful or unconstitutional.

SECTION 7. Conflicts. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 8. Effective Date. This Ordinance shall become effective immediately upon its passage and adoption.

It was moved by Vice-Mayor Paritsky and seconded by Mayor Smith that said Ordinance be passed on first reading. A roll call vote of the Town Council on said motion resulted as follows:

Mayor Smith, Seat #1	Yes
Councilmember Milano, Seat #2	Yes
Councilmember Hoss, Seat #3	Yes
Councilmember Israel, Seat #4	Yes
Vice-Mayor Paritsky, Seat #5	Yes

Passed on first reading this 21st day of January 2021.

It was moved by Vice-Mayor Paritsky and seconded by Councilmember Milano that said Ordinance be adopted on second reading. A roll call vote of the Town Council on said motion resulted as follows:

Mayor Smith, Seat #1	Yes
Councilmember Milano, Seat #2	Yes
Vice-Mayor Hoss, Seat #3	Yes
Councilmember Israel, Seat #4	Yes
Councilmember Paritsky, Seat #5	Yes

Passed this 18th day of February 2021.

Town of Ponce Inlet, Florida

Gary L. Smith, Mayor

ATTEST:

Jeaneen Witt, CMC
Town Manager

EXHIBIT "A"

AMENDMENTS TO CHAPTER 18. Chapter 18 of the Town of Ponce Inlet Code of Ordinances, titled BUILDINGS AND BUILDING REGULATIONS, is hereby amended in its entirety to read as follows:

Chapter 18 - BUILDINGS AND BUILDING REGULATIONS

ARTICLE I. - IN GENERAL

Sec. 18-1. - Key box required for multifamily buildings restricting public access.

- (a) Each multifamily building restricting public access to the interior of that building, a list of those buildings to be attached to Ordinance No. 2002-09 as addendum A, and as may be hereafter constructed and identified by the fire chief, shall provide an exterior keybox to provide single-key access to the common public areas of such facilities, for fire, police and rescue officers.
- (b) Prior to installation, all keyboxes shall be approved by the fire chief.
- (c) All buildings listed in addendum A and as may be hereafter identified and constructed shall be in compliance with this section by June 1, 1986. The provisions of this section shall be subject to enforcement by the code enforcement board.

Sec. 18-2. - Right of access for inspection purposes upon application for development or construction.

In any application for construction, development, variance, special exception, business tax receipt, or any other privilege granted by the town, the applicant agrees to reasonable access by the planning and development director or designees who are involved in processing such application. If the application involves an established business or existing residence, the applicant agrees to reasonable access by the planning and development director or designees involved in processing the application but only upon reasonable notice to the applicant.

Sec. 18-3. – Submission of surveys.

(a) *Survey required.* In order to demonstrate compliance with all town zoning and building regulations, the applicant or contractor must provide the following, as outlined in Chart 1 below:

- (1) A boundary survey at the time of building permit application;
- (2) A form-board survey prior to construction of permanent improvements that are not easily altered or modified in their location, size or shape;
- (3) An as-built survey prior to issuance of a certificate of occupancy or a certificate of completion; and
- (4) When building permit plans call for construction within five (5) feet of the height limitation in the applicable zoning district, a survey of height provided prior to the issuance of a certificate of occupancy.

(b) *Types of permits requiring survey submission:*

- (1) New construction
- (2) Building addition

- (3) Swimming pools and spas
- (4) Accessory buildings and structures
- (5) Fences and walls
- (6) Nonexempt retaining walls, per LUDC Sec. 4.3.5
- (7) Parking areas and driveways

Chart 1:

Type	Boundary survey	Form-board survey	As-built survey	Height/elevation*
New construction	✓	✓	✓	✓
Building addition	✓	✓	✓	✓
Swimming pool & pool deck	✓	✓	✓	
Accessory buildings & structures	✓	✓		✓
Fences and walls	✓			

* When building permit plans call for construction within five feet of the zoning district height limitation.

(c) *Accuracy and content.* Surveys shall accurately depict the current condition of the property at the time of permit application. Surveys must also include the most recent Coastal Construction Control Line established by the Florida Department of Environmental Protection, where applicable.

(1) Surveys submitted when required with any application for construction, development or building activity shall be signed and sealed by a duly licensed Florida surveyor in good standing at the time of the application. Applications submitted without a signed and sealed survey in accordance with the provisions of this section will not be accepted by the town for review.

(2) Any survey which is attached as a required exhibit for an application for any type of development activity must be labeled as to the type of survey, such as a boundary survey, topographic survey, tree survey, etc. Failure to label an attached survey shall be grounds for the denial of the application.

(d) *Compliance with approved plans and regulations.* Surveys required herein shall demonstrate that the proposed construction will be built in accordance with the final construction plans submitted to the town and in compliance with all town zoning and building regulations. No further construction activity will be permitted on the construction, building or development activity unless the survey demonstrates the proper placement of the permanent improvements and the condition has been corrected.

(e) *Waiver of survey requirements.* The Director has discretion to waive the requirement of a new survey under certain situations:

- (1) When proposed construction does not change the building envelope or height; and
- (2) If the cost of the survey is expected to exceed the cost of the proposed work.

Sec. 18-4. - Posting of address numbers.

All buildings in the town shall have their assigned address numbers properly displayed. It shall be the duty of the owners and occupants of each building to post the assigned address number on the property in the following manner:

- (a) The address number shall be affixed to the front of the building or to a separate structure to the 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 from both directions.
- (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 of a contrasting color with the immediate background of the building or structure on which such numerals are affixed.

Sec. 18-5. - Florida Building Code adopted.

There is hereby adopted by the town for the purpose of establishing rules and regulations for the construction, maintenance and repair of buildings, including permits and penalties, that certain code known as the Florida Building Code, 7th Edition (2020), as published by the International Code Council, Inc., as though fully set forth herein.

The following Florida Building Code, 7th Edition (2020) appendices are hereby adopted and incorporated as though fully set forth herein: "Florida Building Code – Building, Appendix J"; "Florida Building Code—Existing Building, Appendix B"; "Florida Building Code—Fuel Gas Code, Appendices A and B"; and Florida Building Code—Plumbing, Appendices B, C, D, and E."

Copies of the above-referenced codes and appendices are filed in the office of the town clerk.

Sec. 18-6. – Fees

Permit and inspection fees related to the requirements and codes adopted by reference in this chapter shall be as established by resolution of the council.

Sec. 18-7. - Restrictions on building and construction operations on Saturdays, Sundays and holidays.

(a) *Generally.* Construction and building operations, including erection of principal buildings, accessory buildings or any other structures or part thereof, alteration or repair is prohibited, except as otherwise provided in this section, on Saturdays, Sundays and holidays as specified in section 1-2. Excavating, grading, or demolition or clearing shall be prohibited on Saturdays, Sundays and the following national holidays observed by the town: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; and Christmas Day.

(b) *When permitted.* Construction and building operations, including erection of principal buildings, accessory buildings or any other structures or part thereof, excavation, grading, demolition, clearing, alteration or repair, are permitted between the hours of 7:00 a.m. and 6:00 p.m. on weekdays that are not holidays. Such construction and building operations are permitted between the hours of 8:30 a.m. to 5:00 p.m. on Saturdays and official holidays, as defined by section 1-2.

(c) *Exemption for existing single-family residences.* Repair and maintenance work on existing single-family residences is permitted on weekends and holidays. Such activities include, but are not limited to, painting, wallpapering, carpeting, tiling, minor repairs, yard work, etc.

(d) *Delivery and unloading of construction materials.* The delivery and unloading of construction and building materials is expressly prohibited on Sundays and national holidays.

(e) *Emergency repairs.* Emergency repairs for major structural damage caused by catastrophic event or natural phenomenon are permitted on weekends.

Sec. 18-8. – Stop Work orders; emergency measures

(a) Any construction, excavation or grading that is not in compliance with the provisions of this chapter or with the Florida Building Code shall be subject to the issuance of a stop work order by the chief building official or designee which prohibits further construction until compliance with such provisions is demonstrated. The stop work order shall be enforceable as provided by law.

(b) In periods of emergency or severe weather, the chief building official may take temporary measures to remove and alleviate any hazards created by violations of such provisions and charge the applicant, permittee or owner the reasonable costs of taking such emergency measures.

Sec. 18-9 – Violations and penalties

Any person violating any of the provisions of this article shall be subject to all procedures and remedies available to the town under section 1-11, and upon conviction of any violation, shall be subject to the penalties designated in section 1-11. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as a separate offense pursuant to the provisions of section 1-11, or pursuant to the provisions of F.S. ch. 162 as enforced by the code enforcement board. Violation of the requirements of this article shall, in addition to the applicable penalties provided for in this code, subject the violator to cancellation of any building permit previously issued.

Secs. 18-10—18-30. - Reserved.

ARTICLE II. - BUILDING CODE

Sec. 18-31. - Model Administrative Code adopted; local additions to the Model Administrative code adopted.

The Building Officials Association of Florida's (BOAF) Model Administrative Code (2020) for the Florida Building Code, 7th Edition (2020), is hereby adopted by reference as though fully set forth in this section, with certain local additions thereto recommended by the town's building official, as authorized by F.S. § 553.73(4)(a) and as reflected in Ordinance 2021-02. The Model Administrative Code, which comprises Chapter 1 of the Florida Building code, with all of the town's additions, together with this section is on file in the office of the town clerk.

Sec. 18-32. - Reserved.

Sec. 18-33. - Construction of bikepaths by developers.

(a) As a condition for the issuance of a building permit for any construction project (except for the construction of single-family residences) and as a condition for approval of any subdivision plan, the town shall require the developer to construct a bikepath, at the town's option, along the developer's street frontage at the time of development. Such bikepaths shall be in accordance with the applicable local plan for the design and construction of bikepaths within the town.

(b) If it is determined that a bikepath is required and the property has frontage on a roadway classified as a major or minor arterial or collector street or the property has frontage on a roadway for which no bikepath is contemplated according to the applicable local program for the construction of bikepaths within the town, then the town shall require the owner/developer to make a cash payment to the town in lieu of constructing a bikepath along such street frontage. The cash payment shall be

equivalent to the estimated cost of providing the bikepath along the street frontage of such construction projects or subdivisions as determined by the town engineer. The estimated cost of providing a bikepath shall include administrative, design, construction and contingency costs. In such cases, the town shall retain the cash payment in a trust fund specifically earmarked for use in constructing a bikepath at that particular location or some other suitable location according to any applicable local, county or state program or plan for the construction of bikepaths within the town.

Secs. 18-34—18-60. - Reserved.

ARTICLE III. - ELECTRICAL CODE

18-61. - Adopted.

With the exceptions referenced below, the town hereby adopts the "NFPA 70, *National Electrical Code* (NEC)," as published by the National Fire Protection Association, and incorporates the same by reference as if fully set forth herein. Copies of the National Electric Code are on file in the office of the town clerk.

Sec. 18-62. - Temporary power.

- (a) The building official may permit temporary connecting of any system of wiring, either during the course of construction or for temporary light, heat, power or advertising, for a limited period of time. Construction power shall be a minimum of 70 amps 220 volts and shall provide one 50-amp three-wire 200-volt single phase receptacle and one 15-amp 110-volt three-wire receptacle. These receptacles shall have separate and proper overload protection.
- (b) The building official may give special permission to connect and furnish electric current to any wiring, apparatus, or fixtures for a limited period of time, if in his opinion, it is safe to do so, and there exists an urgent necessity for such use.
- (c) The building official may issue special permits for the installation and use of temporary wiring and/or equipment as permitted by subsection (b) of this section, not to exceed a duration of 30 days after the date of the permit. If reasonable necessity is established for an extension of time, the permit may be extended by the building official for an additional 30 days. Permission for the use of such temporary installation shall in no case be extended for a greater period of time than 90 days after the date of issuance of the original permit.

Secs. 18-63—18-90. - Reserved.

ARTICLE IV. – RESERVED

Secs. 18-91—18-120. - Reserved.

ARTICLE V. - RESERVED

Secs. 18-121—18-150. - Reserved.

ARTICLE VI. - RESERVED

180 **Secs. 18-151—18-180. - Reserved.**

181 **ARTICLE VII. - RESERVED**

182 **Secs. 18-181—18-210. - Reserved.**

183 **ARTICLE VIII. - RESERVED**

184 **Secs. 18-211—18-240. - Reserved.**

185 **ARTICLE IX. - EXCAVATION AND GRADING CODE**

186 **Sec. 18-241. - Adopted.**

187 There is hereby adopted by the town that certain volume of the Florida Building Code, 7th Edition
188 (2020) known as “Florida Building Code, Building, Appendix J, Grading” thereof, as published by the
189 International Code Council, Inc. Copies of the subject code are filed in the office of the town clerk, and
190 such code is hereby adopted and incorporated as fully as if set out at length in this section, and the
191 provisions contained therein shall be controlling within the limits of the town.

