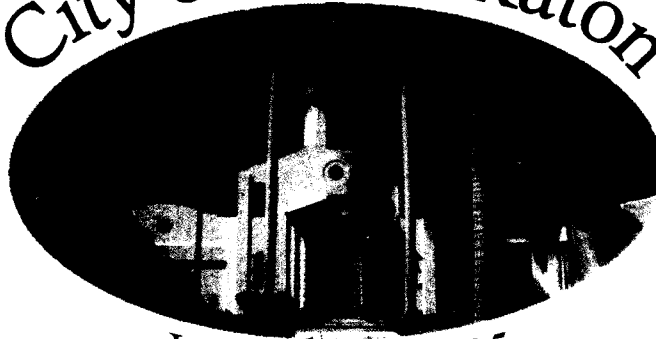


City of Boca Raton



Incorporated 1925

ORDINANCE

5259

1
2 AN ORDINANCE OF THE CITY OF BOCA RATON
3 REPEALING CHAPTER 19, CODE OF ORDINANCES, IN ITS
4 ENTIRETY; ADOPTING A NEW CHAPTER 19, CODE OF
5 ORDINANCES, ENTITLED "BUILDING REGULATIONS";
6 ESTABLISHING DEFINITIONS AND APPLICABILITY;
7 ESTABLISHING THE CODE COMPLIANCE DIVISION AS
8 THE DEPARTMENT OF PUBLIC SAFETY PURSUANT TO
9 THE FLORIDA BUILDING CODE AND THE POWERS AND
10 DUTIES OF THE BUILDING OFFICIAL; ADOPTING LOCAL
11 ADMINISTRATIVE AMENDMENTS TO THE FLORIDA
12 BUILDING CODE RELATING TO REGULATIONS AND
13 PROCEDURES FOR PERMIT AND PLAN SUBMITTAL AND
14 REVIEW, PERMIT ISSUANCE, FEES, AND INSPECTIONS;
15 ADOPTING REGULATIONS AND PROCEDURES FOR
16 OCCUPANCY, COMPLETION AND UTILITY SERVICE
17 CONNECTIONS; PROVIDING REGULATIONS AND
18 PROCEDURES RELATING TO VIOLATIONS AND
19 APPEALS; PROVIDING FOR RULES, AUTHORITY AND

1 PROCEDURES FOR THE BUILDERS' BOARD OF
2 ADJUSTMENT AND APPEALS; PROVIDING FOR
3 REGULATIONS AND PROCEDURES RELATING TO
4 UNSAFE STRUCTURES AND EQUIPMENT; PROVIDING
5 FOR SEVERABILITY; PROVIDING FOR REPEALER;
6 PROVIDING FOR CODIFICATION; PROVIDING AN
7 EFFECTIVE DATE (AM-12-04 / 12-92500004)
8

9 WHEREAS, Chapter 553, Florida Statutes, was adopted by the Florida Legislature to
10 provide a mechanism for the uniform adoption, updating, amendment, interpretation and
11 enforcement of a single, unified state building code to be called the Florida Building Code; and

12 WHEREAS, the Florida Building Commission has adopted an updated version of the
13 Florida Building Code titled the Florida Building Code 2010 Edition for implementation; and

14 WHEREAS, the Florida Building Code 2010 Edition consists of a single set of
15 documents that apply to the design, construction, erection, alteration, modification, repair or
16 demolition of public or private buildings, structures or facilities in this state and to the
17 enforcement of such requirements, and which will allow effective and reasonable protection for
18 the public, health, safety and general welfare of all of the people of Florida; and

19 WHEREAS, the Florida Building Code 2010 Edition authorizes and obligates each
20 jurisdiction within this state to adopt local administrative provisions for the administration,
21 interpretation and enforcement of the Florida Building Code 2010; and

22 WHEREAS, the Florida Legislature has adopted legislation implementing the Florida
23 Building Code 2010 Edition, effective March 15, 2012; and

24 WHEREAS, it is the desire of the City Council of the City of Boca Raton to adopt the
25 Florida Building Code 2010 Edition together with local administrative provisions necessary for its
26 administration, interpretation, application, and enforcement; and

1 WHEREAS, the City Council of the City of Boca Raton has determined that it would be in
2 the best interest of the City to repeal, in its entirety, the current Chapter 19, Code of Ordinances,
3 relating to building regulations; and

4 WHEREAS, the City Council has determined that it would be in the best interest of the
5 City to adopt a revised Chapter 19, Building Regulations, Code of Ordinances, to incorporate
6 the Florida Building Code 2010 Edition together with the local administrative provisions relating
7 thereto, and to recodify those sections of the existing code to be included in the new Chapter
8 19, Code of Ordinances; now therefore

9
10 THE CITY OF BOCA RATON HEREBY ORDAINS:

11
12 Section 1. Chapter 19, Code of Ordinances, is hereby repealed in its entirety.

13 Section 2. Chapter 19, Code of Ordinances, is hereby created to read:

14 CHAPTER 19 - BUILDING REGULATIONS

15 ARTICLE I. – IN GENERAL

16 DIVISION 1. – GENERAL PROVISIONS

17 Sec. 19-1. - Title.

18 These regulations shall be known as the City of Boca Raton Building Regulations
19 hereinafter referred to in this chapter as the “building code.”

20 Sec. 19-2. – Intent.

21 The purpose of this building code is to establish the minimum requirements to safeguard
22 the public health, safety and general welfare through structural strength, means of egress
23 facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to
24 life and property from fire and other hazards attributed to the built environment and to provide
25 safety to fire fighters, code officials, and emergency responders during emergency operations.
26

1 Sec. 19-3. - Definitions.

2 (1) Florida Building Code shall mean the Florida Building Code 2010 Edition, as
3 adopted by the Florida Building Commission and as may be amended, supplemented or wholly
4 replaced with a new edition from time to time, together with all local administrative rules,
5 regulations, and provisions authorized thereunder and included in this building code.

6 (2) Unless otherwise set forth herein, terms set forth in this chapter shall be as
7 defined in the Florida Building Code. In the event of a conflict, the definition stated in the Florida
8 Building Code shall prevail.

9 (3) Where the term "permit holder" is used in the chapter, such term shall be
10 construed to include the permit applicant, contractor, subcontractor, owner, and any other
11 person responsible for work for which a permit has been issued, together with agents thereof.

12 Sec. 19-4. – Scope.

13 The provisions of this building code shall apply to the design, construction, alteration,
14 modification, repair or demolition of public or private buildings or structures and facilities
15 including manufactured buildings and code enforcement of every building or structure or any
16 appurtenances connected or attached to such buildings or structures within the City of Boca
17 Raton, with exception of the following:

18 (1) Detached one- and two-family dwellings and multiple single-family dwellings
19 (townhouses) not more than three stories above grade plane in height with a separate means of
20 egress, and accessory structures to such dwellings shall comply with the Florida Building Code,
21 Residential; and

22 (2) Existing buildings undergoing repair, alterations or additions and change of
23 occupancy shall comply with the Florida Building Code, Existing Building.

24 Sec. 19-5. – Appendices.

25 Provisions in the appendices in the Florida Building Code shall not apply unless
26 specifically adopted herein.

1 Sec. 19-6. – Florida Building Code, Residential.

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

4 Sec. 19-7. – Quality Control.

5 Quality control of materials and workmanship is not within the purview of this building
6 code except as it relates to the purposes stated herein.

7 Sec. 19-8. - Referenced Codes.

8 The other codes listed in sections 19-9 through 19-16 of this building code and
9 referenced elsewhere in this building code shall be considered part of the requirements of this
10 building code to the prescribed extent of each such reference.

11 Sec. 19-9. - Electrical.

12 The provisions of Chapter 27 of the Florida Building Code, Building shall apply to the
13 installation of electrical systems, including alterations, repairs, replacement, equipment,
14 appliances, fixtures, fittings and appurtenances thereto.

15 Sec. 19-10. – Gas.

16 The provisions of the Florida Building Code, Fuel Gas International Fuel Gas Code with
17 the Florida Fuel Gas Code Supplement shall apply to the installation of gas piping from the point
18 of delivery, gas appliances and related accessories as covered in this building code. These
19 requirements apply to gas piping systems extending from the point of delivery to the inlet
20 connections of appliances and the installation and operation of residential and commercial gas
21 appliances and related accessories.

