

## ORDINANCE NO. 1624

AN ORDINANCE OF THE CITY OF OVIEDO, FLORIDA, REPEALING SECTION 14-20 OF THE *CITY OF OVIEDO CODE OF ORDINANCES* REGARDING BUILDING CODES, REPLACING SAID SECTIONS WITH THE CURRENT PROVISIONS OF THE *FLORIDA BUILDING CODE* AS AMENDED HEREIN; ADOPTING CERTAIN ADMINISTRATIVE AMENDMENTS TO CHAPTER 1 OF THE *FLORIDA BUILDING CODE*, 5th EDITION (2014); PROVIDING FOR A SAVINGS PROVISION; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; PROVIDING FOR IMPLEMENTING ADMINISTRATIVE ACTIONS AND FEES; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION AND CORRECTION OF SCRIVENER'S ERRORS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, the City of Oviedo, Florida functions as a local government under the *Florida Building Code* and related laws, rules and regulations relative to the building and construction activities occurring within the City of Oviedo; and

**WHEREAS**, the *Florida Building Code*, 5<sup>TH</sup> Edition (2014) is based on the *International Building Code* with amendments where necessary for Florida's specific needs, the *Florida Building Code* incorporates all building construction-related regulations for public and private buildings in the State of Florida other than those specifically exempted by Section 553.73, *Florida Statutes*; and

**WHEREAS**, the *Florida Building Code* has been harmonized with the *Florida Fire Prevention Code*, which is developed and maintained by the Department of Financial Services, Office of the State Fire Marshal, to establish unified and consistent standards; and

**WHEREAS**, the 1998 Florida Legislature amended Chapter 553, *Florida Statutes*, *Building Construction Standards*, to create a single State building Code of broad and uniform application that is mandated to be enforced by all local governments; and

**WHEREAS**, as of March 1, 2002, the *Florida Building Code* supersedes all local building Codes and the *Florida Building Code* is developed and maintained by the Florida Building Commission and is updated every three (3) years and may be amended annually to incorporate interpretations and clarifications; and

**WHEREAS**, Section 553.73, *Florida Statutes*, mandates the use of the current version of the *Florida Building Code* and Subsection (6) states "[t]he initial adoption of, and any subsequent update or amendment to, the *Florida Building Code* by the commission **is deemed adopted for use statewide without adoptions by local government**" (emphasis added); and

**WHEREAS**, pursuant to Section 553.73, *Florida Statutes*, the City Council may adopt amendments to the administrative provisions of the *Florida Building Code*, subject to the limitations of said statute; and

**WHEREAS**, the City of Oviedo desires to facilitate the enforcement of the *Florida Building Code* by enacting administrative amendments which meet the needs of its citizens; and

**WHEREAS**, such amendments must be transmitted to the Florida Building Commission within thirty (30) days after enactment; and

**WHEREAS**, the City of Oviedo has complied with all requirements and procedures of Florida law in processing and advertising this Ordinance; and

**WHEREAS**, this Ordinance is consistent with the goals, objectives and policies of the *City of Oviedo Comprehensive Plan*; and

**WHEREAS**, the Florida Legislature deems that the *Florida Building Code* be adopted modified, updated, interpreted, and maintained by the Florida Building Commission and enforced by authorized state and local government enforcement agencies; and

**WHEREAS**, the Florida Legislature deems that local governments shall have the power to inspect all buildings, structures and facilities within their jurisdictions for the protection of the public health, safety and general welfare and the enforcement of the *Florida Building Code* is the responsibility of local governments; and

**WHEREAS**, all entities authorized to enforce the *Florida Building Code* pursuant to Chapter 553.80, *Florida Statutes*, shall comply with applicable standards for issuance of mandatory certificates of occupancy, minimum types of construction and procedures for plans review and inspections as established by the Florida Building Commission by rule; and

**WHEREAS**, the City of Oviedo actively participates in the enforcement of building construction regulation for the benefit of the public safety and general welfare of its citizens.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OVIEDO, FLORIDA, THAT:**

**SECTION 1. LEGISLATIVE FINDINGS AND INTENT.** A new section of the *Code of Ordinances of the City of Oviedo* is created to read as follows:

(a). The City staff report and City Council agenda memorandum relating to this matter as if fully set forth herein.

(b). The City of Oviedo has complied with all requirements and procedures of Florida law in processing and advertising this Ordinance.

(c). The foregoing recitals are adopted as the legislative findings and intent relative to the enactment of this Ordinance.

**SECTION 2. RECOGNITION OF EFFECTIVENESS OF FLORIDA BUILDING CODE WITHIN CITY.** The City Council of the City of Oviedo hereby acknowledges the provisions of Section 553.73(6), *Florida Statutes*, which provide as follows and creates and new section of the *City of Oviedo Code of Ordinances*:

Section 553.73(6), *Florida Statutes*, reads as follows and is recognized as binding within the City of Oviedo:

The initial adoption of, and any subsequent update or amendment to, the Florida Building Code by the commission is deemed adopted for use statewide without adoptions by local government. For a building permit for which an application is submitted prior to the effective date of the Florida Building Code, the state minimum building Code in effect in the permitting jurisdiction on the date of the application governs the permitted work for the life of the permit and any extension granted to the permit.

Thus, the *Florida Building Code* is in effect within the City of Oviedo.

**SECTION 3. REPEALER.** The City Council of the City of Oviedo hereby repeals Section 14-20 of the *City of Oviedo Code of Ordinances* and revises and reenacts said provision as set forth in Section 4 of this Ordinance.

**SECTION 4. ADMINISTRATIVE AMENDMENTS TO OF FLORIDA BUILDING CODE BY CITY.** The following sections of the *Florida Building Code* are hereby adopted, as revised herein, by the City of Oviedo and within the *City of Oviedo Code of Ordinances* with underlined type constituting additions to the original text, and ~~striketrough~~ type constituting deletions to the original text, but with the entirety of the administrative provisions being set forth for the sake of clarity and for the benefit of the reader/user:

## **ARTICLE II. BUILDING CODE**

### **Sec. 14-20. Amendments.**

#### **CHAPTER 1 SCOPE AND ADMINISTRATION**

#### **PART 1—SCOPE AND APPLICATION**

#### **SECTION 101 GENERAL**

**101.1 Title.** These regulations shall be known as the *Florida Building Code* hereinafter referred to as “this Code”.

**101.2 Scope.** The provisions of this Code shall apply to the construction, *alteration*, relocation, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures.

Exceptions:

1. Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories above grade plane in height with a separate means of egress and their accessory structures shall comply with the *Florida Building Code, Residential*.
2. Existing buildings undergoing repair, alterations or additions or change of occupancy shall comply with Chapter 34 of this Code

**101.2.1 Appendices.** Provisions in the appendices shall not apply unless specifically adopted.

**101.2.2 Florida Building Code, Residential**

Construction standards or practices which are not covered by the *Florida Building Code, Residential* shall be in accordance with the provisions of the *Florida Building Code, Building*.

**101.3 Intent.** The purpose of this Code is to establish the minimum requirements to safeguard the public health, safety and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment and to provide safety to fire fighters and emergency responders during emergency operations.

**101.3.1 Quality control.** Quality control of materials and workmanship is not within the purview of this Code except as it relates to the purposes stated herein and such matters are, typically, private legal matters between contracting parties and the City will not engage in such matters absent being brought into such matters by means of appropriate legal process.

**101.3.2 Warranty and Liability.** The permitting, plan review or inspection of any building, system or plan by this jurisdiction, under the requirements of this Code, shall not be construed in any court as a warranty of the physical condition of such building, system or plan or their adequacy and the City shall not be liable in tort, or any other legal theory, for damages or hazardous or illegal condition or inadequacy in such building, system or plan. The City shall, likewise, not be liable in tort, or any other legal theory, for damages or hazardous or illegal condition or inadequacy in such building, system or plan, nor for any failure of any component of such, which may occur subsequent to such inspection or permitting. Further, no building City employee or contractor shall be liable in tort, or any other legal theory, for damages from such conditions, in accordance with Subsection 768.28(9) (a), *Florida Statutes*, as amended from time-to-time.

**101.4 Referenced Codes.** The other Codes listed in Sections 101.4.1 through 101.4.8 and referenced elsewhere in this Code shall be considered part of the requirements of this Code to the prescribed extent of each such reference.

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

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

**101.4.3 Plumbing.** The provisions of the *Florida Building Code, Plumbing* shall apply to the installation, *alteration*, repair and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system.

**101.4.4 Property maintenance.** Reserved.

**101.4.5 Fire prevention.** For provisions related to fire prevention, refer to the *Florida Fire Prevention Code*. The *Florida Fire Prevention Code* shall apply to matters affecting or relating to structures, processes and premises from the hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices; from conditions hazardous to life, property or public welfare in the occupancy of structures or premises; and from the construction, extension, repair, alteration or removal of fire suppression and alarm systems or fire hazards in the structure or on the premises from occupancy or operation.

**101.4.6 Energy.** The provisions of the *Florida Building Code, Energy Conservation* shall apply to all matters governing the design and construction of buildings for energy efficiency.

**101.4.7 Accessibility.** For provisions related to accessibility, refer to *Florida Building Code, Accessibility*.

**101.4.8 Manufactured buildings.** For additional administrative and special Code requirements, see section 458, *Florida Building Code, Building*, and Rule 61-41 *Florida Administrative Code*.

## **SECTION 102 APPLICABILITY**

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

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

erection, alteration, modification, repair or demolition of public or private buildings, structures or facilities or to programmatic requirements that do not pertain to enforcement of the *Florida Building Code*. Additionally, a local Code enforcement agency may not administer or enforce the *Florida Building Code, Building* to prevent the siting of any publicly owned facility, including, but not limited to, correctional facilities, juvenile justice facilities, or state universities, community colleges, or public education facilities, as provided by law. Notwithstanding the foregoing, it is not the intent of this provision to limit the City from the enforcement of its Codes and ordinances under its constitutional home rule authority, the provisions of Chapter 162, *Florida Statutes*, and other controlling law.

**102.2 Building.** The provisions of the *Florida Building Code* shall apply to the construction, erection, alteration, modification, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every public and private building, structure or facility or floating residential structure, or any appurtenances connected or attached to such buildings, structures or facilities. Additions, alterations, repairs and changes of use or occupancy group in all buildings and structures shall comply with the provisions provided in Chapter 34 of this Code. The following buildings, structures and facilities are exempt from the *Florida Building Code* as provided by law, and any further exemptions shall be as determined by the legislature and provided by law:

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

- i) Family mausoleums not exceeding 250 square feet (23 m<sup>2</sup>) in area which are prefabricated and assembled on site or preassembled and delivered on site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.
- j) Temporary housing provided by the Department of Corrections to any prisoner in the state correctional system.
- k) A building or structure having less than 1,000 square feet (93 m<sup>2</sup>) which is constructed and owned by a natural person for hunting and which is repaired or reconstructed to the same dimension and condition as existed on January 1, 2011, if the building or structure:
  - 1. Is not rented or leased or used as a principal residence;
  - 2. Is not located within the 100-year floodplain according to the Federal Emergency Management Agency's current Flood Insurance Rate Map; and
  - 3. Is not connected to an off-site electric power or water supply.

