

ORDINANCE NO. 2013 - 19

AN ORDINANCE BY THE BOARD OF COUNTY COMMISSIONERS AMENDING THE PUTNAM COUNTY CODE, CHAPTER 8 – ARTICLE II; TO READOPT THE 1985 EDITION OF THE STANDARD UNSAFE BUILDING ABATEMENT CODE; TO PROVIDE CERTAIN EXEMPTIONS FROM THE FLORIDA BUILDING CODE; TO ADOPT LOCAL ADMINISTRATIVE AND TECHNICAL AMENDMENTS TO THE FLORIDA BUILDING CODE; TO ESTABLISH WIND SPEEDS AND WIND SPEED BOUNDARIES; TO ESTABLISH EXTRA INSPECTION FEES; PROVIDING FOR APPLICABILITY; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

WHEREAS, the Legislature of the State of Florida has, in Chapter 125, Florida Statutes, conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, Chapter 553, Florida Statutes, was adopted by the Florida Legislature to provide a mechanism for the uniform adoption, updating, amendment, interpretation and enforcement of a state building code, called the Florida Building Code; and

WHEREAS, section 553.80(3)(a), Florida Statutes, allows for providing to the owner of a single-family dwelling one or more exemptions to the Florida Building Code; and

WHEREAS, section 553.73(4), Florida Statutes, allows adoption of local technical and administrative amendments to the Florida Building Code; and

WHEREAS, Putnam County, Florida was accepted for participation in the National Flood Insurance Program on September 16, 1981 and the Board of County Commissioners desires to continue to meet the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60, necessary for such participation; and

WHEREAS, section 553.73(5), Florida Statutes, allows adoption of local technical and administrative amendments to the Florida Building Code to implement the National Flood Insurance Program; and

WHEREAS, the Board of County Commissioners is adopting a requirement to increase the minimum elevation requirement for buildings and structures in flood hazard areas and, pursuant to section 553.73(5), F.S., is formatting that requirement to coordinate with the Florida Building Code; and

WHEREAS, the Board of County Commissioners has determined that it is in the public interest to adopt the proposed floodplain management regulations that are coordinated with the Florida Building Code.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Putnam County, Florida that the following local technical and

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administrative amendments to the Florida Building Code, and amendments to the Putnam County Code, Chapter 8 – Article II are hereby adopted.

SECTION 1. RECITALS.

The foregoing whereas clauses are incorporated herein by reference and made a part hereof.

SECTION 2. This ordinance specifically amends the following regulations: Putnam County Code, Chapter 8 – Building and Building Regulations, Article II – Building Code.

Sec. 8-19. - Intent.

This article facilitates the proper administration and enforcement of the construction and maintenance of structures, and systems contained therein and relating to public safety, health, and general welfare. This article shall apply to and be enforced within all areas of the county not within the boundaries of any incorporated municipality of the county, unless provided for by an ordinance passed by the incorporated areas' governing body and appropriate interlocal agreement.

Sec. 8-20. - Declaration required codes.

(a) The county is required by state law to use the Florida Building Code to facilitate proper administration and enforcement of the construction and maintenance of structures, and systems contained therein and relating to public safety, health and general welfare.

(b) Pursuant to F.S. chs. 125 and 162, the county readopts the 1994 edition of the Standard Housing Code and the 1985 edition of the Standard Unsafe Building Abatement Code as promulgated by the Southern Building Code Congress International Inc. Where conflict exists in the Florida Building Code, 1985 edition of the Standard Unsafe Building Abatement Code, or the 1994 edition of the Standard Housing Code the Florida Building Code will take precedence.

Sec. 8-21. - Local amendments to the state building code.

(a) Section 102.2.5 of the Florida Building Code provides authority for local jurisdictions to allow owners of a single-family residence one or more exemptions to the Florida Building Code.

(b) The following exemptions, pursuant to (a) of this section, are hereby adopted as a local amendment to the Florida Building Code:

1. **Detached residential accessory buildings:** Building permits and inspections shall not be required for a homeowner in the construction, alteration, repair, removal, replacement or demolition of site-built detached accessory buildings or structures, used exclusively for residential use that are one story, less than 12 feet to the ridge in height,

residential use that are one story, less than 12 feet to the ridge in height, do not exceed 150 square feet in area of total footprint, which are free-standing, meet zoning requirements, and are not used for human habitation. This exemption does not include any accessory aluminum structures at any location, or marine structures (boathouses, docks, or bulkheads) located at or in a body of water used for residential use.

