

City of Titusville  
"Gateway to Nature and Space"

**REPORT TO COUNCIL**

**To:** The Honorable Mayor and City Council  
**From:** William S. Larese, City Manager  
**Subject:** **Ordinance No. 16-2015 - Amending Chapter 6, Building Code**  
**Department/Office:** Community Development

**Recommended Action:**

Conduct second reading and public hearing of Ordinance No. 16-2015 amending the Code of Ordinances to incorporate the Florida Building Code by amending Chapter 6, Article III "Building Permits and Inspections Generally", specifically amending Section 6-58 "Qualification for Obtaining Permits", Section 6-59 "Amendments"; Section 6-60 "Plans to Accompany Application", Section 6-61 "Plot Diagram to Accompany Application", Section 6-62 "Examination of Application; Rejection; Reapplication", Section 6-64 "Expiration of Permits", Section 6-68 "Inspections and Building Site", Section 6-70 "Burying of Debris from Construction; Permit Required"; amending Article IV "Building Standards"; specifically amending Section 6-91 "Finished Floor Elevations", Section 6-101 "Building Code Adopted", Section 6-102 "Amendments", Section 6-103 "Penalty", Section 6-104 "Building Construction Standards Relative to Handicapped Persons", Section 6-105 "Florida Existing Buildings Code Adopted", Section 6-106 "Energy Efficiency Building Code Adopted", Section 6-107 "Sun Rooms", Section 6-108 "Fair Housing Standards (handicapped accessibility)", Section 6-109 "International Property Maintenance Code Adopted"; amending Article V "Plumbing", specifically amending Section 6-142 "Code; Adopted; Penalty", Section 6-147 "Certification Required", Section 6-148 "Use of Master or Journeyman's Name by Another", Section 6-149 "Repairs", Section 6-150 "Plumbing Installation or Maintenance by Owner"; amending Article VI "Gas" specifically amending Section 6-172 "Code; Adopted, Penalty"; amending Article VII "Electrical Code" specifically amending Section 6-201 "Definitions", deleting Section 6-203 "Classification of Electrical Workers", amending Section 6-204 "Prerequisites to Performing Electrical Work; Exceptions", Section 6-205 "Certificate Holders required on Electrical Work; Exception", Section 6-206 "Master or Journeyman Electrician to show proof of competency before engaging in Trade or Business", Section 6-221 "National Electrical Code Adopted", Section 6-222 "Rules and Regulations; General", Section 6-223 "Approved Materials, Devices, or Appliances", Section 6-225 "Additions, Remodeling and Rewiring", deleting Section 6-227 "Wiring of Cold Storage Plants" and Section 6-228 "Bell Transformers"; amending Section 6-231 "Wiring Methods", Section 6-242 "Application, Issuance", Section 6-244 "Permit Fees Required", Section 6-245 "Inspection Fees", Section 6-256 "Duties and Powers of City", Section 6-258 "Inspection of Work"; amending Article VIII "Mechanical Code", specifically amending Section 6-281 "Code; Adopted, Penalty", Section 6-282 "Fees".

**Summary Explanation & Background:**

The Florida Building Code is amended and republished approximately every three years. As it changes, references found in the Florida Building Code within the City's Code of Ordinances and Land Development Regulations require changes. For example a reference to the Florida

Building Code, 2007 edition requires updating. To appropriately reference the latest edition of the Florida Building Code, as mandated by Florida Statute 553, required reference changes have been made. This change is found in numerous places throughout Chapter 6 as it addresses the various volumes of the Code.

In revising and updating the Florida Building Code, staff also identified numerous references to requirements that are either redundant, out dated technically, or in direct conflict with the Code requiring deletion or some adjustment in the language. References and amendments to the Standard Building Code were eliminated, as it is no longer the minimum standard mandated (being out of publication now for 10 years or more).

References and Amendments to the International Property Maintenance Code were updated to reflect new numbering of their articles in the latest publication.

Further, references to contractor types, requirements relating to contracting have been revised to be consistent with Florida Statute 489 and the applicable portions of the Florida Administrative Code, in some cases deleting sections that were outdated.

References to outdated fees that expired as part of the last fee change phase were also deleted.

By adopting the latest publication of the Florida Building Code; updating our ordinance language to reflect the changes found in the new Code; and providing consistency with the Florida Statutes and Florida Administrative Code regarding contractors, the City will take a necessary step toward raising our Insurance Services Office (ISO) rating. An ISO representative evaluating the City using the Building Code Effectiveness Grading Schedule will audit the City of Titusville Building Department July 11, 2015. Our final rating is used to help determine property insurance rates within our jurisdiction.

**Alternatives:**

1. Adopt the ordinance as written.
2. Adopt the ordinance and direct that changes be made.
3. Do not adopt the ordinance.

**Item Budgeted:**

**Source/use of funds/Budget Book Page:**

**Strategic Plan:**

No. 1 – Quality of Life No. 2 – Economic Development No. 4 – Efficient and Effective Services

**Strategic Plan Impact:**

**ATTACHMENTS:**

Description	Upload Date	Type
<input type="checkbox"/> <a href="#">Ordinance No. 16-2015</a>	4/22/2015	Backup Material
<input type="checkbox"/> <a href="#">Ad</a>	5/6/2015	Backup Material

**ORDINANCE NO. 16-2015**

**AN ORDINANCE OF THE CITY OF TITUSVILLE, FLORIDA, AMENDING THE CODE OF ORDINANCES TO INCORPORATE THE FLORIDA BUILDING CODE BY AMENDING CHAPTER 6, ARTICLE III “BUILDING PERMITS AND INSPECTIONS GENERALLY”, SPECIFICALLY AMENDING SECTION 6-58 “QUALIFICATION FOR OBTAINING PERMITS”, SECTION 6-59 “AMENDMENTS”; SECTION 6-60 “PLANS TO ACCOMPANY APPLICATION”, SECTION 6-61 “PLOT DIAGRAM TO ACCOMPANY APPLICATION”, SECTION 6-62 “EXAMINATION OF APPLICATION; REJECTION; REAPPLICATION”, SECTION 6-64 “EXPIRATION OF PERMITS”, SECTION 6-68 “INSPECTIONS AND BUILDING SITE”, SECTION 6-70 “BURYING OF DEBRIS FROM CONSTRUCTION; PERMIT REQUIRED”; AMENDING ARTICLE IV “BUILDING STANDARDS”; SPECIFICALLY AMENDING SECTION 6-91 “FINISHED FLOOR ELEVATIONS”, SECTION 6-101 “BUILDING CODE ADOPTED”, SECTION 6-102 “AMENDMENTS”, SECTION 6-103 “PENALTY”, SECTION 6-104 “BUILDING CONSTRUCTION STANDARDS RELATIVE TO HANDICAPPED PERSONS”, SECTION 6-105 “FLORIDA EXISTING BUILDINGS CODE ADOPTED”, SECTION 6-106 “ENERGY EFFICIENCY BUILDING CODE ADOPTED”, SECTION 6-107 “SUN ROOMS”, SECTION 6-108 “FAIR HOUSING STANDARDS (HANDICAPPED ACCESSIBILITY”, SECTION 6-109 “INTERNATIONAL PROPERTY MAINTENANCE CODE ADOPTED”; AMENDING ARTICLE V “PLUMBING”, SPECIFICALLY AMENDING SECTION 6-142 “CODE; ADOPTED; PENALTY”, SECTION 6-147 “CERTIFICATION REQUIRED”, SECTION 6-148 “USE OF MASTER OR JOURNEYMAN’S NAME BY ANOTHER”, SECTION 6-149 “REPAIRS”, SECTION 6-150 “PLUMBING INSTALLATION OR MAINTENANCE BY OWNER”; AMENDING ARTICLE VI “GAS” SPECIFICALLY AMENDING SECTION 6-172 “CODE; ADOPTED, PENALTY”; AMENDING ARTICLE VII “ELECTRICAL CODE” SPECIFICALLY AMENDING SECTION 6-201 “DEFINITIONS”, DELETING SECTION 6-203 “CLASSIFICATION OF ELECTRICAL WORKERS”, AMENDING ;SECTION 6-204 “PREREQUISITES TO PERFORMING ELECTRICAL WORK; EXCEPTIONS”, SECTION 6-205 “CERTIFICATE HOLDERS REQUIRED ON ELECTRICAL WORK; EXCEPTION”, SECTION 6-206 “MASTER OR JOURNEYMAN ELECTRICIAN TO SHOW PROOF OF COMPETENCY BEFORE ENGAGING IN TRADE OR BUSINESS”, SECTION 6-221 “NATIONAL ELECTRICAL CODE ADOPTED”, SECTION 6-222 “RULES AND REGULATIONS; GENERAL”, SECTION 6-223 “APPROVED MATERIALS, DEVICES, OR APPLIANCES”, SECTION 6-225 “ADDITIONS, REMODELING AND REWIRING”, DELETING SECTION 6-227 “WIRING OF COLD STORAGE PLANTS” AND**

**SECTION 6-228 “BELL TRANSFORMERS”; AMENDING SECTION 6-231 “WIRING METHODS”, SECTION 6-242 “APPLICATION, ISSUANCE”, SECTION 6-244 “PERMIT FEES REQUIRED”, SECTION 6-245 “INSPECTION FEES”, SECTION 6-256 “DUTIES AND POWERS OF CITY”, SECTION 6-258 “INSPECTION OF WORK”; AMENDING ARTICLE VIII “MECHANICAL CODE”, SPECIFICALLY AMENDING SECTION 6-281 “CODE; ADOPTED, PENALTY”, SECTION 6-282 “FEES”; PROVIDING FOR SEVERABILITY, REPEAL OF CONFLICTING ORDINANCES, AN EFFECTIVE DATE AND INCORPORATION INTO THE CODE.**

**WHEREAS**, the City is granted the authority, under Section 2(b), Article VIII of the State Constitution, to exercise any power for municipal purposes, except when expressly prohibited by law; and

**WHEREAS**, the City Council hereby finds this Ordinance to be in the best interests of the public health, safety, and welfare of the citizens of Titusville; and

**WHEREAS**, it is the intention of the City Council to enforce the Florida Building Code as mandated in F.S.553.73et seq., and

**WHEREAS**, eliminating conflicts between that same Florida Building Code and the Code Of Ordinances-Chapter 6-Building allows for the consistent and effective enforcement of the Florida Building Code, and

**WHEREAS**, the Florida Building Code is updated from time to time, timely adoption of the current publication is appropriate.

**NOW, THEREFORE, BE IT ENACTED** by the City of Titusville, Florida as follows:

**SECTION 1:** That Chapter 6, “Building and Building Regulations” Article III. “Building Permits and Inspections Generally” Section 6-58 “Qualification for obtaining permits” of the Code of Ordinances of the City of Titusville is hereby amended to read as follows:

**Sec. 6-58. - Qualification for obtaining permits.**

Applications for permits shall be accepted only from contractors holding a current certificate of competency and license when required, in their respective fields and against whom no revocation or suspension is pending, except as follows:

- (1) Owners of property when acting as their own contractor and providing all material supervision themselves, when building or improving farm outbuildings or one-family or two-family residences on such property for the occupancy or use of such owners and not offered for sale or lease, or building or improving commercial buildings at a cost of under ~~twenty five thousand dollars (\$25,000.00)~~ **seventy-five thousand dollars (\$75,000.00)** on such property for the occupancy or use of such owners and not

offered for sale or lease. In an action brought under this chapter, proof of the sale or lease, or offering for sale or lease, of more than one such structure by the owner-builder within one year after completion of one such structure is prima facie evidence that the construction was undertaken for purposes of sale or lease. This subsection does not exempt any person who is employed by such owner and who acts in the capacity of a contractor. To qualify for exemption under this subsection, an owner must personally appear and sign the building permit application. The city shall provide the person with a disclosure statement in substantially the following form:

**"Disclosure Statement**

~~"State law requires construction 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 contractor even though you do not have a license. You must supervise the construction yourself. You may build or improve a one-family or two-family residence or a farm outbuilding. You may also build or improve a commercial building at a cost of twenty-five thousand dollars (\$25,000.00) seventy-five thousand dollars (\$75,000.00) or less. The building must be for your own use and occupancy. It may not be built for sale or lease. If you sell or lease more than one building you have built yourself within one (1) year after the construction is complete, the law will presume that you built it for sale or lease, which is a violation of this exemption. You may not hire an unlicensed person as your contractor. Your construction must be done according to building codes and zoning regulations. 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."~~

**OWNER/BUILDER DISCLOSURE STATEMENT**

1. I understand that state law requires construction to be done by a licensed contractor and have applied for an owner-builder permit under an exemption from the law. The exemption specifies that I, as the owner of the property listed, may act as my own contractor with certain restrictions even though I do not have a license.

2. I understand that building permits are not required to be signed by a property owner unless he or she is responsible for the construction and is not hiring a licensed contractor to assume responsibility.

3. I understand that, as an owner-builder, I am the responsible party of record on a permit. I understand that I may protect myself from potential financial risk by hiring a licensed contractor and having the permit filed in his or her name instead of my own name. I also understand that a contractor is required by law to be licensed in Florida and to list his or her license numbers on permits and contracts.

4. I understand that I may build or improve a one-family or two-family residence or a farm outbuilding. I may also build or improve a commercial building if the costs do not exceed \$75,000. The building or residence must be for my own use or occupancy. It may not be built or

substantially improved for sale or lease. If a building or residence that I have built or substantially improved myself is sold or leased within 1 year after the construction is complete, the law will presume that I built or substantially improved it for sale or lease, which violates the exemption.

5. I understand that, as the owner-builder, I must provide direct, onsite supervision of the construction.

6. I understand that I may not hire an unlicensed person to act as my contractor or to supervise persons working on my building or residence. It is my responsibility to ensure that the persons whom I employ have the licenses required by law and by county or municipal ordinance.

7. I understand that it is a frequent practice of unlicensed persons to have the property owner obtain an owner-builder permit that erroneously implies that the property owner is providing his or her own labor and materials. I, as an owner-builder, may be held liable and subjected to serious financial risk for any injuries sustained by an unlicensed person or his or her employees while working on my property. My homeowner's insurance may not provide coverage for those injuries. I am willfully acting as an owner-builder and am aware of the limits of my insurance coverage for injuries to workers on my property.

