

ARTICLE I. IN GENERAL

Sec. 18-1. Duties of city attorney.

Under this chapter, the city attorney shall, upon authorization of the city commission:

- (1) Prosecute all persons failing to comply with this chapter.
 - (2) Bring suit to collect all municipal liens, assessments, expenses or costs incurred by the enforcing authority in enforcing compliance with this chapter or in bringing suit under section 18-1(1) or (3).
 - (3) Take such other legal action as is necessary to carry out the terms of this chapter.
- (Code 1988, § 6-1; Ord. No. 02-04, § 2, 3-28-02)

Sec. 18-2. Suit to collect lien.

If the city brings suit to collect liens, expenses, costs or assessments or to restrain, enjoin or otherwise prevent or remedy any violation of this chapter, the city is entitled to recover reasonable attorney's fees and court costs from the named defendant in such action.

(Code 1988, § 6-2; Ord. No. 02-04, § 2, 3-28-02)

Sec. 18-3. Administrative service form and fee for contractors and subcontractors.

Any contractor or subcontractor doing business or intending to do business within the city shall complete and file with the building department an administrative service form available upon request from the building department. Such contractors and subcontractors, before commencing or continuing doing business within the city, shall pay all applicable annual registration and administration fees to the building department. Each contractor and subcontractor shall resubmit or bring current his administrative service form every year and shall pay the applicable renewal fee.

(Ord. No. 96-25, § I (6-67), 12-19-96; Ord. No. 02-04, § 2, 3-28-02)

Sec. 18-4. Violations.

It shall be unlawful for any person to violate this chapter, the provisions of the codes adopted

in this chapter or the lawful orders of any city inspector or building official. Any person, firm, corporation or agent who shall violate a provision of this chapter, or fails to comply therewith or with any of the requirements thereof, or who shall erect, construct, alter, install, demolish or move any structure, electrical, gas, mechanical or plumbing system, or has erected, constructed, altered, repaired, moved or demolished a building, structure, electrical, gas, mechanical or plumbing system, in violation of a detailed statement or drawing submitted and permitted thereunder, shall be guilty of a misdemeanor of the second degree. Each such person shall be considered guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this chapter is committed or continued. Upon conviction of any such violation such person shall be punished within the limits as provided by law and local ordinance.

(Code 1988, § 6-4; Ord. No. 02-04, § 2, 3-28-02)

Sec. 18-5. Amendment of fees.

Any and all fees, permit rates, or other changes provided for in this chapter and in the Code or schedules adopted in this chapter are adopted and may be amended by ordinance or resolution approved by the city commission from time to time.

(Ord. No. 02-04, § 2, 3-28-02)

Sec. 18-6. Qualifications.

(a) *Building official qualifications.* The building official shall be licensed as a building code administrator by the state of florida and shall be appointed or hired by the city manager.

(b) *Employee qualifications.* The building official, upon approval of the city manager, may appoint or hire such number of officers, inspectors, plans, examiners, assistants and other employees as shall be authorized from time to time. A person shall not be appointed or hired as an inspector or plans examiner unless that person meets the qualifications for licensure and is licensed as an inspector or plans examiner, in the appropriate trade as established by the State of Florida or by local ordinance.

(Ord. No. 02-04, § 2, 3-28-02)

Sec. 18-7. Restrictions on employees.

An officer or employee hired or appointed pursuant to this chapter shall not be financially interested 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 building department, unless he is the owner of such. Said officer or employee shall not engage in any other work which is inconsistent with his duties or conflicts with the interest of the building department.

(Ord. No. 02-04, § 2, 3-28-02)

Sec. 18-8. Records.

The building official shall keep, or cause to be kept, a record of the business of the building department. The records of the building department shall be open to public inspection, unless otherwise provided for by Florida Law.

(Ord. No. 02-04, § 2, 3-28-02)

Sec. 18-9. Liability.

Any officer or employee charged with the enforcement of this chapter or acting for the governing authority in the discharge of his duties, shall not thereby render himself personally liable, and is hereby relieved from all personal liability, for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties. Any suit brought against any officer or employee or member because of such act performed by him in the enforcement of any provisions of this chapter shall be defended by the city until the final termination of the proceedings, unless such person is found to have acted in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard for the safety, health, and welfare of the public.

(Ord. No. 02-04, § 2, 3-28-02)

Sec. 18-10. Powers and duties of the building official.

