

ARTICLE II. - BUILDING STANDARDS

DIVISION 1. - TECHNICAL CODES

Footnotes:

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Editor's note— Ord. No. O-18-01, §§1—4, adopted Dec. 10, 2001, repealed art. II, div. 1, §§ 6-16—6-18, 6-20, 6-21 with 6-19 being reserved, in their entirety and enacted new provisions to read as herein set out. Prior to amendment, §§ 6-16—6-18, 6-20, 6-21 pertained to building codes adopted, amendments to building code, Palm Beach County amendments to the Standard Codes, 1994 Edition, coastal construction code adopted, additions to building code and derived from Code 1962, §§ 6-1, 6-1.1, 6-1.2, 6-3, 6-5; Ord. No. O-17-86, § 2, adopted Sept. 8, 1986; Ord. No. O-26-86, § 1, adopted Jan. 12, 1987; Ord. No. O-01-89, § 1, adopted Jan. 23, 1989; Ord. No. O-13-90, § 1, adopted Aug. 13, 1990; Ord. No. O-4-92, §§ 1, 3, 4, adopted July 13, 1992; and Ord. No. O-09-96, §§ 1—3, adopted Oct. 14, 1996.

Sec. 6-16. - Florida Building Code Incorporated by reference.

The Florida Building Code, as adopted by the state legislature, is hereby incorporated by reference as the building code for the Town of Lantana, Florida with the administrative amendments set forth in [section 6-17](#), herein below.

(Ord. No. O-14-2010, § 1, 12-13-10)

Editor's note— Ord. No. O-14-2010, § 1, adopted Dec. 13, 2010, repealed § 6-16, in its entirety and enacted new provisions to read as herein set out. Prior to this amendment, § 6-16 pertained to similar subject matter. See Code Comparative Table for derivation.

Sec. 6-17. - Amendments to Chapter 1. Administration. of the Florida Building Code.

The Town of Lantana hereby amends and supplements [Chapter 1](#). Administration. of the 2010 Florida Building Code by the adoption or deletion of the following sections of said chapter. [Chapter 1](#). as hereby amended shall be in full force and effect within the Town of Lantana. The local amendments to the Florida Building Code for Chapter 1. as set forth and contained in Exhibit A are hereby adopted and incorporated herein and shall be maintained on file with the offices of the town clerk and the building department.

[CHAPTER 1](#)

ADMINISTRATION

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, movement, 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 and change of occupancy shall comply with the Florida Building Code, Existing Building.

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 Florida Building Code, Residential volume shall be in accordance with the provisions of 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, code officials, 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.

101.3.2 Warranty and Liability. The permitting and 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. The jurisdiction shall not be liable in tort 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 Department employee shall be liable in tort for damage from such conditions, in accordance with Section 768.28(9)(a) Florida Statutes, as may be amended.

101.4 Referenced codes. The other codes listed in Sections 101.4.1 through 101.4.9 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 Electrical. The provisions of Chapter 27 of the Florida Building Code, Building shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.

101.4.2 Gas. The provisions of the International Fuel Gas Code with the Florida Fuel Gas Code Supplement 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.

101.4.3 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.

101.4.4 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.

101.4.5 Property maintenance. Reserved.

101.4.6 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.

101.4.7 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.

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

101.4.9 Manufactured buildings. For additional administrative and special code requirements, see section 428, Florida Building Code, Building, and Rule 9B-1 F.A.C.

SECTION 102 APPLICABILITY

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

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.

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 and the Florida Building Code, Existing Building. 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 V (Section 553.501-553.513, Florida Statutes) relating to accessibility by persons with disabilities, and permits shall be required for structural support and tie down, electrical supply, and all 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.

Exception: Electrical or plumbing work or connection, or other non-wood features shall not be exempted from this code.

(i)

Service provider water, sewer, storm, gas, cable, telephone, or other similar utility systems are exempt to the point of service connection for the building or structure.

(j)

Family mausoleums not exceeding 250 square feet 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.

(k)

Temporary housing provided by the Department of Corrections to any prisoner in the state correctional system.

102.2.1 In addition to the requirements of Section 553.79 and 553.80, Florida Statutes, facilities subject to the provisions of Chapter 395, Florida Statutes (Hospital Licensing and Regulation), and Parts II and VIII of Chapter 400, Florida Statutes (Nursing Homes), 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 Parts II and VIII of Chapter 400, Florida Statutes, and the certification requirements of the federal government.

102.2.2 Buildings or structures 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 and 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 original 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 applicable Florida Statutes for all buildings or structures of the same residential occupancy class.

7.

The requirements of Florida Building Code, Existing Building are also satisfied.

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.

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

b.

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

c.

Building 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 the code, unless the enforcement district or local 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-subparagraphs 1.a., b., and c., 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.

4.

However, each enforcement district or local enforcement agency may establish an alternative permitting program for replacing nonstructural components of building systems in a residential dwelling unit. A licensed contractor performing such work for the resident shall also be exempt from individual permits and inspections if either the owner or the licensed contractor obtains a valid Annual Permit per Section 105.1.1 of this Code and all such work is reported as required in Section 105[.]1.2 of this Code for compliance evaluation. No added capacity, system expansion or new building work of any type shall be excluded from individual permit and inspection by this provision.

102.2.6 This Code does apply to certain swings and other playground equipment accessory to a one- or two-family dwelling which include a floor, roof, wall or supporting panels totaling six (6) or more square feet.

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. Where differences occur between provisions of this code and referenced codes and standards, the provisions of this code shall apply.

102.5 Reserved.

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, the Codes referenced in Section 101.4, 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 on the surface of a roof be installed in compliance with the requirements of the Florida Building Code until the equipment is required to be removed or replaced.

SECTION 103

BUILDING DEPARTMENT

103.1 Establishment. There is hereby established a department to be called the Building Department for purposes of regulating building safety under the Florida Building Code and the person in charge 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 Employee qualifications. The Town Manager shall hire the Building Official and make such determinations as are necessary to hire an individual possessing the requisite qualifications to enforce the provisions of the Florida Building Code within the Town.

103.3 Restrictions on employees. An officer or employee connected with the department, except one whose only connection is as a member of the board established by this code, 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, unless he/she is the owner of such. This officer or employee shall not engage in any other work which is inconsistent with their duties or conflict with the interests of the department, except as instructors.

SECTION 104

DUTIES AND POWERS OF THE BUILDING OFFICIAL

104.1 General. 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. The building official shall receive applications, review construction documents and issue permits for the erection, and alteration, demolition and moving of buildings, structures, and service systems, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code.

104.3 Notices and orders. The building official shall issue all necessary notices or orders to ensure compliance with this code.

104.4 Inspections. The building official 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. The building official shall carry proper identification, as issued by the jurisdiction, when inspecting structures or premises in the performance of duties under this code.

104.6 Right of entry.

104.6.1 Where it is necessary to make an inspection to enforce any of the provisions of this code, or where 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, or premises, unsafe, dangerous or hazardous, the building official is authorized to enter the building, structure or premises at all reasonable times to inspect or to perform any duty imposed by this code, provided that if such building, structure or premises are occupied, that credentials be presented to the occupant and entry requested. If such building, structure, or premises are unoccupied, the building official shall first make a reasonable effort to locate the owner or other persons having charge or control of the building, structure, or premises, and request entry. If entry is refused, the building official shall have recourse to every remedy provided by law to secure entry.

104.6.2 When the building official shall have first obtained a proper inspection warrant in accordance with F.S. 933, 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. The building official shall keep official records of applications received, 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 per F.S. 119.

104.8 Liability. The building official, member of the board of appeals 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 or member because of an act performed by that officer or employee or member 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, recycled, or reclaimed 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. 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 Community Development Department.

104.10.1 Modifications of the strict application of the requirements of the Florida Building Code. The Building Official shall coordinate with the Floodplain Administrator to review requests submitted to the Building Official that seek approval to modify the strict application of the flood resistant construction requirements of the Florida Building Code to determine whether such requests require the granting of a variance pursuant to Section 117.

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. When alternate life safety systems are designed, the

SFPE Engineering Guide to Performance-Based Fire Protection Analysis and Design of Buildings, or other methods approved by the building official may be used. The building official shall require that sufficient evidence or proof be submitted to substantiate any claim made regarding the alternative.

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.

104.11.3 Accessibility. Alternative designs and technologies for providing access to and usability of a facility for persons with disabilities shall be in accordance with provisions of the Florida Building Code, Accessibility.

104.12 Requirements not covered by code. Any requirements necessary for the strength, stability or proper operation of an existing or proposed building, structure, electrical, gas, mechanical or plumbing system, 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.

SECTION 105 PERMITS

105.1 Required. Any contractor, owner, or agent authorized in accordance with Florida Statute 489 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, plumbing or fire protection system, or accessible or flood resistant site element, 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.

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. The building official is authorized to revoke or withhold the issuance of the future annual permits if code violations are found to exist.

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.

105.2 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.

Building permits are not required for replacement or repair work having value of less than \$1,000.00, providing, however, that such work will not effect, in the sole determination of the building official, the structural integrity, fire rating, exit access or egress requirements.

2.

Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work, with no electrical or plumbing work.

3.

Temporary motion picture, television and theater sets and scenery.

4.

Swings and other playground equipment accessory to detached one- and two-family dwellings, which have roofs, walls floors or supporting panels smaller than six (6) square feet, but these smaller accessory structures not requiring a permit may otherwise be subject to other Zoning permit regulations as to location and setback.

5.

Retractable awnings supported by an exterior wall and do not require additional support of Groups R-3 and U occupancies, but they may be subject to Zoning permits.

6.

Non fixed and movable fixtures, cases, racks, and counters not over 5 feet 9 inches (1753 mm) in height.

Electrical:

1.

Repairs and maintenance: Repair or replacement of like common household electrical fixtures, switches, and outlets on the load side of the electrical source. 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 which does not alter its approval or make it unsafe.

6.

Portable evaporative cooler.

7.

Self-contained refrigeration system containing 10 pounds (4.54 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, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

3.

The replacement of common household plumbing fixtures to existing supply lines and outlets. This does not include water heaters.

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. Notification shall be given to the building official including the work address, nature of emergency and scope of work immediately, or by next business day.

105.2.2 Minor repairs. Ordinary minor repairs or installation of replacement parts may be made with the 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 minor 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. 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 therefore in writing on a form furnished by the 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 Section 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 therefore. 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 therefore 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 government's code enforcement offices, fees charged by counties and municipalities for 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 ensure compliance with the 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.

Any electrical or plumbing or air-conditioning and refrigeration system meeting the following thresholds are required to be designed by a Florida Registered Engineer. The system:

A.

Requires an electrical or plumbing or air-conditioning and refrigeration system with a value of over \$125,000; and

B.

1)

Requires an aggregate service capacity of over 600 amperes (240 volts) on a residential electrical system or over 800 amperes (240 volts) on a commercial or industrial electrical system.

2)

Requires a plumbing system with 250 fixture units or more.

3)

Requires Heating, ventilation and air-conditioning system that exceeds a 15-ton-per-system capacity, or if the project is designed to accommodate over 100 persons[.]

2.

Fire sprinkler documents for any new building or addition which includes a fire sprinkler system which contains 50 or more sprinkler heads. A Contractor I, Contractor II or Contractor IV, certified under Section 633.521, 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.

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. 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 sealed such document as provided in Section 471.025, 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 invalid, six months after the date of filing, or for any six month period of abandonment or suspension during the application process, 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 three months each. The extension shall be requested in writing prior to the abandonment date and justifiable cause demonstrated. Abandoned applications shall be subject to destruction in accordance with state law. The fee for renewal, re-issuance, and extension of a permit application shall be set forth by the administrative authority. There may be fees or requirements from other government agencies for permit application extensions and renewals.

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 such as the requirement for Home or Property Owners Association approval, 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 therefore 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.

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 Community Affairs.

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.

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 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 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 6 months after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of 6 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, or revalidation of the original permit, covering the proposed construction shall be obtained before proceeding with the work.

105.4.1.2 If a new permit, or revalidation of the original permit, is not obtained within six months 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 six months. 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, or due to action by an environmental or archeological agency having jurisdiction. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 3 months each. The extension shall be requested in writing and justifiable cause demonstrated, prior to expiration.

105.4.1.4 The fee for renewal, reissuance, and extension of a permit shall be set forth by the Town Council. There may be fees or requirements from other government agencies for permit extensions and renewals.

105.5 Expiration. Reserved

105.6 Suspension or Revocation of permits[.]

105.6.1 Misrepresentation of application. The building official may suspend or revoke a permit or approval, issued under the provisions of this code, in case 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.

105.6.2 Violation of code provisions. The building official may suspend or revoke a permit upon determination by the building official that the construction, erection, alteration, repair, moving, demolition, installation, or replacement of the building, structure, electrical, gas, mechanical or plumbing systems for which the permit was issued is in violation of, or not in conformity with, the provisions of this code.

105.7 Placement of permit. The building permit or copy shall be kept on the site of the work until the completion of the project.

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. Refer to Section 105.3.6 "Asbestos Removal" for additional requirements.

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 shall be provided as each required protective treatment is completed, supplying one 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. For a bait system, see Section 1816.1.7 of the Florida Building Code for contract document requirements.

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 written request and 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. This provision is only for the Florida Building Code, all other Agency approvals necessary for construction must be secured prior to this provision being applied.

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 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. This provision is only for the Florida Building Code, all other Agency approvals necessary for construction must be secured prior to this provision being applied.

105.14 Permit issued on basis of an affidavit. 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. 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 inspect such work. 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. In addition, they shall certify conformity to the permit, and upon completion of the structure, electrical, gas, mechanical or plumbing systems make and file with the building official written affidavit that the work has been done in conformity to the reviewed plans and 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. 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 XII of Chapter 468, Florida Statutes. Nothing aforesaid shall preclude plan review or inspections by the building official.

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 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.

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/m²), 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 permit application. The construction documents shall be prepared by a registered design professional where required by Chapter 471, Florida Statutes & 61G15 Florida Administrative Code or Chapter 481, Florida Statutes & 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. Electronic media documents shall be submitted when required by the building official, and may require only one set of submittals.

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.

If the design professional is an architect, interior designer, landscape architect, or engineer legally registered under the laws of this state regulating the practice of architecture or interior design as provided for in Chapter 481, Florida Statutes, Part I, or landscape architecture as provided for in Chapter 481, Florida Statutes, Part II, or engineering as provided for in Chapter 471, Florida Statutes, then he or she shall affix his or her official seal to said drawings, specifications and accompanying data, as required by Florida Statute.

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 upon suitable material. Electronic media documents shall 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 Fire protection system shop drawings. Shop drawings for the fire protection system(s) shall be submitted to indicate conformance with 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](#).

107.2.1.2 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.

107.2.1.3 Additional data. The building official may 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 their official seal, signature and date as state law requires.

107.2.1.4 Quality of building plans. Building plans shall be drawn to a minimum 1/8 inch scale upon substantial paper, cloth or other acceptable medium. The building official may establish through departmental policy, other standards for plans and specifications, in order to provide conformity to its record retention program. This policy may include such things as minimum size, shape, contrast, clarity, or other items related to records management. Electronic media must be compatible with the archive requirements of Florida Statutes.

107.2.2 Reserved.

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 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.

107.3 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 approval by the building official, from review of plans and inspections, providing 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 noted, 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 6 months 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.

107.3.4.1 General. 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. Those products which are regulated by DCA Rule 9N-3 shall be reviewed and approved in writing by the designer of record prior to submittal for jurisdictional approval.

107.3.4.2 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.

107.3.4.3 Certifications by contractors authorized under the provisions of Section 489.115 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:

107.3.5.1 Commercial Buildings:

107.3.5.1.1 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

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

107.3.5.1.2 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

107.3.5.1.3 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

107.3.5.1.4 Mechanical

1.

Exhaust systems:

Clothes dryer exhaust

Kitchen equipment exhaust

Specialty exhaust systems

2.

Equipment

3.

Equipment location

4.

Make-up air

5.

Roof-mounted equipment

6.

Duct systems

7.

Ventilation

8.

Combustion air

9.

Chimneys, fireplaces and vents

10.

Appliances

11.

Boilers

12.

Refrigeration

13.

Bathroom ventilation

14.

Laboratory

15.

Design flood elevation

107.3.5.1.5 Gas

1.

Gas piping

2.

Venting

3.

Combustion air

4.

Chimneys and vents

5.

Appliances

6.

Type of gas

7.

Fireplaces

8.

LP tank location

9.

Riser diagram/shutoffs

10.

Design flood elevation

107.3.5.1.6 Energy Calculations

107.3.5.2 Demolition

1.

Asbestos removal

107.3.5.3 Residential (One and Two-Family)

1.

Site requirements

Set back/separation (assumed property lines)

Location of septic tanks

2.

Fire-resistant construction (if required)

3.

Smoke detector locations

4.

Egress

Egress window size and location stairs construction requirements

5.

Structural requirements shall include:

Wall section from foundation through roof, including assembly and materials connector tables

Termite protection

Design Loads

Wind requirements

Building envelope

Structural calculations (if required)

Foundation

Wall systems

Floor systems

Roof systems

6.

Accessibility requirements: show/identify accessible bath

7.

Impact resistant coverings or systems

8.

Flood hazard areas, flood zones, design flood elevations, lowest floor elevations, enclosures, equipment, and flood damage-resistant materials

9.

Electrical:

Electric service riser with wire sizes, conduit detail and grounding detail. Complete load calculations, Panel schedules

10.

Mechanical:

Equipment and location, Duct systems

11.

Plumbing:

Plumbing riser

12.

Gas:

Gas piping

Venting

Combustion air

Chimneys and vents

Appliances

Type of gas

Fireplaces

LP tank location

Riser diagram/shutoffs

13.

Energy Calculations

107.3.5.4 Swimming Pools

1.

Barrier requirements

2.

Spas

3.

Wading pools

107.3.5.5 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.

Minor electrical, plumbing and mechanical repairs

3.

Annual maintenance permits

4.

Manufactured buildings or prototype building plans except for local site adaptations and foundations of buildings, which are constructed on site, and modifications or structures that require waiver.

a.

Site requirements

setback/separation (assumed property lines)

location of septic tanks (if applicable)

b.

Structural

wind zone

anchoring

blocking

c.

Plumbing

List potable water source and meter size (if applicable)

d.

Mechanical

exhaust system

clothes dryer exhaust

kitchen equipment exhaust

e.

Electrical

exterior disconnect location

107.4 Amended construction documents. Work shall be installed in accordance with the reviewed construction documents, and any changes made during construction that are not in compliance with the reviewed construction documents shall be resubmitted for review as an amended set of construction documents.

107.5 Retention of construction documents. One set of official construction documents shall be retained by the building official as required by 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 federal regulation for participation in the National Flood Insurance Program (44 C.F.R. Sections 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 Section 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 6 months. 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 Chapter 27 of the Florida Building Code, Building.

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

FEEES

109.1 Prescribed fees. A permit shall not be issued until fees 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 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 Town Council.

109.3 Building permit valuations. If, in the opinion of the building official, the claimed valuation of building, alteration, structure, electrical, gas, mechanical or plumbing systems appears to be underestimated on the application, the permit shall be denied, unless the applicant can show detailed, quantity estimates, and/or bona fide signed contracts (excluding land value) to meet the approval of the building official. For permitting purposes, valuation of buildings and systems shall be total replacement value to include structural, electric, plumbing, mechanical, interior finish, relative site work, architectural and design fees, marketing costs, overhead and profit; excluding only land value. Valuation references may include the latest published data of national construction cost analysis services (Marshall-Swift, Means, etc.), as published by International Code Congress. 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 penalty fee in addition to the required permit fees, as set in approved schedule of fees.

109.5 Related fees. 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[.]

109.6 Refunds. The building official is authorized to establish a refund policy.

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. 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/she 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.

110.2 Preliminary inspection. Subject to the limitations of F.S. Chapter 553, 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.

110.2.1 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/she may inspect the buildings, structures, electrical, gas, mechanical and plumbing systems, from time to time, before, during and upon completion of the work for which a permit was issued. He/she shall make a record of every such examination and inspection and of all observed violations of the technical codes. Additional regulations in Florida Building Code, Existing Building may apply.

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. A complete survey, or special purpose survey may be required before an inspection is approved.

A.

Building

1.

Foundation inspection. To be made after trenches are excavated and forms erected and required reinforcing steel is in place and, shall at a minimum include the following building components:

-

Stem-wall

-

Monolithic slab-on-grade

-

Pilings and pile caps

-

Footings/grade beams

1.1

Slab/Floor Inspection: Concrete slab and under-floor inspections shall be made after in-slab or under-floor reinforcing steel or framing members installed and all 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.

A foundation/Form board survey prepared and certified by a registered surveyor may be required, prior to approval of the slab inspection. The survey shall certify placement of the building on the site, illustrate all surrounding setback dimensions and shall be available at the job site for review by the building inspector.

1.2

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 building official.

2.

