December 4, 2017

TO: Mayor Teresa Jacobs
-AND- Board of County Commissioners

FROM: Jon V. Weiss, P.E., Director
CEDS Department

CONTACT PERSON: Alan C. Plante, Manager
Division of Building Safety

SUBJECT: December 12, 2017 - Public Hearing
Approval of Adoption of Florida Building Code, Sixth Edition

Under Florida Statute 553.73, the Florida Building Commission has adopted the Florida Building Code, Sixth Edition for use statewide, with an implementation date of December 31, 2017. For Orange County codes to remain consistent with statutory requirements and the rules of the Florida Administrative Code, it is important that the County adopt modifications to reflect the applicable building codes.

Administrative provisions of the Florida Building Code can be amended to reflect the needs of the jurisdiction if adopted by local ordinance. This three-year cycle allows stakeholders to review local administrative provisions of the code. Division of Building Safety staff partnered with construction industry stakeholders, such as the Greater Orlando Builders Association and Associated Building Contractors, Inc., to develop business-friendly modifications that maintain the integrity of the Florida Building Code that are consistent with many local jurisdictions while providing additional options to our customers.

The proposed amendments to Chapter 9 of the Orange County Code reflect recent changes to the Florida Building Code, clarify procedures and processes currently in place, and delete obsolete language.

The proposed amendments have been reviewed and recommended for approval by the Building Codes Board of Adjustments and Appeals and the Local Planning Agency.

ACTION REQUESTED: Adoption of an Ordinance of Orange County amending Chapter 9 (“Building and Construction Regulations”) of the Orange County Code by amending certain provisions of Article II (“Building Code”) and Adopting the Florida Building Code, 6th Edition (2017); and providing an effective date. All Districts.

Attachment

JWW/js/mg
ORDINANCE NO. 2017-

AN ORDINANCE OF ORANGE COUNTY, FLORIDA, AMENDING CHAPTER 9 ("BUILDING AND CONSTRUCTION REGULATIONS") OF THE ORANGE COUNTY CODE BY AMENDING CERTAIN PROVISIONS OF ARTICLE II ("BUILDING CODE") AND ADOPTING THE FLORIDA BUILDING CODE, 6TH EDITION (2017); AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY, FLORIDA:

Section 1. Amendments; In General. Chapter 9 ("Building and Construction Regulations") of the Orange County Code is amended as follows, with additions being shown as underlined and deletions being shown as struck through.

Section 2. Amendments to Chapter 9, Article II (Building Code), Division I. Chapter 9, Article II, Division 1 ("Building") is amended as follows:

Section 9-33, is hereby amended as follows, with new language shown as underlined and deleted language shown as struck through.

Sec. 9-33. Florida Building Code, Building, adopted.

(a) Adopted—Subject to the administrative and technical amendments set forth in subsection (b) below, the Florida Building Code, Building, 6th Edition (2014), as it may be amended from time to time (the "Code"), shall be the governing law relative to building standards in Orange County, Florida ("Orange County"). Floodplain provisions shall be governed and enforced in accordance with the Code and Chapter 19 ("Floodplain Management") of the Orange County Code. In the case of any apparent conflict between the floodplain regulations set forth in this chapter and those in Chapter 19, the more restrictive provisions shall control.

(b) Amendments—The Code is hereby amended as follows:
A. Section 101.3.1 is hereby created to read as follows:

101.3.1. Permitting and inspection. The permitting or inspection of any building system or plan by Orange County under the requirements of this Code shall not be construed as a warranty of the physical condition of such building, system, or plan or of their adequacy. Neither Orange County nor any employee thereof shall be liable in tort for damages for any defect 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.

B. Section 102.5 and 102.2.7 are hereby created to read as follows:

102.5. Partial Invalidity. If any section, subsection, sentence, clause, or phrase of this Code is for any reason held to be invalid and/or unconstitutional, such finding shall not affect the validity of the remaining portions of this Code.

102.2.7. Mobile/ manufactured home repair and remodeling. As defined in Section 320.01(2), Florida Statutes (2016), work performed on mobile/manufactured homes shall be subject to the following guidelines:

(1) Additions, including, but not limited to add-a-rooms, roof-overs and porches shall be free standing and self-supporting with only the flashing attached to the main unit unless the added unit has been designed to be married to the existing unit. All additions shall be constructed in compliance with State and locally adopted building codes.