192 **Sec. 18-242. - Amendments.**

193 The Florida Building Code, Building, Appendix J, Grading adopted by this article is amended in the
194 following respects:

195 *Section J103, Permits Required*, is amended to read as follows:

196 No person, firm, corporation, or entity shall perform any grading or excavation work without having
197 first obtained a grading or excavation permit from the building official, except as listed below.

198 None of these permit exemptions listed below remove, supersede, abrogate or dispense with the
199 requirements of Section J110 - Erosion Control, , or the requirements of section 18-247 of the Ponce
200 Inlet Code of Ordinances.

- 201 (1) Grading in an isolated, self-contained area, provided there is no danger to the public and
202 that such grading will not adversely affect adjoining properties.
- 203 (2) Excavation for construction of a structure which has been validly permitted pursuant to this
204 code. This shall not exempt any fill made with the material from such excavation or exempt
205 any excavation having an unsupported height greater than five feet after the completion of
206 such structure.
- 207 (3) Cemetery graves.
- 208 (4) Refuse disposal sites controlled by other regulations.
- 209 (5) Excavation for wells, or trenches for utilities.
- 210 (6) Exploratory excavations under the direction of a registered design professional.
- 211 (7) A fill less than one foot in depth, and placed on natural terrain with a slope flatter than one
212 vertical to five horizontal (1:5 ratio), or less than three feet in depth, not intended to

213 support structures, which does not exceed 50 cubic yards on any one lot and does not
214 obstruct a drainage course.

215 Any provision of this code to the contrary notwithstanding, no person shall remove rock, sand, gravel,
216 aggregate, clay or other fill from any site within the town to any other site, within or without the
217 town, without the written permission of the building official.

218 **Sec. 18-243 – 18-245 - Reserved.**

219 **Sec. 18-246. - Permit for earth-moving and tree or brush removal operations; maximum extent of**
220 **excavation and grading.**

221 (a) *Permit required.* No person shall commence any bulldozing, land grading or other operation affecting
222 the surface of land within the limits of the town, including, but not limited to, the removal of trees,
223 brush, weeds, sand or fill of any kind, and no person shall unload or move from the traveled right-of-
224 way any bulldozer, grader or other earth-moving equipment, without an approved grading or
225 excavation permit from the town, to ensure that no violation of Land Use and Development Code
226 Section 4.10 (pertaining to trees), the Florida Building Code, Building, Appendix J, Grading as adopted
227 by section 18-241, or related ordinances can occur.

228 (b) *Application for permit.* The applicant shall pay a fee, as adopted by resolution of the town council,
229 for processing the application. The application shall include the name and address of the landowner,
230 the name and address of the contractor responsible, if any, and the name and address of the operator
231 of the machinery. It shall also include a brief statement on the nature and duration of the operations
232 to be performed.

233 (c) *Possession and display of permit.* A copy of the permit shall be kept in the possession of any operator
234 of earth-moving or bulldozing equipment and shall be displayed to any town official upon request.

235 (d) *Surveying and other pre-development activities.* Prior to issuance of a development permit, on-site
236 activity is limited to selective pruning and thinning of trees and vegetation as necessary to provide
237 access to the property and to survey property lines and structures, unless excepted pursuant to LUDC
238 Section 4.10.4.

239 (e) *Maximum extent of excavation and grading on coastal dunes.* Excavation and grading of coastal
240 dunes shall be restricted to a maximum of ten percent of the average elevation or as determined by
241 the building official. This ensures that the amount of soil removal is minimized and that the dunes
242 and are preserved to the maximum extent possible to provide protection from storms and high
243 water. Any operation which may involve the destruction of or alteration to any natural coastal dune
244 within the town shall be referred to the town engineer for comment. Deviation from this requirement
245 in areas of severe elevation differentials will be addressed during the development review process
246 pursuant to accepted best management practices.

247 **Sec. 18-247. - Retention of sand, soil and construction debris on construction sites; temporary**
248 **construction access; demonstration of compliance.**

249 (a) It is the intent of this section to prevent the migration and movement of loose sand, soil and
250 construction debris from construction sites as a result of strong winds and heavy rains. It is the
251 further intent of this section to prevent any traffic hazards and the occurrence of accidents involving
252 serious personal injury or death as a result of such hazards by requiring that construction sites within
253 the town adopt measures that will prevent the migration and movement of loose sand, soil and
254 construction debris onto neighboring properties and adjoining roads, sidewalks, and bikepaths.

- (b) All construction sites in the town shall employ erosion control methods prior to any construction, excavation and demolition, pursuant to LUDC Sec. 4.12.1 and the Town's Standard Construction Details.
- (c) To minimize erosion, temporary access points to all construction sites shall be limited to a maximum of 20 feet in width. Temporary access driveways shall follow the contour of the natural terrain to the extent possible. Slopes should not exceed 10 percent.
- (d) The method of compliance shall be demonstrated to the building official prior to the issuance of a permit. The building official may waive the requirement of this section if windblown sand, soil or debris is not a potential problem, i.e., construction does not include site work exposing sand.
- (d) These requirements shall in no way relieve the owners of vacant properties from providing fences as described in this section or vegetation to prevent migration of sand, soil, debris, etc., to adjacent properties or streets. Property owners are responsible for maintaining the property so as not to create a nuisance or unsightly condition to occur on either his property or adjacent properties.
- (e) The requirements for fencing and the standards for fence construction affect all construction sites, including those presently under construction upon the effective date of the ordinance from which this section is derived.

Sec. 18-248. - Stabilization and protection of land during road development and construction.

- (a) All future and existing road cuts must be stabilized to prevent erosion and prevent destruction of or damage to existing vegetation. If road development and construction requires cuts through existing dune structures or the natural contours of land, the cut surfaces must be stabilized and protected with retaining walls or other suitable construction methods approved by the town and in accordance with sound and accepted best management practices.
- (b) If road development and construction results in the filling of land areas beyond the extent of the platted right-of-way, the developer must take adequate measures and precautions to protect, and replace when necessary, existing natural vegetation in accordance with sound environmental and engineering standards.

Sec. 18-249. - Standards and regulations to reduce flooding.

The following standards shall apply to all areas within the jurisdiction of the town to reduce and prevent flooding and flood hazards.

- (a) *Topographic survey required.* A topographic survey of the parcel shall be required for new construction, and improvements to existing buildings and existing structures as defined in the Floodplain Management Code. At a minimum, the requirements of the topographic survey shall include:
- (1) Existing ground elevations at each corner of the parcel.
 - (2) Existing ground elevations at the midpoint of each lot line.
 - (3) Existing ground elevations at the center of the parcel.
 - (4) Existing crown-of-road elevations at the intersection of the extended side lot lines with the crown-of-road and one crown-of-road elevation midway between.

(5) If any part of the parcel is determined to be below the average crown-of-road elevations, the survey shall show additional elevations, plotted accurately to scale, to define the portion of the parcel below the average crown-of-road elevation. The survey shall show the calculated area of the portion of the parcel below the average crown-of-road elevation.

(b) *Minimum floor elevations.* New construction, and improvements to existing buildings and existing structures shall have the lowest floor elevated to the following height, whichever is greater:

(1) One foot above the average crown-of-road elevation as determined by a topographic survey , unless otherwise approved by the town engineer based on site-specific conditions and a proposed grading plan prepared by the applicant. On corner lots, the average crown-of-road elevation along both road frontages may be used.

(2) A higher elevation as the town engineer determines necessary based on the surface water and groundwater elevations applicable to the parcel.

For all such construction, a grading plan, drawn to scale, with proposed elevations and proposed drainage flow patterns shown, shall be required at the time of permit application submittal.

Sec. 18-250. - Variances.

Variances to the requirements of this article shall be heard pursuant to the same procedures as variances under the Floodplain Management Code, adopted pursuant to Article X under this Chapter.

Secs. 18-251—18-270. - Reserved.

ARTICLE X. - FLOODPLAIN MANAGEMENT

Sec. 18-271. - State Model Floodplain Management Code adopted.

The "Town of Ponce Inlet Floodplain Management Code as Amended in 2017," attached to this ordinance is hereby adopted in its entirety. The "Town of Ponce Inlet Floodplain Management Code as Amended in 2017" consists of the 2012 State Model Floodplain Management Code along with the model 2017 amendments thereto and is on file in the office of the town clerk.

Sec. 18-272—18-410. - Reserved.

ARTICLE XI. - HOUSING CODE

Sec. 18-411. - International Property Maintenance Code adopted.

(a) With the exceptions referenced below, the town hereby adopts the 2018 Edition of the International Property Maintenance Code published by the International Code Council, Inc., and incorporates the same by reference as if fully set forth herein. Copies of the 2018 International Property Maintenance Code, together with this section, are on file in the office of the town clerk.

(b) The following sections of the 2018 International Property Maintenance Code are hereby amended as follows:

(1) *Section 101.1.* These regulations shall be known as the Property Maintenance Code of the Town of Ponce Inlet, hereinafter referred to as "this Code."

(2) *Section 102.3* entitled "Application of other codes," is hereby amended to read as follows: Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the current edition of the Florida Building Code and adopted volumes thereof. Nothing in this Code shall be construed to cancel, modify or set aside any provision of the Town of Ponce Inlet Land Use and Development Code. All references to the International Model Codes shall be changed to the equivalent currently adopted edition of the Florida Codes:

- a. International Building Code is Florida Building Code, Building,
- b. International Plumbing Code is Florida Building Code, Plumbing,
- c. International Mechanical Code is Florida Building Code, Mechanical,
- d. International Fuel Gas Code is Florida Building Code, Fuel Gas,
- e. International Residential Code is Florida Building Code, Residential,
- f. International Existing Building Code is Florida Building Code, Existing Building
- g. International Electrical Code is National Electrical Code NFPA 70,
- h. International Fire Code is Florida Fire Prevention Code,
- i. International Zoning Code is Town of Ponce Inlet Land Use and Development Code.

(3) *Section 103.1*, entitled "General," shall read as follows: The Planning and Development Department or designee is hereby charged with the primary responsibility of enforcing this Code.

(4) *Section 103.2*, entitled "Appointment," shall read as follows: The Code Inspector shall be appointed by the Town Manager or designee.

(5) *Section 103.5*, entitled "Fees," is hereby deleted in its entirety.

(6) *Section 106.2*, entitled "Notice of Violation," is hereby deleted in its entirety.

(7) *Section 106.3*, entitled "Prosecution of Violation," is hereby deleted in its entirety.

(8) *Section 107*, entitled "Notices and Order," is hereby deleted in its entirety.

(9) *Section 108.3*, entitled "Notice," is hereby amended to read as follows: Whenever the building official has condemned a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and serviced as follows:

- 1. The building official shall prepare and issue a written notice of unsafe building directed to the owner of record of the building or structure. The notice shall contain, but need not be limited to, the following information:
 - a. A description of the real estate sufficient for identification;
 - b. A statement of the violation or violations and why the notice is being issued;
 - c. A correction order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this code;
 - d. The right of the owner or owner's authorized agent of the right to appeal;
 - e. The right to file a lien; and

- 366 f. A statement that all costs of demolition and/or repair shall be assessed against and
367 constitute a lien on the property upon which the building or structure is/was situated.
- 368 2. Notice shall be given to all interested parties: the lessee, tenant, or occupants, if any, and any
369 persons of record interest, including mortgagee, contract purchaser, agent with power of
370 attorney, person claiming an interest under *lis pendens* and the like. Failure to effect personal
371 service in accordance with the provisions of this section shall not prevent the town from
372 performing necessary repairs or demolition, or from attaching a lien on the property.
- 373 3. Notice shall be sent by:
- 374 a. Certified mail, return receipt requested with a copy sent by first-class mailing. If the
375 certified mail is returned as unclaimed or refused, notice may be provided by publishing
376 a copy thereof once in a newspaper of general circulation within the town, and the town
377 Manager or designee shall properly execute proof of mailing or affidavit confirming the
378 first-class mailing. A copy of such notice shall be posted in a conspicuous place in town
379 Hall and upon such dwelling or structure; or
- 380 b. Hand-delivery by a law enforcement officer, inspector, or other person designated by the
381 town; or
- 382 c. Leaving the notice at the interested party's usual place of residence with any person
383 residing therein who is above 15 years of age and informing such person of the contents
384 of the notice; or
- 385 d. In the case of commercial premises, leaving the notice with the manager or other person
386 in charge; or
- 387 e. If the name of any interested persons or his or her place of residence or his or her post
388 office address cannot be ascertained after diligent search, by publishing a copy thereof
389 once in a newspaper of general circulation within the town. A copy of such notice and
390 order shall be posted in a conspicuous place in Town Hall and upon such dwelling or
391 structure.
- 392 (10) Section 108.8, "*Appeals and Recourse*," is hereby created to read as follows:
- 393 1. Any person entitled to service in accordance with the provisions 108.3 may appeal any action
394 of the building official under this code to the Planning Board, acting as the Board of
395 Adjustments and Appeals.
- 396 2. If the appellant is aggrieved by the decision of the planning board, he or she may file a notice
397 of appeal with the town clerk within 30 days after rendition of the decision of the planning
398 board. The notice of appeal shall be accompanied by payment of any fee established by
399 resolution of the town council. The appeal shall be heard at the next available council
400 meeting.
- 401 (11) Section 109, entitled "Emergency Measures," is hereby deleted in its entirety.
- 402 (12) Section 110, entitled "Demolition," is hereby amended to read as follows:.
- 403 110.1 *Condition of lot or structure after repairs or demolition.* A lot from which a dwelling,
404 structure or manmade body of water is repaired or demolished shall be completely cleaned of all
405 repair or demolition material and shall be properly filled, graded, and seeded with grass seed or
406 sodded, as needed, within five days of the date of completion of the repairs or demolition.
- 407 110.2 *Cost of repair or demolition; lien on property: collection.*