22 Sec. 19-11. – Mechanical.

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

1 Sec. 19-12. – Plumbing.

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

6 Sec. 19-13. – Property Maintenance.

7 The International Property Maintenance Code shall apply to all existing residential and
8 non-residential structures and all existing premises and constitute minimum requirements and
9 standards for premises, structures, equipment and facilities for light, ventilation, space, heating,
10 sanitation, protection from the elements, life safety, safety from fire and other hazards, and for
11 safe and sanitary maintenance; the responsibility of owners, operators and occupants; the
12 occupancy of existing structures and premises, and for administration, enforcement and
13 penalties.

14 Sec. 19-14. – Fire Prevention.

15 The Florida Fire Prevention Code shall apply to matters affecting or relating to
16 structures, processes and premises from the hazard of fire and explosion arising from the
17 storage, handling or use of structures, materials or devices; from conditions hazardous to life,
18 property or public welfare in the occupancy of structures or premises; and from the construction,
19 extension, repair, alteration or removal of fire suppression and alarm systems or fire hazards in
20 the structure or on the premises from occupancy or operation.

21 Sec. 19-15. - Energy.

22 The provisions of the Florida Building Code, Energy Conservation shall apply to all
23 matters governing the energy efficient design and construction of buildings.

24 Sec. 19-16. - Accessibility.

25 The provisions of the Florida Building Code, Accessibility shall apply to all matters
26 governing accessibility of buildings.

1 city shall not administer or enforce the Florida Building Code, Building to prevent the siting of
2 any publicly owned facility, including, but not limited to, correctional facilities, juvenile justice
3 facilities, or state universities, community colleges, or public education facilities, as provided by
4 law.

5 Sec. 19-29 – Application to Buildings in General.

6 The provisions of the Florida Building Code shall apply to the design, construction,
7 alteration, modification, repair or demolition of public or private buildings or structures and
8 facilities including manufactured buildings and code enforcement of every building or structure
9 or any appurtenances connected or attached to such buildings or structures within the City of
10 Boca Raton. Additions, alterations, repairs and changes of use or occupancy in all buildings and
11 structures shall comply with the provisions provided in the Florida Building Code, Existing
12 Building. Notwithstanding city land development regulations, the following buildings, structures
13 and facilities shall be exempt from the Florida Building Code as provided by law, and any further
14 exemptions shall be as determined by the legislature and provided by law:

15 (1) Buildings and structures specifically regulated and preempted by the federal
16 government;

17 (2) Railroads and ancillary facilities associated with the railroad;

18 (3) Nonresidential farm buildings on farms;

19 (4) Temporary buildings or sheds used exclusively for construction purposes;

20 (5) Mobile or modular structures used as temporary offices, except that the
21 provisions of Part II (Section 553.501-553.513, Florida Statutes) relating to accessibility by
22 persons with disabilities shall be applicable and permits shall be required for structural support
23 and tie down, electrical supply, and all utility connections to such mobile or modular structures;

24 (6) Those structures or facilities of electric utilities, as defined in Section 366.02,
25 Florida Statutes, which are directly involved in the generation, transmission or distribution of
26 electricity;

1 (7) Temporary sets, assemblies or structures used in commercial motion picture or
2 television production, or any sound-recording equipment used in such production, on or off the
3 premises;

4 (8) Chickees constructed by the Miccosukee Tribe of Indians of Florida or the
5 Seminole Tribe of Florida. As used in this paragraph, the term "chickee" means an open-sided
6 wooden hut that has a thatched roof of palm or palmetto or other traditional material.

7 Electrical or plumbing work or connection, or other non-wood features of chickees
8 constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida shall
9 not be exempted from this building code;

10 (9) Service improvements providing water, sewer, storm, gas, cable, telephone, or
11 other similar utility systems shall be exempt to the point of service connection for the building or
12 structure;

13 (10) Family mausoleums not exceeding 250 square feet in area which are
14 prefabricated and assembled on site or preassembled and delivered on site and have walls,
15 roofs, and a floor constructed of granite, marble, or reinforced concrete;

16 (11) Swings and other playground equipment accessory to a one- or two-family
17 dwellings, except that electrical service to such playground equipment shall be in accordance
18 with Chapter 27 of the Florida Building Code, Building; and

19 (12) Temporary housing provided by the Department of Corrections to any prisoner in
20 the state correctional system.

21 Sec. 19-30. – Relocated Buildings and Structures.

22 (1) Buildings or structures for residential uses moved into or within the city shall not
23 be required to be brought into compliance with the state minimum building code in force at the
24 time the building or structure is moved, provided:

25 (a) The building or structure is structurally sound and in occupiable condition for its
26 intended use;

1 (b) The occupancy use classification for the building or structure is not changed as a
2 result of the move;

3 (c) The building is not substantially remodeled;

4 (d) Current fire code requirements for ingress and egress shall be met;

5 (e) Electrical, gas and plumbing systems meet the codes in force at the time of
6 original construction and are operational and safe for reconnection;

7 (f) Foundation plans shall be sealed by a professional engineer or architect licensed
8 to practice in this state, if required by the applicable Florida Statutes for all buildings or
9 structures of the same residential occupancy class; and

10 (g) The requirements of Florida Building Code, Existing Building shall be satisfied.

11 (2) The building official shall apply the same standard to a moved residential building
12 or structure as that applied to the remodeling of any comparable residential building or structure
13 to determine whether the moved structure is substantially remodeled.

14 (3) Relocation of manufactured buildings.

15 (a) Relocation of an existing manufactured building shall not constitute an alteration
16 or modification.

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

23 Sec. 19-31. – Inspection by State Agencies.

24 This division shall not apply to the jurisdiction and authority of the Department of
25 Agriculture and Consumer Services to inspect amusement rides or the Department of Financial
26 Services to inspect state-owned buildings and boilers.

1 Sec. 19-32. – Local Exemptions for Single-Family Dwellings.

2 (1) The owner of a single-family dwelling shall be exempt from the Florida Building
3 Code for the following:

4 (a) Addition, alteration, or repairs performed by the owner, provided any addition or
5 alteration shall not exceed 1,000 square feet or the square footage of the primary structure,
6 whichever is less; or

7 (b) Addition, alteration, or repairs performed by a non-owner not exceeding \$5,000
8 within any 12 month period; and

9 (c) Building inspection fees that would otherwise be required for such improvements
10 described in this section.

11 (2) The exemptions set forth in this section shall not apply to single-family dwellings
12 that are located in mapped special flood hazard areas, as defined in Sec. 21-2, unless the
13 building official has determined that the work, which is otherwise exempt, does not constitute a
14 substantial improvement, including the repair of substantial damage as defined in Sec 21-2, of
15 such single-family dwellings.

16 Sec. 19-33. – Applicability to Existing Structures; Existing Mechanical Equipment.

17 (1) The legal occupancy of any structure existing on the date of adoption of this
18 building code shall be permitted to continue without change, except as otherwise specifically
19 required by this building code, the codes referenced in Sections 19-9 through 19-16 of this
20 building code, or as is deemed necessary by the building official for the general safety and
21 welfare of the occupants and the public.

22 (2) Existing mechanical equipment on the surface of a roof shall be permitted to
23 continue without change until the equipment is required to be removed, replaced, modified or
24 altered.

25 Sec. 19-34 – 19-40. – Reserved.

1 ARTICLE II. – ADMINISTRATION

2 DIVISION I. - CODE COMPLIANCE DIVISION

3 Sec. 19-41. - Establishment.

4 The City of Boca Raton code compliance division is hereby deemed as the department
5 of building safety pursuant to the Florida Building Code. The code compliance division may be
6 referred to hereinafter in this chapter as the “department.”

7 Sec. 19-42. - Designation of Administrator, Deputy, Inspectors; Conflicts of Interest.

8 (1) The building official, code compliance division, development services
9 department, is hereby designated as the administrative authority responsible for interpretation
10 and enforcement of the provisions of this chapter and the Florida Building Code as it may be
11 amended from time to time.

12 (2) The administrative authority shall be referred to as the building official.

13 (3) The building official may appoint an/or designate such number of officers,
14 inspectors, assistants, and other employees as shall be authorized from time to time to perform
15 the duties of the building official as set forth herein.

16 (4) All code officials employed by the department shall be certified in accordance
17 with Chapter 468, Part XII, Florida Statutes.

18 (5) The building official may designate as his deputy an employee in the department
19 who shall, during the absence or disability of the building official, exercise all powers of the
20 building official.

