

**SPONSORED BY:**

**Vice Mayor Wiley**



**ORDINANCE NO. 2017-18**

**A BILL TO BE ENTITLED**

**AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING CHAPTER 8, BUILDINGS AND BUILDING REGULATIONS; SECTION 8-5 FIREWALL REQUIRED, ARTICLE II BUILDING CODE; SECTION 8-26 FLORIDA BUILDING CODE, SECTION 8-27 SAME – AMENDED EXHIBIT A, SECTION 8-28 FIRE DISTRICTS ESTABLISHED SECTION 8-29 BUILDING PERMIT FEES, SECTION 8-30 PERSONS EXEMPT FROM PAYING FEES, SECTION 8-31 ELECTRICAL FEES – IMPOSED; AMOUNT, SECTION 8-32 SAME- PAYMENT PRIOR TO PERMIT ISSUANCE; SECTION 8-33 HOUSE METERS, SECTION 8-34 PLUMBING FEES – IMPOSED AMOUNT, 8-35 MECHANICAL FEE – IMPOSED; ARTICLE III - PROPERTY MAINTENANCE CODE SECTION. 8-51 - INTERNATIONAL PROPERTY MAINTENANCE CODE – ADOPTED, SECTION 8-52 SAME-AMENDED; DIVISION 3 - BEACHFRONT LIGHTING TO PROTECT MARINE TURTLES, SECTION 8-244 – DEFINITIONS, SECTION 8-245 - STANDARD FOR NEW DEVELOPMENT; ARTICLE X MOVING OF STRUCTURE, DIVISION 2 – PERMIT, SECTION 8-326 – REQUIRED, SECTION 8-327 – APPLICATION, SECTION 8-328 – FEE, SECTION 8-329 CERTIFICATE OF COMPLIANCE, SECTION 8-333 RESERVED; AND PROVIDING AN EFFECTIVE DATE.**

**AMOUNT AND PROVIDING AN EFFECTIVE DATE.**

**Whereas**, the City Council of the City of Neptune Beach, Florida has determined that it is necessary to amend the following:

**Now, Therefore**, be it ordained by the City Council of Neptune Beach, Florida:

**Section 1.** Chapter 8 Buildings and Building and Regulations; shall be amended as follows:

## **Chapter 8 - BUILDINGS AND BUILDING REGULATIONS**

### **ARTICLE I. - IN GENERAL**

#### **Sec. 8-1. - Building official.**

Whenever the term "building official" is used in the codes adopted by reference in this chapter, it shall be construed to be the building inspector or such other person as the city council may from time to time designate. (Code 1959, § 5-2)

#### **Sec. 8-2. - Conflicting provisions.**

In the event of a conflict between the provisions of the codes adopted by reference in this chapter and this Code, the provisions of this Code shall prevail. (Code 1959, § 5-1(b))

#### **Sec. 8-3. - Penalty.**

Any violation of the codes adopted and incorporated by reference in this chapter shall be subject only to the penalty provided in Chapter 1 section 1-12 and such other penalties as may be specifically set out in this Code. (Code 1959, § 5-1(c))

#### **Sec. 8-4. - Barbed-wire fences.**

Any person who erects or maintains or installs any barbed-wire fence or strand of barbed wire within the city shall be guilty of a municipal offense, punishable as provided in this Code. (Code 1959, § 16-6)

#### **Sec. 8-5.-Firewall required.**

Whenever a request is approved ~~by the city council~~ for a variance of setback requirements for residential buildings from the property lines; if such request will encroach to three (3) feet or less ~~from~~ from the property line, the exterior wall shall have a minimum of one (1) hour fire protection rating and such wall shall be without openings. (Ord. No. 1994-8, § 1, 6-6-94)

#### **Secs. 8-6—8-25. - Reserved.**

### **ARTICLE II. - BUILDING CODE**

#### **Sec. 8-26. - Florida Building Code—Adopted.**

There is hereby adopted by the city ~~of~~ 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, latest edition. (Ord. No. 2003-12, § 1, 11-20-03)

#### **Sec. 8-27. - Same—Amended.**

The building code adopted in section 8-26 is hereby modified, altered, changed and amended by adopting a revised Chapter 1. Administration, which is attached hereto as Exhibit A and made a part hereof.

### **EXHIBIT A SECTION 101 GENERAL**

101.1 Scope. The provisions of this chapter shall govern the administration and enforcement of the Florida Building Code.

101.2 Title. The provisions of the following chapters shall constitute and be known and be cited as the "Florida Building Code," hereinafter known as "this code."

101.3 Code Remedial. ~~101.3.1 General.~~ This code is hereby declared to be remedial and shall be construed to secure the beneficial interests and purposes thereof, which are public safety, health and general welfare through structural strength, stability, sanitation, adequate light and ventilation, and safety to life and property from fire and other hazards attributed to the built environment including alteration, repair, removal, demolition, use and occupancy of buildings, structures or premises, and by regulating the installation and maintenance of all electrical, gas, mechanical and plumbing systems, which may be referred to as service systems.

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

101.3.3 Permitting and inspection. The inspection or permitting of any building, system or plan by the jurisdiction under the requirements of this code shall not be construed in any court as a warranty of the physical condition of such building, system or plan or their adequacy. Neither the jurisdiction nor any employee thereof shall be liable in tort for damages for any defect or hazardous or illegal condition or inadequacy in such building, system or plan, nor for any failure of any component of such, which may occur subsequent to such inspection or permitting, unless the employee of jurisdiction is found to have acted in bad faith or with malicious purpose in a manner exhibiting wanton and willful disregard ~~of the safety, health and welfare of the public.~~

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

~~101.4.2 Building. The provisions of the Florida Building Code shall apply to the construction, erection, alteration, modification, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every public and private building, structure or facility or floating residential structure, or any appurtenances connected or attached to such buildings, structures or facilities. Additions, alterations, repairs and changes of use or occupancy group in all buildings and structures shall comply with the provisions provided in Chapter 34 of this code.~~

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

- ~~(a) Building and structures specifically regulated and preempted by the Federal Government.~~
- ~~(b) Railroads and ancillary facilities associated with the railroad.~~
- ~~(c) Nonresidential farm buildings on farms.~~
- ~~(d) Temporary buildings or sheds used exclusively for construction purposes.~~
- ~~(e) Mobile homes used as temporary offices, except that the provisions of part V (§§. 553.501-553.513, FS) relating to accessibility by persons with disabilities shall apply to such mobile homes.~~
- ~~(f) Those structures or facilities of electric utilities, as defined in § 366.02, which are directly involved in the generation, transmission, or distribution of electricity.~~
- ~~(g) Temporary sets, assemblies, or structures used in commercial motion picture or television production, or any sound recording equipment used in such production, on or off the premises.~~
- ~~(h) Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this paragraph, the term "chickee" means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other nonwood features.~~

~~101.4.2.1 The Florida Building Code does not apply to, and no code enforcement action shall be brought with respect to, zoning requirements, land use requirements and owner specifications or programmatic requirements which do not pertain to and govern the design, construction,~~

~~erection, alteration, modification, repair or demolition of public or private buildings, structures or facilities or to programmatic requirements that do not pertain to enforcement of the Florida Building Code. Additionally, a local code enforcement agency may not administer or enforce the Florida Building Code, Building to prevent the siting of any publicly owned facility, including, but not limited to, correctional facilities, juvenile justice facilities, or state universities, community colleges, or public education facilities, as provided by law.~~

~~101.4.2.2 In addition to the requirements of §§ 553.89 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 Part II of Chapter 400 Florida Statutes and the certification requirements of the Federal Government.~~

~~101.4.2.3 Residential buildings or structures moved into or within a county or municipality shall not be required to be brought into compliance with the state minimum building code in force at the time the building or structure is moved, provided:~~

- ~~1. The building or structure is structurally sound and in occupiable condition for its intended use;~~
- ~~— The occupancy use classification for the building or structure is not changed as a result of the move;~~
- ~~3. The building is not substantially remodeled;~~
- ~~4. Current fire code requirements for ingress and egress are met;~~
- ~~5. Electrical, gas and plumbing systems meet the codes in force at the time of construction and are operational and safe for reconnection; and~~
- ~~6. Foundation plans are sealed by a professional engineer or architect licensed to practice in this state, if required by the Florida Building Code, Building for all residential buildings or structures of the same occupancy class.~~

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

101.4.2.3.2 Unsafe Buildings shall be abated using the 2003 current edition of the International Property Maintenance Code promulgated by the International Code Council subject to all amendments, modifications or deletions hereinafter contained.

~~101.4.2.4 This section does not apply to the jurisdiction and authority of the Department of Agriculture and Consumer Services to inspect amusement rides or the Department of Insurance to inspect state-owned buildings and boilers.~~

101.4.3 Electrical. The provisions of Chapter 27 of the 2003 Florida Building Code and Appendix J of the 2003 Florida Residential Code, shall apply to the installation of electrical, including alterations, repairs, replacements, equipment, appliances, fixtures, fittings and appurtenances thereto.

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

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

~~101.4.6 Plumbing. The provisions of the Florida Building Code, Plumbing shall apply to every plumbing installation, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances and when connected to a water or sewerage system and all aspects of a medical gas system.~~

~~101.4.8 Federal and state authority. The provisions of this code shall not be held to deprive any Federal or State agency, or any applicable governing authority having jurisdiction, of any power or authority which it had on the effective date of the adoption of this code or of any remedy then existing for the enforcement of its orders, nor shall it deprive any individual or corporation of its legal rights as provided by law.~~

~~101.4.8. Appendices. To be enforced, the appendices included in the technical codes must be adopted by a local governmental jurisdiction for use in that jurisdiction.~~

~~101.4.9 Referenced standards. Standards referenced in the technical codes shall be considered an integral part of the codes without separate adoption. If specific portions of a standard are denoted by code text, only those portions of the standard shall be enforced. Where code provisions conflict with a standard, the code provisions shall be enforced. Permissive and advisory provisions in a standard shall not be construed as mandatory.~~

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

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

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

~~101.4.13 Rules of Construction. The rules set out in this section shall be observed, unless such construction is inconsistent with the manifest intent of this chapter. The rules of construction and definitions set out here shall not be applied to any section of this chapter which contains any express provisions excluding such construction, or where the subject matter or content of such section would be inconsistent with this section.~~

~~101.4.13.1 Generally. All provisions, terms, phrases and expressions contained in this division shall be liberally construed in order that the true intent and meaning of the administration of the jurisdiction may be fully carried out. Terms used in this division, unless otherwise specifically provided, shall have the meanings prescribed by the statutes of this state for the same terms.~~

~~101.4.13.2 Text. In case of any difference of meaning or implication between the text of this division and any figure, the text shall control.~~

~~101.4.13.3 Delegation of authority. Whenever a provision appears requiring the building official or some other officer or employee to do some act or perform some duty, it is to be construed to authorize the building official or other officer to designate, delegate and authorize professional level subordinates to perform the required act or duty unless the terms of the provision or section specify otherwise.~~

~~101.4.13.4 Month. The word "month" shall mean a calendar month.~~

~~101.4.13.5 Shall, may. The word "shall" is mandatory; "may" is permissive. The word "shall" takes precedence over "may."~~

~~101.4.13.6 Written or in writing. The term "written" or "in writing" shall be construed to include any representation of words, letters or figures whether by printing or otherwise.~~

~~101.4.13.7 Year. The word "year" shall mean a calendar year, unless a fiscal year is indicated.~~

~~101.4.13.8 Interpretation. Interpretations of this chapter shall be made by the building official.~~