8. I understand that I may not delegate the responsibility for supervising work to a licensed contractor who is not licensed to perform the work being done. Any person working on my building who is not licensed must work under my direct supervision and must be employed by me, which means that I must comply with laws requiring the withholding of federal income tax and social security contributions under the Federal Insurance Contributions Act (FICA) and must provide workers' compensation for the employee. I understand that my failure to follow these laws may subject me to serious financial risk.

9. I agree that, as the party legally and financially responsible for this proposed construction activity, I will abide by all applicable laws and requirements that govern owner-builders as well as employers. I also understand that the construction must comply with all applicable laws, ordinances, building codes, and zoning regulations.

10. I understand that I may obtain more information regarding my obligations as an employer from the Internal Revenue Service, the United States Small Business Administration, the Florida Department of Financial Services, and the Florida Department of Revenue. I also understand that I may contact the Florida Construction Industry Licensing Board at 850-487-1395 or <http://www.myfloridalicense.com/dbpr/pro/cilb/index.html> (Internet website address) for more information about licensed contractors.

11. I am aware of, and consent to, an owner-builder building permit applied for in my name and understands that I am the party legally and financially responsible for the proposed construction activity at the following address:

\_\_\_\_\_

12. I agree to notify the City of Titusville, FL immediately of any additions, deletions, or changes to any of the information that I have provided on this disclosure.

Licensed contractors are regulated by laws designed to protect the public. If you contract with a person who does not have a license, the Construction Industry Licensing Board and Department of Business and Professional Regulation may be unable to assist you with any financial loss that you sustain as a result of a complaint. Your only remedy against an unlicensed contractor may be in civil court. It is also important for you to understand that, if an unlicensed contractor or employee of an individual or firm is injured while working on your property, you may be held liable for damages. If you obtain an owner-builder permit and wish to hire a licensed contractor, you will be responsible for verifying whether the contractor is properly licensed and the status of the contractor's workers' compensation coverage.

Owners violating the above shall be subject to a penalty and/or fines under Florida Statute 455.228 and 775.082 and may be issued a citation and/or civil penalty.

Before a building permit can be issued, this disclosure statement must be completed and signed by the property owner and returned to the local permitting agency responsible for issuing the permit. A copy of the property owner's driver license, the notarized signature of the property owner, or other type of verification acceptable to the local permitting agency is required when the permit is issued.

OWNERS SIGNATURE

STATE OF FLORIDA, COUNTY OF

The foregoing instrument was acknowledged before me this

Day of , 20 by

who is personally known to me, or has produced a valid

I

(Seal)Notary as to Owner or Agent W/Seal

PERMIT #

DATE:

~~(2) The owner of property other than one family or two family residences may make application for a permit and supervise and do the work in connection with the alteration, maintenance or repair of other structures, so long as the alteration or the cost of repairs does not exceed twenty five thousand dollars (\$25,000.00) in valuation and the work to be performed does not fall into any of the contractors' categories of plumbing, mechanical, electrical or other work that would be considered in violation of local, state or federal laws.~~

~~(3) The lessee or tenant of all property may make application for a permit and supervise and do the work in connection with the alteration, maintenance or repair of other structures, so long as the alteration does not include structural alterations and provided the cost of repairs does not exceed twenty five thousand dollars (\$25,000.00) in valuation and the work to be performed does not fall into any of the contractors'~~

~~categories of plumbing, mechanical, electrical or other work that would be considered in violation of local, state or federal laws~~

- (4)(2) The building official may require proof that the applicant is the owner of the property and the lessee or tenant has permission from the owner of the property upon which the construction or installation is to take place.
- (5)(3) General, building and residential contractors may perform any work listed under specialty contractors to the point that it is included under their normal definition of work and provided that it is not plumbing, electrical or mechanical except as authorized by F.S. § 489.113(3), provided that it is a normal part of their general contract.

**SECTION 2:** That Chapter 6, “Building and Building Regulations” Article III “Building Permits and Inspections Generally” Section 6-59 “Amendments” of the Code of Ordinances of the City of Titusville is hereby amended to read as follows:

**Sec. 6-59. - Amendments.**

Nothing in this article shall prohibit the filing of amendments to an application or to a plan or other record accompanying same, at any time before the completion of the work for which the permit was sought. Such amendments, after approval, shall be filed with and be deemed a part of the original application. ~~There is herein established a nonrefundable administrative fee of twenty dollars (\$20.00). (Effective July 1, 2010, this fee will be twenty-five dollars (\$25.00).)~~

**SECTION 3:** That Chapter 6, “Building and Building Regulations” Article III “Building Permits and Inspections Generally” Section 6-60 “Plans to accompany application” of the Code of Ordinances of the City of Titusville is hereby amended to read as follows:

**Sec. 6-60. - Plans to accompany application.**

- (a) Applications for permits shall be accompanied by such drawings of the proposed work drawn to scale and/or dimensions, including, but not limited to any floor plans, sections, elevations, plot plan, and structural details as may be necessary for the review and construction of the proposed work. No work will be approved unless detailed on the approved plans.
- (b) Plans for new construction on commercial property, structural modifications of existing commercial structures and significant remodeling on commercial property ~~exceeding fifty thousand dollars (\$50,000.00)~~ in valuation, structural modifications of existing residential buildings, as determined by the building official, and new construction of or modifications to multifamily dwellings, are required to be signed and sealed by a duly registered design architect and/or engineer as appropriate in accordance with standards established by the state.
- (c) No permit may be issued for any building construction, erection, alteration, repair, or addition unless the applicant for such permit provides to the building official any of the following documents which apply to the construction for which the permit is to be issued:
- (1) Electrical documents for any new building or addition which requires an aggregate service capacity of six hundred (600) amperes (two hundred forty (240)



volts) or more on a residential electrical system or eight hundred (800) amperes (two hundred forty (240) volts) or more on a commercial or industrial electrical system and which costs more than ~~fifty thousand dollars (\$50,000.00)~~ one hundred twenty-five thousand dollars (\$125,000).

- (2) Plumbing documents for any new building or addition which requires a plumbing system with more than two hundred fifty (250) fixture units or which costs more than ~~fifty thousand dollars (\$50,000.00)~~ one hundred twenty-five thousand dollars(\$125,000.00)
- (3) Fire sprinkler documents for any new building or addition which includes a fire sprinkler system which contains fifty (50) or more sprinkler heads.
- (4) Heating, ventilation and air-conditioning documents for any new building or addition which requires more than a fifteen-ton-per-system capacity which is designed to accommodate one hundred (100) or more persons or for which the system costs more than ~~fifty thousand dollars (\$50,000.00)~~ one hundred twenty-five thousand dollars(\$125,000.00). This subsection 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.
- (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 five thousand dollars (\$5,000.00).

No such document shall be valid unless a professional engineer who possesses a valid certificate of registration has signed, dated and stamped such document as provided in F.S. § 471.025 or as exempted under F.S.471.003(2)(h).

- (d) Architects' and engineers' plans and specifications shall not be altered in any way except for minor nonstructural details by the contractor or owner. Structural alterations shall be made only by an architect and engineer of record in the form of an addendum to the plans and specifications, and submitted to the building department for examination as to code compliance and approval before any changes in structural construction shall be undertaken by the contractor or owner.
- (e) The building department may require that the construction contractor, architect or engineer of record, certify completion of every project before a certificate of occupancy is issued. The certificate shall be in the form of a statement that the completed construction complies with the plans, specifications and building codes. In cases where changes, adjustments or refinements have been made during construction, the architect or engineer shall furnish as-built plans and specifications or notations made on the approved set of plans with the certificate of completion.
- (f) Architects' and engineers' plans and specifications shall be complete with impressed seal and signature and date on each page. Owners' plans and specifications shall be signed and dated on each page.
- (g) The building official may withhold the building permit to any contractor or homeowner pending necessary receipt of details or information for processing of plans.

**SECTION 4:** That Chapter 6, “Building and Building Regulations” Article III “Building Permits and Inspections Generally” Section 6-61 “Plot diagram to accompany application” of the Code of Ordinances of the City of Titusville is hereby amended to read as follows:

**Sec. 6-61. - Plot diagram to accompany application.**

- (a) There shall also be filed a plot diagram in a form and size suitable for filing permanently with the permit record, drawn to scale, and/or diagram showing accurately the size and exact location of all proposed new construction, or, in the case of demolition, of such construction as is to be demolished, and of all existing buildings and structures that are to remain.
- (b) It shall also be the responsibility of the applicant to have the proposed structure or structures located to conform to the required zoning setback regulations. The building official shall require the applicant for any building permit to furnish a professional survey of the land and principal structures and additions thereto indicating not only the location but the finished floor elevation in comparison to parcel boundaries and the crown of the street frontage. This foundation survey shall be done after the finished floor is established and shall bear the embossed seal of a state registered land surveyor. No certificate of occupancy will be issued for any structure until compliance with these requirements has been met.
- (c) The building official **may will** require determination which shall indicate sufficient floor elevation data to establish compliance with requirements of the city engineer for drainage and flood control insurance.

**SECTION 5:** That Chapter 6, “Building and Building Regulations” Article III “Building Permits and Inspections Generally” Section 6-62 “Examination of application; rejection, reapplication” of the Code of Ordinances of the City of Titusville is hereby amended to read as follows:

**Sec. 6-62. - Examination of application; rejection, reapplication.**

- (a) It shall be the duty of the building official to examine applications for permits, within a reasonable time after filing.
- (b) Applications and plans for permits which after due written notice by the department, have no activity or revision for a period of ninety (90) days shall be **returned to the applicant deemed abandoned and said application will be destroyed after ninety(90) days unless the applicant picks up the application and plans from the building official.** Any reapplication for permit shall be treated as a new application and will be processed in accordance with codes and standards of the date of reapplication.

**SECTION 6:** That Chapter 6, “Building and Building Regulations” Article III “Building Permits and Inspections Generally” Section 6-64 “Expiration of permits” of the Code of Ordinances of the City of Titusville is hereby amended to read as follows:

**Sec. 6-64. - Expiration of permits.**

- (a) A permit under which no work is commenced within six (6) months after issuance shall expire by limitation and shall expire regardless, after the expiration of one year from date of issuance. However, one or more extensions of a permit of ninety (90) days as allowed under the ~~Standard~~ Florida Building Code may be granted upon approval of the building official. Permits may be renewed by the building official for a period(s) of one year upon payment of a renewal fee as established in the applicable fee schedule. Approval shall only be granted for permits when an applicant is continuously working toward completion of such work.
- (b) Upon expiration of a permit, all building materials and debris shall be required to be removed from the site and the land returned to its original topography. The owner of the property, as well as the contractor obtaining the permit, shall have the responsibility of removal of any materials and debris and restoring the site and land to its original topography.

**SECTION 7:** That Chapter 6, “Building and Building Regulations” Article III “Building Permits and Inspections Generally” Section 6-68 “Inspections and building site” of the Code of Ordinances of the City of Titusville is hereby amended to read as follows:

**Sec. 6-68. - Inspections and building site.**

- (a) All permits issued by the department shall be accompanied by a field inspection card. Plans, when required, shall include an approved field set which will be returned at the permit issuance and must be maintained on the construction site at all times during construction. A permit-posting board, as prescribed by the department, is required to be maintained on the site of all new construction and major renovation work. The posting board shall provide sufficient space for all inspection cards and provide a weather-tight container for the field copy of plans. The permit-posting board shall be securely erected on the parcel, lot or part thereof upon which the improvement is located. A duplicate inspection card shall be provided for a charge of ~~twenty dollars (\$20.00). (Effective July 1, 2010, this fee will be twenty five dollars (\$25.00).)~~ twenty five dollars (\$25.00).
- (b) Reinspection fees of ~~thirty seven dollars and fifty cents (\$37.50) (effective July 1, 2010, this fee will be fifty dollars (\$50.00))~~ fifty dollars (\$50.00) shall be charged when additional inspections are required due to:
  - (1) Improper/wrong address on inspection.
  - (2) Failed work.
  - (3) Additional work of the level of the previous inspection after the completion of the inspection, i.e. modifying or adding additional partitions (framing) after framing inspection approval.
  - (4) Work not substantially complete at the time of inspection as scheduled.

- (5) Inspection hard card not posted, in accordance with subsection (a) above, at the time of inspection.
- (6) Approved field plans not available on site for inspection.
- (7) Failure by contractor to provide access to area to be inspected including, but not limited to, multistory roofs, bond/tie beams, and access roads.

**SECTION 8:** That Chapter 6, “Building and Building Regulations” Article III “Building Permits and Inspections Generally” Section 6-70 “Burying of debris from construction; permit required” of the Code of Ordinances of the City of Titusville is hereby amended to read as follows:

**Sec. 6-70. - Burying of debris from construction; permit required.**

- (a) It shall be unlawful for any owner, developer, contractor, or their agents or representatives to bury organic debris upon any property in the city in connection with the clearing or removal of organic debris. ~~Organic debris may be buried within areas designated on a recorded site plan or other recorded document as open space or park areas excluding individual building lots and areas where structures are to be located or drainage, utility easements or retention areas.~~ Any person found violating this section may be subject to the following action by the city:
- (1) Any outstanding permits that the person may hold may be revoked or work stopped until such time as the violator cures the violation.
  - (2) If a violator does not cure the violation within a reasonable time period, the city may enter the property and correct the violation and impose a lien against the property for the costs to cure the violation.
  - (3) The violation may be prosecuted through the code enforcement board of the city.
  - (4) The city may take such other appropriate action including applying to a court of competent jurisdiction for injunctive relief.
- ~~(b) Any person desiring to bury any debris shall obtain a permit from the building official prior to the burying of said debris and furnishing information satisfactory to the building official concerning the location and procedure for burying and paying the applicable fee. Upon completion of the burial, such person shall have the work inspected by the city for compliance with the permit.~~

**SECTION 9:** That Chapter 6, “Building and Building Regulations” Article IV “Building Standards” Division 1, “Generally” Section 6-91 “Finished Floor Elevation” of the Code of Ordinances of the City of Titusville is hereby amended to read as follows:

**Sec. 6-91. - Finished floor elevations.**

- (a) Except as herein provided, the surface of the lowest level of any building or structure designed for human occupancy, excluding parking garages, shall be not less than twelve (12) inches above the mean crown of the adjoining street or streets to the lot or parcel

upon which the building is constructed. The building official may waive this requirement when he is satisfied through submittal of a topographic survey and other supporting engineering documentation, that the conditions of terrain and soils provide adequate protection against the one-hundred-year flood criteria. Other considerations which must be addressed include sanitary waste disposal, either through public or private systems. In addition, the building official **may will** require certification, from a registered engineer that the finished floor is at least twelve (12) inches above the base flood elevation (one-hundred-year flood) for the area and may further require a release of liability signed by the property owner, duly recorded in the county records, releasing the city from any claims arising out of the granting of this waiver.