21 (6) An officer or employee connected with the department, except one whose only
22 connection is as a member of the Builders’ Board of Adjustment and Appeals, shall not be
23 financially interested in the furnishing of labor, material or appliances for the construction,
24 alteration or maintenance of a building, or in the making of plans or of specifications therefore,
25 unless he is the owner of such building. Such officer or employee shall not engage in any work
26 that is inconsistent with his duties or with the interests of the department.

1 Sec. 19-43 – 19-45. – Reserved.

2 DIVISION II. – DUTIES AND POWERS OF THE BUILDING OFFICIAL

3 Sec. 19-46. – In General.

4 The building official is hereby authorized and directed to enforce the provisions of this
5 building code. The building official shall have the authority to render interpretations of this
6 building code, and to adopt policies and procedures in order to clarify the application of its
7 provisions. Such interpretations, policies and procedures shall be in compliance with the intent
8 and purpose of this building code. Such policies and procedures shall not have the effect of
9 waiving requirements specifically provided for in this building code.

10 Sec. 19-47. - Applications and permits.

11 The building official shall receive applications, review construction documents and issue
12 permits for the construction, alteration, modification, repair or demolition of public or private
13 buildings or structures and facilities, including manufactured buildings and code enforcement of
14 every building or structure or any appurtenances connected or attached to such buildings or
15 structures within the City of Boca Raton, inspect the premises for which such permits have been
16 issued and enforce compliance with the provisions of this building code.

17 Sec. 19-48. - Notices and orders.

18 The building official shall issue all necessary notices or orders to ensure compliance with
19 this building code.

20 Sec. 19-49. - Inspections.

21 The building official shall make all of the required inspections, or the building official shall
22 have the authority to accept reports of inspection by approved agencies or individuals. Reports
23 of such inspections shall be in writing and be certified by a responsible officer of such approved
24 agency or by the responsible individual. The building official is authorized to engage such expert
25 opinion as deemed necessary to report upon unusual technical issues that arise.

1 Sec. 19-50. - Identification.

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

4 Sec. 19-51. - Right of Entry.

5 (1) When it is necessary to make an inspection to enforce any of the provisions of
6 this building code, or when the building official has reasonable cause to believe that there exists
7 in any building or upon any premises any condition or code violation which makes such building,
8 structure, or premises, unsafe, dangerous or hazardous, the building official shall be authorized
9 to enter the building, structure or premises at all reasonable times to inspect or to perform any
10 duty imposed by this building code, provided that if such building, structure or premises are
11 occupied, that credentials be presented to the occupant and entry requested. If such building,
12 structure, or premises are unoccupied, the building official shall first make a reasonable effort to
13 locate the owner or other persons having charge or control of the building, structure, or
14 premises, and request entry. If entry is refused, the building official shall have recourse to every
15 remedy provided by law to secure entry.

16 (2) When the building official shall have first obtained a proper inspection warrant in
17 accordance with Florida Statute 933, or other remedy provided by law to secure entry, no owner
18 or occupant or any other persons having charge, care or control of any building, structure, or
19 premises shall fail or neglect, after proper request is made as herein provided, to promptly
20 permit entry therein by the building official for the purpose of inspection and examination
21 pursuant to this code.

22 Sec. 19-52. - Department Records.

23 The building official shall keep official records of applications received, permits and
24 certificates issued, fees collected, reports of inspections, and notices and orders issued. Such
25 records shall be retained in the official records for the period required for retention of public
26 records pursuant to Florida Statute 119.

1 Sec. 19-53. Approved materials and equipment.

2 Materials, equipment and devices approved by the building official shall be constructed
3 and installed in accordance with such approval.

4 Sec. 19-54. Used Materials and Equipment.

5 The use of used, recycled, or reclaimed materials which meet the requirements of this
6 building code for new materials shall be permitted. Used equipment and devices shall not be
7 reused unless approved by the building official.

8 Sec. 19-55. Modifications.

9 (1) Wherever there are practical difficulties involved in carrying out the provisions of
10 this building code, the building official shall have the authority to grant modifications for
11 individual cases, upon application of the owner or owner's representative, provided the building
12 official shall first find that special individual reason makes the strict application of this code
13 impractical and the modification is in compliance with the intent and purpose of this code and
14 that such modification does not lessen health, accessibility, life and fire safety, or structural
15 requirements. The details of action granting modifications shall be recorded and entered in the
16 files of the code compliance division.

17 (2) The building official shall coordinate with the city's floodplain administrator to
18 review requests submitted to the building official that seek approval to modify the strict
19 application of the flood resistant construction requirements of the Florida Building Code to
20 determine whether such requests require the consideration of a variance pursuant to this
21 building code.

22 Sec. 19-56. - Alternative Materials, Design and Methods of Construction and Equipment.

23 (1) The provisions of this building code are not intended to prevent the installation of
24 any material or to prohibit any design or method of construction not specifically prescribed by
25 this building code, provided that any such alternative has been approved. An alternative
26 material, design or method of construction shall be approved where the building official finds

1 that the proposed design is satisfactory and complies with the intent of the provisions of this
2 building code, and that the material, method or work offered is, for the purpose intended, at
3 least the equivalent of that prescribed in this building code in quality, strength, effectiveness, fire
4 resistance, durability and safety. When alternate life safety systems are designed, the SFPE
5 Engineering Guide to Performance-Based Fire Protection Analysis and Design of Buildings, or
6 other methods approved by the building official may be used. The building official shall require
7 that sufficient evidence or proof be submitted to substantiate any claim made regarding the
8 alternative.

9 (2) Research reports and supporting data, where necessary to assist in the approval
10 of materials or assemblies not specifically provided for in this building code, shall consist of valid
11 research reports from sources approved by the building official and be provided at the
12 applicant's expense.

13 (3) Whenever there is insufficient evidence of compliance with the provisions of this
14 building code, or evidence that a material or method does not conform to the requirements of
15 this building code, or in order to substantiate claims for alternative materials or methods, the
16 building official shall have the authority to require tests as evidence of compliance to be made
17 by the applicant at his sole cost and expense and at no expense to the city. Test methods shall
18 be as specified in this building code or by other recognized test standards. In the absence of
19 recognized and accepted test methods, the building official shall approve the testing
20 procedures. Tests shall be performed by an agency approved by the building official. Reports
21 of such tests shall be retained by the building official for the period required for retention of
22 public records.

23 (4) Alternative designs and technologies for providing access to and usability of a
24 facility for persons with disabilities shall be in accordance with provisions of the Florida Building
25 Code, Accessibility.
26

1 Sec. 19-57. - Requirements Not Covered by this Building Code.

2 Any requirements necessary for the strength, stability or proper operation of an existing
3 or proposed building, structure, electrical, gas, mechanical or plumbing system, or for the public
4 safety, health and general welfare, not specifically covered by this building code or the Florida
5 Building Code, shall be determined by the building official.

6 Sec. 19-58 – 19.61. – Reserved.

7 ARTICLE III. – PERMITS, PRE-CONSTRUCTION ACTIVITIES AND FEES

8 DIVISION 1. – PERMITS

9 Sec. 19-62. – Permits Required.

10 Any contractor, owner, or agent authorized in accordance with Florida Statute 489 who
11 intends to construct, enlarge, alter, repair, move, demolish, or change the use and occupancy of
12 a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any
13 impact-resistant coverings, electrical, gas, mechanical, plumbing or fire protection system, or
14 accessible or flood resistant site element, the installation of which is regulated by this building
15 code, or to cause any such work to be done, shall first make application to the building official
16 and obtain the required permit.

17 Sec. 19-63. - Annual Facility Permit.

18 (1) In lieu of an individual permit for each alteration to an existing electrical, gas,
19 mechanical, plumbing or interior nonstructural office system(s), the building official shall be
20 authorized to issue an annual permit for any occupancy to facilitate routine or emergency
21 service, repair, refurbishing, minor renovations of service systems, or manufacturing equipment
22 installations/relocations. The building official shall be notified of major changes and shall retain
23 the right to make inspections at the facility sites as deemed necessary. An annual facility permit
24 shall be assessed with an annual fee and shall be valid for one year from date of issuance. A
25 separate permit shall be obtained for each facility and for each construction trade, as applicable.

1 The permit application shall contain a general description of the parameters of work intended to
2 be performed during the year.

3 (2) The person to whom an annual permit is issued shall keep a detailed record of
4 alterations made under such annual permit. The building official shall have access to such
5 records at all times or such records shall be filed with the building official upon request. The
6 building official shall be authorized to revoke or withhold the issuance of future annual permits if
7 code violations are found to exist or until such time as any code violations are cured.