~~101.4.14 Words not defined.~~

~~101.4.14.1 Words not defined herein shall have the meaning stated in the Florida Statutes or other nationally recognized codes, or other documents, manuals or standards adopted elsewhere in this chapter. Words not defined in those documents shall have the meaning stated in the Webster's Ninth New Collegiate Dictionary, as revised.~~

~~101.4.14.2 In case of a conflict in definitions or codes, the appropriate definition (or code) to be applied shall be the one applicable to the trade in question. In case of a conflict between different parts of this chapter, conflicts within the same code, or conflicts between codes, the more stringent requirements shall be applicable.~~

~~101.4.15 Words defined.~~

~~Abandon or abandonment.~~

- ~~(1) Termination of a construction project by a contractor without just cause or proper notification to the owner including the reason for termination.~~
- ~~(2) Failure of a contractor to perform work without just cause for ninety (90) days.~~
- ~~(3) Failure to obtain an approved inspection within one hundred eighty (180) days from the previous approved inspection.~~

~~Appraised value. For the purpose of this section, appraised value is defined as either (1) one hundred and twenty (120) percent of the assessed value of the structure as indicated by the County Property Appraiser's Office or (2) the value as indicated in a certified appraisal from a certified appraiser.~~

~~Assessed value. The value of real property and improvements thereon as established by the County Property Appraiser.~~

~~Authorized agent. A person specifically authorized by the holder of a certificate of competency to obtain permits in his stead.~~

~~Basic Wind Speed Line. The basic wind speed line for the jurisdiction shall be as established by the wind speed contour map attached to, and made part of, this chapter if applicable.~~

~~Building component. An element or assembly of elements integral to or part of a building.~~

~~Building shell. The structural components that completely enclose a building, including, but not limited to, the foundation, structural frame, floor slabs, exterior walls and roof system.~~

~~Building system. A functionally related group of elements, components and/or equipment, such as the electrical, plumbing and mechanical systems of a building.~~

~~Certification. The act or process of obtaining a certificate of competency from the state or municipality through the review of the applicant's experience and financial responsibility as well as successful passage of an examination.~~

~~Certificate of competency (certificate). An official document evidencing that a person is qualified to engage in the business of contracting, subcontracting or the work of a specific trade.~~

~~Certificate of experience. An official document evidencing that an applicant has satisfied the work experience requirements for a certificate of competency.~~

~~Certificate of occupancy (C.O.). An official document evidencing that a building satisfies the requirements of the jurisdiction for the occupancy of a building.~~

~~Certified contractor. Any contractor who possesses a certificate of competency issued by the Department of Professional Regulation of the State of Florida.~~

~~Change of occupancy. A change from one Building Code occupancy classification or sub classification to another.~~

~~Commercial building. Any building, structure, improvement or accessory thereto, other than a one or two family dwelling.~~

~~Cumulative construction cost. The sum total of costs associated with any construction work done to a building or structure either at one (1) time or at different times within a specified period of time.~~

~~Demolition. The act of razing, dismantling or removal of a building or structure, or portion thereof, to the ground level.~~

~~Examination. An exam prepared, proctored and graded by a recognized testing agency unless otherwise implied in context or specifically stated otherwise.~~

~~FCILB. The Florida Construction Industry Licensing Board.~~

~~Imminent Danger. Structurally unsound conditions of a structure or portion thereof that is likely to cause physical injury to a person entering the structure: Or Due to structurally unsound conditions, any portion of the structure is likely to fall, be carried by the wind, or otherwise detach or move, and in doing so cause physical injury or damage to a person on the property or to a person or property nearby: Or The condition of the property is such that it harbors or is inhabited by pests, vermin, or organisms injurious to human health, the presence of which constitutes an immediate hazard to people in the vicinity.~~

~~Inspection warrant. A court order authorizing the official or his designee to perform an inspection of a particular property named in the warrant.~~

~~Intensification of use. An increase in capacity or number of units of a residential or commercial building.~~

~~Interior finish. The preparation of interior spaces of a commercial building for the first occupancy thereof.~~

~~Licensed contractor. A contractor certified by the State of Florida or the local jurisdiction who has satisfied the all state or local requirements to be actively engaged in contracting.~~

~~Market value. As defined in floodplain regulations of this code.~~

~~Owner's agent. A person, firm or entity authorized in writing by the owner to act for or in place of the owner.~~

~~Permit. An official document authorizing performance of a specific activity regulated by this chapter.~~

~~Permit card or placard. A document issued by the jurisdiction evidencing the issuance of a permit and recording of inspections.~~

~~Qualifying agent, primary. A person who possesses the requisite skill, knowledge, experience and certificate of competency, and has the responsibility to supervise, direct, manage, and control the contracting activities of the business organization with which he is associated; who has the responsibility to supervise, direct, manage and control construction activities on a job for which he has obtained a permit; and whose technical and personal qualifications have been determined by investigation and examination and is evidenced by his possession of a certificate of competency.~~

~~Qualifying agent, secondary. A person who possesses the requisite skill, knowledge, experience and certificate of competency, and has the responsibility to supervise, direct, manage and control construction activities on a job for which he has obtained a permit, and whose technical and personal qualifications have been determined by investigation and examination and is evidenced by his possession of a certificate of competency.~~

~~Reciprocity. To accept a verified affidavit from any municipality or county of the State of Florida that the applicant has satisfactorily completed a written examination in its jurisdiction equal in content with the examination required by this chapter.~~

~~Registered contractor. A contractor who has registered with the department of professional regulation of the State of Florida pursuant to fulfilling the competency requirements of the local jurisdiction.~~

~~Registration. The act or process of registering a locally obtained certificate of competency with the state, or the act or process of registering a state issued certificate of competency with the municipality.~~

~~Remodeling. Work, which changes the original size, configuration or material of the components of a building.~~

~~Residential building. Any one or two family building or accessory.~~

~~Roofing. The installation of roof coverings.~~

~~Spa. Any constructed or prefabricated pool containing water jets.~~

~~Specialty contractor. A contractor whose services do not fall within the categories specified in Section 489.105(3), Florida Statutes, as amended.~~

~~Start of construction:~~

~~Site: The physical clearing of the site in preparation for foundation work including, but not limited to, site clearing, excavation, de-watering, pilings and soil testing activities.~~

~~Building: The removal, disassembly, repair, replacement, installation or assembly of the building, structure, building system or building components in whole or parts thereof.~~

~~Stop work order. An order by the building official, or his designee, which requires the immediate cessation of all work and work activities described in the order.~~

~~Structural component. Any part of a system, building or structure, load bearing or non-load bearing, which is integral to the structural integrity thereof, including but not limited to walls, partitions, columns, beams and girders.~~

~~Structural work or alteration. The installation or assembling of new structural components into a system, building or structure. Also, any change, repair or replacement of any existing structural component of a system, building or structure.~~

~~Substantial completion. Where the construction work has been sufficiently completed in accordance with the applicable city, state and federal codes, so that the owner can occupy or utilize the project for the use for which it is intended.~~

~~Value. Job cost.~~

## SECTION 102 BUILDING INSPECTION DIVISION

102.1 Establishment. There is hereby established a division to be called the Building Inspection division of the Planning and Community Development Department and the person in charge of inspections shall be known as the Building Official.

102.2 Employee qualifications. 102.2.1 Building Official Qualifications. The Building Official shall be licensed as a Building Code Administrator by the State of Florida. The Building Official shall be appointed or hired by the City Manager, or a designee.

102.2.3 Employee Qualifications. The Building Official, with the approval of the City Manager, or a designee, may appoint or hire such number of officers, inspectors, plans examiners, assistants and other employees as shall be authorized from time to time. A person shall not be appointed or hired as inspector or plans examiner unless that person meets the qualifications for licensure as an inspector or plans examiner, in the appropriate trade as established by the State of Florida.

102.3 Restrictions on employees. An officer or employee connected with the division shall not be financially interested in the furnishing of labor, material, or appliances for the construction, alteration, or maintenance of a building, structure, service, system or in the making of plans or of specifications thereof, within the



jurisdiction of the division, unless he is the owner of such. This officer or employee shall not engage in any other work, which is inconsistent with his duties or conflict with the interest of the division.

102.4 Records. The Building Official shall keep, or cause to be kept, a record of the business of the division. The records of the division shall be open to public inspection.

102.5 Liability. Any officer or employee charged with the enforcement of this code, acting for the applicable governing authority in the discharge of his duties, shall not thereby render himself personally liable, and is hereby relieved from all personal liability, for any damage that may occur to persons or property as a result of any act required or permitted in the discharge of his duties. Any suit brought against any officer or employee or member because of such act performed by him in the enforcement of any provisions of this code shall be defended by the city attorney until the final termination of the proceedings, unless such person is found to have acted in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard for the safety, health, and welfare of the public.

### **SECTION 103 POWERS AND DUTIES OF THE BUILDING OFFICIAL**

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

103.2 Right of entry. 103.2.1 Whenever necessary to make an inspection to enforce any of the provisions of this code, or whenever the building official has reasonable cause to believe that there exists in any building or upon any premises any condition or code violation which makes such building, structure, premises, electrical, gas, mechanical or plumbing systems unsafe, dangerous or hazardous, the building official may enter such building, structure or premises at all reasonable times to inspect the same or to perform any duty imposed upon the building official by this code. If such building or premises are occupied, he shall first present proper credentials and request entry. If such building, structure, or premises are unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of such and request entry. If entry is refused, the building official shall have recourse to every remedy provided by law to secure entry.

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

103.3 Stop work orders. Upon notice from the building official, work on any building, structure, electrical, gas, mechanical or plumbing system that is being done contrary to the provisions of this code or in a dangerous or unsafe manner, shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to his agent, or to the person doing the work, and shall state the conditions under which work may be resumed. Where an emergency exists, the building official shall not be required to give a written notice prior to stopping the work.

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

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

103.4.2 Violation of code provisions. The building official may revoke a permit upon determination by the building official that the construction, erection, alteration, repair, moving, demolition, installation, or

replacement of the building, structure, electrical, gas, mechanical or plumbing systems for which the permit was issued is in violation of, or not in conformity with, the provisions of this code.

103.5 Unsafe buildings or systems. All buildings, structures, electrical, gas, mechanical or plumbing systems which are unsafe, unsanitary, or do not provide adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use, constitute a hazard to safety or health, are considered unsafe buildings or service systems. All such unsafe buildings, structures or service systems are hereby declared illegal and shall be abated by repair and rehabilitation or by demolition in accordance with the provisions of the Standard Unsafe Building Abatement Code or other local ordinance.

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

103.8 Alternate materials and methods. 103.8.1 The provisions of the technical codes are not intended to prevent the use of any material or method of construction not specifically prescribed by them, provided any such alternate has been reviewed by the building official. The building official shall approve any such alternate, provided the building official finds that the alternate for the purpose intended is at least the equivalent of that prescribed in the technical codes in quality, strength, effectiveness, fire resistance, durability and safety. When alternate life safety systems are designed, the "SFPE Engineering Guide to Performance-Based Fire Protection Analysis and Design of Buildings," or other methods approved by the building official may be used. The building official shall require that sufficient evidence or proof be submitted to substantiate any claim made regarding the alternate.