Construction Inspections

2.1

Lintel/tie beams/columns/masonry units. To be made after masonry units, forms, reinforcing steel, shoring, conduit, piping accessories, and other ancillary equipment items are in place, but before any concrete is placed.

2.2

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 and fasteners are complete and shall at a minimum include the following building components:

-

Roof sheathing

-

Wall sheathing

-

Floor sheathing

-

Sheathing fasteners

-

Roof/wall dry-in.

-

Gypsum board, as required

-

Sheathing/cladding inspection

NOTE: Sheathing fasteners installed and found to be missing the structural member (shiners) shall be corrected prior to installation of the dry-in material.

2.3

Framing inspection. To be made after the roof deck or sheathing, all framing, fire blocking and bracing is in place, all concealed wiring, all pipes, chimneys, ducts and vents are complete and shall at a minimum include the following building components:

-

Window/door framing and installation. Verify rough opening dimensions are within tolerances, buck and attachments

-

Lintel/tie beams complete, if applicable.

-

Framing/trusses/bracing/connectors (including truss layout drawings)

-

Draft stopping/fire blocking

-

Curtain wall framing

-

Fire resistant assemblies, joints and penetrations, as required

-

Accessibility.

3.

Roofing inspection. Shall at a minimum include the following building components:

-

Dry-in

-

Insulation

-

Roof coverings (including in-progress)

-

Flashing

4.

Energy insulation, thermal and ignition barriers

5.

Lath/Drywall. Lath and gypsum board inspections shall be made after lathing and gypsum board, interior and 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, unless otherwise determined by the building official.

6.

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

6.1.

Lowest floor elevation. In flood hazard areas, as part of the final inspection, a final certification of the lowest floor elevation shall be submitted to the authority having jurisdiction.

7.

Swimming pool inspection.

-

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

-

Underground electric inspection

-

Underground piping inspection including a pressure test

-

Deck inspection: to be made prior to installation of the deck material (with forms, deck drains, and any reinforcement in place).

-

Final electric inspection to be made prior to filling the swimming pool with water.

-

Final permanent barrier inspection is to be made prior to filling the swimming pool with water.

-

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.

-

Final inspection to be made when the swimming pool is complete and all required enclosure requirements are in place.

8.

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.

9.

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).

10.

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:

-

The system indicated on the plans was installed.

-

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

B.**Electrical****1.**

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

2.

Rough-in inspection. To be made after the building is dried-in, framing, fire-blocking and bracing is in place, and prior to the installation of insulation (if applicable), or wall or ceiling membranes.

3.

Low Voltage: To be made for security, alarm, elevator, and special uses.

4.

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.

C.**Plumbing****1.**

Underground inspection. To be made after trenches or ditches are excavated, piping is 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 the installation of insulation (if applicable), or 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 312 of the Florida Building Code, Plumbing for required tests.

D.**Mechanical****1.**

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

2.

Rough-in inspection. To be made after the building is dried-in, framing, fire blocking and bracing are in place and all ducting, and other concealed components are complete, and prior to the installation of insulation (if applicable), or 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.

E.

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.

F.

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.

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 Reinforcing steel and structural frames. Reinforcing steel or structural 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. Certification that field welding and structural bolted connections meet design requirements shall be submitted to the building official, upon request.

110.3.4 Termites. Building components and building surroundings required to be protected from termite damage in accordance with Section 1503.6, Section 2304.13 or Section 2304.11.6, 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. (Also refer to Sections 105.10 and 105.11)

110.3.5 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.

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

110.3.7 Threshold building.

110.3.7.1 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.

110.3.7.2 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 s. 553.71, may designate such building as a threshold building, subject to more than the minimum number of inspections required by the Florida Building Code.

110.3.7.3 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.

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

110.3.7.4.1 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."

110.3.7.4.2 Any proposal to install an alternate structural product or system to which building codes apply shall 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.

110.3.7.4.3 All shoring and reshoring procedures, plans and details shall 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.

110.3.7.4.4 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.

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

110.3.7.6 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 Section 553.79(5), Florida Statutes, are in addition to the minimum inspections required by this code.

110.3.8 Reserved.

110.3.9 Other inspections services. The building official may make, or cause to be made by others, the inspections required by Section 109. He/she may accept reports of inspectors of recognized inspection services, provided that after investigation he/she is satisfied as to their qualifications and reliability. A certificate called for by any provision of the technical codes shall not be based on such reports unless the same are in writing and certified by a responsible officer of such service. The building official may require the owner to employ an inspection service in the following instances:

1.

For buildings or additions of Type I construction

2.

For all major structural alterations

3.

Where the concrete design is based on compressive strength (f'_c) in excess of 3000 pounds per square inch

4.

For pile driving

5.

For buildings with area greater than 20,000 square foot

6.

For buildings more than 2 stories in height

7.

For buildings and structures of unusual design or methods of construction

Such inspectors shall be adequately present at times work is underway on the structural elements of the building. Such inspectors shall be a registered architect, or engineer, or a person licensed under Chapter 468, Part XII, Florida Statutes. Such inspectors shall submit weekly progress reports including the daily inspections to the building official, and including a code compliance opinion of the Resident Inspector.

At the completion of the construction work or project, such inspectors shall submit a certificate of compliance to the building official, stating that the work was done in compliance with this code and in accordance with the permitted drawing. Final inspection shall be made by the building official before a Certificate of Occupancy or Certificate of Completion is issued; and confirmation inspections may be made at any time to monitor activities and resident inspectors.

110.3.9.1 Affidavit for Inspection. With specific prior approval of, and in a format acceptable to the building official, an affidavit for certification of inspection may be accepted from the permit qualifier; when accompanied by extensive photographic evidence of sufficient detail to demonstrate code compliance. The photographic evidence shall be comprehensive in the display of the installation and/or construction and job location identifiers. The affidavit and accompanying photographs shall be provided to the inspector onsite, at the next scheduled inspection. If the photographs are found to be insufficient by the building official to demonstrate compliance with this code and/or the permitted document, or clearly display location identifiers, or are missing, the inspector shall require the contractor to obtain the services of a Registered Florida Professional Engineer to inspect and certify the installation and/or construction.

110.3.10 Inspections prior to issuance of Certificate of Occupancy or Completion. The building official shall inspect or cause to be inspected, at various intervals, all construction or work for which a permit is required, and a final inspection shall be made of every building, structure, electrical, gas, mechanical or plumbing system upon completion, prior to the issuance of the Certificate of Occupancy or Certificate of Completion. In performing inspections, the building official shall give first priority to inspections of the construction, addition, or renovation to, any facilities owned or controlled by a state university, state community college or public school district.

110.4 Inspection agencies. The building official is authorized to accept reports of approved inspection agencies, 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.

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 inspector. 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 Impact of construction. All construction activity regulated by this code shall be performed in a manner so as not to adversely impact the condition of adjacent property, unless such activity is permitted to affect said property pursuant to a consent granted by the applicable property owner, under terms or conditions agreeable to the applicable property owner. This includes, but is not limited to, the control of dust, noise, water or drainage run-offs, debris, and the storage of construction materials. New construction activity shall not adversely impact legal historic surface water drainage flows serving adjacent properties, and may require special drainage design complying with engineering standards to preserve the positive drainage patterns of the affected sites. Accordingly, developers, contractors and owners of all new residential development, including additions, pools, patios, driveways, decks or similar items, on existing properties resulting in a significant decrease of permeable land area on any parcel or has altered the drainage flow on the developed property shall, as a permit condition, provide a professionally prepared drainage plan clearly indicating compliance with this paragraph. Upon completion of the improvement, a certification from a licensed professional shall be submitted to the inspector in order to receive approval of the final inspection.

SECTION 111

CERTIFICATES 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 therefore 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. Said certificate shall not be issued until all required electrical, gas, mechanical, plumbing and fire protection systems have been inspected for compliance with the technical codes and other applicable laws and ordinances and released by the building official.

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 Community Development Department or other agency whose approval is inherent in the building permitting process, 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 Community Development Department.

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/partial occupancy. A temporary/partial Certificate of Occupancy or Certificate of Completion may be issued for a portion or portions of a building that may safely be occupied prior to final completion of the building. The building official may require, once all life safety issues have been complied with, an applicant to provide adequate cash surety for unfinished work or revision of plans until a permanent Certificate of Occupancy or Certificate of Completion is granted. The purpose of the cash surety is to insure completion of work under this permit. Such cash surety shall be equal to one hundred ten percent (110%) of the estimated value of the remaining work, including labor and material, as determined by the design professional. The design professional shall submit a signed and sealed document attesting to the amount required to cover the cash surety. If work has not been completed and all finals requested within 90 days of issuance of the initial Temporary/Partial Certificate of Occupancy or Certificate of Completion, the jurisdiction retains the right to have the applicant surrender the cash surety. The jurisdiction then may use the surety to finish the remaining work. The surety shall be in the form of cash money, certified check, or cashiers check. Surety shall be returned upon approval of all final inspections and upon written request that has been approved by the building official. This provision is only for the Florida Building Code, all other Agency approvals necessary for construction must be secured prior to this provision being applied.

111.4 Certificate of Completion. Upon satisfactory completion of a building, structure, electrical, gas, mechanical or plumbing system, a Certificate of Completion may be issued. This certificate 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 or connect a building, such as a shell building, prior to the issuance of a Certificate of Occupancy.

111.5 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 ordinance or regulation or any of the provisions of this code.

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 and a Certificate of Occupancy or Completion is issued. The servicing utility company shall not connect the power supply until notified 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 for the purpose of testing building service systems or for use under a temporary Certificate of Occupancy.

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 unsafe condition, 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 whenever 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

BUILDING BOARD OF ADJUSTMENT AND APPEALS

113.1 Appointment. The Building Board of Adjustment and Appeals the (the "Board") has been established by the Code of Ordinances for the Town of Lantana as set forth in [Chapter 2](#). Administration. at Division 7. Of Article IV. Boards and Commissions.

113.2 Membership and Terms

113.2.1 Quorum and voting. A simple majority of the board shall constitute a quorum. In varying any provision of this code, the affirmative votes of the majority present, but not less than three affirmative votes, shall be required. In modifying a decision of the building official, not less than four affirmative votes shall be required.

113.2.2 Secretary of board. The Clerk for the Planning and Zoning Commission shall act as secretary of the board and shall make a detailed record of all of its proceedings, which shall set forth the reasons for its decision, the vote of each member, the absence of a member, and any failure of a member to vote.

113.3 Powers. The Building Board of Adjustments and Appeals shall have the power, as further defined in 116.4, to hear appeals of decisions and interpretations of the building official and consider variances of the technical codes.

113.4 Appeals[.]

113.4.1 Decision of the building official. The owner of a building, structure or service system, or duly authorized agent, may appeal a decision of the building official to the Building Board of Adjustment and Appeals whenever any one of the following conditions are claimed to exist:

1.

The building official rejected or refused to approve the mode or manner of construction proposed to be followed or materials to be used in the installation or alteration of a building, structure or service system.

2.

The provisions of this code do not apply to this specific case.

3.

That an equally good or more desirable form of installation can be employed in any specific case, which the building official has rejected or refused.

4.

The true intent and meaning of this code or any of the regulations hereunder have been misconstrued or incorrectly interpreted.

113.4.2 Variances. The Building Board of Adjustments and Appeals, when upon written request, has been so appealed to and after a hearing, may vary the application of any provision of this code to any particular case

when, in its opinion, the enforcement thereof would do manifest injustice and would be contrary to the spirit and purpose of this or the technical codes or public interest, and also finds all of the following:

1.

That special conditions and circumstances exist which are peculiar to the building, structure or service system involved and which are not applicable to others.

2.

That the special conditions and circumstances do not result from the action or inaction of the applicant.

3.

That granting the variance requested will not confer on the applicant any special privilege that is denied by this code to other buildings, structures or service system.

4.

That the variance granted is the minimum variance that will make possible the reasonable use of the building, structure or service system.

5.

That the grant of the variance will be in harmony with the general intent and purpose of this code and will not be detrimental to the public health, safety and general welfare.

113.4.2.1 Conditions of the variance. In granting the variance, the board may prescribe a reasonable time limit within which the action for which the variance is required shall be commenced or completed or both. In addition, the board may prescribe appropriate conditions and safeguards in conformity with this code. Violation of the conditions of a variance shall be deemed a violation of this code.

113.4.3 Notice of appeal. Notice of appeal shall be in writing and filed within 30 calendar days after the building official renders the decision. Appeals shall be in a form acceptable to the building official.

113.5 Procedures of the board.

113.5.1 Rules and regulations. The board may establish rules and regulations for its own procedure not inconsistent with the provisions of this code. The board shall meet on call of the Mayor. The board shall meet within 30 calendar days after notice of appeal has been received.

113.5.1.1 Rules of Evidence. Formal rules of evidence shall not apply, but fundamental due process should be observed and govern the proceedings. Upon determination by the Chairperson, irrelevant, immaterial, or unduly repetitious evidence may be excluded, but all other evidence of a type commonly relied upon by reasonable, prudent persons in the conduct of their affairs shall be admissible, whether or not such evidence would be admissible in a trial in the courts of Florida. Any part of the evidence may be received in written form. The Board may request certain evidence be provided by an architect or engineer registered in the State of Florida, in which case said evidence shall be signed, sealed, and dated.

113.5.1.2 Testimony. Any member of the Board or the Town Attorney may inquire of, or question, any witness before the Board. Any member of the Board, the petitioner or his/her attorney, and/or the building official shall be permitted to inquire of any witness before the Board. The Board may consider testimony presented by the building official, the petitioner, or any other witness.

113.5.2 Decisions. The Building Board of Adjustment and Appeals shall, in every case, reach a decision without unreasonable or unnecessary delay. Each decision of the board shall also include the reasons for the decision. If a

decision of the board reverses or modifies a refusal, order, or disallowance of the building official or varies the application of any provision of this code, the building official shall immediately take action in accordance with such decision. Every decision shall be promptly filed in writing in the office of the building official and shall be open to public inspection. A certified copy of the decision shall be sent by mail or otherwise to the appellant and a copy shall be kept publicly posted in the office of the building official for two weeks after filing. Every decision of the board shall be final; subject however to such remedy as any aggrieved party might have at law or in equity.

113.6 Local Construction Regulation Board. The local government may also utilize this Board to convene as the Local Construction Regulation Board (LCRB), as provided in F.S. 489.113. The LCRB may deny, suspend, revoke or limit the authority of a certified contractor to obtain a building permit or permit with specific conditions, if the board has found such contractor, through public hearing, to be guilty of fraud or a willful building code violation within the county or municipality that the board represents. The board may also, deny, suspend, revoke or limit the authority of a certified contractor to obtain a building permit or permit with specific conditions, if it has proof through the public hearing process, that a contractor has been found guilty in another county or municipality within the past 12 months, of fraud or a willful building code violation and after providing notice of an opportunity to be heard to the contractor, finds that such fraud or violation would have been fraud or a violation if committed in the county or municipality that the local construction board represents. Notification of and information concerning such permit denial shall be submitted to the department within 15 days after the local construction regulation board decides to deny the permit.

SECTION 114 VIOLATIONS

Any person, firm, corporation or agent who shall violate a provision of this code, or fail 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, without full compliance with applicable codes, laws, ordinances, rules and regulations, shall be found in violation of this code. Each such person shall be considered in violation of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of applicable codes, laws, ordinances, rules and regulations is committed or continued, and upon a finding of any such violation such person shall be punished within the limits and as provided by state laws. Nothing in this section shall prevent the authority having jurisdiction from imposing fines, liens, or seek injunction relief, or exercising other enforcement powers as permitted by law. Code enforcement and penalties of 162 Florida Statutes Part I shall be authorized if building work begins without payment of all required fees, and for the purposes of enforcing this code, code officials licensed under Florida Statute 468 Part XII are deemed "Code Inspectors", as defined in Florida Statute 162.04.

SECTION 115 STOP WORK ORDER

115.1 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 code or in a dangerous or unsafe manner, shall immediately cease.

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, the building official shall not be required to give a written notice prior to stopping the work.

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

116.1 Unsafe buildings or systems. All buildings, structures, electrical, gas, mechanical or plumbing systems which are unsafe, unsanitary, or do not provide adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or 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 ordered by the building official to be abated by the owner, through repair and rehabilitation or by demolition in accordance with the this Code. The extent of repairs shall be determined by the building official.

116.1.1 When the building official determines a building, structure, electrical, gas, mechanical or plumbing system or portion thereof is unsafe, as set forth in this Code he/she shall provide the owner, agent or person in control of such building, structure, electrical, gas, mechanical or plumbing system a written notice of violation stating the defects thereof. This notice shall require the owner within a stated time either to complete specified repairs or improvements, or to demolish and remove the building, structure, electrical, gas, mechanical or plumbing system or portion thereof. At the option of the local government, the processes and procedures for code enforcement under Florida Statute 162 may be utilized to abate a violation under this section. If this statutory method of enforcement is invoked, the building official, or authorized designee, shall act in the role of code inspector as authorized in Section 104 of this code to initiate enforcement proceedings, and notice shall be in accordance with the provisions of the Statute.

116.1.2 If necessary, the notice shall also require the building, structure, electrical, gas, mechanical, plumbing systems or portion thereof to be vacated and/or disconnected, and not reoccupied and/or reconnected until the specified repairs and improvements are completed, inspected and approved by the building official. The building official shall post at each entrance to the building a placard stating: **THIS BUILDING IS UNSAFE AND ITS USE OR OCCUPANCY HAS BEEN PROHIBITED BY THE BUILDING OFFICIAL.** This placard shall remain posted until the required repairs are made or demolition is completed. It shall be unlawful for any person, firm or corporation or its officers, agents, or other servants, to remove the posting without written permission of the building official, or for any person to enter the building, or use the building or system(s) except for the purpose of making the required repairs or of demolishing same.

116.1.3 In case the owner, agent, or person in control cannot be found within the stated time limit, or, if such owner, agent, or person in control shall fail, neglect, or refuse to comply with notice to repair, rehabilitate, or to demolish, and remove said building, structure, electrical, gas, mechanical or plumbing system or portion thereof, the building official, acting as a code inspector, shall notify an enforcement board and request a hearing. In the case of the violation posing a serious threat, and after having ascertained the cost, the building official may take action to cause such building, structure, electrical, gas, mechanical or plumbing system or portion thereof, to be demolished, secured, repaired, or required to remain vacant or unused. Taking such action does not create a continuing obligation on the part of the building official to continue with maintaining such building, structure, or system; or create liability for any damage to the property.

116.1.4 The decision of the building official shall be final in cases of emergency, which, in the opinion of the building official, involve imminent danger to human life or health, or the property of others. He/she shall promptly cause such building, structure, electrical, gas, mechanical or plumbing system or portion thereof to be made safe or cause its removal. For this purpose he/she may at once enter such structure or land on which it stands, or abutting land or structures, with such assistance and at such cost as he may deem necessary. He/she may order the vacating of adjacent structures and may require the protection of the public by appropriate fence or such other means as may be necessary, and for this purpose may close a public or private way.

116.2 Enforcement proceedings; hearings. Violation proceedings and hearings for unsafe structures and equipment will be conducted before the code enforcement board or special magistrate in accordance with the provisions set forth in Florida Statute 162. The owner of property that is subject to an enforcement proceeding before an enforcement board, special magistrate, or court is required to make disclosures as outlined in Florida

Statute 162 before a transfer of property, and failure to make the required disclosures creates a presumption of fraud.

116.3 Administrative fines; costs to repair; liens. All costs associated with taking a case before the enforcement board shall be recovered where the jurisdiction prevails. Whenever one of the orders of the enforcement board or the special magistrate has not been complied with by the time set for compliance, for each day thereafter during which each violation continues past the date set for compliance, the enforcement board or the special magistrate may impose a fine. All costs incurred as a result of actions taken per Section 116.1.3 are charged to the violator. A certified copy of an order imposing a fine, or a fine plus repair, and the costs of prosecuting the case, may be recorded in the public records and shall thereafter constitute a lien against the land where the violation exists and upon any other real or personal property owned by the violator. If an order is recorded in the public records pursuant to this subsection, and it has been complied with by the date subsequent to the recording of the order, the enforcement board or special magistrate may issue an order releasing such lien that shall be recorded in the public record. A hearing is not required for the issuance of such recorded document.

116.4 Appeal. An aggrieved party, including the local governing body, may appeal a final administrative order of an enforcement board or special magistrate to the circuit court. Such an appeal shall not be a hearing de novo but shall be limited to appellate review of the record created before the enforcement board. An appeal shall be filed within 30 days of the execution of the order to be appealed.

SECTION 117 VARIANCES IN FLOOD HAZARD AREAS

117.1 Flood hazard areas. Pursuant to section 553.73(5), F.S., 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 R322 of the Florida Building Code, Residential. This section shall not apply to Section 3109 of the Florida Building Code, Building.

SECTION 118 TESTS

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 agent, by an approved testing laboratory or other approved agency.