All roofed structures located at or in a body of water, whether using a boat hoisting device (mechanical or electrical) or not, docks, bulkheads and retaining walls greater than 2 feet in height require a building permit, zoning permit and inspections from Putnam County Planning and Development Services.

2. **Manufactured storage sheds:** Manufactured sheds, constructed and approved pursuant to Chapter 553, Part 1, Florida Statutes, 288 sq. ft. or less are exempt from a building permit but require a zoning permit prior to placing shed. All manufactured sheds with overall size greater than 288 sq. ft. and all aluminum structures, regardless of size, require a building permit, zoning permit, and inspections from Putnam County Planning and Development Services.
3. **Residential wood decks:** A building permit and inspections shall not be required for homeowners in the construction, alteration, repair, removal, replacement or demolition of residential decks constructed of wood or other approved material which do not exceed 150 square feet, are located less than 30" above lowest finished grade and do not support a concentrated load such as a hot tub, spa, or portable pool, and do not include a roof structure. A zoning permit is required prior to constructing deck.
4. **Covered entry porch:** A building permit and inspections shall not be required for a homeowner in the construction, alteration, repair, removal, replacement or demolition of residential covered entry porch, not exceeding 36 square feet, when constructed to protect an exterior door, is not enclosed, is structurally independent of the host structure, and complies with the technical provisions of the Florida Building Code. A zoning permit is required prior to constructing the covered entry porch.

(c) Pursuant to section F.S. § 553.73(4)(a), local governments may adopt amendments to the administrative provisions of the Florida Building Code. Section 104 of the Florida Building Code shall be amended, as follows:

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 or designee* 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.

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

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

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

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

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

104.9 Approved materials and equipment. (no change)

104.9.1 Used materials and equipment. (no change)

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

104.10.1 Modifications of the strict application of the requirements of the Florida Building Code. The Building Official shall coordinate with the Floodplain Administrator to review requests submitted to the Building Official that seek approval to modify the strict application of the flood resistant construction requirements of the Florida Building Code to determine whether such requests require the granting of a variance pursuant to Section 6.12 of the Putnam County Land Development Code.

104.11 Alternative materials, design and methods of construction and equipment. (no change)

104.11.1 Research reports. (no change)

104.11.2 Tests. (no change)

104.11.3 Accessibility. (no change)

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

(d) Pursuant to (c) of this section, Section 114 of the Florida Building Code shall be amended, as follows:

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.

(e) Pursuant to section F.S. § 553.73(4)(b), local governments may adopt amendments to the technical provisions of the Florida Building Code. Section R322, 107, 117 of the Florida Building Code shall be amended, as follows:

Sec. 322.2.1, Florida Building Code, Residential

Modify Sec. R322.2.1 as follows:

R322.2.1 Elevation requirements.

1. Buildings and structures in flood hazard areas not designated as Coastal A Zones shall have the lowest floors elevated to or above the base flood elevation plus 1 foot or the design flood elevation, whichever is higher.
2. Basement floors that are below grade on all sides shall be elevated to or above the base flood elevation plus 1 foot 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.

Sec. 107.6.1, Florida Building Code, Building

Add a new Sec. 107.6.1 as follows:

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

Sec. 117, Florida Building Code, Building

Add a new Sec. 117 as follows:

117 VARIANCES IN FLOOD HAZARD AREAS

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

Sec. 8-22. - Establish wind speed boundaries.

(a) Pursuant to section 1609.3 of the Florida Building Code, local jurisdictions are directed to establish wind speed boundaries by ordinance using figures 1609A, 1609B, and 1609C from the Florida Building Code - Building.

(b) The county hereby establishes the wind speeds within the Putnam County boundary lines to be as follows:

1. Risk Category I, Figure 1609C, the Ultimate Design Wind Speed for the development of wind loads shall be 120 mph.
2. Risk Category II, Figure 1609A, the Ultimate Design Wind Speed for the development of wind loads shall be 129 mph.
3. Risk Category III & IV, Figure 1609B, the Ultimate Design Wind Speed for the development of wind loads shall be 140 mph.

(c) Linear interpolation of the established wind speed may be allowed when such determination is done, in writing, by a Florida registered design professional.

Sec. 8-23. - Fees.

Pursuant to section 109.2 of the Florida Building Code, 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 an application, in accordance with a schedule, as established by resolution of the Board of County Commissioners.