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

## **SECTION 104 PERMITS**

### **104.1 Permit application.**

~~104.1.1 When required. Any owner, authorized agent, or contractor who desires to construct, enlarge, alter, repair, move, demolish, or change the occupancy or occupant content of a building or structure, or any outside area being used as part of the building's designated occupancy (single or mixed) or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by the technical codes, or to cause any such work to be done, shall first make application to the building official and obtain the required permit for the work.~~

**Exceptions:**

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

~~Any portable heating appliance;~~

~~Any portable ventilation equipment;~~

~~Any portable cooling unit;~~

~~Any steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.~~

~~Replacement of any part which does not alter its approval or make it unsafe;~~

~~Any portable evaporative cooler;~~

~~Any self-contained refrigeration system containing 10 lb (4.54 kg) or less of refrigerant and actuated by motors of 1 horsepower (846 W) or less; and~~

~~The installation, replacement, removal, or metering of any load management control device.~~

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

~~104.1.3 Work authorized. A building, electrical, gas, mechanical or plumbing permit shall carry with it the right to construct or install the work, provided the same is shown on the drawings and set forth in the specifications filed with the application for the permit. Where these are not shown on the drawings and covered by the specifications submitted with the application, separate permits shall be required.~~

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

~~104.1.5 Information required. Each application for a permit, with the required fee, shall be filed with the building official on a form furnished for that purpose and shall contain a general description of the proposed work and its location. The application shall be signed by the owner or his authorized agent. The building permit application shall indicate the proposed occupancy of all parts of the building and of that portion of the site or lot, if any, not covered by the building or structure and shall contain such other information as may be required by the building official. Permit application forms shall be in the format prescribed by the building official and must comply with the requirements of § 813.135(6) & (8) Florida Statutes. Each application shall be inscribed with the date of application and the code in effect as of that date. For a building permit for which an application is submitted prior to the effective date of the Florida Building Code, the state minimum building code in effect in the permitting jurisdiction of the date of the application governs the permitted work for the life of the permit and any extension granted to the permit.~~

~~104.1.6 Time Limitations. Except as otherwise provided in this chapter, an application for a permit for any proposed work shall be deemed to have been abandoned, and shall expire by limitation and become null and void 6 months after the date of filing for the permit, or plan approval, whichever is later unless before then a permit has been issued. One or more extensions of time for periods of not more than 90 days each may be allowed by the building official for the application, provided the extension is requested in writing and justifiable cause is demonstrated.~~

~~104.1.8 Annual Facility Permit. In lieu of an individual permit for each alteration to an existing electrical gas, mechanical, plumbing or interior non-structural office system(s), the building official is authorized to issue an annual permit for Group F occupancies to facilitate routine or emergency service, repair, refurbishing, minor renovations of service systems or manufacturing equipment installations/relocations. The building official shall be notified of major changes and shall retain the right to make inspections at the facility site as deemed necessary. A facility service permit shall be assessed an annual fee and shall be valid for one year from date of issuance. A separate permit shall be obtained for each facility and for each construction trade, as applicable. The permit application shall contain a general description of the parameters of work intended to be performed during the year.~~

~~104.1.8.1 Annual Permit Records. The person to whom an annual permit is issued shall keep a detailed record of alterations made under such annual permit. The building official shall have reasonable access to such records upon request. The permit holder shall list/identify all work performed on a form approved by the building official. At the end of the permit validation period, a copy of the log shall be filed with the building official. The building official is authorized to revoke or withhold the issuance of the future permits if a pattern of code violations is found to exist.~~

~~104.1.8 Food Permit. As per § 500.12, Florida Statutes, a food permit from the Department of Agriculture and Consumer Services is required of any person who operates a food establishment or retail store.~~

~~104.1.9 Notice of Commencement. As per § 813.135 Florida Statutes, when any person applies for a building permit, the authority issuing such permit shall print on the face of each permit card in no less than 18-point, capitalized, boldfaced type:~~

~~"WARNING TO OWNER: YOUR FAILURE TO RECORD A NOTICE OF COMMENCEMENT MAY RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY. IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN ATTORNEY BEFORE RECORDING YOUR NOTICE OF COMMENCEMENT."~~

~~104.1.10 Asbestos. The enforcing agency shall require each building permit for the demolition or renovation of an existing structure to contain an asbestos notification statement which indicates the owner's or operator's responsibility to comply with the provisions of § 469.003 Florida Statutes and to notify the Department of Environmental Protection of her or his intentions to remove asbestos, when applicable, in accordance with state and federal law.~~

#### ~~104.2 Drawings and specifications.~~

~~104.2.1 Requirements. As required by 104.3.1.1 of the code, two or more copies of specifications, and of drawings drawn to scale with sufficient clarity and detail to indicate the nature and character of the work, shall accompany the application for a permit. Such drawings and specifications shall contain information, in the form of notes or otherwise, as to the quality of materials, where quality is essential to conformity with the technical codes. Such information shall be specific, and the technical codes shall not be cited as a whole or in part, nor shall the term "legal" or its equivalent be used as a substitute for specific information. All information, drawings, specifications and accompanying data shall bear the name and signature of the person responsible for the design.~~

~~104.2.1.1 For roof assemblies required by the code, the construction documents shall illustrate, describe, and delineate the type of roofing system, materials, fastening requirements, flashing requirements and wind resistance rating that are required to be installed. Product evaluation and installation shall indicate compliance with the wind criteria required for the specific site or a statement by an architect or engineer for the specific site must be submitted with the construction documents.~~

~~104.2.1.2 Additional data. The building official shall be allowed to require details, computations, stress diagrams, and other data necessary to describe the construction or installation and the basis of calculations.~~

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

~~104.2.2.1 Certification by contractors authorized under the provisions of § 489.115(4)(b) Florida Statutes shall be considered to be equivalent to sealed plans and specifications by a person licensed under Chapter 481 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 481, 481 or 489, Florida Statutes.~~

~~104.2.3 Structural and fire resistance integrity. Plans for all buildings shall indicate how required structural and fire resistance integrity will be maintained where a penetration of a required fire resistant~~

~~wall, floor or partition will be made for electrical, gas, mechanical, plumbing and communication conduits, pipes and systems. Such plans shall also indicate in sufficient detail how the fire integrity will be maintained where required fire resistant floors intersect the exterior walls and where joints occur in required fire resistant construction assemblies.~~

~~104.2.4 Site drawings. Drawings shall show the location of the proposed building or structure and of every existing building or structure on the site or lot. The building official shall be permitted to require a boundary line survey prepared by a qualified surveyor whenever the boundary lines cannot be readily determined in the field.~~

~~104.2.5 Hazardous occupancies. The building official may require the following:~~

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

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

~~104.2.6 Certificate of Protective Treatment for prevention of termites. A weather resistant jobsite posting board shall be provided to receive duplicate Treatment Certificates as each required protective treatment is completed, providing a copy for the person the permit is issued to and another copy for the building permit files. The Treatment Certificate shall provide the product used, identity of the applicator, time and date of the treatment, site location, area treated, chemical used, percent concentration and number of gallons used, to establish a verifiable record of protective treatment. If the soil chemical barrier method for termite prevention is used, final exterior treatment shall be completed prior to final building approval.~~

~~104.2.8 Notice of termite protection. A permanent sign which identifies the termite treatment provider and need for re-inspection and treatment contract renewal shall be provided. The sign shall be posted near the water heater or electric panel.~~

#### ~~104.3 Examination of documents.~~

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

~~Exceptions:~~

~~1. Building plans approved pursuant to § 553.88(6) Florida Statutes and state approved manufactured buildings are exempt from local codes enforcing agency plan reviews except for provisions of the code relating to erection, assembly or construction at the site. Erection, assembly and construction at the site are subject to local permitting and inspections.~~

~~— Industrial construction on sites where design, construction and fire safety are supervised by appropriate design and inspection professionals and which contain adequate inhouse fire departments and rescue squads is exempt, subject to local government option, from review of plans and inspections, providing owners certify that applicable codes and standards have been met and supply appropriate approved drawings to local building and fire safety inspectors.~~

~~104.3.1.1 Minimum plan review criteria for buildings. The examination of the documents by the building official shall include the following minimum criteria and documents: a floor plan, site plan, foundation plan, floor/roof framing plan or truss layout and all exterior elevations:~~

Commercial Buildings:

~~Building~~

~~1. Site Requirements~~

~~Parking~~

~~Fire access~~

~~Vehicle loading~~

~~Driving/turning radius~~

~~Fire hydrant/water supply/Post Indicator Valve (PIV)~~

~~Set back/separation (assumed property lines)~~

~~Location of specific tanks, water lines and sewer lines~~

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

~~3. Minimum type of construction shall be determined (Table 500)~~

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

~~Fire resistant separations~~

~~Fire resistant protection for type of construction~~

~~Protection of openings and penetrations of rated walls~~

~~Fire blocking and draft stopping~~

~~Calculated fire resistance~~

~~5. Fire suppression systems shall include:~~

~~Early warning~~

~~Smoke evacuation systems schematic~~

~~Fire sprinklers~~

~~Standpipes~~

~~Pre-engineered systems~~

~~Riser diagram~~

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

~~Occupant load and egress capacities~~

~~Smoke control~~

~~Stair pressurization~~

Systems schematic

~~8. Occupancy Load/Egress Requirements shall include:~~

Occupancy load

Gross

Net

Means of egress

Exit access

Exit

Exit discharge

Stairs construction/geometry and protection

Doors

Emergency lighting and exit signs

Specific occupancy requirements

Construction requirements

Horizontal exits/exit passageways

~~8. Structural requirements shall include:~~

Soil conditions/analysis

Termite protection

Design loads

Wind requirements

Building envelope

Structural calculations (if required)

Foundation

Wall systems

Floor systems

Roof systems

Threshold inspection plan

Stair systems

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

Wood

Steel

Aluminum

Concrete

Plastic

Glass

Masonry

Gypsum board and plaster

Insulating (mechanical)

Roofing

Insulation

~~10. Accessibility requirements shall include the following:~~

~~Site requirements~~

~~Accessible route~~

~~Vertical accessibility~~

~~Toilet and bathing facilities~~

~~Drinking fountains~~

~~Equipment~~

~~Special occupancy requirements~~

~~Fair housing requirements~~

~~11. Interior requirements shall include the following:~~

~~Interior finishes (flame spread/smoke develop)~~

~~Light and ventilation~~

~~Sanitation~~

~~12. Special systems~~

~~Elevators~~

~~Escalators~~

~~Lifts~~

~~13. Swimming Pools~~

~~Barrier requirements~~

~~Spas~~

~~Wading pools~~

~~Electrical~~



- 1.—Electrical
  - wiring
  - services
  - feeders and branch circuits
  - overcurrent protection
  - grounding
  - wiring methods and materials
  - GFCI's

- 2.—Equipment
- 3.—Special Occupancies
- 4.—Emergency Systems
- 5.—Communication Systems
- 6.—Low voltage
- 8.—Load calculations

#### Plumbing

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

#### Mechanical

- 1.—Energy calculations
- Exhaust systems
  - clothes dryer exhaust
  - kitchen equipment exhaust
  - specialty exhaust systems

- ~~3.—Equipment~~
- ~~4.—Equipment location~~
- ~~5.—Make-up air~~
- ~~6.—Roof-mounted equipment~~
- ~~7.—Duct systems~~
- ~~8.—Ventilation~~
- ~~9.—Combustion air~~
- ~~10.—Chimneys, fireplaces and vents~~
- ~~11.—Appliances~~
- ~~12.—Boilers~~
- ~~13.—Refrigeration~~
- ~~14.—Bathroom ventilation~~
- ~~15.—Laboratory~~

#### ~~Gas~~

- ~~1.—Gas piping~~
- ~~2.—Venting~~
- ~~3.—Combustion air~~
- ~~4.—Chimneys and vents~~
- ~~5.—Appliances~~
- ~~6.—Type of gas~~
- ~~7.—Fireplace~~
- ~~8.—LP tank location~~
- ~~9.—Riser diagram/shut-offs~~