SECTION 119 SEVERABILITY

If any section, subsection, sentence, clause or phrase of this code is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

(Ord. No. O-12-2013, § 1(Exh. A), 9-23-13)

Editor's note— Ord. No. O-12-2013, § 1, adopted Sept. 23, 2013, repealed § 6-17, in its entirety. Section 1, Exhibit A, of said ordinance, enacted new provisions to read as herein set out. Prior to this amendment, § 6-17 pertained to similar subject matter. See Code Comparative Table for derivation.
Secs. 6-18—6-25. - Reserved.

DIVISION 2. - MINIMUM PROPERTY STANDARDS

Sec. 6-26. - Purpose and scope.

The purpose of this code is to establish uniform minimum standards for the occupancy and maintenance of dwellings, hotels, and rooming houses, as well as commercial, industrial and institutional structures located in the Town of Lantana. The objective of these codes is to improve, preserve and maintain the buildings and structures of the town and to eliminate blighting influences, wherever possible. Every building or structure in the

town that is subject to the provisions of this code shall conform to the requirements of this code regardless of when the building or structure may have been constructed, altered or repaired. This code does not replace or modify standards of other codes or ordinances regulating the construction, replacement or repair of buildings or unsafe structures, but shall operate in conjunction with the standard building codes and all other technical codes as adopted by ordinance.

(Ord. No. O-3-93, § 2, 10-25-93)

Sec. 6-27. - Definitions.

The following definitions shall apply in the interpretations and enforcement of this division:

Accessory structure. A detached, subordinate building, the use of which is clearly incidental and related to that of the principal building and which is located on the same lot as the principal building.

Alteration. Any change, addition or modification in construction or occupancy.

Appointing authority. The town council.

Approved. Approved by the department head of the enforcing agency or his designee.

Basement. A portion of a building located partly underground but having less than half of its clear floor-to-ceiling height below the average finished grade of the ground adjoining the building.

Blighting influence. Any physical condition of property maintenance which directly or indirectly causes a reduction in the value of surrounding properties.

Brush. Any accumulation of the following, but not limited to: grass clippings, hedges and tree trimmings, palm fronds, leaf rakings, and other such debris resulting from the maintenance of lawns and yards.

Building. See definition as set forth in Appendix 13 of [Chapter 17.5](#) of the Code of Ordinances.

Cellar. A portion of a building located partly or wholly underground which has one-half (½) or more than one-half (½) of its clear floor to ceiling height below the average finish of the grade adjoining the building. The ceiling shall not be more than six (6) feet above such grade.

Cooking facilities. Any equipment, machinery or appliances used in the preparation of food and storage of foods.

Deficiency. A condition of deterioration that is not in violation of this code; however, such condition can be expected to become a violation within a short period of time.

Deterioration. The condition or appearance of a building, or parts thereof, characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting or other evidence of physical decay, neglect or lack of maintenance.

Dilapidated. A condition of structural disrepair or deterioration to the extent requiring rehabilitation, reconstruction or demolition.

Director. The department head of the department supervising the Town of Lantana's Code Enforcement Division, or his authorized agent, charged with enforcing code regulations.

Dwelling. Any building which is wholly or partially used or intended to be used for living, sleeping, cooking, eating, and sanitation, providing that temporary housing as hereinafter defined shall not be regarded as a dwelling.

Dwelling unit. See Appendix 13 of [Chapter 17.5](#) of the Code of Ordinances.

Electrical. All work, material and/or system of electrical wiring for use of light, heat or power, and all appurtenances, apparatus or equipment used in conjunction therewith, inside of or attached to any building or structure, lot or premises.

Enforcement agency. The code enforcement division of the town, with technical assistance being provided by the building department and the fire prevention bureau, as requested.

Enforcement officer. Any employee of the enforcing agency therein charged with the responsibility of making inspections of buildings and structures, and issuing notices when necessary. These terms shall be synonymous with title of code inspector, building inspector, fire inspector and code enforcement officer.

Extermination. The control of insects, rodents, vermin and/or other pests by destroying their harborage places; by removing or making inaccessible those materials that may serve as their food; by poisoning, spraying, fumigating and trapping; or by any other recognized and legal means.

Fire hazard. Anything or any act which violates the fire codes of the Town of Lantana and/or the National Fire Protection Association regulations, then in effect.

Garbage. The animal and/or vegetable waste resulting from the handling, preparation, cooking, and/or consumption of food; and wastepaper, plastic or related materials used in the packaging and preparation of foods.

Good state of repair. Structure which is safe and habitable for its ordinary and intended use; the materials used therein or any fixture related thereto must be sound, stable and performing the function for which intended.

Good working condition. The item is fully and safely operable for the use for which it was intended.

Habitable area. A room or enclosed floor space used or intended to be used for living, sleeping, cooking or eating purposes; excluding bathrooms, water closet compartments, utility spaces, connecting corridors, closets and storage spaces.

Head of enforcing agency. Synonymous with the term "director" as previously defined.

Hotel. See definition set forth in Appendix 13 of [Chapter 17.5](#).

Hotel unit. Any room or group of hotel rooms forming a single habitable unit used or intended to be used for living and sleeping and which may not be used for cooking and eating. For the purpose of this article, motel units and dormitory-type sleeping accommodations shall be included in this category.

Infestation. The presence of insects, rodents, vermin or other pests.

Multiple dwelling. Any structure containing more than two (2) dwelling units.

Nuisance. Anything that endangers life or health, gives offense to the senses, or obstructs reasonable use of any property or any act or activity prohibited by general, special or local laws.

Occupant. Any person living, sleeping, cooking, eating in or having actual possession of a dwelling, dwelling unit, hotel unit, rooming unit.

Operator. Any person who has charge, care or control of a building or structure, or part thereof, which is subject to this code.

Outdoor storage. The placement of vehicles, trailers, equipment and/or other personal property and material outside an enclosed building for purposes other than normal daily parking, decoration, ornamentation and/or proper disposal. Storage within an open carport and/or storage beneath a tarpaulin or similar cover outside an enclosed building shall be considered outdoor storage and subject to regulations set forth at [section 6-30](#) hereinbelow.

Owner. Any person who alone or jointly has legal title to any building or structure, or part thereof, which is subject to this code.

Person. Any individual, firm, corporation, association, partnership, or other legal entity.

Plumbing. Includes all of the following supplied facilities and equipment: gas pipes, gas-burning equipment, water pipes, garbage disposal unit, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes washing machine, catch basins, drains, vents and any other similar supplied fixtures, together with all connections to water, sewer or gas lines and water pipes and line utilized in conjunction with air-conditioning equipment.

Rooming house. Any dwelling, or part of any dwelling, containing one (1) or more rooming units in which space is let by the owner or operator for living and sleeping but not for cooking and eating on a temporary or permanent basis to three (3) or more persons who are not husband, wife, son, daughter, mother, father, sister or brother of owner or operator. For the purpose of this article, boarding houses are included in this category.

Rooming unit. Any room or group of rooms, forming a single habitable unit, used or intended to be used for living and sleeping but including a kitchen.

Rubbish. All combustible and noncombustible waste materials except garbage, including but not limited to nonoperating toys, bicycles, motorcycles, automobiles, mechanical equipment and machines or parts thereof.

Structure. A combination of materials, whether fixed or portable, forming a construction, including but not limited to, all buildings, dwellings, pools, fences, and enclosures.

Structurally sound. Free of imperfection which affects the intended safe use of the structure.

Supplied. Paid for, furnished or provided by or under control of the owner or operator.

Temporary housing. Any tent, trailer or other structure used for human shelter which is designed to be transportable and which is not attached to the ground, to another structure, or to any utilities system on the same premises for more than thirty (30) consecutive days.

(Ord. No. O-3-93, § 2, 10-25-93; Ord. No. O-05-04, § 1, 4-26-04)

Sec. 6-28. - Code enforcement board; alternative means of enforcement.

The Town of Lantana Code Enforcement Board, pursuant to its authority under [Chapter 2](#) of the Town of Lantana Code of Ordinances, and under Chapter 162, Florida Statutes shall have jurisdiction to hear and decide cases in which violations of this code are alleged; provided however, that alternatively, the town may utilize the citation method of code enforcement or any other lawful means available, at its discretion.

(Ord. No. O-3-93, § 2, 10-25-93)

Sec. 6-29. - Minimum standards for dwellings, hotels, and rooming houses.

All dwellings, hotels and rooming houses must comply with the applicable edition of the standard housing code adopted by the town, as well as with sections [6-30](#) through [6-34](#) of this division.

(Ord. No. O-3-93, § 2, 10-25-93)

Sec. 6-30. - Maintenance and appearance standards for all structures.

(a)

The owner, operator, licensee, and/or tenant of all real properties within the town shall maintain the exterior of the premises in such a manner to conform with all town codes and ordinances; to avoid blighting influences on

neighboring properties, and to avoid the creation of hazards to public health, safety and welfare. Properties shall be maintained in accordance with the following standards:

(1)

The exterior of all premises and every structure thereon, including all parts of the structure and appurtenances where exposed to public view, shall be maintained in good repair and shall not show evidence of deterioration, weathering, discoloration, ripping, tearing or other holes or breaks. All screened enclosures shall be properly fitted, maintained, and in good repair. All other surfaces shall be maintained free of broken glass, crumbling stone, brick or stucco, or other conditions reflective of deterioration or inadequate maintenance.

(2)

All surfaces requiring paint, or which are otherwise protected from the elements shall be kept painted or protected. Painted surfaces shall be maintained free of graffiti, and with uniform colors, void of any evidence of deterioration.

(3)

In the R1A zoning district the parking or storage of commercial or recreational vehicles is further regulated at [section 23-131](#)(b) and in all other residential districts it is prohibited to park any vehicle, other than a boat on a trailer, in the rear yard, except that this prohibition shall not apply to any multi-family properties which have a paved parking lot provided in the rear yard area. Furthermore, off-street parking in front yards or side yards is strictly prohibited in all residential districts, exceptin specifically permitted and approved off-street parking spaces.

(4)

Single-family dwelling numerical street address required. Single-family dwellings shall display the address numbers using numeric characters a minimum of three (3) inches in height of a color contrasting with the background. The numeric characters shall be positioned directly above or beside the principal entrance into the dwelling or garage provided that such entrance or garage is clearly visible from the street. If the principal entrance or garage is not visible from the street, numbers shall be displayed either on a placard or mailbox near the access right-of-way to the property (i.e. next to the driveway) and positioned in such a way that the numbers are visible when approaching the residence in either direction on the main road right-of-way.

(5)

Multifamily dwelling numerical street address required. Multifamily dwellings shall display the address numbers using numeric characters a minimum of eight (8) inches in height of a color contrasting with the background and placed on the building such that the numbers are clearly visible from the street. They shall also position for display the address with the letter and numeric characters a minimum of six (6) inches in height directly above or beside the rear entrance to the building.

(6)

Non-residential numerical street address required. Non-residential buildings shall display the address numbers using numeric characters a minimum of eight (8) inches in height of a color contrasting with the background and placed on the building such that the numbers are clearly visible from the street. All non-residential establishments shall also position for display the name of the business and the address with the letter and numeric characters a minimum of six (6) inches in height directly above or beside the rear entrance to the building.

(7)

Driveways and swale areas. The list of permitted material that may be used as a driveway surface and swale area surface is set forth in Table 6-30.1. All driveways shall be continuously maintained in good repair and surfaced with hard, dustless material in accordance with Table 6-30.1. Coquina, shell rock, and/or sand are strictly prohibited except in accordance with [section 17-34\(i\)](#).

a.

Construction sites. Construction sites may utilize approved temporary driveway and swale area materials for the duration of the approved building permit. Temporary driveway and swale area materials shall remain continuously maintained in good repair. Prior to closeout of the building permit any temporary construction site driveway or swale material shall be removed.

b.

Stabilization and maintenance for all sites. For all driveways and swales, whether permanent or temporary in nature, appropriate stabilization methods shall be established to keep loose materials free from encroachment into the right-of-way and/or adjacent properties at all times. All permeable and semi-permeable surfaces shall be continuously maintained to prevent pooling of water and to maintain permeable qualities.

Table 6-30.1

	Driveway	Swale	Construction Site Temporary Driveways	Construction Site Swales
Pervious pavers, asphalt, concrete, or block	✓		✓	
Turf block	✓	✓	✓	✓
Coquina, shell rock, or sand				
Crushed stone such as gravel, broken concrete or similar material			✓	✓
Non-crushed stone such as small stones, pebbles, pea gravel, egg rock, or similar material		✓ (A)(B)	✓	✓
Sod		✓	✓	✓

✓ Indicates items which are permitted

(A) Indicates items which cannot be used as a parking surface

(B) Indicates items which may be used for swales in the R1A zoning district only subject to the following requirements:

- (1) Non-crushed stone must be installed to a finished depth six (6) of inches; and
- (2) The finished elevation of the highest point of installation must be no less than three (3) inches below the crown of the road immediately adjacent to the swale in which the stone is installed; and
- (3) Appropriate landscaping fabric or similar material must be installed under the non-crushed stone to prevent the non-crushed stone from sinking into the ground.

(b)

Only one (1) principal color may be used on each structure excluding those used to accent architectural features and/or trim.

(c)

Except as herein provided, the entire yard where exposed to public view must be kept free of debris and accumulations of property and equipment which present an unsightly appearance from usual vantage points on adjacent streets and properties. Lawn and landscape areas must be maintained according to the standards set forth in [chapter 10.5](#). Height shall conform with all applicable town ordinances. Outdoor storage and the area used for such storage shall be maintained in a clean, neat and presentable manner. The outdoor storage of loose vehicle parts, any type of equipment, appliance, furniture or machinery which is normally intended for indoor usage, and other similar accumulations is strictly prohibited. On corner lots, in all zoning districts, such property, when stored between a building and an adjacent street, shall be screened on all sides visible from either adjacent street by a shielding fence or landscaping, which shall be installed or maintained at six (6) feet in height. Provided, however, no such property shall be stored within a required side yard setback between a building and an adjacent street. In residential districts, outdoor storage shall be limited to personal property owned or leased by the occupant (owner or lessee) of the site. In residential districts it is also prohibited to store construction equipment/materials used for commercial purposes and not required for on-site construction pursuant to a valid construction permit or for normal property maintenance, including but not limited to lumber, concrete blocks, pipe and other building materials, tractors, bulldozers, graders, portable cement mixers, tools and other similar equipment and/or materials. Notwithstanding the foregoing, any accumulation of junk which has been left, placed, parked, or stacked unprotected from the elements, on a trailer or truck bed or outside of a structure, and shall include but not be limited to wrecked, inoperative, dilapidated or partially dismantled motor vehicles, trailers, boats, machinery, appliances, refrigerators, washing machines, plumbing fixtures, equipment, furniture and any other similar articles shall be considered a nuisance and is strictly prohibited whether such items are screened from view or not.

(d)

Hurricane shutters and obstructed windows. Commercially manufactured hurricane shutters may be installed or affixed upon a dwelling or business, or closed if permanently attached, at any time so long as the dwelling or business is unoccupied and may remain installed or affixed so long as the dwelling or business remains unoccupied. Notwithstanding the foregoing, a dwelling or business that has been secured by hurricane shutters (either having been installed, affixed, or closed) may only be inhabited or occupied when any portion of Palm Beach County falls within the National Hurricane Center's five-day cone of probability for a named tropical storm event; hurricane shutters may be used to protect building/structure openings up to five (5) days prior to storm landfall and may remain in place for no more than five (5) days following storm passage. Plywood and the like may only be used to protect and/or secure a dwelling or business when Palm Beach County is within the five-day cone referenced hereinabove. Accordingly, other than as set forth hereinabove, the boarding up or covering of window and door openings with anything or material, other than proper windows and doors, is strictly prohibited and shall be deemed to constitute a nuisance. Nothing in this section shall preclude the issuance of building permits for the installation of various hurricane shutter systems.

(Ord. No. O-3-93, § 2, 10-25-93; Ord. No. O-05-04, § 2, 4-36-04; [Ord. No. O-12-2019](#), § 1, 7-8-19; [Ord. No. O-6-2020](#), § 1, 7-27-20; [Ord. No. O-09-2021](#), § 1, 8-23-21)

Sec. 6-31. - Unsafe dwelling, rooming houses and hotels.

(a)

A dwelling, rooming house or hotel shall be deemed unsafe and referred to the appropriate agency, department or board for remedial action when any one (1) or more of the following exist:

(1)

It is abandoned, unguarded and open at doors or windows;

(2)

There is an accumulation of dust, debris or other combustible material therein or directly adjacent thereto;

(3)

The building condition creates hazards with respect to means of egress and fire protection as provided in the building code and regulations of the Town of Lantana;

(4)

There is a falling away, hanging loose or loosening of any siding, block, brick or other building material;

(5)

There is deterioration of the structure or structural parts;

(6)

The building is partially destroyed;

(7)

There is a sagging or leaning out of plumb of the building or any part of the building and such effect is caused by deterioration or over-stressing;

(8)

The electrical or mechanical installations or systems create a hazardous condition contrary to the standards of the town building code and other town regulations;

(9)

An unsanitary condition exists by reason of inadequate or malfunctioning sanitary facilities or waste disposal systems;

(10)

By reason of use or occupancy, the area, height, type, of construction, fire-resistance, means of egress, electrical equipment, plumbing, air conditioning or other features regulated by the building code do not comply with the code for the use and group of occupancy.

(Ord. No. O-3-93, § 2, 10-25-93)

Sec. 6-32. - Repairs and installations.

Repairs and installations shall be made so as to comply with the provisions of the building code and all other applicable regulations, laws and/or codes. All work shall proceed in a timely fashion and be done in a workmanlike manner.

(Ord. No. O-3-93, § 2, 10-25-93)

Sec. 6-33. - Responsibilities of owners, operators and occupants.

The owner shall not occupy, permit another to occupy, or let to another for occupancy a dwelling, dwelling unit, or hotel or rooming unit that is not clean, sanitary, safe and fit for human habitation.

(1)

Every occupant of a dwelling or dwelling unit shall be responsible for the following:

a.

Keeping in a clean and sanitary condition that part of the dwelling or dwelling unit he/she occupies or controls, including all equipment, sanitary facilities, yards, courts, driveways, lawns and shrubbery.

b.

Disposing of rubbish, garbage, lawn and shrubbery cuttings, leaves and other waste materials as provided by applicable law; placing garbage in the disposal facilities or storage containers as required by the Town of Lantana Code of Ordinances.

c.

Preventing the infestation of rodents, vermin and other pests within the dwelling unit he occupies or controls.

d.

Preventing animals or pets from creating an unsanitary condition or a nuisance on any premises within the town.

(2)

The owner or operator of every dwelling unit, hotel, rooming house or mobile home park shall, jointly and severally:

a.

Be responsible for the sanitary and safe maintenance of all equipment, furnishings, walls, floors, ceilings and other building parts, and the entire premises, including yards, courts, driveways, lawns and shrubbery.

b.

Provide shades, draperies or other devices or materials for all windows which, when properly used, will afford privacy to the occupants of the hotel or rooming unit.

c.

Permit no cooking in any hotel or rooming units where appropriate cooking facilities have not been permanently installed in accordance with the provisions of this code and the building code.

d.

Be responsible for the prompt and sanitary disposal of all garbage and trash through the use of approved mechanical equipment or by placing same in required containers; disposal of rubbish, garbage, lawn and shrubbery cuttings, leaves and other waste material as provided by applicable law.

e.

Be responsible for the extermination of rodents, vermin and other pests.

f.

Maintain the exterior so as to prevent the accumulation of stagnant water thereon.

g.

Prevent animals or pets to be kept in any unit or on the premises in such a manner as to create unsanitary conditions or a nuisance.

(Ord. No. O-3-93, § 2, 10-25-93)

Sec. 6-34. - Requirements relating to the safe and sanitary maintenance of premises adjacent to dwelling structures.

(a)

No owner, occupant or operator of a dwelling, dwelling unit, mobile home park, hotel, hotel unit, rooming house or rooming unit shall deposit, or cause to be deposited, any rubbish, garbage or other refuse on adjacent properties.

(b)

The owner of property adjacent to dwelling structures shall be required to keep such premises free from growth of weeds, grass, other flora, and rubbish, trash and other refuse in accordance with applicable laws, codes and ordinances.

(Ord. No. O-3-93, § 2, 10-25-93)

Sec. 6-35. - Additional minimum standards for commercial, industrial and institutional structures.

(a)

Minimum standards. No person shall maintain or operate any commercial, industrial or institutional structure which does not comply with this section.

