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WHEREAS, the City of Mascotte has adopted the 2020 Florida Building Code, as it may be amended from time to time by the State; and

WHEREAS, the City wishes to update its ordinances to reference the most up to date version of the Florida Building Code; and

WHEREAS, enforcement of the Florida Building Code is the responsibility of local governments; and

WHEREAS, Section 553.73 (4)(b), Florida Statutes, authorizes Florida local governments to make local amendments to its building codes, provided they are not less stringent than the minimum standards described in the Florida Building Code; and

WHEREAS, a legal advertisement was placed in a newspaper of general circulation notifying the public of this Ordinance and of the public hearing to be held at the Tedder-Thomas Memorial Civic Center located at 121 N. Sunset Avenue, Mascotte, Florida, at least ten calendar days after the day the legal advertisement was published; and

WHEREAS, a duly noticed public hearing was conducted on such proposed amendments as advertised; and

WHEREAS, at the public hearing the City Council determined it is necessary to adopt the amendments to the Florida Building Code as specified herein for the purpose of enhancing the safety, health, and welfare of City residents; and

WHEREAS, the Council based its determination upon a review of local conditions which demonstrated a local need to strengthen the Florida Building Code beyond the needs or regional variation addressed by the Florida Building Code; and

WHEREAS, the amendments specified herein are no more stringent than necessary to address the local need; and

47
48 **WHEREAS**, within 30 days after adoption, the City of Mascotte will forward this
49 ordinance to the Florida Building Commission in accordance with the requirements of s.553.73,
50 *Florida Statutes*.

51
52 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY**
53 **OF MASCOTTE, FLORIDA:**

54
55 **Section 1. Recitals.** The recitals set forth above are hereby adopted as legislative
56 findings of the City Council of the City of Mascotte.

57
58 **Section 2.** Section 5-26 of the City of Mascotte Code of Ordinances is hereby amended as
59 follows:

- 60
61 (a) The provisions of the ~~2020~~ 2023 Florida Building Code, as it may be amended from
62 time to time by the State, is hereby adopted by reference, to the same extent as if fully
63 set out in this article, for the purpose of regulating the construction, alteration, repair,
64 equipment, use and occupancy, location, maintenance, removal and demolition of every
65 building or structure or any appurtenances connected or attached to such buildings or
66 structures in the city. Not less than one (1) copy of such code shall be maintained on file
67 in the office of the city clerk/administrator.
- 68 (b) Any person who shall violate a provision of the code adopted in subsection (a), or fail to
69 comply therewith, or with any of the requirements thereof, shall be punished as provided
70 in section 1-13 or through code enforcement proceedings pursuant to F.S. Ch. 162, and
71 chapter 2 of the Code of Ordinances.

72
73 **Section 3.** Section 5-28 of the City of Mascotte Code of Ordinances is hereby amended
74 as follows:

- 75
76 (a) The city adopts the following ~~technical~~ amendment to Section R322.2.1 of the ~~7th~~ 8th
77 Edition of the Florida Building Code, Residential ~~(2020)~~ (2023) relating to flood
78 provisions:

79 *R322.2.1 Elevation requirements.*

- 80 1. Buildings and structures in flood hazard areas not designated as Coastal A Zones
81 shall have the lowest floors elevated to or above the base flood elevation plus 1.5
82 feet or the design flood elevation, whichever is higher.
- 83 2. In areas of shallow flooding (AO Zones), buildings and structures shall have the
84 lowest floor (including basement) elevated at least as high above the highest
85 adjacent grade as the depth number specified in feet on the FIRM plus 1.5 feet, or
86 at least 3.5 feet if a depth number is not specified.
- 87
88 3. Basement floors that are below grade on all sides shall be elevated to or above the
89 base flood elevation plus 1.5 feet or the design flood elevation, whichever is

higher.

~~Exception: Enclosed areas below the design flood elevation, including basements whose floors are not below grade on all sides, shall meet the requirements of Section R322.2.2.~~

- (b) The city adds the following ~~technical~~ amendment to a new Section 1612.4.2 of the 7th 8th Edition of the Florida Building Code, Building ~~(2020)~~ (2023) relating to flood provisions:

1612.4.2 Elevation requirements. The minimum elevation requirements shall be as specified in ASCE 24 or the base flood elevation plus 1.5 feet, whichever is higher.