#### ~~Demolition~~

- ~~1.—Asbestos removal~~

#### ~~Residential (One and Two Family):~~

##### ~~Building~~

- ~~1.—Site requirements~~
  - ~~setback/separation (assumed property lines)~~
  - ~~location of septic tanks~~
- ~~2.—Fire resistant construction (if required)~~
- ~~3.—Fire~~
- ~~4.—Smoke detector locations~~
- ~~5.—Egress~~
  - ~~egress window size and location~~

~~stairs construction requirements~~

~~6. Structural requirements shall include:~~

~~wall section from foundation through roof, including assembly and materials~~

~~connector tables~~

~~wind requirements~~

~~structural calculations (if required)~~

~~7. Accessibility requirements:~~

~~show/identify accessible bath~~

~~Manufactured/Mobile Homes~~

~~1. Site requirements~~

~~setback/separation (assumed property lines)~~

~~location of septic tanks (if applicable)~~

~~— Structural~~

~~wind zone~~

~~anchoring~~

~~blocking~~

~~3. Mechanical~~

~~exhaust systems~~

~~clothes dryer exhaust~~

~~kitchen equipment exhaust~~

~~4. Electrical~~

~~exterior disconnect location~~

~~104.3.1.2 Exemptions. Plans examination by the building official shall not be required for the following work:~~

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

~~— Re-roofs~~

~~3. Minor electrical, plumbing and mechanical repairs.~~

~~4. Annual maintenance permits~~

~~5. Prototype plans~~

~~except for local site adaptations, siding, foundations and/or modifications~~

~~except for structures that require waiver~~

~~104.3.2 Affidavits. The building official may accept a sworn affidavit from a registered architect or engineer stating that the plans submitted conform to the technical codes. For buildings and structures, the affidavit shall state that the plans conform to the laws as to egress, type of construction and general~~

~~arrangement and, if accompanied by drawings, show the structural design and that the plans and design conform to the requirements of the technical codes as to strength, stresses, strains, loads and stability. The building official may without any examination or inspection accept such affidavit, provided the architect or engineer who made such affidavit agrees to submit to the building official copies of inspection reports as inspections are performed and upon completion of the structure, electrical, gas, mechanical or plumbing systems a certification that the structure, electrical, gas, mechanical or plumbing system has been erected in accordance with the requirements of the technical codes and other pertinent laws or ordinances. The building official shall ensure that any person conducting plans review is qualified as a plans examiner under Part XII of Chapter 468, Florida Statutes, and that any person conducting inspections is qualified as a building inspector under Part XII of Chapter 468, Florida Statutes.~~

#### ~~104.4 Issuing permits.~~

##### ~~104.4.1 Action on Permits~~

~~104.4.1.1 The building official shall act upon an application for a permit without unreasonable or unnecessary delay. If the building official is satisfied that the work described in an application for a permit and the contract documents filed therewith conform to the requirements of the technical codes and other pertinent laws and ordinances, he shall issue a permit to the applicant. When authorized through contractual agreement with a school board, in acting on applications for permits, the building official shall give first priority to any applications for the construction of, or addition or renovation to, any school or educational facility.~~

~~104.4.1.2 If a state university, state community college, or public school district elects to use a local government's code enforcement offices, fees charged by counties and municipalities for enforcement of the Florida Building Code on buildings, structures, and facilities of state universities, state colleges, and public school districts shall not be more than the actual labor and administrative costs incurred for plans review and inspections to ensure compliance with the code.~~

~~104.4.1.3 No permit may be issued for any building construction, erection, alteration, modification, repair, or addition unless the applicant for such permit provides to the enforcing agency which issues the permit any of the following documents which apply to the construction for which the permit is to be issued and which shall be prepared by or under the direction of an engineer registered under F.S. ch. 481:~~

- ~~1. Electrical documents for any new building or addition which requires an aggregate service capacity of 600 amperes (240 volts) or more on a residential electrical system or 800 amperes (240 volts) on a commercial or industrial electrical system and which costs more than \$50,000.~~
- ~~— Plumbing documents for any new building or addition which requires a plumbing system with more than 250 fixture units or which costs more than \$50,000.~~
- ~~3. Fire sprinkler documents for any new building or addition, which includes a fire sprinkler system which contains 50 or more sprinkler heads. A Contractor I, Contractor II, or Contractor IV, certified under § 633.521, may design a fire sprinkler system of 49 or fewer heads and may design the alteration of an existing fire sprinkler system if the alteration consists of the relocation, addition or deletion of not more than 49 heads, notwithstanding the size of the existing fire sprinkler system.~~
- ~~4. Heating, ventilation and air conditioning documents for any new building or addition which requires more than a 15-ton per-system capacity which is designed to accommodate 100 or more persons or for which the system costs more than \$50,000. This paragraph does not include any document for the replacement or repair of an existing system in which the work does not require altering a structural part of the building or for work on a residential one-family, two-family, three-family or four-family structure.~~

~~An air conditioning system may be designed by an installing air conditioning contractor certified under Chapter 489, Florida Statutes to serve any building or addition which is designed to accommodate fewer than 100 persons and requires an air conditioning system with value of \$50,000 or less; and when a 15-ton-per system or less is designed for a singular space of a building and each 15-ton system or less has an independent duct system. Systems not complying with the above require design documents that are to be sealed by a professional engineer.~~

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

~~Example 2: Consider a small single story office building, which consists of 6 individual offices where each office has a single three-ton package air conditioning heat pump. The six heat pumps are connected to a single water cooling tower. The cost of the entire heating, ventilation and air conditioning work is \$48,000 and the office building accommodates fewer than 100 persons.~~

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

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

~~Documents requiring an engineer seal by this part shall not be valid unless a professional engineer who possesses a valid certificate of registration has signed, dated, and stamped such document as provided in § 481.025, Florida Statutes.~~

~~104.4.1.4 An enforcing authority may not issue a building permit for any building construction, erection, alteration, modification, repair or addition unless the permit either includes on its face or there is attached to the permit the following statement:~~

~~NOTICE: In addition to the requirements of this permit, there may be additional restrictions applicable to this property that may be found in the public records of this county, and there may be additional permits required from other governmental entities such as water management districts, state agencies or federal agencies.~~

~~104.4.1.5 A building permit for a single-family residential dwelling must be issued within 30 working days of application therefore unless unusual circumstances require a longer time for processing the application or unless the permit application fails to satisfy the Florida Building Code or the enforcing agency's laws or ordinances.~~

~~104.4.2 Refusal to issue permit. If the application for a permit and the accompanying contract documents describing the work do not conform to the requirements of the technical codes or other pertinent laws or ordinances, the building official shall not issue a permit, but shall return the contract documents to the applicant with his refusal to issue such permit. Such refusal shall, when requested, be in writing and shall contain the reason for refusal.~~

~~104.4.3 Identification of minimum premium policy. Except as otherwise provided in Chapter 440, Workers Compensation, every employer shall, as a condition to receiving a building permit, show proof that it has secured compensation for its employees as provided in §§ 440.10 and 440.38, Florida Statutes.~~

~~104.4.4 Asbestos removal. Moving, removal or disposal of asbestos-containing materials on a residential building where the owner occupies the building, the building is not for sale or lease, and the work is performed according to the owner-builder limitations provided in this paragraph. To qualify for exemption under this paragraph, an owner must personally appear and sign the building permit~~

application. The permitting agency shall provide the person with a disclosure statement in substantially the following form:

#### Disclosure Statement

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

104.4.5 Special foundation permit. When application for permit to erect or enlarge a building has been filed and pending issuance of such permit, the building official may, at his discretion, issue a special permit for the foundation only. The holder of such a special permit is ~~not~~ now proceeding at their own risk and without assurance that a permit for the remainder of the work will be granted nor that corrections will not be required in order to meet provisions of the technical codes.

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

#### ~~104.5 Conditions of the permit.~~

104.5.1 Permit intent. A permit issued shall be construed to be a license to proceed with the work and not as authority to violate, cancel, alter or set aside any of the provisions of the technical codes, nor shall issuance of a permit prevent the building official from thereafter requiring a correction of errors in plans, construction, or violations of this code. Every permit issued shall become invalid unless the work authorized by such permit is commenced within 6 months after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of 6 months after the time the work is commenced. Failure to obtain an approved inspection within 180 days of the previous approved inspection shall constitute suspension or abandonment. One or more extensions of time, for periods not more than 180 days each, may be allowed by the building official for the permit, provided the extension is requested in writing and justifiable cause is demonstrated prior to the expiration date. The building official shall record the extension of time granted.

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

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

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

104.5.1.4 The fee for renewal, re-issuance and extension of a permit shall be set forth by the administrative authority.

104.5.1.5 Permits issued for the demolition of a structure shall expire sixty (60) days from the date of issuance. For a justifiable cause, one (1) extension of time for a period not exceeding thirty (30) days may be allowed. Such request shall be in writing to the building official.

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

104.5.3 Plans. When the building official issues a permit, the building official shall endorse, in writing or by stamp both sets of reviewed plans "Reviewed for Code Compliance." One set of reviewed drawings shall be retained by the building official and the other set shall be returned to the applicant. The permit drawings shall be kept at the site of work and shall be open to inspection by the building official or his authorized representative.

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

#### 104.6-Fees.

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

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

104.6.3 Accounting. The building official shall keep a permanent and accurate accounting of all permit fees and other monies collected, the names of all persons upon whose account the same was paid, along with the date and amount thereof.

104.6.4 Schedule of Permit Fees. On all buildings, structures, electrical, plumbing, mechanical and gas systems or alterations requiring a permit, a fee for each permit shall be paid as required at the time of filing application, in accordance with the schedule as established by the applicable governing authority.

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

- Permits;
- Plans examination;

- Certificates of competency (including fees for applications, examinations, renewal, late renewal, and reciprocity);
- Re-inspections;
- Administrative fees;
- Variance requests;
- Violations; and
- Other fees as established by local ordinance.

104.6.6 Building permit valuations. If, in the opinion of the building official, the valuation of building, alteration, structure, electrical, gas, mechanical or plumbing systems appears to be underestimated on the application, permit shall be denied, unless the applicant can show detailed estimates to meet the approval of the building official. Permit valuations shall include total cost, such as electrical, gas, mechanical, plumbing equipment and other systems, including materials and labor. The permit valuation may be calculated using the latest Building Valuation Data published by the ~~Southern Building Code Congress~~ International Code Council (ICC) or other applicable model code organization, at the option of the building official.

## **SECTION 105 INSPECTIONS**

105.1 *Existing building inspections.* Before issuing a permit, the building official may examine or cause to be examined any building, electrical, gas, mechanical, or plumbing systems for which an application has been received for a permit to enlarge, alter, repair, move, demolish, install, or change the occupancy. He shall inspect all buildings, structures, electrical, gas, mechanical and plumbing systems, from time to time, during and upon completion of the work for which a permit was issued. He shall make a record of every such examination and inspection and of all violations of the technical codes.

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

105.3 *Inspection service.* The building official may make, or cause to be made, the inspections required by Section 105. He or she may accept reports of building inspection division inspectors, independent inspectors or of recognized inspection services, provided that after investigation he/she is satisfied as to their licensure, Qualifications and reliability. A certificate required by any provision of this code shall not be based on such reports unless the same are recorded by the building code inspector or the architect or engineer performing building code inspections in a manner specified by the building official. The building official shall ensure that all persons making such inspections shall be certified in accordance to Chapter 468 Florida Statutes.

105.4 *Inspections prior to issuance of Certificate of Occupancy or Completion.* The building official shall inspect or cause to be inspected, at various intervals, all construction or work for which a permit is required, and a final inspection shall be made of every building, structure, electrical, gas, mechanical or plumbing system upon completion, prior to the issuance of the Certificate of Occupancy or Certificate of Completion. In performing inspections, the building official shall give first priority to inspections of the construction, addition, or renovation to, any facilities owned or controlled by a state university, state community college or public school district.