(b)

Maintenance of exterior of premises. The exterior of all buildings and structures shall be kept free of all nuisances, and hazards to the safety of occupants, customers, pedestrians and other persons utilizing the premises, and must be kept free of unsanitary conditions. Any of the forgoing shall be promptly removed and abated by the owner or operator. It shall be the duty of the owner or operator to keep the premises free of hazards which include but are not limited to the following:

(1)

Dead and dying trees and limbs;

(2)

Loose and overhanging objects which by reason of location above ground level constitute a danger of falling on persons in the vicinity thereof;

(3)

Holes, excavations, breaks, projections, obstructions;

(4)

Excretions of pets and other animals on paths, walks, driveways, parking lots and parking areas, and other parts of the premises which are accessible to or used by persons on the premises;

(5)

Inadequate runoff drains for stormwaters;

(6)

Sources of infestation;

(7)

Foundations, floors, and walls which are not structurally sound;

(8)

Chimneys, flue and vent attachments which are not safe, durable, smoke tight and capable of withstanding the action of flue gasses;

(9)

Exterior porches, landings, balconies, stairs and fire escapes which are not provided with banisters or railings properly designed, and maintained to minimize the hazard of falling.

(c)

Appearance of exterior of premises. The exterior of buildings and structures shall be maintained so that their appearance shall not constitute a blighting factor upon adjoining property owners nor an element leading to the progressive deterioration and downgrading of the neighborhood, including but not limited to the following:

(1)

Premises shall be kept landscaped and maintained, and lawns, hedges and bushes shall be kept trimmed or maintained.

(2)

All store fronts and walls exposed to public view shall be kept in a good state of repair.

(3)

Any awning or marquee and its accompanying structural members which extend over any street, sidewalk or any other portion of the premises shall be maintained in a good state of repair. In the event such awnings or marquees are made of cloth, plastic or of a similar material, such cloth or plastic, where exposed to public view shall not show evidence of excessive weathering, discoloration, ripping, tearing, or other holes. Nothing herein shall be construed to authorize any encroachment on streets, sidewalks or other parts of the public domain.

(d)

General maintenance. The exterior of every building or structure shall be maintained in a good state of repair and all surfaces thereof shall be kept painted or whitewashed where necessary for purposes of preservation and appearance. All surfaces shall be maintained free of graffiti, broken glass, loose shingles, crumbling stone or brick, excessive peeling paint or other conditions reflective of deterioration or inadequate maintenance. Garbage storage receptacles or garbage disposal facilities shall be provided and maintained for the disposal of garbage at every occupied building or structure.

(e)

Unsafe commercial, industrial and institutional buildings and structures. A commercial, industrial or institutional building or structure shall be deemed unsafe and referred to the appropriate agency, department, or board for remedial action when it meets one (1) or any of the conditions set forth in the standard building code as adopted by the Town of Lantana for unsafe buildings.

(f)

Responsibilities of owner and operators. The owner of a structure shall be responsible for maintaining the minimum standards required by this chapter. Specifically, the owner and/or operator is responsible:

(1)

For keeping all parts of the premises under his control in a clean and safe condition, and preventing any acts which would render other parts of the premises unclean, unsanitary or unsafe or which would obstruct the owner/operator from performing any duty required by this chapter.

(2)

For eliminating infestation of pests in and on the premises subject to his control.

(3)

For maintaining all plumbing fixtures in a clean and sanitary condition and preventing the deposit of any material in any fixture or sewer which would result in stoppage of or damage to the fixtures or sewer system.

(Ord. No. O-3-93, § 2, 10-25-93)

Sec. 6-35.1. - Inspection.

(a)

The Lantana Code Enforcement Division, through its code inspectors, is hereby authorized to inspect from time to time all dwellings, hotels, rooming houses, and commercial, industrial and institutional structures that are subject to the minimum property standards of this chapter. When a code inspector is required to enter onto private premises to make an inspection, he/she shall do so with the consent of the owner, operator, lessee or occupant. In the event that consent to enter the premises is withheld, the code inspector may make application to the proper court for an order allowing access to the premises.

(b)

Inspection of all buildings or structures shall be made during reasonable hours. If the director has cause to believe an immediate threat exists to the health, welfare or safety of persons in or about any building or structure, he may direct that an inspection be made at anytime.

(Ord. No. O-3-93, § 2, 10-25-93)

Editor's note— Ord. No. O-3-93, § 2, adopted Oct. 25, 1993, amended the Code by adding provisions designated as § 6-36. Inasmuch as there are already provisions so designated, said provisions have been redesignated as § 6-35.1 at the discretion of the editor.

DIVISION 3. - REGISTRATION OF ABANDONED REAL PROPERTY

Footnotes:

--- (3) ---

Editor's note— Ord. No. O-14-2010, § 3, adopted Dec. 13, 2010, repealed ch. 6, art. III, § 6-36, in its entirety. Section 4 of said ordinance enacted new division provisions to read as herein set out. Prior to this amendment,

art. III pertained to Permits, Fees and Inspections. See Code Comparative Table for derivation.

Sec. 6-36. - Registration required.

(a)

Any mortgagee who holds a mortgage on real property located within the town shall perform an inspection of the property that is the security for the mortgage, upon default by the mortgagor, or issuance of a notice of default. If the property is found to be vacant or shows evidence of vacancy, it shall be deemed abandoned and the mortgagee shall, within ten (10) days of the inspection, register the property with the town's code enforcement officer, his/her designee, or the town's authorized representative, on forms provided by the town. A registration is required for each vacant property.

(b)

If the property is occupied but remains in default, it shall be inspected by the mortgagee or his designee monthly until either of the following occurs:

(1)

The mortgagor or other party remedies the default; or

(2)

The property is found to be vacant or shows evidence of vacancy at which time it is deemed abandoned, and the mortgagee shall within ten (10) days of that inspection, register the property with the town's code enforcement officer, his/her designee, or the town's authorized representative, electronically via the town's website on forms provided by the town.

(c)

Registration pursuant to this section shall contain at least the following:

(1)

The name of the mortgagee;

(2)

The direct mailing address of the mortgagee;

(3)

A direct contact name, telephone and facsimile number of mortgagee;

(4)

The local property management company responsible for the security and maintenance of the property if different than the mortgagee; and

(5)

The direct contact name and telephone number of the property manager, facsimile number and email address, and mobile telephone number for direct contact.

(d)

An annual registration fee in the amount which shall be set by a resolution of the town council shall accompany the registration.

(e)

This section shall also apply to properties that have been the subject of a foreclosure sale where the title was transferred to the beneficiary of a mortgage involved in the foreclosure and any properties transferred under a deed in lieu of foreclosure/sale.

(f)

Properties subject to this division shall remain under the annual registration requirement, security and maintenance standards of this division as long as they remain vacant.

(g)

Any person or corporation that has registered a property under this section must report any change of information contained in the registration within ten (10) days of the change.

(Ord. No. O-14-2010, § 4, 12-13-10)

Sec. 6-37. - Maintenance standards for abandoned real property.

(a)

In addition to the complying with the town's minimum property standards at division 2, properties subject to this division 3 shall be kept free of weeds, overgrown brush, dead vegetation, trash, junk, debris, building materials, any accumulation of newspapers, circulars, flyers, notices, except those required by federal, state, or local law; and discarded personal items including, but not limited to, furniture, clothing, large and small appliances, printed material or any other items that give the appearance that the property is abandoned.

(b)

The property shall be maintained free of graffiti or similar markings by removal or painting over with an exterior grade paint that matches the color of the exterior structure.

(c)

Front, side, and rear yard landscaping shall be maintained in accordance with the town's code of ordinances at [chapter 10.5](#) at the time of registration was required.

(1)

Landscape shall include, but not be limited to, grass, ground covers, bushes, shrubs, hedges or similar plantings, decorative rock or bark or artificial turf/sod designed specifically for residential installation.

(2)

Landscape shall not show evidence of gravel, broken concrete, asphalt or similar material unless xeriscape plans incorporating same have been approved by the town.

(3)

Landscape maintenance shall include, but not be limited to, watering, irrigation, cutting, and mowing of required landscape and removal of all trimmings.

(d)

Pools and spas shall be maintained so the water remains free and clear of pollutants and debris. Pools and spas shall comply with the enclosure requirements of the Town Code and Florida Building Code, as such may be amended from time to time.

(e)

Failure of the mortgagee and/or property owner of record to properly maintain the property may result in a violation of this Code and issuance of a citation or notice of violation/notice of hearing by a town code enforcement officer. Pursuant to a finding of violation and order of the town's code special magistrate, the town may take the necessary abatement action to ensure compliance with this article.

(Ord. No. O-14-2010, § 4, 12-13-10)

Sec. 6-38. - Security and notice requirements.

(a)

Properties subject to this article shall be maintained in a secure manner so as not to be accessible to unauthorized persons.

(1)

A "secure manner" shall include, but not be limited to, the closure and locking of windows, doors, gates and other openings of such size that may allow a child to access the interior of the property and/or structure.

(2)

Broken windows shall be secured by re-glazing, not by boarding over.

(b)

The mortgagee and/or owner shall contract with a local property management company which shall perform bi-weekly inspections to verify compliance with the requirements of this article and any other applicable regulations; and upon the request of the town, the local property management company shall provide a copy of the inspection reports to the code enforcement department.

(c)

The property shall be posted with the name and twenty-four (24) hour contact phone number of the local property management company. The posting shall be no less than an eight (8) inch by ten (10) inch sign. The posting shall contain the following language;

THIS PROPERTY IS MANAGED BY:

[Name of property management company]

TO REPORT PROBLEMS OR CONCERNS CALL

(Telephone number of property management company)

(1)

The posting shall be placed on the interior of a window facing the street to the front of the property so it is visible, or secured to the exterior of the building/str[u]cture facing the street to the front of the property so it is visible; or

(2)

If no such area exists, the posting shall be placed on a stake of sufficient size to support the posting in a location as close as possible to the main door entrance of the property.

(3)

Exterior posting shall be constructed of and printed with weather-resistant materials.

(d)

Failure of the mortgagee and/or property owner of record to properly secure and notice the property may result in a violation of this Code and issuance of a citation or notice of violation/notice of hearing by a town code enforcement officer. Pursuant to a finding of violation and order of the town's code special magistrate, the town may take the necessary abatement action to ensure compliance with this article.

(Ord. No. O-14-2010, § 4, 12-13-10)

Secs. 6-39—6-47. - Reserved.

ARTICLE III. - PERMITS, FEES AND INSPECTIONS

Footnotes:

--- (4) ---

Note— See editor's note following ch. 6, art. II, div. 3.

Sec. 6-48. - Permit fees.

The town council shall, by resolution, establish reasonable rates to be charged for permit fees required for all buildings, structures or alterations requiring a permit. The fee shall be paid as required at the time of filing application in accordance with the schedule as established by resolution and shall be based on the total cost valuation of the work. Total cost valuation may be established by submission of a signed, notarized contract. Additional administrative fees for such additional items as reinspection, demolition, condemnation, structural pest control and moving of buildings shall also be established by resolution of the town council.

The current resolution setting forth the schedule of all current fees and charges levied by the town shall be available for inspection at the town hall during regular business hours.

(Ord. No. O-14-2010, § 5, 12-13-10)

Secs. 6-49, 6-50. - Reserved.

ARTICLE IV. - EXCAVATIONS OF LAND

Footnotes:

--- (5) ---

Cross reference— Beaches, boats, waterways, Ch. 5; lots and land clearing, § 12-31; streets, sidewalks and other public places, Ch. 17; zoning, Ch. 23.

Sec. 6-51. - Permit; application; refill; bond.

(a)

No person shall excavate or remove sand, the top-soil or sub-soil from any lands within the corporate limits of the town so as to create or cause to exist an excavation, pit or depression therein or thereupon, or cause the

topographical level of such lands to be lowered, without having first secured a permit.

(b)

Such person shall file a written application with the town council, and shall set out therein a description of the lands from which he desires to remove such sand, or soil, the approximate amount to be removed, and the depth to which he desires to make such excavation.

(c)

Upon the filing of such application, the town council shall consider the same, and shall fix a reasonable level commensurate with the topographic level of adjacent lands and the lands surrounding the same, to which level it will require such lands to be refilled when such excavation shall have been made. It shall also fix a reasonable time within which it will require such refill to be made. In order to secure prompt and faithful compliance with such requirements, it shall fix the amount of a performance bond which such applicant must execute before beginning such excavation.

(d)

Upon applicant's entering into a binding agreement with the town to make such refill, within the time specified, to the topographic level prescribed by the town council, and upon applicant's furnishing a good and sufficient performance bond in an amount and with two (2) sureties or one (1) surety, if a corporate surety bond be given, and approved by the town council, conditioned upon the faithful performance by applicant of his agreement, the town council shall issue such permit for such excavation and such removal of sand or soil.

(Code 1962, § 10-1)

Sec. 6-52. - Refilling of existing excavations—Notice.

(a)

If any excavation of sand, topsoil or subsoil shall have been heretofore made, leaving a pit, or pits, or depressions as above contemplated, such pit or depression is hereby declared to be a public nuisance, dangerous to the health, morals and welfare of the citizens and inhabitants of the town. The owner of such land is hereby required to fill, within a reasonable time, such pits or depressions to the approximate level of the surrounding lands, and in such manner as will remove the public menace and danger from such pits or depressions.

(b)

Notice shall be given in writing by the health officer of the town to the owner of the land having such pits or depressions, or excavation, requiring such owner to refill the same within a reasonable time to the approximate level of surrounding lands. If such owner shall fail to comply with such notice and refill such excavation or pit, he shall be charged with a violation of this article.

(Code 1962, § 10-2)

Sec. 6-53. - Same—Violations.

Should such person to whom a permit has been granted as above abandon such work, or attempt to excavate to a greater depth, or remove a greater amount of sand or soil than is shown by such application and permit, or should fail to refill such excavation within the time agreed upon and allowed, then the town council is hereby authorized to cancel such permit and direct such person to refill such excavation, pits or depressions and the restoration of such premises to the topographic level theretofore fixed by it. In the event such person shall fail to do so, the town council shall order and direct the work to be done by it, and the cost thereof shall be deducted from the performance bond of such person together with any other damage occasioned by such excavation by such person.

(Code 1962, § 10-3)

Sec. 6-54. - Same—Failure to refill; lien of expense to town.

If the owner of such land shall fail after such notice to refill such excavation of pit or pits, then the town council may order the same to be filled in accordance with this article and assess the actual cost against the lands filled. The cost shall be a lien to secure the repayment to the town of the money expended by it, in the nature of a special assessment lien.

(Code 1962, § 10-4)

Secs. 6-55—6-65. - Reserved.

ARTICLE V. - SATELLITE DISH ANTENNAS

Footnotes:

--- (6) ---

Cross reference— Licenses and business regulations, Ch. 11; nuisances, Ch. 12; signs and advertising, Ch. 16; streets, sidewalks and other public places, Ch. 17; utilities, Ch. 21; zoning, Ch. 23.

Sec. 6-66. - Definitions.

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

Satellite dish antenna shall mean a telecast or radio receiver or transmitter antenna system that allows consumers to receive television or radio signals directly from a satellite rather than by another means. The signal is first received by the antenna, amplified at a focal point in front of the antenna and carried by cable to one or more receivers. A satellite dish antenna system is considered to be a "structure" as defined by the building code.

(Code 1962, § 9-1)

Cross reference— Definitions and rules of construction generally, [§ 1-2](#).

Sec. 6-67. - Appearance.

It is the intent of this article to provide for the reasonable, safe and aesthetic installation of satellite dish antennas.

(Code 1962, § 9-2)

Sec. 6-68. - Permits.

(a)

No person shall construct or cause to be constructed a satellite dish antenna without obtaining a permit except for satellite dish antennas less than twenty-four (24) inches in diameter which are exempt from regulation. Additionally, ordinary television reception antennas less than ten (10) feet in height above last attachment are hereby exempt from permits.

(b)

Application for a permit under this article shall be made to the building official and shall be accompanied by payment of a fee as set forth in the schedule of fees in [section 6-36](#), and by plans and specifications and other data, sufficiently detailed, prepared by a competent engineer or architect duly registered and licensed in the state. The engineer or architect must include a statement to accompany the plans and specifications to the effect that

the satellite dish antenna, when constructed in accordance with the plans and specifications, can be safely maintained under wind forces to which it may be subjected in the location where placed.

(c)

The plans, specifications and other data submitted under this article shall be in duplicate and shall provide such detail required of structures by the building official.

(Code 1962, § 9-3; Ord. No. O-01-97, § 1, 2-10-97)

Sec. 6-69. - Technical requirements.

(a)

Single-family residential districts:

(1)

Satellite dish antennas shall be restricted to rear yards only and shall not be installed on the roofs of single-family dwellings. All town zoning setback requirements shall be complied with in the plot location of any satellite dish antenna.

(2)

The antenna and supporting structure shall be screened from view by the use of shrubbery, trees, foliage or other screening material.

(3)

Satellite dish antennas shall be freestanding and the highest point of the antenna shall not exceed the height of the roofline of the building or fifteen (15) feet above ground level, whichever is less.

(4)

The dish of the antenna shall not exceed twelve (12) feet in diameter, if circular, or twelve (12) feet in its greatest dimension, if not circular.

(b)

Other zoning districts:

(1)

For properties in all zoning districts other than single-family dwellings abutting single-family residential districts, the requirements above, under (a) (single-family residential districts), shall also be applicable. ("Abutting Property" shall be defined as land which either touches or lies directly across a street, alley or easement from single-family residentially-zoned land).

(2)

For all other applications, while the technical requirements shall remain as stated under (a)(4), roof-mounted satellite dish antennas shall be permitted so long as they are screened from view at ground level.

(3)

Only satellite dishes which are actually required for obtaining the signal may be erected and maintained on the property. Satellite dishes may not be used for display or advertising purposes on the exterior of any structure.

Where a commercial enterprise is engaging in the sale of satellite dishes, the erection of more than one dish shall be presumed to be for display or advertising purposes.

(Code 1962, § 9-4)

Secs. 6-70—6-80. - Reserved.

ARTICLE VI. - TELECOMMUNICATIONS TOWERS

Footnotes:

--- (7) ---

Editor's note— Ord. No. O-01-97, § 2, adopted Jan. 10, 1997, repealed former Art. VI, §§ 6-81—6-90, 6-93, 6-94, in its entirety and enacted new provisions as herein set out. Former Art. VI pertained to radio and television antennas and derived from the Code of 1962; Ord. No. O-17-86, § 2, 9-8-86; Ord. No. O-10-87, § 2, 7-27-87.

Cross reference— Licenses and business regulations, Ch. 11; nuisances, Ch. 12; signs and advertising, Ch. 16; streets, sidewalks and other public places, Ch. 17; utilities, Ch. 21; zoning, Ch. 23.

Sec. 6-81. - Definition.

Telecommunications tower shall mean a guyed, monopole, or self-supporting structure, whether free-standing or attached to another structure, containing one or more antennas intended for transmitting or receiving television, AM/FM radio, digital, microwave, cellular, telephone or similar forms of electronic communication.

(Ord. No. O1-01-97, § 2, 2-10-97)

Sec. 6-82. - Permit requirements.

It shall be unlawful for any person to install, either as owner and/or as agent, servant and/or employee of the owner or as an independent contractor or otherwise any telecommunications towers of any kind whatsoever unless and until a permit for such installation has first been obtained from the town building department.

(Ord. No. O-17-2012, § 1, 8-27-12)

Editor's note— Ord. No. O-17-2012, § 1, adopted Aug. 27, 2012, repealed § 6-82, in its entirety and enacted new provisions to reads as herein set out. Prior to this amendment, § 6-82, pertained to similar subject matter. See Code Compative Table for derivation.

Sec. 6-83. - Additional requirements.

All telecommunications towers located within the town are subject to conditions of approval as special exception uses and, additionally shall meet the following requirements.

(1)

Maximum height shall not exceed one hundred fifty (150) feet above average grade.

(2)

The location of all telecommunications towers shall provide a safe fall and strike zone of one hundred ten (110) percent of the tower height from the nearest attachment to the earth from any building or structure not located on the same parcel of land on which the tower is located.

(3)

The structural design and integrity of the tower shall comply with the wind loading and resistance requirements for the local wind zone indicated in the adopted Standard Building Code.

(4)

The designed electrical equipment and/or wiring shall comply with the adopted National Electrical Code.

(5)

All telecommunications towers shall comply with the requirements of the Federal Aviation Agency and the Federal Communications Commission.

(Ord. No. O-01-97, § 2, 2-10-97)

Secs. 6-84—6-100. - Reserved.

ARTICLE VII. - FLOODPLAIN MANAGEMENT

Footnotes:

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Editor's note— Ord. No. O-05-2014, § 1, adopted May 12, 2014, repealed the former Art. VII, §§ 6-101 and 6-104, and enacted a new Art. VII as set out herein. The former Art. VII pertained to similar subject matter and derived from Ord. No. O-12-2013, adopted September 23, 2013.

Sec. 6-101. - Floodplain ordinance.

The town council of the Town of Lantana hereby adopts the Floodplain Management Ordinance through the adoption of the following chapters and sections generally conforming to the format of the Florida Building Code which is referenced therein. Further administrative amendments to Chapter 1. Administration, of the Florida Building Code related to Floodplain Management Ordinance may also be found at [section 6-17](#) of the Town Code.