8 Sec. 19-64. - Food Permit.

9 A food permit from the Department of Agriculture and Consumer Services shall be
10 required of any person who operates a food establishment or retail store that sells consumable
11 products, pursuant to requirements of Florida Statutes.

12 Sec. 19-65. – Multiple Building Permit Project.

13 (1) For a development project, other than one subject to special approval
14 requirements established or authorized elsewhere in this code or by law, consisting of two (2) or
15 more main use buildings which will not be constructed simultaneously, a multiple building
16 project approval may be issued by the development services director contemporaneously with
17 approval of the first main use building permit by the building official.

18 (2) An application for multiple building project approval shall be filed with the building
19 official and shall be accompanied and supported by:

20 (a) Two (2) copies of the site plan, plot plan, off-street parking plan, drainage plan
21 and landscaping plan for the entire project. All plans shall be drawn to scale and, where
22 required by this chapter or other applicable codes and ordinances, shall be prepared, sealed
23 and signed by a registered architect or engineer.

24 (b) Survey data as required by Sec. 19-107 (10).

25 (c) Unity of title declaration where such is required by Sec. 19-108.

1 (d) A construction schedule for the entire project showing the planned sequence of
2 construction of the main use buildings and the accessory or common use facilities related
3 thereto.

4 (3) An application for a permit for the first main use building to be constructed
5 pursuant to the application for multiple building project approval, and any accessory or common
6 use facilities to be constructed simultaneously therewith, shall be filed simultaneously with the
7 application for the multiple building project approval. Each application shall be accompanied by
8 two (2) complete copies of working drawings. The building official may require that additional
9 complete copies of working drawings be submitted where unique circumstances create special
10 plan review requirements.

11 (4) Conditions and limitations.

12 (a) All multiple building project approvals will automatically expire and become
13 invalid five (5) years from the date of approval if actual construction has not been completed
14 and final certificates of occupancy issued prior to the expiration of the 5-year time period.
15 Nothing herein shall be construed to supersede an approved development order.

16 (b) In addition to provisions contained in the preceding paragraph, the multiple
17 building project approval shall be subject to the provisions relating to expiration contained in
18 section 19-80.

19 (c) Individual permits issued for either main use buildings or accessory and common
20 use facilities for which application is made at the time of a multiple building project approval is
21 applied for are subject to the provisions of section 19-80.

22 (d) Individual permits issued for either main use buildings or accessory and common
23 use facilities for which application is made at a subsequent date after a multiple building project
24 approval has been granted shall be issued only after compliance with all provisions of this
25 building code in effect at the date of the subsequent application. The land development

1 regulations, including the provisions of the zoning code, in effect at the time of the approval of
2 the multiple building project shall be controlling for the full 5-year life of the project.

3 Sec. 19-66. – Permits Additionally Required for the Following Work.

4 In addition to the requirements of the Florida Building Code, permits shall be required for
5 the following activities:

6 (1) To erect or replace signs or sign structures;

7 (2) To install or replace masts, towers, television or radio receiving or transmitting
8 antennas, satellite dishes extending more than ten (10) feet above the last anchorage,
9 flagpoles, exterior lighting or similar items;

10 (3) To construct, replace, resurface or restripe asphalt or concrete driveways,
11 parking areas, hardstands or sidewalks;

12 (4) To install or replace docking and mooring facilities for private or commercial
13 watercraft, groins, seawalls, jetties, piling or similar structures, and facilities related thereto;

14 (5) To paint a structure which requires community appearance board or community
15 redevelopment agency approval, other than during original construction of the structure; and

16 (6) To erect or replace a fence or wall of any height.

17 Sec. 19-67. - Work Exempt from Permit.

18 Exemptions from permit requirements of this building code shall not be deemed to grant
19 authorization for any work to be done in any manner in violation of the provisions of this building
20 code or any other laws or ordinances of the city. Permits shall not be required for the following:

21 (1) Building:

22 (a) Replacement or repair work having value of less than \$1,000.00, provided,
23 however, that such work will not adversely affect the structural integrity, fire rating, exit access
24 or egress requirements as determined by the building official;

25 (b) Painting (interior), papering, tiling, or carpeting;

1 (c) Installation of cabinets, counter tops and similar finish work, provided that such
2 work does not require any electrical or plumbing work;

3 (d) Temporary motion picture, television and theater sets and scenery;

4 (e) Swings and other playground equipment accessory to detached single- and two-
5 family dwellings, provided that such structures shall be subject to zoning permits;

6 (f) Non-fixed and movable fixtures, cases, racks, and counters that do not exceed 5
7 feet, 9 inches (1753 mm) in height; and

8 (g) Repairs to an existing permitted fence or wall located upon the property of an
9 existing detached single-family dwelling which do not exceed \$1,000.00. Work that includes a
10 change of the building materials, width, height or location of a fence or wall shall not be
11 considered a repair under this paragraph to the fence or wall regardless of the costs involved in
12 such work, and such work shall require a permit.

13 (2) Electrical:

14 (a) Repair or replacement of like common household electrical fixtures, switches,
15 and outlets on the load side of the electrical source; and

16 (b) Minor repair work, including the replacement of lamps or the connection of
17 approved portable electrical equipment to approved permanently installed receptacles.

18 (3) Gas:

19 (a) Portable heating appliances; and

20 (b) Replacement of any minor part that does not alter approval of equipment or
21 make such equipment unsafe as determined by the building official.

22 (4) Mechanical:

23 (a) Portable heating appliances;

24 (b) Portable ventilation equipment;

25 (c) Portable cooling units;

1 (d) Steam, hot or chilled water piping within any heating or cooling equipment
2 regulated by this building code;

3 (e) Replacement of any part which does not alter its approval or make it unsafe as
4 determined by the building official;

5 (f) Portable evaporative coolers;

6 (g) Self-contained refrigeration system containing ten (10) pounds (4.54 kg) or less
7 of refrigerant and actuated by motors of one (1) horsepower (746 W) or less; and

8 (h) The installation, replacement, removal or metering of any load management
9 control device.

10 (5) Plumbing:

11 (a) The stopping of leaks in drains, water, soil, waste or vent pipe provided,
12 however, that if any concealed trap, drain pipe, water, soil, waste or vent pipe becomes
13 defective and it becomes necessary to remove and replace the same with new material, such
14 work shall be considered as new work and a permit shall be obtained and inspection made as
15 provided in this building code;

16 (b) The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures,
17 and the removal and reinstallation of water closets, provided such repairs do not involve or
18 require the replacement or rearrangement of valves, pipes or fixtures; and

19 (c) The replacement of common household plumbing fixtures connected to existing
20 supply lines and outlets, excluding water heaters.

21 Sec. 19-68. – Emergency Repairs.

22 Where equipment replacements and repairs must be performed in an emergency
23 situation, the permit application shall be submitted to the building official before the close of
24 business of the next business day.

1 Sec. 19-69. - Minor Repairs.

2 Ordinary minor repairs or installation of replacement parts may be made with the
3 approval of the building official, without a permit, provided the repairs do not include the cutting
4 away of any wall, partition or portion thereof, the removal or cutting of any structural beam or
5 load-bearing support, or the removal or change of any required means of egress or
6 rearrangement of parts of a structure affecting the egress requirements. Ordinary minor repairs
7 shall not include addition to, alteration of, replacement or relocation of any standpipe, water
8 supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring
9 systems or mechanical equipment or other work affecting public health or general safety.
10 Repairs authorized by this paragraph shall not violate any of the provisions of the Florida
11 Building Code.

12 Sec. 19-70. – Application for Permit.

13 (1) To obtain a permit, the applicant shall first file an application in writing on a form
14 furnished by the department for that purpose. Permit application forms shall be in the format
15 prescribed by the building official and shall comply with the requirements of Section 713.135(5)
16 and (6), Florida Statutes.

17 (2) Each permit application shall include the date of application. The building code
18 edition in effect on the date of the application shall govern the permitted work for the life of the
19 permit and any extension granted to the permit.

20 (3) Separate applications shall be required for:

21 (a) Each separate, independent building or structure, regardless of the number of
22 buildings in the project; and

23 (b) Each accessory or common use facility, separate from the main use building, and
24 for sidewalks and driveways.