105.5 *Posting of permit.* Work requiring a permit shall not commence until the permit holder or his agent posts the permit card in a conspicuous place on the premises. The permit shall be protected from the weather and located in such position as to permit the building official or representative to conveniently make



the required entries thereon. This permit card shall be maintained in such position by the permit holder until the Certificate of Occupancy or Completion is issued by the building official.

~~105.6 Required inspections. The building official upon notification from the permit holder or his agent shall make the following inspections, and shall either release that portion of the construction or shall notify the permit holder or his agent of any violations which must be corrected in order to comply with the technical codes. The building official shall determine the timing and sequencing of when inspections occur and what elements are inspected at each inspection.~~

#### Building

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

- ~~• stem wall~~
- ~~• monolithic slab-on-grade~~
- ~~• piling/pile caps~~
- ~~• footers/grade beams~~

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

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

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

- ~~• window/door framing and installation~~
- ~~• vertical cells/columns~~
- ~~• lintel/tie beams~~
- ~~• framing/trusses/bracing/connectors~~
- ~~• draft stopping/fire blocking~~
- ~~• curtain wall framing~~
- ~~• energy insulation~~
- ~~• accessibility~~

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

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

- ~~• roof sheathing~~

- wall sheathing
- sheathing fasteners
- roof/wall/dry in

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

4. ~~Roofing inspection: To be made as two inspections on tile, slate or similar roof coverings or as one inspection on all other roof coverings, and shall at a minimum include the following building components:~~

- dry in
- insulation
- roof coverings
- flashing

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

6. ~~Swimming pool inspection:~~

- ~~First inspection to be made after excavation and installation of reinforcing steel, bonding and main drain and prior to placing of concrete.~~
- ~~Final inspection to be made when the swimming pool is complete and all required enclosure requirements are in place.~~
- ~~In order to pass final inspection and receive a certificate of completion, a residential swimming pool must meet the requirements relating to pool safety features as described in Section 424.2.18~~

8. ~~Demolition inspections:~~

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

## Electrical

1. ~~Underground inspection: To be made after trenches or ditches are excavated, conduit or cable installed, and before any backfill is put in place.~~
2. ~~Rough-In inspection: To be made after the roof, framing, fire blocking and bracing is in place and prior to the installation of wall or ceiling membranes.~~
3. ~~Final inspection: To be made after the building is complete, all required electrical fixtures are in place and properly connected or protected, and the structure is ready for occupancy.~~

## Plumbing

1. ~~Underground inspection: To be made after trenches or ditches are excavated, piping installed, and before any backfill is put in place.~~
2. ~~Rough-In inspection: To be made after the roof, framing, fire blocking and bracing is in place and all soil, waste and vent piping is complete, and prior to the installation of wall or ceiling membranes.~~

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

#### Mechanical

1. ~~Underground inspection: To be made after trenches or ditches are excavated, underground duct and fuel piping installed, and before any backfill is put in place.~~
2. ~~Rough-In inspection: To be made after the roof, framing, fire blocking and bracing is in place and all ducting and other concealed components are complete, and prior to the installation of wall or ceiling membranes.~~
3. ~~Final inspection: To be made after the building is complete, the mechanical system is in place and properly connected, and the structure is ready for occupancy.~~

#### Gas

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

#### Site Debris

1. ~~The contractor and/or owner of any active or inactive construction project shall be responsible for the clean up and removal of all construction debris or any other miscellaneous discarded articles prior to receiving final inspection approval. Construction job sites must be kept clean, such that accumulation of construction debris must not remain on the property for a period of time exceeding 14 days.~~
2. ~~All debris shall be kept in such a manner as to prevent it from being spread by any means.~~

105.7 *Written release.* Work shall not be done on any part of a building, structure, electrical, gas, mechanical or plumbing system beyond the point indicated in each successive inspection without first obtaining a written release from the building official. Such written release shall be given only after an inspection has been made of each successive step in the construction or installation as indicated by each of the foregoing three inspections.

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

105.9 *Plaster fire protection.* In all buildings where plaster is used for fire protection purposes, the permit holder or his agent shall notify the building official after all lathing and backing is in place. Plaster shall not be covered or concealed from view without first obtaining a release from the building official.

105.10 *Fire resistant joints and penetrations.* The protection of joints and penetrations in required fire resistant construction assemblies shall not be covered or concealed from view without first obtaining a release from the building official.

~~105.11 *Termites.* Building components and building surroundings required to be protected from termite damage in accordance with 1503.4.4, 1804.6.2.8, 1916.8.5, 2303, 2304, or 2603.3, specifically required to~~

~~be inspected for termites in accordance with 2116 or required to have chemical soil treatment in accordance with 1816 shall not be covered or concealed until the release from the building official has been received.~~

105.12 *Shoring*. For threshold buildings, shoring and associated formwork or falsework shall be designed and inspected by a Florida Licensed Professional Engineer, employed by the permit holder or subcontractor, prior to any required mandatory inspections by the Threshold Building inspector.

105.13 *Threshold building*. 105.13.1 The enforcing agency shall require a special inspector to perform structural inspections on a threshold building pursuant to a structural inspection plan prepared by the engineer or architect of record. The structural inspection plan must be submitted to the enforcing agency prior to the issuance of a building permit for the construction of a threshold building. The purpose of the structural inspection plan is to provide specific inspection procedures and schedules so that the building can be adequately inspected for compliance with the permitted documents.

105.13.2 The special inspector shall inspect the shoring and reshoring for conformance to the shoring and reshoring plans submitted to the enforcing agency. A fee simple title owner of a building which does not meet the minimum size, height, occupancy, occupancy classification or number of stories criteria which would result in classification as a threshold building under 553.81(8) Florida Statutes, may designate such building as a threshold building, subject to more than the minimum number of inspections required by the Florida Building Code, Building.

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

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

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

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

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

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

105.13.5 No enforcing agency may issue a building permit for construction of any threshold building except to a licensed general contractor, as defined in § 489.105(3)(a) Florida Statutes, or to a licensed building contractor, as defined in § 489.105(3)(b) Florida Statutes, within the scope of his or her license.

105.13.6 The building inspection division may allow a special inspector to conduct the minimum structural inspection of threshold buildings required by this code, § 553.83 Florida Statutes, without duplicative inspection by the building inspection division. The building official is responsible for ensuring that any person conducting inspections is qualified as a building inspector under part XII of Chapter 468, Florida Statutes, or certified as a special inspector under Chapter 481 or Chapter 481, Florida Statutes. Inspections of threshold buildings required by § 553.89(5), Florida Statutes, are in addition to the minimum inspections required by this code.

## **SECTION 106 CERTIFICATES**

### **106.1 Certificate of occupancy.**

106.1.1 *Building Occupancy.* A new building shall not be occupied or a change made in the occupancy, nature or use of a building or part of a building until after the building official has issued a Certificate of Occupancy. Said certificate shall not be issued until all required electrical, gas, mechanical, plumbing and fire protection systems have been inspected for compliance with the technical codes and other applicable laws and ordinances and released by the building official.

106.1.2 *Issuing Certificate of Occupancy.* Upon completion of construction of a building or structure and installation of electrical, gas, mechanical and plumbing systems in accordance with the technical codes, reviewed plans and specifications, and after the final inspection, and after verification that all septic system permits have received an approved final inspection where applicable, the building official shall issue a Certificate of Occupancy stating the nature of the occupancy permitted, the number of persons for each floor when limited by law, and the allowable load per square foot for each floor in accordance with the provisions of this code.

106.1.3 *Temporary/Partial occupancy.* A temporary/partial Certificate of Occupancy may be issued for a portion or portions of a building, which may safely be occupied prior to final completion of the building.

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

106.3 *Service utilities.* 106.3.1 Connection of service utilities.-No person shall make connections from a utility source of energy, fuel or power to any building or system which is regulated by the technical codes for which a permit is required, until released by the building official and a Certificate of Occupancy or Completion is issued.

106.3.2 *Temporary connection.* The building official may authorize the temporary connection of the building or system to the utility source of energy, fuel or power for the purpose of testing building service systems or for use under a temporary Certificate of Occupancy.

106.3.3 *Authority to disconnect service utilities.* The building official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by the technical codes in case of emergency where necessary to eliminate an immediate hazard to life or property. The building official shall notify the serving utility, and whenever possible the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the owner or occupant of the building, structure or service system shall be notified in writing, as soon as practical thereafter.

106.4 *Posting floor loads.* 106.4.1 Occupancy.-An existing or new building shall not be occupied for any purpose, which will cause the floors thereof to be loaded beyond their safe capacity.

106.4.2 *Storage and Factory-Industrial Occupancies.* It shall be the responsibility of the owner, agent, proprietor or occupant of Group S and Group F occupancies, or any occupancy where excessive floor loading is likely to occur, to employ a competent architect or engineer in computing the safe load capacity. All such computations shall be accompanied by an affidavit from the architect or engineer stating the safe allowable floor load on each floor in pounds per square foot uniformly distributed. The computations and affidavit shall be filed as a permanent record of the building inspection division.

106.4.3 *Signs required.* In every building or part of a building used for storage, industrial or hazardous purposes, the safe floor loads, as reviewed by the building official on the plan, shall be marked on plates of approved design which shall be supplied and securely affixed by the owner of the building in a conspicuous place in each story to which they relate. Such plates shall not be removed or defaced, and if lost, removed or defaced, shall be replaced by the owner of the building.

## **SECTION 107 TESTS**

107.1 For products not covered under the statewide product evaluation and approval system, the building official may require tests or test reports as proof of compliance. Required tests are to be made at the expense of the owner, or his agent, by an approved testing laboratory or other approved agency.

## **SECTION 108 SEVERABILITY**

108.1 If any section, subsection, sentence, clause or phrase of this code is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

## **SECTION 109 VIOLATIONS AND PENALTIES**

109.1 Any person, firm, corporation or agent who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, or who shall erect, construct, alter, install, demolish or move any structure, electrical, gas, mechanical or plumbing system, or has erected, constructed, altered, repaired, moved or demolished a building, structure, electrical, gas, mechanical or plumbing system, in violation of a detailed statement or drawing submitted and permitted there under, shall be guilty of a misdemeanor of the second degree. Each such person shall be considered guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this code is committed or continued. Upon conviction of any such violation such person shall be punished within the limits as provided by law and local ordinance. (Ord. No. 2003-12, § 1, 11-20-03; Ord. No. 2006-17, § 1, 9-25-06)

~~Sec. 8-28. — Fire districts established.~~

~~For the purpose of this Code there shall be established two (2) fire districts or zones, which shall be known as the first and second fire districts. The limits of each district shall be as shown and designated on the zoning map on file in the office of the city clerk. (Ord. No. 2003-12, § 1, 11-20-03)~~

~~**Cross reference** — Fire prevention and protection generally, Ch. 10~~

### **Sec.8-28-Reserved.**

### **Sec. 8-29. - Building permit fees.**

The following permit fees hereby are imposed and are assessed and shall be paid at the time of the making of an application for a permit for the work or service, installation or construction hereinafter described:

- (1) For issuing permit...\$ ~~25.00~~ 35.00
- (2) Cost of construction
  - \$0—100.00(charged only if inspection required)...~~40.00~~ 11.00
  - \$100.01—1,000.00 ..... ~~25.00~~ 27.50
  - \$1,000.01—2,000.00.....~~35.00~~ 38.50
  - \$2,000.01—3,000.00.....~~50.00~~ 55.00

~~\$3,000.01—4,000.00.....55.00~~ 60.50

~~\$4,000.00—5,000.00 ....60.00~~ 66.00

~~\$5,000.01—6,000.00 ... 65.00~~ 71.50

~~\$6,000.01—7,000.00.....7.00~~ 77.00

~~\$7,000.01—8,000.00.....75.00~~ 82.50

~~\$8,000.01—9,000.00.....80.00~~ 88.00

~~\$9,000.01—10,000.00....85.00~~ 93.50

~~\$10,001.00 to \$100,000-Add \$5.00~~ \$93.50 for the first \$10,000 + \$5.50 for each additional \$1,000.00 or part thereof up to \$50,000.00-100,000.00;

~~\$100,001.00 to \$500,000.00—\$485.00~~ 588.50 for first \$100,000 + \$2.50 2.75 each additional thousand \$1,000.00 or part thereof up to \$500,000.00;

~~\$500,001.00 and up—\$1,485.00~~ 1688.50 for first \$500,000 + \$1.25 1.38 each additional thousand \$1,000.00 thereafter.