Extra inspection trip fees and re-inspection fees shall be based on the fee schedule for a single trip permit and charged against the permit holder under the following conditions:

1. Scheduled inspection is not ready for inspection on day of inspection, or
2. Permit holder fails to schedule a required inspection and the work has been concealed, covered or concrete placed, or
3. Additional or altered work, regulated by the Florida Building Code, has been done by the permit holder after an approved inspection, or
4. Previous violations have not been corrected and the permit holder has scheduled a re-inspection.

Sec. 8-24. - Conflicts.

If conflicts arise between this article or any other applicable ordinances or laws, the more restrictive provision shall apply.

Sec. 8-25. - Appeals board.

(a) The Putnam County Board of County Commissioners is required and empowered to enforce the provisions of the Florida Building Code under F.S. ch. 125; and

(b) Pursuant to the provisions of F.S. ch. 553, responsibility for enforcement, interpretation, and regulation of the Florida Building Code shall be vested in a specified local board or agency.

(1) The contractors review board shall act as the board of appeals to hear appeals from any decision of the building official or designee in interpreting the Florida Building Code.

(2) Appeals to the contractors review board may be taken by any affected person within 30 calendar days after the action appealed. The appeal shall be filed in writing and shall state facts sufficient to show that the person seeking relief is affected and facts sufficient to show the grounds for the appeal.

(3) Appeals shall be heard at the next regular meeting of the contractors review board for which the agenda has not been finalized but no applicant shall be required to wait for more than 30 calendar days after filing to have his appeal considered. Final decision on appeals shall be made within ten business days of the public hearing at which it was considered, and shall be in the form of an order, which shall set forth the reasons for the determination made, and if in favor of the applicant, shall set forth any conditions or safeguards required or any time limitations prescribed.

(4) The contractors review board may interpret the provisions of the Florida Building Code to cover a special case if it appears that the provisions do not definitely cover the point raised, or that the intent of the provision is not clear, or that ambiguity exists in the wording; but it shall have no authority to grant variances where the Florida Building Code is clear and specific.

(5) The contractors review board may recommend to the elected officials any desired amendments or revisions to the Florida Building Code.

(6) When it is deemed necessary by the contractors review board, it may request experienced and technical advice on any specific subject or subjects from any qualified person or persons, and such request may be for personal appearance at a specific contractors review board meeting or for written analysis of the specific problem. The contractors review board may establish panels of industry representatives, either standing or temporary, for technical analysis of specific subjects.

(7) The contractors review board may establish rules and regulations for its own procedure.

(8) Duties of legal counsel. It shall be the duty of the attorney representing the contractors review board, when so requested, to appear at all hearings before the contractors review board when it is acting as the board of appeals.

(9) Review of board decisions. Appeals of decisions of the contractors review board within the review jurisdiction of the Florida Building

Commission shall be to the Florida Building Commission in the manner prescribed by law.

Secs. 8-26—8-51. - Reserved.

SECTION 3. FISCAL IMPACT STATEMENT.

In terms of design, plan application review, construction and inspection of buildings and structures, the cost impact as an overall average is negligible in regard to the local technical and administrative amendments because all development has been subject to the requirements of the local floodplain management ordinance adopted for participation in the National Flood Insurance Program and the Florida Building Code. In terms of lower potential for flood damage and safer buildings, there will be continued savings and benefits to consumers.

SECTION 4. APPLICABILITY.

For the purposes of jurisdictional applicability, this ordinance shall apply in all the unincorporated areas of the county. This ordinance shall apply to all applications for development, including building permit applications and subdivision proposals, submitted on or after July 23, 2013.

SECTION 5. REPEALER.

Any and all ordinances and regulations in conflict herewith are hereby repealed to the extent of any conflict. This ordinance specifically amends the following regulations: Putnam County Code, Chapter 8 – Building and Building Regulations, Article II – Building Code.

SECTION 6. INCLUSION INTO THE CODE OF ORDINANCES.

It is the intent of the Board of County Commissioners that the provisions of this ordinance shall become and be made a part of the Putnam County, Florida Code of Ordinances, and that the sections of this ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," "regulation," or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 7. SEVERABILITY.

If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part so declared.

SECTION 8. EFFECTIVE DATE.

This ordinance shall take effect on date recorded by the Office of Secretary of State.

PASSED on first reading July 2, 2013.

PASSED and ADOPTED in regular session, with a quorum present and voting, by the Board of County Commissioners, upon second and final reading this July 23, 2013.

Board of County Commissioners

By: Nancy S. Harris
Nancy S. Harris, Chair

ATTEST:

Tim Smith
Tim Smith, Clerk of Courts