[CHAPTER 1](#) ADMINISTRATION

SECTION 101 GENERAL

101.1 Title. These regulations shall be known as the Floodplain Management Ordinance of the Town of Lantana, hereinafter referred to as "this ordinance." These regulations are arranged to reflect the organization of the Florida Building Code (2010), with administrative provisions in [Chapter 1](#), definitions in [Chapter 2](#), and technical provisions in [Chapter 3](#).

101.2 Scope. The provisions of this ordinance shall apply to all development that is wholly within or partially within any flood hazard area, including but not limited to the subdivision of land; filling, grading, and other site improvements and utility installations; construction, alteration, remodeling, enlargement, improvement, replacement, repair, relocation or demolition of buildings, structures, and facilities that are exempt from the Florida Building Code; placement, installation, or replacement of manufactured homes and manufactured buildings; installation or replacement of tanks; placement of recreational vehicles; installation of swimming pools; and any other development.

101.3 Intent. The purposes of this ordinance and the flood load and flood resistant construction requirements of the Florida Building Code are to establish minimum requirements to safeguard the public health, safety, and general welfare and to minimize public and private losses due to flooding through regulation of development in flood hazard areas to:

1.

Minimize unnecessary disruption of commerce, access and public service during times of flooding;

2.

Require the use of appropriate construction practices in order to prevent or minimize future flood damage;

3.

Manage filling, grading, dredging, mining, paving, excavation, drilling operations, storage of equipment or materials, and other development which may increase flood damage or erosion potential;

4.

Manage the alteration of flood hazard areas, watercourses, and shorelines to minimize the impact of development on the natural and beneficial functions of the floodplain;

5.

Minimize damage to public and private facilities and utilities;

6.

Help maintain a stable tax base by providing for the sound use and development of flood hazard areas;

7.

Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events; and

8.

Meet the requirements of the National Flood Insurance Program for community participation as set forth in the Title 44 Code of Federal Regulations, Section 59.22.

101.4 Coordination with the Florida Building Code. This ordinance is intended to be administered and enforced in conjunction with the Florida Building Code. Where cited, ASCE 24 refers to the edition of the standard that is referenced by the Florida Building Code.

101.5 Warning. The degree of flood protection required by this ordinance and the Florida Building Code, as amended by this community, is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside of mapped special flood hazard areas, or that uses permitted within such flood hazard areas, will be free from flooding or flood damage. The flood hazard areas and base flood elevations contained in the Flood Insurance Study and shown on the Flood Insurance Rate Maps and the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60, may be revised by Federal Emergency Management Agency, requiring this community to revise these regulations to remain eligible for participation in the National Flood Insurance Program. No guaranty of vested use, existing use, or future use is implied or expressed by compliance with this ordinance.

101.6 Disclaimer of Liability. This ordinance shall not create liability on the part of the Town Council of the Town of Lantana or by any officer or employee thereof for any flood damage that results from reliance on this ordinance or any administrative decision lawfully made thereunder.

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.

102.2 Areas to which this ordinance applies. This ordinance shall apply to all flood hazard areas within the Town of Lantana as established in Section 102.3 of this ordinance.

102.3 Basis for establishing flood hazard areas. The Flood Insurance Study for the Town of Lantana dated October 5, 2017, and all subsequent amendments and revisions, and the accompanying Flood Insurance Rate Maps (FIRM), and all subsequent amendments and revisions to such maps, are adopted by reference as a part of this ordinance and shall serve as the minimum basis for establishing flood hazard areas. Studies and maps that establish flood hazard areas are on file at the office of the Town Clerk.

102.3.1 Submission of additional data to establish flood hazard areas. To establish flood hazard areas and base flood elevations, pursuant to Section 105 of this ordinance the Floodplain Administrator may require submission of additional data. Where field surveyed topography prepared by a Florida licensed professional surveyor or digital topography accepted by the community indicates that ground elevations:

1.

Are below the closest applicable base flood elevation, even in areas not delineated as a special flood hazard area on a FIRM, the area shall be considered as flood hazard area and subject to the requirements of this ordinance and, as applicable, the requirements of the Florida Building Code.

2.

Are above the closest applicable base flood elevation, the area shall be regulated as special flood hazard area unless the applicant obtains a Letter of Map Change that removes the area from the special flood hazard area.

102.4 Other laws. The provisions of this ordinance shall not be deemed to nullify any provisions of local, state or federal law.

102.5 Abrogation and greater restrictions. This ordinance supersedes any ordinance in effect for management of development in flood hazard areas. However, it is not intended to repeal or abrogate any existing ordinances, including but not limited to, land development regulations, zoning ordinances, stormwater management regulations, or the Florida Building Code. In the event of a conflict between this ordinance and any other ordinance, the more restrictive shall govern. This ordinance shall not impair any deed restriction, covenant or easement, but any land that is subject to such interests shall also be governed by this ordinance.

102.6 Interpretation. In the interpretation and application of this ordinance, all provisions shall be:

1.

Considered as minimum requirements;

2.

Liberally construed in favor of the governing body; and

3.

Deemed neither to limit nor repeal any other powers granted under state statutes.

SECTION 103 DUTIES AND POWERS OF THE FLOODPLAIN ADMINISTRATOR

103.1 Designation. The building official is designated as the Floodplain Administrator. The Floodplain Administrator may delegate performance of certain duties to other employees.

103.2 General. The Floodplain Administrator is authorized and directed to administer and enforce the provisions of this ordinance. The Floodplain Administrator shall have the authority to render interpretations of this

ordinance consistent with the intent and purpose of this ordinance and may establish policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall not have the effect of waiving requirements specifically provided in this ordinance without the granting of a variance pursuant to Section 107 of this ordinance.

103.3 Applications and permits. The Floodplain Administrator, in coordination with other pertinent offices of the community, shall:

1.

Review applications and plans to determine whether proposed new development will be located in flood hazard areas;

2.

Review applications for modification of any existing development in flood hazard areas for compliance with the requirements of this ordinance;

3.

Interpret flood hazard area boundaries where such interpretation is necessary to determine the exact location of boundaries; a person contesting the determination shall have the opportunity to appeal the interpretation;

4.

Provide available flood elevation and flood hazard information;

5.

Determine whether additional flood hazard data shall be obtained from other sources or shall be developed by an applicant;

6.

Review applications to determine whether proposed development will be reasonably safe from flooding;

7.

Issue floodplain development permits or approvals for development other than buildings and structures that are subject to the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code, when compliance with this ordinance is demonstrated, or disapprove the same in the event of noncompliance; and

8.

Coordinate with and provide comments to the Building Official to assure that applications, plan reviews and inspections for buildings and structures in flood hazard areas comply with the applicable provisions of this ordinance.

103.4 Substantial improvement and substantial damage determinations. For applications for building permits to improve buildings and structures, including alterations, movement, substantial improvements, repairs of substantial damage, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Building Official, shall:

1.

Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;

2.

Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;

3.

Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and

4.

Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the Florida Building Code and this ordinance is required.

103.5 Modifications of the strict application of the requirements of the Florida Building Code. The Floodplain Administrator shall review requests submitted to the Building Official that seek approval to modify the strict application of the flood load and flood resistant construction requirements of the Florida Building Code to determine whether such requests require the granting of a variance pursuant to Section 107 of this ordinance.

103.6 Coordination of Notices and orders. The Floodplain Administrator and the Building Official shall coordinate with the appropriate local agencies the issuance of all necessary notices or orders to ensure compliance with this ordinance.

103.7 Inspections. The Floodplain Administrator shall make the required inspections as specified in Section 106 of this ordinance for development that is not subject to the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code. The Floodplain Administrator shall inspect flood hazard areas to determine if development is undertaken without issuance of a permit.

103.8 Other duties of the Floodplain Administrator. The Floodplain Administrator shall have other duties, including but not limited to:

1.

Establish, in coordination with the Building Official, procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to Section 103.4 of this ordinance;

2.

Require that applicants proposing alteration of a watercourse notify adjacent communities and the Florida Division of Emergency Management, State Floodplain Management Office, and submit copies of such notifications to the Federal Emergency Management Agency (FEMA);

3.

Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the Flood Insurance Rate Maps if the analyses

propose to change base flood elevations, flood hazard area boundaries, or floodway designations; such submissions shall be made within 6 months of such data becoming available;

4.

Review required design certifications and documentation of elevations specified by this ordinance and the Florida Building Code and this ordinance to determine that such certifications and documentations are complete;

5.

Notify the Federal Emergency Management Agency when the corporate boundaries of Town of Lantana are modified; and

6.

Advise applicants for new buildings and structures, including substantial improvements, that are located in any unit of the Coastal Barrier Resources System established by the Coastal Barrier Resources Act (Pub. L. 97-348) and the Coastal Barrier Improvement Act of 1990 (Pub. L. 101-591) that federal flood insurance is not available on such construction; areas subject to this limitation are identified on Flood Insurance Rate Maps as "Coastal Barrier Resource System Areas" and "Otherwise Protected Areas."

103.9 Floodplain management records. Regardless of any limitation on the period required for retention of public records, the Floodplain Administrator shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of this ordinance and the flood resistant construction requirements of the Florida Building Code, including Flood Insurance Rate Maps; Letters of Change; records of issuance of permits and denial of permits; determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required design certifications and documentation of elevations specified by the Florida Building Code and this ordinance; notifications to adjacent communities, FEMA, and the state related to alterations of watercourses; assurances that the flood carrying capacity of altered watercourses will be maintained; documentation related to appeals and variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to this ordinance and the flood resistant construction requirements of the Florida Building Code. These records shall be available for public inspection at the office of the Town Clerk at Town Hall in the Town of Lantana.

SECTION 104 PERMITS

104.1 Permits required. Any owner or owner's authorized agent (hereinafter "applicant") who intends to undertake any development activity within the scope of this ordinance, including buildings, structures and facilities exempt from the Florida Building Code, which is wholly within or partially within any flood hazard area shall first make application to the Floodplain Administrator, and the Building Official if applicable, and shall obtain the required permit(s) and approval(s). No such permit or approval shall be issued until compliance with the requirements of this ordinance and all other applicable codes and regulations has been satisfied.

104.2 Floodplain development permits or approvals. Floodplain development permits or approvals shall be issued pursuant to this ordinance for any development activities not subject to the requirements of the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code. Depending on the nature and extent of proposed development that includes a building or structure, the Floodplain Administrator may determine that a floodplain development permit or approval is required in addition to a building permit.

104.2.1 Buildings, structures and facilities exempt from the Florida Building Code. Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 C.F.R. Sections 59 and 60), floodplain development permits or approvals shall be required for the following buildings, structures and facilities that are exempt from the Florida Building Code and any further exemptions provided by law, which are subject to the requirements of this ordinance:

1.

Railroads and ancillary facilities associated with the railroad.

2.

Nonresidential farm buildings on farms, as provided in section 604.50, F.S.

3.

Temporary buildings or sheds used exclusively for construction purposes.

4.

Mobile or modular structures used as temporary offices.

5.

Those structures or facilities of electric utilities, as defined in section 366.02, F.S., which are directly involved in the generation, transmission, or distribution of electricity.

6.

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 non-wood features.

7.

Family mausoleums not exceeding 250 square feet 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.

8.

Temporary housing provided by the Department of Corrections to any prisoner in the state correctional system.

9.

Structures identified in Section 553.73(10)(k), F.S., are not exempt from the Florida Building Code if such structures are located in flood hazard areas established in Flood Insurance Rate Maps.

104.3 Application for a permit or approval. To obtain a floodplain development permit or approval the applicant shall first file an application in writing on a form furnished by the community. The information provided shall:

1.

Identify and describe the development to be covered by the permit or approval.

2.

Describe the land on which the proposed development is to be conducted by legal description, street address or similar description that will readily identify and definitively locate the site.

3.

Indicate the use and occupancy for which the proposed development is intended.

4.

Be accompanied by a site plan or construction documents as specified in Section 105 of this ordinance.

5.

State the valuation of the proposed work.

6.

Be signed by the applicant or the applicant's authorized agent.

7.

Give such other data and information as required by the Floodplain Administrator.

104.4 Validity of permit or approval. The issuance of a floodplain development permit or approval pursuant to this ordinance shall not be construed to be a permit for, or approval of, any violation of this ordinance, the Florida Building Codes, or any other ordinance of this community. The issuance of permits based on submitted applications, construction documents, and information shall not prevent the Floodplain Administrator from requiring the correction of errors and omissions.

104.5 Expiration. A floodplain development permit or approval shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized is suspended or abandoned for a period of 180 days after the work commences. Extensions for periods of not more than 180 days each shall be requested in writing and justifiable cause shall be demonstrated.

104.6 Suspension or revocation. The Floodplain Administrator is authorized to suspend or revoke a floodplain development permit or approval if the permit was issued in error, on the basis of incorrect, inaccurate or incomplete information, or in violation of this ordinance or any other ordinance, regulation or requirement of this community.

104.7 Other permits required. Floodplain development permits and building permits shall include a condition that all other applicable state or federal permits must be obtained before commencement of the permitted development, including but not limited to the following:

a.

The South Florida Water Management District; section 373.036, F.S.

b.

Florida Department of Health for onsite sewage treatment and disposal systems; section 381.0065, F.S. and Chapter 64E-6, F.A.C.

c.

Florida Department of Environmental Protection for construction, reconstruction, changes, or physical activities for shore protection or other activities seaward of the coastal construction control line; section 161.141, F.S.

d.

Florida Department of Environmental Protection for activities subject to the Joint Coastal Permit; section 161.055, F.S.

e.

Florida Department of Environmental Protection for activities that affect wetlands and alter surface water flows, in conjunction with the U.S. Army Corps of Engineers; Section 404 of the Clean Water Act.

f.

Federal permits and approvals.

SECTION 105 SITE PLANS AND CONSTRUCTION DOCUMENTS

105.1 Information for development in flood hazard areas. The site plan or construction documents for any development subject to the requirements of this ordinance shall be drawn to scale and shall include, as applicable to the proposed development:

1.

Delineation of flood hazard areas, floodway boundaries and flood zone(s), and base flood elevation(s), and ground elevations if necessary for review of the proposed development.

2.

Where base flood elevations, or floodway data are not included on the FIRM or in the Flood Insurance Study, they shall be established in accordance with Section 105.2.2 or 105.2.3. of this ordinance.

3.

Where the parcel on which the proposed development will take place will have more than 50 lots or is larger than 5 acres and the base flood elevations are not included on the FIRM or in the Flood Insurance Study, such elevations shall be established in accordance with Section 105.2.1. of this ordinance.

4.

Location of the proposed activity and proposed structures, and locations of existing buildings and structures; in coastal high hazard areas, new buildings shall be located landward of the reach of mean high tide.

5.

Location, extent, amount, and proposed final grades of any filling, grading, or excavation.

6.

Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose.

7.

Delineation of the Coastal Construction Control Line or notation that the site is seaward of the coastal construction control line, if applicable.

8.

Extent of any proposed alteration of sand dunes or mangrove stands, provided such alteration is approved by the Florida Department of Environmental Protection.

9.

Existing and proposed alignment of any proposed alteration of a watercourse.

The Floodplain Administrator is authorized to waive the submission of site plans, construction documents, and other data that are required by this ordinance but that are not required to be prepared by a registered design professional if it is found that the nature of the proposed development is such that the review of such submissions is not necessary to ascertain compliance with this ordinance.

105.2 Information in flood hazard areas without base flood elevations (approximate Zone A). Where flood hazard areas are delineated on the FIRM and base flood elevation data have not been provided, the Floodplain Administrator shall:

1.

Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices.

2.

Obtain, review, and provide to applicants base flood elevation and floodway data available from a federal or state agency or other source or require the applicant to obtain and use base flood elevation and floodway data available from a federal or state agency or other source;

3.

Where base flood elevation and floodway data are not available from another source, where the available data are deemed by the Floodplain Administrator to not reasonably reflect flooding conditions, or where the available data are known to be scientifically or technically incorrect or otherwise inadequate:

a.

Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices; or

b.

Specify that the base flood elevation is two (2) feet above the highest adjacent grade at the location of the development, provided there is no evidence indicating flood depths have been or may be greater than two (2) feet.

4.

Where the base flood elevation data are to be used to support a Letter of Map Change from FEMA, advise the applicant that the analyses shall be prepared by a Florida licensed engineer in a format required by FEMA, and that it shall be the responsibility of the applicant to satisfy the submittal requirements and pay the processing fees.

105.3 Additional analyses and certifications. As applicable to the location and nature of the proposed development activity, and in addition to the requirements of this section, the applicant shall have the following analyses signed and sealed by a Florida licensed engineer for submission with the site plan and construction documents:

1.

For development activities proposed to be located in a regulatory floodway, a floodway encroachment analysis that demonstrates that the encroachment of the proposed development will not cause any increase in base flood elevations; where the applicant proposes to undertake development activities that do increase base flood

elevations, the applicant shall submit such analysis to FEMA as specified in Section 105.4 of this ordinance and shall submit the Conditional Letter of Map Revision, if issued by FEMA, with the site plan and construction documents.

2.

For development activities proposed to be located in a riverine flood hazard area for which base flood elevations are included in the Flood Insurance Study or on the FIRM and floodways have not been designated hydrologic and hydraulic analyses that demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachments, will not increase the base flood elevation more than one (1) foot at any point within the community. This requirement does not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in flood hazard areas identified as Zone AO or Zone AH.

3.

For alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained in a manner which preserves the channel's flood-carrying capacity; the applicant shall submit the analysis to FEMA as specified in Section 105.4 of this ordinance.

4.

For activities that propose to alter sand dunes or mangrove stands in coastal high hazard areas (Zone V), an engineering analysis that demonstrates that the proposed alteration will not increase the potential for flood damage.

105.4 Submission of additional data. When additional hydrologic, hydraulic or other engineering data, studies, and additional analyses are submitted to support an application, the applicant has the right to seek a Letter of Map Change from FEMA to change the base flood elevations, change floodway boundaries, or change boundaries of flood hazard areas shown on FIRMs, and to submit such data to FEMA for such purposes. The analyses shall be prepared by a Florida licensed engineer in a format required by FEMA. Submittal requirements and processing fees shall be the responsibility of the applicant.

SECTION 106 INSPECTIONS

106.1 General. Development for which a floodplain development permit or approval is required shall be subject to inspection.

106.1.1 Development other than buildings and structures. The Floodplain Administrator shall inspect all development to determine compliance with the requirements of this ordinance and the conditions of issued floodplain development permits or approvals.

106.1.2 Buildings, structures and facilities exempt from the Florida Building Code. The Floodplain Administrator shall inspect buildings, structures, and facilities exempt from the Florida Building Code to determine compliance with the requirements of this ordinance and the conditions of issued floodplain development permits or approvals.

106.1.2.1. Buildings, structures and facilities exempt from the Florida Building Code, lowest floor inspection. Upon placement of the lowest floor, including basement, and prior to further vertical construction, the owner of a building, structure or facility exempt from the Florida Building Code, or the owner's authorized agent, shall submit to the Floodplain Administrator.

1.

If a design flood elevation was used to determine the required elevation of the lowest floor, the certification of elevation of the lowest floor prepared and sealed by a Florida licensed professional surveyor; or

2.

If the elevation used to determine the required elevation of the lowest floor was determined in accordance with Section 105.2.3.b. of this ordinance, the documentation of height of the lowest floor above highest adjacent grade, prepared by the owner or the owner's authorized agent.

106.1.2.2. Buildings, structures and facilities exempt from the Florida Building Code, final inspection. As part of the final inspection, the owner or owner's authorized agent shall submit to the Floodplain Administrator a final certification of elevation of the lowest floor or final documentation of the height of the lowest floor above the highest adjacent grade; such certifications and documentations shall be prepared as specified in Section 106.1.2.1. of this ordinance.

106.1.3. Manufactured homes. The Floodplain Administrator or Building Official shall inspect manufactured homes that are installed or replaced in flood hazard areas to determine compliance with the requirements of this ordinance and the conditions of the issued permit. Upon placement of a manufactured home, certification of the elevation of the lowest floor shall be submitted to the Floodplain Administrator or Building Official.

SECTION 107 VARIANCES AND APPEALS

107.1 General. The Construction Board of Adjustments and Appeals shall hear and decide on requests for appeals and requests for variances from the strict application of this ordinance. Pursuant to Section 553.73(5), F.S., the Construction Board of Adjustments and Appeals shall hear and decide on requests for appeals and requests for variances from the strict application of the flood resistant construction requirements of the Florida Building Code. This section does not apply to Section 3109 of the Florida Building Code.

107.2 Appeals. The Construction Board of Adjustments and Appeals shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the administration and enforcement of this ordinance. Any person aggrieved by the decision of the Construction Board of Adjustments and Appeals may appeal such decision to the Circuit Court, as provided by Florida Statutes.