- (3) ~~a.~~ Reinspection fees. When a permit holder due to any of the following reasons makes extra inspection trips necessary, an additional fee shall be charged for each additional inspection:

(1-a) Wrong address given on call for inspection;

(2 b) Work not ready for inspection at time specified;

(3 c) Required corrections not made within time specified;

(4 d) Failure to request required inspections;

(5 e) Additional work done after inspection has been made;

(6 f) When reinspection is necessitated due to a previously failed component and said reinspection is hindered or impossible due to continued construction activity by the permittee;

(7 g) Emergency inspections or requesting of unscheduled inspections.

- ~~b.~~ (4) Refund of fees. Where no work has been done under a valid permit for which fees have been paid and a written request for refund of fees is made by the holder thereof within six (6) months of the date of original issuance, the building official may authorize the refund of fifty (50) percent of the building permit fee upon surrender of the permit and cancellation of same. In no event shall any plan check fee be refunded.

- ~~c. Schedule of permit fees. The city council, upon recommendation of the city manager, shall by resolution establish the fees for permits issued under this chapter. (Ord. No. 2003-12, § 1, 11-20-03; Ord. No. 2006-17, § 2, 9-25-06)~~

#### **Sec. 8-30. - Persons exempt from paying fees.**

No building permit fees shall be charged for permits and inspections for construction, repair or alteration of any building work done on any property which is held and used exclusively for municipal and educational purposes, and is exempt from the taxation under the constitution and laws of the state whenever there shall be filed with the application for such permit:

- (1) An affidavit of the owner or its authorized agent naming the organization or association holding such property and the purpose for which such property is used, and making oath that such property is so held and used exclusively by such owner for such purposes;

- (2) A certificate from the city tax assessor that such property is recognized by him as exempt from taxation because the same is held and used exclusively for such exempting purposes. Upon compliance with this section and all other regulations and ordinances pertaining to such construction, repair, and alteration, such permit shall be marked "exempt" and issued without charge therefore. (Ord. No. 2003-12, § 1, 11-20-03)

**Sec. 8-31. - Electrical fees—~~Imposed; amount.~~**

The following permit fees hereby are imposed and are assessed and shall be paid at the time of the making of an application for a permit for the work or service, installation or construction hereinafter described:

(1) General fees:

Issuing of permit ...~~\$25.00~~ 35.00

Temporary service construction pole...~~20.00~~ 22.00

Air condition circuits:

40 to 100 amps...~~25.00~~ 27.50

Under 40 amps, including window units, minimum...~~45.00~~ 16.50

New family dwelling:

Not exceeding 100 amp service...~~40.00~~ 44.00

Not exceeding 200 amp service...~~50.00~~ 55.00

Plus for each additional 100 amps or part thereof...~~40.00~~ 11.00

(New multifamily dwelling, each unit or apartment shall be treated as single-family dwelling and permit and service fees shall apply same for each unit or apartment)

Remodeling or additions to residential dwellings electrically (excluding service)...~~25.00~~ 27.50

Plus for every \$1,000.00 of value or fractional part thereof...~~40.00~~ 11.00

Electrical permit for new commercial buildings (excluding service)...~~50.00~~ 55.00

New commercial service:

Not exceeding 100 amp service...75.00

Not exceeding 200 amp service....95.00

Plus for each additional 100 amps....40.00 15.00

Remodeling or additions to existing commercial buildings electrically (excluding service)...57.50.

(3) Pools:

Residence pools....~~30.00~~ 33.00

Commercial pools...~~60.00~~ 66.00

(4) Commercial lighting:

Commercial light, switch and receptacles:

1 to 50...~~25.00~~ 27.50

Over 50, each...~~3.00~~ 3.30

(5) Signs:

Not exceeding ~~400~~ 96 square feet, each...~~50.00~~ 55.00



Over ~~100~~ 96 square feet ~~and not exceeding 200 square feet~~, each...~~100.00~~ 110.00

Illumination of any sign in any manner, floodlights, border lights, etc., each...~~50.00~~ 55.00

1 transformer...~~25.00~~ 27.50

Additional transformer, each...~~40.00~~ 11.00

(6) Motors:

Electric motors:

1 / 2 horsepower or less, operating at a potential of 500 volts or less, each...~~40.00~~ 11.00

Over 1 / 2 horsepower and not over 5 horsepower, operating at a potential of 500 volts or less, each...~~25.00~~ 27.50

Over 5 horsepower, operating at a potential of 550 volts or less, each...~~40.00~~ 44.00

High potential, operating at a potential of over 550 volts and less than 3,500 volts, regardless of horsepower, each ...~~60.00~~ 66.00

(7) Adding circuits: Adding circuits and/or outlets to existing buildings, such as dryers, washers, water heaters, pumps (excluding motors), lighting or appliances, or minor repairs, each ...~~25.00~~ 27.50

~~(8) Solar photovoltaic systems~~

Array, each.....~~20.00~~

Module, each.....~~10.00~~

Power conditioning unit, each.....~~20.00~~

Transformer, each.....~~10.00~~

~~(9-8)~~ Receptacles:

Receptacles outlets, each:

Capacity 0 to 100 amps...~~0.50~~ 55¢

~~(10-9)~~ Switches:

Switches, each:

Capacity up to 30 amperes, each...~~0.50~~ 55¢

Capacity exceeding 30 amperes, each...~~5.00~~ 5.50

~~(11-10)~~ Miscellaneous:

Repair and miscellaneous permit...~~40.00~~ 11.00

~~(12-11)~~ Additional inspections, reinspections: For additional inspections or reinspection, there will be a ~~\$25.00~~ \$35.00 charge in addition to the fees listed above. (Ord. No. 2003-12, § 1, 11-20-03)

**Sec. 8-32. - ~~Same~~—Payment prior to permit issuance.**

No permit shall be issued unless and until the inspection fees in the amount required in ~~section 8-98~~ Chapter 8 ~~has~~ have been paid. No permit shall be issued for a fee of less than thirty-five dollars (\$35.00). (Ord. No. 2003-12, § 1, 11-20-03)

**Sec. 8-33. - House meters.**

House meters will be permitted for the purpose of metering power used for swimming pools, laundry facilities, irrigation systems and security lighting only and service size shall not exceed ~~60~~ 100 amps. No dwelling unit circuitry will be allowed on house meters. (Ord. No. 2003-12, § 1, 11-20-03)

**Sec. 8-34. - Plumbing fees—~~Imposed; amount.~~**

The following permit fees hereby are imposed and are assessed and shall be paid at the time of the making of an application for a permit for the work or service, installation or construction hereinafter described:

- (1) Fire sprinkler systems:
  - a. For the first 40 sprinkler heads or fractional part thereof...~~\$50.00~~ 55.00
  - b. For each additional 10 sprinkler heads or fractional part thereof...~~40.00~~ 11.00
- (2) Fire standpipes, each...~~40.00~~ 11.00
- (3) Fire hose cabinets, each...~~40.00~~ 11.00
- (4) Solar ~~hot water heaters and heating~~ equipment:
  - a. Solar hot water heater...~~30.00~~ 33.00
  - b. Solar heating or cooling equipment...~~30.00~~ 33.00
  - c. *Solar photovoltaic systems*
    - Array, each...~~20.00~~ 22.00
    - Module, each...~~40.00~~ 11.00
    - Power conditioning unit, each...~~20.00~~ 22.00
    - Transformer, each...~~40.00~~ 11.00
- (5) Cap sewers and supply lines for demolition...~~30.00~~ 33.00
- (6) Septic tank or drain field....~~30.00~~ 33.00
- (7) Wells...~~20.00~~ 22.00
- (8) Pumps...~~40.00~~ 11.00
- (9) Plumbing permit fees:
  - a. For issuing each permit...~~25.00~~ \$35.00
  - b. Roughing-in and setting fixtures or plugged outlets. For water closets (toilets), bathtubs, showers, lavatories, sinks, slop sinks, laundry tubs, urinals, dishwashers, icemakers, sewers, hose bibs, gas and oil interceptors, floor drains, drinking fountains, indirect waste pipe fixtures, sterilizers, autoclaves and other plumbing fixtures having a water supply or waste outlet or both, including hot water tanks or boosters, and washing machines ~~with sewer connections~~ ...10.00
  - c. The fee for replacement of piping in an existing structure shall be based on the valuation of the work performed and charged according to the fees outlined in section 8-28(2) in addition to the issuing fee of...~~25.00~~ \$35.00 (Ord. No. 2003-12, § 1, 11-20-03)

**Sec. 8-35. - Mechanical fees—~~Imposed; amount.~~**

The following permit fees are imposed and assessed and shall be paid at the time of the making of an application for a permit for the work or service, installation, or construction hereinafter described:

- (1) For issuing each permit...~~\$ 25.00~~ 35.00
- (2) Air conditioning and refrigeration (total capacity in single installation), each dwelling, apartment ~~or~~ or business being considered a separate system, for each ton of capacity of fractional part thereof:
  - a. For one (1) to ten (10) tons (per ton)...~~40.00~~ 11.00

- b. For each ton over ten (10) tons or fractional part thereof up to twenty-five (25) tons (per ton)...~~6.00~~ 6.60
  - c. For each ton over twenty-five (25) tons or fractional part thereof (per ton)...~~5.00~~ 5.50
- (3) Furnaces and heating equipment (total capacity in single installation) for each dwelling, apartment or business:
  - a. For the first two hundred thousand (200,000) BTU an hour capacity or fractional part thereof...~~20.00~~ 22.00
  - b. For each additional fifty thousand (50,000) BTU an hour input or thereof...~~10.00~~ 11.00
  - c. Burner (not in heating system), each...~~8.00~~ 8.80
- (4) Air duct systems:
  - a. For the first two thousand (2,000) cubic ~~fee~~ feet a minute capacity of air handled in duct system...~~15.00~~ 16.50
  - b. For each one thousand (1,000) cubic ~~fee~~ feet a minute over two thousand (2,000) cubic feet or fractional part thereof up to ten thousand (10,000) cubic ~~fee~~ feet a minute ...~~6.00~~ 6.60
  - c. For each additional 1,000 cubic ~~fee~~ feet a minute or fractional thereof...~~4.00~~ 4.40
- (5) Commercial hoods and fans...~~35.00~~ 38.50
- ~~(6) Water softener.....35.00~~
- ~~(7-6)~~ Boilers, including heating elements: for the first five hundred thousand (500,000) BTU per hour...~~30.00~~ 33.00  
 For each additional one hundred thousand (100,000) BTU per hour input or fractional part thereof...~~10.00~~ 11.00
- ~~(8 7)~~ Fireplace (~~prefab~~) each...~~30.00~~ 33.00
- ~~(9 8)~~ Alterations or repairs on boilers or on pressure fire vessels...~~30.00~~ 33.00
- ~~(10) Heat exchangers or coils in ductwork.....10.00~~
- ~~(14) 9~~ Tanks, all types, gasoline or LP:
  - a. Zero (0) to six hundred (600) gallons...~~14.00~~ 15.40
  - b. Over six hundred (600) to one thousand (1000) ~~ten thousand (10,000)~~ gallons capacity or fractional part thereof...~~20.00~~ 22.00
  - c. For each additional one thousand (1,000) gallons or fractional part thereof...~~3.00~~ 3.30
- ~~(12) 10~~ Service station automobile lifts...~~15.00~~ 16.50
- ~~(13) 11~~ Elevators, escalators, and man lifts:
  - a. Hoist for the first four (4) floors...~~20.00~~ 22.00
- ~~(14) 12~~ Solar A/C collector system... ~~20.00~~ 22.00
- ~~(15) 13~~ For mechanical permits not listed above, the fee shall be based on ~~six~~ seven dollars (~~\$6.00~~ \$7.00) per one thousand dollars (\$1,000.00); of the cost of project.
- ~~(16) 14~~ Minimum fee for a mechanical permit ...~~25.00~~ \$41.00