**102.2.1** In addition to the requirements of Sections 553.79 and 553.80, *Florida Statutes*, facilities subject to the provisions of Chapter 395, *Florida Statutes*, and Part II of Chapter 400, *Florida Statutes*, shall have facility plans reviewed and construction surveyed by the state agency authorized to do so under the requirements of Chapter 395, *Florida Statutes*, and Part II of Chapter 400, *Florida Statutes*, and the certification requirements of the Federal government.

**102.2.2** ~~Residential buildings~~ Buildings or structures intended for residential uses moved into or within a county or municipality shall not be required to be brought into compliance with the state minimum building Code in force at the time the building or structure is moved, provided:

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

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

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

**102.2.5** Each enforcement district shall be governed by a board, the composition of which shall be determined by the affected localities.

1. At its own option, each enforcement district or local enforcement agency may promulgate rules granting to the owner of a single-family residence one or more exemptions from the *Florida Building Code* relating to:

a. Addition, alteration or repair performed by the property owner upon his or her own property, provided any addition or alteration shall not exceed 1,000 square feet or the square footage of the primary structure, whichever is less.

b. Addition, alteration or repairs by a nonowner within a specific cost limitation set by rule, provided the total cost shall not exceed \$5,000 within any 12-month period.

c. Building and inspection fees.

2. However, the exemptions under subparagraph 1 do not apply to single-family residences that are located in mapped flood hazard areas, as defined in this Code, unless the enforcement agency has determined that the work, which is otherwise exempt, does not constitute a substantial improvement, including the repair of substantial damage, of such single-family residences.

3. Each Code exemption, as defined in sub-paragraphs 1a, 1b and 1c shall be certified to the local board 10 days prior to implementation and shall only be effective in the territorial jurisdiction of the enforcement district or local enforcement agency implementing it.

**102.2.6** This section does not apply to swings and other playground equipment accessory to a one- or two-family dwelling.

**Exception:** Electrical service to such playground equipment shall be in accordance with Chapter 27 of this Code.

**102.3 Application of references.** References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this Code.



**102.4 Referenced Codes and standards.** The Codes and standards referenced in this Code shall be considered part of the requirements of this Code to the prescribed extent of each such reference and as further regulated in Sections 102.4.1 and 102.4.2.

**102.4.1 Conflicts.** Where conflicts occur between provisions of this Code and referenced Codes and standards, the provisions of this Code shall apply.

**102.4.2 Provisions in referenced Codes and standards.** Where the extent of the reference to a referenced Code or standard includes subject matter that is within the scope of this Code or the Florida Codes listed in Section 101.4, the provision of this Code or the Florida Codes listed in Section 101.4, as applicable, shall take precedence over the provisions in the referenced Code or standard.

**102.5 Partial invalidity; construction of Code.** ~~Reserved.~~ In the event that any part or provision of this Code is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions and this Code shall be severable in that regard and the parts of this Code shall be read and construed in pari materia within the Code and with the other Codes and ordinances of the City.

**102.6 Existing structures.** The legal occupancy of any structure existing on the date of adoption of this Code shall be permitted to continue without change, except as is specifically covered in this Code, or the *Florida Fire Prevention Code*, or as is deemed necessary by the *Building Official* for the general safety and welfare of the occupants and the public.

**102.7 Relocation of manufactured buildings.**

(1) Relocation of an existing manufactured building does not constitute an alteration.

(2) A relocated building shall comply with wind speed requirements of the new location, using the appropriate wind speed map. If the existing building was manufactured in compliance with the Standard Building Code (prior to March 1, 2002), the wind speed map of the Standard Building Code shall be applicable. If the existing building was manufactured in compliance with the *Florida Building Code* (after March 1, 2002), the wind speed map of the *Florida Building Code* shall be applicable.

(3) A relocated building shall comply with the flood hazard area requirements of the new location, if applicable.

**102.8 Existing mechanical equipment.** An agency or local government may not require that existing mechanical equipment located on or above the surface of a roof be installed in compliance with the requirements of the *Florida Building Code* except when the equipment is being replaced or moved during reroofing and is not in compliance with the provisions of the *Florida Building Code* relating to roof-mounted mechanical units.

**102.9 Generally.** All provisions, terms, phrases and expressions contained in this Code shall be liberally construed in order that the true intent and meaning of the administration of the City may be fully carried out. All provisions, terms, phrases and expressions contained in this Code, unless otherwise specifically provided, shall have the meanings prescribed in Florida law for the same terms.

**102.9.1 Text.** In the case of any difference of meaning or implication between the text of this Code and any figure, the text shall control.

**102.9.2 Words defined.**

**Appraised value.** For the purpose of this section, appraised value is defined as either 120 percent of the assessed value of the structure as indicated by the Seminole County property appraiser; or the value, as indicated, in a certified appraisal from a certified appraiser as determined by the City.

**Assessed value.** The value of real property and improvements thereon as established by the Seminole County property appraiser.

**Building, Shell.** The Building Official or his/her designee shall classify the type of shell building at the time of plan review defined as follows:

**Basic Shell Building:** A building complete on the exterior. The interior slab/floor may or may not be placed. The fire suppression and fire alarm systems (if required) must be complete. Plumbing may or may not be stubbed in. The electrical service for the main building must be complete; provided, however, that the house panel which feeds only the circuits for the main building, fire alarm control panel, required exit signs, emergency lighting and the site electrical will be allowed to be energized with this permit. The building does not have any interior walls unless they are required, a fire resistant corridor, stairs or elevator shaft walls. This type of building will require a Certificate of Completion prior to issuance of any tenant build out permits for each tenant space. A Certificate of Completion may be issued prior to completion of site improvements.

**Complete Shell Building:** A building designed to accommodate one (1) or more tenants and is complete on the interior and exterior. It must include all required fire suppression and fire alarm systems, all required plumbing drain, waste, vent and potable water piping and fixtures, all required exhaust, heating, ventilation and air conditioning systems and all electrical requirements. The electrical service for the main building must be complete; however the house panel which feeds only the circuits for the main building, required exit signs, emergency lighting and the site electrical will be allowed to be energized with this permit. All site improvements must be complete.

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

**Change of Occupancy.** A change in the use or level of activity within a building that involves a change in application of the requirements of this Code.

**Commercial building.** Any building, structure, improvement or accessory thereto, other than a one-or two-family dwelling and their accessory structures.

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

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

**Imminent Danger.** Structurally unsound conditions of a structure, or portion thereof, that is likely to cause physical injury to a person entering the structure; or due to structurally unsound conditions, any portion of the structure is likely to fall, be carried by the wind, or otherwise detach or move, and in doing so cause physical injury or damage to a person on the property or to a person or property nearby; or the condition of the property is such that it harbors or is inhabited by pests, vermin, or organisms injurious to human health, the presence of which constitutes an immediate hazard to people in the vicinity. The Codes and ordinances of the City relative to Code enforcement and nuisance abatement may be utilized in making determinations.

**Inspection warrant.** A court order, issued under controlling Florida law (to include, but not be limited to, a warrant issued in accordance with Sections 933.20 through 933.30, *Florida Statutes*) authorizing the Building Official or his designee to perform an inspection of a particular property named in the warrant.

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

**Month.** The word “month” shall mean a calendar month.

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

**Shall; may.** The word “shall” is mandatory; “may” is permissive. The word “shall” takes precedence over “may”.

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

**Tenant finish permit** Required permits necessary to complete leased tenant spaces of a shell building that have not previously been occupied. Because the main building was built as a shell only, these permits are required regardless if any work has been done in the space or not. The Building Official shall not issue the Certificate of Occupancy without a permit, and or inspections. Without a Certificate of Occupancy the space cannot be legally occupied by law. A

licensed contractor is required to obtain these permits when work is being done that requires a licensed contractor in accordance with Chapter 489, *Florida Statutes*, and the permit holder must pass all required inspections to obtain the Certificate of Occupancy for the tenant space.

**Wind Speed.** The wind speed for this jurisdiction shall be 129 mph ultimate design wind speed for risk category I buildings and structures as defined in table 1604.5 of this Code, 139 mph ultimate design wind speed for risk category II buildings and structures as defined in table 1604.5 of this Code and 149 mph ultimate design wind speed for risk category III and IV buildings and structures as defined in table 1604.5 of this Code.

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

**Year.** The word “year” shall mean a calendar year, unless a fiscal year is indicated.

## **PART 2—ADMINISTRATION AND ENFORCEMENT**

### **SECTION 103**

#### **DEPARTMENT OF BUILDING SAFETY**

#### **RESERVED**

**103.1 Creation of enforcement agency.** The Department of Building Safety is hereby created and referred to as the City of Oviedo Building Services Division. The official in charge thereof shall be known as the Building Official. All Code officials employed by the department shall be certified in accordance with Chapter 468, Part XII, *Florida Statutes*.

**103.2 Appointment.** The Building Official shall be appointed by the City Manager, or designee.

**103.3 Employees.** In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the Building Official shall have the authority to appoint the related inspectors, plan examiners and other employees. Such employees shall have powers as delegated by the Building Official.

**103.4 Restrictions on employees.** It is prohibited for a City employee or contractor to have a financial interest in the furnishing of labor, material, or appliances for the construction, alteration, or maintenance of a building, structure, service, system or in the making of plans or of specifications thereof, within the jurisdiction of the City, unless he or she is the owner of the property and discloses such ownership to his or her superiors or contract managers and demonstrates that such ownership is not inconsistent with his, her or its duties and obligations to the City or conflict with the interest of the department.

### **SECTION 104**

#### **DUTIES AND POWERS OF BUILDING OFFICIAL**

**104.1 General.** ~~Reserved~~ The Building Official is hereby authorized and directed to enforce the provisions of this Code The Building Official shall have the authority to render interpretations of

this Code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this Code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this Code.

**104.2 Applications and permits.** ~~Reserved~~ The Building Official shall receive applications, review construction documents and issue permits for the erection, and alteration, demolition, change of occupancy class and moving of buildings and structures, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this Code.

**104.2.1 Revocation of permits.** The Building Official is authorized to suspend or revoke a permit issued under the provisions of this Code wherever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any provisions of this Code.

**104.2.2 Misinterpretation of application.** The Building Official may revoke a permit or approval issued under the provisions of this Code, in the case that there has been any false statement or misrepresentation as to the material fact in the application or plans on which the permit or approval was based.

**104.3 Notices and orders.** ~~Reserved~~ The Building Official or their designee shall issue all necessary notices or orders to ensure compliance with this Code.

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

**104.5 Identification.** ~~Reserved~~ The Building Official and all delegated employees shall carry proper identification when inspecting structures or premises in the performance of duties under this Code.

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

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

**104.7 Department records.** ~~Reserved~~ The Building Official shall keep official records of applications received, construction documents, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained in the official records for the period required for retention of public records in accordance with Chapter 119, Florida Statutes.