- (b) The contractor of record shall ensure that all property corners are staked and flagged. Whenever a portion of the proposed structure is closer than two (2) feet from the required property line setback, the line shall also be stringed prior to a foundation or foundation/slab inspection being approved. The inspector shall require verification as specified in subsection (c) below, only when taping from the required string line is inconclusive.
- (c) The contractor shall be responsible for engaging the services of a duly licensed surveyor or engineer to perform a foundation survey and **a final survey** on all new or substantially improved structures permitted after the effective date of this section. The required survey shall include setbacks from lot lines dimensioned on the drawing and the relative elevation of the finished floor to the crown of the road and/or one-hundred-year flood elevation, except as modified in section 44.30(b) of the Land Development Regulations, Volume II. The **foundation** survey must be submitted to the city's inspection agency as soon as possible and prior to the next regular inspection requirement. **The final survey shall be submitted prior to issuance of the Certificate of Occupancy.**
- (d) Substantially improved structure shall mean an addition of fifty (50) percent or more of floor area.

**SECTION 10:** That Chapter 6, “Building and Building Regulations” Article IV “Building Standards”, Division 2 “Construction Standards” Section 6-101 “Building Code Adopted” of the Code of Ordinances of the City of Titusville is hereby amended to read as follows:

**Sec. 6-101. - Building code adopted.**

- (a) The latest publication of the Florida Building Code, **2007—Edition**, as it may change from time to time, published by the International Code Council, Inc. **including Chapter 1, Administration**, with all appendices, standards, requirements and penalties provided in such code are hereby adopted by reference as the building code of the city. All provisions in such code are made a part of this chapter the same as if set forth in this section in full. Wherever the provisions of the building code conflict with the provisions of this chapter, the provisions of this chapter shall prevail. All references to the building code which are found in this Code of Ordinances refer to the edition of the Florida Building Code, **2007—Edition**, adopted in this section. Nothing in this code is intended to prevent the use of systems,

methods or devices of equivalent or superior quality, strength, fire resistance, effectiveness, durability, and safety to those prescribed by this code, providing technical documentation is submitted to the authority having jurisdiction to demonstrate equivalency and the system, method or device is approved for the intended purposes.

- (b) The specific requirements of this code may be modified by the authority having jurisdiction to allow alternate arrangements that will secure as nearly equivalent safety to life from fire as practical, but in no case shall the modification afford less safety to life than, in the judgment of the authority having jurisdiction, that which would be provided with compliance with the corresponding provisions contained in this code. Buildings with alternative fire protection features accepted by the authority having jurisdiction shall be considered as conforming with the code.

**SECTION 11:** That Chapter 6, “Building and Building Regulations” Article IV “Building Standards”, Division 2 “Construction Standards” Section 6-102 “Amendments” of the Code of Ordinances of the City of Titusville is hereby amended to read as follows:

**Sec. 6-102. - Amendments.**

The following **administrative** amendments to the Florida Building Code, **2007—Edition**, adopted in section **6-101** are hereby adopted:

- (1) **Section 2204.2-102.2.2** Moving buildings—Written application must be filed.
- Any person desiring to move a building shall first file with the building department a written application setting forth the following information and items:
- (a) Type and kind of building to be moved.
  - (b) Not less than three (3) photographs satisfactory to building official, showing existing building and site of proposed location.
  - (c) The extreme dimensions of the length, height and width of the building.
  - (d) Present building location and proposed new location by lot, block, subdivision and street numbers.
  - (e) The approximate time such building will be upon the streets, and the route that will be taken from present to new location, with approval of chief of police as to route and time of moving.
  - (f) Certificate from an agency duly licensed in insect control showing that the building is free of termites.
  - (g) Posting of a bond either in cash or surety company bond meeting with the approval of the city attorney in a sum not to exceed **two thousand five hundred dollars (\$2,500.00), twenty-five thousand dollars(\$25,000.00)**, deposited with the clerk of the city; if a cash bond or if a surety bond, payable to the order of the city conditioned upon the applicant's compliance within ninety (90) days from issue of permit in all respects with the zoning regulations, building codes, and ordinances pertaining to the area on which such building shall have been moved.
  - (h) Insurance certificate of liability insurance of mover in the sum of **twenty-five thousand dollars (\$25,000.00) each person; fifty thousand dollars (\$50,000.00) each accident; five thousand dollars (\$5,000.00) property damage. fifty thousand**

~~dollars(\$50,000.00) each person, one hundred thousand dollars(\$100,00.00) each accident, one hundred twenty-five thousand dollars(\$125,000.000) each person.~~

- (2) ~~Section 2204.3. Same~~—Approval or rejection of application.

All applications to move a building to a new site within the corporate boundaries shall be referred by the building inspector to the planning and zoning board for recommendation before any permit is issued by him, and no application shall be recommended by such board unless it is made to appear to the reasonable satisfaction of such board that each of the following conditions will be met:

- (a) That such building will not constitute a nuisance in its proposed new location.
- (b) That the moving of such building will not be contrary to the public safety, convenience and welfare.
- (c) That the moving of the building to the proposed new location will not substantially impair the value of property in the vicinity of the new location and lying within five hundred (500) feet thereof, and in determining such effect on property values the board may consider among other things the age of the building to be moved as compared to the ages of buildings in the new neighborhood, whether the size, style of architecture, structural integrity, and materials used in the building to be moved are in reasonable harmony with the development of the area where the building is to be moved, the ratio of building area to lot area for the building to be moved as compared with existing development in the new neighborhood, and the opinions of expert appraisers and city planning officials. Approval of any such application by the planning and zoning board shall not be deemed to be a waiver of the requirements of the building, fire district, zoning and other ordinances of the city. Applications under this section shall be processed by the planning and zoning board in the same manner as to matters of notice and other details, and decisions as applications for zoning changes, and shall be referred to the city council before any approval becomes final.
- (d) That any building being moved for which permit was granted shall not be allowed to remain in or upon the streets of the city for more than forty-eight (48) hours.

- ~~(3) Section 506.1.1 is amended to read as follows:~~

~~(a) These requirements shall apply to all buildings, designed for human occupancy, over four (4) stories in height or fifty (50) feet in height. An approved automatic sprinkler system in accordance with section 506.10 below.~~

- ~~(4) Section 405.1.3 is amended to read as follows:~~

~~Restaurants or places supplying food or drink that accommodate fifty (50) or more people or that have a stage, or that provide dancing or entertainment features, shall be classified in Group A occupancy (see section 404). All other restaurants or places supplying food or drink shall be classified in Group M (mercantile) occupancy.~~

~~(5) Section 506.9 is repealed.~~

~~(6) Section 101.5.1 shall not be applicable to any structures or buildings improved through the Community Development Block Grant Program or any funds of the federal government utilized through the Community Development Block Grant Program.~~

~~(7) Section 902.3.1 is amended to read:~~

~~Buildings, designed for human occupancy, over two (2) stories above grade, excepting townhouse construction, shall have a minimum of a Class III standpipe system installed, tested and approved prior to occupancy.~~

~~(8) Section 1104.5.2 is amended to read:~~

~~Any building, designed for human occupancy, which contains more than four (4) stories above grade, shall have at least one (1) of the required exits designed and installed in accordance with the requirements for a smokeproof enclosure.~~

~~(9) Section 404.3.2 is amended to read:~~

~~A sign setting forth the allowable capacity of every tenant space and/or occupancy in which the allowable occupant content exceeds thirty (30), other than employees, shall be displayed in a prominent place. Such signs shall read as follows:~~

~~OCCUPANCY BY MORE THAN  
\_\_\_\_\_  
PERSONS  
IS DANGEROUS AND UNLAWFUL.~~

	<del>_____ Building Official</del>
--	--

~~The occupant content maximum shall be as determined by the most restrictive of the tables found in the Standard Florida Building Code and Life Safety Code.~~

**SECTION 12:** That Chapter 6, “Building and Building Regulations” Article IV “Building Standards”, Division 2 “Construction Standards” Section 6-103 “Penalty” of the Code of Ordinances of the City of Titusville is hereby amended to read as follows:

**Sec. 6-103. - Penalty.**

Any person or agent thereof who shall violate any provisions of the Standard Florida Building Code, with appendices, as adopted in section 6-101, or who shall fail to comply with such code, or with any of the requirements thereof, or who shall erect, construct, alter, demolish or move any structure, or who has erected, constructed, altered, repaired, moved or demolished a building or structure in violation of such code, shall be guilty of a separate offense for each and every day or portion thereof, during which any violation of any of the provisions of the code is committed or continued, and upon conviction of any such violation such persons shall be punished as provided in section 1-15. In addition, any violation of the code may be presented through the code enforcement board. In addition to those remedies, the city may pursue such other remedies as authorized by law.

**SECTION 13:** That Chapter 6, “Building and Building Regulations” Article IV “Building Standards”, Division 2 “Construction Standards” Section 6-104 “Building

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construction standards relative to handicapped persons” of the Code of Ordinances of the City of Titusville is hereby amended to read as follows:

**Sec. 6-104. - Building construction standards relative to handicapped persons.**

The accessibility features required of new buildings contained in F.S. §§ 553.45 through 553.495 are hereby adopted by reference as a part of the building code adopted by this article, and all provisions therein are made a part of this chapter the same as if they were set forth herein in full. The department will enforce the construction standards for ~~handicapped persons as adopted in F.S. §§ 553.45 through 553.495 in cooperation with the state legislature. One (1) copy of the code is on file in the office of the building official.~~ accessibility as published in the most current publication of the Florida Building Code – Accessibility.

**SECTION 14:** That Chapter 6, “Building and Building Regulations” Article IV “Building Standards”, Division 2 “Construction Standards” Section 6-105 “Florida existing buildings code adopted” of the Code of Ordinances of the City of Titusville is hereby amended to read as follows:

**Sec. 6-105. - Florida existing buildings code adopted.**

The latest publication of the Florida Existing Buildings Code, ~~2007 Edition~~, as it may change from time to time, with appendices, the standards, requirements and penalties provided in the above code are hereby adopted by reference as the standard code for existing buildings of the city, and all provisions therein are made a part of this chapter the same as if set forth herein in full; provided, however, that whenever the provisions of the Florida Existing Buildings Code, ~~2007 Edition~~, conflict with the provisions of other sections of the Code of Ordinances, the provisions of the more restrictive section shall apply. One (1) copy is on file in the office of the building official.

**SECTION 15:** That Chapter 6, “Building and Building Regulations” Article IV “Building Standards”, Division 2 “Construction Standards” Section 6-106 “Energy efficiency building code adopted” of the Code of Ordinances of the City of Titusville is hereby amended to read as follows:

**Sec. 6-106. - Energy efficiency building code adopted.**

The model energy efficiency building code entitled ~~"The Florida Model Efficiency Code for Building Construction,"~~ The Florida Building Code – Energy Conservation, 2010 edition, as specified in F.S. §§ 553.900 and 553.908 is hereby adopted by reference as the energy efficiency building code of the city and all provisions therein are made a part of this chapter the same as if they were set forth herein in full; provided, however, that when the provisions of the model energy efficiency building code conflict with the provisions of this chapter, the provisions of this chapter shall prevail. Further provided that all construction shall comply with the provisions of the model energy efficiency building code unless exempt by such code. One (1) copy of such code is on file in the office of the city clerk.

**SECTION 16:** That Chapter 6, “Building and Building Regulations” Article IV “Building Standards” , Division 2 “Construction Standards” Section 6-107 “ Sun rooms” of the Code of Ordinances of the City of Titusville is hereby amended to read as follows:

**Sec. 6-107. - Sun rooms.**

- ~~(a) There is hereby established an exception to the requirements for heating and cooling an enclosed area known as a sun room found in the housing code adopted by this article.~~
- ~~(b) For the purposes of this section, a sun room is an enclosed area of construction with a minimum of forty (40) percent of the exposed exterior wall area to be glazed. The area shall not be heated or cooled by mechanical means. The glazed areas may include fixed or openable windows of any type except jalousie type.~~
- ~~(c) Sun rooms are exempt from the requirements of the Florida Model Energy Efficiency Code for Building Construction adopted in section 6-106 since they are not heated or cooled by mechanical means.~~
- ~~(d) Sun room floor areas shall not be considered as part of the required enclosed living area required in the zoning classification in which they are constructed.~~
- ~~(e) Sun rooms are not exempt from any other requirements of any codes, standards and ordinances as adopted by the city.~~
- (a) See Florida Building Code-Building- Section 1202.1 - Sunroom definition and Florida Building Code-Residential Section R303.7.1 – R301.2.1.1.2, Categories I –V.

**SECTION 17:** That Chapter 6, “Building and Building Regulations” Article IV “Building Standards” , Division 2 “Construction Standards” Section 6-108 “Fair housing standards (handicapped accessibility)” of the Code of Ordinances of the City of Titusville is hereby amended to read as follows:

**Sec. 6-108. - Fair housing standards (handicapped accessibility).**

All new covered multifamily dwellings consisting of four (4) or more units constructed for first occupancy shall comply with the standards and requirements of the Fair Housing Amendments Act of 1988 (Public Law 100-430) and the current edition of the Fair Housing Act Design Manual, as it may be amended periodically.