Inspection: For additional inspections or reinspections, there will be a ~~twenty five dollar (\$25.00)~~ \$35.00 charge in addition to the fees listed above. (Ord. No. 2003-12, § 1, 11-20-03; Ord. No. 2006-17, § 2, 9-25-06)

**Secs. 8-36—8-50. - Reserved.**

### **ARTICLE III. - PROPERTY MAINTENANCE CODE**

#### **Sec. 8-51. - International Property Maintenance Code—Adopted.**

There is hereby adopted by the city for the purpose of establishing minimum standards for occupancy of buildings that certain codes entitled International Property Maintenance Code, latest edition thereof, as published by the International Code Council, Inc. A copy of the subject code has been filed ~~in the office of the city clerk~~ with the building and zoning department, and the same is hereby adopted and incorporated as if set out at length herein, and from the effective date of this section the provisions contained therein shall be controlling within the limits of the city. (Ord. No. 2003-12, § 2, 11-20-03)

#### **Sec. 8-52. - ~~Same~~—Amended.**

- (a) The "Department of Property Maintenance Inspection" ~~refers~~ to the Planning and Community Development Department. The term "code official" as used in the Property Maintenance Code shall mean the ~~Director of Planning and Development~~ Building Official, or his or her designee.
- (b) The provisions of the Florida Building Code shall take precedence over any other standard codes referenced in the International Property Maintenance Code.
- (c) ~~Section 111. Means of Appeal,~~ of the International Property Maintenance Code shall be ~~and the same is hereby repealed and not adopted.~~
- (d) This ordinance shall take effect upon its adoption in accordance with the law. If the effective date ~~(currently March 1, 2002)~~ of the Florida Building Code, latest edition, adopted by reference in section 8-26 and as amended by section 8-27, is changed by the action of Florida State Legislature, the effective date of said sections 8-26 and 8-27 shall be changed accordingly. (Ord. No. 2003-12, § 2, 11-20-03)

#### **Secs. 8-53—8-165. - Reserved.**

### **ARTICLES IV—VI. - RESERVED**

#### **Secs. 8-166—8-225. - Reserved.**

### **ARTICLE VII. - COASTAL CONSTRUCTION CODE**

#### **DIVISION 1. - RESERVED**

#### **Secs. 8-226—8-231. - Reserved.**

#### **DIVISION 2. - RESERVED**

#### **Secs. 8-232—8-240. - Reserved.**

#### **DIVISION 3. - BEACHFRONT LIGHTING TO PROTECT MARINE TURTLES**

#### **Sec. 8-241. - Title and citation.**

This division shall be known and may be cited as the "Neptune Beach Sea Turtle Protection Ordinance." (Ord. No. 1999-01, § 1, 8-2-99)

#### **Sec. 8-242. - Purpose.**

The purpose of this division is to protect threatened and endangered marine turtles that nest along the beach of Neptune Beach, by safeguarding the nesting female and hatchling marine turtles from the adverse

effects of artificial light and adult and hatchling marine turtles from injury or harassment. (Ord. No. 1999-01, § 2, 8-2-99)

**Sec. 8-243. - Jurisdiction.**

The provisions of this division shall apply to the beaches of the Atlantic Ocean abutting the City of Neptune Beach. This division shall not have any effect outside of the marine turtle nesting season. (Ord. No. 1999-01, § 3, 8-2-99)

**Sec. 8-244. - Definitions.**

For the purpose of this division, certain terms and words are defined as follows:

Artificial light means any source of light emanating from a human made device.

Beach means that area of unconsolidated material that extends landward from the mean low water line to the place where there is a marked change in material or physiographic form, or to the line of non-pioneering vegetation.

Bug light or bug type bulb means any yellow-colored light bulb that is marketed as being specifically treated in such a way so as to reduce the attraction of insects to the light.

City means the City of Neptune Beach, a political subdivision of the State of Florida.

Coastal construction activities means any work or activity that may have a physical effect on existing coastal conditions or natural shore and inlet processes.

Coastal construction control line (CCCL) means the portion of the coastal control line established pursuant to the provisions of F.S. § 161.053 that lies within the City of Neptune Beach.

Cumulatively illuminated means illuminated by numerous artificial light sources that as a group illuminate any portion of the beach. Such cumulative illumination must be bright enough to cast a shadow on any portion of the beach during any night of the sea turtle nesting season.

Department means the Florida Department of Environmental Protection (FDEP).

Directly illuminated means illuminated as a result of glowing element(s), lamp(s), globe(s), or reflector(s) or any artificial light source which is visible to an observer on the beach.

Dune means a mound or ridge of loose sediments, usually sand sized, lying landward of the beach and deposited by any natural or artificial mechanism, which may be bare or covered with vegetation, and is subject to fluctuations in configuration and location.

Frontal or fore dune means the first line of continuous and dynamic dunes (either natural or man-made) encountered landward of the active beach.

Ground level barrier means any vegetation, natural feature or artificial structure rising from the ground that prevents beachfront lighting from shining directly onto the beach or dunes.

Hatchling means any species of marine turtle, within or outside of a nest that has recently hatched from an egg.

Indirectly illuminated means illuminated as a result of the glowing element(s), lamp(s) globe(s), or reflector(s) or any artificial light source which is not visible to an observer on the beach.

Inspector means an inspector designated by the City of Neptune Beach.

Low pressure sodium luminaire (LPS) means an electric discharge lamp containing sodium neon, and argon, that when illuminated appears amber-yellow.

Low profile luminaire means a light fixture set on a base which raises the source of light no higher ~~that~~ than twenty-four (24) inches above the ground, and is designed in such a way that light is directed downward from a hooded light source.

Marine turtle means any marine dwelling reptile of the families Cheloniidae or Dermochelyidae found in Florida waters and using the beach as nesting habitat including the species: *Caretta caretta* (loggerhead), *Chelonia mydas* (green), *Dermochelys coriacea* (leatherback), *Eretmochelys imbricata* (hawksbill), and *Lepidochelys Kempf* (Kemp's Ridley). For purposes of this ordinance, marine turtle is synonymous with sea turtle.

Nest means an area where marine turtle eggs have been naturally deposited or subsequently relocated.

Nesting season means the period from May 1 to October 31 of each year.

New development means new construction and remodeling of existing structures when such remodeling includes alteration of exterior lighting.

Person means any individual, firm, association, joint venture, partnership, estate, trust syndicate, fiduciary, corporation, group, unit of federal, state, county or municipal government, and all other groups or combinations thereof.

Pole lighting means a light fixture set on a base or pole which raises the source of the light higher than twenty four (24) inches off the ground.

Primary dune means the most seaward dune with sufficient alongshore continuity which has sufficient height and configuration or vegetation to offer protective value.

Publicly owned light means lighting installed by a public or private entity which is owned by, or rented or leased to a governmental agency, or lighting installed on public property.

Red light emitting diodes (LED) means miniature lamps that emit pure red light that does not vary in color over the life of the lamp. These lamps may be used in multiples to form strips of small lamps within a light fixture.

Shield means a non-reflective covering, canopy or other such device fitted over and extended below a light source preventing light from illuminating the beach.

Tinted or filmed glass means any glass treated to achieve an industry-approved, inside to outside light transmittance value of forty-five (45) percent or less. Such transmittance is limited to the visible spectrum (400—700 nanometers) and is measured as the percentage of light that is transmitted through the glass.

True neon means a tubular lamp containing neon gas that emits pure red light. Not to be confused with tubular fluorescent lamps which may appear as various colors. (Ord. No. 1999-01, § 4, 8-2-99)

#### **Sec. 8-245. - Standard for new development.**

New development, coastal construction, and building and electrical plans for construction of any structure shall be in compliance with the following, if the proposed development is water ward of the Coastal Construction Control Line (CCCL), or if the development creates any light sources that will be visible from the beach. Provisions of this section apply, but are not limited to all new coastal construction and development, including electrical plans associated with parking lots, dune walkovers, or other outdoor lighting for real property.

- (1) Exterior artificial light fixtures shall be designed and positioned so that:
  - a. The point source of light or any reflective surface of the light fixture is not directly visible from the beach;
  - b. Areas seaward of the primary dune, or the beach in areas where the primary dune no longer exists are not directly or indirectly illuminated; and
  - c. Areas seaward of the primary dune, or the beach in areas where the primary dunes no longer exists are not cumulatively illuminated.
- (2) Exterior artificial light fixtures within direct line of sight of the beach are allowed if:

- a. Exterior lights are completely shielded downlight only fixtures or recessed fixtures with non-reflective interior surfaces. These fixtures must have low wattage (i.e. 25 watts or less) "bug" type bulbs, low pressure sodium vapor (LPS) bulbs, red light emitting diodes (LED) or true neon light sources. Other fixtures that have light blocking shields, louvers, or cutoff features may also be used if they are in compliance with subsection (1) above; and
  - b. All fixtures are mounted as low in elevation as possible through use of low-bollards and ground level fixtures.
- (3) Floodlights, up lights or spotlights that are directly visible from the beach, or which indirectly or cumulatively illuminate the beach are prohibited.
- (4) The use of motion detector switches that keep lights off except when approached and that switch lights on for the minimum duration possible are required for any exterior lights used expressly for safety or security.
- (5) Dune crosswalks may be lighted. If lighted, dune crosswalks shall utilize low profile shielded luminaries directed and positioned so that the point source of light or any reflective surface of the light fixtures is not directly visible to a person on the beach. All light fixtures on dune cross walks must utilize low wattage (i.e., 25 watts or less) "bug" type bulbs, low pressure sodium vapor (LPS) bulbs, red light emitting diodes (LED) or true neon light sources. Dune crosswalk lighting seaward of the primary dune, or on the beach in areas where the primary dune no longer exists shall not be used.
- (6) In parking areas with direct line of sight of the beach all lighting shall be:
  - a. Set on low profile luminaire; and
  - b. Positioned or shielded so that the light is cast downward and the source or light or any reflective surface of the light fixture is not visible from the beach and does not directly, indirectly or cumulatively illuminate the beach.
- (7) Except for single-family residences, all newly constructed parking areas and driveways, including any paved or unpaved areas upon which motorized vehicles will park or operate, shall be designed and located to prevent vehicular headlights from directly or indirectly illuminating the beach.
- (8) Parking area lighting, and roadway lighting shall be shielded from the beach through the use of ground level barriers. Ground level barriers must not impede or entangle marine turtles or hatchling, or cause short or long term damage to the beach/dune system.
- (9) Tinted glass shall be installed on all windows and doors of single or multistory commercial structures within direct line of sight of the beach. It is recommended, but not mandatory, that tinted glass be installed on all windows and doors of single or multistory residential structures within direct line of sight of the beach. Tint or film must meet the standards for tinted glass stated in section 8-244 above.
- (10) Temporary lighting of construction-sites during the marine turtle nesting season shall be restricted to the minimal amount necessary and shall incorporate all of the standards of this section. Said lighting shall not be mounted more than eight (8) feet above the ground.
- (11) Upon the issuance of a certificate of occupancy for any new development within direct line of sight of the beach, compliance with the beachfront lighting standards set forth in this division shall be approved as follows:
  - a. Upon completion of the construction activities, the inspector shall conduct a site inspection which includes a night survey with all beachfront lighting turned on.
  - b. The city inspector shall prepare and report the inspection findings in writing identifying:
    - i. The date and time of initial inspections;
    - ii. The extent of compliance with the lighting standards;

- iii. All areas of observed noncompliance, if applicable;
- iv. Any action(s) taken to remedy observed noncompliance, if applicable.