- a. Upon repair or demolition of any building or structure, either with town crews or by independent contractor, all costs of demolition and/or repair shall be assessed against and constitute a lien on the property upon which the building or structure is/was situated. The lien shall be equal in rank, priority and dignity with the lien of Volusia County ad valorem taxes and shall be superior to all other liens, encumbrances, titles and claims in, to or against the property. Cost shall include, but not limited to, all administrative costs, attorney's fees, postage, publication fees, and actual costs of physical removal and/or repair.
- b. The town clerk may file such lien in the public records of Volusia County Florida, showing the nature of the lien, the amount thereof, a legal description of the property and the owner thereof. Such liens shall bear interest from the date of filing at the highest rate allowed by law.
- c. The lien may be enforced in the same manner as a court judgment by the sheriffs of the State of Florida, including levy against personal property, and may also be foreclosed in the nature of a mortgage. All costs and attorney's fees incurred in collection of amounts due under any such lien shall also be secured by the property and included within the total sum due under the lien.
- d. The town shall not commence any lien foreclosure action against any property for which a lien has been filed until such lien has been filed of record for a period of 90 days.
- (13) *Section 111*, entitled "Means of Appeal," of this Code is hereby deleted in its entirety.
- (14) *Section 201.4*, entitled "Terms not Defined," is hereby amended to read as follows: Words not defined herein or in the referenced Florida Codes shall have meanings defined in the Florida Statutes, other documents, manuals, or standards adopted elsewhere in the Code of Ordinances. Words not defined in those documents shall have the meaning stated in the latest edition of Merriam-Webster's Collegiate Dictionary.
- (15) *Section 302.4*, entitled "Weeds," shall read as follows: All premises and exterior property shall be maintained free from weeds or plant growth in excess of twelve (12) inches.
- (16) *Section 304.14*, entitled "Insect Screens," shall read as follows: Year-round, every door, window, and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas, or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged, or stored, shall be supplied with approved, tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.
- (17) *Section 309.5*, entitled "Occupant," is hereby deleted in its entirety.
- (18) *Section 404.2*, entitled "Minimum room widths," shall be amended to read as follows: A habitable room, other than a kitchen, shall not be less than 7 feet (2134 mm) in any plan dimension. For purposes of this Code, "habitable room" does not include space occupied by built-in equipment, including but not limited to wardrobes, cabinets, closets, utility spaces, storage areas, appliances, and other similar areas. Kitchens shall have a clear passageway of not less than 3 feet (914 mm) between counterfronts and appliances or counterfronts and walls.
- (19) *Section 404.4.1*, entitled "Room Area," shall read as follows: Every living room shall contain at least 120 square feet, and every bedroom shall contain at least 70 square feet of habitable floor

area. Every room occupied for sleeping purposes by more than one occupant shall contain at least 50 square feet of habitable floor area for each occupant. For purposes of this subsection, "occupant" is defined as a person 18 years or older. Also, for purposes of this Code, "habitable floor area" does not include space occupied by built-in equipment, including but not limited to built-in wardrobes, cabinets, closets, storage, or appliances, and other similar built-in areas.

- a. At the time of the enactment of this article, dwelling units with bedrooms less than 70 square feet may be occupied by no more than one occupant per substandard sized bedroom.

(20) *Section 404.4.5*, entitled "Other requirements," is hereby deleted in its entirety.

(21) *Section 602.3*, entitled "Heat Supply," shall read as follows: Every owner and operator of any building who rents, leases, or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from November 15th to March 15th sufficient to maintain a temperature of not less than 68 degrees Fahrenheit in all habitable rooms, bathrooms, and toilet rooms.

(22) *Subsection 602.4*, entitled "Occupiable Work Spaces," shall read as follows: Indoor occupiable work spaces shall be supplied with heat during the period from November 15th to March 15th sufficient to maintain a temperature of not less than 68 degrees Fahrenheit during the period the spaces are occupied.

(23) *Supplemental Code*. The provisions of this Code shall be supplemental to all other codes and other ordinances of the town.

Section 18-412 – Temporary Storm Protection

(a) *Occupied Buildings*. Hurricane protective devices that impede egress, light, and/or ventilation in a closed/secured position on occupied buildings may be installed up to seven days prior to the projected landfall or impact of any named storm or weather system. Temporary protection must be removed within 14 days after the storm threat has passed. However, second-story and third-story openings on single-family and two-family residences may remain protected throughout the entire hurricane season (June 1 through November 30), provided:

- (1) The coverings are made of transparent or translucent material that admits light into the building;
- (2) The coverings can be easily removed from inside of the room, such as with a latch, spring pin, or hinge, so that the coverings can fall, open, or dislodge to allow emergency egress from the building if necessary;
- (3) The coverings are not painted, numbered, or marked with any type of symbols, trademarks, or stickers that would make the covering stand out in a manner inconsistent with the appearance of the residences and character of the surrounding neighborhood; and
- (4) The coverings are removed no later than December 1st each year.

(b) *Unoccupied Buildings*. Openings on unoccupied buildings may be protected throughout the entire hurricane season using hurricane protective devices designed and installed in conformance with the Florida Building Code and permitted by the Town. After the official hurricane season is over, the shutters must remain fully opened or be removed.

Section 18-413 – Temporary Protection and Repair of Damaged Openings

(a) *Occupied Buildings.* Damaged openings such as doors, windows or other apertures or holes in the building envelope shall be allowed to be protected with temporary measures for up to 90 days from the date of damage. Materials used to protect or cover the opening can be any material approved for use by the current edition of the Florida Building code. If using wood structural panels, Oriented Strand Board (OSB), plywood or any other natural wood product, the material used to enclosed the building must be neatly fitted to product the opening and shall be painted to blend in or match the rest of the material.

(b) *Unoccupied Buildings.* Damaged openings such as doors, windows or other apertures or holes in the building envelope shall be allowed to be temporarily protected, but permanent repairs or replacement of the damaged doors, windows or other apertures shall take place within 90 days from the date of damage. Materials used to temporarily protect, cover or replace the opening can be material approved for use by the current edition of the Florida Building Code.

Secs. 18-414—18-450. - Reserved.

ARTICLE XII. - COASTAL CONSTRUCTION CODE

Sec. 18-451. - Revisions to Coastal Zone Protection Act adopted.

The 2006 revisions to the Coastal Zone Protection Act of 1985, F.S. Ch. 161, Part III, which are on file with the town clerk, are adopted by reference as if fully set out in this section as a duly enacted ordinance for the town.

Sec. 18-452. -Reserved.

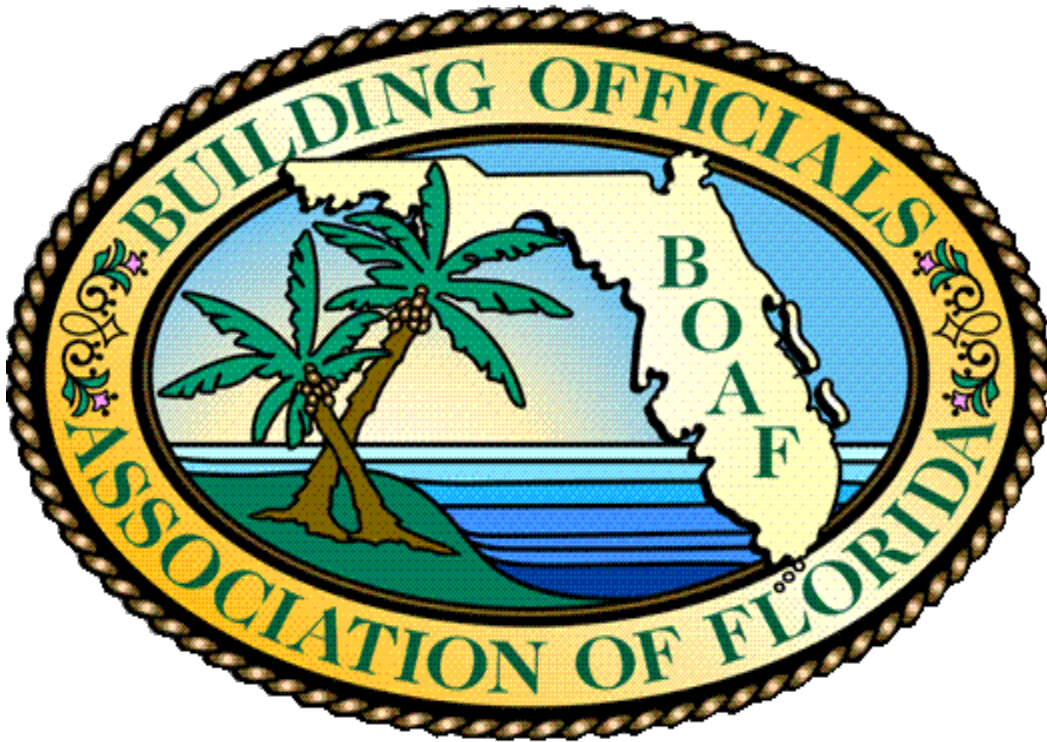
AMENDMENTS TO CHAPTER 34. Sections 34-1 through 34-3 of the Town of Ponce Inlet Code of Ordinances are hereby amended to read as follows:

CHAPTER 34 - ENVIRONMENT

ARTICLE I – RESERVED

Sec. 34-1 – 34-3. - Reserved.

EXHIBIT "B"



BOAF MODEL ADMINISTRATIVE CODE
FOR THE FLORIDA BUILDING CODE, 7th Edition (2020)
WITH THE
**ADDITIONS FROM THE
TOWN OF PONCE INLET**

BOAF Model Administrative Code – 7th Edition (2020)

The Building Officials Association of Florida is proud to present this model document for use by its members as a tool to facilitate the uniform and consistent application of local amendments to the administrative provisions of the Florida Building Code. Every effort has been made to present the amendments in mandatory language format. The language that is shaded represents those text revisions approved by the BOAF Board of Directors.

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LEGEND: Underlined words herein constitute additions made by the Town of Ponce Inlet, pursuant to § 553.73(4)(a), Florida Statutes, to the BOAF 2017 Model Administrative Code for the Seventh Edition of the Florida Building Code (2020). ~~Strikethroughs~~ constitute deletions from the BOAF 2017 Model Administrative Code.

CHAPTER 1

SCOPE AND ADMINISTRATION

PART 1—SCOPE AND APPLICATION

SECTION 101 GENERAL

101.1 Title. These regulations shall be known as the *Florida Building Code*, hereinafter referred to as “this code.”

101.2 Scope. The provisions of this code shall apply to the construction, *alteration*, relocation, enlargement, replacement, *repair*, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures.

Exceptions:

1. Detached one- and two-family *dwelling*s and multiple single-family *dwelling*s (*townhouses*) not more than three *stories* above *grade plane* in height with a separate *means of egress* and their accessory structures not more than three stories above grade plane in height, shall comply with the *Florida Building Code, Residential*.
2. Existing buildings undergoing repair, alterations or additions and change of occupancy shall comply with Florida Building Code, Existing.

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

2017-2020 Florida Building Code, Building

- Appendix B - Chapter 9B-52 F.A.C. Florida Standard for Passive Radon-Resistant Construction
- Appendix C - Chapter 9B-53 F.A.C. Standard for Mitigation of Radon in Existing Buildings
- Appendix G - Flood-Resistant Construction

2020-2017 Florida Building Code, Residential

- Appendix A - Sizing and Capacities of Gas Piping
- Appendix B - Sizing of Venting Systems Serving Appliances Equipped with Draft Hoods, Category I

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

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

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

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

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

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

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

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

101.4.4 Property maintenance. The provisions of the 2018 *International Property Maintenance Code* shall apply to existing structures and premises; equipment and facilities; light, ventilation, space heating, sanitation, life and fire safety hazards; responsibilities of owners, operators and occupants; and occupancy of existing premises and structures.

