

**COUNTY OF GULF
STATE OF FLORIDA**

ORDINANCE NO. 2019- 11

AN ORDINANCE OF GULF COUNTY, FLORIDA AMENDING GULF COUNTY ORDINANCE 2001-13 TO ESTABLISH FEES FOR CONSTRUCTION PERMITS, INSPECTION FEES FOR CHECKING PLANS, MECHANICAL, ELECTRICAL, PLUMBING AND GAS SYSTEMS; INSPECTION FEES FOR MOBILE AND MODULAR HOMES, RESIDENTIAL AND COMMERCIAL STRUCTURES; PERMIT FEE FOR MOVING BUILDINGS AND OTHER STRUCTURES; PERMIT FEES FOR ROOFING; ESTABLISHING A REINSPECTION FEE; ESTABLISHING SMOKE DETECTOR REGULATIONS; PROVIDING FOR PENALTIES AND ENFORCEMENT FOR VIOLATIONS; PROVIDING REQUIREMENTS FOR ALL HABITABLE STRUCTURES IN GULF COUNTY BE DESIGNED BY FLORIDA LICENSED ARCHITECT OR ENGINEER; ADOPTION OF THE UNIFORM FLORIDA BUILDING CODE; ESTABLISHING ONE UNIFORM WIND ZONE FOR GULF COUNTY; PROVIDING FOR SEVERABILITY CLAUSE; PROVIDING FOR REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, pursuant to Florida Statute 125.01 the Gulf County Board of County commissioners (“Commission” and/or “County”) shall have the power to carry on county government inclusive of the power to adopt its own rules that which are not inconsistent with general or special law; and

WHEREAS, pursuant the Florida Statute 125.01 the County shall reserve the powers to adopt ordinances necessary for the exercise of its powers and perform acts which are in the common interest of the people of Gulf County and exercise all powers and privileges not specifically prohibited by law; and

WHEREAS, the Board of County Commissioners of Gulf County Florida (hereinafter Commission and/or County) find and determine that Gulf County in its continued efforts to maintain, preserve and enhance the Gulf County quality of life with to adopt through action of the Commissioners, the following amendment to the “Gulf County Building Code Ordinance No. 2001-13”; and

WHEREAS, the Commission has received the recommendations of the County staff, consulted with staff regarding improved enforcement and penalties to further promote public health and safety in Gulf County to deal with illegal, unpermitted, noncompliant or violations of either the Florida Building codes adopted by Gulf County or its own ordinance and regulations for all habitable structures through public hearings; and

WHEREAS, The Commission and their staff after several years of careful review and consideration have deemed it timely and appropriate for Gulf County to amend the Gulf County Building Code Ordinance No. 2001-13 to further preserve and enhance public health, quality of life and public safety within Gulf County and further enforce the penalties and fines for violations of said ordinance; and

WHEREAS, on August 14, 2019 the Board of County Commissioners voted unanimously in a special meeting to advertise through Public Notice and advertisement in The News Herald offering the public an opportunity to participate at a public hearing and reading before the Board of County Commissioners on August 27, 2019 the consideration and adoption of the proposed amendments to the Gulf County Building Code Ordinance; and

NOW THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Gulf County, in the State of Florida as follows:

Section 1 – Short Title.

This Ordinance in amended form shall continue to be hereafter known and referred to as the “ Gulf County Building Code Ordinance” and incorporates the provisions for amended penalties and enforcement.

Section 2 – Authority.

This ordinance and amendments are adopted by the Gulf County Commission in accordance with and under the authoritative powers permitted by home rule, the County’s police powers to protect the public health, safety and welfare and under the powers pursuant to the authority granted under Florida Statute 125 for the implementation and enforcement of standards, rules and regulations set forth herein.

Section 3 – Amendment with addition of “Section 17” to Ordinance 2001-13 (amendment language italicized herein):

Section 17 – Penalties and Compliance for Permitting

In addition to any and all fees, permits and costs imposed by this ordinance as defined and set forth by Section 10 above; all violations of any person or entity who violates any provision of this ordinance, or who fails to comply therewith, shall be subject to the following additional penalties as prescribed by the Gulf County Board of County Commissioners:

- a. Violations of this Ordinance shall be enforced by the Gulf County Sheriff’s Department, proper law enforcement and/or Gulf County code enforcement (F.S. 125.69) and punishable as a 2nd degree misdemeanor with up to 60 days in jail and or up to \$500 per violation per day (F.S. 125.69).*
- b. Enforcement for violations of this Ordinance for any and all activity without a proper permit or any cited violation shall also direct and authorize the County Administration with immediate discretion and power for disconnection of any and all power services for noncompliant, non-permitted or habitable structures within Gulf County following twenty-four (24) hour (posted on-site) notification to owner/occupant at non-compliant property to preserve and uphold the standards of public health, safety and wellbeing for all residents of Gulf County as recited by this Ordinance.*

Section 4 – Codification

It is the intention of the Board of County Commissioners that the provisions of this Ordinance will become and be made a part of the Gulf County Code of Ordinance; and that sections of this Ordinance may be renumbered or re-lettered and that the word “Ordinance” may be changed to “section”, “article”, or such other appropriate word or phrase in order to accomplish such intention; sections of this Ordinance may be renumbered or re-lettered and typographical errors which do not affect the intent may be authorized by the County Administrator, or the County Administrator’s designee, without need of public hearing, by filing a corrected or re-codified copy of same with the County Clerk of Circuit Court.

Section 5 – Severability

It is declared to be the intent of the Board of County Commissioners of Gulf County, Florida, that if any section, subsection, sentence, clause or provision of this Ordinance is held invalid, the remainder of the Ordinance shall be construed as not having contained said section, subsection, sentence, clause, or provision, and shall not be affected by such holding.

Section 6 – Effective Date

This Ordinance, if adopted by the Board, shall take effect immediately and thereafter filed with the Office of the Secretary of the Florida Department of State.

The foregoing Ordinance was offered by Commissioner McCROAN, Who moved its adoption. The motion was seconded by commissioner ROGERS and , being put to vote, the cote follows:

Commissioner Chairman Quinn	<u>YES</u>
Commissioner McDaniel	<u>YES</u>
Commissioner McCroan	<u>YES</u>
Commissioner Rogers	<u>YES</u>
Commissioner Rich	<u>YES</u>

ADOPTED this 27th day of August, 2019.

{SIGNATURE BLOCK AND EXECUTION ON FOLLOWING PAGE}

BOARD OF COUNTY COMMISSIONERS
OF GULF COUNTY, FLORIDA

ATTEST:

REBECCA L. NORRIS, CLERK

By: Rebecca L. Norris
County Clerk / ~~Deputy Clerk~~

By: Sandy Quinn
Sandy Quinn, Chairman

APPROVED AS TO FORM:

By: Jeremy T.M. Novak
Jeremy T.M. Novak, Gulf County Attorney