1 Sec. 19-71. - Action on Application.

2 (1) The building official shall examine or cause to be examined applications for
3 permits and amendments thereto within a reasonable time after filing. If the application or the
4 construction documents do not conform to the requirements of pertinent laws, the building
5 official shall reject such application in writing, stating the reasons therefore. If the building
6 official is satisfied that the proposed work conforms to the requirements of this building code
7 and laws and ordinances applicable thereto, the building official shall issue a permit therefore as
8 soon as practicable. When authorized through contractual agreement with a school board, in
9 acting on applications for permits, the building official shall give first priority to any applications
10 for the construction of, or addition or renovation to, any school or educational facility.

11 (2) Upon approval of the application for permit and the accompanying drawings,
12 specification and data sheets, verification that the contractor's certification, liability and workers
13 compensation insurance is current and in force, assessment and posting of building permit and
14 impact fees, and affixing a dated, approved stamp on the application and each of the
15 accompanying drawings, specification and data sheets, the building official shall issue a permit
16 for the work described in the application. The permit shall be considered issued on the date all
17 of the preceding tasks are completed and the permit status is changed to issued.

18 (3) If a state university, Florida college or public school district elects to use the
19 services of the department, fees charged by the city for enforcement of the Florida Building
20 Code on buildings, structures, and facilities of state universities, state colleges and public school
21 districts shall not be more than the actual labor and administrative costs incurred for plans
22 review and inspections to ensure compliance with the building code.

23 (4) No permit may be issued for any building construction, erection, alteration,
24 modification, repair, or addition unless the applicant for such permit provides to the city all of the
25 following documents which apply to the construction for which the permit is to be issued and

1 which shall be prepared by or under the direction of an engineer registered under Chapter 471,
2 Florida Statutes:

3 (a) Any electrical or plumbing or air-conditioning and refrigeration system meeting
4 the following thresholds shall be designed by a Florida Registered Engineer if the system:

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

7 2. Requires either:

8 a. An aggregate service capacity of over 600 amperes (240 volts) on a residential
9 electrical system or over 800 amperes (240 volts) on a commercial or industrial electrical
10 system; or

11 b. A plumbing system with 250 fixture units or more; or

12 c. Heating, ventilation and air-conditioning system exceeding a
13 15-ton-per-system capacity; or if the project is designed to accommodate over 100 persons.

14 (b) Fire sprinkler documents for any new building or addition which includes a fire
15 sprinkler system which contains 50 or more sprinkler heads. A Contractor I, Contractor II or
16 Contractor IV, certified under Section 633.521, Florida Statutes, may design a fire sprinkler
17 system of 49 or fewer heads and may design the alteration of an existing fire sprinkler system if
18 the alteration consists of the relocation, addition or deletion of not more than 49 heads,
19 notwithstanding the size of the existing fire sprinkler system.

20 (c) Any specialized mechanical, electrical, or plumbing document for any new
21 building or addition which includes a medical gas, oxygen, steam, vacuum, toxic air filtration,
22 halon, or fire detection and alarm system which costs more than \$5,000.

23 (5) Documents requiring an engineer seal by this section shall not be valid unless a
24 Florida Registered Engineer has signed, dated, and sealed such document as provided in
25 Section 471.025, Florida Statutes.

1 (6) A permit for a single-family dwelling shall be issued within 30 working days of the
2 date of the application therefore unless unusual circumstances require a longer time for
3 processing the application or unless the permit application fails to satisfy the Florida Building
4 Code or the city's laws or ordinances.

5 (7) Where an application consists of one or more separate subpermit applications,
6 the building official shall designate one of the constituent permits issued therefrom as the
7 "principal" permit.

8 Sec. 19-72. - Time Limitation of Application.

9 An application for a permit for any proposed work shall be deemed to have been
10 abandoned and expire six (6) months after the date of filing or after any six month period of
11 abandonment or suspension during the application process, unless such application has been
12 pursued in good faith or a permit has been issued; except that the building official shall be
13 authorized to grant one extension of time for an additional period not exceeding three (3)
14 months. The extension shall be requested in writing prior to the abandonment date and the
15 applicant shall demonstrate justifiable cause for the extension. Abandoned applications shall be
16 subject to destruction in accordance with state law. The fee for extension or renewal of a permit
17 application shall be set forth by the city.

18 Sec. 19-73. – Required Notice to be Set Forth on the Permit.

19 The city shall not issue a building permit for any building construction, erection,
20 alteration, modification, repair or addition unless the permit either includes on its face or there is
21 attached to the permit the following statement: "NOTICE: In addition to the requirements of this
22 permit, there may be additional restrictions applicable to this property that may be found in the
23 public records of this county, such as the requirement for homeowners' or property owners'
24 association approval, and there may be additional permits required from other governmental
25 entities such as water management districts, state agencies or federal agencies."
26

1 Sec. 19-74. - Identification of Minimum Premium Policy.

2 Except as otherwise provided in Chapter 440, Florida Statutes, Workers' Compensation,
3 every employer shall, as a condition to receiving a permit, show proof that it has secured
4 compensation for its employees as provided in Section 440.10 and 440.38, Florida Statutes.

5 Sec. 19-75. - Asbestos Removal.

6 Asbestos removal or abatement shall be performed by a licensed contractor except as
7 described herein. The moving, removal or disposal of asbestos-containing materials on a
8 residential building where the owner occupies the building and the building is not for sale or
9 lease may be performed by the owner of such building subject to the owner-builder limitations
10 provided in this section. To qualify for exemption under this section, an owner shall personally
11 appear and sign the permit application. The city shall provide the person with a disclosure
12 statement in substantially the following form:

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

1 Sec. 19-76. - Applicable Code for Manufactured Buildings.

2 Manufacturers shall be permitted to complete all buildings designed and approved prior
3 to the effective date of a new edition of the Florida Building Code, provided a clear signed
4 contract is in place. The contract shall provide specific data mirroring that required by an
5 application for permit, specifically, without limitation, date of execution, building owner or dealer,
6 and anticipated date of completion. However, the construction activity shall commence within six
7 (6) months of the contract's execution. The contract is subject to verification by the state.

8 Sec. 19-77. - Public Right-of-Way.

9 A permit shall not be issued by the building official for the construction of any building, or
10 for the alteration of any building, where said building or such alteration proposes for exterior
11 walls, bays, balconies, or other appendages or projections to encroach upon on any right-of-
12 way, or for the placing on any lot or premises of any building or structure removed from another
13 lot or premises when such activity requires use of the right-of-way, unless the applicant has
14 received a right-of-way permit from the authority having jurisdiction over the right-of-way.

15 Sec. 19-78. – Applicants.

16 An application for a permit under this chapter shall only be accepted from the following:

17 (1) Those applicants who are certified as qualifying agents by the city, the county or
18 the state for a properly registered or licensed firm, partnership, corporation, limited liability
19 company or other associational group clearly recognized or independent certified individual.

20 (2) Applicants producing a copy of a certified contract acknowledged by the entity
21 having an interest in the real property whereupon the work to be permitted shall be performed
22 and authorizing the proposed work at the real property specified in the application pursuant to
23 Section 489.127(4)(c), Florida Statutes.

24 (3) An owner-builder pursuant to Section 489.103(7), Florida Statutes.

25
26

1 Sec. 19-79. – Compliance as to Permit.

2 Compliance with the provisions of this chapter and other codes and ordinances
3 applicable to the permit shall be the responsibility of the owner and the permit holder.

4 Sec. 19-80. - Conditions of the Permit.

5 (1) The issuance or granting of a permit shall not be construed to be a permit for, or
6 an approval of, any violation of any of the provisions of this building code or of any other
7 ordinance of the city. Permits presuming to give authority to violate or cancel the provisions of
8 this building code or other ordinances of the city shall not be valid. The issuance of a permit
9 based on construction documents and other data shall not prevent the building official from
10 requiring the correction of errors in the construction documents and other data. The building
11 official shall also be authorized to prevent occupancy or use of a structure in violation of this
12 building code or of any other ordinances of the city.

13 (2) A permit issued shall be construed to be a license to proceed with the work and
14 not as authority to violate, cancel, alter or set aside any of the provisions of this building code or
15 the Florida Building Code, nor shall issuance of a permit prevent the building official from
16 thereafter requiring a correction of errors in plans, construction or violations of this building
17 code.

18 (3) Every permit issued shall expire and become invalid unless the work authorized
19 by such permit is commenced within six (6) months after its issuance, or if the work authorized
20 by such permit is suspended or abandoned for a period of six (6) months after the time the work
21 is commenced.

22 (4) If work has commenced and the permit is revoked, becomes invalid or expires
23 because of lack of progress or abandonment, a new permit, an extension, renewal or
24 reapplication of the original permit covering the proposed construction shall be obtained before
25 proceeding with the work.