The building official, hereinafter including his designee, is hereby authorized and directed to enforce the provisions of this chapter. The build-

ing official shall have the authority to render interpretations of this chapter 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 chapter, and shall not have the effect of waiving requirements specifically provided for in this chapter. To the extent not inconsistent with the building code adopted by the city, the building official shall have the following powers and duties:

- (1) *Right of entry.* Whenever necessary to make an inspection to enforce any of the provisions of this chapter, or whenever the building official has reasonable cause to believe that there exists in any building or upon any premises any condition or code violation which makes such building, structure, premises, electrical, gas, mechanical or plumbing systems unsafe, dangerous or hazardous, the building official may enter such building, structure or premises at all reasonable times to inspect the same or to perform any duty imposed upon the building official by the code. If such building or premises are occupied, he shall first present proper credentials and request entry. If such building, structure, or premises are unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of such and request entry. If entry is refused or the owner is unable to be located in a timely manner, the building official shall have recourse to every remedy provided by law to secure entry.
- (2) *Inspections.* When 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 chapter.

- (3) *Existing building inspections.* Before issuing a permit, the building official may examine or cause to be examined any building, electrical, gas, mechanical, or plumbing systems for which an application has been received for a permit to enlarge, alter, repair, move, demolish, install, or change the occupancy. He shall inspect all buildings, structures, electrical, gas, mechanical and plumbing systems, from time to time, during and upon completion of the work for which a permit was issued. He shall make a record of every such examination and inspection and of all violations of the technical building codes.
- (4) *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 building codes. For products not covered under the statewide product evaluation and approval system, the building official may require tests or test reports as proof of compliance. Required tests are to be made at the expense of the owner, or his agent, by an approved testing laboratory or other approved agency.
- (5) *Inspection service.* The building official may make, or cause to be made, the inspections required by section 18-10(b). The specific required inspections and inspection sequence shall be determined upon application for a building permit. The building official may accept reports of building department inspectors, independent inspectors or of recognized inspection services, provided that after investigation he is satisfied as to their licensure, qualifications and reliability. A certificate required by any provision of the code shall not be based on such reports unless the same are recorded by the building code inspector, architect or engineer performing building code inspections in a manner

specified by the building official. All persons making such inspections shall be certified in accordance to F.S. ch. 468.

- (6) *Stop work orders.* Upon notice from the building official, work on any building, structure, electrical, gas, mechanical or plumbing system that is being done contrary to the provisions of this chapter or the code or in a dangerous or unsafe manner, shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to his agent, or to the person doing the work, or by posting the building, structure or property upon which work is being performed and shall state the reason(s) for stopping work. The building official shall not be required to give a written notice prior to stopping the work.

(Ord. No. 02-04, § 2, 3-28-02)

Sec. 18-11. Contractor/owner responsibility.

The contractor, the owner or his agent, upon completion of a building or construction project, shall immediately remove all walkways, debris and all other obstructions and leave such public property in as good a condition as it was before work was commenced and shall replace all broken curbs, sidewalks or other damaged public utilities or property to the satisfaction of the public works department prior to obtaining a certificate of occupancy/completion or within 14 calendar days from notification if no certificate of occupancy/completion is issued. Failure to correct damaged public property will result in the city taking action to make corrections and all costs incurred will be charged to the property owner and/or contractor, and a lien will be placed against the property for the costs of repairs.

(Ord. No. 02-04, § 2, 3-28-02)

Sec. 18-12. Demolition—Rodent control.

In order to control spread of infestation by rodents, the building official may require proof that a building proposed to be demolished is free of rodents. Such proof may be certification by a state certified pest control operator that the building is free of infestation by rodents.

(Ord. No. 02-04, § 2, 3-28-02)

Sec. 18-13. Temporary toilet facilities for workers.

Suitable temporary toilet facilities as determined by the building official in reliance upon normal industry standards shall be provided and maintained in a sanitary condition for the use of workers during construction. Such facilities shall be regularly cleaned and provided in a well-ventilated location and shall be placed at least 15 feet from the side property line of the lot on which it is located and may not be placed in the public right-of-way.

(Ord. No. 02-04, § 2, 3-28-02)

Sec. 18-15. Non-exclusivity.

This chapter does not provide the exclusive basis for the enforcement of violations of this chapter or the code, the city ordinances or the violation of building regulations. All other procedures, provisions, ordinances, statutes and laws relating to the violation, enforcement of this chapter, the code, the city ordinances or the building regulations are and shall be available to the city, its commission, boards, authorized officers and employees.

(Ord. No. 02-04, § 2, 3-28-02)

Sec. 18-16. Procedure for appeals of decision of enforcing authority and review of challenges to local technical amendments to the Florida Building Code.