**SECTION 18:** That Chapter 6, “Building and Building Regulations” Article IV “Building Standards”, Division 2 “Construction Standards” Section 6-109 “International property maintenance code adopted” of the Code of Ordinances of the City of Titusville is hereby amended to read as follows:

**Sec. 6-109. - International property maintenance code adopted.**

- (a) The property maintenance code entitled "International Property Maintenance Code" is hereby adopted by reference as the property maintenance code of the city and all provisions therein are made a part of this chapter the same as if they were set forth herein in full; provided, however, that when the provisions of the International Property Maintenance Code conflict with the provisions of this chapter and/or other provisions of the City of Titusville Code of Ordinances, the more restrictive provision shall apply, except as noted herein. Further provided that all property within the corporate limits of the city shall comply with the provisions of the International Property Maintenance Code unless exempt by such code. One (1) copy of such code is on file in the office of the city clerk or building official.
- (b) The intent of the property maintenance code shall be to establish the minimum regulations governing the conditions and maintenance of all property, building and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures; known as the property maintenance code.
- (c) The latest publication of the International Property Maintenance Code, ~~2007 Edition~~, as it may change from time to time, as published by the International Code Council, Inc., with appendices, standards, requirements and penalties provided in such code are hereby adopted by reference as the property maintenance code of the city. All references to the property maintenance code, which are found in the City of Titusville Code of Ordinances, shall refer to the edition of the International Property Maintenance Code, ~~2007 Edition~~, adopted in this section. Nothing in this code is intended to prevent the use of systems, methods or devices of equivalent or superior quality, strength, fire resistance, effectiveness, durability, and safety to those prescribed by this code, providing technical documentation is submitted to the authority having jurisdiction to demonstrate equivalency and the system, method or device is approved for the intended purposes.
- (d) The following sections of the International Property Maintenance Code are hereby revised as follows:
  - (1) That *Sections 103.1, 103.2, 103.3, 103.4, and 103.6* are hereby deleted and the existing City Codes and Ordinances shall apply and prevail.
  - (2) That *Sections 106.2, 106.3 and 106.4* are hereby deleted and the existing provisions of the Code of Ordinances shall prevail, and which are as follows:

*Sec. 31-66. Powers and duties.* The Code Enforcement Board shall have such duties, responsibilities and powers as set forth in and shall be governed in all respects by Florida Statutes, Chapter 162, as presently enacted and as amended from time to time by the State Legislature.

*Sec. 31-67. Appointments and terms of office.*

- (a) The Code Enforcement Board shall consist of seven (7) members appointed by the City Council.
- (b) Members of the Board shall be registered voters and residents of the City of Titusville for at least one (1) year, and whenever possible, include an architect, a business person, an engineer, a general contractor, a subcontractor and a realtor.
- (c) Appointments to the Board shall be made for a term of three years. Each member may be reappointed to successive terms without limitation. The City Council shall fill any vacancy occurring on the Board and such appointment shall be for the unexpired term of the vacancy.
- (d) Members of the Board may be removed at the discretion of the City Council. If any member of the Board is convicted of a felony his position on the Board shall be forfeited immediately and his seat vacated. The seat of any member who is absent from three (3) or more meetings during any period of six (6) successive months shall be vacated, unless such absences are officially excused by a majority of the Board members.
- (e) During the January meeting of the Board and on a biannual basis beginning January of 1987, the Board all by majority vote of the membership elect a Chairman and Vice-Chairman.
- (f) The conduct of the hearing and the enforcement procedure shall be in accordance with Chapter 162, Florida Statutes, as amended.

*Sec. 31-68. Organization and hearings.*

- (a) The Board shall meet on the second Monday of each month. Additionally, if the Code Inspector has reason to believe a violation presents a serious threat to the public health, safety and welfare, the Code Inspector with concurrence of the Administrator, may immediately notify the Enforcement Board and request a hearing.
- (b) Minutes shall be kept of all hearings and all hearings and proceedings shall be open to the public. The City Council shall provide clerical staff, administrative personnel and legal counsel, as may be reasonably required by the Code Enforcement Board for the proper performance of its duties.
- (c) All notices required by this chapter shall be provided to the alleged violator by certified mail, return receipt requested, or by hand delivery by the sheriff or other law enforcement officer, code inspector, or other person designated by the local governing body, or by leaving the notice at the alleged violator's usual place of residence with any person residing therein who is above fifteen (15) years of age and informing such person of the contents of such notice. At the option of the Code Enforcement Board, notice may additionally be served by publication or posting.
- (d) All testimony shall be under oath and shall be recorded. Formal rules of evidence shall not apply but fundamental due process shall be observed and shall govern the proceedings.
- (e) At the conclusion of the hearing, the Enforcement Board shall issue Findings of Fact, based on evidence of record and conclusion of law and shall issue an Order. The Order may include a notice that it must be complied with by a specified date and that a fine may be imposed if the Order is not complied with by said date.

- (f) If the violation is not corrected by the time specified for correction by the code inspector, the case may be presented to the enforcement board even if the violation has been corrected prior to the board rehearing, and the notice shall so state.

*Sec. 31-69. Administrative fines and liens.*

- (a) The Enforcement Board, upon notification by the Code Inspector that an Order of the board has not been complied with by the set time or upon finding that a repeat violation has been committed, may order the violator to pay a fine.

(b) The order of the board may require the violator to pay a fine, not to exceed two hundred fifty dollars (\$250.00) per day, for each day that the violation continues past the date set in the order for compliance. In the case of a repeat violation the board may order the repeat violator to pay a fine not to exceed five hundred dollars (\$500.00) a day, for each day the repeat violation continues past the date of notice to the violator of the repeat violation. If a finding of violation or repeat violation has been made, then a hearing shall not be necessary for the issuance of an order imposing the fine. A certified copy of an order imposing a fine may be recorded in the public records of Brevard County, Florida; and once recorded, it shall constitute a lien against the property upon which the violation was found to exist, and upon any other real or personal property owned by the violator, and upon petition to the circuit court it may be enforced in the same manner as a court judgment by the sheriffs of this state, including levy against the personal property, but shall not be deemed otherwise to be a judgment of the court except for enforcement purposes. The lien shall be superior to all other liens or encumbrances, including prior recorded mortgages or judgments and only inferior to liens for taxes. A fine imposed pursuant to this section shall continue to accrue until the violator comes into compliance or until judgment is rendered in a suit to foreclose the lien, whichever occurs first. After three (3) months from the filing of any such unpaid lien, the board may authorize the city attorney to foreclose upon the lien. The duration and effect in such lien shall be consistent with Florida law, which is a period of twenty (20) years.

- (1) In determining the amount of the fine, if any, the Enforcement Board shall consider the following factors:
  - (aa) The gravity of the violation;
  - (bb) Any actions taken by the violator to correct the violation; and
  - (cc) Any previous violations committed by the violator.
- (2) The Enforcement Board may reduce a fine imposed pursuant to this Section.
- (c) A certified copy of an Order imposing a fine may be recorded in the public records and thereafter shall constitute a lien against the land on which the violation exists and upon any other real or personal property owned by the violator.
  - (1) A fine imposed pursuant to this chapter shall continue to accrue until the violator comes into compliance or until judgment is rendered in a suit to foreclose on a lien filed pursuant to this Section, whichever occurs first.
  - (2) After three (3) months from the filing of any such lien which remains unpaid, the Enforcement Board may authorize the local governing body attorney to foreclose on the lien. No lien created pursuant to the provisions of this chapter

- may be foreclosed on real property which is a homestead under Section 4, Article X of the State Constitution.
- (3) The lien shall be superior to all other liens or encumbrances, including prior recorded mortgages or judgments and only inferior to liens for taxes.
- (d) Duration of Lien. No lien shall continue for a period longer than twenty (20) years after the certified copy of an Order imposing a fine has been recorded, unless within that time an action to foreclose on the lien is commenced in a court of competent jurisdiction. In an action to foreclose on a lien, the prevailing party is entitled to recover all costs, including a reasonable attorney's fee that it incurs in the foreclosure.
- (e) The lien may be enforced as authorized by Chapter 162, Florida Statutes (1989), as amended.
- (f) An aggrieved party, including the City Council, may appeal a final administrative Order of the Code Enforcement Board to the Circuit Court. Such an appeal shall not be a hearing de novo, but shall be limited to appellate review of the record created before the Code Enforcement Board. An appeal shall be filed within thirty (30) days of the execution of the Order to be appealed.
- (3) That *Sections 107.1, 107.2, 107.3 and 107.4* are hereby deleted and the existing provisions of the Code of Ordinances shall apply to notices and orders. [See *Section (d)(2)* above]
- (4) That *Section 109.5*, entitled *Cost of Emergency Repairs*, is amended to read as follows:  
*109.5 Cost of Emergency Repairs.* Costs incurred in the performance of emergency work shall be paid by the jurisdiction, subject, however, to the provision as provided for by applicable law that the City may seek reimbursement from the property owner or the person creating the need for the emergency repair and the cost incurred by the City may be recovered and the City may impose a lien upon said property for said costs. The lien shall be superior to all other liens or encumbrances, including prior recorded mortgages or judgments and only inferior to liens for taxes. In the event the owner or person creating the need for the emergency repairs, fails and refuses to pay or reimburse the City for the costs, then in that event, the City is authorized to foreclose said lien in accordance with the provisions as provided for by law for foreclosure of municipal liens, and the City may recover its reasonable attorney's fees and costs.
- (5) That *Section 110.3*, entitled *Failure to Comply*, is amended to read as follows:  
*110.3 Failure to Comply.* If the owner of a premises fails to comply with a demolition order within the time prescribed, the code official shall cause the structure to be demolished and removed, either through an available public agency or through contract, or arrangement with private persons, and the cost of such demolition and removal shall be charged against the real estate from which the structure is located and a lien shall be imposed against said property. The lien shall be superior to all other liens or encumbrances, including prior recorded mortgages or judgments and only inferior to liens for taxes. In the event the City finds it necessary to foreclose said lien, the City is entitled to recover its reasonable attorney's fees and costs for foreclosing said lien and the foreclosure procedure shall be as authorized by law for foreclosure of municipal liens.

- (6) That *Section 111*, entitled *Means of Appeal*, shall remain in force and effect, except that the process for an appeal shall be governed by the process and procedures as provided for in the Code of Ordinances for the Board of Adjustment and Appeals and the membership of the Board of Adjustment and Appeals, the notices, meeting process and procedures, decisions, shall govern the means of appeal for purposes of Section 111 of the Code of Ordinances, which reads as follows:

*Sec. 31-51. Powers and duties.*

- (a) The Board of Adjustments and Appeals shall have the power to hear and decide appeals of any decision, order, requirement or an interpretation of an administrative official of these regulations, including but not limited to the following:
- (1) Zoning of land and water use (Chapter 59);
  - (2) Subdivision regulations (Chapter 51);
  - (3) Protection of potable water well fields, the regulation of areas subject to seasonal and periodic flooding, drainage and stormwater management and the protection of environmentally sensitive lands (Chapter 35);
  - (4) Signage;
  - (5) The provision of public facilities and service concurrent with the impacts of development, and;
  - (6) The provision of safe and convenient on-site traffic flow, including vehicle parking (Chapter 39).
- (b) The Board shall also hear and decide appeals and variances regarding the following:
- (1) Building code, electrical code, International Property Maintenance Code, fire prevention code, gas code, housing code, mechanical code, motion picture theaters ordinance, plumbing code, streets regulations, swimming pool regulation, as provided for in the Code of Ordinances, Volumes I, and II.
  - (2) Hear and decide requests for variance from these regulations in accordance with the procedures set forth in Chapter 47, Article VIII of these regulations.
  - (3) Hear and decide conflicts between the minimum building code and minimum safety code as authorized by Florida Statutes Section 553.73 (~~1989~~), including any conflicts between the local building official and local fire official concerning the application or interpretation of the minimum building code and minimum safety code.
- (c) Appeals, variances and interpretations, shall not extend to decisions of an administrative official relating to public projects; or public policy decisions made by the City Council.

*Sec. 31-52. Appointment and terms of office.*

- (a) The Board of Adjustments and Appeals shall be composed of five (5) regular members and two (2) alternates. All members shall be residents of the City of Titusville for at least one (1) year and be a registered voter. Members of the Board shall consist of the following:
- (1) At least three (3) of the regular members of the Board shall be persons with the following expertise/experience in at least one of the following disciplines:
    - a. A licensed architect, engineer, landscape architect or surveyor;
    - b. A general or building contractor;

- c. A person associated with the building trades industries;
  - d. A person having an education degree (bachelor or master degree) in urban planning or with a current American Institute of Certified Planner certification;
  - e. A person with a minimum of ten (10) years experience in land development or urban planning field.
- (2) The other two (2) remaining members of the Board and the two (2) alternates may be appointed from the City citizenship at large.
- (b) All five (5) regular members and the two (2) alternates of the Board shall be appointed by the City Council for two-year terms. There shall be appointed at the second regular meeting in July of each odd-numbered year three (3) regular members and one alternate for two-year terms, and in each even-numbered year, two (2) regular members and one alternate for two-year terms. The term of the members appointed shall commence on August 1, and shall be for a period of two (2) years or until their successors are appointed.
  - (c) The City Council shall fill any vacancy occurring on the Board, and such appointment shall be for the unexpired term of the vacancy. The alternate members may serve on the Board in lieu of a regular member when said regular member is unable to attend an official meeting of the Board or when a regular member has a conflict of interest on any item, and said alternate shall serve for the entire meeting.
  - (d) Members of the Board may be reappointed to successive terms without limitation.
  - (e) Members of the Board may be removed at the discretion of the City Council. If any member of the Board is convicted of a felony his position on the Board shall be forfeited immediately and his seat vacated. The seat of any member who is absent from three (3) or more meetings during any period of six (6) successive months shall be vacated, unless such absences are officially excused by a majority of the Board members.

*Sec. 31-53. Organization and meetings.*

- (a) The Board shall establish rules and regulations of its own procedure not inconsistent with the provisions of these Land Development Regulations. The Board shall meet on the fourth Wednesday of every month or in any event frequent enough so that business of the Board may be expeditiously completed.
- (b) Minutes shall be kept of all Board meetings.
- (c) The Board shall conduct its meetings in accordance with the quasi-judicial procedures set forth in Chapter 47, Articles VIII and IX of these regulations.
- (d) All meetings of the Board shall be open to the public and the agenda for same shall be available to the public at least twenty-four (24) hours prior to the meeting.
- (e) Board members shall be subject to Chapter 286 F.S., the "Open Meetings Law."
- (f) Four (4) members of the Board shall constitute a quorum. In varying the application of any of the provisions of any City ordinance or in modifying any order of any administrative City official, concurring votes of four (4) members of the Board shall be necessary. If four concurring votes can not be reached, the subject matter before the Board shall be considered denied.
- (g) The procedure for a member to withdraw, abstain or be excused from voting is in accordance with Section 112.3143, Florida Statutes.