1 (5) Work shall be considered to have commenced when a full complement of
2 workers and equipment is mobilized at the project site and is actively engaged in incorporating
3 materials and equipment into the building or structure each normal working day, weather
4 permitting.

5 (6) Work shall be considered to have been suspended when the minimum essential
6 complement of workers and equipment required to maintain reasonable construction progress is
7 not physically present at the project site each normal working day, weather permitting. The
8 building official shall determine if reasonable construction progress has occurred. This
9 determination may be appealed to the city manager, whose determination shall be final. If it is
10 determined that reasonable construction progress has not occurred, the permit shall be deemed
11 to have expired on the date of the last approved inspection made by the building official or a
12 member of his staff.

13 (7) If a new permit, an extension, renewal or reapplication of the original permit, is
14 not obtained within six (6) months from the date the initial permit became invalid, the building
15 official shall be authorized to require that any work which has been commenced or completed
16 be demolished and/or removed from the building site. Alternately, a new permit may be issued
17 on application, provided the work in place and required to complete the structure meets all
18 applicable regulations in effect at the time the initial permit became invalid and any regulations
19 which may have become effective between the date of expiration and the date of issuance of
20 the new permit.

21 (8) Work shall be considered to be in active progress when the permit has received
22 an approved inspection within the preceding six (6) months. This provision shall not be
23 applicable in cases of civil disturbance or strike or when the building work is halted due directly
24 to judicial injunction, order or similar process, or due to action by an environmental or
25 archeological agency having jurisdiction. The fact that the parties or property may be involved

1 in litigation shall not constitute justification for failure to commence work on the project or
2 discontinue work prior to project completion.

3 (9) The fee for an extension, renewal, or reapplication of a permit shall be set forth
4 by the city. There may be fees or requirements from other government agencies for permit
5 extensions, renewals and reapplications.

6 Sec. 19-81. - Multiple Building Project Approvals.

7 Where a multiple building project has been approved under the provisions of this
8 chapter, such project approval shall expire and become invalid if the permit or permits for main
9 use buildings expire, are revoked or cancelled, and an application for renewal or reapplication of
10 the original permit is not filed by a qualified applicant within 180 days from the date of expiration,
11 revocation or cancellation.

12 Sec. 19-82. – Permit Extension.

13 (1) When conditions and circumstances exist regarding the work authorized by a
14 permit so that strict compliance with the provisions of this chapter causes severe hardship to the
15 permit holder in the observance thereof, the building official may, upon written application made
16 by the permit holder and upon a showing and determination of sufficient cause therefore, grant
17 one (1) extension only of the time limitations herein provided for, not to exceed six (6) months.
18 The extension charges, as required by this chapter, shall be paid at the time application is made
19 for any time extension. The building official may, upon receipt of written application from the
20 permit holder and under the same conditions as stated above in this subsection, issue one (1)
21 additional extension not to exceed six (6) months. The city manager or his designee may, upon
22 receipt of written application from the permit holder and under the same conditions as stated
23 above in this subsection, issue one (1) additional extension not to exceed 24 months. An
24 application for an extension must be filed prior to the expiration of the underlying building permit.
25 The city manager may, in granting such extension, impose such conditions which are necessary

1 and appropriate to ensure that the project is maintained in a secure and safe manner during the
2 pendency of the permit.

3 (2) If the schedule of fees, rates or charges imposed by the city for permits,
4 inspection fees, water and sewer utility hookup charges, or any other fees, rates or charges
5 applicable to the work encompassed by the permit for which extension of the expiration date is
6 requested are increased during the period the original permit is in effect, or any previous
7 extension of the expiration date, the permit holder shall pay any such additional amounts as a
8 condition and prerequisite to granting such extension.

9 Sec. 19-83. - Permit Renewal.

10 (1) When an original permit has become invalid, it may be renewed by the building
11 official one (1) time only, under the following conditions:

12 (a) An application for renewal is filed with the building official by a qualified applicant
13 within 90 days after the expiration date of the original permit; and

14 (b) The renewal fees and other charges required by this chapter or other applicable
15 codes and ordinances are paid by the applicant at the time the application for renewal is filed
16 with the building official.

17 Sec. 19-84. - Permit Reapplication.

18 (1) When an original permit has become invalid and is not renewed, the permit
19 holder may submit a reapplication under the following conditions:

20 (a) A request for reapplication is filed with the building official by a qualified
21 applicant;

22 (b) The drawings, plans, specifications and accompanying data for the work
23 authorized under the original permit shall be subject to all codes and ordinances in effect at the
24 time of reapplication; and

1 (c) The reapplication fees and other charges required by this chapter or other
2 applicable codes and ordinances shall be paid by the applicant at the time the reapplication is
3 filed.

4 Sec. 19-85. – Changes to Material Facts Following Issuance of Permit.

5 In the event of a change in any material fact given in the application which served as a
6 basis for issuing the permit, the permit holder shall file revised documents detailing such
7 changed condition. If the changed conditions are determined to be in compliance with this
8 chapter and other applicable codes and ordinances, a permit revision shall be issued subject
9 only to such fees and charges as may be applicable to amending a permit.

10 Sec. 19-86. – Transfer of Permit to a New Permit Holder.

11 If at any time during the period a permit is in effect it becomes necessary to transfer the
12 permit from one (1) permit holder to a different permit holder, the work shall immediately stop,
13 the then holder of the permit or the owner shall so notify the building official in writing of such
14 change and a new attested application shall be filed by a new qualified applicant together with
15 required fees prior to any resumption of work.

16 Sec. 19-87. – Suspension or Revocation.

17 (1) The building official may suspend or revoke a permit or approval issued under
18 the provisions of this building code when there has been any false statement or
19 misrepresentation as to material fact in the application or plans on which the permit or approval
20 was based.

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

1 Sec. 19-88. - Placement of Permit.

2 The approved building permit shall be kept on the site of the work until the completion of
3 the project. A weather-resistant job-site posting board shall be provided until adequate weather
4 protection of the documents and unrestricted access to them can alternatively be provided.

5 Sec. 19-89. – Notice of Commencement.

6 As per Section 713.135, Florida Statutes, when any person applies for a permit, the city
7 shall print on the face of each permit card in no less than 14-point, capitalized, boldfaced type:
8 “WARNING TO OWNER: YOUR FAILURE TO RECORD A NOTICE OF COMMENCEMENT
9 MAY RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY. A
10 NOTICE OF COMMENCEMENT MUST BE RECORDED AND POSTED ON THE JOB SITE
11 BEFORE THE FIRST INSPECTION. IF YOU INTEND TO OBTAIN FINANCING, CONSULT
12 WITH YOUR LENDER OR AN ATTORNEY BEFORE RECORDING YOUR NOTICE OF
13 COMMENCEMENT.”

14 Sec. 19-90. – Asbestos Notification Statement on Permit.

15 The city shall require each permit for the demolition or renovation of an existing structure
16 to contain an asbestos notification statement which indicates the owner’s or operator’s
17 responsibility to comply with the provisions of Section 469.003, Florida Statutes, and to notify
18 the Department of Environmental Protection of his intentions to remove asbestos, when
19 applicable, in accordance with state and federal law.

20 Sec. 19-91. - Certificate of Protective Treatment for Prevention of Termites.

21 A weather-resistant job-site posting board shall be provided to receive duplicate
22 treatment certificates as each required protective treatment is completed, supplying one copy
23 for the person the permit is issued to and another copy for the permit files. The treatment
24 certificate shall provide the product used, identity of the applicator, time and date of the
25 treatment, site location, area treated, chemical used, percent concentration and number of
26 gallons used, to establish a verifiable record of protective treatment. If the soil chemical barrier

1 method for termite prevention is used, final exterior treatment shall be completed prior to final
2 building approval. For a bait system, Section 1816.1.7 of the Florida Building Code for contract
3 document requirements shall apply.

4 Sec. 19-92. - Notice of Termite Protection.

5 A permanent sign which identifies the termite treatment provider and need for
6 reinspection and treatment contract renewal shall be provided. The sign shall be posted near
7 the water heater or electric panel.

8 Sec. 19-93. - Work Starting Before Permit Issuance.

9 Upon written request and approval of the building official, the scope of work delineated in
10 the permit application and plans may be started prior to the final approval and issuance of the
11 permit, provided any work completed is entirely at risk of the applicant and the work does not
12 proceed past the first required inspection. This provision shall only be applicable to the
13 requirements of the Florida Building Code, all other city approvals necessary for construction
14 shall be secured prior to this provision being applied.