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

**104.9 Approved materials and equipment.** Materials, equipment and devices approved by the Building Official shall be constructed and installed in accordance with such approval.

**104.9.1 Used materials and equipment.** The use of used materials which meet the requirements of this Code for new materials is permitted. Used equipment and devices shall not be reused unless *approved* by the Building Official.

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

**104.10.1 Flood Hazard areas.** ~~Reserved.~~

**104.11 Alternative materials, design and methods of construction and equipment.** The provisions of this Code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this Code, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the Building Official finds that the proposed design is satisfactory and

complies with the intent of the provisions of this Code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this Code in quality, strength, effectiveness, fire resistance, durability and safety.

**104.11.1 Research reports.** Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this Code, shall consist of valid research reports from *approved* sources.

**104.11.2 Tests.** Whenever there is insufficient evidence of compliance with the provisions of this Code, or evidence that a material or method does not conform to the requirements of this Code, or in order to substantiate claims for alternative materials or methods, the Building Official shall have the authority to require tests as evidence of compliance to be made at no expense to the jurisdiction. Test methods shall be as specified in this Code or by other recognized test standards. In the absence of recognized and accepted test methods, the Building Official shall approve the testing procedures. Tests shall be performed by an approved agency. Reports of such tests shall be retained by the Building Official for the period required for retention of public records.

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

**104.13 Inspection requests after normal working hours.** The Building Official is authorized and allowed to accept a request for after-hours inspections. Requests must submit in writing, 48 hours prior to the requested inspection on a form provided to the applicant. Payment for the requested inspection is to be made at time of application. There will be a minimum 2 hour fee for weekdays and a minimum 4 hours for weekends and holidays which are recognized by the City.

## **SECTION 105 PERMITS**

**105.1 Required.** Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any impact resistant coverings, electrical, gas, mechanical or plumbing system, the installation of which is regulated by this Code, or to cause any such work to be done, shall first make application to the Building Official and obtain the required permit.

The Building Official shall not issue a permit for any property within the jurisdiction to an owner, authorized agent or contractor who has an expired permit within the jurisdiction, performed work for which a permit is required within the jurisdiction without first obtaining a permit, or otherwise violated this Code until the said violation has been corrected.

**105.1.1 Annual facility permit.** In lieu of an individual *permit* for each *alteration* to an existing electrical, gas, mechanical, plumbing or interior nonstructural office system(s), the Building

Official is authorized to issue an annual permit for any occupancy to facilitate routine or emergency service, repair, refurbishing, minor renovations of service systems or manufacturing equipment installations/relocations. The Building Official shall be notified of major changes and shall retain the right to make inspections at the facility site as deemed necessary. An annual facility permit shall be assessed with an annual fee and shall be valid for one year from date of issuance. A separate permit shall be obtained for each facility and for each construction trade, as applicable. The permit application shall contain a general description of the parameters of work intended to be performed during the year.

**105.1.2 Annual permit records.** The person to whom an annual *permit* is issued shall keep a detailed record of *alterations* made under such annual *permit*. The Building Official shall have access to such records at all times or such records shall be filed with the Building Official as designated.

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

**105.1.4 Public Swimming Pool.** The local enforcing agency may not issue a building permit to construct, develop, or modify a public swimming pool without proof of application, whether complete or incomplete, for an operating permit pursuant to Section 514.031, *Florida Statutes*. A certificate of completion or occupancy shall not be issued until such operating permit is issued. The local enforcing agency shall conduct their review of the building permit application upon filing and in accordance with Chapter 553, *Florida Statutes*. The local enforcing agency may confer with the Department of Health, if necessary, but may not delay the building permit application review while awaiting comment from the Department of Health.

**105.2 Work exempt from permit.** Exemptions from *permit* requirements of this Code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this Code or any other laws or ordinances of this jurisdiction. *Permits* shall not be required for the following:

**Building:**

1. Oil derricks.
2. Water tanks supported directly on grade if the capacity does not exceed 5,000 gallons (18925 L) and the ratio of height to diameter or width does not exceed 2:1.
3. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
4. Temporary motion picture, television and theater stage sets and scenery.
5. Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 24 inches (610 mm) deep, do not exceed 5,000 gallons (18 925 L) and are installed entirely above ground.
6. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
7. Swings and other playground equipment accessory to detached one- and two-family dwellings.
8. Non fixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches (1753 mm) in height.



**Electrical:**

1. Repairs and maintenance: Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.
2. Radio and television transmitting stations: The provisions of this Code shall not apply to electrical equipment used for radio and television transmissions, but do apply to equipment and wiring for a power supply and the installations of towers and antennas.
3. Temporary testing systems: A permit shall not be required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.

**Gas:**

1. Portable heating appliance.
2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

**Mechanical:**

1. Portable heating appliance.
2. Portable ventilation equipment.
3. Portable cooling unit.
4. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this Code.
5. Replacement of any part that does not alter its approval or make it unsafe.
6. Portable evaporative cooler.
7. Self-contained refrigeration system containing 10 pounds (5 kg) or less of refrigerant and actuated by motors of 1 horsepower (746 W) or less.
8. The installation, replacement, removal or metering of any load management control device.

**Plumbing:**

1. The stopping of leaks in drains, water, soil, waste or vent pipe, provided, however, that if any concealed trap, drain pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a *permit* shall be obtained and inspection made as provided in this Code.
2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures and the removal and reinstallation of water closets and sinks, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

**105.2.1 Emergency repairs.** Where equipment replacements and repairs must be performed in an emergency situation, the *permit* application shall be submitted within the next working business day to the Building Official.

**105.2.2 Minor Repairs.** Ordinary minor repairs or installation of replacement parts may be made with the prior approval of the Building Official without a permit, provided the repairs do not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load-bearing support, or the removal or change of any required *means of egress*, or rearrangement of parts of a structure affecting the egress requirements; nor shall

ordinary repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring systems or mechanical equipment or other work affecting public health or general safety, and such repairs shall not violate any of the provisions of the technical Codes.

**105.2.3 Public service agencies. Reserved.** A permit shall not be required for the installation, alteration or repair of generation, transmission, distribution or metering or other related equipment that is under the ownership and control of public service agencies by established right.

**105.3 Application for permit.** To obtain a permit, the applicant shall first file an application therefor in writing on a form furnished by the building department for that purpose.

*Permit application forms shall be in the format prescribed by a local administrative board, if applicable, and must comply with the requirements of Subsections 713.135(5) and (6), Florida Statutes.*

Each application shall be inscribed with the date of application, and the Code in effect as of that date. For a building *permit* for which an application is submitted prior to the effective date of the *Florida Building Code*, the state minimum building Code in effect in the permitting jurisdiction on the date of the application governs the permitted work for the life of the permit and any extension granted to the permit.

**105.3.1 Action on application.** The Building Official shall examine or cause to be examined applications for permits and amendments thereto within a reasonable time after filing. If the application or the construction documents do not conform to the requirements of pertinent laws, the Building Official shall reject such application in writing, stating the reasons there for. If the Building Official is satisfied that the proposed work conforms to the requirements of this Code and laws and ordinances applicable thereto, the Building Official shall issue a permit therefor as soon as practicable. When authorized through contractual agreement with a school board, in acting on applications for permits, the Building Official shall give first priority to any applications for the construction of, or addition or renovation to, any school or educational facility.

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

**105.3.1.2** No *permit* may be issued for any building construction, erection, alteration, modification, repair, or addition unless the applicant for such *permit* provides to the enforcing agency which issues the permit any of the following documents which apply to the construction for which the permit is to be issued and which shall be prepared by or under the direction of an engineer registered under Chapter 471, *Florida Statutes*:

1. Plumbing documents for any new building or addition which requires a plumbing system with more than 250 fixture units or which costs more than \$125,000.
2. Fire sprinkler documents for any new building or addition which includes a fire sprinkler system which contains 50 or more sprinkler heads. Personnel as authorized by Chapter 633, *Florida Statutes*, may design a fire sprinkler system of 49 or fewer heads and may design the alteration of an existing fire sprinkler system if the alteration consists of the relocation, addition or deletion of not more than 49 heads, notwithstanding the size of the existing fire sprinkler system.
3. Heating, ventilation, and air-conditioning documents for any new building or addition which requires more than a 15-ton-per-system capacity which is designed to accommodate 100 or more persons or for which the system costs more than \$125,000. This paragraph does not include any document for the replacement or repair of an existing system in which the work does not require altering the structural part of the building or for work on a residential one-, two-, three- or four-family structure.

An air-conditioning system may be designed by an installing air-conditioning contractor certified under Chapter 489, *Florida Statutes*, to serve any building or addition which is designed to accommodate fewer than 100 persons and requires an air-conditioning system with a value of \$125,000 or less; and when a 15-ton-per-system or less is designed for a singular space of a building and each 15-ton system or less has an independent duct system. Systems not complying with the above require design documents that are to be sealed by a professional engineer.

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

**Example 2:** Consider a small single-story office building which consists of six individual offices where each office has a single three-ton package air-conditioning heat pump. The six heat pumps are connected to a single water cooling tower. The cost of the entire heating, ventilation and air-conditioning work is \$47,000 and the office building accommodates fewer than 100 persons. Because the six mechanical units are connected to a common water tower, this is considered to be an 18-ton system. It therefore could not be designed by a mechanical or air conditioning contractor.

**NOTE:** It was further clarified by the Commission that the limiting criteria of 100 persons and \$125,000 apply to the building occupancy load and the cost for the total air-conditioning system of the building.

4. Any specialized mechanical, electrical, or plumbing document for any new building or addition which includes a medical gas, oxygen, steam, vacuum, toxic air filtration, halon, or fire detection and alarm system which costs more than \$5,000.
5. Electrical documents. ~~See *Florida Statutes* 471.003(2)(h).~~ Any electrical system with a value of more than \$125,000 and requires an aggregate service capacity of more than 600 amperes

(240 volts) on a residential electrical system or of more than 800 amperes (240 volts) on a commercial or industrial electrical system.

Documents requiring an engineer seal by this part shall not be valid unless a professional engineer who possesses a valid certificate of registration has signed, dated, and stamped such document as provided in Section 471.025, *Florida Statutes*.

6. All public swimming pools and public bathing places defined by and regulated under Chapter 514 *Florida Statutes*.

**105.3.2 Time limitation of application.** An application for a permit for any proposed work shall be deemed to have been abandoned and shall be null and void 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the Building Official is authorized to grant one or more extensions of time for additional periods not exceeding 90 days each. The extension shall be requested in writing prior to the abandonment date and justifiable cause demonstrated and no request for extension may be granted under any circumstance after that date.

**105.3.3** An enforcing authority may not issue a building permit for any building construction, erection, alteration, modification, repair or addition unless the permit either includes on its face or there is attached to the permit the following statement: “NOTICE: In addition to the requirements of this permit, there may be additional restrictions applicable to this property that may be found in the public records of this county, and there may be additional permits required from other governmental entities such as water management districts, state agencies, or Federal agencies.”