*Sec. 31-54. Board of Adjustments and Appeals officers and staff.*

- (a) At its first regular meeting in August, the Board shall, by majority vote of its membership (excluding vacant seats) elect one of its members to serve as Chairman and preside over the Board's meetings and one member to serve as Vice-Chairman who shall preside in the absence or withdrawal of the Chairman.
- (b) The Chairman shall sign all correspondence for the Board and shall sign all opinions of the Board.
- (c) The Chairman or any member temporarily acting as Chairman may administer oaths to witnesses coming before the Board.
- (d) The Chairman and Vice-Chairman may take part in all deliberations and vote on all issues.
- (e) An official in the employ of the City shall be appointed by the Administrator to act as secretary to the Board and shall be responsible to supply the Board with the proper facilities, agendas, minutes, evidence and information which the Board may request in the performance of their duties. Said secretary shall receive and schedule for hearings all appeals filed, notify the Board of same and coordinate the advertisement of the Board's agenda with the City Clerk, as required, in a locally circulated newspaper.
- (f) The Board, with the prior approval of the City Council, is authorized and empowered to employ such clerks and subordinates, including technical and expert advisors, and to incur such expenses as in its judgment may be necessary, provided that the total expense shall not exceed the amount set apart in the budget of the City for such purpose.
- (g) The Board may, if it is deemed necessary, call upon any City official in the employ of the City or upon other appointed City board(s) for technical advice, information, or recommendations prior to acting on any appeal which may be brought before it.

*Sec. 31-55. Appeal to decision of the Board of Adjustment and Appeals.* Any person substantially effected (as defined in Florida Statutes) by the decision of the Board of Adjustment and Appeals, may appeal such decision to the Circuit Court of Brevard County, Florida. Said decision must be appealed within thirty (30) days after rendered. The decision shall be presumed correct and the appeal shall be a review of the record before the Board of Adjustments and Appeals. The appeal shall not be a trial de novo. The clerk shall prepare the record in accordance with the Florida Rules of Appellate Procedure. The time periods set forth in the Florida Rules of Appellate Procedure for processing appeals from the County Court to the Circuit Court shall govern appeals from the Board of Adjustments and Appeals to the Circuit Court.

*Secs. 31-56—31-65. Reserved.*

- (7) That *Section 302.4*, entitled *Weeds*, is hereby deleted and the provisions contained in *Sections 13-26* through *13-32* shall prevail as provided for in the Code of Ordinances of the City of Titusville, and which are as follows:

*Sec. 13-26. Conditions constituting menace to public health, welfare enumerated, declared public nuisance.*

- (a) The allowing of debris, rubbish, trash, tin cans, papers, or stagnant water, diseased, dead or damaged trees to accumulate or a dense growth of vines, underbrush, weeds, wild growth and/or grass in excess of twelve (12) inches in height from the

ground to exist on any lot, tract or parcel of land which is bordered by other improved property or a dedicated public street on at least two (2) opposite sides and provided that the distance between these opposite sides (measured from lot/property lines) is less than two hundred fifty (250) feet. If the distance between the dedicated public street and/or improved property is greater than two hundred fifty (250) feet, the point of measurement shall be defined as a strip or buffer twenty-five (25) feet wide along the lot/property line of the improved property and/or dedicated street side of the lot, tract, or parcel in question unless the twenty-five-foot strip is not accessible by reason of a fence, ditch, cliff or other impassable obstacle. The condition described in this section along any improved property described in the city to the extent and in the manner that it constitutes or may reasonably become a menace to life, property, the public health, the public welfare; creates a fire hazard; or provides a nest and/or breeding ground for sandflies, mosquitoes, rats, mice, other rodents, snakes, and other types of pests and vermin shall be unlawful and is hereby prohibited and declared to be a public nuisance.

- (b) Placing, discarding or allowing debris, rubbish, trash, tin cans, weeds, noxious plants, sand, leaves or grass on any sidewalk located on the owner's or occupant's lot, and placing, discarding or allowing debris, rubbish, trash, tin cans, weeds or noxious plants, except as provided in chapter 16 for solid waste collection in the planting space between the sidewalk or property line and the street shall be unlawful and is hereby prohibited and declared to be a public nuisance. Such nuisance shall be subject to the notice and remedy provided in sections 13-29 through 13-32. Such unlawful conduct shall be punishable as provided in section 1-15

Sec. 13-27. Enforcement. A property owner who fails to maintain his property as required by section 13-26 shall constitute, a violation of a municipal ordinance and the property owner as a separate and additional remedy may be subject to enforcement and fines pursuant to the city code enforcement board, § 14.01 et seq., Land Development Regulations, Volume II. Repeat violations may be subject to fines up to five hundred dollars (\$500.00) per day.

Sec. 13-28. Violations. It shall be unlawful for any person, manager, owner, agent, or renter to allow debris, rubbish, trash, tin cans, papers, stagnant water; diseased, dead or damaged trees to accumulate, or a dense growth of vines, underbrush, weeds, wild growth and/or grass on any lot, tract, or parcel of land in the city, which provides or may provide a nest and/or breeding ground for sandflies, mosquitoes, rats, mice, other rodents, snakes and any other types of pests; or become a menace to life, property, public health, or create a fire hazard. Any person found violating this section, upon conviction, shall be fined as provided in section 1-15.

Sec. 13-29. Notice to property owner to remedy or authorize city to remedy conditions.

- (a) If the city manager finds that debris, rubbish, trash, tin cans, paper or stagnant water, diseased, dead or damaged trees have accumulated or a dense growth of vines, underbrush, weeds, wild growth and/or grass in excess of twelve (12) inches in height from the ground exists on any lot, tract or parcel as aforescribed within the city, to the extent and in the manner that it constitutes or may reasonably become a menace to life, property, the public health, the public welfare; creates a

fire hazard; or provides a nest and/or breeding ground for sandflies, mosquitoes, rats, mice, other rodents, snakes and other types of pests and vermin, he shall in writing, direct a notice to the owner of record of such property by certified mail at his last-known mailing address as shown by the records of the tax appraiser of the county advising that the aforementioned debris, rubbish, trash, tin cans, etc., have been found to exist on the property described on such notice and demand that such owner cause such condition to be remedied forthwith, or the city is authorized to have such work done on behalf of the owner at the rates on file in the code enforcement division, and the cost of such work, including an administrative charge of twenty-five dollars (\$25.00) for the first notice concerning such property, thirty-five dollars (\$35.00) for the second notice, fifty dollars (\$50.00) for the third notice, and a fifty-dollar charge for each additional notice thereafter occurring within a one-year period, shall be assessed against the owner and shall automatically become a lien against the property if not paid in the time prescribed in section 13-31. The written notice shall state the specific violation of which the owner is charged and the location where information may be obtained concerning the costs of city lot cleaning.

- (b) If there is an occupied dwelling on the property, a copy of the notice shall be served by an appropriate official of the city, including but not limited to a police officer, upon the occupant of the property, or upon any agent of the owner thereof, or by mailing the notice by registered or certified mail. The mailing of such notice shall be sufficient proof thereof and the delivery of notice to an occupied dwelling shall be equivalent to mailing. If the mailing address of the owner is not known and the property is unoccupied and the owner has no agent in the city, the notice shall be posted upon the property as notice to the owner thereof and a copy posted at an appropriate location at the city hall. The form of notice to be used is provided in section 13-30

(Code 1963, § 12-28)

Sec. 13-30. Form of notice of public nuisance. The following is the form for the notice of public nuisance:

"NOTICE OF PUBLIC NUISANCE

"Dear \_\_\_\_\_:

RE: [Fill in Legal Description of Lot]

"According to the tax records of the City of Titusville, you are the owner of the above legally described property. Said property was inspected by the City on \_\_\_\_\_, 19\_\_\_\_\_. This inspection revealed a violation of section 13-26 of the City of Titusville Code of Ordinances dealing with public nuisances. Specifically, the violation noted was:

[Fill in appropriate violation]

"According to the Code of Ordinances of the City of Titusville, the owners of property deemed a public nuisance and so notified herein are required to eliminate the nuisance within ten (10) calendar days.

"The failure to maintain your property in accordance with section 13-26 of the Code, is a violation of the City of Titusville's Ordinances and if not corrected within the time period enumerated above, the violation will be abated by the city

and you will be billed for the cost at rates on file with the city and, in the event payment is not made within thirty (30) days, the cost will be assessed against the property as a lien, foreclosure to follow with fees incident to foreclosure.

"As a separate and additional remedy, the violation shall be processed through the City of Titusville Code Enforcement Board, which has authority to impose fines up to \$250.00 per day, and for repeat violations, up to \$500.00 per day.

"Pursuant to the provisions of section 13-31 of the Code of Ordinances of Titusville, Florida, you have the right to appeal the finding that your property has become a nuisance. If you elect to protest the finding that your property is a nuisance, you must file a written appeal with the city clerk of the City of Titusville within ten (10) calendar days from the date of this letter.

"The city regrets having to take a hard line on nuisance abatement. We ask for your assistance in maintaining proper standards for the health, safety, and general welfare for the citizens of Titusville.

**Code Enforcement Officer"**

Sec. 13-31. Protest by property owner; council determination final.

- (a) If the property owner or his duly authorized agent elects to protest the notice as set forth in sections 13-29 and 13-30, he must file a written appeal with the city clerk within ten (10) days of the date of the notice to the owner. The appeal shall be placed on the agenda of the next regular city council meeting and the city council shall determine conclusively whether the condition described in section 13-26 exists. Such determination shall be final. If the owner or duly authorized agent fails to appeal the notice as set forth in sections 13-29 and 13-30 in the time prescribed, the owner or agent shall waive any right to question whether or not the condition as described in the notice to the owner or agent did, in fact, constitute a public nuisance and the owner or agent shall not be entitled to raise that defense in any subsequent foreclosure proceeding or any other proceeding incident to lot cleaning.
- (b) If the city council determines that the situation and condition as set forth herein and in the notice to the owner does not exist, the notice to the owner shall be considered forthwith null and void and of no effect and no action shall be taken by any agency of this city in regard to such condition at that time. If the city council shall determine that the condition described in the notice to the owner does exist, the owner shall have ten (10) days from the date of such determination by the city council to correct such condition.
- (c) If the owner does not appeal such notice or fails to correct such condition within the ten (10) days specified, the city manager shall direct the appropriate agency of the city to correct such condition as outlined in sections 13-29 and 13-30

Sec. 13-32. Payment within specified time when conditions remedied by city.

- (a) If the owner shall not correct or remedy the condition prescribed in the notice and the city takes action pursuant to the notice to have the lot, parcel, or strip of land cleaned, the expenses incurred in remedying the condition shall be computed in accordance with the rates on file in the code enforcement division and a statement of the expenses shall be mailed to the owner of the affected property. In addition to the expense of actually cleaning the lot or strip, the city shall be entitled to include an administrative fee as provided in section 13-29(a).

- (b) If the owner or his agent fails to make payment within thirty (30) days, the expense shall become and automatically constitute a lien upon the property, which shall be payable with interest at the rate of ten (10) percent per annum from thirty (30) days after the statement was mailed to the owner, and which expense and charge shall be a first and prior lien against the property, subject only to the lien of taxes due to the county and state, and of the same character as a lien of the city for municipal taxes.
  - (c) Upon failure of the owner of the property, to pay the lien, it will be foreclosed in the same manner as tax liens in favor of the city are foreclosed, or foreclosed in the same manner as mortgages under state law are foreclosed, and it shall be lawful to join in any complaint for foreclosure of any one (1) or more lots or parcels of land. The suit for foreclosure may be brought at any time after the expiration of sixty (60) days after the statement has been mailed to the owner. In addition to the costs and expenses which constituted the lien and the interest accumulated thereon, the city shall be entitled to collect and receive its costs in prosecuting the foreclosure, which costs shall include court costs, reasonable attorneys' fees, abstract costs, publication costs, and such other costs as are assessable in foreclosure actions.
  - (d) Any property owner shall have the right to have a hearing before the city council to show cause, if any, why the expenses and charges should not constitute a lien against the property, provided, however, that the finding by the city council that the condition described herein and notice to the owner thereof exists, shall be final.
- (8) That *Section 302.8*, entitled *Motor Vehicles*, is hereby deleted and the current provisions of the Code of Ordinances as contained in *Sections 13-71* through *13-74* shall prevail as provided for in the Code of Ordinances of the City of Titusville, which provide as follows:
- Sec. 13-71. Abandonment of vehicles prohibited.* No person shall abandon any vehicle within the city and no person shall leave any vehicle at any place within the city for such time and under such circumstances as to cause such vehicle reasonably to appear to have been abandoned.
- Sec. 13-72. Leaving of wrecked, nonoperating vehicle on street prohibited.* No person shall leave any partially dismantled, nonoperating, wrecked or junked vehicle on any street or highway within the city. No vehicle shall be parked on any street, highway or right-of-way within the city unless the vehicle has a current automobile tag.
- Sec. 13-73. Wrecked, discarded vehicles; time limit for disposition; exception.*
- (a) No person in charge or in control of any property within the city, whether an owner, tenant, occupant, lessee or otherwise, shall allow any partially dismantled, nonoperating, wrecked, junked or dismantled vehicle to remain on such property longer than seventy-two (72) hours. No person shall leave any vehicle on any property within the city for a longer time than seventy-two (72) hours unless the vehicle has a current automotive tag.
  - (b) This chapter shall not apply with regard to a vehicle in an enclosed building or carport, a vehicle on the premises of a business enterprise operated in a lawful place and manner, when necessary to the operation of such business enterprise, or a vehicle in an appropriate screened storage space, or depository, maintained in a lawful place and manner in the city.
- Sec. 13-74. Impounding of vehicles.*