- (c) The city adds the following amendment to Section 110.3.1 of the 7th 8th Edition of the Florida Building Code, Building ~~(2020)~~ (2023) relating to required foundation inspections:

Permit holder shall engage a certified surveyor to produce a form board survey (or foundation survey; depending on construction design) to verify the project is consistent with the City approved site plan/survey (plot plan).

- a. Permit holder shall submit this form board/foundation survey to the City for review and approval prior to pouring the slab. This document may be hand delivered to the City Clerk, mailed to City Hall and addressed to the City Clerk, and/or submitted to the City Clerk via email in digitally signed pdf format.
- b. The form board survey shall be forwarded to the Building Official or designee and reviewed to confirm consistency with the City approved site plan/survey (plot plan).
 - i. **IMPORTANT:** The slab may not be poured until the formboard survey has been approved and determined to comply with all City of Mascotte requirements.
 - ii. **The Building Official** may waive the requirements on a case by case basis when the Building Official or designee has visited the site to verify site conditions.

- (d) The city adds the following amendment to Section 105.2 of the 7th 8th Edition of the Florida Building Code, Building ~~(2020)~~ (2023) relating to permit exemptions:

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

1. Accessible ramps accessory to one or two family dwellings that do not include a deck area.
2. Flag poles that are less than 25 feet in height.
3. Sheds (as defined within the Land Development Code) that are no more than 144 square feet in area.
4. Car Shades (as defined within the Land Development Code) ~~that do not exceed~~ that do not exceed ten (10) feet in height at peak, ten (10) feet in width, and twenty (20) feet in length.

(e) The city adds the following additions and/or amendments to ~~Section 107.2.1 of the 7th 8th Edition of the Florida Building Code (2020) (2023); Building (2020) relating to information on construction documents:~~

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

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

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

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

104.2.1 Determination of substantially improved or substantially damaged existing buildings and structures in flood hazard areas. For applications for reconstruction, rehabilitation, repair, alteration, addition or other improvement of existing buildings or structures located in flood hazard areas, the building official shall determine if the proposed work constitutes substantial improvement or repair of substantial damage. Where the building official determines that the proposed work constitutes substantial improvement or repair of substantial damage, and where required by this code, the building official shall require the building to meet the requirements of Section 1612 or R322 of the Florida Building Code, Residential, as applicable.

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

104.4 Inspections. The building official shall make all of the required inspections, or the building official shall have the authority to accept reports of inspection by approved agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The building official is authorized to engage

175 such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject
176 to the approval of the appointing authority.

177 104.6 Right of entry. Where it is necessary to make an inspection to enforce the provisions of this
178 code, or where the building official has reasonable cause to believe that there exists in a structure
179 or upon a premises a condition which is contrary to or in violation of this code which makes the
180 structure or premises unsafe, dangerous or hazardous, the building official is authorized to enter
181 the structure or premises at reasonable times to inspect or to perform the duties imposed by this
182 code, provided that if such structure or premises be occupied that credentials be presented to the
183 occupant and entry requested. If such structure or premises is unoccupied, the building official
184 shall first make a reasonable effort to locate the owner or other person having charge or control of
185 the structure or premises and request entry. If entry is refused, the building official shall have
186 recourse to the remedies provided by law to secure entry.

187 104.7 Department records. The building official shall keep official records of applications
188 received, permits and certificates issued, fees collected, reports of inspections, and notices and
189 orders issued. Such records shall be retained in the official records for the period required for
190 retention of public records per FS 119.

191 104.8 Liability. The building official or agent, member of the board of appeals or employee
192 charged with the enforcement of this code, while acting for the jurisdiction in good faith and
193 without malice in the discharge of the duties required by this code or other pertinent law or
194 ordinance, shall not thereby be civilly or criminally rendered liable personally and is hereby
195 relieved from personal liability for any damage accruing to persons or property as a result of any
196 act or by reason of an act or omission in the discharge of official duties. Any suit instituted against
197 an officer or employee because of an act performed by that officer or employee in the lawful
198 discharge of duties and under the provisions of this code shall be defended by legal representative
199 of the jurisdiction until the final termination of the proceedings. The building official or any
200 subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in
201 pursuance of the provisions of this code.