(a) Unless otherwise provided for herein, appeals from the decision of any of the enforcing authorities provided for in this chapter shall be to the city commission in accordance with the applicable Article and provisions therein.

(b) Review of any local technical amendment to the Florida Building Code adopted by the city pursuant to Section 553.73, Florida Statutes, that is challenged by any substantially affected party shall be reviewed by the Building Code Compliance Review Board solely for the purpose of determining the amendment's compliance with Section 553.73(4), Florida Statutes. Appeals of

the decision of the Building Code Compliance Review Board shall be to the Florida Building Commission.

(Ord. No. 02-04, § 2, 3-28-02)

Secs. 18-17—18-30. Reserved.

ARTICLE II. BUILDING CODES

DIVISION 1. GENERALLY

Sec. 18-31. Definition.

Words not defined herein shall have the meaning stated in the Florida Statutes or other nationally recognized codes, or other documents, manuals or standards adopted elsewhere in this chapter. Words not defined in those documents shall have the meaning stated in the Webster's Ninth New Collegiate Dictionary, as revised.

In case of a conflict in definitions or codes, the appropriate definition (or code) to be applied shall be the one applicable to the trade in question. In case of a conflict between different parts of this chapter; conflicts within the same code; or conflicts between codes; the more stringent requirement shall be applicable.

(Ord. No. 02-04, § 2, 3-28-02)

Sec. 18-32. Basic wind speed.

Section 1606.1.6 of the Florida Building Code, as it pertains to the city, is hereby amended to read as follows: For the purpose of complying with the structural requirements related to wind loads, all buildings and structures shall be designed for a minimum wind load of 110 mph in accordance with Figure 1606*. With regard to compliance with criteria relating to protection from wind borne debris, this city is deemed to be located landward of the 110 mph wind contour line in Figure 1606 and therefore, buildings within the city are not required to have openings protected from wind borne debris in excess of 110 mph except for critical facilities which voluntarily provide protection of openings from wind borne debris.

(Ord. No. 02-04, § 2, 3-28-02)

* Figure 1606 is not included herein but is available in city offices for public inspection.

Sec. 18-33. Underground utilities.

In order to improve the aesthetic appeal of the city and to reduce hazards from wind storms, all utility lines such as electric, telephone, cable TV and other utilities shall be placed underground in conjunction with new construction, substantial renovation of buildings or when a building is undergoing an electrical service upgrade from a 200 amperage service to a greater amperage service. Substantial renovation shall be renovation and/or additions whose building permit value exceeds 50 percent of the value of the existing improvements on the most current property tax roll. The city recognizes that certain physical elements such as existing buildings, swimming pools, large trees and such may impose unreasonable hardships on the property owner's compliance with the placement of utilities underground. Upon confirmation of these hardships by the utility companies, the building official may waive this requirement. (Ord. No. 02-04, § 2, 3-28-02)

Secs. 18-34—18-55. Reserved.**DIVISION 2. BUILDING CODE****Sec. 18-56. Adoption.**

There is adopted by the city for the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, equipment, inspection, use and occupancy, location and maintenance of building and structures, including, but not limited to, permits and penalties, within the city limits that certain code known as the Florida Building Code, Building, published by and adopted by the state of Florida, Department of Community Affairs, and as such may be amended, modified or updated by the Florida Building Commission from time to time (the "building code"). The building code is adopted and incorporated herein as fully as if set out at length in this section, save and except such portions as are deleted, modified, added or amended in this division. One copy of the building code is filed in the office of the building official.

(Code 1988, § 6-61; Ord. No. 97-82, § I, 1-8-98; Ord. No. 02-04, § 2, 3-28-02)

Sec. 18-57. Building permit fee amendments.

The building code adopted in section 18-56 is amended in the following respects and/or by adding the following:

- (1) *Schedule of permit fees.* On all buildings, structures, electrical, plumbing, mechanical and gas systems or alterations requiring a permit, a nonrefundable deposit that will be applied to the permit shall be collected at the time of permit application submittal, in accordance with the schedule as established by the city commission of the city as set forth in its schedule of fees.
 - a. The schedule of building permit fees shall be established by resolution of the city commission and shall be kept on file in the building official's office. Fees and permit rates arising under this division may be amended from time to time by the city commission by resolution.
 - b. There shall be one building permit issued to the contractor/builder of record, which shall also be deemed the electrical, plumbing, HVAC, roofing, and all applicable trades required. All subcontractors intended to be used, and those used, for a project shall be listed with each state license number on the building permit application. When there is a change in subcontractor, the permit applicant shall notify the building department of the change, in writing, within ten days of the change on a "Notice of Contractor Change" form. The applicant shall pay the applicable fee at the time of notice of the change.
- (2) If any provision of the building code adopted in section 18-56 conflicts with an existing city ordinance, the building code shall prevail unless said ordinance is more stringent than the building code

and is not otherwise inconsistent with the intent or purpose of the building code.