101.4.5 Fire prevention. For provisions related to fire prevention, refer to the *Florida Fire Prevention Code*. The *Florida Fire Prevention Code* shall apply to matters affecting or relating to structures, processes and premises from the hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices; from conditions hazardous to life, property or public welfare in the occupancy of structures or premises; and from the construction,

extension, *repair*, *alteration* or removal of fire suppression, *automatic sprinkler systems* and alarm systems or fire hazards in the structure or on the premises from occupancy or operation.

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

101.4.7 Existing buildings. The provisions of the *Florida Existing Building Code* shall apply to matters governing the *repair*, *alteration*, change of occupancy, *addition* to and relocation of existing buildings.

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

101.4.9 Manufactured buildings. For additional administrative and special code requirements, see Section 458, *Florida Building Code, Building*, and Rule 61-41 *Florida Administrative Code*.

SECTION 102 APPLICABILITY

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

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

limited to, correctional facilities, juvenile justice facilities, or state universities, community colleges, or public education facilities, as provided by law.

102.2 Building. The provisions of the *Florida Building Code* shall apply to the construction, erection, alteration, modification, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every public and private building, structure or facility or floating residential structure, or any appurtenances connected or attached to such buildings, structures or facilities. Additions, alterations, repairs and changes of use or occupancy group in all buildings and structures shall comply with the provisions provided in the *Florida Building Code, Existing Building*. The following buildings, structures and facilities, except for those located in a Special Flood Hazard Area are exempt from the *Florida Building Code* as provided by law, and any further exemptions shall be as determined by the legislature and provided by law:

- (a) Building and structures specifically regulated and preempted by the federal government.
- (b) Railroads and ancillary facilities associated with the railroad.
- (c) Nonresidential farm buildings on farms.
- (d) Temporary buildings or sheds used exclusively for construction purposes.
- (e) Mobile or modular structures used as temporary offices, except that the provisions of Part II (Section 553.501-553.513, *Florida Statutes*) relating to accessibility by persons with disabilities shall apply to such mobile or modular structures. Permits shall be required for structural support and tie down, electric supply and all other such utility connections to such mobile or modular structures as required by this jurisdiction.
- (f) Those structures or facilities of electric utilities, as defined in Section 366.02, *Florida Statutes*, which are directly involved in the generation, transmission, or distribution of electricity.
- (g) Temporary sets, assemblies, or structures used in commercial motion picture or television production, or any sound-recording equipment

used in such production, on or off the premises.

- (h) Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this paragraph, the term “chickee” means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other non-wood features.
- (i) Family mausoleums not exceeding 250 square feet (23 m²) in area which are prefabricated and assembled on site or preassembled and delivered on site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.
- (j) Temporary housing provided by the Department of Corrections to any prisoner in the state correctional system.

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

102.2.2 Residential buildings or structures moved into or within a county or municipality shall not be required to be brought into compliance with the state minimum building code in force at the time the building or structure is moved, provided:

- 1. The building or structure is structurally sound and in occupiable condition for its intended use;
- 2. The occupancy use classification for the building or structure is not changed as a result of the move;
- 3. The building is not substantially remodeled;
- 4. Current fire code requirements for ingress and egress are met;

5. Electrical, gas and plumbing systems meet the codes in force at the time of construction and are operational and safe for reconnection; and
6. Foundation plans are sealed by a professional engineer or architect licensed to practice in this state, if required by the *Florida Building Code*, Building for all residential buildings or structures of the same occupancy class.

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

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

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

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

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

102.4 Referenced codes and standards. The codes and standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections 102.4.1 and 102.4.2.

102.4.1 Conflicts. Where conflicts occur between provisions of this code and referenced codes and standards, the provisions of this code shall apply.

102.4.2 Provisions in referenced codes and standards. Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this code or the Florida Codes listed in Section 101.4, the provisions of this code or the Florida Codes listed in Section 101.4, as applicable, shall take precedence over the provisions in the referenced code or standard.

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

102.6 Existing structures. The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change, except as is specifically covered in this code, the *Florida Building Code, Existing Building, the 2018 International Property Maintenance Code and the 2014 Florida Fire prevention code*, or as revised by ordinance of the Town or as is deemed necessary by the building official for the general safety and welfare of the occupants and the public.

102.6.1 Buildings not previously occupied. A building or portion of a building that has not been previously occupied or used for its intended purpose in accordance with the laws in existence at the time of its completion shall comply with the provisions of the *Florida Building Code* or *Florida Residential Code*, as applicable, for new construction or with any current permit for such occupancy.

102.6.2 Buildings previously occupied. The legal occupancy of any building existing on the date of adoption of this code shall be permitted to continue without change, except as otherwise specifically provided in this code, the *Florida Fire prevention Code* or *International Property Maintenance Code 2018* or as is deemed necessary by the *building official* for the general safety and welfare of the occupants and the public.

102.7 Relocation of manufactured buildings.

- (1) Relocation of an existing manufactured building does not constitute an alteration.
- (2) A relocated building shall comply with wind speed requirements of the new location, using the appropriate wind speed map. If the existing building was manufactured in compliance with the Standard Building Code (prior to March 1, 2002), the wind speed map of the Standard Building Code shall be applicable. If the existing building was manufactured in compliance with the *Florida Building Code* (after March 1, 2002), the wind speed map of the *Florida Building Code* shall be applicable.
- (3) A relocated building shall comply with the flood hazard area requirements of the new location, if applicable.

102.8 Existing mechanical equipment. An agency or local government may not require that existing mechanical equipment located on or above the surface of a roof be installed in compliance with the requirements of the Florida Building Code except during reroofing when the equipment is being replaced or moved during reroofing and is not in compliance with the provisions of the Florida Building Code relating to roof-mounted mechanical units.

PART 2—ADMINISTRATION AND ENFORCEMENT

SECTION 103 DEPARTMENT OF BUILDING SAFETY

103.1 Creation of enforcement agency. The Department of Building Safety is hereby created and the official in charge thereof shall be known as the *building official*.

103.2 Appointment. The *building official* shall be appointed by the chief appointing authority of the jurisdiction.

103.3 Deputies. In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the *building*

official shall have the authority to appoint a deputy *building official*, the related technical officers, inspectors, plan examiners and other employees. Such employees shall have powers as delegated by the *building official*.

For the maintenance of existing properties, see the *2018 International Property Maintenance Code*

SECTION 104 DUTIES AND POWERS OF BUILDING OFFICIAL

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

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

104.2.1 Determination of substantially improved or substantially damaged existing buildings and structures in flood hazard areas. For applications for reconstruction, rehabilitation, *repair*, *alteration*, *addition* or other improvement of existing buildings or structures located in *flood hazard areas*, the *building official* shall determine if the proposed work constitutes substantial improvement or *repair of substantial damage*. Where the *building official* determines that the proposed work constitutes *substantial improvement* or *repair of substantial damage*, and where required by this code, the *building official* shall require the building to meet the requirements of Section 1612.

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

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

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

104.6 Right of entry. Where it is necessary to make an inspection to enforce the provisions of this code, or where the *building official* has reasonable cause to believe that there exists in a structure or upon a premises a condition which is contrary to or in violation of this code which makes the structure or premises unsafe, dangerous or hazardous, the *building official* is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this code, provided that if such structure or premises be occupied that credentials be presented to the occupant and entry requested. If such structure or premises is unoccupied, the *building official* shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the *building official* shall have recourse to the remedies provided by law to secure entry.

104.7 Department records. The *building official* shall keep official records of applications received, *permits* and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained in the official records for the period required for retention of public records per FS 119.

104.8 Liability. The *building official*, member of the board of appeals or employee charged with the enforcement of this code, while acting for the

jurisdiction in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be civilly or criminally rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by legal representative of the jurisdiction until the final termination of the proceedings. The *building official* or any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of this code.

104.8.1 Legal defense. Any suit or criminal complaint instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by legal representatives of the jurisdiction until the final termination of the proceedings. The *building official* or any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of this code.

104.9 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.

104.10.1 Flood hazard areas. ~~The building official shall not grant modifications to any provision required in flood hazard areas as established by Section 1612.3 unless a determination has been made that:~~

- ~~1. A showing of good and sufficient cause that the unique characteristics of the size, configuration, or topography of the site render the elevation standards of section 1612 inappropriate.~~
- ~~2. A determination that failure to grant the variance would result in exceptional hardship by rendering the lot undevelopable.~~
- ~~3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, cause fraud on or victimization of the public, or conflict with existing laws or ordinances.~~
- ~~4. A determination that the variance is the minimum necessary to afford relief, considering the flood hazard.~~
- ~~5. Submission to the applicant of written notice specifying the difference between the design flood elevation and the elevation to which the building is to be built, stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation, and stating that construction below the design flood elevation increases risks to life and property.~~

104.10.1 Flood hazard areas. The building official shall coordinate with the floodplain administrator to review requests submitted to the building official that seek approval to modify the strict application of the flood resistant construction requirements of the Florida Building Code to determine whether such requests require the granting of a variance pursuant to Section 117.

104.11 Alternative materials, design and methods of construction and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been *approved*. An alternative material, design or method of construction shall be *approved* where the *building official* finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, not less than the equivalent of that prescribed in this code in quality, strength, effectiveness, *fire resistance*, durability and safety. ~~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. Where the alternative material, design or method of construction is not approved, the building official shall respond in writing, stating the reasons why the alternative was not approved.~~

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

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

104.12 Requirements not covered by code. Any requirements necessary for strength, stability or proper operation of an existing or proposed building, structure, electrical, gas, mechanical or plumbing system, or for the public safety, health and general welfare, not specifically covered by this or other technical codes, shall be determined by the *building official*.

SECTION 105 PERMITS

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

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

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

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

105.1.4 Public swimming pool. The local enforcing agency may not issue a building permit to construct, develop, or modify a public swimming pool without proof of application, whether complete or incomplete, for an operating permit pursuant to Section 514.031, *Florida Statutes*. A certificate of completion or occupancy may not be issued until such operating permit is issued. The local enforcing agency shall conduct their review of the building permit application upon filing and in accordance with Chapter 553, *Florida Statutes*. The local enforcing agency may confer with the Department of Health, if necessary, but may not delay the building permit application review while awaiting comment from the Department of Health.

105.2 Work exempt from permit. Exemptions from *permit* requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction, to include work in any special flood hazard area. Exemptions granted under this section do not relieve the owner or contractor from their duty to comply with applicable provisions of the Florida Building Code, and requirements of the *local floodplain management ordinance*. *Permits* shall not be required for the following:

Building:

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 32 square feet (3m²).
2. Decorative Landscape Fences not over 3 feet (914.4 mm) high.
3. Retaining walls that are not over 2 feet in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II, or IIIA liquids.

4. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
5. Temporary motion picture, television and theater stage sets and scenery.
6. Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 24 inches (610 mm) deep, do not exceed 5,000 gallons (18 925 L) and are installed entirely above ground.
7. Swings and other playground equipment accessory to detached one- and two-family *dwellings*
8. Window *awnings* supported by an *exterior wall* that do not project more than 54 inches (1372 mm) from the *exterior wall* and do not require additional support of Groups R-3 and U occupancies.
9. Non fixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches (1753 mm) in height
10. Building Interior: Repair and replacement of non-structural interior doors, trim, carpet, and other flooring, painting, cabinets, and vanities unless electrical or plumbing will be disconnected and/or altered from their original locations, repairs to walls and ceilings, additional attic insulation.
11. Building Exterior: Minor repair and replacement of small areas of trim and siding, fascia and soffit, broken panels of glass, replacement of window and pool enclosure screening, painting, and patching of exterior surfaces, fence repair, existing roof repair if less than 100 square foot total area during a twelve month period, gutters and downspouts.

Electrical:

Repairs and maintenance. Repair and replacement of fixtures and appliances such as light fixtures, ceiling fans, receptacles, switches, refrigerator, range, range hood in their original location and no change to the circuit breakers in existing panels. Caution: electrical work should only be done by a

qualified electrician or a person experienced with electrical systems. Improper electrical work can cause property damage, injury, and possible death.

Radio and television transmitting stations:

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

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

Gas:

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

Mechanical:

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

Plumbing:

1. The stopping of leaks in drains, water, soil, waste or vent pipe, provided, however, that if any concealed trap, drain pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and

replace the same with new material, such work shall be considered as new work and a *permit* shall be obtained and inspection made as provided in this code.