202 104.8.1 Legal defense. Any suit or criminal complaint instituted against an officer, agent, or
203 employee because of an act performed by that officer or employee in the lawful discharge of duties
204 and under the provisions of this code shall be defended by legal representatives of the jurisdiction
205 until the final termination of the proceedings. The building official or any subordinate shall not be
206 liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of
207 this code.

208 105.4 Conditions of the permit. The issuance or granting of a permit shall not be construed to be a
209 permit for, or an approval of, any violation of any of the provisions of this code or of any other
210 ordinance of the jurisdiction. Permits presuming to give authority to violate or cancel the
211 provisions of this code or other ordinances of the jurisdiction shall not be valid. The issuance of a
212 permit based on construction documents and other data shall not prevent the building official from
213 requiring the correction of errors in the construction documents and other data. The building
214 official is also authorized to prevent occupancy or use of a structure where in violation of this code
215 or of any other ordinance of this jurisdiction.

216
217 105.5 Expiration. Every permit issued shall become invalid unless the work on the site authorized
218 by such permit is commenced within 180 days after its issuance, or if the work authorized on the
219 site by such permit holder and property owner shall be responsible to either complete all work in
220 accordance with the permitted plans and inspection or remove any partially completed work in a

safe and code compliant manner. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each once any applicable fees are paid. The extension shall be requested in writing and justifiable cause demonstrated as determined by the building official.

107.2.1 Information on construction documents. *Construction documents* shall be dimensioned and drawn upon suitable material. Electronic media documents are permitted to be submitted where *approved* by the *building official*. *Construction documents* shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations, as determined by the *building official*.

Documents must be submitted electronically in .PDF format. For smaller projects such as screen enclosures, documents can be submitted in 11x17 printable format. Houses and other projects of similar size must be submitted in 22x36 printable size. In all cases, the print must be legible for use in the field. Where possible, plans must be submitted as one file that has been digitally signed by the design professional. Where multiple design professionals are involved in the design of the project, the plans can be broken down into one file per design professional. Documents must be submitted in the format outlined in the City of Mascotte electronic submission policy and in compliance with the permit types linked on the City of Mascotte website. Where in the opinion of the Building Official, plans fall short of the intent of this section, the plans will be denied, and a review will not be started.

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

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

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

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

116.1 Conditions. Structures or existing equipment that are or hereafter become unsafe, insanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation, structural damage, or which constitute a fire hazard, or are otherwise dangerous to human life or

the public welfare, or that involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. Unsafe structures shall be taken down and removed or made safe, as the building official deems necessary and as provided for in this section. A vacant structure that is not secured against entry shall be deemed unsafe.

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

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

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

116.5 Restoration. Where the structure or equipment determined to be unsafe by the building official is restored to a safe condition, to the extent that repairs, alterations or additions are made or a change of occupancy occurs during the restoration of the structure, such repairs, alterations, additions and change of occupancy shall comply with the requirements of Section 105.2.2 and the Florida Building Code, Existing Building.

118 Site Debris.

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

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

SECTION 4. Conflicting Ordinances. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

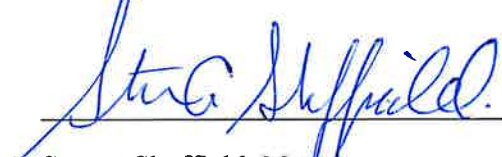
SECTION 5. Severability. If any section, sentence, phrase, word or portion of this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word or portion of this Ordinance not otherwise determined to be invalid, unlawful or unconstitutional.

SECTION 6. Codification. It is the intent of the City Council of the City of Mascotte that the provisions of this Ordinance shall be codified. The codifier is granted broad and liberal authority in renumbering and codifying the provision of this Ordinance; article and section numbers assigned throughout are suggested by the City.

312 **SECTION 7. Effective Date.** This Ordinance shall become effective upon adoption accept for
313 any and all technical amendments contained herein which will become effective in accordance
314 with the timeframe set forth in s. 553.73, Florida Statutes.