- (a) *Authority of city manager.* The city manager is hereby authorized to remove or have removed any vehicle left at any place within the city which reasonably appears to be in violation of any provisions of this division or lost, stolen or unclaimed. Such a vehicle shall be impounded until lawfully claimed or disposed of in accordance with this division.
- (b) *Notice.* Whenever the city manager determines that there has been a violation of any provision of this division, then the city manager shall cause a notice to be placed upon such vehicle, in substantially the following form:  
"Notice to the owner and all persons interested in the attached property. This property to wit: (setting forth brief description), located at (setting forth brief description of location), is improperly stored and is in violation of (setting forth ordinance regulation violated), and must be removed within 10 days from the date of this notice; otherwise it shall be destroyed by order of the City of Titusville. This order may be appealed by filing a notice of appeal with the city clerk on or before 4 hours from the time said vehicle is ordered to be removed.  
"Dated this (setting forth date of posting notice).  
"Signed: (setting forth name, title, address and telephone number of City Manager or designated representative)."  
If the vehicle in violation of this division is located on any public street or highway, such notice as stated above may require the vehicle to be removed within twelve (12) hours from the placing of the notice on such vehicle, and if it should be determined by the city manager that the location of such vehicle on the public street or highway of the city constitutes a hazard, such vehicle may be, under the circumstances, immediately impounded to protect the health, safety and welfare of the citizens of the community.
- (c) *Appeal.* Any person may postpone the operation of such order of the city manager by filing a notice of appeal with the city clerk on or before four (4) hours from the time such vehicle was ordered to be removed. If such appeal is filed, the city manager shall not take action until such appeal is reviewed by the city council at its next regular council meeting following the filing of the notice of appeal. In the event the appeal is denied, such automobile shall be removed, at the owner's expense, within twenty-four (24) hours after the person making the appeal is notified of the adverse decision by the city council. If the appeal is granted by the city council, the order of the city manager shall be of no force and effect. Appeals to any section of this division may be sought through the city council.
- (d) *Disposition of vehicle.* If the vehicle is not removed in accordance with the notice set forth in subsection (b) above, the city manager may cause the vehicle to be removed and such vehicle may be disposed of in any manner as determined by the city manager, and all proceeds from the disposition of such vehicle shall be retained by the city.
- (e) *Reclaiming vehicle.* The city manager shall cause the vehicle to be retained by the city for a period of twenty (20) days after such vehicle is removed. If, at any time during the twenty-day period after removal, the owner provides proof of ownership (title, registration, a bill of sale) to the city manager and pays the required fee to the city, the owner shall be issued a release which will allow him to pick up the vehicle

at the depository where the vehicle has been stored. The owner will be required to remove the vehicle from the depository to a satisfactory place of storage within forty-eight (48) hours. The owner will be required to pay towing and storage fees as set forth by city contract and a twenty-dollar administrative fee.

- (f) *Penalty for obstruction.* Whoever opposes, obstructs or resists the city manager or any person authorized by the city manager in the discharge of his duties, as provided for in this section, upon conviction shall be punished pursuant to section 1-15
- (g) *Immunity from prosecution.* The city manager or the city shall not be liable for damages caused during the removal or impounding of any vehicle impounded or disposed of in accordance with the provisions of this division.
- (9) That *Section 303.15* is amended to read as follows:  
*303.15 Insect screens.* During the entire year, every door, window, and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas, or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm) and every swinging door shall have a self-closing device in good working condition.
- (10) That ~~Sections 6.02.3 and 6.02.4 of the International Property Maintenance Code are hereby deleted~~

**SECTION 19:** That Chapter 6, “Building and Building Regulations” Article V “Plumbing” Section 6-142 “Code; adopted; penalty” of the Code of Ordinances of the City of Titusville is hereby amended to read as follows:

**Sec. 6-142. - Code; adopted; penalty.**

The latest publication of the Florida Building Code, Plumbing, 2007 Edition, as it may change from time to time, and the standards, requirements and penalties provided therein, are hereby adopted by reference as the plumbing code of the city. All provisions therein are made a part of this article the same as if they were set forth herein in full. Wherever the provisions of the Florida Building Code, Plumbing, 2007 Edition, conflict with the provisions of this article, the provisions of this article shall prevail. One (1) copy of such code is on file in the office of the building official. Any person who shall fail to comply with such code, or with any of the requirements thereof, shall be guilty of a misdemeanor for each and every day or portion thereof, during which any violation of the Florida Building Code, Plumbing, 2007 Edition, is committed or continued, and upon conviction of such violation such person shall be punished as provided in section 1-15 of the Code of Ordinances.

**SECTION 20:** That Chapter 6, “Building and Building Regulations” Article V “Plumbing” Section 6-147 “Certification required” of the Code of Ordinances of the City of Titusville is hereby amended to read as follows:

**Sec. 6-147. - Certification required.**

No individual shall engage in the business of plumbing in the city unless he is certified as a master plumber ~~under the provisions of this article or~~ as provided in Chapter 489, F.S. No individual, firm, partnership or corporation shall engage in the business of installing, repairing or altering plumbing unless the plumbing work performed in the course of such business is under the supervision of a certified master plumber. ~~Journeyman and master plumber qualifications are as specified in section 11-126 et seq.~~

**SECTION 21:** That Chapter 6, “Building and Building Regulations” Article V “Plumbing” Section 6-148 “Use of master or journeyman’s name by another” of the Code of Ordinances of the City of Titusville is hereby amended to read as follows:

**Sec. 6-148. - Use of master's or journeyman's name by another.**

No person who has obtained a master ~~or journeyman~~ plumber's certificate of competency shall allow his name to be used by another person, directly or indirectly, either for the purpose of obtaining permits or for doing business or work under the certificate of competency. ~~Every person certified shall notify the building trades board of the address of his business, if any, and the name under which such business is carried on and shall give immediate notice to the building trades board of any change in either.~~

**SECTION 22:** That Chapter 6, “Building and Building Regulations” Article V “Plumbing” Section 6-149 “Repairs” of the Code of Ordinances of the City of Titusville is hereby amended to read as follows:

**Sec. 6-149. - Repairs.**

Repairs ~~of up to \$200.00 value,~~ involving only the working parts of a faucet or valve, the clearance of minor stoppages, repairing of leaks, or replacement of defective faucets or valves may be made without a permit provided no changes are made in the piping to the fixture.

**SECTION 23:** That Chapter 6, “Building and Building Regulations” Article V “Plumbing” Section 6-150 “Plumbing installation or maintenance by owner” of the Code of Ordinances of the City of Titusville is hereby amended to read as follows:

**Sec. 6-150. - Plumbing installation or maintenance by owner.**

~~As provided for in F.S. 489 – Exemptions, Aany~~ homeowner, ~~after personally appearing before the Building Official and~~ after obtaining the required plumbing permit from the building official and paying the required fee, shall be permitted to install and maintain plumbing within the boundaries of his own property, provided that such plumbing work is personally done by such homeowner and provided further that the property upon which the work is done is exclusively used by the homeowner or his family. This article shall not relieve the homeowner of the duty to obtain a permit from the city building official and to pay the required fees for such



permit. Any material used by the homeowner must be approved by the city building official and any plumbing work done by any homeowner shall not be covered until the same has been inspected and approved by the building official. The building official is an inspecting authority and is not available as a technical advisor. The homeowner is specifically prohibited from making any house connection to any public sewer or water line.

**SECTION 24:** That Chapter 6, “Building and Building Regulations” Article VI “Gas” Section 6-172 “Code; adopted; penalty” of the Code of Ordinances of the City of Titusville is hereby amended to read as follows:

**Sec. 6-172. - Code; adopted; penalty.**

The latest publication of the Florida Building Code, Fuel Gas Code, 2007 Edition, as it may change from time to time, together with all appendices thereto, and the standards, requirements and penalties provided therein, are hereby adopted by reference as the gas code of the city. All provisions therein are made a part of this chapter the same as if they were set forth herein in full. Wherever the provision of the Florida Building Code, Fuel Gas Code, 2007 Edition, conflict with the provisions of this chapter the provisions of this chapter shall prevail. One (1) copy of such code is on file in the office of the building official. Any person or agent thereof, who shall violate any provisions of the Florida Building Code, Fuel Gas Code, 2007 Edition, or who shall fail to comply with such code, or with any of the requirements, upon conviction, shall be punished as provided in section 1-15.

**SECTION 25:** That Chapter 6, “Building and Building Regulations” Article VII “Electrical Code”, Division 1 “Generally”, Section 6-201 “Definitions” of the Code of Ordinances of the City of Titusville is hereby amended to read as follows:

**Sec. 6-201. - Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Apprentice electrician* shall mean a helper or assistant to a journeyman. The apprentice is not qualified to work on electrical construction alone but must at all times work under the direct supervision of and be accompanied by a qualified journeyman or master electrician. A master electrician found guilty of allowing or sending an apprentice or helper to do any type of electrical work alone will be summoned to a meeting of the board to show cause why his certificate should not be suspended or revoked.

*Board* shall mean the building trades board created in section 11-141 et seq. unless specifically stated herein.

*Domestic* shall mean a residence of one (1) or two (2) living units. All others are to mean commercial.

*Electrical construction* shall mean, include and govern all work and materials used in installing, maintaining and/or extending a system of electrical wiring for light, heat or power and all appurtenances, apparatus or equipment used in connection therewith, inside or attached to any building, structure, lot or premises.

*Electrical contractor* shall mean a person engaging in the business of electrical contracting. The person in charge of the electrical installations shall have qualified as a master electrician according to the provisions of this article and possess a master electrician's certificate paid to date and be certified or registered as prescribed by the Florida Department of Business and Professional Regulation under F.S.489.

*Electrician* shall mean a person who is engaged in the trade or business of electrical construction and who is qualified under the terms and provisions of this article.

*Journeyman electrician* shall mean a person who possesses the necessary qualifications, training and technical knowledge to install electrical wiring, apparatus or equipment for light, heat or power and who is qualified under the terms and provisions of this article, and he shall be capable of doing electrical work according to the plans and specifications furnished to him, and in accordance with the rules and regulations governing wiring installations within the limits of the city's jurisdiction.

*Master electrician* shall mean a person who possesses the necessary qualifications, training and technical knowledge to plan, lay out and supervise the installation of electrical wiring, apparatus or equipment for light, heat or power and who is qualified under the provisions of this article.

*Qualified person* shall mean any person qualified under the provisions of this article, and certified or registered under this article by the city council. F.S. 489.

**SECTION 26:** That Chapter 6, "Building and Building Regulations" Article VII "Electrical Code", Division 1 "Generally", Section 6-203 "Classifications of electrical workers" of the Code of Ordinances of the City of Titusville is hereby deleted in its entirety as follows:

**Sec. 6-203.-reserved -Classification of electrical workers.**

~~Electrical workers are classified and licensed as required in section 11-126 et seq. and their duties and scope of operations are established as follows:~~

- ~~(1) *Master electrician.* A master electrician shall be deemed to be a person who has shown, through successfully passing an examination before the building trades board that he has sufficient knowledge, experience and education to supervise electrical construction in accordance with the provisions of this electrical code.~~
  - ~~a. The master electrician may be the owner, proprietor, employee or corporation officer, but shall, in all cases, be the person who is directly responsible for the physical and mechanical manner in which electrical material, equipment and devices are placed or installed.~~
  - ~~b. A master electrician or authorized supervisory employee shall countersign all applications for electrical permits and supervise electrical work authorized by such permit.~~
  - ~~c. The name of the master electrician authorized as such for the person for whom permit applications are to be countersigned shall be set forth in the business license to carry on the business of electrical contracting within the city's jurisdiction, who is not a master electrician, or does not have at all times a master electrician in his employ.~~
  - ~~d. It shall be unlawful for any master electrician to countersign permit applications for more than one person.~~
  - ~~e. It shall be unlawful for any master electrician to permit his name to be used, or to knowingly permit himself to be held out, as an officer or employee of any person holding an electrical contractor's license unless he is such officer or employee and does, in fact, supervise the doing or installation of electrical work performed by such electrical license.~~
  - ~~f. The master electrician may be relieved from the responsibility under any permit countersigned by him if notice in writing to that effect is filed with the city electrical inspector prior to the actual construction covered by the permit or upon the discharge or termination of the services of such master electrician.~~
  - ~~g. No person shall receive a certificate of competency or certificate as a master electrician who has not attained the age of eighteen (18) years.~~
  - ~~h.g. No person shall engage in or carry on the business of electrical contracting or install, alter or repair any electrical wiring for which a permit is required, without first registering in the city electrical inspector's office, the name of the master electrician who is directly responsible for the manner in which the electrical installation is made.~~
  - ~~i. Whenever a master electrician shall leave, or be discharged from the employ of any person holding an electrical contractor's license, notice in writing thereof shall be given within five (5) days, by the employer and employee to the city electrical inspector and all electrical construction work being carried on by such employer~~

~~shall, without further order or action, stand suspended until such employer has reemployed the same or another master electrician and notice in writing has been given by the employers to the city electrical inspector, countersigned by such reemployed or other master electrician or until the employer has qualified as a master electrician.~~

~~(2) *Journeyman electrician.* A journeyman electrician shall be a person who has in his possession an unexpired journeyman's certificate issued to him by the a building trades board of the city, and is qualified to perform work under the supervision of a master electrician.~~

~~(3) *Electrical contractor.* An electrical contractor shall be any person engaged in the business of installing electrical equipment or apparatus, within the city's jurisdiction, provided that he has been licensed by the city properly licensed under F.S. 489 to make such electrical installations, and provided that he maintains a permanent business address, and further, provided that such electrical contractor shall have at all times, as a supervisor of such electrical installations, a person who has in his possession an unexpired master electrician's certificate that has been issued to him by the board. Such master electrician shall not be a supervisor for more than one electrical contractor at any one time.~~

**SECTION 27:** That Chapter 6, “Building and Building Regulations” Article VII “Electrical Code” Division 1 “Generally” Section 6-204 “Prerequisites to performing electrical work; exceptions” of the Code of Ordinances of the City of Titusville is hereby amended to read as follows:

**Sec. 6-204. - Prerequisites to performing electrical work; exceptions.**

- (a) It shall be unlawful for any person ~~to whom a certificate of competency has not been issued~~ **who is not registered or certified as an Electrical Contractor** in accordance with the provisions of ~~section 11-191~~ **F.S. 489** et seq. to do any electrical construction, or make repairs, alterations, additions or changes to any existing system of electrical wiring, apparatus or equipment for light, heat or power within the city's jurisdiction, except as provided in subsection (b) of this section and ~~section 6-205~~
- (b) An owner of property may **personally** make application for a permit, supervise and do the work in connection with the construction, maintenance, repair and alteration of and addition to a single-family or duplex residence for his own use and occupancy and not intended for sale. A person may wire his own home if it is his bona fide residence and is for single occupancy or duplex for himself and by himself providing the work is done in a manner which complies with this electrical code. Satisfactory proof of ownership will be required by the building official. Applicants under this provision are advised that the building official is an inspecting authority and is not available as a technical advisor.
- (c) The following work may be performed for employers by regular employees of public utility companies, who are regularly engaged in the manufacture or distribution of electrical energy for light, heat or power, or regularly engaged in the operation of a signaling system or in the transmission of intelligence provided that all such work shall be performed under the supervision of the duly authorized officials of such utilities:

- (1) Outside construction work, either overhead or underground.
- (2) The installation and maintenance of underground service conductors and all primary services, service equipment or metering equipment on consumer premises, which is the property of the utility.
- (3) The installation and maintenance of electrical wiring apparatus and equipment necessary for the operation of the utility, in central stations, substations, plants or exchanges owned or occupied by such public utility companies or franchise utility company.