2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.
3. For single fixtures not part of the remodeling and/or alteration project: replacement of kitchen or bath sinks and faucets, toilets if location is not altered, shower heads, garbage disposal if no changes to the electrical and/or drain line and traps are made.

Swimming Pools:

~~Service work, replacement of components with the same as the original equipment such as pool pump, pool pump motor, pool filter, service work for pool heaters.~~

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 shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load-bearing support, or the removal or change of any required *means of egress*, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include *addition* to, *alteration* of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring systems or mechanical equipment or other work affecting public health or general safety, and such repairs shall not violate any of the provisions of the technical codes.

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

105.3 Application for permit. To obtain a *permit*, the applicant shall first file an application 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), *Florida Statutes*.

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

Effective October 1, 2017, a local enforcement agency shall post each type of building permit application on its website. Completed applications must be able to be submitted electronically to the appropriate building department. Accepted methods of electronic submission include, but are not limited to, e-mail submission of applications in portable document format or submission of applications through an electronic fill-in form available on the building department's website or through a third-party submission management software. Payments, attachments, or drawings required as part of the permit application may be submitted in person in a nonelectronic format, at the discretion of the *building official*.

105.3.1 Action on application. The *building official* shall examine or cause to be examined applications for *permits* and amendments thereto within a reasonable time after filing. If the application or the *construction documents* do not conform to the requirements of pertinent laws, the *building official* shall reject such application in writing, stating the reasons therefore. If the *building official* is satisfied that the proposed work

conforms to the requirements of this code and laws and ordinances applicable thereto, the *building official* shall issue a *permit* therefore as soon as practicable. When authorized through contractual agreement with a school board, in acting on applications for permits, the *building official* shall give first priority to any applications for the construction of, or addition or renovation to, any school or educational facility.

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

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

1. Plumbing documents for any new building or addition which requires a plumbing system with more than 250 fixture units or which costs more than \$125,000.
2. Fire sprinkler documents for any new building or addition which includes a fire sprinkler system which contains 50 or more sprinkler heads. Personnel as authorized by chapter 633 *Florida Statutes*, may design a fire sprinkler system of 49 or fewer heads and may design the alteration of an existing fire sprinkler system if the alteration consists of the relocation, addition or deletion of not more than 49 heads, notwithstanding the size of the existing fire sprinkler system.

3. Heating, ventilation, and air-conditioning documents for any new building or addition which requires more than a 15-ton-per-system capacity which is designed to accommodate 100 or more persons or for which the system costs more than \$125,000. This paragraph does not include any document for the replacement or repair of an existing system in which the work does not require altering a structural part of the building or for work on a residential one, two, three or four-family structure.

An air-conditioning system may be designed by an installing air-conditioning contractor certified under Chapter 489, *Florida Statutes*, to serve any building or addition which is designed to accommodate fewer than 100 persons and requires an air-conditioning system with a value of \$125,000 or less; and when a 15-ton-per system or less is designed for a singular space of a building and each 15-ton system or less has an independent duct system. Systems not complying with the above require design documents that are to be sealed by a professional engineer.

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

Example 2: Consider a small single-story office building which consists of six individual offices where each office has a single three-ton package air conditioning heat pump. The six heat pumps are connected to a single water cooling tower. The cost of the entire heating, ventilation and air-conditioning work is \$47,000 and the office building accommodates fewer than 100 persons. Because the six mechanical units are connected to a common water tower this is considered to be an 18-ton system.

NOTE: It was further clarified by the Commission that the limiting criteria of 100 persons and \$125,000 apply to the building occupancy load and the cost for the total air-conditioning system of the building.

4. Any specialized mechanical, electrical, or plumbing document for any new building or addition which includes a medical gas, oxygen, steam, vacuum, toxic air filtration, halon, or fire detection and alarm system which costs more than \$5,000.
5. Electrical documents. See Florida Statutes 471.003(2)(h). Any electrical or plumbing or air-conditioning and refrigeration system meeting the following thresholds are required to be designed by a Florida Registered Engineer. The system, Requires an electrical system with a value of over \$125,000; and Requires an aggregate service capacity of over 600 amperes (240 volts) on a residential electrical system or over 800 amperes (240 volts) on a commercial or industrial electrical system.

NOTE: It was further clarified by the Commission that the limiting factor of 240 volt or over is required to be designed by an Engineer.

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

6. All public swimming pools and public bathing places defined by and regulated under Chapter 514, Florida Statutes

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

105.3.3 An enforcing authority may not issue a building permit for any building construction,

erection, alteration, modification, repair or addition unless the permit either includes on its face or there is attached to the permit the following statement: “NOTICE: In addition to the requirements of this permit, there may be additional restrictions applicable to this property that may be found in the public records of this county, and there may be additional permits required from other governmental entities such as water management districts, state agencies, or federal agencies.”

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

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

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

Disclosure Statement: State law requires asbestos abatement to be done by licensed contractors. You have applied for a permit under an exemption to that law. The exemption allows you, as the owner of your property, to act as your own asbestos abatement contractor even though you do not have a license. You must supervise the construction yourself. You may move, remove or dispose of asbestos-containing materials on a residential

building where you occupy the building and the building is not for sale or lease, or the building is a farm outbuilding on your property. If you sell or lease such building within 1 year after the asbestos abatement is complete, the law will presume that you intended to sell or lease the property at the time the work was done, which is a violation of this exemption. You may not hire an unlicensed person as your contractor. Your work must be done according to all local, state and federal laws and regulations which apply to asbestos abatement projects. It is your responsibility to make sure that people employed by you have licenses required by state law and by county or municipal licensing ordinances.

105.3.7 Applicable Code for Manufactured Buildings. Manufacturers should be permitted to complete all buildings designed and approved prior to the effective date of a new code edition, provided a clear signed contract is in place. The contract shall provide specific data mirroring that required by an application for permit, specifically, without limitation, date of execution, building owner or dealer, and anticipated date of completion. However, the construction activity must commence within 6 months of the contract's execution. The contract is subject to verification by the Department of Business and Professional Regulation.

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

105.4 Conditions of the permit. The issuance or granting of a *permit* shall not be construed to be a *permit* for, or an approval of, any violation of any of the provisions of this code or of any other ordinance of the jurisdiction. *Permits* presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not

be valid. The issuance of a *permit* based on *construction documents* and other data shall not prevent the *building official* from requiring the correction of errors in the *construction documents* and other data. The *building official* is also authorized to prevent occupancy or use of a structure where in violation of this code or of any other ordinances of this jurisdiction.

105.4.1 Permit intent. A permit issued shall be construed to be a license to proceed with the work and not as authority to violate, cancel, alter or set aside any of the provisions of the technical codes, nor shall issuance of a permit prevent the *building official* from thereafter requiring a correction of errors in plans, construction or violations of this code. Every permit issued shall become invalid unless the work authorized by such permit is commenced within six months after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of six months after the time the work is commenced.

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

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

105.4.1.3 Work shall be considered to be in active progress when the permit has received an approved inspection within 180 days. This provision shall not be applicable in case of civil commotion or strike or when the building work

is halted due directly to judicial injunction, order or similar process.

105.4.1.4 The fee for renewal reissuance and extension of a permit shall be set forth by the resolution of the Town Council, as amended from time to time.

105.5 Expiration. Every *permit* issued shall become invalid unless the work on the site authorized by such *permit* is commenced within 180 days after its issuance, or if the work authorized on the site by such *permit* is suspended or abandoned for a period of 180 days after the time the work is commenced the permit holder and property owner shall be responsible to either complete all work in accordance with the permitted plans and inspection or remove any partially completed work in a safe and code compliant manner. The *building official* is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated as determined by the *building official*. Permits issued for the demolition of a structure shall expire sixty (60) days from the date of issuance. For a justifiable cause, one or more extensions of time for a period not exceeding thirty (30) days may be allowed. Such request shall be in writing to the building official. In addition to subsections 105.4 and 105.5 of the BOAF Model Administration Code Chapter 1, all permits issued under the Florida Building Code (inclusive of all extensions) for new construction of residential and commercial projects shall be null and void two years and one day after the date of issuance and shall be deemed non-compliant. The expiration date will appear on the permit. No work shall be performed under a non-compliant permit. Any person performing work under a non-compliant permit shall be in violation of this section and may be sent a Notice of Violation to appear before the Town of Ponce Inlet Code Enforcement Board.

~~**105.5.1** The *building official* is authorized to reject new permit applications from a contractor who holds more than 2 (two) expired or inactive permits.~~

~~**105.5.1.1** For the purposes of this subsection, a *closed permit* shall mean a permit for which all requirements for completion have been~~

~~satisfied or a permit that has been administratively closed by the *building official*.~~

~~**105.5.1.2** For the purposes of this subsection, an *open permit* shall mean a permit that has not satisfied all requirements for completion as defined in 105.5.1.1.~~

105.5.1 Additional options for closing a permit.
Pursuant to Section 553.79(15), Florida Statutes, a property owner, regardless of whether the property owner is the one listed on the application for the building permit, may close a building permit by complying with the following requirements:

1. The property owner may retain the original contractor listed on the permit or hire a different contractor appropriately licensed in this state to perform the work necessary to satisfy the conditions of the permit and to obtain any necessary inspection in order to close the permit. If a contractor other than the original contractor listed on the permit is hired by the property owner to close the permit, such contractor is not liable for any defects in the work performed by the original contractor and is only liable for the work that he or she performs.
2. The property owner may assume the role of an owner- builder, in accordance with Sections 489.103(7) and 489.503(6), Florida Statutes.
3. If a building permit is expired and its requirements have been substantially completed, as determined by the local enforcement agency, the permit may be closed without having to obtain a new building permit, and the work required to close the permit may be done pursuant to the building code in effect at the time the local enforcement agency received the application for the permit, unless the contractor has sought and received approval from the local enforcement agency for an alternative material, design or method of construction.
4. A local enforcement agency may close a building permit 6 years after the issuance

of the *permit*, even in the absence of a final inspection, if the local enforcement agency determines that no apparent safety hazard exists.

For purposes of this section, the term “close” means that the requirements of the *permit* have been satisfied.

~~**105.5.2** The *building official* is authorized to administratively close expired or inactive trade permits after 1 (one) year of expiration when no safety hazard exists and no code violations have been previously identified.~~

105.5.2 For the purposes of this subsection, a *closed permit* shall mean a *permit* for which all requirements for completion have been satisfied or a *permit* that has been administratively closed by the *building official*.

~~**105.5.3** Closing out or resolving open or expired permits shall be the responsibility of the permit applicant and the property owner. Failure to close out or resolve open permits may be reported to the proper authority by the *building official*.~~

105.5.3 For the purposes of this subsection, an *open permit* shall mean a *permit* that has not satisfied all requirements for completion as defined in 105.5.1.1.

105.6 Denial, suspension, or revocation. The building official is authorized to suspend or revoke a permit issued under the provisions of this code whenever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any of the provision of this code. Whenever a permit required under this section is denied or revoked because the plan, or the construction, erection, alteration, modification, repair, or demolition of a building, is found by the local enforcing agency to be not in compliance with the Florida Building Code, the local enforcing agency shall identify the specific plan or project features that do not comply with the applicable codes, identify the specific code chapters and sections upon which the finding is based, and provide this information to the permit applicant. If the local building code administrator or inspector finds that the plans are not in compliance with the Florida Building Code, the local building code

administrator or inspector shall identify the specific plan features that do not comply with the applicable codes, identify the specific code chapters and sections upon which the finding is based, and provide this information to the local enforcing agency. The local enforcing agency shall provide this information to the permit applicant.

105.6.1 Pursuant to Section 553.79(16), Florida Statutes, a local enforcement agency may not deny issuance of a building *permit* to; issue a notice of violation to; or fine, penalize, sanction or assess fees against an arm’s-length purchaser of a property for value solely because a building *permit* applied for by a previous owner of the property was not closed. The local enforcement agency shall maintain all rights and remedies against the property owner and contractor listed on the *permit*.

105.6.2 Pursuant to Section 553.79(16), Florida Statutes, a local enforcement agency may not deny issuance of a building *permit* to a contractor solely because the contractor is listed on other building *permits* that were not closed. A local enforcement agency has the authority to deny a new *permit* application from an applicant for other reasons.

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

105.8 Notice of commencement. In accordance with Section 713.135, *Florida Statutes*, when any person applies for a building permit, the authority issuing such permit shall print on the face of each permit card in no less than 14-point, capitalized, boldfaced type: “WARNING TO OWNER: YOUR FAILURE TO RECORD A NOTICE OF COMMENCEMENT MAY RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY. A NOTICE OF COMMENCEMENT MUST BE RECORDED AND POSTED ON THE JOB SITE BEFORE THE FIRST INSPECTION. IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN ATTORNEY BEFORE RECORDING YOUR NOTICE OF COMMENCEMENT.”