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

**105.3.5 Identification of minimum premium policy.** Except as otherwise provided in Chapter 440, *Florida Statutes*, Workers’ Compensation, every employer shall, as a condition to receiving a building permit, show proof that it has secured compensation for its employees as provided in Section 440.10 and 440.38, *Florida Statutes*. In accordance with Subsection 489.113(4) (c) *Florida Statutes*, the City may also deny issuance of, or may suspend, any outstanding building permit where a contractor fails or refuses to provide proof of public liability and property damage insurance coverage as required by Subsection 489.115(5) *Florida Statutes* and workers’ compensation insurance coverage as required by Section 489.114 *Florida Statutes*.

**105.3.6 Asbestos removal.** Moving, removal or disposal of asbestos-containing materials on a residential building where the owner occupies the building, the building is not for sale or lease, and the work is performed according to the owner-builder limitations provided in this paragraph. To qualify for exemption under this paragraph, an owner must personally appear and sign the building permit application. The permitting agency shall provide the person with a disclosure statement in substantially the following form:

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

**105.3.7 Applicable Code for Manufactured Buildings.** Manufacturers should be permitted to complete all buildings designed and approved prior to the effective date of a new Code edition, provided a clear signed contract is in place. The contract shall provide specific data mirroring that required by an application for permit, specifically, without limitation, date of execution, building owner or dealer, and anticipated date of completion. However, the construction activity must commence within 6 months of the contract's execution. The contract is subject to verification by the Department of Business and Professional Regulation.

**105.3.8 Public right of way.** A permit shall not be given by the Building Official for the construction of any building, or for the alteration of any building where said building is to be changed and such change will affect the exterior walls, bays, balconies or other appendages or projections fronting on any street, alley or public lane, or for the placing on any lot or premises of any building or structure removed from another lot or premises, unless the applicant has received a right of way permit from the authority having jurisdiction over the street, alley or public lane. Any construction encroaching into a public right of way shall be compliant with Chapter 32 of this Code.

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

**105.4.1 Permit intent.** A permit issued shall be construed to be a license to proceed with the work and not as authority to violate, cancel, alter or set aside any of the provisions of the

technical Codes, nor shall issuance of a permit prevent the Building Official from thereafter requiring a correction of errors in plans, construction or violations of this Code. Every permit issued shall become invalid unless the work authorized by such permit is commenced within six months after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of six months after the time the work is commenced.

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

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

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

**105.4.1.4** The fee for renewal reissuance and extension of a permit shall be set forth by the administrative authority.

**105.5 Expiration.** ~~Reserved.~~ Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. Failure to obtain an approved inspection within 180 days of the previous approved inspection shall constitute suspension or abandonment. The Building Official is authorized to grant, in writing, 1 or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing prior to the expiration date and justifiable cause demonstrated. Permits issued for the demolition of a structure shall expire 60 days from the date of issuance. For a justifiable cause, 1 extension of time for a period not exceeding 30 days may be allowed. Such request shall be in writing to the Building Official.

**105.6 Suspension or revocation.** ~~Reserved.~~ The Building Official is authorized to suspend or revoke a permit issued under the provisions of this Code wherever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any law, statute, Code, ordinance, rule or regulation or any of the provisions of this Code.

**105.7 Placement of permit and reviewed plan.** ~~The building permit or copy and reviewed plan shall be kept on the site of the work until the completion of the project or a certificate of occupancy or certificate of completion is issued by the Building Official. Work requiring a permit shall not commence until the permit holder or his or her agent posts the permit card in a~~

conspicuous location on the premises. The permit shall be protected from the weather and located in such position as to allow the Building Official or representative to conveniently make the required entries thereon.

**105.8 Notice of commencement.** As per Section 713.135, *Florida Statutes*, when any person applies for a building *permit*, the authority issuing such *permit* shall print on the face of each permit card in no less than 14-point, capitalized, boldfaced type: “**WARNING TO OWNER: YOUR FAILURE TO RECORD A NOTICE OF COMMENCEMENT MAY RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY. IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN ATTORNEY BEFORE RECORDING YOUR NOTICE OF COMMENCEMENT.**”

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

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

**105.11 Notice of termite protection.** A permanent sign which identifies the termite treatment provider and need for reinspection and treatment contract renewal shall be provided. The sign shall be posted near the water heater or electric panel.

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

**105.13 Phased permit approval.** After submittal of the appropriate construction documents, the Building Official is authorized to issue a permit for the construction of foundations or any other part of a building or structure ~~before~~ after the construction documents for the whole building or structure have been submitted. The holder of such permit for the foundation or other parts of a building or structure shall proceed at the holder’s own risk with the building operation and without assurance that a permit for the entire structure will be granted. Corrections may be required to meet the requirements of the technical Codes.

**105.14 Permit issued on basis of an affidavit.** Whenever a permit is issued in reliance upon an affidavit or whenever the work to be covered by a permit involves installation under conditions

which, in the opinion of the Building Official, are hazardous or complex, the Building Official shall require that the architect or engineer who signed the affidavit or prepared the drawings or computations shall supervise such work. In addition, they shall be responsible for conformity to the permit, provide copies of inspection reports as inspections are performed, and upon completion make and file with the Building Official written affidavit that the work has been done in conformity to the reviewed plans and with the structural provisions of the technical Codes. In the event such architect or engineer is not available, the owner shall employ in his stead a competent person or agency whose qualifications are reviewed by the Building Official. The Building Official shall ensure that any person conducting plans review is qualified as a plans examiner under Part XII of Chapter 468, *Florida Statutes*, and that any person conducting inspections is qualified as a building inspector under Part III of Chapter 468, *Florida Statutes*.

**Exception:** Permit issued on basis of an affidavit shall not extend to the flood load and flood-resistance requirements of the *Florida Building Code*.

**105.15 Opening protection.** When any activity requiring a building permit that is applied for on or after July 1, 2008, and for which the estimated cost is \$50,000 or more for a site built single family detached residential structures that is located in the wind borne debris region as defined in this Code and that has an insured value of \$750,000 or more, or, if the site built single-family detached residential structures is uninsured or for which documentation of insured value is not presented, has a just valuation for the structure for purposes of ad valorem taxation of \$750,000 or more; opening protections as required within this Code or the *Florida Building Code*, Residential for new construction shall be provided.

**Exception:** Single family residential structures permitted subject to the *Florida Building Code* are not required to comply with this section.

**105.16 Inspection of existing residential building not impacted by construction.**

- (a) A local enforcing agency, and any local building Code administrator, inspector, or other official or entity, may not require as a condition of issuance of a one- or two-family residential building permit the inspection of any portion of the building, structure or real property that is not directly impacted by the construction, erection, alteration, modification, repair, or demolition of the building, structure, or real property for which the permit is sought.
- (b) This subsection does not apply to a building permit sought for:
  - (1) A substantial improvement as defined in 161.54, *Florida Statutes* or as defined in the *Florida Building Code*.
  - (2) A change of occupancy as defined in the *Florida Building Code*.
  - (3) A conversion from residential to nonresidential or mixed use pursuant to Subsection 553.507(2) (a) *Florida Statutes* or as defined in the *Florida Building Code*.



- (4) A historic building as defined in the *Florida Building Code*.
- (c) This subsection does not prohibit a local enforcing agency, or any local building Code administrator, inspector, or other official or entity, from:
  - 1. Citing any violation inadvertently observed in plain view during the ordinary course of an inspection conducted in accordance with the prohibition in paragraph (a).
  - 2. Inspecting a physically nonadjacent portion of a building, structure, or real property that is directly impacted by the construction, erection, alteration, modification, repair or demolition of the building, structure, or real property for which a permit is sought in accordance with the prohibition in paragraph (a).
  - 3. Inspecting any portion of a building, structure, or real property for which the owner or any person having control of the building, structure, or real property has voluntarily consented to inspection of that portion of a building, structure, or real property in accordance with the prohibition in paragraph (a).
  - 4. Inspecting any portion of a building, structure, or real property pursuant to an inspection warrant issued in accordance with Sections 933.20 through 933.30, *Florida Statutes*.

**105.17 Streamlined low-voltage alarm system installation permitting.**

(1) As used in this section the term:

(a) “Contractor” means a person who is qualified to engage in the business of electrical or alarm system contracting pursuant to a certificate or registration issued by the department under part II of Chapter 489, *Florida Statutes*.

(b) “Low voltage alarm system project” means a project related to the installation, maintenance, inspection, replacement, or service of a new or existing alarm, as defined in Section 489.505, *Florida Statutes*, operating at low voltage, as defined in the *National Electrical Code* Standard 70, and ancillary components or equipment attached to such system, including, but not limited to, home-automation equipment, thermostats, and video cameras.

(2) Notwithstanding any provision of this Code, this section applies to low-voltage alarm system projects for which a permit is required by a local enforcement agency.

(3) This section does not apply to the installation or replacement of a fire alarm if a plan review is required.

(4) A local enforcement agency shall make uniform basic permit labels available for purchase by a contractor to be used for the installation or replacement of a new or existing alarm system at a cost as indicated in Section 553.793, *Florida Statutes*.

- (a) A local enforcement agency may not require a contractor, as a condition of purchasing a label, to submit information other than identification information of the licensee and proof of registration or certification as a contractor.
- (b) A label is valid for 1 year after the date of purchase and may only be used within the jurisdiction of the local enforcement agency that issued the label. A contractor may purchase labels in bulk for one or more unspecified current or future projects.
- (5) A contractor shall place an unused uniform basic permit label in a conspicuous location of the premises of the low-voltage alarm system project site before commencing work on the project.
- (6) A contractor is not required to notify the local enforcement agency before commencing work on a low-voltage system project. However, a contractor must submit a Uniform Notice of a Low-voltage Alarm System Project as provided under subsection (7) to the local enforcement agency within 14 days after completing a project. A local enforcement agency may take disciplinary action against a contractor who fails to timely submit a Uniform Notice of a Low-voltage Alarm System Project.
- (7) The Uniform Notice of a Low-voltage Alarm System Project may be submitted electronically or by facsimile if all submissions are signed by the owner, tenant, contractor, or authorized representative of such persons. The Uniform Notice of a Low-voltage Alarm System Project shall be in the format prescribed by the local enforcement agency and must comply with the requirements of Section 553.793(7), *Florida Statutes*.
- (8) A low-voltage alarm system project may be inspected by the local enforcement agency to ensure compliance with applicable Codes and standards. If a low-voltage alarm system project fails an inspection, the contractor must take corrective action as necessary to pass inspection.
- (9) A municipality, county, district, or other entity of local government may not adopt or maintain in effect an ordinance or rule regarding a low-voltage alarm system project that is inconsistent with this section.
- (10) A uniform basic permit label shall not be required for the subsequent maintenance, inspection or service of an alarm system that was permitted in accordance with this section.

The provisions of this act are not intended to impose new or additional licensure requirements on persons licensed in accordance with the applicable provisions of Chapter 489, *Florida Statutes*.