**SECTION 28:** That Chapter 6, “Building and Building Regulations” Article VII “Electrical Code” Division 1 “Generally” Section 6-205 “Certificate holders required on electrical work; exception” of the Code of Ordinances of the City of Titusville is hereby amended to read as follows:

**Sec. 6-205. - Certificate holders required on electrical work; exception.**

A master electrician or master neon serviceman ~~shall not employ a person on any job in the capacity of an electrician, without such person being in possession of a certificate of competency or a certificate as provided for in section 11-191 et seq., provided that nothing in this article shall be held to prohibit~~ can allow the working of helpers or apprentices on any job of electrical construction, when the work of such helpers or apprentices is performed under the personal supervision and accompanied by an electrician or neon serviceman holding a certificate of competency or a certificate.

**SECTION 29:** That Chapter 6, “Building and Building Regulations” Article VII “Electrical Code” Division 1 “Generally” Section 6-206 “Master or journeyman electrician to show proof of competency before engaging in trade or business” of the Code of Ordinances of the City of Titusville is hereby amended to read as follows:

**Sec. 6-206. - Master or journeyman electrician to show proof of competency before engaging in trade or business.**

Every master or journeyman electrician, before carrying on his trade or business within the city, shall appear before the building trades board and show proof of competency ~~by H. H. Block proctored examination as provided in section 11-192. in the form of a license issued by the State of Florida under the provisions of F.S. 489.~~

**SECTION 30:** That Chapter 6, “Building and Building Regulations” Article VII “Electrical Code” Division 2 “Standards” Section 6-221 “National Electric Code adopted” of the Code of Ordinances of the City of Titusville is hereby amended to read as follows:

**Sec. 6-221. - National Electrical Code adopted.**

The latest publication of the National Electrical Code ~~together with the Florida Electrical Code~~, as it may change from time to time, and the standards, requirements and penalties provided therein, are hereby adopted by reference as the electrical code of the city. All provisions therein are made a part of this article as if the same were set forth herein in full. Wherever the provisions of the National Electrical Code conflict with the provisions of this article, the provisions of ~~this article~~ the National Electrical Code shall prevail. One (1) copy of the code is on file at the office of the Building Official.

**SECTION 31:** That Chapter 6, “Building and Building Regulations” Article VII “Electrical Code” Division 2 “Standards” Section 6-222 “Rules and regulations; general” of the Code of Ordinances of the City of Titusville is hereby amended to read as follows:

**Sec. 6-222. - Rules and regulations; general.**

- (a) All electrical construction and all materials and appliances used in connection with the installation, maintenance and operation of electrical wiring, apparatus or equipment for light, heat or power within the city shall conform to the rules and regulations embodied in this regulation and such as may be adopted as hereinbefore provided and shall conform with such construction and approved methods of construction as reasonably necessary for safety to life and property. The National Electrical Code adopted in section 6-221, with all amendments, appendices thereto and standards contained therein, is hereby confirmed and ratified, and made a part hereof.
- (b) A rough-in inspection will be required for all wiring installations.
- (c) All industrial and commercial buildings will be wired by a licensed electrical contractor.
- (d) Feeder loads for all construction shall comply to article 220, Feeders, in the National Electrical Code.
- (e) All electrical specifications not covered by this Code will comply with the National Electrical Code.
- ~~(f) This code does not cover installations by electric or communication utility in the exercise of its function as a utility, and located outdoors or in buildings used exclusively for that purpose.~~

**SECTION 32:** That Chapter 6, “Building and Building Regulations” Article VII “Electrical Code” Division 2 “Standards” Section 6-223 “Approved materials, devices, or appliances” of the Code of Ordinances of the City of Titusville is hereby amended to read as follows:

**Sec. 6-223. - Approved materials, devices, or appliances.**

- (a) No electrical materials, devices or appliances designated for attachment to or installation on any electrical circuit or system for light, heat or power shall be installed, used, sold or offered for sale for use in the city unless they are in conformity with approved methods of construction for safety to life and property. Conformity of electrical materials, devices or appliances with the standards of Underwriters' Laboratories, Inc., as indicated by the lists of Inspected Electrical Appliances published and distributed from time to time by the Underwriters' Laboratories, Inc., or with other standards approved by the American National Standards Institute shall be prima facie evidence that such electrical materials, devices or appliances comply with the requirements of this regulation. The maker's name, trademark or other identification symbol shall be placed on all electrical materials, devices or appliances sold, installed or used under the provisions of this article, together with such other markings giving voltage, current, wattage or other appropriate ratings as are prescribed in the National Electrical Code, or as may be necessary to determine the character of the material, devices or equipment and the use for which it is intended.
- ~~(b) All gaseous lighting fixtures must be labeled showing the manufacturer's name, wattage, voltage and power factor. No metal screw threads shall carry the weight of any fixtures other than machine bolts, hickey studs or lag screws. There shall be adequate spacing provided for wires to pass through the metal in all fixtures without injury to insulation.~~
- ~~(c) Aluminum conductors will be approved when proper connectors and terminals are used and corrosion inhibitor applied.~~
- ~~(d) Twelve volt transformer for swimming pool. A step down transformer used in conjunction with such lighting units shall be of the two winding, isolating type and having a grounded metallic shield between the primary and the secondary windings to prevent accidental contact between windings under faulty conditions.~~

**SECTION 33:** That Chapter 6, “Building and Building Regulations” Article VII “Electrical Code” Division 2 “Standards” Section 6-225 “Additions, remodeling and rewiring” of the Code of Ordinances of the City of Titusville is hereby amended to read as follows:

**Sec. 6-225. - Additions, remodeling and rewiring.**

- (a) In the wiring of new buildings or the installation of new wiring in old buildings or additions thereto, or in the remodeling or alteration of old wiring, where more than fifty (50) percent of the existing wiring installations is remodeled or changed, all wiring shall meet the present requirements of Chapter 27 of the Florida Building Code, this Code. All extensions to existing wiring shall be in accordance with the those same standards. of this Code. When wiring for any added load is installed in a building the services shall also be revised and sizes increased to carry the new total load.
- (b) A larger service shall be installed to meet load requirements if so indicated.

- (c) Circuit protection shall be either circuit breakers or in the case of existing fuse panels, nontamperable fuse bases of the proper sizes shall be installed.

**SECTION 34:** That Chapter 6, “Building and Building Regulations” Article VII “Electrical Code” Division 2 “Standards” Section 6-227 “Additions, remodeling and rewiring” of the Code of Ordinances of the City of Titusville is hereby deleted in its entirety as follows:

**Sec. 6-227. ~~Reserved – Wiring of cold storage plants.~~**

- ~~(a) In wiring of refrigerators, iceboxes, cold storage plants and rooms or buildings of a similar character all wires for light, heat or power shall be installed in rigid, galvanized metal conduit and galvanized metal outlet boxes, outlet and distribution cabinets and fittings. Conduits must be installed in such a manner that they will drain to outlets and cabinets. Conductors must have the presently approved “National Electrical Code Standard” insulation.~~
- ~~(b) At outlets of junction boxes and cabinets where it is necessary to remove the insulation for the purpose of making joints, taps or terminal connections the conductors and exposed ends of the sheath must be covered with a close fitting wrapping of best grade tape, securely held in place by an outer wrapping of tape and thoroughly painted with a P. and B. compound or other approved waterproof insulating paint or varnish.~~
- ~~(c) All sockets or receptacles shall be of the keyless weatherproof type, and all fixtures or fittings shall be of weatherproof construction and be guarded.  
(Code 1963, § 8-82)~~

**SECTION 35:** That Chapter 6, “Building and Building Regulations” Article VII “Electrical Code” Division 2 “Standards” Section 6-228 “Additions, remodeling and rewiring” of the Code of Ordinances of the City of Titusville is hereby deleted in its entirety as follows:

**Sec. 6-228. ~~Reserved – Bell transformers.~~**

~~All bell ringing transformers must be located at the load center or readily accessible places, and the secondary wiring shall not enter the same box with the primary wiring. The bell or chime transformer may be placed in an approved manner on the ceiling or over the door in a closet as long as it is readily accessible.~~

**SECTION 36:** That Chapter 6, “Building and Building Regulations” Article VII “Electrical Code” Division 2 “Standards” Section 6-231 “Wiring methods” of the Code of Ordinances of the City of Titusville is hereby amended to read as follows:

**Sec. 6-231. - Wiring methods.**

- (a) *Inspection.* All concealed plumbing and other piping or ductwork ~~shall~~ **should** be in place before the wiring inspection is called for.
- (b) *Circuit identification.* The contractor shall identify all branch circuits at the panel showing the outlet so served before calling for final inspection.



- (c) *Contractor's decal.* Every electrical contractor shall stencil or provide a decal with the contractor's name, address and phone number on the main switch or panel.

**SECTION 387:** That Chapter 6, "Building and Building Regulations" Article VII "Electrical Code" Division 3 "Permits" Section 6-242 "Application; issuance" of the Code of Ordinances of the City of Titusville is hereby amended to read as follows:

**Sec. 6-242. - Application; issuance.**

Before any electrical wiring or electrical apparatus or equipment for light, heat or power shall be installed, within or attached to any building or structure, either public or private, within the city's jurisdiction, a written application for a permit to do so must be made to the city ~~electrical inspector~~ **building official** by an applicant intending to install the work, and the permit when issued shall be to such applicant. The application shall be accompanied by a complete set of plans, specifications and schedule as may be necessary, in the opinion of the building official, to determine whether the installation as described will be in conformity with the requirements of this article. If it shall be found by the building official that the installation as described will in general conform with the requirements of this article, and if the applicant has complied with all the provisions of this article, a permit for such installation shall be issued by the city building official. The permit when issued shall be for such installation as is described in the application.

**SECTION 38:** That Chapter 6, "Building and Building Regulations" Article VII "Electrical Code" Division 3 "Permits" Section 6-244 "Permit fee required" of the Code of Ordinances of the City of Titusville is hereby amended to read as follows:

**Sec. 6-244. - Permit fees required.**

- (a) Before any permit is issued for the installation or alteration of electric wiring, device or equipment, the applicant shall pay to the city a fee as required in Appendix 6A of this chapter.
- (b) Electrical work valued at less than ~~twenty-five dollars (\$25.00)~~ **two hundred dollars (\$200.00)** shall not require a permit if work is performed by a licensed electrical contractor. Value of work as referred to above shall be the cost of the work inclusive of labor and materials or in the event there is no charge for the labor or materials then the fair market value of the labor and materials shall be the criteria used in determining the value of the work. In the event a dispute arises as to whether a permit is required, the decision of the building official shall be final.

**SECTION 39:** That Chapter 6, “Building and Building Regulations” Article VII “Electrical Code” Division 3 “Permits” Section 6-245 “Inspection fees” of the Code of Ordinances of the City of Titusville is hereby amended to read as follows:

**Sec. 6-245. - Inspection fees.**

When extra inspection trips are necessary due to one of the following reasons, a charge of ~~thirty-seven dollars and fifty cents (\$37.50) shall be made for each trip. (Effective July 1, 2010, this fee will be fifty dollars (\$50.00).)~~ fifty dollars (\$50.00) shall apply.

- (1) Wrong address.
- (2) Failed inspection.
- (3) Additional work done after inspection has been made.
- (4) Work not ready for inspection when inspector is called.
- (5) Inspection card not posted when inspection made.

**SECTION 40:** That Chapter 6, “Building and Building Regulations” Article VII “Electrical Code” Division 4 “Inspections” Section 6-256 “Duties and powers of city” of the Code of Ordinances of the City of Titusville is hereby amended to read as follows:

**Sec. 6-256. - Duties and powers of city.**

- (a) It shall be the duty of the building official to issue permits for, and inspect all electrical wiring apparatus or equipment for light, heat or power, inside of or attached to buildings within the city's jurisdiction, and to supervise the enforcement of laws, rules and regulations, relating to ~~same, and to exercise a general supervision over~~ all electrical construction, and over all electricians certified to carry on their business or trade under the provisions of this article.
- (b) It shall be unlawful for any person to use any electrical current in or through any wiring apparatus or fixtures for light, heat or power in or on any building or structure within the city's jurisdiction, until the same shall have been inspected and approved by the building official, and the certificate provided for in subsection (d) below shall have been issued herefor.
- ~~(c)~~ It shall be unlawful for any person furnishing electric current for light, heat or power to connect his distributing system with any installation of wiring apparatus or fixtures in or on any building within the city's jurisdiction without having first received a permit from the building official. Such a permit shall be given by the building official at any time after the certificate provided for in subsection (d) below shall have been issued.
- ~~(d)~~ When any electrical wiring, apparatus or fixtures covered by a permit shall be found upon inspection by the building official to conform to the rules and regulations provided by this article, the building official shall certify that the wiring, apparatus or fixtures have been inspected and found to comply with the terms of this article and such equipment conforms to such rules and regulations.
- (ed) The building official, before such certification is issued, may give temporary permission to connect and furnish electric current to any wiring, apparatus or fixtures for a period of not

exceeding thirty (30) days, if such wiring, apparatus or fixtures are in such condition that current may safely be connected therewith for such period of time and there exists a necessity for such use, when written application is filed with him requesting such permission.