(2) Anchoring of additions shall be in compliance with requirements for similar type construction.

(3) Repair or remodeling of a mobile/manufactured home shall require the use of material and design equivalent to the original construction. Structure shall include, but not be limited to, roof system, walls, floor system, windows and exterior doors of the mobile/manufactured home.

(4) Electrical repair and replacements shall require the use of material and design equivalent to the original construction.

(5) Plumbing repairs and replacements shall
require the use of material and design equivalent to the original construction.

Alternatively, work performed on mobile/manufactured homes may be performed in accordance with the Florida Building Code.

C. Section 103 is hereby created to read as follows:

Section 103. Division of Building Safety.

103.1. Establishment. There is hereby created a division to be called the Division of Building Safety (the "Division").

103.2. Employee qualifications.

103.2.1. Building official qualifications. The building official shall be licensed as a Building Code Administrator by the State of Florida. The building official shall be appointed by the County Mayor or his/her designee.

103.2.2. Employee qualifications. A person shall not be appointed or hired as inspector or plans examiner unless that person meets the qualifications for licensure as an inspector or plans examiner in the appropriate trade, as established by the State of Florida.

103.3. Restrictions on employees. Officers or employees connected with the Division, except one whose only connection is as a member of a board established by this Code, shall not be financially interested: (i) in the furnishing of labor, material, or appliances for the construction, alteration, or maintenance of a building, structure, service, or system; or (ii) in the making of plans, or of specifications thereof, within the jurisdiction of the Division, unless they are the owners of such. Said officers or employees shall not engage in any other work which is inconsistent with their duties or which conflicts with the interest of the Division.

D. Section 104 is hereby created to read amended by creation and addition of the following subsections, as follows:

Section 104. Duties and powers of building official.

104.1. General. The building official is hereby authorized and directed to enforce the provisions of this Code; however, for purposes of enforcing any floodplain
management regulation contained herein, the building official may coordinate with the Orange County Public Works Department in carrying out the aforementioned duty. 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, and shall not have the effect of waiving requirements specifically provided for in this Code. Any requirements necessary: (i) for the strength, stability, or proper operation of an existing or proposed building or structure or of an electrical, gas, mechanical, or plumbing system; or (ii) for the public safety, health, and general welfare, not specifically covered by this Code, shall be determined by the building official.

104.2. Applications and permits.

104.2.1. Misrepresentation in application. The building official may revoke a permit or approval issued under the provisions of this Code where there has been any false statement or misrepresentation regarding any material fact in the application or plans on which the permit or approval was based.

104.2.2. Revocation of permits. The building official is authorized to reasonably 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.

104.2.3. Violation of Code provision. The building official may revoke a permit upon determination that the construction, erection, alteration, repair, moving, demolition, installation, or replacement of the building, structure, or electrical, gas, mechanical, or plumbing system for which the permit was issued is in violation of, or not in conformity with, any provision of this Code.

104.6. Right of entry.

104.6.1. Whenever necessary to make an inspection to enforce any of the provisions of this Code, or whenever the building official has reasonable cause to believe that there exists in any building or upon any premises any condition of Code violation which makes such building, structure, or premises or electrical, gas, mechanical, or plumbing system unsafe, dangerous, or hazardous, the building official may enter such

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151 building, structure, or premises at all reasonable times to inspect
152 the same or to perform any duty imposed upon the building official
153 by this Code. If such building or premises is occupied, s/he shall
154 first present proper credentials and request entry. If such building,
155 structure, or premises is unoccupied, s/he shall first make a
156 reasonable effort to locate the owner or other person(s) having
157 charge or control of such and request entry. If entry is refused, the
158 building official shall have recourse to every remedy provided by
159 law to secure entry.

160 104.6.2. When the building official has
161 obtained a proper inspection warrant or other remedy provided by
162 law to secure entry, an owner or occupant or any other person(s)
163 having charge, care, or control of any building, structure, or
164 premises shall, after proper request is made as herein provided,
165 promptly permit entry therein by the building official for the
166 purpose of inspection and examination pursuant to this Code.