## **SECTION 106**

### **FLOOR AND ROOF DESIGN LOADS**

**106.1 Live loads posted.** Where the live loads for which each floor or portion thereof of a commercial or industrial building is or has been designed to exceed 50 psf (2.40 kN/m<sup>2</sup>), such

design live loads shall be conspicuously posted by the owner in that part of each *story* in which they apply, using durable signs. It shall be unlawful to remove or deface such notices.

**106.2 Issuance of certificate of occupancy.** A certificate of occupancy required by Section 111 shall not be issued until the floor load signs, required by Section 106.1, have been installed.

**106.3 Restrictions on loading.** It shall be unlawful to place, or cause or permit to be placed, on any floor or roof of a building, structure or portion thereof, a load greater than is permitted by this Code

## **SECTION 107**

### **SUBMITTAL DOCUMENTS**

**107.1 General.** Submittal documents consisting of construction documents, statement of special inspections, geotechnical report and other data shall be submitted in two or more sets with each residential permit application and shall be submitted in four or more sets with each commercial permit application. The construction documents shall be prepared by a registered design professional where required by Chapter 471, *Florida Statutes*, and Rule 61G15 *Florida Administrative Code*, or Chapter 481, *Florida Statutes*, and Rule 61G1, *Florida Administrative Code*. Where special conditions exist, the Building Official is authorized to require additional construction documents to be prepared by a registered design professional.

**Exception:** The Building Official is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that review of construction documents is not necessary to obtain compliance with this Code.

**107.2 Construction documents.** Construction documents shall be in accordance with Sections 107.2.1 through 107.2.5.

**107.2.1 Information on construction documents.** Construction documents shall be dimensioned and drawn to a minimum of 1/8" per 1' scale, upon suitable material and include the appropriate Code editions in effect. Electronic media documents are permitted to be submitted when *approved* by the Building Official. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this Code and relevant laws, ordinances, rules and regulations, as determined by the Building Official. Such drawings and specifications shall contain information, in the form of notes or otherwise, as to the quality of materials, where quality is essential to conformity with the technical Codes. Such information shall be specific, and the technical Codes shall not be cited as a whole or in part, nor shall the term "legal" or its equivalent be used as a substitute for specific information. All information, drawings, specifications and accompanying data shall bear the name and signature of the person responsible for the design. (See also Section 107.3.5.)

**107.2.1.1** For roof assemblies required by the Code, the construction documents shall illustrate, describe, and delineate the type of roofing system, materials, fastening requirements, flashing

requirements and wind resistance rating that are required to be installed. Product evaluation and installation shall indicate compliance with the wind criteria required for the specific site or a statement by an architect or engineer for the specific site must be submitted with the construction documents.

**107.2.2 Fire protection system shop drawings.** Shop drawings for the fire protection system(s) shall be submitted to indicate conformance to this Code and the construction documents and shall be approved prior to the start of system installation. Shop drawings shall contain all information as required by the referenced installation standards in Chapter 9.

**107.2.3 Means of egress.** The construction documents shall show in sufficient detail the location, construction, size and character of all portions of the means of egress including the path of the exit discharge to the public way in compliance with the provisions of this Code. In other than occupancies in Groups R-2, R-3, and I-1, the construction documents shall designate the number of occupants to be accommodated on every floor, and in all rooms and spaces.

**107.2.4 Exterior wall envelope.** Construction documents for all buildings shall describe the exterior wall envelope in sufficient detail to determine compliance with this Code. The construction documents shall provide details of the exterior wall envelope as required, including flashing, intersections with dissimilar materials, corners, end details, control joints, intersections at roof, eaves or parapets, means of drainage, water-resistive membrane and details around openings.

The *construction documents* shall include manufacturer's installation instructions that provide supporting documentation that the proposed penetration and opening details described in the *construction documents* maintain the weather resistance of the exterior wall envelope. The supporting documentation shall fully describe the exterior wall system which was tested, where applicable, as well as the test procedure used.

**107.2.5 Site plan.** The construction documents submitted with the application for permit shall be accompanied by a site plan showing to scale the size and location of new construction and existing structures on the site, distances from lot lines, the established street grades and the proposed finished grades and, as applicable, flood hazard areas, floodways, and design flood elevations; and it shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot. The Building Official is authorized to waive or modify the requirement for a site plan when the application for permit is for alteration or repair or when otherwise warranted.

**107.2.5.1 Design flood elevations.** Where design flood elevations are not specified, they shall be established in accordance with Section 1612.3.1.

**107.2.5.2** For the purpose of inspection and record retention, site plans for a building may be maintained in the form of an electronic copy at the worksite. These plans must be open to inspection by the Building Official or duly authorized representative, as required by the *Florida Building Code*.

**107.3 Examination of documents.** The Building Official shall examine or cause to be examined the accompanying submittal documents and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of this Code and other pertinent laws or ordinances.

**Exceptions:**

1. Building plans approved pursuant to Section 553.77(5), *Florida Statutes*, and state-approved manufactured buildings are exempt from local Codes enforcing agency plan reviews except for provisions of the Code relating to erection, assembly or construction at the site. Erection, assembly (including utility crossover connections) and construction at the site are subject to local permitting and inspections. Photocopies of plans approved according to FAC 9B-1.009, F.A.C., shall be sufficient for local permit application documents of record for the modular building portion of the permitted project.
2. Industrial construction on sites where design, construction and fire safety are supervised by appropriate licensed design and inspection professionals and which contain adequate in-house fire departments and rescue squads is exempt, ~~subject to local government option~~ the approval of the Building Official, from review of plans and inspections, providing ~~owners~~ the appropriate licensed design and inspection professionals certify that applicable Codes and standards have been met and supply appropriate approved drawings to local building and fire-safety inspectors.

**107.3.1 Approval of construction documents.** When the Building Official issues a permit, the construction documents shall be approved, in writing or by stamp, as “Reviewed for Code Compliance.” One set of construction documents so reviewed shall be retained by the Building Official. The other set shall be returned to the applicant, shall be kept at the site of work and shall be open to inspection by the Building Official or a duly authorized representative.

**107.3.2 Previous approvals.** This Code shall not require changes in the *construction documents*, construction or designated occupancy of a structure for which a lawful *permit* has been heretofore issued or otherwise lawfully authorized, and the construction of which has been pursued in good faith within 180 days after the effective date of this Code and has not been abandoned.

**107.3.3 Phased approval.** The Building Official is authorized to issue a permit for the construction of foundations or any other part of a building or structure before the construction documents for the whole building or structure have been submitted, provided that adequate information and detailed statements have been filed complying with pertinent requirements of this Code. The holder of such permit for the foundation or other parts of a building or structure shall proceed at the holder’s own risk with the building operation and without assurance that a *permit* for the entire structure will be granted.

**107.3.4 Design professional in responsible charge** ~~Reserved.~~ When it is required that documents be prepared by a registered design professional, the Building Official shall be

authorized to require the owner to engage and designate on the building permit application a registered design professional who shall act as the registered design professional in responsible charge. If the circumstances require, the owner shall designate a substitute registered design professional in responsible charge who shall perform the duties required of the original registered design professional in responsible charge. The Building Official shall be notified in writing by the owner if the registered design professional in responsible charge is changed or is unable to continue to perform the duties. The registered design professional in responsible charge shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building.

**107.3.4.1 Deferred submittals.** For the purposes of this section, deferred submittals are defined as those portions of the design that are not submitted at the time of the application and that are to be submitted to the Building Official within a specified period.

Deferral of any submittal items shall have the prior approval of the Building Official. The registered design professional in responsible charge shall list the deferred submittals on the construction documents for review by the Building Official.

Documents for deferred submittal items shall be submitted to the registered design professional in responsible charge who shall review them and forward them to the Building Official with a notation indicating that the deferred submittal documents have been reviewed and found to be in general conformance to the design of the building. The deferred submittal items shall not be installed until the deferred submittal documents have been approved by the Building Official.

**107.3.4.2** Certifications by contractors authorized under the provisions of Subsection 489.115(4)(b), *Florida Statutes*, shall be considered equivalent to sealed plans and specifications by a person licensed under Chapter 471, *Florida Statutes*, or Chapter 481 *Florida Statutes*, by local enforcement agencies for plans review for permitting purposes relating to compliance with the wind-resistance provisions of the Code or alternate methodologies approved by the Florida Building Commission for one- and two-family dwellings. Local enforcement agencies may rely upon such certification by contractors that the plans and specifications submitted conform to the requirements of the Code for wind resistance. Upon good cause shown, local government Code enforcement agencies may accept or reject plans sealed by persons licensed under Chapters 471, 481 or 489, *Florida Statutes*.

**107.3.5 Minimum plan review criteria for buildings.** The examination of the documents by the Building Official shall include the following minimum criteria and documents: a floor plan; site plan; foundation plan; floor/roof framing plan or truss layout; all fenestration penetrations; flashing; and rough opening dimensions; and all exterior elevations:

**Commercial Buildings:**

Commercial building submittals shall be in accordance with the City's Commercial Permit Application Guidelines, which guidelines are incorporated by reference as if fully set forth herein, and the following:

## **Building**

### **1. Site requirements:**

Parking

Fire access

Vehicle loading

Driving/turning radius

Fire hydrant/water supply/post indicator valve (PIV)

Set back/separation (assumed property lines)

Location of specific tanks, water lines and sewer lines

Flood hazard areas, flood zones, and design flood elevations

### **2. Occupancy group and special occupancy requirements shall be determined.**

### **3. Minimum type of construction shall be determined (see Table 503).**

### **4. Fire-resistant construction requirements shall include the following components:**

Fire-resistant separations

Fire-resistant protection for type of construction

Protection of openings and penetrations of rated walls

Fire blocking and draftstopping and calculated fire resistance

### **5. Fire suppression systems shall include:**

Early warning smoke evacuation systems

Schematic fire sprinklers

Standpipes

Pre-engineered systems

Riser diagram

### **6. Life safety systems shall be determined and shall include the following requirements:**

Occupant load and egress capacities

Early warning

Smoke control

Stair pressurization

Systems schematic

### **7. Occupancy load/egress requirements shall include:**

Occupancy load

Gross

Net

Means of egress

Exit access

Exit

Exit discharge

Stairs construction/geometry and protection

Doors

Emergency lighting and exit signs

Specific occupancy requirements

Construction requirements

Horizontal exits/exit passageways

### **8. Structural requirements shall include:**

Soil conditions/analysis

Termite protection  
Design loads  
Wind requirements  
Building envelope  
Impact resistant coverings or systems  
Structural calculations (if required)  
Foundation  
Flood requirements in accordance with Section 1612, including lowest floor elevations, enclosures, flood damage- resistant materials  
Wall systems  
Floor systems  
Roof systems  
Threshold inspection plan  
Stair systems  
9. Materials shall be reviewed and shall at a minimum include the following:  
Wood  
Steel  
Aluminum  
Concrete  
Plastic  
Glass  
Masonry  
Gypsum board and plaster  
Insulating (mechanical)  
Roofing  
Insulation  
10. Accessibility requirements shall include the following:  
Site requirements  
Accessible route  
Vertical accessibility  
Toilet and bathing facilities  
Drinking fountains  
Equipment  
Special occupancy requirements  
Fair housing requirements  
11. Interior requirements shall include the following:  
Interior finishes (flame spread/smoke development)  
Light and ventilation  
Sanitation  
12. Special systems:  
Elevators  
Escalators  
Lifts