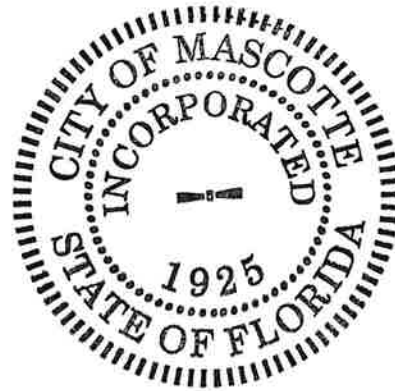
315
316 **PASSED AND ADOPTED** this 4 day of Feb, 2024 by the City Council of the
317 City of Mascotte, Florida.

318
319
320 CITY OF MASCOTTE

321 
322
323 Steven Sheffield, Mayor

324 ATTEST:

325 By: 
326 Stephanie Abrams, City Clerk



City of Mascotte
Fiscal Impact Statement

Prepared By: Mascotte City Staff

Subject: Adopting Amendments to the Florida Building Code

Date: December 19, 2023

ANALYST	STAFF	REFERENCE	ACTION
1. Shane Gerwig	Annamarie Reno	Florida Bldg Code 8 th Edition	Favorable

I. Summary

The Florida Building Commission has adopted the 8th Edition of the 2023 Building Code. The City of Mascotte wishes to update its ordinance to reference the most up to date version of the Florida Building Code and the responsibility of enforcement of the Florida Building Code is on local government.

(a) The City of Mascotte amends the following City of Mascotte Code of Ordinances to comply with the updated 8th edition of the 2023 Florida Building Code as adopted by the Florida Building Commission.

- Section R322.2.1 of the 8th Edition of the Florida Building Code, Residential relating to flood provisions.

R322.2.1 Elevation requirements.

- Buildings and structures in flood hazard areas not designated as Coastal A Zones shall have the lowest floors elevated to or above the base flood elevation plus 1.5 feet or the design flood elevation, whichever is higher.
- In areas of shallow flooding (AO Zones), buildings and structures shall have the lowest floor (including basement) elevated at least as high above the highest adjacent grade as the depth number specified in feet on the FIRM plus 1.5 feet, or at least 3.5 feet if a depth number is not specified.
- Basement floors that are below grade on all sides shall be elevated to or above the base flood elevation plus 1.5 feet or the design flood elevation, whichever is higher.

~~*Exception: Enclosed areas below the design flood elevation, including basements whose floors are not below grade on all sides, shall meet the requirements of Section R322.2.2.*~~

(b) The city adds the following ~~technical~~ amendment to a new Section 1612.4.2 of the 7th 8th Edition of the Florida Building Code, Building ~~(2020)~~ (2023) relating to flood provisions:

1612.4.2 Elevation requirements. The minimum elevation requirements shall be as specified in ASCE 24 or the base flood elevation plus 1.5 feet, whichever is higher.

(c) The city adds the following amendment to Section 110.3.1 of the 7th 8th Edition of the Florida Building Code, Building ~~(2020)~~ (2023) relating to required foundation inspections:

Permit holder shall engage a certified surveyor to produce a form board survey (or foundation survey; depending on construction design) to verify the project is consistent with the City approved site plan/survey (plot plan).

- a. Permit holder shall submit this form board/foundation survey to the City for review and approval prior to pouring the slab. This document may be hand delivered to the City Clerk, mailed to City Hall, and addressed to the City Clerk, and/or submitted to the City Clerk via email in digitally signed pdf format.
- b. The form board survey shall be forwarded to the Building Official or designee and reviewed to confirm consistency with the City approved site plan/survey (plot plan).
 - i. **IMPORTANT:** The slab may not be poured until the formboard survey has been approved and determined to comply with all City of Mascotte requirements.
 - ii. **The Building Official** may waive the requirements on a case-by-case basis when the Building Official or designee has visited the site to verify site conditions.

- (d) The city adds the following amendment to Section 105.2 of the ~~7th~~ 8th Edition of the Florida Building Code, Building ~~(2020)~~ (2023) relating to permit exemptions:

Exemptions from *permit* requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction, to include work in any special flood hazard area. Exemptions granted under this section do not relieve the owner or contractor from their duty to comply with applicable provisions of the Florida Building

Code, and requirements of the local Floodplain Ordinance. *Permits* shall not be required for the following:

1. Accessible ramps accessory to one- or two-family dwellings that do not include a deck area.
2. Flag poles that are less than 25 feet in height.
3. Sheds (as defined within the Land Development Code) that are no more than 144 square feet in area.
4. Car Shades (as defined within the Land Development Code) ~~that do not exceed~~ that do not exceed ten (10) feet in height at peak, ten (10) feet in width, and twenty (20) feet in length.