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

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

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

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

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

permit for the entire structure will be granted. Corrections may be required to meet the requirements of the technical codes.

105.14 Permit issued on basis of an affidavit.

Whenever a permit is issued in reliance upon an affidavit or whenever the work to be covered by a permit involves installation under conditions which, in the opinion of the *building official*, are hazardous or complex, the *building official* shall require that the architect or engineer who signed the affidavit or prepared the drawings or computations shall supervise such work. In addition, they shall be responsible for conformity to the permit, provide copies of inspection reports as inspections are performed, and upon completion make and file with the *building official* written affidavit that the work has been done in conformity to the reviewed plans and with the structural provisions of the technical codes. In the event such architect or engineer is not available, the owner shall employ in his stead a competent person or agency whose qualifications are reviewed by the *building official*. The *building official* shall ensure that any person conducting plans review is qualified as a plans examiner under Part XII of Chapter 468, *Florida Statutes*, and that any person conducting inspections is qualified as a building inspector under Part III of Chapter 468, *Florida Statutes*.

Exception: Permit issued on basis of an affidavit shall not extend to the flood load and flood resistance requirements of the *Florida Building Code*.

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

Exception: Where defined wind-borne debris regions have not changed, single-family

residential structures permitted subject to the *Florida Building Code* are not required to comply with this section.

105.16 Inspection of existing residential building not impacted by construction.

- (a) A local enforcing agency, and any local building code administrator, inspector, or other official or entity, may not require as a condition of issuance of a one- or two-family residential building permit the inspection of any portion of a building, structure, or real property that is not directly impacted by the construction, erection, alteration, modification, repair, or demolition of the building, structure, or real property for which the permit is sought.
- (b) This subsection does not apply to a building permit sought for:
 - 1. A substantial improvement as defined in Section 161.54, *Florida Statutes* or as defined in the *Florida Building Code*.
 - 2. A change of occupancy as defined in the *Florida Building Code*.
 - 3. A conversion from residential to nonresidential or mixed use pursuant to Section 553.507(2)(a), *Florida Statutes* or as defined in the *Florida Building Code*.
 - 4. A historic building as defined in the *Florida Building Code*.
- (c) This subsection does not prohibit a local enforcing agency, or any local building code administrator, inspector, or other official or entity, from:
 - 1. Citing any violation inadvertently observed in plain view during the ordinary course of an inspection conducted in accordance with the prohibition in paragraph (a).
 - 2. Inspecting a physically nonadjacent portion of a building, structure, or real property that is directly impacted by the construction, erection, alteration, modification, repair, or demolition of the building, structure, or real property for which the permit is sought in

accordance with the prohibition in paragraph (a).

- 3. Inspecting any portion of a building, structure, or real property for which the owner or other person having control of the building, structure, or real property has voluntarily consented to the inspection of that portion of the building, structure, or real property in accordance with the prohibition in paragraph (a).
- 4. Inspecting any portion of a building, structure, or real property pursuant to an inspection warrant issued in accordance with Sections 933.20-933.30, *Florida Statutes*.

105.17 Streamlined low-voltage alarm system installation permitting.

- (1) As used in this section, the term:
 - (a) "Contractor" means a person who is qualified to engage in the business of electrical or alarm system contracting pursuant to a certificate or registration issued by the department under part II of chapter 489, *Florida Statutes*.
 - (b) "Low-voltage alarm system project" means a project related to the installation, maintenance, inspection, replacement, or service of a new or existing alarm system, as defined in Section 489.505, *Florida Statutes*, that is hardwired and operating at low voltage, as defined in the National Electrical Code Standard 70, and ancillary components or equipment attached to such a system, including, but not limited to, home-automation equipment, thermostats, and video cameras.
 - (c) "Low-voltage electric fence" means an alarm system, as defined in s. 489.505, that consists of a fence structure and an energizer powered by a commercial storage battery not exceeding 12 volts which produces an electric charge upon contact with the fence structure.

- (d) ~~(e)~~ “Wireless alarm system” means a burglar alarm system or smoke detector that is not hardwired.
- (2) Notwithstanding any provision of this Code, this section applies to all low-voltage alarm system projects for which a permit is required by a local enforcement agency. However, a permit is not required to install, maintain, inspect, replace, or service a wireless alarm system, including any ancillary components or equipment attached to the system.
- (3) A low-voltage electric fence must meet all of the following requirements to be permitted as a low-voltage alarm system project and no further permit shall be required for the low-voltage alarm system project other than as provided in this section:
- (a) The electric charge produced by the fence upon contact must not exceed energizer characteristics set forth in paragraph 22.108 and depicted in Figure 102 of International Electrotechnical Commission Standard No. 60335-2-76, Current Edition.
- (b) A nonelectric fence or wall must completely enclose the low-voltage electric fence. The low-voltage electric fence may be up to 2 feet higher than the perimeter nonelectric fence or wall.
- (c) The low-voltage electric fence must be identified using warning signs attached to the fence at intervals of not more than 60 feet.
- ~~(4)(3)~~ This section does not apply to the installation or replacement of a fire alarm if a plan review is required.
- ~~(5)(4)~~ A local enforcement agency shall make uniform basic permit labels available for purchase by a contractor to be used for the installation or replacement of a new or existing alarm system at a cost as indicated in Section 553.793, *Florida Statutes*. The local enforcement agency may not require the payment of any additional fees, charges, or expenses associated with the installation or replacement of a new or existing alarm.
- (a) A local enforcement agency may not require a contractor, as a condition of purchasing a label, to submit information other than identification information of the licensee and proof of registration or certification as a contractor.
- (b) A label is valid for 1 year after the date of purchase and may only be used within the jurisdiction of the local enforcement agency that issued the label. A contractor may purchase labels in bulk for one or more unspecified current or future projects.
- ~~(6)(5)~~ A contractor shall post an unused uniform basic permit label in a conspicuous place on the premises of the low-voltage alarm system project site before commencing work on the project.
- ~~(7)(6)~~ A contractor is not required to notify the local enforcement agency before commencing work on a low-voltage alarm system project. However, a contractor must submit a Uniform Notice of a Low-Voltage Alarm System Project as provided under subsection (7) to the local enforcement agency within 14 days after completing the project. A local enforcement agency may take disciplinary action against a contractor who fails to timely submit a Uniform Notice of a Low-Voltage Alarm System Project.
- ~~(8)(7)~~ The Uniform Notice of a Low-Voltage Alarm System Project may be submitted electronically or by facsimile if all submissions are signed by the owner, tenant, contractor, or authorized representative of such persons. The Uniform Notice of a Low-Voltage Alarm System Project shall be in the format prescribed by the local enforcement agency and must comply with the requirements of Section 553.793(7), *Florida Statutes*.
- ~~(9)(8)~~ A local enforcement agency may coordinate directly with the owner or customer to inspect a low-voltage alarm system project may be inspected by the local enforcement agency to ensure compliance with applicable codes and standards. If a low-voltage alarm system project fails an

inspection, the contractor must take corrective action as necessary to pass inspection.

~~(10)(9)~~ A municipality, county, district, or other entity of local government may not adopt or maintain in effect any ordinance or rule regarding a low-voltage alarm system project that is inconsistent with this section.

~~(11)(40)~~ A uniform basic permit label shall not be required for the subsequent maintenance, inspection, or service of an alarm system that was permitted in accordance with this section.

The provisions of this act are not intended to impose new or additional licensure requirements on persons licensed in accordance with the applicable provisions of chapter 489, *Florida Statutes*.

SECTION 106 FLOOR AND ROOF DESIGN LOADS

106.1 Live loads posted. Where the live loads for which each floor or portion thereof of a commercial or industrial building is or has been designed to exceed 50 psf (2.40 kN/m²), such design live loads shall be conspicuously posted by the owner or the owner's authorized agent in that part of each *story* in which they apply, using durable signs. It shall be unlawful to remove or deface such notices

106.2 Issuance of certificate of occupancy. A certificate of occupancy required by Section 111 shall not be issued until the floor load signs, required by Section 106.1, have been installed.

106.3 Restrictions on loading. It shall be unlawful to place, or cause or permit to be placed, on any floor or roof of a building, structure or portion thereof, a load greater than is permitted by this code.

SECTION 107 SUBMITTAL DOCUMENTS

107.1 General. Submittal documents consisting of *construction documents*, statement of *special inspections*, geotechnical report and other data shall be submitted in two or more sets with each *permit* application. The *construction documents* shall be prepared by a *registered design professional* where required by Chapter 471, Florida Statutes & 61G15

Florida Administrative Code or Chapter 481, Florida Statutes & 61G1 Florida Administrative Code. Where special conditions exist, the *building official* is authorized to require additional *construction documents* to be prepared by a *registered design professional*.

Exception: The *building official* is authorized to waive the submission of *construction documents* and other data not required to be prepared by a *registered design professional* if it is found that the nature of the work applied for is such that review of *construction documents* is not necessary to obtain compliance with this code.

107.2 Construction documents. *Construction documents* shall be in accordance with Sections 107.2.1 through 107.2.6.

107.2.1 Information on construction documents. *Construction documents* shall be dimensioned and drawn upon suitable material. Electronic media documents are permitted to be submitted when *approved* by the *building official*. *Construction documents* shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations, as determined by the *building official*. Such drawings and specifications shall contain information, in the form of notes or otherwise, as to the quality of materials, where quality is essential to conformity with the technical codes. Such information shall be specific, and the technical codes shall not be cited as a whole or in part, nor shall the term "legal" or its equivalent be used as a substitute for specific information. All information, drawings, specifications and accompanying data shall bear the name and signature of the person responsible for the design. ~~(See also section 107.3.5)~~

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

~~107.2.2.1 For roof assemblies required by the code, the construction documents shall illustrate, describe, and delineate the type of roofing system, materials, fastening requirements, flashing requirements and wind resistance rating that are required to be installed. Product evaluation and installation shall indicate compliance with the wind criteria required for the specific site or a statement by an architect or engineer for the specific must be submitted with the construction documents.~~

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

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

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

107.2.5 Exterior balcony and elevated walking surfaces. Where balcony or other elevated walking surfaces are exposed to water from direct or blowing rain, snow or irrigation, and the structural framing is protected by an impervious moisture barrier, the construction documents shall

include details for all elements of the impervious moisture barrier system. The construction documents shall include manufacturer's installation instructions.

107.2.6 ~~107.2.5~~ Site plan. The *construction documents* submitted with the application for *permit* shall be accompanied by a site plan showing to scale the size and location of new construction and existing structures on the site, distances from *lot lines*, the established street grades and the proposed finished grades and, as applicable, flood hazard areas, floodways, and *design flood* elevations; and it shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot. The *building official* is authorized to waive or modify the requirement for a site plan when the application for *permit* is for *alteration* or repair or when otherwise warranted.

107.2.6.1 ~~107.2.5.1~~ Design flood elevations. Where *design flood* elevations are not specified, they shall be established in accordance with Section 1612.3.1.

107.2.6.2 ~~107.2.5.2~~ For the purpose of inspection and record retention, site plans for a building may be maintained in the form of an electronic copy at the worksite. These plans must be open to inspection by the *building official* or a duly authorized representative, as required by the *Florida Building Code*.

107.2.7 ~~107.2.6~~ Structural information. The *construction documents* shall provide the information specified in Section 1603.

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

Exceptions:

1. Building plans approved pursuant to Section 553.77(5), *Florida Statutes*, and state-approved manufactured buildings are exempt from local codes enforcing agency plan reviews except for provisions of the code relating to erection, assembly or construction at the site. Erection, assembly and construction at the site are subject to local permitting and inspections. Photocopies of plans approved according to FAC 61-41.009, Florida Administrative Code, shall be sufficient for local permit application documents of record for the modular building portion of the permitted project.
2. Industrial construction on sites where design, construction and fire safety are supervised by appropriately licensed design and inspection professionals and which contain adequate in-house fire departments and rescue squads is exempt, subject to approval by the *building official*, from review of plans and inspections, providing the appropriate licensed design and inspection professionals certify that applicable codes and standards have been met and supply appropriate approved drawings to local building and fire-safety inspectors.

107.3.1 Approval of construction documents.

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

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

effective date of this code and has not been abandoned.

107.3.3 Phased approval. The *building official* is authorized to issue a *permit* for the construction of foundations or any other part of a building or structure before the *construction documents* for the whole building or structure have been submitted, provided that adequate information and detailed statements have been filed complying with pertinent requirements of this code. The holder of such *permit* for the foundation or other parts of a building or structure shall proceed at the holder’s own risk with the building operation and without assurance that a *permit* for the entire structure will be granted.