167 104.7. Records. The building official shall
168 keep, or cause to be kept, a record of the business of the Division.
169 The records of the Division shall be open to reasonable public
170 inspection, subject to exemptions under the law.

171 104.8. Liability. Officers or employees or
172 members of a board created by this Code who are charged with the
173 enforcement of this Code, acting for the BCC in the discharge of
174 their duties, shall not thereby render themselves personally liable,
175 and are hereby relieved from all personal liability, for any damage
176 that may accrue to persons or property as a result of any act
177 required or permitted in the discharge of such duties. Any suit
178 brought against any officer or employee or board member because
179 of any such act shall be defended by Orange County until the final
180 termination of the proceedings.

181 104.810. Flood hazard area. Floodplain
182 provisions shall be governed and enforced in accordance with the
183 Florida Building Code, Building, 6th Edition (2017) and Chapter 19
184 ("Floodplain Management") of the Orange County Code. In the
185 case of any apparent conflict between the floodplain regulations set
186 forth in this chapter and those in Chapter 19, Orange County Code,
187 the more restrictive provisions shall control.

188 E. Section 105.1.545 is hereby created to read
189 as follows:

190 105.1.545. Public right-of-way. A permit
191 shall not be given by the building official (i) for construction or
alteration of any building which is to be changed, if such change
will affect the exterior walls, bays, balconies, or other appendages
or projections fronting any street, alley, or public lane, or (ii) for
the placing on any lot or premises of any building or structure
removed from another lot or premises, unless the applicant has
made application for right-of-way permitting from the authority
having jurisdiction over any such street, alley, or public lane.

F. Section 105.4.4 is hereby deleted and
recreated to read as follows:

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

105.4.1. Permit intent. A permit issued shall
be construed to be a license to proceed with the identified work
and not as authority to violate, cancel, alter, or set aside any of the
provisions of this Code, nor shall such issuance of a permit prevent
the building official from thereafter requiring a correction of errors
in plans, or construction, or of violations of this Code. Every
permit issued shall become invalid (i) unless the work authorized
by such permit is commenced and an approved inspection is made
within six (6) months after its issuance, or (ii) if the work
authorized by such permit is suspended or abandoned for a period
of six (6) months after the time the work is commenced and/or an
approved inspection is made. One (1) extension of time, for a period
of not more than ninety (90) days, may be allowed at the
sole discretion of the building official, prior to the expiration of
such permit, provided the extension is requested in writing and
justifiable cause is adequately demonstrated. Any extension
granted shall be in writing and signed by the building official.

105.4.1.1. If permitted work has commenced
and the permit is revoked, becomes null and void, or expires due to
lack of progress or abandonment, a new permit covering the
proposed construction must be obtained before proceeding with the
work. Unless and until a new permit is issued and the attendant
work is properly completed, no final inspection may be conducted and no certificate of occupancy may be issued. Additionally, at the discretion of the building official, no new permits may be issued to the permit holder and/or the property owner for such work and/or for work elsewhere in the county until the revoked, void, or expired permit is brought into compliance, unless such lack of compliance is due to circumstances outside the reasonable control of the permit holder and/or the property owner, as applicable.

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, up to and including completion, be removed from the building site. Alternatively, a new permit may be issued, upon application, provided that both the work already in place and the newly permitted work are in full compliance with 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 date of issuance of the new permit. Notwithstanding the foregoing, for any work previously in place that was in inspected and approved by the county, the building official may allow compliance with the applicable regulations in effect at the time the initial permit expired, to the extent that allowing such compliance will not cause any health or safety concern.

105.4.1.3. A permit shall be considered to be in an active status so long as the permitted work has received an approved inspection within 180 days of (i) permit issuance or (ii) an approved inspection. This provision shall not be applicable in case of civil commotion or strike or when the work is halted due directly to judicial injunction, order, or similar process.