13. Swimming pools:

Commercial swimming pool submittals shall be in accordance with the City of Oviedo Commercial Pool Permit Application Guidelines, which guidelines are incorporated by reference as if fully set forth herein, and the following:

Barrier requirements

Spas

Wading pools

**Electrical:**

1. Electrical:

Wiring

Services

Feeders and branch circuits

Overcurrent protection

Grounding

Wiring methods and materials

GFCIs

2. Equipment

3. Special occupancies

4. Emergency systems

5. Communication systems

6. Low voltage

7. Load calculations

8. Design flood elevation

**Plumbing:**

1. Minimum plumbing facilities

2. Fixture requirements

3. Water supply piping

4. Sanitary drainage

5. Water heaters

6. Vents

7. Roof drainage

8. Back flow prevention

9. Irrigation

10. Location of water supply line

11. Grease traps

12. Environmental requirements

13. Plumbing riser

14. Design flood elevation

**Mechanical:**

1. Energy calculations

Exhaust systems:

Clothes dryer exhaust

Kitchen equipment exhaust

2. Specialty exhaust systems

3. Equipment

4. Equipment location

5. Make-up air

6. Roof-mounted equipment

7. Duct systems

8. Ventilation

9. Combustion air

10. Chimneys, fireplaces and vents

11. Appliances

12. Boilers

13. Refrigeration

14. Bathroom ventilation

15. Laboratory

16. Design flood elevation

**Gas:**

1. Gas piping types and sizes

2. Venting

3. Combustion air

4. Chimneys and vents

5. Appliances and BTU ratings

6. Type of gas

7. Fireplaces

8. LP tank location

9. Riser diagram/shutoffs

10. Design flood elevation

**Demolition:**

1. Asbestos removal

**Residential (one- and two-family):**

Residential building submittals shall be in accordance with the City's Residential Permit Application Guidelines, which guidelines are incorporated by reference as if fully set forth herein, and the following:

1. Site requirements

Set back/separation (assumed property lines)

Location of septic tanks

2. Fire-resistant construction (if required)

3. Fire
4. Smoke and carbon monoxide detector locations
5. Egress:  
Egress window size and location stairs construction requirements
6. Structural requirements shall include:  
Wall section from foundation through roof, including assembly and materials connector tables  
wind requirements structural calculations (if required)  
Termite protection  
Design loads  
Wind requirements  
Building envelope  
Structural calculations (if required)  
Foundation  
Wall systems  
Floor systems  
Roof systems  
Flood hazard areas, flood zones, design flood elevations, lowest floor elevations, enclosures, equipment, and flood damage-resistant materials
7. Accessibility requirements:  
show/identify accessible bath
8. Impact resistant coverings or systems

## **Exemptions**

Plans examination by the Building Official shall not be required for the following work:

1. Replacing existing equipment such as mechanical units, water heaters, etc.
2. Reroofs
3. Minor electrical, plumbing and mechanical repairs
4. Annual maintenance permits
5. Prototype plans:  
Except for local site adaptations, siding, foundations and/or modifications.  
Except for structures that require waiver.
6. Manufactured buildings plan except for foundations and modifications of buildings on site and the following:  
Site requirements:  
Setback/separation (assumed property lines)  
Location of septic tanks (if applicable)  
Structural  
Wind zone  
Anchoring  
Blocking  
Plumbing  
List potable water source and meter size (if applicable)  
Mechanical  
Exhaust systems

Clothes dryer exhaust  
Kitchen equipment exhaust  
Electrical  
Exterior disconnect location

**107.4 Amended construction documents.** Work shall be installed in accordance with the ~~approved~~ reviewed construction documents, and any changes made during construction that are not in compliance with the ~~approved~~ reviewed construction documents shall be formally resubmitted to the building services division for review approval as an amended set of construction documents. Amendments in written letter form shall not be acceptable as an amendment to plans, sections, elevations and details within the construction documents.

**107.5 Retention of construction documents.** One set of approved construction documents shall be retained by the Building Official for a period of not less than 180 days from date of completion of the permitted work, or as required by Section 119, Florida Statutes.

**107.6 Affidavits.** The Building Official may accept a sworn affidavit from a registered architect or engineer stating that the plans submitted conform to the technical Codes. For buildings and structures, the affidavit shall state that the plans conform to the laws as to egress, type of construction and general arrangement and, if accompanied by drawings, show the structural design and that the plans and design conform to the requirements of the technical Codes as to strength, stresses, strains, loads and stability. The Building Official may without any examination or inspection accept such affidavit, provided the architect or engineer who made such affidavit agrees to submit to the Building Official copies of inspection reports as inspections are performed and upon completion of the structure, electrical, gas, mechanical or plumbing systems a certification that the structure, electrical, gas, mechanical or plumbing system has been erected in accordance with the requirements of the technical Codes. Where the Building Official relies upon such affidavit, the architect or engineer shall assume full responsibility for compliance with all provisions of the technical Codes and other pertinent laws or ordinances. The Building Official shall ensure that any person conducting plans review is qualified as a plans examiner under Part XII of Chapter 468, *Florida Statutes*, and that any person conducting inspections is qualified as a building inspector under Part XII of Chapter 468, *Florida Statutes*.

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

## **SECTION 108 TEMPORARY STRUCTURES AND USES**

**108.1 General.** The Building Official is authorized to issue a permit for temporary structures and temporary uses. Such permits shall be limited as to time of service, but shall not be permitted for more than 180 days. The Building Official is authorized to grant extensions for demonstrated cause.

**108.2 Conformance.** Temporary structures and uses shall conform to the structural strength, fire safety, means of egress, accessibility, light, ventilation and sanitary requirements of this Code as necessary to ensure public health, safety and general welfare.

**108.3 Temporary power.** The Building Official is authorized to give permission to temporarily supply and use power in part of an electric installation before such installation has been fully completed and the final certificate of completion has been issued. The part covered by the temporary certificate shall comply with the requirements specified for temporary lighting, heat or power in NFPA 70.

**108.4 Termination of approval.** The Building Official is authorized to terminate such permit for a temporary structure or use and to order the temporary structure or use to be discontinued.

## **SECTION 109 FEES**

**109.1 Prescribed fees.** A permit shall not be issued until fees prescribed by law, local ordinance or as authorized under Section 553.80, Florida Statutes, have been paid. Nor shall an amendment to a permit be released until the additional fee, if any, due to revisions or an increase in the estimated cost of the building, structure, electrical, plumbing, mechanical, or gas systems, has been paid.

**109.2 Schedule of permit fees.** On buildings, structures, electrical, gas, mechanical and plumbing systems or *alterations* requiring a permit, a fee for each permit shall be paid as required, in accordance with the schedule as established by the ~~applicable governing authority~~ City.

**109.2.1 Types of Fees.** Enumerated fees may be charged for, but are not limited to, the following:

- Permits;
- Plans examination;
- Plan resubmittal/revision;
- Plan restamp
- Re-inspections;
- After hour inspections
- Duplicate permit card;
- State imposed fees
- Contractor transfer;
- Archive document retrieval;
- Document copies;
- Variance requests;
- Violations; and
- Other fees as established by local resolution or ordinance.

**109.3 Building permit valuations.** The applicant for a permit shall provide an estimated permit value at time of application. Permit valuations shall include total value of work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment and permanent systems. The valuation of new building construction and additions, for the purpose of determining permit fees and plan review fees shall be established by following the International Code Council building valuation data table based on square footage under roof, published semi-annually in the *International Code Council Building Safety Journal*. If, ~~in the opinion of~~ it is determined by the Building Official, ~~that~~ the valuation is underestimated on the application, the permit shall be denied, unless the applicant can show detailed estimates to meet the approval of the Building Official. Final building permit valuation shall be set by the Building Official.

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

**109.5 Related fees.** ~~Reserved.~~ The payment of the fee for the construction, alteration, removal or demolition for work done in connection to or concurrently with the work authorized by a building permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law, local ordinance or impact fee fair share agreement between the applicant and the jurisdiction.

**109.6 Refunds.** ~~Reserved.~~ Refund procedures shall be as established by resolution of the City Council.

## **SECTION 110 INSPECTIONS**

**110.1 General.** Construction or work for which a permit is required shall be subject to inspection by the Building Official and such construction or work shall remain accessible and exposed for inspection purposes until approved. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this Code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this Code or of other ordinances of the jurisdiction shall not be valid. It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. The Building Official shall be permitted to require a property boundary line survey prepared by a registered surveyor whenever the property boundary lines cannot be readily determined in the

field. Neither the Building Official nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

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

**110.1.2 Inspection service.** The Building Official may make, or cause to be made, the inspections required by 110. He or she may accept reports of department inspectors, independent inspectors or of recognized inspection services, provided that after investigation he/she is satisfied as to their licensure, qualifications and reliability. A certificate required by any provision of this Code shall not be based on such reports unless the same are recorded by the building Code inspector or the architect or engineer performing building Code inspections in a manner specified by the Building Official. The Building Official shall ensure that all persons making such inspections shall be certified in accordance to Chapters 468, 471 or 481, *Florida Statutes*.

**110.2 Preliminary inspection.** Before issuing a permit, the Building Official is authorized to examine or cause to be examined buildings, structures and sites for which an application has been filed.

**110.3 Required inspections.** The Building Official, upon notification from the permit holder or his or her agent shall make the following inspections, and such other inspections as deemed necessary and shall either release that portion of the construction or shall notify the permit holder or his or her agent of any violations which must be corrected in order to comply with the technical Codes. The Building Official shall determine the timing and sequencing of when inspections occur and what elements are inspected at each inspection.

#### **Building:**

1. Foundation inspection. To be made after trenches are excavated and forms erected. Footings and foundation inspections shall be made after excavations for footings are complete and any required reinforcing steel is in place. For concrete foundations, any required forms shall be in place prior to inspection. Materials for the foundation shall be on the job, except where concrete is ready mixed in accordance with ASTM C 94, the concrete need not be on the job and shall, at a minimum, include the following building components:

- Stem-wall
- Monolithic slab-on-grade
- Piling/pile caps
- Footers/grade beams

1.1. Slab Inspection: Concrete slab and under-floor inspections shall be made after in-slab or under-floor reinforcing steel and building service equipment, conduit, piping accessories and

other ancillary equipment items are in place, but before any concrete is placed or floor sheathing installed, including the subfloor.

1.2 A foundation/form board survey prepared and certified by a registered surveyor, submitted to, and approved by the City's planning and zoning staff shall be required prior to the scheduling and approval of the inspection that allows establishment of structure above grade. The survey shall certify placement of the building on the site, illustrate all surrounding setback dimensions and include grade floor elevation.

1.3. In flood hazard areas, upon placement of the lowest floor, including basement, and prior to further vertical construction, the elevation certification required in Section 1612.5 shall be submitted to the City's planning and zoning staff for approval.