107.3 Limitations on authority to grant variances. The Construction Board of Adjustment and Appeals shall base its decisions on variances on technical justifications submitted by applicants, the considerations for issuance in Section 107.6 of this ordinance, the conditions of issuance set forth in Section 107.7 of this ordinance, and the comments and recommendations of the Floodplain Administrator and the Building Official. The Construction Board of Adjustment and Appeals has the right to attach such conditions as it deems necessary to further the purposes and objectives of this ordinance.

107.3.1 Restrictions in floodways. A variance shall not be issued for any proposed development in a floodway if any increase in base flood elevations would result, as evidenced by the applicable analyses and certifications required in Section 105.3 of this ordinance.

107.4 Historic buildings. A variance is authorized to be issued for the repair, improvement, or rehabilitation of a historic building that is determined eligible for the exception to the flood resistant construction requirements of the Florida Building Code, Existing Building, Chapter 11 Historic Buildings, upon a determination that the proposed repair, improvement, or rehabilitation will not preclude the building's continued designation as a historic building and the variance is the minimum necessary to preserve the historic character and design of the building. If the proposed work precludes the building's continued designation as a historic building, a variance shall not be granted and the building and any repair, improvement, and rehabilitation shall be subject to the requirements of the Florida Building Code.

107.5 Functionally dependent uses. A variance is authorized to be issued for the construction or substantial improvement necessary for the conduct of a functionally dependent use, as defined in this ordinance, provided the variance meets the requirements of Section 107.3.1, is the minimum necessary considering the flood hazard, and all due consideration has been given to use of methods and materials that minimize flood damage during occurrence of the base flood.

107.6 Considerations for issuance of variances. In reviewing requests for variances, the Construction Board of Adjustments and Appeals shall consider all technical evaluations, all relevant factors, all other applicable provisions of the Florida Building Code, this ordinance, and the following:

1.

The danger that materials and debris may be swept onto other lands resulting in further injury or damage;

2.

The danger to life and property due to flooding or erosion damage;

3.

The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners;

4.

The importance of the services provided by the proposed development to the community;

5.

The availability of alternate locations for the proposed development that are subject to lower risk of flooding or erosion;

6.

The compatibility of the proposed development with existing and anticipated development;

7.

The relationship of the proposed development to the comprehensive plan and floodplain management program for the area;

8.

The safety of access to the property in times of flooding for ordinary and emergency vehicles;

9.

The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and

10.

The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges.

107.7 Conditions for issuance of variances. Variances shall be issued only upon:

1.

Submission by the applicant, of a showing of good and sufficient cause that the unique characteristics of the size, configuration, or topography of the site limit compliance with any provision of this ordinance or the required elevation standards;

2.

Determination by the Construction Board of Adjustments and Appeals that:

a.

Failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable; increased costs to satisfy the requirements or inconvenience do not constitute hardship;

b.

The granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws and ordinances; and

c.

The variance is the minimum necessary, considering the flood hazard, to afford relief;

3.

Receipt of a signed statement by the applicant that the variance, if granted, shall be recorded in the Office of the Clerk of the Court in such a manner that it appears in the chain of title of the affected parcel of land; and

4.

If the request is for a variance to allow construction of the lowest floor of a new building, or substantial improvement of a building, below the required elevation, a copy in the record of a written notice from the Floodplain Administrator to the applicant for the variance, specifying the difference between the base flood elevation and the proposed elevation of the lowest floor, stating that the cost of federal flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation (up to amounts as high as \$25 for \$100 of insurance coverage), and stating that construction below the base flood elevation increases risks to life and property.

SECTION 108 VIOLATIONS

108.1 Violations. Any development that is not within the scope of the Florida Building Code but that is regulated by this ordinance, that is performed without an issued permit, that is in conflict with an issued permit, or that does not fully comply with this ordinance or the Florida Building Code, as applicable, shall be deemed a violation of this ordinance. A building or structure without the documentation of elevation of the lowest floor, other required design certifications, or other evidence of compliance required by this ordinance or the Florida Building Code is presumed to be a violation until such time as that documentation is provided.

108.2 Authority. For development that is not within the scope of the Florida Building Code but that is regulated by this ordinance and that is determined to be a violation, the Floodplain Administrator is authorized to serve notices of violation or stop work orders to owners of the property involved, to the owner's agent, or to the person or persons performing the work.

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

CHAPTER 2 DEFINITIONS

SECTION 201 GENERAL

201.1 Scope. Unless otherwise expressly stated, the following words and terms shall, for the purposes of this ordinance, have the meanings shown in this section.

201.2 Terms defined in the Florida Building Code. Where terms are not defined in this ordinance and are defined in the Florida Building Code, such terms shall have the meanings ascribed to them in that code.

201.3 Terms not defined. Where terms are not defined in this ordinance or the Florida Building Code, such terms shall have ordinarily accepted meanings such as the context implies.

SECTION 202 DEFINITIONS

Alteration of a watercourse. A dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

Appeal. A request for a review of the Floodplain Administrator's interpretation of any provision of this ordinance or a request for a variance.

ASCE 24. A standard titled Flood Resistant Design and Construction that is referenced by the Florida Building Code. ASCE 24 is developed and published by the American Society of Civil Engineers, Reston, VA.

Base flood. A flood having a 1-percent chance of being equaled or exceeded in any given year. [Also defined in FBC, B, Section 1612.2.] The base flood is commonly referred to as the "100-year flood" or the "1-percent-annual chance flood."

Base flood elevation. The elevation of the base flood, including wave height, relative to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or other datum specified on the Flood Insurance Rate Map (FIRM). [Also defined in FBC, B, Section 1612.2.]

Basement. The portion of a building having its floor subgrade (below ground level) on all sides. [Also defined in FBC, B, Section 1612.2.]

Coastal construction control line. The line established by the State of Florida pursuant to section 161.053, F.S., and recorded in the official records of the community, which defines that portion of the beach-dune system subject to severe fluctuations based on a 100-year storm surge, storm waves or other predictable weather conditions.

Coastal high hazard area. A special flood hazard area extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. Coastal high hazard areas are also referred to as "high hazard areas subject to high velocity wave action" or "V Zones" and are designated on Flood Insurance Rate Maps (FIRM) as Zone V1-V30, VE, or V. [Note: The FBC, B defines and uses the term "flood hazard areas subject to high velocity wave action" and the FBC, R uses the term "coastal high hazard areas."]

Design flood. The flood associated with the greater of the following two areas: [Also defined in FBC, B, Section 1612.2.]

1.

Area with a floodplain subject to a 1-percent or greater chance of flooding in any year; or

2.

Area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

Design flood elevation. The elevation of the "design flood," including wave height, relative to the datum specified on the community's legally designated flood hazard map. In areas designated as Zone AO, the design flood elevation shall be the elevation of the highest existing grade of the building's perimeter plus the depth number (in feet) specified on the flood hazard map. In areas designated as Zone AO where the depth number is not specified on the map, the depth number shall be taken as being equal to 2 feet. [Also defined in FBC, B, Section 1612.2.]

Development. Any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, tanks, temporary structures, temporary or permanent storage of equipment or materials, mining, dredging, filling, grading, paving, excavations, drilling operations or any other land disturbing activities.

Encroachment. The placement of fill, excavation, buildings, permanent structures or other development into a flood hazard area which may impede or alter the flow capacity of riverine flood hazard areas.

Existing building and existing structure. Any buildings and structures for which the "start of construction" commenced before March 12, 1971. [Also defined in FBC, B, Section 1612.2.]

Existing manufactured home park or subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before March 12, 1971.

Expansion to an existing manufactured home park or subdivision. The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Federal Emergency Management Agency (FEMA). The federal agency that, in addition to carrying out other functions, administers the National Flood Insurance Program.

Flood or flooding. A general and temporary condition of partial or complete inundation of normally dry land from: [Also defined in FBC, B, Section 1612.2.]

1.

The overflow of inland or tidal waters.

2.

The unusual and rapid accumulation or runoff of surface waters from any source.

Flood damage-resistant materials. Any construction material capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair. [Also defined in FBC, B, Section 1612.2.]

Flood hazard area. The greater of the following two areas: [Also defined in FBC, B, Section 1612.2.]

1.

The area within a floodplain subject to a 1-percent or greater chance of flooding in any year.

2.

The area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

Flood Insurance Rate Map (FIRM). The official map of the community on which the Federal Emergency Management Agency has delineated both special flood hazard areas and the risk premium zones applicable to the community. [Also defined in FBC, B, Section 1612.2.]

Flood Insurance Study (FIS). The official report provided by the Federal Emergency Management Agency that contains the Flood Insurance Rate Map, the Flood Boundary and Floodway Map (if applicable), the water surface elevations of the base flood, and supporting technical data. [Also defined in FBC, B, Section 1612.2.]

Floodplain Administrator. The office or position designated and charged with the administration and enforcement of this ordinance (may be referred to as the Floodplain Manager).

Floodplain development permit or approval. An official document or certificate issued by the community, or other evidence of approval or concurrence, which authorizes performance of specific development activities that are located in flood hazard areas and that are determined to be compliant with this ordinance.

Floodway. The channel of a river or other riverine watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot. [Also defined in FBC, B, Section 1612.2.]

Floodway encroachment analysis. An engineering analysis of the impact that a proposed encroachment into a floodway is expected to have on the floodway boundaries and base flood elevations; the evaluation shall be prepared by a qualified Florida licensed engineer using standard engineering methods and models.

Florida Building Code. The family of codes adopted by the Florida Building Commission, including: Florida Building Code, Building; Florida Building Code, Residential; Florida Building Code, Existing Building; Florida Building Code, Mechanical; Florida Building Code, Plumbing; Florida Building Code, Fuel Gas.

Functionally dependent use. A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, including only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities; the term does not include long-term storage or related manufacturing facilities.

Highest adjacent grade. The highest natural elevation of the ground surface prior to construction next to the proposed walls or foundation of a structure.

Historic structure. Any structure that is determined eligible for the exception to the flood hazard area requirements of the Florida Building Code, Existing Building, Chapter 11 Historic Buildings.

Letter of Map Change (LOMC). An official determination issued by FEMA that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:

Letter of Map Amendment (LOMA): An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.

Letter of Map Revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.

Letter of Map Revision Based on Fill (LOMR-F): A determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer located within the special flood hazard

area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.

Conditional Letter of Map Revision (CLOMR): A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM.

Light-duty truck. As defined in 40 C.F.R. 86.082-2, any motor vehicle rated at 8,500 pounds Gross Vehicular Weight Rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less, which is:

1.

Designed primarily for purposes of transportation of property or is a derivation of such a vehicle; or

2.

Designed primarily for transportation of persons and has a capacity of more than 12 persons; or

3.

Available with special features enabling off-street or off-highway operation and use.

Lowest floor. The lowest floor of the lowest enclosed area of a building or structure, including basement, but excluding any unfinished or flood-resistant enclosure, other than a basement, usable solely for vehicle parking, building access or limited storage provided that such enclosure is not built so as to render the structure in violation of the non-elevation requirements of the Florida Building Code or ASCE 24. [Also defined in FBC, B, Section 1612.2.]

Manufactured home. A structure, transportable in one or more sections, which is eight (8) feet or more in width and greater than four hundred (400) square feet, and which is built on a permanent, integral chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle" or "park trailer." [Also defined in 15C-1.0101, F.A.C.]

Manufactured home park or subdivision. A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Market value. The price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of relevant facts. As used in this ordinance, the term refers to the market value of buildings and structures, excluding the land and other improvements on the parcel. Market value may be established by a qualified independent appraiser, Actual Cash Value (replacement cost depreciated for age and quality of construction), or tax assessment value adjusted to approximate market value by a factor provided by the Property Appraiser.

New construction. For the purposes of administration of this ordinance and the flood resistant construction requirements of the Florida Building Code, structures for which the "start of construction" commenced on or after March 12, 1971 and includes any subsequent improvements to such structures.

New manufactured home park or subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after March 12, 1971.

Park trailer. A transportable unit which has a body width not exceeding fourteen (14) feet and which is built on a single chassis and is designed to provide seasonal or temporary living quarters when connected to utilities necessary for operation of installed fixtures and appliances. [Defined in Section 320.01, F.S.]

Recreational vehicle. A vehicle, including a park trailer, which is: [See section 320.01, F.S.]

1.

Built on a single chassis;

2.

Four hundred (400) square feet or less when measured at the largest horizontal projection;

3.

Designed to be self-propelled or permanently towable by a light-duty truck; and

4.

Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Sand dunes. Naturally occurring accumulations of sand in ridges or mounds landward of the beach.

Special flood hazard area. An area in the floodplain subject to a 1 percent or greater chance of flooding in any given year. Special flood hazard areas are shown on FIRMs as Zone A, AO, A1-A30, AE, A99, AH, V1-V30, VE or V. The term also includes areas shown on other flood hazard maps, if such maps are adopted by Town of Lantana or otherwise legally designated. [Also defined in FBC, B Section 1612.2.]

Start of construction. The date of issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement is within 180 days of the date of the issuance. The actual start of construction means either the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns.

Permanent construction does not include land preparation (such as clearing, grading, or filling), the installation of streets or walkways, excavation for a basement, footings, piers, or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main buildings. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Also defined in FBC, B Section 1612.2.]

Substantial damage. Damage of any origin sustained by a building or structure whereby the cost of restoring the building or structure to its before-damaged condition would equal or exceed 50 percent of the market value of the building or structure before the damage occurred. [Also defined in FBC, B Section 1612.2.]

Substantial improvement. Any repair, reconstruction, rehabilitation, addition, or other improvement of a building or structure, the cost of which equals or exceeds 50 percent of the market value of the building or structure before the improvement or repair is started. If the structure has incurred "substantial damage," any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions. [Also defined in FBC, B, Section 1612.2]

Variance. A grant of relief from the requirements of this ordinance, or the flood resistant construction requirements of the Florida Building Code, which permits construction in a manner that would not otherwise be permitted by this ordinance or the Florida Building Code.

Watercourse. A river, creek, stream, channel or other topographic feature in, on, through, or over which water flows at least periodically.

CHAPTER 3 FLOOD RESISTANT DEVELOPMENT

SECTION 301 BUILDINGS AND STRUCTURES

301.1 All construction. All new construction or substantial improvement of any building (or manufactured home) shall have the lowest floor, including basement (A) elevated no lower than one (1) foot (305 mm) above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the equalization of hydrostatic forces on two (2) sides of exterior walls.

301.2 Design and construction of buildings, structures and facilities exempt from the Florida Building Code. Pursuant to Section 104.2.1 of this ordinance, buildings, structures, and facilities that are exempt from the Florida Building Code, including substantial improvement or repair of substantial damage of such buildings, structures and facilities, shall be designed and constructed in accordance with the flood load and flood resistant construction requirements of ASCE 24. Structures exempt from the Florida Building Code that are not walled and roofed buildings shall comply with the requirements of Section 307 of this ordinance.

301.3 Buildings and structures seaward of the coastal construction control line. If extending, in whole or in part, seaward of the coastal construction control line and also located, in whole or in part, in a flood hazard area:

1.

Buildings and structures shall be designed and constructed to comply with the more restrictive applicable requirements of the Florida Building Code, Building Section 3109 and Section 1612 or Florida Building Code, Residential Section R322.

2.

Minor structures and non-habitable major structures as defined in section 161.54, F.S., shall be designed and constructed to comply with the intent and applicable provisions of this ordinance and ASCE 24.

SECTION 302 SUBDIVISIONS

302.1 Minimum requirements. Subdivision proposals, including proposals for manufactured home parks and subdivisions, shall be reviewed to determine that:

1.

Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;

2.

All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and

3.

Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

302.2 Subdivision plats. Where any portion of proposed subdivisions, including manufactured home parks and subdivisions, lies within a flood hazard area, the following shall be required:

1.

Delineation of flood hazard areas, floodway boundaries and flood zones, and design flood elevations, as appropriate, shall be shown on preliminary plats;

2.

Where the subdivision has more than 50 lots or is larger than 5 acres and base flood elevations are not included on the FIRM, the base flood elevations determined in accordance with Section 105.2.1. of this ordinance; and

3.

Compliance with the site improvement and utilities requirements of Section 303 of this ordinance.

SECTION 303 SITE IMPROVEMENTS, UTILITIES AND LIMITATIONS

303.1 Minimum requirements. All proposed new development shall be reviewed to determine that:

1.

Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;

2.

All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and

3.

Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

303.2 Sanitary sewage facilities. All new and replacement sanitary sewage facilities, private sewage treatment plants (including all pumping stations and collector systems), and on-site waste disposal systems shall be designed in accordance with the standards for onsite sewage treatment and disposal systems in Chapter 64E-6, F.A.C. and ASCE 24 [Chapter 7](#) to minimize or eliminate infiltration of floodwaters into the facilities and discharge from the facilities into flood waters, and impairment of the facilities and systems.

303.3 Water supply facilities. All new and replacement water supply facilities shall be designed in accordance with the water well construction standards in Chapter 62-532.500, F.A.C. and ASCE 24 [Chapter 7](#) to minimize or eliminate infiltration of floodwaters into the systems.

303.4 Limitations on sites in regulatory floodways. No development, including but not limited to, site improvements, and land disturbing activity involving fill or regrading shall be authorized in the regulatory floodway unless the floodway encroachment analysis required in Section 105.3(1) of this ordinance demonstrates that the proposed development or land disturbing activity will not result in any increase in the base flood elevation.

303.5 Limitations on placement of fill. Fill shall not be used to elevate buildings or structures except where used to backfill stem wall foundations. No permit shall be issued for development involving the use of fill unless it has been demonstrated through appropriate engineering analyses that the subject fill does not cause any adverse impacts to other properties. Subject to the limitations of this ordinance, fill shall be designed to be stable under conditions of flooding including rapid rise and rapid drawdown of floodwaters, prolonged inundation, and

protection against flood-related erosion and scour. In addition to these requirements, if intended to support buildings and structures (Zone A only), fill shall comply with the requirements of the Florida Building Code.

303.6 Limitations on sites in coastal high hazard areas (Zone V). In coastal high hazard areas, alteration of sand dunes and mangrove stands shall be permitted only if such alteration is approved by the Florida Department of Environmental Protection and only if the engineering analysis required by Section 105.3(4) of this ordinance demonstrates that the proposed alteration will not increase the potential for flood damage. Construction or restoration of dunes under or around elevated buildings and structures shall comply with Section 307.8.3. of this ordinance.

SECTION 304 MANUFACTURED HOMES

304.1 General. All manufactured homes installed in flood hazard areas shall be installed by an installer that is licensed pursuant to section 320.8249, F.S., and shall comply with the requirements of Chapter 15C-1, F.A.C. and the requirements of this ordinance. If located seaward of the coastal construction control line, all manufactured homes shall comply with the more restrictive of the applicable requirements.

304.2 Foundations. All new manufactured homes and replacement manufactured homes installed in flood hazard areas shall be installed on permanent, reinforced foundations that:

1.

In flood hazard areas (Zone A) other than coastal high hazard areas, are designed in accordance with the foundation requirements of the Florida Building Code, Residential Section R322.2 and this ordinance.

2.

In coastal high hazard areas (Zone V), are designed in accordance with the foundation requirements of the Florida Building Code, Residential Section R322.3 and this ordinance.

304.3 Anchoring. All new manufactured homes and replacement manufactured homes shall be installed using methods and practices which minimize flood damage and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Methods of anchoring include, but are not limited to, use of over-the-top or frame ties to ground anchors. This anchoring requirement is in addition to applicable state and local anchoring requirements for wind resistance.

304.4 Elevation. Manufactured homes that are placed, replaced, or substantially improved shall comply with Section 304.4.1 or 304.4.2 of this ordinance, as applicable.

304.4.1 General elevation requirement. Unless subject to the requirements of Section 304.4.2 of this ordinance, all manufactured homes that are placed, replaced, or substantially improved on sites located: (a) outside of a manufactured home park or subdivision; (b) in a new manufactured home park or subdivision; (c) in an expansion to an existing manufactured home park or subdivision; or (d) in an existing manufactured home park or subdivision upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall be elevated such that the bottom of the frame is at or above the elevation required, as applicable to the flood hazard area, in the Florida Building Code, Residential Section R322.2 (Zone A) or Section R322.3 (Zone V).

304.4.2 Elevation requirement for certain existing manufactured home parks and subdivisions. Manufactured homes that are not subject to Section 304.4.1 of this ordinance, including manufactured homes that are placed, replaced, or substantially improved on sites located in an existing manufactured home park or subdivision, unless on a site where substantial damage as result of flooding has occurred, shall be elevated such that either the:

1.

Bottom of the frame of the manufactured home is at or above the elevation required, as applicable to the flood hazard area, in the Florida Building Code, Residential Section R322.2 (Zone A) or Section R322.3 (Zone V); or

2.

Bottom of the frame is supported by reinforced piers or other foundation elements of at least equivalent strength that are not less than 36 inches in height above grade.

304.5 Enclosures. Enclosed areas below elevated manufactured homes shall comply with the requirements of the Florida Building Code, Residential Section R322 for such enclosed areas, as applicable to the flood hazard area.