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

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

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

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

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

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

107.3.5 Minimum plan review criteria for buildings. The examination of the documents by the *building official* shall include the following minimum criteria and documents: a floor plan; site plan; foundation plan; floor/roof framing plan or truss layout; all fenestration penetrations; flashing; and rough opening dimensions; and all exterior elevations:

Commercial Buildings:

Building

1. Site requirements:
 - Parking
 - Fire access
 - Vehicle loading
 - Driving/turning radius
 - Fire hydrant/water supply/post indicator valve (PIV)
 - Set back/separation (assumed property lines)
 - Location of specific tanks, water lines and sewer lines
 - Flood hazard areas, flood zones, and design flood elevations
2. Occupancy group and special occupancy requirements shall be determined (with cross check with the energy code submittal).
3. Minimum type of construction shall be determined (see Table 503).
4. Fire-resistant construction requirements shall include the following components:
 - Fire-resistant separations
 - Fire-resistant protection for type of construction
 - Protection of openings and penetrations of rated walls
 - Fire blocking and draft-stopping and calculated fire resistance
5. Fire suppression systems shall include:
 - Early warning smoke evacuation systems
 - Schematic fire sprinklers
 - Standpipes
 - Pre-engineered systems
 - Riser diagram
 - ~~Same as above.~~
6. Life safety systems shall be determined and shall include the following requirements:

- Occupant load and egress capacities
- Early warning
- Smoke control
- Stair pressurization
- Systems schematic
- 7. Occupancy load/egress requirements shall include:
 - Occupancy load
 - Gross
 - Net
 - Means of egress
 - Exit access
 - Exit
 - Exit discharge
 - Stairs construction/geometry and protection
 - Doors
 - Emergency lighting and exit signs
 - Specific occupancy requirements
 - Construction requirements
 - Horizontal exits/exit passageways
- 8. Structural requirements shall include:
 - Soil conditions/analysis
 - Termite protection
 - Design loads
 - Wind requirements
 - Building envelope
 - Impact resistant coverings or systems
 - Structural calculations (if required)
 - Foundation
 - Flood requirements in accordance with Section 1612, including lowest floor elevations, enclosures, flood damage-resistant materials
 - Wall systems
 - Floor systems
- Roof systems
- Threshold inspection plan
- Stair systems
- 9. Materials shall be reviewed and shall at a minimum include the following:
 - Wood
 - Steel
 - Aluminum
 - Concrete
 - Plastic
 - Glass
 - Masonry
 - Gypsum board and plaster
 - Insulating (mechanical)
 - Roofing
 - Insulation
 - Building envelope portions of the Energy Code (including calculation and mandatory requirements)
- 10. Accessibility requirements shall include the following:
 - Site requirements
 - Accessible route
 - Vertical accessibility
 - Toilet and bathing facilities
 - Drinking fountains
 - Equipment
 - Special occupancy requirements
 - Fair housing requirements
- 11. Interior requirements shall include the following:
 - Interior finishes (flame spread/smoke development)
 - Light and ventilation (including corresponding portion of the energy code)
 - Sanitation

12. Special systems:

Elevators

Escalators

Lifts

13. Swimming pools:

Barrier requirements

Spas

Wading pools

14. Location and installation details. The specific location and installation details of each fire door, fire damper, ceiling damper and smoke damper shall be shown and properly identified on the building plans by the designer.

Electrical

1. Electrical:

Wiring

Services

Feeders and branch circuits

Overcurrent protection

Grounding

Wiring methods and materials

GFCIs

Electrical portions of the Energy Code (including calculation and mandatory requirements)

2. Equipment

3. Special occupancies

4. Emergency systems

5. Communication systems

6. Low voltage

7. Load calculations

8. Design flood elevation

Plumbing

1. Minimum plumbing facilities

2. Fixture requirements

3. Water supply piping

4. Sanitary drainage

5. Water heaters

6. Vents

7. Roof drainage

9. Back flow prevention

10. Irrigation

11. Location of water supply line

12. Grease traps

13. Environmental requirements

14. Plumbing riser

15. Design flood elevation

16. Water/plumbing portions of the Energy Code (including calculation and mandatory requirements)

Mechanical

1. Mechanical portions of the Energy calculations

2. Exhaust systems:

Clothes dryer exhaust

Kitchen equipment exhaust

Specialty exhaust systems

3. Equipment

4. Equipment location

5. Make-up air

6. Roof-mounted equipment

7. Duct systems

8. Ventilation

9. Combustion air

10. Chimneys, fireplaces and vents

11. Appliances

12. Boilers

13. Refrigeration

14. Bathroom ventilation

15. Laboratory

17. Design flood elevation

Gas

1. Gas piping
2. Venting
3. Combustion air
4. Chimneys and vents
5. Appliances
6. Type of gas
7. Fireplaces
8. LP tank location
9. Riser diagram/shutoffs
10. Design flood elevation
11. Gas portions of the Energy Code (including calculation and mandatory requirements)

Demolition

1. Asbestos removal

Residential (one- and two-family):

1. Site requirements:
Set back/separation (assumed property lines)
Location of septic tanks
2. Fire-resistant construction (if required)
3. Fire
4. Smoke detector locations
5. Egress:
Egress window size and location stairs construction requirements
6. Structural requirements shall include:
Wall section from foundation through roof, including assembly and materials
connector tables wind requirements
structural calculations (if required)
Termite protection
Design loads
Wind requirements
Building envelope

Foundation

Wall systems

Floor systems

Roof systems

Flood hazard areas, flood zones, design flood elevations, lowest floor elevations, enclosures, equipment, and flood damage-resistant materials

7. Accessibility requirements: show/identify accessible bath
8. Impact resistant coverings or systems
9. Residential Energy Code submittal (including calculation and mandatory requirements)

Manufactured buildings:

1. Site requirements:
Setback/separation (assumed property lines)
Location of septic tanks (if applicable)
2. Structural:
Wind zone
Anchoring
Blocking
3. Plumbing:
List potable water source and meter size (if applicable)
4. Mechanical:
Exhaust systems
Clothes dryer exhaust
Kitchen equipment exhaust
5. Electrical exterior disconnect location

Exemptions.

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

1. Replacing existing equipment such as mechanical units, water heaters, etc.
2. Reroofs

3. Minor electrical, plumbing and mechanical repairs
4. Annual maintenance permits
5. Prototype plans:
 Except for local site adaptations, siding, foundations and/or modifications.
 Except for structures that require waiver.
6. Manufactured buildings plan except for foundations and modifications of buildings on site and as listed above in manufactured buildings.

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

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

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

codes and other pertinent laws or ordinances. The *building official* shall ensure that any person conducting plans review is qualified as a plans examiner under Part XII of Chapter 468, *Florida Statutes*, and that any person conducting inspections is qualified as a building inspector under Part XII of Chapter 468, *Florida Statutes*.

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

SECTION 108 TEMPORARY STRUCTURES AND USES

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

108.2 Conformance. Temporary structures and uses shall comply with the requirements in Section 3103. Temporary structures and uses shall conform to the structural strength, fire safety, means of egress, accessibility, light, ventilation, and sanitary requirements of this code as necessary to ensure public health, safety and general welfare.

108.3 Temporary power. The *building official* is authorized to give permission to temporarily supply and use power in part of an electric installation before such installation has been fully completed and the final certificate of completion has been issued. The part covered by the temporary certificate shall comply with the requirements specified for temporary lighting, heat or power in NFPA 70.

108.4 Termination of approval. The *building official* is authorized to terminate such *permit* for a

temporary structure or use and to order the temporary structure or use to be discontinued.

SECTION 109 FEES

109.1 Payment of fees. A *permit* shall not be valid until the fees prescribed by law have been paid, nor shall an amendment to a *permit* be released until the additional fee, if any, has been paid.

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

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

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

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

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

109.4 Work commencing before permit issuance.

Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary *permits* or without prior approval from the *building official* as permitted in Section 105.2.2 or 105.12 shall be subject to a fee established by the *building official* that shall be in addition to the required *permit* fees or as provided by local ordinance under Appendix A. 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 (in addition to the permit fee). The payment of a double/penalty fee shall not preclude or be deemed a substitute for prosecution for commencing work without first obtaining a permit. The *building official* may grant extensions of time or waive fees when justifiable cause has been demonstrated in writing.

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

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

SECTION 110 INSPECTIONS

110.1 General. Construction or work for which a *permit* is required shall be subject to inspection by the *building official* and such construction or work shall remain accessible and exposed for inspection purposes until *approved*.

Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of

other ordinances of the jurisdiction shall not be valid. It shall be the duty of the *permit applicant owner* or the owner's authorized agent to cause the work to remain accessible and exposed for inspection purposes. The *building official* shall be permitted to require a boundary line survey prepared by a qualified surveyor whenever the boundary lines cannot be readily determined in the field. Neither the *building official* nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

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

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

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

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

when inspections occur and what elements are inspected at each inspection.

Building

1. Foundation inspection. To be made after trenches are excavated, any required reinforcing steel is in place, forms erected and shall at a minimum include the following building components:
 - Stem-wall
 - Monolithic slab-on-grade
 - Piling/pile caps
 - Footers/grade beams

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

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

- 1.3 ~~1.2~~. In flood hazard areas, upon placement of the lowest floor, including basement, and prior to further vertical construction, the elevation certification required in Section 1612.5 Florida Building Code Building and R3221.1.1 Florida Building Code Residential shall be submitted to the building official.

2. Framing inspection. To be made after the roof, all framing, fire blocking and bracing

is in place, all concealing wiring, all pipes, chimneys, ducts and vents are complete and the rough electrical, plumbing, heating wires, pipes and ducts are *approved* and shall at a minimum include the following building components:

- Window/door framing
- Window U-factor/SHGC as indicated on approved calculations
- Vertical cells/columns
- Lintel/tie beams
- Framing/trusses/bracing/connectors (including truss layout and engineered drawings)
- Draft stopping/fire blocking
- Curtain wall framing
- Energy insulation (Insulation R-factor as indicated on approved calculations)
- Accessibility.
- Verify rough opening dimensions are within tolerances.
- Window/door buck attachment

2.1. Insulation Inspection: To be made after the framing inspection is approved and the insulation is in place, according to approved energy calculation submittal Includes wall and ceiling insulation.

2.2. Lath and gypsum board inspection for fire-resistance-rated or shear assemblies. Lath and gypsum board inspections shall be made after lathing and gypsum board, interior and exterior, is in place, but before any plastering is applied or gypsum board joints and fasteners are taped and finished.

Exception: Gypsum board that is not part of a fire-resistance-rated assembly or a shear assembly.

3. Sheathing inspection. To be made either as part of a dry-in inspection or done

separately at the request of the contractor after all roof and wall sheathing and fasteners are complete and shall at a minimum include the following building components:

- Roof sheathing
- Wall sheathing
- Continuous air barrier
- Exterior Siding/Cladding
- Sheathing fasteners
- Roof/wall dry-in.

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

4. Exterior wall coverings. Shall at a minimum include the following building components in progress inspections:

- Exterior wall coverings and veneers
- Soffit coverings

~~5.4.~~ Roofing inspection. Shall at a minimum be made in at least two inspections and include the following building components:

- Dry-in
- Insulation
- Roof coverings (including In Progress as necessary)
- Insulation on roof deck (according to submitted energy calculation)
- Flashing

54.1. Re-Roof sheathing inspection. An affidavit with a notarized signature of a state or locally licensed roofing contractor for the installation of additional sheathing fasteners as required by the Existing Building Code may be accepted at the discretion of the *building official*.

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

~~5.1. Lowest Floor Elevation. In flood hazard areas, upon placement of the lowest floor, including the basement, and prior to further vertical construction, the elevation certification required in Section 1612.5 shall be submitted to the building official.~~

6.1. In flood hazard areas, as part of the final inspection, a final certification of the lowest floor elevation shall be submitted to the authority having jurisdiction.

~~7.6.~~ Swimming pool inspection. First inspection to be made after excavation and installation of reinforcing steel, bonding and main drain and prior to placing of concrete shell.

~~1.a.~~ Steel reinforcement inspection

~~2.b.~~ Underground electric inspection.

~~3.c.~~ Underground piping inspection including a pressure test.

~~4.d.~~ Underground electric inspection under deck area (including the equipotential bonding)

~~5.e.~~ Underground piping inspection under deck area.

~~6.f.~~ Deck inspection: to be made prior to installation of the deck material (with forms, deck drains, and any reinforcement in place) ~~g.~~ Safety Inspection; Made prior to filling the pool with the bonding connections made, the proper drain covers installed and the final barriers installed.

~~7.h.~~ Final pool piping.

~~8.i.~~ Final Electrical inspection.