105.4.1.4. The fee for renewal, reissuance, or extension of a permit shall be set forth by the BCC.

105.4.1.5. A permit issued in connection with a violation of any Orange County Code provision, or in connection with a determination or finding by the Orange County Code Enforcement Board or Special Master, shall not be used to avoid or extend the time for compliance. Any work performed in connection with such permit must be inspected and approved by Orange County prior to issuance of any subsequent permit. If the building official finds that no actual and substantial work has been performed the official may (i) deny issuance of a new permit and/or (ii) refer or remand, as the case may be, the matter to the Code Enforcement Board or Special Master for further action.
pursuant to this Code and in accordance with Chapter 11, Orange County Code, as may be amended from time to time.

G. *Section 105.5* is hereby created to read as follows:

105.5. Expiration. The holder of any permit that has expired and not been timely brought into compliance may be precluded from receiving any other permits in Orange County; however, additional permits requested in order to bring an expired permit into compliance may be issued, and the permit holder may, at the sole discretion of the building official, be allowed to receive additional permits in Orange County.

105.5.1 The building official may administratively close expired or inactive stand-alone trade permits (not for structural work) at his or her discretion after ten years of expiration when no known safety hazard exists and no code violations have been identified. Any such action shall not serve as an approval of any work conducted on property subject to such permit.

105.5.2 Closing out or resolving open or expired permits shall be the responsibility of the permit applicant and/or the property owner. Failure to properly close out or resolve any open permit(s) shall be considered a violation of this chapter.

H. *Section 107.2.1.1* is hereby created to read as follows:

107.2.1.1. Supporting data. The building official shall be allowed to require details, computations, stress diagrams, and other data necessary to describe the construction or installation and the basis of calculations. All drawings, specifications, and accompanying data required by the building official to be prepared by an architect or engineer shall be affixed with that professional’s official seal.

I. Reserved.

J. *Section 107.2.6.1* is hereby created to read as follows:

107.2.6.1. New buildings or structures, additions to existing buildings or structures, and alterations to components which may affect the structural stability of a building or structure shall be designed by a Florida-licensed architect or
engineer, in accordance with state statutes. Construction documents shall show that the design meets the applicable wind loading requirements of Section 1609 of the Florida Building Code, Building and R301 of the Florida Building Code, Residential for any building or structure, addition, or alteration where wind load is applicable (see Section 9-34 of the Orange County Code).

K. Section 109.2 is hereby deleted and recreated to read as follows:

109.2. Schedule of permit fees. On all buildings, structures, and electrical, gas, mechanical, and plumbing systems, or for alterations requiring a permit, a fee for each permit shall be paid as required in accordance with the schedule as established by the Board of County Commissioners.

L. Section 109.3.1 is hereby created to read as follows:

109.3.1 Building permit valuations. If, in the opinion of the Division manager, the valuation of any building, alteration, or structure or of any electrical, gas, mechanical, or plumbing system appears to be underestimated on the application, any corresponding permit shall be denied, unless the applicant can show detailed estimates which meet with the approval of the Division manager. Permit valuations shall include total cost including, without limitation, electrical, gas, mechanical, plumbing, equipment, and other systems, and including materials and labor. The permit valuation may be calculated using the latest Building Valuation Data published by the International Code Council, or other applicable model code organization, at the sole discretion of the Division manager.

M. Section 109.4 is hereby deleted and recreated to read as follows:

109.4. Work commencing before permit issuance. Any person who commences any work on a building or structure, or electrical, gas, mechanical, or plumbing system before obtaining the building official's approval and/or the necessary permits shall be subject to a penalty equivalent to double the permit fee, or one hundred three dollars ($103.00), whichever is greater, in addition to the required permit fees. This provision shall not apply to emergency work when delay would clearly have placed life or property in imminent danger, as long as any and all required permits are obtained within three (3) business days of
commencing such work; any unreasonable delay (as determined by
the building official) in obtaining such permits shall result in a
penalty equivalent to double the permit fee. In any case, payment
of a penalty as described herein 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 the fees if justifiable cause (as determined by the
building official) has been adequately demonstrated, in writing.

N. Section 110.1.1 is hereby created to read as
follows:

110.1.1. Site Debris.

(a) 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 not contained within a storage
receptacle or bin shall not remain on the property for a period of
time exceeding fourteen (14) days.