15 Sec. 19-94. – Prepermit Construction Agreement.

16 After submittal of the appropriate construction documents and initial deposit fee, the
17 building official shall be authorized to issue a prepermit construction agreement for the
18 construction of foundations or any other part of a building or structure before the construction
19 documents for the whole building or structure have been approved. The permit holder for the
20 foundation or other parts of a building or structure shall proceed at the permit holder's own risk
21 and without assurance that a permit for the entire structure will be granted. Complete removal
22 and restoration may be required if a permit for the entire structure is not granted. Corrections to
23 the work may be required to meet the requirements of the Florida Building Code. This provision
24 shall only be applicable to the requirements of the Florida Building Code, all other city approvals
25 necessary for construction shall be secured prior to this provision being applied.

26

1 Sec. 19-95. – Permit Issued on Basis of an Affidavit.

2 The building official may accept a sworn affidavit from a registered architect or engineer
3 stating that the plans submitted conform to the Florida Building Code. For buildings and
4 structures, the affidavit shall state that the plans conform to the laws as to egress, type of
5 construction and general arrangement and, if accompanied by drawings, show the structural
6 design and that the plans and design conform to the requirements of the Florida Building Code
7 as to strength, stresses, strains, loads and stability. Whenever a permit is issued in reliance
8 upon an affidavit or whenever the work to be covered by a permit involves installation under
9 conditions which, in the opinion of the building official, are hazardous or complex, the building
10 official shall require that the architect or engineer who signed the affidavit or prepared the
11 drawings or computations shall inspect such work. The building official may without any
12 examination or inspection accept such affidavit, provided the architect or engineer who made
13 such affidavit agrees to submit to the building official copies of inspection reports as inspections
14 are performed. In addition, the architect or engineer shall certify conformity to the permit, and
15 upon completion of the structure, electrical, gas, mechanical or plumbing system, make and file
16 with the building official a written affidavit that the work has been completed in conformity with
17 the reviewed plans and that the structure, electrical, gas, mechanical or plumbing system has
18 been erected in accordance with the requirements of the Florida Building Code. Where the
19 building official relies upon such affidavit, the architect or engineer shall assume full
20 responsibility for compliance with all provisions of the Florida Building Code and other pertinent
21 laws or ordinances. In the event such architect or engineer is not available, the owner shall
22 employ in his stead a competent person or agency whose qualifications are reviewed and
23 accepted by the building official. The building official shall verify by documentation that any
24 person conducting plans review is qualified as a plans examiner under Part XII of Chapter 468,
25 Florida Statutes, and that any person conducting inspections is qualified as a building inspector

1 under Part III of Chapter 468, Florida Statutes. Nothing herein shall preclude plan review or
2 inspections by the building official.

3 Sec. 19-96. - Opening Protection.

4 For any improvement to a site built detached single-family dwelling requiring a permit
5 and for which the estimated cost of such improvement is \$50,000 or more when such dwelling is
6 situated in the wind borne debris region as defined in this building code and has an insured
7 value of \$750,000 or more, or, if such dwelling is uninsured or for which documentation of
8 insured value is not presented, and such dwelling has a just valuation for the structure
9 calculated for purposes of ad valorem taxation of \$750,000 or more, opening protections as
10 required by this building code or the Florida Building Code, Residential for new construction
11 shall be provided. Existing single-family dwellings permitted and constructed pursuant to the
12 Florida Building Code are not required to comply with this section.

13 Sec. 19-97. – Permits for Structures Obstructing Public Access to Oceanfront or Beach
14 Areas; Public Hearing Required.

15 A public hearing by the city council shall be required prior to the issuance of any building
16 permit for construction of a fence, building or structure which temporarily or permanently
17 prevents public access to the oceanfront or beach area of the city by means of or through
18 established pathways. The purpose of this hearing shall be to determine if there is a reason to
19 believe that there exists any prescriptive easements upon or over the pathways for the benefit of
20 the general public. If a majority of the council determines there is good and sufficient reason to
21 believe that such prescriptive easements exist, the building permit shall be denied until
22 preservation of the public's right to such prescriptive easements is obtained.

23 Sec. 19-98. – Permits for Antennas, Towers, Masts and Satellite Dishes.

24 In addition to all other provisions of this building code, an applicant for a permit to install
25 an antenna, tower, mast or satellite dish shall demonstrate in writing, at the time the application
26 for such permit is made, compliance with all applicable federal regulations, including Civil

1 Aeronautics Board, the Federal Communications Commission and the Federal Aviation
2 Administration, where applicable.

3 Sec. 19-99. - House and Building Address Numbers Required for Permit Issuance.

4 Prior to the issuance of a building permit for the construction of a new building, the city
5 shall assign to such building a house or building number. This number shall be indicated in the
6 permit drawings and specifications. For all new structures other than single-family residences,
7 the location of the building identification numbers shall be indicated in the permit drawings. All
8 structures shall be posted with building identification numbers with a minimum height of three
9 (3) inches installed in a manner so as to be clearly visible from the abutting street frontage.

10 Sec. 19-100 – 19-105. – Reserved.

11 DIVISION 2. – CONSTRUCTION DOCUMENTS

12 Sec. 19-106. – In General.

13 (1) Submittal documents consisting of construction documents, statement of special
14 inspections, geotechnical reports and other data shall be submitted with each permit application,
15 where required. The construction documents shall be prepared and sealed by a registered
16 design professional as required by Chapter 471, Florida Statutes and 61G15 Florida
17 Administrative Code or Chapter 481, Florida Statutes and 61G1 Florida Administrative Code.
18 Where special conditions exist, the building official shall be authorized to require additional
19 construction documents to be prepared by a registered design professional. Electronic media
20 documents shall be submitted when required by the building official, and may require only one
21 set of submittals.

22 (2) The building official shall be authorized to waive the submission of construction
23 documents and other data that is not required to be prepared by a registered design
24 professional if it is found that the nature of the work applied for is such that the review of
25 construction documents is not necessary to obtain compliance with this building code.

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

7 Sec. 19-107. – Construction Documents.

8 (1) Generally. Construction documents shall be dimensioned and drawn upon
9 suitable material. Electronic media documents shall be submitted when approved by the
10 building official. Construction documents shall be of sufficient clarity to indicate the location,
11 nature and extent of the work proposed and show in detail that such work will conform to
12 the provisions of this building code and relevant laws, ordinances, rules and regulations, as
13 determined by the building official. Such drawings and specifications shall contain information,
14 in the form of notes or otherwise, as to the quality of materials, where quality is essential to
15 conformity with the Florida Building Code. Such information shall be specific, and the Florida
16 Building Code shall not be cited as a whole or in part, nor shall the term "legal" or its equivalent
17 be used as a substitute for specific information. All information, drawings, specifications and
18 accompanying data shall bear the name and signature of the person responsible for the design.

19 (2) Fire Protection Systems. Shop drawings for the fire protection system(s) shall be
20 submitted to indicate conformance with this building code and the construction documents and
21 shall be approved prior to the start of system installation. Shop drawings shall contain all
22 information as required by the referenced installation standards in Chapter 9, Florida Building
23 Code.

24 (3) Roof Assemblies. For roof assemblies required by the building code, the
25 construction documents shall illustrate, describe and delineate the type of roofing system,
26 materials, fastening requirements, flashing requirements and wind resistance rating that are

1 required to be installed. Product evaluation and installation shall indicate compliance with the
2 wind criteria required for the specific site or a statement by an architect or engineer for the specific
3 site shall be submitted with the construction documents to show compliance with wind criteria.

4 (4) Drainage Plans. All permit applications for new buildings and for all
5 modifications, alterations or additions to any such buildings which alter the existing drainage
6 flow shall be accompanied by a final grading plan in accordance with the requirements of Sec.
7 23-141.

8 (5) Additional data. The building official may require details, computations, stress
9 diagrams, and other data necessary to describe the construction or installation and the basis of
10 calculations. All drawings, specifications and accompanying data required by the building
11 official to be prepared by an architect, interior designer, landscape architect, or engineer shall
12 be affixed with such architect's, interior designer's, landscape architect's, or engineer's official
13 seal, signature and date as state law requires.

14 (6) Means of Egress. The construction documents shall show in sufficient detail the
15 location, construction, size and character of all portions of the means of egress in compliance
16 with the provisions of the Florida Building Code. In other than occupancies in Groups R-2, R-3,
17 and I-1, the construction documents shall designate the number of occupants to be
18 accommodated on every floor, and in all rooms and spaces.