(fe) The building official is hereby empowered to inspect or reinspect all interior wires and apparatus, conducting or using electric current for light, heat or power. When the conductors or apparatus are found to be unsafe to life or property, he shall notify the person owning, using or operating them, or either of them, to place same in a safe and secure condition within twenty-four (24) hours, or within such additional time as the building official shall reasonably determine is necessary.

(gf) Whenever any wiring, apparatus or fixtures conducting or using current for light, heat or power is found upon inspection by the building official to be especially or immediately hazardous to life or property, the building official shall immediately open the switch or circuit breaker controlling the supply of current to such wiring, apparatus or fixtures, and shall post in a conspicuous place near such switch or circuit breaker, a notice, printed in red letters as follows:

**"NOTICE—WIRING CONDEMNED**

"The use of electric current is prohibited through this wiring or equipment until proper repairs have been made and approved by the building official. Repairs shall be made by a certified electrician and the building official shall be notified when completed."

After such notice is posted no person shall close the switch or circuit breaker which has been opened by the building official nor use or attempt to use any current through such wiring, apparatus or fixture which has been condemned, until necessary repairs have been made and approved by the building official. The building official may also notify the person furnishing current to such wiring, apparatus or fixtures to disconnect the supply wires and cut off the current from the premises where such wiring, apparatus or fixtures are located.

**SECTION 41:** That Chapter 6, "Building and Building Regulations" Article VII "Electrical Code" Division 4 "Inspections" Section 6-258 "Inspection of work" of the Code of Ordinances of the City of Titusville is hereby amended to read as follows:

**Sec. 6-258. - Inspection of work.**

(a) All plumbing and other piping or tube work shall be in place on work to be concealed before the electrical wiring is inspected, and no such wiring shall be considered as complete until all such plumbing or piping is in place. Upon making an inspection of any electrical wiring or equipment, when it is found to have been installed in a satisfactory manner and in accordance with the provisions of this article, the building official shall place a notice at the service switch or other suitable place stating that the electrical work has been inspected and found to be in accordance with the rules as prescribed and the provisions of this article. It shall be unlawful to lath, seal or in any manner conceal any electrical wiring or equipment until same has been inspected and the notice posted as herewith required. It shall be unlawful to cover or fill any switch or outlet box with plaster, cement or other materials. When the electrical work, in any building for which a permit has been obtained, is ready for

- inspection, notice shall be given stating the location of the work, name of the owner, name of the master electrician having the permit, to the building official at his office.
- (b) Notice of readiness for inspections shall be made only by master electricians or their authorized agents. Requests by builders, general contractors, owners, etc., shall not be considered as fulfilling this intent. Upon completion of the work, notice shall be given at the office of the building official for a final inspection, and if the work has been properly done, he shall certify the final inspection upon the request of the master electrician holding the permit. This certification shall not relieve the electrician of responsibility for any defective work which may have escaped the notice of the building official. Where a written electrical inspection report is required by state, county or federal agency, the inspection shall be made and the report signed by the building official.
- (c) All wires at switch outlets must be shorted before a test will be made. All wires at every outlet must extend out six (6) inches or more. Where wires are installed in conduit or any wiring method used which is to be installed before wires are pulled in, the following inspection must be made:
- (1) When installed as a complete system without wires, where the same are to be concealed, the system must be inspected before being covered.
  - ~~(2) After wall plastering or ceiling has been completed and wires pulled in, and wiring joints have been made and soldered, leaving outlet for fixtures, an insulation resistance test will be made.~~
  - ~~(3)~~ Upon completion of jobs with all conduits, wires, fixtures, fuses and receptacles in place, a final inspection will be made, giving an insulation test on wiring in fixtures. In each case the contractor doing the wiring shall be held responsible for resistance test on wiring, and the contractor installing the fixtures shall be held responsible for insulation test on wires in fixtures. Radiant ceiling heat installation inspections shall be made before plastering ceilings or lathing walls.
  - ~~(4)~~ All panel, switch and innerface covers shall be removed for final inspection.
  - ~~(5)~~ At the request of the building official temporary electrical power shall be connected to permanent wiring systems for the purpose of testing branch circuits and ground fault circuits.

**SECTION 42:** That Chapter 6, “Building and Building Regulations” Article VIII “Mechanical Code” Section 6-281 “Code; adopted; penalty” of the Code of Ordinances of the City of Titusville is hereby amended to read as follows:

**Sec. 6-281. - Code; adopted; penalty.**

The latest publication of the Florida **Building** Code, Mechanical **2007** current edition, as it may change from time to time, together with all appendices thereto, and the standards, requirements and penalties provided therein, are hereby adopted by reference as the mechanical code of the city. All provisions therein are made a part of this article the same as if they were set forth herein in full. Wherever the provisions of the Florida **Building** Code, Mechanical **2007** current edition, conflict with the provisions of this article, the provisions of this article shall prevail. One (1) copy of the code is on file in the office of the building official. Any person, or

agent thereof, who shall fail to comply with this code, or with any of the requirements thereof, shall, upon conviction, be punished as provided in section 1-15.

**SECTION 43:** That Chapter 6, “Building and Building Regulations” Article VIII “Mechanical Code” Section 6-282 “Fees” of the Code of Ordinances of the City of Titusville is hereby amended to read as follows:

**Sec. 6-282. - Fees.**

- (a) When extra inspection trips are necessary due to one (1) of the following reasons, a charge of ~~thirty seven dollars and fifty cents (\$37.50) shall be made for each trip. (Effective July 1, 2010, this fee will be fifty dollars (\$50.00).)~~ fifty dollars (\$50.00) shall apply.
- (1) Wrong address.
  - (2) Failed inspection.
  - (3) Additional work done after inspection has been made.
  - (4) Work not ready for inspection when inspector is called.
  - (5) Inspection card not posted when inspection made.
- (b) Permit fees will be charged as follows:
- (1) A nonrefundable administrative fee of ~~twenty dollars (\$20.00) shall be charged on all permits issued. (Effective July 1, 2010, this fee will be twenty five dollars (\$25.00).)~~ twenty five dollars (\$25.00).
  - (2) The permit fee shall be charged in accordance with the permit valuation schedule.
  - (3) The minimum permit fee is ~~thirty seven dollars and fifty cents (\$37.50). (Effective July 1, 2010, this fee will be fifty dollars (\$50.00).)~~ fifty dollars (\$50.00).
- (6) Duplicate/revised plan charge or cost if exceeds charge:
- a. Residential ~~.....\$20.00- \$25.00 (twenty five dollars)~~ (Effective July 1, 2010, this fee will be twenty five dollars (\$25.00).)
  - b. Commercial ~~.....\$37.50- \$50.00 (fifty dollars)~~ (Effective July 1, 2010, this fee will be fifty dollars (\$50.00).)

**SECTION 44:** SEVERABILITY. If any provisions of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

**SECTION 45:** REPEAL OF CONFLICTING ORDINANCES. All ordinances or parts of ordinances, and all resolutions and parts of resolutions, in conflict herewith are hereby repealed to the extent of such conflict.

**SECTION 46:** EFFECTIVE DATE. This Ordinance shall be in full force and effect upon adoption by the City Council in accordance with the Charter of the City of Titusville, Florida.

**SECTION 47:** INCORPORATION INTO CODE. This ordinance shall be incorporated into the City of Titusville Code of Ordinances and any section or paragraph, number or letter, and any heading may be changed or modified as necessary to effectuate the foregoing. Grammatical, typographical, and like errors may be corrected and additions, alterations, and omissions, not affecting the construction or meaning of this ordinance and the Code may be made.

**PASSED AND ADOPTED** this day \_\_\_\_\_ of \_\_\_\_\_, 2015.

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**James H. Tulley Jr., Mayor**

**ATTEST:**

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**Wanda F. Wells, City Clerk**

CITY OF TITUSVILLE  
NOTICE OF PROPOSED ENACTMENT  
OF TITUSVILLE CITY ORDINANCES AND  
PUBLIC HEARINGS WITH RESPECT THERETO

PLEASE TAKE NOTICE that on Tuesday, May 12, 2015 in the Council Chamber on the second floor of City Hall, 555 South Washington Avenue, Titusville, FL 32796, commencing at 6:30 p.m., the Titusville City Council will hold public hearings to hear interested persons with regard to enacting the following ordinances:

4-30-15

**Ordinance No. 16-2015** - AN ORDINANCE OF THE CITY OF TITUSVILLE, FLORIDA, AMENDING THE CODE OF ORDINANCES TO INCORPORATE THE FLORIDA BUILDING CODE BY AMENDING CHAPTER 6, ARTICLE III "BUILDING PERMITS AND INSPECTIONS GENERALLY"; SPECIFICALLY AMENDING SECTION 6-58 "QUALIFICATION FOR OBTAINING PERMITS"; SECTION 6-59 "AMENDMENTS"; SECTION 6-60 "PLANS TO ACCOMPANY APPLICATION, SECTION 6-61 PLOT DIAGRAM TO ACCOMPANY APPLICATION, SECTION 6-62 EXAMINATION OF APPLICATION; REJECTION; REAPPLICATION, SECTION 6-64 EXPIRATION OF PERMITS"; SECTION 6-68 INSPECTIONS AND BUILDING SITE, SECTION 6-70 BURYING OF DEBRIS FROM CONSTRUCTION; PERMIT REQUIRED; AMENDING ARTICLE IV BUILDING STANDARDS; SPECIFICALLY AMENDING SECTION 6-91 "FINISHED FLOOR ELEVATIONS, SECTION 6-101 BUILDING CODE ADOPTED, SECTION 6-102 AMENDMENTS, SECTION 6-103 PENALTY, SECTION 6-104 BUILDING CONSTRUCTION STANDARDS RELATIVE TO HANDICAPPED PERSONS, SECTION 6-105 FLORIDA EXISTING BUILDINGS CODE ADOPTED, SECTION 6-106 ENERGY EFFICIENCY BUILDING CODE ADOPTED, SECTION 6-107 "SUN ROOMS"; SECTION 6-108 "FAIR HOUSING STANDARDS (HANDICAPPED ACCESSIBILITY, SECTION 6-109 INTERNATIONAL PROPERTY MAINTENANCE CODE ADOPTED; AMENDING ARTICLE V PLUMBING, SPECIFICALLY AMENDING SECTION 6-142 CODE; ADOPTED; PENALTY, SECTION 6-147 CERTIFICATION REQUIRED, SECTION 6-148 USE OF MASTER OR JOURNEYMAN'S NAME BY ANOTHER"; SECTION 6-149 REPAIRS, SECTION 6-150 "PLUMBING INSTALLATION OR MAINTENANCE BY OWNER; AMENDING ARTICLE VI GAS SPECIFICALLY AMENDING SECTION 6-172 "CODE; ADOPTED, PENALTY"; AMENDING ARTICLE VII ELECTRICAL CODE SPECIFICALLY AMENDING SECTION 6-201 DEFINITIONS; DELETING SECTION 6-203 CLASSIFICATION OF ELECTRICAL WORKERS, AMENDING SECTION 6-204 "PREREQUISITES TO PERFORMING ELECTRICAL WORK; EXCEPTIONS"; SECTION 6-205 "CERTIFICATE HOLDERS REQUIRED ON ELECTRICAL WORK; EXCEPTION"; SECTION 6-206 "MASTER OR JOURNEYMAN ELECTRICIAN TO SHOW PROOF OF COMPETENCY BEFORE ENGAGING IN TRADE OR BUSINESS, SECTION 6-221 NATIONAL ELECTRICAL CODE ADOPTED"; SECTION 6-222 "RULES AND REGULATIONS; GENERAL"; SECTION 6-223 "APPROVED MATERIALS, DEVICES, OR APPLIANCES, SECTION 6-225 "ADDITIONS, REMODELING AND REWIRING, DELETING SECTION 6-227 "WIRING OF COLD STORAGE PLANTS" AND SECTION 6-228 BELL TRANSFORMERS"; AMENDING SECTION 6-231 "WIRING METHODS"; SECTION 6-242 "APPLICATION, ISSUANCE"; SECTION 6-244 "PERMIT FEES REQUIRED"; SECTION 6-245 "INSPECTION FEES"; SECTION 6-256 "DUTIES AND POWERS OF CITY"; SECTION 6-258 "INSPECTION OF WORK"; AMENDING ARTICLE VIII "MECHANICAL CODE" SPECIFICALLY AMENDING SECTION 6-281 "CODE; ADOPTED, PENALTY"; SECTION 6-282 "FEES"; PROVIDING FOR SEVERABILITY, REPEAL OF CONFLICTING ORDINANCES, AN EFFECTIVE DATE AND INCORPORATION INTO THE CODE; and

**Ordinance No. 17-2015** - AN ORDINANCE OF THE CITY OF TITUSVILLE, FLORIDA, ENACTING PET WASTE DISPOSAL REQUIREMENTS BY AMENDING CHAPTER 12 OF THE CODE OF ORDINANCES, CITY OF TITUSVILLE BY ADDING A SECTION TO BE NUMBERED 12-29 CONTAINING PURPOSE AND INTENT; DEFINITIONS; APPLICABILITY; REQUIREMENTS FOR DISPOSAL; EXEMPTIONS; ENFORCEMENT; PROVIDING FOR CONFLICTS AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

The proposed ordinances may be inspected by the public at the City Clerk's Office. All interested parties are hereby advised that they may appear at said meeting and be heard with respect to the proposed ordinances.

Any person who decides to appeal any decision of the City Council with respect to any matter being considered at this meeting will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The City desires to accommodate persons with disabilities. Accordingly, any physically handicapped person, pursuant to Chapter 286.26 Florida Statutes, should, at least 48 hours prior to the meeting, submit a request that the physically handicapped person desires to attend the meeting to the City Clerk's Office.

Wanda F. Wells, MMC, City Clerk  
City of Titusville  
555 South Washington Avenue  
Post Office Box 2806  
Titusville, Florida 32781-2806  
Phone 321-547-3686  
Fax 321-383-5704