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

(c) In the event of an adverse weather or
other condition or event that is reasonably anticipated to disturb or
otherwise affect construction materials or equipment that are stored
at a site, and/or issuance of a Level II or higher activation notice by
the Orange County Office of Emergency Management, then such
materials or equipment shall be timely removed or otherwise
secured so as to avoid any impact to neighboring properties.

O. Section 110.3, (Building), item 6, is hereby
deleted and recreated to read as follows:

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

Second inspection to be made after the
forms and reinforcement are in place and all concealed conduit,
piping, and electrical bonding are installed. Slab shall not be
placed until all required inspections have been approved by the
county.
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.

P. Section 111.1 is hereby deleted and recreated to read as follows:

111.1. Building use and occupancy. An existing building (except for a one or two-family dwelling or non-transient residential buildings) or a new building shall not be occupied or a change made in the occupancy, nature, or use of a building or part of a building until after the building official has issued a certificate of occupancy in the name of the occupant or tenant. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this Code or of any provisions under any laws including, but not limited to, the Orange County Code.

Additionally, until such time that permanent street identifier and wayfinding signs are installed, the contractor and/or owner shall post signage reasonably identifying streets that serve a project.

Q. Section 111.2.1 is hereby created to read as follows:

111.2.1. Notwithstanding the foregoing, no certificate of occupancy or completion shall be issued unless and until all Orange County and/or other applicable agency holds have been released.

R. Section 114 is hereby created to read as follows:

Section 114. Violations and penalties. Any 114.1 Unlawful acts. It shall be unlawful for any person, firm, company, corporation, or agent who (i) shall violate or fail any other entity to comply with any provision of this code, or with any of the requirements thereof; or (ii) shall erect, construct, alter, install, extend, repair, move, remove, demolish, or move occupy any building, structure or electrical, gas, mechanical, or plumbing system; or (iii) has erected, constructed, altered, repaired, moved, or demolished 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 a designee 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 an electrical, gas, mechanical, or plumbing 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 of-

114.3 Prosecution of violation. If the notice of violation is not complied with promptly, the building official or a designee is authorized to request that the county or drawing institute the appropriate proceeding by law or in equity to prosecute, restrain, correct, and/or abate such violation. The building official or a designee may 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 violation of the provisions of this code shall be subject to prosecution in accordance with the law, including, but not limited to, the provisions of Chapter 1-9 of the Orange County Code.

S. Section 115.2 is hereby deleted and recreated to read as follows:

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. Where an emergency exists, as determined by the building official, the building official shall not be required to give a written notice prior to stopping the work.

T. Section 116 is hereby created to read as follows:

Section 116. Unsafe buildings or systems. All buildings, structures, electrical, gas, mechanical, or plumbing systems (i) which are unsafe, unsanitary, or do not provide
adequate egress; or (ii) which constitute a fire hazard or are otherwise dangerous to human life; or (iii) which, in relation to existing use, constitute a hazard to safety or health, are considered unsafe buildings or service systems. All such unsafe buildings, structures, or service systems are hereby declared illegal and shall be abated by repair and rehabilitation or by demolition in accordance with the provisions of the Orange County Code or other local ordinance.

U. Section 1612.3.1, item 3, is hereby created to read as follows:

3. Any such submissions required by the building official shall be subject to review and approval by the Orange County Public Works Department.

V. Subsection 1612.4 is hereby deleted and recreated to read as follows:

1612.4. Design and construction. The design and construction of buildings and structures located in flood hazard areas, including flood hazard areas subject to high-velocity wave action, shall be in accordance with Chapter 5 of ASCE 7, ASCE 24, and Chapter 19 of the Orange County Code.

W. Section 1804.4, item 5, is hereby created to read as follows:

5. Unless acceptable compensating storage area is provided.

Section 3. Amendments to Chapter 9, Article II ("Building Code"), Division 2.


[Rest of page intentionally left blank]
Section 4. Effective date. This ordinance shall become effective pursuant to general law.

ADOPTED THIS _____ DAY OF ___________________, 2017.

ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

By: ____________________________
Teresa Jacobs, County Mayor

ATTEST: Phil Diamond, CPA, County Comptroller
As Clerk of the Board of County Commissioners

By: ____________________________
Deputy Clerk