304.6 Utility equipment. Utility equipment that serves manufactured homes, including electric, heating, ventilation, plumbing, and air conditioning equipment and other service facilities, shall comply with the requirements of the Florida Building Code, Residential Section R322, as applicable to the flood hazard area.

SECTION 305 RECREATIONAL VEHICLES AND PARK TRAILERS

305.1 Temporary placement. Recreational vehicles and park trailers placed temporarily in flood hazard areas shall:

1.

Be on the site for fewer than 180 consecutive days; or

2.

Be fully licensed and ready for highway use, which means the recreational vehicle or park model is on wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanent attachments such as additions, rooms, stairs, decks and porches.

305.2 Permanent placement. Recreational vehicles and park trailers that do not meet the limitations in Section 305.1 of this ordinance for temporary placement shall meet the requirements of Section 304 of this ordinance for manufactured homes.

SECTION 306 TANKS

306.1 Underground tanks. Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty.

306.2 Above-ground tanks, not elevated. Above-ground tanks that do not meet the elevation requirements of Section 306.3 of this ordinance shall:

1.

Be permitted in flood hazard areas (Zone A) other than coastal high hazard areas, provided the tanks are anchored or otherwise designed and constructed to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty and the effects of flood-borne debris.

2.

Not be permitted in coastal high hazard areas (Zone V).

306.3 Above-ground tanks, elevated. Above-ground tanks in flood hazard areas shall be attached to and elevated to or above the design flood elevation on a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area.

306.4 Tank inlets and vents. Tank inlets, fill openings, outlets and vents shall be:

1.

At or above the design flood elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and

2.

Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

SECTION 307 OTHER DEVELOPMENT

307.1 General requirements for other development. All development, including man-made changes to improved or unimproved real estate for which specific provisions are not specified in this ordinance or the Florida Building Code, shall:

1.

Be located and constructed to minimize flood damage;

2.

Meet the limitations of Section 303.4 of this ordinance if located in a regulated floodway;

3.

Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;

4.

Be constructed of flood damage-resistant materials; and

5.

Have mechanical, plumbing, and electrical systems above the design flood elevation, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of building code for wet locations.

307.2 Fences in regulated floodways. Fences in regulated floodways that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of Section 303.4 of this ordinance.

307.3 Retaining walls, sidewalks and driveways in regulated floodways. Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of Section 303.4 of this ordinance.

307.4 Roads and watercourse crossings in regulated floodways. Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of Section 303.4 of this ordinance. Alteration of a watercourse that is part of a road or watercourse crossing shall meet the requirements of Section 105.3.3. of this ordinance.

307.5 Concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses in coastal high hazard areas (Zone V). In coastal high hazard areas, concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses are permitted beneath or adjacent to buildings and structures provided the concrete slabs are designed and constructed to be:

1.

Structurally independent of the foundation system of the building or structure;

2.

Frangible and not reinforced, so as to minimize debris during flooding that is capable of causing significant damage to any structure; and

3.

Have a maximum slab thickness of not more than four (4) inches.

307.6 Decks and patios in coastal high hazard areas (Zone V). In addition to the requirements of the Florida Building Code, in coastal high hazard areas decks and patios shall be located, designed, and constructed in compliance with the following:

1.

A deck that is structurally attached to a building or structure shall have the bottom of the lowest horizontal structural member at or above the design flood elevation and any supporting members that extend below the design flood elevation shall comply with the foundation requirements that apply to the building or structure, which shall be designed to accommodate any increased loads resulting from the attached deck.

2.

A deck or patio that is located below the design flood elevation shall be structurally independent from buildings or structures and their foundation systems, and shall be designed and constructed either to remain intact and in place during design flood conditions or to break apart into small pieces to minimize debris during flooding that is capable of causing structural damage to the building or structure or to adjacent buildings and structures.

3.

A deck or patio that has a vertical thickness of more than twelve (12) inches or that is constructed with more than the minimum amount of fill necessary for site drainage shall not be approved unless an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to the building or structure or to adjacent buildings and structures.

4.

A deck or patio that has a vertical thickness of twelve (12) inches or less and that is at natural grade or on nonstructural fill material that is similar to and compatible with local soils and is the minimum amount necessary for site drainage may be approved without requiring analysis of the impact on diversion of floodwaters or wave runup and wave reflection.

307.7 Other development in coastal high hazard areas (Zone V). In coastal high hazard areas, development activities other than buildings and structures shall be permitted only if also authorized by the appropriate federal, state or local authority; if located outside the footprint of, and not structurally attached to, buildings and structures; and if analyses prepared by qualified registered design professionals demonstrate no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to adjacent buildings and structures. Such other development activities include but are not limited to:

1.

Bulkheads, seawalls, retaining walls, revetments, and similar erosion control structures;

2.

Solid fences and privacy walls, and fences prone to trapping debris, unless designed and constructed to fail under flood conditions less than the design flood or otherwise function to avoid obstruction of floodwaters; and

3.

On-site sewage treatment and disposal systems defined in 64E-6.002, F.A.C., as filled systems or mound systems.

307.8 Nonstructural fill in coastal high hazard areas (Zone V). In coastal high hazard areas:

1.

Minor grading and the placement of minor quantities of nonstructural fill shall be permitted for landscaping and for drainage purposes under and around buildings.

2.

Nonstructural fill with finished slopes that are steeper than one unit vertical to five units horizontal shall be permitted only if an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to adjacent buildings and structures.

3.

Where authorized by the Florida Department of Environmental Protection or applicable local approval, sand dune construction and restoration of sand dunes under or around elevated buildings are permitted without additional engineering analysis or certification of the diversion of floodwater or wave runup and wave reflection if the scale and location of the dune work is consistent with local beach-dune morphology and the vertical clearance is maintained between the top of the sand dune and the lowest horizontal structural member of the building.

(Ord. No. O-05-2014, § 1(Exh. A), 5-12-14; Ord. No. O-07-2015, § 1, 7-27-15; Ord. No. O-09-2017, § 1, 8-14-17; [Ord. No. O-15-2019](#), § 1, 8-26-19)

Secs. 6-102, 6-103. - Reserved.

Sec. 6-104. - Applicability.

For the purposes of jurisdictional applicability, this ordinance shall apply within the Town of Lantana. This ordinance shall apply to all applications for development, including building permit applications and subdivision proposals, submitted on or after March 15, 2012.

(Ord. No. O-05-2014, § 1(Exh. A), 5-12-14)

Secs. 6-105—6-150. - Reserved.

ARTICLE VIII. - ENVIRONMENTALLY SENSITIVE LANDS

Footnotes:

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Editor's note— Section 1 of Ord. No. O-10-89, adopted Aug. 28, 1989, amended Art. III by adding §§ 6-37—6-41 thereto. For purposes of classification and ease of reference, the editor has designated the provision of § 1 of

the ordinance as a new Art. VIII, §§ 6-151—6-155.

Cross reference— Permits, fees and inspection, § 6-36 et seq.; subdivisions, Ch. 17.5.

Sec. 6-151. - Purpose of article; environmental impact statement required with building permit applications.

The purpose of this article is to preserve and protect the values and functions of environmentally sensitive lands from alterations that would result in the loss of these lands or significant degradation of their values and functions. An environmental impact statement shall be submitted with all applications for building permits and such statement shall address and identify any and all endangered, threatened and rare species and species of special concern as defined in [section 6-152](#) hereinbelow as well as areas of concern set forth in the county wellfield protection ordinance. If none exist, the applicant must so state and provide support documentation to the building department.

(Ord. No. O-10-89, § 1, 8-28-89)

Sec. 6-152. - Definitions.

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

Alteration. Any activity which results in the modification, variation or transformation of environmentally sensitive lands, including, but not limited to, placement of vehicles, structures, debris, or any other material objects thereon, introduction or injection of water or other substance, and removal, displacement or disturbance of plant or animal species, soil, rock, minerals or water.

Ecosystem. An assemblage of living organisms (plant, animals, microorganisms, etc.) and nonliving components (soil, water, air, etc.) that functions as a dynamic whole through organized energy flows.

Endangered, threatened and rare species and species of special concern. Species listed as endangered, threatened, rare or of special concern by one (1) or more of the following agencies:

(1)

U.S. Fish and Wildlife Service.

(2)

Florida Game and Fresh Water Fish Commission.

(3)

Florida Committee on Rare and Endangered Plants and Animals.

(4)

Florida Department of Agriculture.

(5)

Treasure Coast Regional Planning Council.

Environmentally sensitive lands. Ecological sites (ecosites) representing high-quality native Florida ecosystems.

Native Florida ecosystems. A self-organized ecosystem of a type existing in Florida prior to European colonization and containing predominantly native species.

(Ord. No. O-10-89, § 1, 8-28-89)

Sec. 6-153. - Review procedures for proposed land alterations.

All applications for building permits shall be reviewed by the town building official and any proposed alteration of environmentally sensitive lands shall be referred to the town plan review committee (PRC) for evaluation. The PRC is defined in the definitions section of [Chapter 17.5](#), Subdivision and Platting Regulations. The evaluation by the PRC of any proposed alteration of lands found to be environmentally sensitive shall be based on an environmental study completed by the property owner or his or her designee. This study shall include, but not be limited to, the following information:

(1)

Site conditions.

a.

Site location map, with the specific property clearly indicated.

b.

Aerial photograph, with the specific property clearly indicated (scale: 1"-600' or less).

c.

Detailed map of existing terrestrial and aquatic vegetation, including exotic species with jurisdictional limits of wetland jurisdiction of the U. S. Army Corps of Engineers and the Florida Department of Environmental Regulation.

d.

Soil types and conditions.

e.

List of endangered, threatened and rare species and species of special concern found on site.

f.

Colonial bird nesting or roosting areas or areas in which migratory species are known to concentrate.

g.

Archaeologically and/or historically significant features.

h.

Geologically significant features.

i.

Areas of previous disturbance or degradation, including present and past human uses of site.

j.

Surrounding land uses.

(2)

Project designs.

a.

Conceptual footprint of site development, including buildings, roadways, parking areas, utilities, water features, flood control structures, stormwater systems, wellfield locations, landscaped areas, buffer areas, preserve areas, and other open space areas, as an overlay to vegetation mapping detailed in (1)c. above.

b.

Existing zoning.

c.

Status of development approvals, including permit applications.

(3)

Project operation.

a.

Description of proposed operations to be performed on site including use, storage, handling or productions of substances known to be harmful to humans, plants, and/or animals.

b.

Identification of any pollutants expected to be emitted during project operation.

c.

Identification of timing and source of noise and/or vibration impacts on resident and adjacent human and animal life.

(4)

Project alternatives.

a.

Discussion of project alternatives should be provided, including options considered and rejected and the rationale for rejection of each option considered.

b.

Mitigation considerations should be discussed in detail as they relate to possible loss of habitat or impact on endangered, threatened or rare animal and plant species, or species of special concern.

(Ord. No. O-10-89, § 1, 8-28-89)

Sec. 6-154. - Review schedule.

Any additional information determined to be required by the PRC must be requested by the PRC within thirty (30) days of receipt of the above information. Upon receipt of complete information, the PRC shall have thirty

(30) days in which to complete its evaluation of environmental impacts. The PRC will then have thirty (30) days to make its determination concerning conditions of approval for the development. Applicants are encouraged to attend all PRC meetings and be heard.

(Ord. No. O-10-89, § 1, 8-28-89)
Sec. 6-155. - Appeals process.

Any aggrieved person may appeal the determination of the PRC to the town council by written request filed with the town manager within ten (10) days following receipt of the determination of the PRC. Any such appeal submitted to the town council shall be reviewed by council at a regularly scheduled meeting within thirty (30) days of receipt of the appeal request in accordance with the following standards which shall be addressed by the applicant in his written request:

(1)

Whether the subject property is an environmentally sensitive land or contains endangered, threatened and rare species and/or species of special concern in accordance with the definitions set forth in [section 6-152](#), and

(2)

Whether the conditions placed on the development application by the PRC are reasonable and represent sound environmental practices necessary to mitigate possible harmful impacts upon the subject property and are necessary in order to protect the health safety and welfare of the citizens of the town.

(Ord. No. O-10-89, § 1, 8-28-89)

Secs. 6-156—6-159. - Reserved.

ARTICLE IX. - HISTORIC PRESERVATION

Footnotes:

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Cross reference— Administration, Ch. 2; streets, sidewalks and other public places, Ch. 17; zoning, ch. 23.

Sec. 6-160. - Historic preservation of sites.

It is the purpose of this article to promote the educational, cultural, economic and general welfare of the town through the preservation and protection of sites and districts of historic interest within the town and to preserve and protect the significant architectural phases of the community as it developed and grew in its historic past from the year 1921. Historic structures, sites, streets, squares, and neighborhoods serve as visible reminders of the history and cultural heritage of this town.

Their preservation strengthens the economy of the town by stabilizing and improving property values in historic areas by encouraging new buildings and developments that will be harmonious with the existing historic buildings and squares. It is also the purpose of this article to establish the duties of a historic preservation board, and to adopt appropriate regulations to ensure preservation of the historic sites and districts of the town.

(Ord. No. O-4-9, § 1, 5-29-90)

Sec. 6-161. - Definitions.

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

Exterior features means the architectural style, general design and general arrangement of the exterior of a building or other structure, including the color, the kind and texture of the building material and the type and style of all windows, doors, light fixtures, signs, other appurtenant fixtures and other natural features such as trees and shrubbery.

Historic district means any area which includes or encompasses such historic sites, landmarks, buildings, signs, appurtenances, structures or objects as the town council may determine to be appropriate for historic preservation. Such designated district or districts need not be a single enclosed area nor do the areas or sites have to be contiguous to constitute a district.

Historic site means any site, structure, building or object meeting one (1) or more of the criteria specified herein and designated as such by the town council.

Person in charge shall be the person or persons possessed of the freehold of real property or an improvement or a lesser estate therein, a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee, agent or any other person directly or indirectly in control of real property or an improvement of a lesser estate therein.

(Ord. No. O-4-90, § 1, 5-29-90)

Sec. 6-162. - Administration.

The plan review committee as defined in the definitions section of [Chapter 17.5](#), Subdivisions and Platting Regulations is hereby designated as the agency which shall administer the provisions of this article. The office of the town manager shall provide all necessary clerical, technical and consulting services required by the plan review committee.

(Ord. No. O-4-90, § 1, 5-29-90)

Sec. 6-163. - Plan of protection of historic sites and districts.

The plan review committee shall prepare an appropriate plan of protection for the historic sites and district in the town. The plan review committee shall also determine and recommend to the town council the appropriateness of historical sites, historical architectural features of any new building or the modification of existing buildings within the town of a historical nature. Such sites and districts should be eligible for listing by the National Trust for Historic Preservation of the Florida Inventory of Historical Sites, or be considered potentially eligible for such listing.

(Ord. No. O-4-90, § 1, 5-29-90)

Sec. 6-164. - Establishment of historic sites and districts.

(a)

Historic districts and sites shall be established by ordinance by the town council.

(b)

Before the establishment of a historic site or district, the plan review committee shall conduct studies and research and make a report on the historic significance of the exteriors of buildings, structures, features, sites, objects and surroundings in the town. The plan review committee report shall contain recommendations concerning the building and area(s) to be included as proposed historic sites or districts. The plan review committee shall furnish written notice by mail to all persons or entities who own property being considered for establishment as a historic site or district at least fourteen (14) days prior to the meeting at which the plan review committee will consider the designation.

(c)

After said meeting, the plan review committee shall submit a final report with its recommendations to the town council.

(d)

The town council may, upon receipt of the final report, introduce an appropriate ordinance establishing one (1) or more historic sites or districts. The town council may adopt the ordinance with or without amendments following a public hearing after fourteen (14) days written notice of the time and place of the hearing has been furnished to the owners of the properties proposed to be established as historic sites or districts.

(e)

Upon adoption of the ordinance, the owners of properties designated as historic sites or districts shall be given written notification of such designation by the town clerk. One (1) copy of the ordinance shall be filed in the official records of Palm Beach County, and one (1) copy shall be filed in the office of the town clerk.

(f)

The ordinance shall also provide for a suitable sign or marker on or near the property indicating that the property has been designated as a historic site or district, and the sign or marker may include a brief explanation of the property's historical significance.

(Ord. No. O-4-90, § 1, 5-29-90)

Sec. 6-165. - Criteria for designation of historic sites and districts.

Proposed historic sites and districts shall be evaluated according to the following criteria:

(a)

Districts and sites of national, state, or local importance are of historic significance if they possess integrity of location, design, setting, materials, workmanship, feeling and association and:

(1)

Are associated with events that have made a significant contribution to the broad patterns of our history; or

(2)

Are associated with the lives of persons significant in history; or

(3)

Embody the distinctive characteristics of a type, period or method of construction, or represent the work of a master, or possess artistic values, or represent a significant and distinguishable entity whose components may lack individual distinction; or

(4)

Have yielded, or may be likely to yield, information important in history.

(b)

Specific properties shall be classified additionally as follows:

(1)

Exceptional—Meets all four (4) of the above criteria.

(2)

Excellent—Meets three (3) of the above criteria.

(3)

Notable—Meets two (2) of the above criteria.

(4)

Of value as part of the scene—Meets one (1) of the above criteria.

(Ord. No. O-4-90, § 1, 5-29-90)

Sec. 6-166. - Building or altering site or district; certificate.

(a)

After the designation of a historic site or district, no exterior portion of any building or other structure (including walls, fences, light fixtures, steps and pavement, or any other appurtenant features) nor above ground utility structure nor any type of outdoor advertising sign shall be erected, altered, restored, moved or demolished within such district or upon such site until after an application for a certificate of appropriateness as to exterior features has been submitted to and approved by the plan review committee.

(b)

Such a certificate must be issued by the plan review committee prior to the issuance of a building permit. A certificate shall be required whether or not a building permit is required.

(c)

In the case of outside signs, "exterior features" shall be construed to mean the style, material, size and location of all such signs.

(d)

The plan review committee shall not consider interior arrangement of buildings.

(Ord. No. O-4-90, § 1, 5-29-90)

Sec. 6-167. - Certificate procedure; notice; reasons; appeal.

(a)

Prior to issuance or denial of a certificate of appropriateness, the plan review committee shall take such action as may reasonably be required to inform the owner or person in charge of any property likely to be materially affected by the application and shall give the applicant and such owner an opportunity to be heard, at a public hearing called for such purpose.

(b)

If the plan review committee determines that the proposed construction, reconstruction, alteration, moving or demolition is appropriate, it shall forthwith approve such application and shall issue to the applicant a certificate of appropriateness.

(c)

If the plan review committee determines that a certificate of appropriateness should not be issued, it shall place upon its records the reasons for such determination and shall forthwith notify the applicant of such determination, furnishing him an attested copy of its reasons therefor and its recommendations, if any, as appearing in the records of the plan review committee.

(d)

The plan review committee may approve such application in any case where the owner would suffer extreme hardship, not including loss of profit, unless the certificate of appropriateness were issued forthwith. Any person aggrieved by a determination of the plan review committee shall first appeal such determination to the town council, within ten (10) days of receipt of the written determination of the plan review committee which shall hold a further public hearing and either affirm, modify, or deny the determination of the plan review committee.

(Ord. No. O-4-90, § 1, 5-29-90)

Sec. 6-168. - Ordinary maintenance allowed; public safety.

Nothing in this article shall be construed to prevent the ordinary maintenance or repair of any exterior feature in a historic district or of any site which does not involve a change in design, material, color or outer appearance thereof. Nor shall this article prevent the construction, reconstruction, alteration, restoration or demolition of any such feature which the building inspector or similar official shall certify is required by the public safety because of an unsafe or dangerous condition.

(Ord. No. O-4-90, § 1, 5-29-90)

Sec. 6-169. - Acquisition of historic easements.

The town may acquire by purchase, donation, or condemnation, historic easements in any area within its jurisdiction wherever and to the extent that the town council, upon the recommendation of the plan review committee, determines that the acquisition will be in the public interest. For the purpose of this section, the term "historic easement" means any easement, restriction, covenant or condition running with the land, designated to preserve, maintain or enhance all or part of the existing state of places of historic, architectural or cultural significance.

(Ord. No. O-4-90, § 1, 5-29-90)

Sec. 6-170. - Alteration of a historic site.

(a)

A historic site designated by ordinance as herein provided may be materially altered, remodeled, relocated, or put to a different use only after six-months' written notice of the owner's proposed action has been given to the plan review committee. A historic site may be demolished only after twelve-months' written notice of the owner's proposed action has been given to the plan review committee.

(b)

During this six- or twelve-month period, the town may negotiate with the owner of the site and with any other parties in an effort to find a means of preservation of the property.

(c)

During this period, or at any time prior thereto following notice of designation to the owner and where such action is reasonably necessary or appropriate for the continued preservation of the property, the town may enter

into negotiations with the owner for the acquisition by gift, purchase, exchange or otherwise of the property or any interest therein.