The inspector, in cases where remedial action is necessary, shall notify the owner or developer of the results of the inspection and shall schedule a date and time for a subsequent inspection. (Ord. No. 1999-01, § 5, 8-2-99)

**Sec. 8-246. - Standards for existing development.**

By May 1, 2000, all light sources or reflective surfaces illuminated by such sources that are visible from the beach shall be brought into compliance with the following:

- (1) Existing artificial light fixtures shall be repositioned, modified, replaced, or removed so that:
  - a. The point source of light or any reflective surface of the light fixture is not directly visible from the beach;
  - b. Areas seaward of the primary dune or the beach in areas where the primary dune no longer exists are not directly or indirectly illuminated; and
  - c. Areas seaward of the primary dune, or the beach in areas where the primary dune no longer exists are not cumulatively illuminated.
- (2) One or more of the following measures shall be taken to reduce or eliminate the negative effects of existing exterior artificial lighting, so that all existing development is in full compliance with subsection (1) above:
  - a. Reposition fixtures so that the point source of light or any reflective surface of the light fixture is no longer visible from the beach;
  - b. Replace fixtures having an exposed light source with fixtures containing recessed light sources or shield;
  - c. Replace traditional light bulbs (e.g. incandescent, fluorescent, and high intensity lighting) with yellow "bug" type bulbs not exceeding twenty-five (25) watts, low pressure sodium vapor (LPS) bulbs, red light emitting diodes (LED) or true neon light sources;
  - d. Replace non directional fixtures with directional fixtures that point down and away from the beach;
  - e. Replace fixtures having transparent or translucent coverings with fixtures having opaque shields designed to be in compliance with subsection (1) above, and extending an appropriate distance below the bottom edge of the fixture on the seaward side so that the light source or any reflective surface of the light fixture is not visible from the beach;
  - f. Replace pole lamps with low profile, low-level luminaries so that the light source of any reflective surface of the light fixture is not visible from the beach.
  - g. Plant or improve native vegetation buffers between the light source and the beach sufficient to screen light from the beach.
  - h. Construct a ground level barrier to shield light sources from the beach. Ground level barriers must not interfere with marine turtle nesting or hatchling emergence, or cause short or long-term damage to the beach/dune system; and
  - i. Permanently remove, disable or lock in off position any fixture which cannot be brought into compliance with the provisions of these standards.
- (3) One or more of the following measures shall be taken to reduce or eliminate the negative effects of interior light emanating from doors and windows within direct line of sight of the beach so that all existing development is in full compliance with subsection (1) above;
  - a. Apply window tint or film that meets the standards for tinted glass in section 8-244 above.



- b. Rearrange lamps and other moveable fixtures away from windows;
  - c. Use window treatments (e.g. blinds, curtains) to shield interior lights from the beach; and/or
  - d. Turn off unnecessary light.
- (4) The city council is authorized to grant variances to date of compliance after notice to the owner and a public hearing, where lighting installed before May 1, 2000 would be in violation of this section. Such variances may be granted only where the applicant has demonstrated that the application of these standards to such lighting will cause such an undue and unique hardship to the property, and that more time is needed to amortize the owner's reasonable investment in the lighting. In granting a variance, the council shall specify a schedule and plan to attain full compliance. Violation of the terms of such a plan or schedule shall constitute a violation of this division. (Ord. No. 1999-01, § 6, 8-2-99)

**Sec. 8-247. - Standards for publicly owned lighting.**

All publicly owned lighting with light sources that are visible from the beach or that illuminate reflective surfaces that are visible from the beach including but not limited to street lights, parking lot lights, and beach access lighting, shall be: 1) fitted with a shield or positioned so that the light source or any reflective surfaces illuminated by such sources are not visible from the beach and do not directly or indirectly illuminate the beach; or 2) shall be extinguished between sunset and sunrise from May 1 to October 31 of each year. (Ord. No. 1999-01, § 7, 8-2-99)

**Sec. 8-248. - Unlawful to kill, molest or injure marine turtles.**

In accordance with Chapter 370, Florida Statutes and the U.S. Endangered Species Act of 1973, it shall be unlawful for any person to kill, molest, harass, or cause direct or indirect injury to any species of marine turtle in the City of Neptune Beach or within its jurisdictional waters. It shall be unlawful to collect or possess any part of a marine turtle, turtle nest and /or egg(s). The City of Neptune Beach will cooperate with appropriate state and federal agencies in prosecuting violations of the Act. (Ord. No. 1999-01, § 8, 8-2-99)

**Sec. 8-249. - Education and information.**

The City of Neptune Beach will cooperate with the FDEP and/or a private not-for-profit organization in preparing and distributing brochures to coastal establishments and residents and making presentations about the effects of light on endangered sea turtle reproduction and about sea turtle biology, generally. The city shall notice first time violators of the sea turtle lighting ordinance by sending a letter, certified mail, return receipt requested, to the offender describing their violation and enclosing a brochure and summary of the ordinance. Subsequent offenses will be treated with enforcement measures as described in section 8-250. (Ord. No. 1999-01, § 9, 8-2-99)

**Sec. 8-250. - Civil and administrative enforcement powers; criminal penalties.**

- (a) The city shall have the power to enforce the provisions of this division by equitable or legal judicial proceedings, including civil infractions as set forth below, as well as by any other legal or administrative mean, including code enforcement proceedings as set out in chapter 27 of the Code of Ordinances as amended, and F.S. § 162. Each day of any such violation shall not constitute a separate and distinct offense.
- (b) No permit may be issued by the city to improve or expand any facility constructed or modified in violation of this division, unless the violation has been corrected.
- (c) A violation of any of the provisions of this division shall be a civil infraction punishable by a civil penalty in an amount not to exceed five hundred dollars (\$500.00). Except, any violation of this division which is also a violation of F.S. § 370.021, shall be punishable as set in § 370.021. Each day of any such violation shall not constitute a separate and distinct offense. (Ord. No. 1999-01, § 10, 8-2-99)

**Secs. 8-251—8-255. - Reserved.**

## **ARTICLE VIII. - RESERVED**

**Secs. 8-256—8-275. - Reserved.**

## **ARTICLE IX. - RESERVED**

**Secs. 8-276—8-310. - Reserved.**

## **ARTICLE X. MOVING OF STRUCTURE**

### **DIVISION 1. - GENERALLY**

**Secs. 8-311—8-325. - Reserved.**

### **DIVISION 2. - PERMIT**

**Sec. 8-326. - Required.**

No building or other structure existing in whole or in part ~~outside of the city~~ shall be moved into or out of the city and ~~erected, installed or reconstructed on property within the city~~ until the owner or the contractor of such property upon which such building or other structure is or shall be located ~~to be moved and erected, installed or reconstructed~~ has first obtained a special building permit for such movement, erection, installation or reconstruction from the city council building official. It shall be unlawful to move any building or structure into or out of the city without such permit. In order to obtain such ~~special~~ permit, it shall be necessary and required to follow the procedure set out in this division. (Code 1959, § 5-5)

**Sec. 8-327. - Application.**

The owner of property ~~within the city, upon which a moved building or other structure is to be erected, installed or reconstructed~~, or contractor shall make written application, ~~in duplicate~~, filed with the city manager and addressed to the city council building and zoning department for a special building permit, which application shall set forth and contain as attachments thereto: .

- ~~(1) The full and correct name and address of each owner of such property;~~
- ~~(2) The full and correct legal description of the property;~~
- ~~(3) A survey of the property prepared by a registered land surveyor;~~
- ~~(4) A complete set of the architectural drawings, plans and specifications of the building or structure;~~
- ~~(5) A plot plan showing the intended location on the property of the building or structure;~~
- ~~(6) Eight by ten glossy photographs of each elevation of the building on its existing location; and~~
- ~~(7) A certificate from the building inspector that the building or other structure would, if erected or constructed in the first instance on the property described, be in full compliance with all existing ordinances. (Code 1959, § 5-5(a); Ord. No. 1996-16, § 4, 10-7-96)~~

**Sec. 8-328. - Fee.**

Simultaneously with the filing of a permit application under this division, the applicant shall pay a fee of one and ten hundred dollars (~~\$100.00~~110.00) to cover the cost of inspection and review of drawings, plans and specifications. Such sum shall be nonrefundable whether the application is granted or denied, and shall be in addition to any other fee or fees required to be paid in accordance with this Code. (Code 1959, § 5-5(b))

**Sec. 8-329. - Certificate of compliance.**

Upon receipt of an application for a permit under this division the building inspector official shall promptly review such application and either issue the certificate of compliance (permit) required by section 8-327(7) above or issue a written declination statement setting forth the reason the building or other structure fails to fully comply with all existing ordinances. (Code 1959, § 5-5(c))

~~Sec. 8-330. Application submitted to council.~~

~~An application for a permit under this division shall be submitted to the city council at its next regular meeting after the action of the building inspector is concluded. (Code 1959, § 5-5(d))~~

~~Sec. 8-331. Liability insurance; performance bond.~~

~~Liability insurance coverage, payment and performance bonds shall be furnished in such sums and covering such terms as shall be determined by the city council and set forth in the special permit under this division. (Code 1959, § 5-5(e))~~

~~Sec. 8-332. Conditions of issuance.~~

~~A special permit under this division shall contain such conditions as regards its issuance as shall be determined by the city council and set forth therein. (Code 1959, § 5-5)~~

**Secs. 8-333 330—8-341. - Reserved.**

#### **ARTICLE XI. - RESERVED**

**Secs. 8-342—8-351. - Reserved.**

#### **ARTICLE XII. - RESERVED**

**Sec. 8-352. - Reserved.**

**Section 2.** The Ordinance shall become effective on after passage by the City Council.

#### **VOTE RESULTS OF FIRST READING AND PUBLIC HEARING:**

Mayor Elaine Brown	Y
Vice Mayor Scott Wiley	Y
Councilor Rory Diamond	N
Councilor Richard Arthur	Y
Councilor Fred Jones	Y

Passed on First Reading this 5<sup>th</sup> day of June, 2017.

#### **VOTE RESULTS OF SECOND AND FINAL READING AND PUBLIC HEARING:**

Mayor Elaine Brown	Y
Vice Mayor Scott Wiley	Y
Councilor Rory Diamond	N
Councilor Richard Arthur	Y
Councilor Fred Jones	Y

Passed on Second and Final Reading this 5<sup>th</sup> day of July, 2017.

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Elaine Brown, Mayor

ATTEST:

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Amanda Askew, Acting City Clerk

Approved as to form and content:

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Patrick Krechowski, City Attorney