- (3) Within the building code adopted in section 18-56, when reference is made to the duties of certain officials named therein, that designated official in the city who has duties corresponding to those of the named official in the building code shall be deemed to be the responsible official insofar as enforcing the provisions of the building code are concerned.
- (4) If any provision of the building code conflicts with the state statutes, the state statute shall prevail, unless said provision is more stringent than the state statute and is not otherwise inconsistent with the intent or purpose of the state statute.

- (5) Reserved.

(Code 1988, § 6-62; Ord. No. 96-25, § I, 12-19-96; Ord. No. 00-20, § II, 2-24-00; Ord. No. 02-04, § 2, 3-28-02; Ord. No. 04-77, § 2, 11-11-04; Ord. No. 05-30, § 1, 6-23-05; Ord. No. 10-23, § I, 4-8-10)

Sec. 18-58. References to board and building official; enforcing authority.

(a) Any reference made in the building code adopted in section 18-56 to the board shall refer to the city commission.

(b) Any reference made in the building code adopted in section 18-56 to the building official shall refer to the enforcing authority.

(c) The enforcing authority is the building official.
(Code 1988, § 6-63; Ord. No. 02-04, § 2, 3-28-02)

Sec. 18-59. Appeals procedure.

Under this article, appeals from the decision of the enforcing authority shall be to the city commission in accordance with the code adopted in section 18-56.
(Code 1988, § 6-64)

Sec. 18-60. Defendant's liability for costs of legal actions.

If the city brings suit to collect liens or assessments to restrain, enjoin or otherwise prevent the violation of this article, the city is entitled to recover reasonable attorney's fees and court costs from the named defendant in any action.

(Code 1988, § 6-65)

Sec. 18-61. State certification or registration of contractors or subcontractors.

Any contractor or subcontractor doing business within the city limits shall have all state-required certifications or registrations and a county occupational license and shall carry workers' compensation and liability insurance.

(Code 1988, § 6-66; Ord. No. 02-04, § 2, 3-28-02)

Sec. 18-62. Private provider alternative plans review and inspection.

(a) *Generally.* As set forth in F.S. § 553.791, as may be amended, private providers may perform alternative plans review and building inspections under the circumstances provided therein. For purposes of this section, the term "private provider" shall have the meaning set forth in F.S. § 553.791. Notwithstanding the preceding, a private provider may not provide building code inspection services pursuant to this section or F.S. § 553.791, upon any building designed or constructed by the private provider or the private provider's firm. No fee owner or contractor shall use a private provider that has not registered with the city building department and otherwise complied with this section.

(b) *Registration.* Any private provider intending to perform or provide building code inspection services as set forth in F.S. § 468.603(5), including building plans examination as set forth in F.S. § 468.603(8), for building or structures within the city, prior to engaging in any building code inspection services, shall register with the city building department and:

- (1) Provide the city with current, legible copies of any and all applicable and current Florida licensures providing proof

of eligibility as a building code administrator under F.S. pt. XII of ch. 468, as an engineer under F.S. ch. 471, or as an architect under F.S. ch. 481. Additionally, for purposes of performing inspections under F.S. § 553.791, for additions and alterations that are limited to 1,000 square feet or less to residential buildings, a private provider shall also include a person who holds a standard certificate under F.S. pt. XII of ch. 468;

- (2) Deliver to the city acceptable proofs of insurance or other evidence demonstrating that the private provider has and maintains insurance for professional liability covering all services performed as a private provider. Such insurance shall have minimum policy limits of \$1,000,000.00 per occurrence and \$2,000,000.00 in the aggregate for any project with a construction cost of \$5,000,000.00 or less and \$2,000,000.00 per occurrence and \$4,000,000.00 in the aggregate for any project with a construction cost of over \$5,000,000.00. The term "construction cost" means the total cost of building construction as stated in the building permit application. If the private provider chooses to secure claims-made coverage to fulfill this requirement, the private provider must also maintain coverage for a minimum of five years subsequent to the performance of building code inspection services. The insurance required under this subsection shall be written only by insurers authorized to do business in this state with a minimum A.M. Best's rating of A;
- (3) Set forth in sufficient detail the services to be performed by the private provider;
- (4) State the name, firm, address, telephone number, and facsimile number of each private provider who is performing or will perform such services, his or her professional license or certification number, qualification statements or resumes, and, a certificate of insurance demonstrating that professional liability insurance coverage is in place for the

private provider's firm, the private provider, and any duly authorized representative in the amounts required by F.S. § 553.791, and subsection (2) above; and