1.4 Lintel Inspection: Shall be made after erecting or altering concrete masonry walls and installing reinforcing steel, prior to the grouting of cells, lintels and/or tie beams.

2. Framing inspection. To be made after the roof deck or sheathing, all framing, fireblocking and bracing is in place, all concealing wiring, all pipes, chimneys, ducts and vents are complete and all required rough electrical, plumbing, mechanical, and gas inspections have been approved, and shall at a minimum include the following building components:

- Window/door framing and installation
- ~~Vertical cells/columns~~
- ~~Lintel/tie beams~~
- Framing/trusses/bracing/connectors (compliant with the reviewed plans and truss engineering)
- Draft stopping/fire blocking
- Curtain wall framing
- ~~Energy insulation~~
- Accessibility.
- Egress/escape and rescue openings
- ~~Verify rough opening dimensions are within tolerances.~~

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

- Roof sheathing
- Wall sheathing
- Sheathing fasteners
- Window/door buck attachment
- Exterior strapping to be concealed
- ~~Roof/wall dry in.~~



NOTE: Sheathing fasteners installed and found to be missing the structural member (shiners) shall be removed and properly reinstalled prior to the approval of this inspection.

3.1. Insulation/Energy Inspection: Shall be made after the framing inspection is approved, the building is weather tight and the insulation is in place.

3.2 Metal Base Lath Inspection: Shall be made after exterior lathing is in place, but before any plastering is applied in preparation for the addition of a cement based plaster material and shall be installed in accordance with ASTM C 926 and ASTM C 1063.

3.3 Gypsum Board/Drywall Fastening Inspection: Shall be made after gypsum board/interior wall board installed and is fastened in place, but before any plastering is applied or gypsum board joints and fasteners are taped and finished or otherwise covered.

3.4 Fire Rated Assembly Fastening Inspection; Shall be made after fire rated board is fastened in place, but before any plastering is applied or fire rated board joints and fasteners are taped and finished or otherwise covered.

4. Roofing inspection. Shall consist of a minimum of two (2) inspections and shall include the following building components:

- Dry-in
- Insulation
- Roof coverings (including In Progress as necessary)
- Flashing

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

5.1. In flood hazard areas, as part of the final inspection a final certificate of the lowest floor elevation required in Section 1612.5 shall be submitted to the City's planning and zoning staff for approval.

## **6. Swimming pool inspections:**

~~First inspection to be made after excavation and installation of reinforcing steel, bonding and main drain and prior to placing of concrete.~~

### **6.1. Pool steel inspection:**

Shall be made after excavation, installation of forms and reinforcing steel, and prior to placing of concrete shell.

### **6.2. Plumbing: rough inspection:**

To be made prior to placing concrete shell.

All piping to be inspected shall be under a minimum pressure of 35psi for fifteen (15) minutes.

Piping shall be sufficiently exposed to verify Code compliance. All fittings shall be exposed.

### **6.3. Electric rough inspection.**

Shell bonding shall be approved prior to placing the concrete shell. Verify bonding requirements and clamps for Code compliance. Clamps shall not require silicone or other covering.

6.4. Electric under slab rough inspection:

Shall be approved prior to installation of the pool deck. Verify equipotential bond and all applicable connections requiring bonding. Verify minimum burial depth of conductors to pool equipment.

6.5. Plumbing 2<sup>nd</sup> rough inspection:

Piping shall be complete and run to equipment location. Piping shall be sufficiently exposed to verify Code compliance; all fittings shall be exposed. Piping shall be under a minimum pressure of 35psi for fifteen minutes.

6.6. Pool deck inspection:

All previous required inspections shall be approved prior to the pool deck inspection. Inspector shall verify compaction of soil; verify termite treatment within one foot of structure; and verify structural components (if applicable). Deck area shall be completely prepared for application of final deck material. The contractor shall verify compaction of soil prior to scheduling inspection. If a correction notice is issued by the Building Official for the compaction of soil, an engineer registered under Chapter 471, *Florida Statutes*, shall certify compaction density.

6.7. Child Safety Act inspection:

Shall comply with the requirements relating to pool safety features as described in Section 424.2.17, *Florida Statutes*. Verify safety glazing within 60" of pool water's edge. Inspection approval is required prior to filling pool with water.

6.8. Final electric inspection:

Verify all bonding and wiring is in accordance with this Code Verify bonding of all metal within 60" of pools edge and all equipment is properly bonded. Inspection approval is required prior to filling pool with water.

6.9. Final plumbing inspection:

Verify all plumbing connections are water tight; verify all covers and finishes of piping are in place; and verify anti-entrapment device installation is complete. Pool is required to be fully operational.

6.10. Final electric inspection:

Verify all bonding and wiring is in accordance with this Code Verify bonding of all metal within 60" of pools edge, all equipment is properly bonded and GFCI protection is provided as required.

6.11. Final pool inspection.

Final inspection to be made when the swimming pool is complete and all required enclosure requirements are in place. In order to pass final inspection and receive a certificate of completion, a residential swimming pool must meet the requirements relating to pool safety features as described in Section 424.2.17 and the following:

All required inspections shall be approved. All permits issued in relation to the installation of the pool shall have received a final approved inspection (i.e., solar, gas, etc.).

Pool shall be fully operational; final grading to be completed; and final grade to be mulched.

seeded or sodded to restore original vegetation or plan specifications.

All construction materials and debris shall be removed from jobsite prior to final inspection.

Any damaged right-of-way shall be repaired.

7. Demolition inspections. First inspection to be made after all utility connections have been disconnected and secured in such manner that no unsafe or unsanitary conditions shall exist during or after demolition operations.

Final inspection to be made after all demolition work is completed.

8. Manufactured building inspections.

The building department shall inspect construction of foundations; connecting buildings to foundations; installation of parts identified on plans as site installed items, joining the modules, including utility crossovers; utility connections from the building to utility lines on site; and any other work done on site which requires compliance with the *Florida Building Code*. Additional inspections may be required for public educational facilities (see Section 423.27.20 of this Code).

9. Where impact resistant coverings or impact resistant systems are installed the Building Official shall schedule adequate inspections of impact resistant coverings or impact resistant systems to determine the following:

The system indicated on the plans was installed.

The system is installed in accordance with the manufacturer's installation instructions and the product approval.

#### **Electrical:**

1. Underground inspection. To be made after trenches or ditches are excavated, conduit or cable installed, and before any backfill is put in place.

2. Rough-in inspection. To be made after the roof, framing, fireblocking and bracing is in place and prior to the installation of wall or ceiling membranes.

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

#### **Plumbing:**

1. Underground inspection. To be made after trenches or ditches are excavated, piping installed, and before any backfill is put in place.

2. Rough-in inspection. To be made after the roof, framing, fireblocking and bracing is in place and all soil, waste and vent piping is complete, and prior to this installation of wall or ceiling membranes.

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

Note: See Section P312 of the *Florida Building Code, Plumbing* for required tests.

**Mechanical:**

1. Underground inspection. To be made after trenches or ditches are excavated, underground duct and fuel piping installed, and before any backfill is put in place.

2. Rough-in inspection. To be made after the roof, framing, fire blocking and bracing are in place and all ducting, and other concealed components are complete, and prior to the installation of wall or ceiling membranes.

3. Final inspection. To be made after the building is complete, the mechanical system is in place and properly connected, and the structure is ready for occupancy.

**Gas:**

1. Rough piping inspection. To be made after all new piping authorized by the permit has been installed, and before any such piping has been covered or concealed or any fixtures or gas appliances have been connected.

2. Final piping inspection. To be made after all piping authorized by the permit has been installed and after all portions which are to be concealed by plastering or otherwise have been so concealed, and before any fixtures or gas appliances have been connected. This inspection shall include a pressure test.

3. Final inspection. To be made on all new gas work authorized by the permit and such portions of existing systems as may be affected by new work or any changes, to ensure compliance with all the requirements of this Code and to assure that the installation and construction of the gas system is in accordance with reviewed plans.

**Site Debris:**

1. The contractor and/or owner of any active or inactive construction project shall be responsible for the clean-up and removal of all construction debris or any other miscellaneous discarded articles prior to receiving final inspection approval. Construction job sites must be kept clean such that accumulation of construction debris shall not remain on the property for a period of time exceeding 14 days. It is a violation of this Code to fail to promptly and expeditiously remedy any such condition.

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

**~~110.3.1 Footing and foundation inspection.~~**

~~Reserved.~~

~~110.3.2 Concrete slab and under-floor inspection. Reserved.~~

~~110.3.3 Lowest floor elevation. Reserved.~~

~~110.3.4 Frame Inspection. Reserved.~~

**110.3.5 Lath and gypsum board inspection.** Lath and gypsum board inspections shall be made after lathing and gypsum board, interior or exterior, is in place, but before any plastering is applied or gypsum board joints and fasteners are taped and finished.

~~**Exception:** Gypsum board that is not part of a fire resistance-rated assembly or a shear assembly.~~

**110.3.6 Fire- and smoke-resistant penetrations.** Protection of joints and penetrations in fire-resistant-rated assemblies, smoke barriers and smoke partitions shall not be concealed from view until inspected and approved.

**110.3.7 Energy efficiency inspections.** Inspections shall be made to determine compliance with chapter 13 and shall include, but not limited to, inspections for; envelope insulation *R*- and *U*-values, fenestration *U*-value, duct system *R*-value, and HVAC and water-heating equipment efficiency.

**110.3.8 Other inspections** In addition to the inspections specified in Sections 110.3 through 110.3.7, the Building Official is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this Code and other laws that are enforced by the department of building safety.

**110.3.9 Special inspections and tests.** ~~Reserved.~~

Special inspections and tests shall be performed in accordance with the applicable sections of this Code as necessary to ensure compliance.

**Structural Steel:** Structural steel frame work of any part of any building or structure shall not be covered or concealed without first obtaining a release from the Building Official. A signed, sealed engineering report produced by a Florida registered engineer with a positive conclusion is required to be submitted to the Building Official at the time of inspection for any structural steel that involves welding or bolting.

**110.3.10 Final inspection.** ~~Reserved.~~ The final inspection shall be made after all work and approvals by other City departments required by the building permit are completed.

**110.3.10.1 Flood Hazard documentation.**

~~Reserved.~~ In flood hazard areas, as part of the final inspection a final certificate of the lowest floor elevation required in Section 1612.5 shall be submitted to the City's planning and zoning personnel for approval.

**110.3.11 Termites.** Building components and building surroundings required to be protected from termite damage in accordance with Section 1503.7, 2304.11.6 or 2304.13, specifically required to be inspected for termites in accordance with Section 2114, or required to have chemical soil treatment in accordance with Section 1816 shall not be covered or concealed until the release from the Building Official has been received.

**110.3.12 Impact-resistant coverings or systems.** Where impact resistant coverings or impact resistant systems are installed to meet requirements of this Code, the Building Official shall schedule adequate inspections of impact resistant coverings or impact resistant systems to determine the following:

1. The system indicated on the plans was installed.
2. The system is installed in accordance with the manufacturer's installation instructions and the product approval.