~~9.j.~~ Final inspection to be made when the swimming pool is complete and all required enclosure requirements are in place.

In order to pass final inspection and receive a certificate of completion, a residential swimming pool must meet the requirements relating to pool safety features as described in Section 454.2.17. of this code

8.7. 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.

~~9.8.~~ Manufactured building inspections. The building department shall inspect construction of foundations; connecting buildings to foundations; installation of parts identified on plans as site installed items, joining the modules, including utility crossovers; utility connections from the building to utility lines on site; and any other work done on site which requires compliance with the *Florida Building Code*. Additional inspections may be required for public educational facilities (see Section 453.27.20 of this code).

10.9. Where impact resistant coverings or impact resistant systems are installed, the *building official* shall schedule adequate inspections of impact resistant coverings or impact resistant systems to determine the following:

The system indicated on the plans was installed.

The system is installed in accordance with the manufacturer's installation instructions and the product approval.

Electrical

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

2. Rough-in inspection. To be made after the roof, framing, fireblocking and bracing is in

place and prior to the installation of wall or ceiling membranes.

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

4. Existing Swimming Pools. To be made after all repairs or alterations are complete, all required electrical equipment, GFCI protection, and equipotential bonding are in place on said alterations or repairs.

Plumbing

1. Underground inspection. To be made after trenches or ditches are excavated, piping installed, and before any backfill is put in place.
2. Rough-in inspection. To be made after the roof, framing, fireblocking and bracing is in place and all soil, waste and vent piping is complete, and prior to this installation of wall or ceiling membranes. Includes plumbing provisions of the energy code and approved calculations provisions.
3. Final inspection. To be made after the building is complete, all plumbing fixtures are in place and properly connected, and the structure is ready for occupancy.

Note: See Section 312 of the *Florida Building Code, Plumbing* for required tests.

Mechanical

1. Underground inspection. To be made after trenches or ditches are excavated, underground duct and fuel piping installed, and before any backfill is put in place.
2. Rough-in inspection. To be made after the roof, framing, fire blocking and bracing are in place and all ducting, and other concealed components are complete, and prior to the installation of wall or ceiling membranes. Includes mechanical provisions of the energy code and approved calculations provisions.

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

Gas

1. Rough piping inspection. To be made after all new piping authorized by the permit has been installed, and before any such piping has been covered or concealed or any fixtures or gas appliances have been connected. Includes gas provisions of the energy code and approved calculations provisions.
2. Final piping inspection. To be made after all piping authorized by the permit has been installed and after all portions which are to be concealed by plastering or otherwise have been so concealed, and before any fixtures or gas appliances have been connected. This inspection shall include a pressure test.
3. Final inspection. To be made on all new gas work authorized by the permit and such portions of existing systems as may be affected by new work or any changes, to ensure compliance with all the requirements of this code and to assure that the installation and construction of the gas system is in accordance with reviewed plans.

Site Debris

1. The contractor and/or owner of any active or inactive construction project shall be responsible for the clean-up and removal of all construction debris or any other miscellaneous discarded articles during the course of the construction project and prior to receiving final inspection approval. Construction job sites must be kept clean and in a safe condition at all times.
2. All debris shall be kept in such a manner as to prevent it from being spread by any means.

110.3.1 Footing and foundation inspection.

Footing and foundation inspections shall be made after excavations for footings are complete and

any required reinforcing steel is in place. For concrete foundations, any required forms shall be in place prior to inspection. Materials for the foundation shall be on the job, except where concrete is ready mixed in accordance with ASTM C 94, the concrete need not be on the job.

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

110.3.3 Lowest floor elevation. In flood hazard areas, upon placement of the lowest floor, including the basement, and prior to further vertical construction, the elevation certification required in Section 1612.5 shall be submitted to the *building official*.

110.3.4 Frame inspection. Framing inspections shall be made after the roof deck or sheathing, all framing, *fire blocking* and bracing are in place and pipes, chimneys and vents to be concealed are complete and the rough electrical, plumbing, heating wires, pipes and ducts are *approved*.

110.3.5 Lath, gypsum board and gypsum panel product inspection. Lath, gypsum board and gypsum panel product inspections shall be made after lathing, gypsum board and gypsum panel products, interior and exterior, are in place, but before any plastering is applied or gypsum board and gypsum panel product joints and fasteners are taped and finished.

Exception: Gypsum board and gypsum panel products that are not part of a fire-resistance-rated assembly or a shear assembly.

110.3.6 Weather-exposed balcony and walking surface waterproofing. Where balcony or other elevated walking surfaces are exposed to water from direct or blowing rain, snow or irrigation, and the structural framing is protected by an impervious moisture barrier, all elements of the impervious-moisture-barrier system shall not be concealed until inspected and approved.

110.3.67 Fire- and smoke-resistant penetrations. Protection of joints and penetrations in fire-resistance rated assemblies, *smoke barriers* and smoke partition shall not be concealed from view until inspected and *approved*.

110.3.78 Energy efficiency inspections. Inspections shall be made to determine compliance with Chapter 13 *FBC, Energy Conservation* and confirm with the approved energy code submittal (by appropriate trade) and corresponding mandatory requirements and shall include, but not be limited to, inspections for: corresponding envelope insulation *R-* and *U-* values, fenestration *U*-value and Solar Heat Gain Coefficient, duct system *R*-value, and HVAC, lighting, electrical and water-heating equipment efficiency.

110.3.89 Other inspections. In addition to the inspections specified in Sections 110.3 through 110.3.7, the *building official* is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this code and other laws that are enforced by the department of building safety.

110.3.910 Special inspections. Reserved.

110.3.1011 Final inspection. The final inspection shall be made after all work required by the building *permit* is completed.

110.3.101.1 Flood hazard documentation. If located in a *flood hazard area*, documentation of the elevation of the lowest floor as required in Section 1612.5 shall be submitted to the *building official* prior to the final inspection.

110.3.101.2 Commercial Energy Code documentation. If required by energy code path submittal, confirmation that commissioning result requirements have been received by building owner.

110.3.11.3 Residential Energy Code documentation. If required by energy code path submittal (R405), confirmation that the duct test requirements shall be received by the *building official*.

110.3.142 Termites. Building components and building surroundings required to be protected from termite damage in accordance with Section 1503.7, Section 2304.13 or Section 2304.11.6, specifically required to be inspected for termites in accordance with Section 2114, or required to have chemical soil treatment in accordance with Section 1816 shall not be covered or concealed until the release from the *building official* has been received.

110.3.123 Impact resistant coverings or systems. Where impact resistant coverings or systems are installed to meet requirements of this code, the *building official* shall schedule adequate inspections of impact resistant coverings or systems to determine the following:

1. The system indicated on the plans was installed.
2. The system is installed in accordance with the manufacturer's installation instructions and the product approval.

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

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

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

110.7 Shoring. For threshold buildings, shoring and associated formwork or falsework shall be designed

and inspected by a Florida licensed professional engineer, prior to any required mandatory inspections by the threshold building inspector.

110.8 Threshold building.

110.8.1 During new construction or during repair or restoration projects in which the structural system or structural loading of a building is being modified, the enforcing agency shall require a special inspector to perform structural inspections on a threshold building pursuant to a structural inspection plan prepared by the engineer or architect of record. The structural inspection plan must be submitted to the enforcing agency prior to the issuance of a building *permit* for the construction of a threshold building. The purpose of the structural inspection plans is to provide specific inspection procedures and schedules so that the building can be adequately inspected for compliance with the permitted documents. The special inspector may not serve as a surrogate in carrying out the responsibilities of the *building official*, the architect, or the engineer of record. The contractor's contractual or statutory obligations are not relieved by any action of the special inspector.

~~**110.8.1** The enforcing agency shall require a special inspector to perform structural inspections on a threshold building pursuant to a structural inspection plan prepared by the engineer or architect of record. The structural inspection plan must be submitted to the enforcing agency prior to the issuance of a building permit for the construction of a threshold building. The purpose of the structural inspection plans is to provide specific inspection procedures and schedules so that the building can be adequately inspected for compliance with the permitted documents. The special inspector may not serve as a surrogate in carrying out the responsibilities of the *building official*, the architect, or the engineer of record. The contractor's contractual or statutory obligations are not relieved by any action of the special inspector.~~

110.8.2 The special inspector shall determine that a professional engineer who specializes in shoring design has inspected the shoring and reshoring for conformance with the shoring and reshoring plans

submitted to the enforcing agency. A fee simple title owner of a building, which does not meet the minimum size, height, occupancy, occupancy classification, or number-of-stories criteria which would result in classification as a threshold building under Section 553.71(7), *Florida Statutes*, may designate such building as a threshold building, subject to more than the minimum number of inspections required by the *Florida Building Code*.

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

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

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

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

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

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

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

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

SECTION 111 CERTIFICATE OF OCCUPANCY

111.1 Use and occupancy. A/No building or structure shall not be used or occupied, and a/no change in the existing use or occupancy classification of a building or structure or portion thereof shall not be made, until the *building official* has issued a certificate of occupancy therefor as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the

provisions of this code or of other ordinances of the jurisdiction.

Exception: Certificates of occupancy are not required for work exempt from *permits* under Section 105.2.

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

1. The building *permit* number.
2. The address of the structure.
3. The name and address of the *owner* or the owner's authorized agent.
4. A description of that portion of the structure for which the certificate is issued.
5. A statement that the described portion of the structure has been inspected for compliance with the requirements of this code for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.
6. For buildings and structures in flood hazard areas, a statement that documentation of the as-built lowest floor elevation has been provided and is retained in the records of the authority having jurisdiction
7. The name of the *building official*.
8. The edition of the code under which the *permit* was issued.
9. The use and occupancy, in accordance with the provisions of Chapter 3.
10. The type of construction as defined in Chapter 6.
11. The design *occupant load*.
12. If an *automatic sprinkler system* is provided, whether the sprinkler system is required.
13. Any special stipulations and conditions of the building *permit*.

111.3 Temporary occupancy. The *building official* is authorized to issue a temporary certificate of

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

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

111.5 Certificate of Completion. A Certificate of Completion is proof that a structure or system is complete and for certain types of permits is released for use and may be connected to a utility system. This certificate does not grant authority to occupy a building, such as shell building, prior to the issuance of a Certificate of Occupancy.

SECTION 112 SERVICE UTILITIES

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

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

112.3 Authority to disconnect service utilities. The *building official* shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the referenced codes and standards set forth in Section 101.4 in case of emergency where necessary to eliminate an immediate hazard to life or property or when such utility connection has been made without the approval required by Section 112.1 or 112.2. The *building official* shall notify the serving utility, and wherever possible the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not

notified prior to disconnecting, the owner or occupant of the building, structure or service system shall be notified in writing, as soon as practical thereafter.

SECTION 113 BOARD OF APPEALS

113.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the *building official* relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be appointed by the applicable governing authority and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business.

113.2 Limitations on authority. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better form of construction is proposed. The board shall have no authority to waive requirements of this code.

113.3 Qualifications. The board of appeals shall consist of members who are qualified by experience and training to pass on matters pertaining to building construction and are not employees of the jurisdiction.

SECTION 114 VIOLATIONS

114.1 Unlawful acts. It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code.

114.2 Notice of violation. The *building official* is authorized to serve a notice of violation or order on the person responsible for the erection, construction, *alteration*, extension, repair, moving, removal, demolition or occupancy of a building or structure in violation of the provisions of this code, or in violation of a *permit* or certificate issued under the provisions of this code. Such order shall direct the

discontinuance of the illegal action or condition and the abatement of the violation.

114.3 Prosecution of violation. If the notice of violation is not complied with promptly, the *building official* is authorized to request the legal counsel of the jurisdiction to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

114.4 Violation penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the *approved construction documents* or directive of the *building official*, or of a *permit* or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by law.

SECTION 115 STOP WORK ORDER

115.1 Authority. Whenever the *building official* finds any work regulated by this code being performed in a manner either contrary to the provisions of this code or dangerous or unsafe, the *building official* is authorized to issue a stop work order.

115.2 Issuance. The stop work order shall be in writing and shall be given to the *owner* of the property involved, the owner's authorized agent or the person performing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work will be permitted to resume.

115.3 Unlawful continuance. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.

SECTION 116 UNSAFE STRUCTURES AND EQUIPMENT

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

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

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

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

116.5 Restoration. Where the structure or equipment determined to be unsafe by the *building official* is restored to a safe condition, to the extent that repairs,

alterations or additions are made or a change of occupancy occurs during the restoration of the structure, such *repairs, alterations, additions* and change of occupancy shall comply with the requirements of Section 105.2.2 and the *Florida Building Code, Existing Building*.

SECTION 117 VARIANCES IN FLOOD HAZARD AREAS

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