- (5) Provide an acknowledgment from the fee owner in substantially the following form: I have elected to use one or more private providers to provide building code plans review and/or inspection services on the building or structure that is the subject of the enclosed permit application, as authorized by section 553.791, Florida Statutes. I understand that the local building official may not review the plans submitted or perform the required building inspections to determine compliance with the applicable codes, except to the extent specified in said law. Instead, plans review and/or required building inspections will be performed by licensed or certified personnel identified in the application. The law requires minimum insurance requirements for such personnel, but I understand that I may require more insurance to protect my interests. By executing this form, I acknowledge that I have made inquiry regarding the competence of the licensed or certified personnel and the level of their insurance and am satisfied that my interests are adequately protected. I agree to indemnify, defend, and hold harmless the local government, the local building official, and their building code enforcement personnel from any and all claims arising from my use of these licensed or certified personnel to perform building code inspection services with respect to the building or structure that is the subject of the enclosed permit application.

(c) *Notice provisions.* The private provider and any fee owner or fee owner's contractor shall be jointly and severally responsible for ensuring compliance with the notice provisions of F.S. § 553.791, which establishes various notices that must be provided to the city. Such notices include, but are not limited to, the following:

- (1) A private provider performing required inspections under F.S. § 553.791, shall

provide notice to the city's building inspector of the date and approximate time of any such inspection no later than the prior business day by 2:00 p.m. local time or by any later time permitted by the city's building official. Thereafter, the city building official may visit the building site as often as necessary to verify that the private provider is performing all required inspections; and

- (2) A private provider shall report to the city's building inspector any condition that poses an immediate threat to public safety and welfare as set forth in F.S. § 553.791.

For subdivision developments involving more than two platted lots, the fee owner or fee owner's contractor shall provide the city notice of its intention to utilize a private provider registered with the city prior to obtaining the first building permit for any structure within the development. If such notice of intention to use a private provider is not timely provided as set forth in the foregoing sentence, then a private provider cannot be used for any structure within or building permit concerning the development.

(d) *Fees when using private provider.* When a fee owner of a building or a structure, or the fee owner's contractor upon written authorization of the fee owner, utilizes a private provider as set forth in this section and F.S. § 553.791, for all required building or structure plan reviews and building or structure inspections, then city permitting and inspection fees will be assessed as a regular building permit with a credit of 30 percent towards the applicable inspection fee and permit fee charged without use of a private provider. If just plans reviews or building inspections are performed by a private provider under this section and F.S. § 553.791, then the credit of 15 percent will only apply towards the permitting or inspection fee associated with the service being privately provided.

(e) *City reservations.* The city expressly reserves all rights available under federal, state, and local law relating to the provisions of this section, including but not limited to, the immunity provisions set forth in F.S. § 553.791, and the

city's authority to perform audits, issue stop-work orders, and otherwise conduct building planning review, inspection, and code compliance to the fullest extent permissible. Additionally, if the fee owner or the fee owner's contractor uses a private provider to provide plans review, the city building official may require the fee owner or the fee owner's contractor to use a private provider to also provide required building inspections. The city shall also have authority to implement the provisions of this section and the provisions of F.S. § 553.791, as may be amended, through the creation and requiring the completion of forms and affidavits and through the adoption and enforcement of policies by the community development director or his/her designee.

(Ord. No. 18-37, § 2, 10-25-18)

Sec. 18-63. First story wall material requirements.

The Florida Building Code as adopted by this chapter as it pertains to the construction of structures within the city is hereby amended to require that the exterior walls and interior load bearing walls of the first floor (or story) of all structures intended for human habitation or public access must be constructed using masonry block, concrete, or metal, except that this requirement does not apply to single-family structures, duplex structures, tri-plex structures, quad-plex structures or other residential structures having four or fewer dwelling units.

(Ord. No. 20-15, § 2, 2-27-20)

Sec. 18-64. Vertical accessibility.

The Florida Building Code as adopted by this chapter as it pertains to the construction of structures within the city is hereby amended to require that for multi-family structures having two or more floors (or stories or levels), containing ten or more dwelling units and with primary access to the interior of one or more dwelling units being on the second or higher floor of such structure, such structure must provide an elevator for vertical accessibility from the ground floor to and from the second floor and higher floors to ensure that each dwelling unit within the structure has vertical accessibility to and from