**110.4 Inspection agencies.** ~~Reserved.~~ The Building Official is authorized to accept reports of approved inspection agencies in accordance with Section 110.1.2, provided such agencies satisfy the requirements as to qualifications and reliability.

**110.5 Inspection requests.** It shall be the duty of the holder of the building *permit* or their duly authorized agent to notify the Building Official when work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspections of such work that are required by this Code Requests shall be made prior to 3:30 PM the business day before the inspection is needed. If the City responds to requests not made within its time requirements, additional fees may be assessed.

**110.6 Approval required.** Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the Building Official. The Building Official, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or notify the permit holder or his or her agent wherein the same fails to comply with this Code Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the Building Official.

**110.7 Shoring.** For threshold buildings, shoring and associated formwork or falsework shall be designed and inspected by a Florida licensed professional engineer, employed by the permit holder or subcontractor, prior to any required mandatory inspections by the threshold building inspector.

#### **110.8 Threshold building.**

**110.8.1** The enforcing agency shall require a special inspector to perform structural inspections on a threshold building pursuant to a structural inspection plan prepared by the engineer or architect of record. The structural inspection plan must be submitted to the enforcing agency prior to the issuance of a building permit for the construction of a threshold building. The

purpose of the structural inspection plans is to provide specific inspection procedures and schedules so that the building can be adequately inspected for compliance with the permitted documents. The special inspector may not serve as a surrogate in carrying out the responsibilities of the Building Official, the architect, or the engineer of record. The contractor's contractual or statutory obligations are not relieved by any action of the special inspector.

**110.8.2** The special inspector shall determine that a professional engineer who specializes in shoring design has inspected the shoring and reshoring for conformance with the shoring and reshoring plans submitted to the enforcing agency. A fee simple title owner of a building, which does not meet the minimum size, height, occupancy, occupancy classification, or number-of-stories criteria which would result in classification as a threshold building under Subsection 553.71(7), Florida Statutes, may designate such building as a threshold building, subject to more than the minimum number of inspections required by the *Florida Building Code*.

**110.8.3** The fee owner of a threshold building shall select and pay all costs of employing a special inspector, but the special inspector shall be responsible to the enforcement agency. The inspector shall be a person certified, licensed or registered under Chapter 471, *Florida Statutes*, as an engineer or under Chapter 481, *Florida Statutes*, as an architect.

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

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

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

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

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

**110.8.5** No enforcing agency may issue a building permit for construction of any threshold building except to a licensed general contractor, as defined in Subsection 489.105(3) (a), *Florida Statutes*, or to a licensed building contractor, as defined in Subsection 489.105(3) (b), *Florida*

*Statutes*, within the scope of her or his license. The named contractor to whom the building permit is issued shall have the responsibility for supervision, direction, management and control of the construction activities on the project for which the building permit was issued.

**110.8.6** The building department may allow a special inspector to conduct the minimum structural inspection of threshold buildings required by this Code, Section 553.73, *Florida Statutes*, without duplicative inspection by the building department. The Building Official is responsible for ensuring that any person conducting inspections is qualified as a building inspector under Part XII of Chapter 468, *Florida Statutes*, or certified as a special inspector under Chapter 471 or 481, *Florida Statutes*. Inspections of threshold buildings required by Subsection 553.79(5), *Florida Statutes*, are in addition to the minimum inspections required by this Code

## **SECTION 111**

### **CERTIFICATE OF OCCUPANCY AND COMPLETION**

**111.1 Use and occupancy.** No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made, until the Building Official has issued a certificate of occupancy therefor as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this Code or of other ordinances of the jurisdiction.

**Exception:** Certificates of occupancy are not required for work exempt from permits under Section 105.2.

**111.2 Certificate issued.** After the Building Official inspects the building or structure and finds no violations of the provisions of this Code or other laws that are enforced by the department of building safety, the Building Official shall issue a certificate of occupancy that contains the following:

1. The building permit number.
2. The address of the structure.
3. The name and address of the owner.
4. A description of that portion of the structure for which the certificate is issued.
5. A statement that the described portion of the structure has been inspected for compliance with the requirements of this Code for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.
6. For buildings and structures in flood hazard areas, a statement that documentation of the as-built lowest floor elevation has been provided and is retained in the records of the department of building safety.
7. The name of the Building Official.
8. The edition of the Code under which the permit was issued.
9. The use and occupancy, in accordance with the provisions of Chapter 3.
10. The type of construction as defined in Chapter 6.
11. The design occupant load.
12. If an automatic sprinkler system is provided, whether the sprinkler system is required.
13. Any special stipulations and conditions of the building permit.



**111.3 Temporary occupancy.** The Building Official is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely. The Building Official shall set a time period during which the temporary certificate of occupancy is valid and list all conditions required to be met for a permanent certificate of occupancy.

**111.4 Revocation.** The *Building Official* is authorized to, in writing, suspend or revoke a certificate of occupancy or completion issued under the provisions of this Code wherever the certificate is issued in error, or on the basis of incorrect information supplied, or where it is determined that the building or structure or portion thereof is in violation of any law, statute, ordinance, rule or regulation or any of the provisions of this Code, or failure to pay an impact fee fair share agreement between the applicant and the jurisdiction in a timely manner as prescribed in the written agreement.

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

## **SECTION 112**

### **SERVICE UTILITIES**

**112.1 Connection of service utilities.** No person shall make connections from a utility, source of energy, fuel or power to any building or system that is regulated by this Code for which a *permit* is required, until released by the Building Official.

**112.2 Temporary connection.** The Building Official shall have the authority to authorize the temporary connection of the building or system to the utility source of energy, fuel or power.

**112.3 Authority to disconnect service utilities.** The Building Official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this Code and the referenced Codes and standards set forth in Section 101.4 in case of emergency where necessary to eliminate an immediate hazard to life or property or when such utility connection has been made without the approval required by Section 112.1 or 112.2. The Building Official shall notify the serving utility, and wherever possible the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the owner or occupant of the building, structure or service system shall be notified in writing, as soon as practical thereafter.

## **~~SECTION 113~~**

### **~~BOARD OF APPEALS.~~**

**~~Reserved.~~**

## **SECTION 114**

### **VIOLATIONS**

## **RESERVED**

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

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

**114.3 Prosecution of violation.** If the notice of violation is not complied with promptly, the Building Official or the Building Official's representative is authorized to request the City Attorney, with the consent of the City Manager, to institute the appropriate proceeding at law in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this Code or of the order or direction made pursuant thereto.

**114.4 Violation penalties.** Any person who violates a provision of this Code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the Building Official, or of a permit or certificate issued under the provisions of this Code, shall be subject to the maximum penalties as prescribed by law and may be subject to any legal remedy available to the City under controlling law.

## **SECTION 115 STOP WORK ORDER**

**115.1 Authority.** Whenever the Building Official finds any work regulated by this Code being performed in a manner either contrary to the provisions of this Code or dangerous or unsafe, the Building Official is authorized to issue a stop work order.

**115.2 Issuance.** The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited work will be permitted to resume.

**115.3 Unlawful continuance.** Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.

## **SECTION 116 UNSAFE STRUCTURES AND EQUIPMENT**

## **RESERVED**

**116.1 Conditions.** Structures or existing equipment that are or hereafter become unsafe, insanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation, or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. Unsafe structures shall be taken down and removed or made safe, as the Building Official deems necessary and as provided for in this Section. A vacant structure that is not secured against entry shall be deemed unsafe. The provisions of this Section shall be implemented in a manner harmonious with the other pertinent Codes and ordinances of the City as well as controlling Federal and State law and may be implemented in conjunction with the seeking of any other remedy by the City.

**116.2 Records.** The Building Official shall cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.

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

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

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

## **SECTION 117 VARIANCES IN FLOOD HAZARD AREAS**

**117.1 Flood hazard areas.** Pursuant to Section 553.73(5), *Florida Statutes*, the variance procedures adopted in the local floodplain management ordinance shall apply to requests submitted to the Building Official for variances to the provisions of Section 1612.4 of the *Florida Building Code, Building* or, as applicable, the provisions of Section R322 of the *Florida*

*Building Code, Residential.* This section shall not apply to Section 3109 of the *Florida Building Code, Building*.

**SECTION 5. SAVINGS.** The prior actions of the City of Oviedo relating to the application and implementation of technical building Codes, building permits and certificates of occupancy are hereby ratified and affirmed; provided, however, that the City reserves all rights relative to Code enforcement and the enforcement of law with regard to properties that are in violation of Codes or which had permits and approvals improvidently issued.

**SECTION 6. IMPLEMENTING ADMINISTRATIVE ACTIONS/FEES.** The City Manager, or designee, is hereby authorized and directed to implement the provisions of this Ordinance and to take any and all necessary administrative actions to include, but not be limited to, the adoption of administrative rules that are not inconsistent with the provisions of the *Florida Building Code* and which relate solely to internal administrative matters of the City. Fees shall be assessed in accordance with fee resolutions, as adopted from time-to-time, by the City Council; provided, however, that, in the event that a particular activity or function does not have a specific designated fees associated therewith, the City Manager may promulgate a fee for such activity or function and such imposition shall be reported to the City Council and included in the appropriate fee resolution as soon as practicable.

**SECTION 7. ENFORCEMENT AND PENALTIES.** The City may enforce the provisions of this Ordinance by any means available to the City under the *City of Oviedo Code of Ordinances* or as may be available under the controlling provisions of Federal or State law. The City Manager, in conjunction with the City Attorney, is authorized to direct the pursuit of any legal remedy available under controlling State Law.

**SECTION 8. CODIFICATION.**

(a). The provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Oviedo, Florida and the sections of this Ordinance may be renumbered or relettered to accomplish such intention and the word “Ordinance”, or similar words, may be changed to “Section,” “Article”, or other appropriate word; provided, however, that Sections 1, 3, 5, 6, 7, 8, 9, 10, and 11 shall not be codified.

(b). In accordance with the provisions of Section 1-14 of the Code of Ordinances of the City of Oviedo, Florida and the City’s ongoing codification program; the City Clerk, in conjunction with the City Attorney, may make corrections to the provisions of this Ordinance relative to Scrivener’s errors of whatever type or nature.

**SECTION 9. CONFLICTS.** All ordinances or part of ordinances in conflict with this Ordinance are hereby repealed.

**SECTION 10. SEVERABILITY.** If any section, sentence, phrase, word, or portion of this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence,

phrase, word, or portion of this Ordinance not otherwise determined to be invalid, unlawful, or unconstitutional.

**SECTION 11. EFFECTIVE DATE.** This Ordinance shall become effective immediately upon enactment.

**FIRST READING:** June 15, 2015

**SECOND READING:** July 6, 2015

**PASSED AND ADOPTED this 6<sup>th</sup> day of July, 2015.**

\_\_\_\_\_  
**DOMINIC PERSAMPIERE**  
**MAYOR of the City of Oviedo, Florida**

**ATTEST:**

\_\_\_\_\_  
**BARBARA J. BARBOUR**  
**CITY CLERK**