(d)

The plan review committee may reduce the waiting period hereby required in any case where the owner would suffer extreme hardship, not including loss of profit, unless a reduction in the required period were allowed.

(e)

The plan review committee shall have the discretionary authority to waive all or any portion of the required waiting period, provided that the alteration, remodeling, relocation or change of use is undertaken subject to conditions agreed to by the plan review committee insuring the continued maintenance of the historical, architectural or cultural integrity and character of the property.

(Ord. No. O-4-90, § 1, 5-29-90)

Sec. 6-171. - Federal grants.

Where the plan review committee recommends the purchase or condemnation of a historic site or any interest therein, and where the council follows such recommendation, the council may, wherever practical, make issue of federal grants as provided in the National Historic Preservation Act of 1966 or any other appropriate state or federal legislative acts.

(Ord. No. O-4-90, § 1, 5-29-90)

Sec. 6-172. - Penalties.

(a)

Any person who violates any provision of this article shall be punished by a fine of not more than five hundred dollars (\$500.00).

(b)

Any person who files with the plan review committee any application or request for a certificate of appropriateness and who willfully makes any false statement in such application or request or who willfully furnished false information to the plan review committee, shall be punished by a fine of not more than five hundred dollars (\$500.00).

(c)

For the purpose of this article, each day during which there exists any violation of any provision herein shall constitute a separate violation of such provisions.

(Ord. No. O-4-90, § 1, 5-29-90)

Sec. 6-173. - Injunctions; code enforcement.

Wherever any person has engaged in or is about to engage in any act or practice which constitutes or will constitute a violation of this article, the town manager may make application to the circuit court of Palm Beach County for an order enjoining such act or practice, or requiring such person to refrain from such prospective violation or to remedy such violation by restoring the affected property to its previous condition. Alternatively, the town may cite the owner and/or person in charge to appear before the code enforcement board or may issue a code citation to county court in accordance with Chapter 162, Florida Statutes.

(Ord. No. O-4-90, § 1, 5-29-90)

Sec. 6-174. - Reserved.

ARTICLE X. - STORMWATER MANAGEMENT AND DRAINAGE

Footnotes:

--- (11) ---

Cross reference— Beaches, boats, waterways, Ch. 5; utilities, Ch. 21.

DIVISION 1. - DRAINAGE REGULATIONS

Sec. 6-175. - Intent.

All development within the town must be designed, constructed and maintained to provide for adequate stormwater management and drainage in order to protect the health, safety and welfare of the citizens and property owners within the town. All development of buildable land sites within the town shall be subject to the following regulations.

(Ord. No. O-11-90, § 1, 7-23-90)

Sec. 6-176. - Performance standards.

(a)

While development activity is underway and after it is completed, the characteristics of stormwater runoff shall approximate the rate, volume, quality and timing of stormwater runoff that occurred under the site's natural, unimproved or existing state.

(b)

The proposed development and development activities shall not violate the water quality standards set forth in Chapter 17-3, Florida Administrative Code.

(Ord. No. O-11-90, § 1, 7-23-90)

Sec. 6-177. - Sites of one acre or less.

Building sites of one (1) acre or less shall be graded to provide drainage away from buildings and retention of stormwater on site for percolation or must provide for drainage to an approved stormwater drainage system. Earth fill used to place concrete slabs at or above the minimum floor elevation shall be limited to that volume necessary to set the floor slab area a maximum of six (6) inches above the minimum floor elevation. Floor elevations more than six (6) inches above the established minimums shall be obtained by earth fill inside perimeter walls or by suspended floors above a crawl space. In flood hazard zones, the finished grade of the lot shall not exceed the greater of the natural grade or the base flood elevation minus one (1) foot four (4) inches.

(Ord. No. O-11-90, § 1, 7-23-90; Ord. No. O-05-05, § 2, 8-8-05)

Sec. 6-178. - Sites in excess of one acre and up to but not including ten acres. A stormwater drainage system shall be designed and installed utilizing methodology and permitting criteria as established for Lantana's geographical area by the South Florida Water Management District.

(Ord. No. O-11-90, § 1, 7-23-90)

Sec. 6-179. - Sites of ten acres or in excess of ten acres. A South Florida Water Management District permit relative to drainage and stormwater management must be submitted to the town for the project prior to the issuance of a town building permit. All construction must be completed in accordance with the requirements of the SFWMD permit as well as all additional town requirements.

(Ord. No. O-11-90, § 1, 7-23-90)

Secs. 6-180—6-199. - Reserved.

DIVISION 2. - STORMWATER CONTROL

Footnotes:

--- (12) ---

State Law reference— Flood plain management, § 6-101 et seq.; sewers and sewage disposal § 21-88 et. seq.

Sec. 6-200. - Title.

This division shall be known as the Town of Lantana Stormwater Control Ordinance, and may be so cited.

(Ord. No. O-02-93, § 2, 4-12-93)

Sec. 6-201. - Purpose and intent.

The purpose of this division is to promote the health, safety and general welfare of the inhabitants of the Town of Lantana. This division is intended to comply with federal and state law and regulations regarding water quality.

(Ord. No. O-02-93, § 2, 4-12-93)

Sec. 6-202. - Definitions.

As used in this division the following words and terms shall have the meanings respectively ascribed:

Authorized official. Any employee or agent of the town authorized by the town manager to administer or enforce the provisions of this division.

Discharge. Any direct or indirect entry of any solid, liquid or gaseous matter.

Person. Any natural individual, corporation, partnership, institution or other entity.

Site of industrial activity. Any area or facility used for manufacturing, processing or raw materials storage, as defined under 40 CFR Section 122.26(a)(14) of regulations the U.S. Environmental Protection Agency, as amended.

Stormwater. Any stormwater runoff, and surface runoff and drainage.

Stormwater system. The system of conveyances used for collecting, storing, and transporting stormwater owned by the town, but not including any facilities intended to be used in accordance with applicable law for collecting and transporting sanitary or other wastewater.

(Ord. No. O-02-93, § 2, 4-12-93)

Sec. 6-203. - Industrial activity; general prohibitions.

Any discharge into the stormwater system in violation of any federal, state, county, municipal or other law, rule, regulation or permit is prohibited.

(Ord. No. O-02-93, § 2, 4-12-93)

Sec. 6-204. - Industrial activity; specific prohibitions.

By adoption of industrial activity stormwater regulations or by issuance of industrial activity stormwater permits, or both, the Town of Lantana may impose reasonable limitations as to the quality of stormwater (including without limitation the designation of maximum levels of pollutants) discharged into the stormwater system from sites of industrial activity. Any promulgation of such regulations and issuance of permits by the town shall be in accordance with applicable law.

(Ord. No. O-02-93, § 2, 4-12-93)

Sec. 6-205. - Administrative orders.

The town manager or his designee may issue an order to any person to immediately cease any discharge determined by the town manager or his designee to be in violation of any provision of this division, or in violation of any regulation or permit issued hereunder.

(Ord. No. O-02-93, § 2, 4-12-93)

Sec. 6-206. - NPDES permits.

Any person who holds a National Pollutant Discharge Elimination System (NPDES) permit shall provide a copy of such permit to the town no later than the later of: sixty (60) calendar days after the effective date of this ordinance or sixty (60) calendar days after issuance.

(Ord. No. O-02-93, § 2, 4-12-93)

Sec. 6-207. - Illicit discharges; general prohibitions.

Except as set forth under [section 6-209](#) of this division or as in accordance with a valid NPDES permit, any discharge to the stormwater system that is not composed entirely of stormwater is prohibited.

(Ord. No. O-02-93, § 2, 4-12-93)

Sec. 6-208. - Illicit discharges; specific prohibitions.

Any discharge to the stormwater system containing any sewage, industrial waste or other waste materials, or containing any materials in violation of federal, state, county, municipal, or other laws, rules, regulations, orders or permits is prohibited.

(Ord. No. O-02-93, § 2, 4-12-93)

Sec. 6-209. - Authorized exceptions.

Unless the town manager determines that it is not properly managed or otherwise is not acceptable, the following discharges are exempt from the general prohibition set forth under [section 6-207](#) of this division.

(a)

Flows from fire fighting;

(b)

Water line flushing and other contributions from potable water sources;

(c)

Landscape irrigation and lawn watering;

(d)

Irrigation water;

(e)

Diverted stream flows;

(f)

Rising groundwaters;

(g)

Direct infiltration to the stormwater system;

(h)

Uncontaminated pumped groundwater;

(i)

Foundation and footing drains;

(j)

Water from crawl space pumps;

(k)

Air conditioning condensation;

(l)

Springs;

(m)

Individual residential car washings;

(n)

Flows from riparian habitats and wetlands; and

(o)

Dechlorinated swimming pool contributions.

(Ord. No. O-02-93, § 2, 4-12-93)

Sec. 6-210. - Illicit connections.

No person may maintain, use or establish any direct or indirect connection to the stormwater system that results in any discharge in violation of this division. This prohibition is retroactive and applies to connections made in the past, regardless of whether made under a permit, or other authorization, or whether permissible under laws or practices applicable or prevailing at the time the connection was made.

(Ord. No. O-02-93, § 2, 4-12-93)

Sec. 6-211. - Administrative order.

The town manager or his designee may issue an order to any person to immediately cease any discharge, or any connection to the stormwater system, determined by the town manager or his designee to be in violation of any provision of this division, or in violation of any regulation or permit issued hereunder.

(Ord. No. O-02-93, § 2, 4-12-93)
Sec. 6-212. - Reserved.

Editor's note— [Ord. No. O-15-2019](#), § 2, adopted Aug. 26, 2019, repealed former § 6-212 which pertained to spills and dumping; general provisions, and derived from Ord. No. O-02-93, § 2, adopted April 12, 1993.

Sec. 6-213. - Reserved.

Editor's note— [Ord. No. O-15-2019](#), § 3, adopted Aug. 26, 2019, repealed former § 6-213 which pertained to spills and dumping; specific prohibitions, and derived from Ord. No. O-02-93, § 2, adopted April 12, 1993.

Sec. 6-214. - Notification of discharges.

As soon as any person has knowledge of any discharge to the stormwater system in violation of this division, such person shall immediately notify the town manager by telephone and if such person is directly or indirectly responsible for such discharge, then such person shall also take immediate action to ensure the containment and clean up of such discharge and shall confirm such telephone notification in writing to the town manager within three (3) calendar days.

(Ord. No. O-02-93, § 2, 4-12-93; [Ord. No. O-15-2019](#), § 4, 8-26-19)

Editor's note— [Ord. No. O-15-2019](#), § 4, adopted Aug. 26, 2019, changed the title of § 6-214 from "Notification of spills" to read as herein set out.

Sec. 6-215. - Administrative order.

The town manager or his designee may issue an order to any person to immediately cease any discharge, or connection to the stormwater system, determined by the town manager or his designee to be in violation of any regulation or permit issued hereunder.

(Ord. No. O-02-93, § 2, 4-12-93)

Sec. 6-216. - Enforcement; injunctive relief.

Any violation of any provision of this division, or of any regulation or order issued hereunder, shall be subject to injunctive relief if necessary to protect the public health, safety or general welfare.

(Ord. No. O-02-93, § 2, 4-12-93)

Sec. 6-217. - Continuing violation.

A person shall be deemed guilty of a separate violation for each and every day during any continuing violation of any provision of this division, or of any regulation or permit issued hereunder.

(Ord. No. O-02-93, § 2, 4-12-93)

Sec. 6-218. - Enforcement actions.

The town manager or his designee may take all actions necessary, including the issuance of notices of violation, the filing of court actions and/or referral of the matter to the town code enforcement board to require and enforce compliance with the provisions of this ordinance and with any regulation or permit issued hereunder.

(Ord. No. O-02-93, § 2, 4-12-93)

Sec. 6-219. - Authority for inspections.

Whenever necessary to make an inspection to enforce any of the provisions of this division, or regulation or permit issued hereunder, or whenever an authorized official has reasonable cause to believe there exists any condition constituting a violation of any of the provisions of this division, or regulation or permit issued hereunder, any authorized official may enter any property, building or facility at any reasonable time to inspect the same or to perform any duty related to enforcement of the provisions of this ordinance or any regulations or permits issued hereunder; provided that:

(a)

If such property, building or facility is occupied, such authorized official shall first present proper credentials and request permission to enter; and

(b)

If such property, building or facility is unoccupied, such authorized official shall make a reasonable effort to locate the owner or other person having charge or control of the property, building or facility, and shall request permission to enter. Any request for permission to enter made hereunder shall state that the owner or person in control has the right to refuse entry, and that in such event that entry is refused, the authorized official may enter to make inspection only upon issuance of a search warrant by a duly authorized magistrate or judge. If the owner or person in control refuses permission to enter after such request has been made, the authorized official is hereby authorized to seek assistance from any court of competent jurisdiction in obtaining entry. Routine or area-wide inspection shall be based upon such reasonable selection processes as may be necessary to carry out the purposes of this article, including but not limited to random sampling and sampling in areas with evidence of stormwater contamination, nonstormwater discharges, or similar factors.

(Ord. No. O-02-93, § 2, 4-12-93)

Sec. 6-220. - Authority for monitoring and sampling.

Any authorized official may establish on any property such devices as are necessary to conduct sampling or metering of discharges to the stormwater system. During any inspections made to enforce the provisions of this article, or regulations or permits issued hereunder, any authorized official may take any samples deemed necessary.

(Ord. No. O-02-93, § 2, 4-12-93)

Sec. 6-221. - Requirements for monitoring.

The town manager or his designee may require any person engaging in any activity or owning any property, building or facility (including but not limited to a site of industrial activity) to undertake such reasonable monitoring of any discharge(s) to the stormwater system and to furnish periodic reports.

(Ord. No. O-02-93, § 2, 4-12-93)

Sec. 6-222. - Maintenance of privately owned stormwater management systems.

(a)

All privately owned stormwater management systems that discharge into the town's stormwater management system are responsible for establishing and implementing an effective maintenance program.

(b)

All privately owned stormwater management systems are required to establish and designate a maintenance entity and provide the town with that information along with a copy of the maintenance plan.

(c)

Should the privately owned stormwater management system fail to function as designed and intended, the owner or maintenance entity shall take appropriate corrective measures to restore and ensure proper operation of the system.

(d)

Inspections may be performed by town officials when reasonably necessary to carry out the purposes of this section (see [section 6-219](#) herein, above).

(e)

This section may be enforced by any means legally available to the town.

(Ord. No. O-02-99, § 1, 2-8-99)

Secs. 6-223, 6-224. - Reserved.

ARTICLE XI. - ILLUMINATION

Sec. 6-225. - Scope.

The provisions of this article shall apply to the various occupancy classifications as listed in Table 1 at [section 6-230](#), with the exception of one- and two-family dwellings which are specifically exempted from regulations set forth herein below, except for [section 6-228.5](#). The requirements set forth herein are intended to increase security without causing unwarranted light pollution.

(Ord. No. O-05-04, § 3, 4-26-04; Ord. No. O-05-2007, § 1, 6-11-07)

Sec. 6-226. - Certification.

Inspecting and testing the initial installation of the lighting security system shall be performed by the design professional who will issue certification attesting to functional compliance with this article. This certification will be required by the authority having jurisdiction prior to issuing a official document of occupancy for the structure the lighting security system serves.

(Ord. No. O-05-04, § 3, 4-26-04)

Sec. 6-227. - Illumination levels.

The minimum-maintained illumination levels in Table 1 at [section 6-230](#) expressed in footcandles shall not exceed a twelve to one (12:1) maximum to minimum uniformity ratio.

(Ord. No. O-05-04, § 3, 4-26-04)

Sec. 6-228. - Overspill.

Outdoor lighting fixtures providing light to any parcel of land adjacent to any residentially zoned parcel of land, whether adjoining or not, shall emit no more than one-third ($\frac{1}{3}$) footcandle of light at the property line of the adjacently zoned parcel measured horizontally six (6) feet above grade level.

(Ord. No. O-05-04, § 3, 4-26-04)

Sec. 6-228.5. - Overspill, one- and two-family dwellings.

No lighting fixtures of any type, that are located or installed on any parcel of land which is occupied by a one or two family dwelling or zoned for such use, shall be installed, setup or aimed in such a manner so as to shine directly upon, into or otherwise directly illuminate any window, skylight, door, doorway, porch, patio, screened enclosure, lanai, pool or spa which are located on a neighboring property, whether adjoining or not. Furthermore, shining a light at or into any neighboring habitable structure shall be strictly prohibited. However, in no case shall the provisions of this paragraph apply to any lights or lighting fixtures installed, maintained owned or operated by the town.

(Ord. No. O-05-2007, § 2, 6-11-07)

Sec. 6-229. - Permitted lighting sources.

All lighting sources shall be energy efficient whenever possible, utilizing a light source that allows for the general distinguishing of colors. Non-glaring fixtures, such as mercury vapor or metal halide lights, are preferred for use in all new lighting and are required for any new light on a pier or dock. See [section 23-134](#), piers and docks for additional lighting regulations.

(Ord. No. O-05-04, § 3, 4-26-04)

Sec. 6-230. - Illumination requirements.

TABLE 1

	Residential areas		Nonresidential areas		
Lighting Zone	Minimum initial	Average initial maximum	Minimum initial	Max. fc allowed with max. to min. ratio	Maximum average initial
Gas station canopy	n/a	n/a	12 fc	90 fc	55 fc (2)
Vehicular use area	0.4 fc	n/a	1.2 fc	15 fc	n/a
Pathways	0.4 fc	n/a	0.4 fc	5 fc	n/a
Landscape buffers adjacent to a property line	n/a	0.5 fc	n/a	1.2 fc	0.5 fc
Off-site	0	per adjacent nonresidential zone	0	per adjacent nonresidential zone	per adjacent nonresidential zone

Notes for Table 1:

1.

Unless mandated by other local, state or federal standards.

2.

The maximum average initial footcandle for gas stations of fifty-five (55) fc shall only apply under the building canopy and fifteen (15) feet from the outside edge of the canopy.

3.

Outdoor lighting for night sport facilities such as tennis courts, stadiums, and ball fields shall be exempt from the footcandle standards of Table 1; however, lighting at sports facilities shall shield illumination sources at a less than a seventy-five (75) degree angle (see Figure 1).

4.

Any roof lighting, under canopy lighting, or lighting which forms a lineal pattern shall be recessed and shielded or shall contain a cutoff luminaire within the structure or fixture in which it is located. The lighting source shall not be visible from adjacent properties and/or right-of-ways.

(Ord. No. O-05-04, § 3, 4-26-04)

Secs. 6-231 — 6-240. - Reserved.

ARTICLE XII. - CONSTRUCTION SITE AND STAGING STANDARDS

DIVISION 1. - CONSTRUCTION SITES

Sec. 6-241. - Screening standards.

(a)

All construction sites whether residential or commercial shall be enclosed protected and secured against public access/trespassing by a chain link fence or other suitable barrier which is approved by the building official, which is six (6) feet in height.

(b)

Any chain link fence must be covered with screening material that is ninety-five (95) percent opaque. The fence screening material may have small wind flaps.

(c)

Screening material may either be black or green and must be made of a colorfast weatherproof material.

(d)

The screening material must substantially hide the construction site from view at ground level from any public right-of-way or private property adjacent thereto.

(Ord. No. O-10-2019, § 1, 3-11-19; [Ord. No. O-15-2019](#), § 5, 8-26-19)

Sec. 6-242. - Site standards.

(a)

In residential and mixed-use districts construction vehicles may not be stored on site overnight unless they are screened from view as set forth in [section 6-241](#).

(b)

In commercial districts construction vehicles may be stored on site overnight on parcels that are one (1) or more acres in size, but are only required to be parked within the screened construction area. Commercial parcels that are less than one (1) acre in size must comply with the construction vehicle screening standards set forth in subsection (a), hereinabove.

(c)

All construction and building materials must be fully screened from view, from the adjacent right-of-way, if they are to be stored overnight.

(d)

Fill material may not be piled any higher than the top of the screening fence and must be covered or kept sufficiently moist to prevent dust and/or debris from being blown from the site.

(e)

Construction debris shall be contained within an on-site dumpster. All construction dumpsters shall be emptied when full. A dumpster shall be deemed to be full once its contents are even with or protrude above the top of the dumpster at any point.

(Ord. No. O-10-2019, § 1, 3-11-19; [Ord. No. O-15-2019](#), § 6, 8-26-19)

Secs. 6-243—6-250. - Reserved.

DIVISION 2. - CONSTRUCTION STAGING (OFF-SITE)

Sec. 6-251. - Permits required.

(a)

Prior to utilizing any parcel as an off-site construction staging site, an application and site plan of the proposed staging site shall be submitted to the development services director for review.

(b)

Staging sites are subject to the same regulations and requirements as construction sites.

(c)

The development services director may impose additional conditions if deemed necessary and appropriate to mitigate the impact the proposed staging site may have on adjacent or nearby properties.

(Ord. No. O-10-2019, § 1, 3-11-19)