- (e) The city adds the following additions and/or amendments to ~~Section 107.2.1 of the 7th 8th Edition of the Florida Building Code (2020)~~ (2023); ~~Building (2020) relating to information on construction documents:~~

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

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

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

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

104.2.1 Determination of substantially improved or substantially damaged existing buildings and structures in flood hazard areas. For applications for reconstruction, rehabilitation, repair, alteration, addition or other improvement of existing buildings or structures located in flood hazard areas, the building official shall determine if the proposed work constitutes substantial improvement or repair of substantial damage. Where the building official determines that the proposed work constitutes substantial improvement or repair of substantial damage, and where required by this code, the building official shall require the building to meet the requirements of Section 1612 or R322 of the Florida Building Code, Residential, as applicable.

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

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

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

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

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

104.8.1 Legal defense. Any suit or criminal complaint instituted against an officer, agent, or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by legal representatives of the jurisdiction until the final

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

105.4 Conditions of the permit. The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the building official from requiring the correction of errors in the construction documents and other data. The building official is also authorized to prevent occupancy or use of a structure where in violation of this code or of any other ordinance of this jurisdiction.

105.5 Expiration. Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit holder and property owner shall be responsible to either complete all work in accordance with the permitted plans and inspection or remove any partially completed work in a safe and code compliant manner. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each once any applicable fees are paid. The extension shall be requested in writing and justifiable cause demonstrated as determined by the building official.

107.2.1 Information on construction documents. *Construction documents* shall be dimensioned and drawn upon suitable material. Electronic media documents are permitted to be submitted where *approved* by the *building official*. *Construction documents* shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules, and regulations, as determined by the *building official*.

Documents must be submitted electronically in .PDF format. For smaller projects such as screen enclosures, documents can be submitted in 11x17 printable format. Houses and other projects of similar size must be submitted in 22x36 printable size. In all cases, the print must be legible for use in the field. Where possible, plans must be submitted as one file that has been digitally signed by the design professional. Where multiple design professionals are involved in the design of the project, the plans can be broken down into one file per design professional. Documents must be submitted in the format outlined in the City of Mascotte electronic submission policy and in compliance with the permit types linked on the City of Mascotte website. Where in the opinion of the Building Official, plans fall short of the intent of this section, the plans will be denied, and a review will not be started.

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

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

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

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

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

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

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

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

116.5 Restoration. Where the structure or equipment determined to be unsafe by the building official is restored to a safe condition, to the extent that repairs, alterations or additions are made or a change of occupancy occurs during the restoration of the structure, such repairs, alterations, additions and change of occupancy shall comply with the requirements of Section 105.2.2 and the Florida Building Code, Existing Building.

Section 118 Site Debris

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

II. Fiscal Impact Statement:

A. Tax/Fee Issues:

The amendments specified herein have negligible fiscal impact.

B. Private Sector Impact.

The amendments specified herein have negligible fiscal impact.

C. *Government Sector Impact:*

The amendments specified herein have negligible fiscal impact.

III. Technical Deficiencies:

None.

IV. Statutes Affected:

Updated to the most recent code of the Florida Building Code 8th Edition updates section five (5) of the City of Mascott's Code of Ordinances, adds an amendment to a new Section 1612.4 relating to flood provisions, adds an amendment to section 110.3.1 relating to required foundation inspections, amends Section 105.2 of the 8th Edition of the Florida Building Code relating to permit exemptions, as well as the city adding the following amendments and/or additions updates to Sections 101.3.1, 101.3.2, 104.1, 104.2, 104.2.1, 104.3, 104.4, 104.6, 104.7, 104.8, 104.8.1, 105.4, 105.5, 107.2.1, 114.1, 114.2, 114.3, 114.4, 116.1, 116.2, 116.3, 116.4, 116.5, and 118 to the 8th Edition of the Florida Building Code (2023).

V. Additional Information:

None.