19 (7) Exterior Wall Envelope. Construction documents for all buildings shall describe
20 the exterior wall envelope in sufficient detail to determine compliance with this building code.
21 The construction documents shall provide details of the exterior wall envelope as required,
22 including flashing, intersections with dissimilar materials, corners, end details, control joints,
23 intersections at roof, eaves or parapets, means of drainage, water-resistive membrane and
24 details around openings. The construction documents shall include manufacturer's installation
25 instructions providing supporting documentation that the proposed penetration and opening
26 details described in the construction documents maintain the weather resistance of the exterior

1 wall envelope. The supporting documentation shall fully describe the exterior wall system which
2 was tested, where applicable, as well as the test procedure used.

3 (8) Site Plan. The construction documents submitted with the application for permit
4 shall be accompanied by a site plan showing to scale the size and location of new construction
5 and existing structures on the site, distances from lot lines, the established street grades and
6 the proposed finished grades and, as applicable, flood hazard areas, floodways, and design
7 flood elevations. Such site plan shall be drawn in accordance with an accurate boundary line
8 survey. In the case of demolition, the site plan shall show construction to be demolished and
9 the location and size of existing structures and construction that are to remain on the site or plot.
10 The building official shall be authorized to waive or modify the requirement for a site plan when
11 the application for permit is for alteration or repair or when otherwise warranted.

12 (9) Increases of Floor Area or Building Height for New Construction and Additions.
13 For new buildings and additions, modifications and alterations to existing buildings that increase
14 the floor area square footage or building height, each set of drawings shall consist of a site plan,
15 plot plan, vacant lot survey prepared by a state-registered land surveyor or engineer, off-street
16 parking plan, on-site drainage plan prepared by a state-registered engineer or architect,
17 landscaping plan and such other drawings, specifications and supporting data as may be
18 required by the building official.

19 (10) Survey Data. Each application for permit for new buildings or structures, and for
20 additions to existing buildings or structures, shall be accompanied by one (1) copy of a certified
21 scaled drawing prepared by a state-registered land surveyor on which shall be clearly indicated
22 the property corner stakes, property line dimensions, the location of existing and proposed
23 buildings or structures, critical elevations, yard and building setback requirements, existing
24 rights-of-way, sidewalks, easements and other pertinent survey data, as may be required by the
25 building official. The building official may waive the requirements for such survey data when

1 previous survey data is available, no changes have been made since the survey was last
2 completed or the work is minor and complies with building code and zoning requirements.

3 Sec. 19-108. – Unity of Title.

4 (1) Wherever it is necessary that two (2) or more recorded lots, plots, parcels, or
5 portions thereof, be combined, added or joined, in whole or in part, to any other recorded lot,
6 plot, parcel or acreage to meet minimum plot area and/or plot dimensions required by applicable
7 code requirements or required by a development order, the application for a building permit
8 shall be accompanied by official evidence of filing a unity of title declaration, as herein
9 described, with the clerk of the circuit court of the county. The filing of a copy of the recorded
10 unity of title declaration shall be a prerequisite to final approval of the application and issuance
11 of a building permit.

12 (2) All lots, plots, parcels or similar legally described and recorded acreages, or
13 portions thereof, to be combined, joined or added to, in whole or in part, under a unity of title
14 declaration shall be adjacent and shall not be physically separated by a dedicated public right-
15 of-way.

16 (3) The unity of title declaration shall state unequivocally that the combining of
17 separated recorded lots, plots, parcels, acreage, or portions thereof, shall be regarded as
18 unified under one (1) title as an indivisible building site for the purpose of compliance with the
19 provisions of the City Code of Ordinances; that the unified property shall be henceforth
20 considered as one (1) plot or parcel of land, and that no portion thereof shall be sold, conveyed
21 or devised separately if the result of such sale, conveyance or devise will cause such property
22 to become nonconforming or noncompliant with any provision of this code. The parties to the
23 declaration shall further agree that the declaration of unity of title shall constitute a covenant to
24 run with the land, as provided by law, and shall be binding upon the signatories thereto, their
25 heirs, successors and assigns, and all parties claiming under them until such time as the
26 declaration may be released by the city as set forth in this section.

1 (4) The city manager shall be authorized on behalf of the city to release a unity of
2 title declaration. Such release shall be granted only when it is determined by the city manager
3 that such declaration is no longer necessary or required. The city manager shall be further
4 authorized on behalf of the city to approve changes or amendments to an existing unity of title
5 declaration when necessary to correct errors, mistakes or changes in circumstances.

6 Sec. 19-109. - Examination of Construction Documents.

7 (1) The building official shall examine or cause to be examined the submittal
8 documents and shall ascertain by such examinations whether the construction indicated and
9 described is in accordance with the requirements of this building code and other pertinent
10 laws or ordinances, except as described in (2) and (3) of this section.

11 (2) Building plans approved pursuant to Section 553.77(3), Florida Statutes, and
12 state-approved manufactured buildings shall be exempt from plan reviews required by this
13 building code, except for provisions of the building code relating to erection, assembly or
14 construction at the site. Erection, assembly (including utility crossover connections) and
15 construction at the site shall be subject to the permitting and inspection requirements of this
16 building code. Photocopies of plans approved according to 9B-1.009, Florida Administrative
17 Code, shall be sufficient to serve as the permit application documents of record for the modular
18 building portion of the permitted project.

19 (3) Industrial construction on sites where design, construction and fire safety are
20 supervised by appropriate licensed design and inspection professionals and which contain
21 adequate in-house fire departments and rescue squads shall be exempt, subject to approval by
22 the building official, from review of plans and inspections, providing the appropriate licensed design
23 and inspection professionals certify that applicable codes and standards have been met and
24 supply appropriate approved drawings to the city's building and fire-safety inspectors.

1 Sec. 19-110. - Approval of Construction Documents.

2 When the building official issues a permit, the construction documents shall be noted in
3 writing and dated, by stamp or by electronic means as "Reviewed for Code Compliance." An
4 electronic copy of the construction documents so reviewed shall be retained by the building
5 official. The applicant shall ensure that a printed set of such plans shall be kept at the site of work
6 and shall be open to inspection by the building official or a duly authorized representative.

7 Sec. 19-111. – Effect of this Building Code upon Previously Approved Construction
8 Documents.

9 This building code shall not require changes in the construction documents for the
10 construction or designated occupancy of a structure for which a lawful permit has been heretofore
11 issued or otherwise lawfully authorized, and the construction of which has been pursued in
12 good faith within six (6) months after the effective date of this building code, provided that such
13 construction is proceeding pursuant to a valid permit.

14 Sec. 19-112. – Construction Documents Certified by Contractors.

15 Certifications of plans and specifications by contractors authorized under the provisions of
16 Section 489.115, Florida Statutes, shall be considered equivalent to sealed plans and
17 specifications by a person licensed under Chapter 471, Florida Statutes, or Chapter 481, Florida
18 Statutes, by the city for plans review for permitting purposes relating to compliance with the wind-
19 resistance provisions of the building code or alternate methodologies approved by the Florida
20 Building Commission for one and two-family dwellings. The city may rely upon such
21 certification by contractors that the plans and specifications submitted conform to the
22 requirements of the code for wind resistance. Upon good cause shown, the city may accept or
23 reject plans sealed by an engineer licensed under Chapters 471, an architect licensed under
24 Chapters 481, or a persons licensed under Chapters 471, 481 or 489, or certifications by
25 contractors authorized under Section 489.115, Florida Statutes.

26

1 **Sec. 19-113. - Minimum Plan Review Criteria for Buildings.**

2 The examination of the documents by the building official shall include the following
3 minimum criteria and documents: a floor plan, site plan, foundation plan, floor/roof framing plan
4 or truss layout, all fenestration penetrations, flashing, and rough opening dimensions, and all
5 exterior elevations, as more specifically described as follows, when applicable:

6 (1) **Commercial Buildings:**

7 (a) **Building:**

8 1. **Site requirements shall include:**

9 a. **Parking;**

10 b. **Fire access;**

11 c. **Vehicle loading;**

12 d. **Driving/turning radius;**

13 e. **Fire hydrant/water supply/post indicator valve (PIV);**

14 f. **Setback and separation (to assumed property lines and each other);**

15 g. **Location of specific tanks, water lines and sewer lines; and**

16 h. **Flood hazard areas, flood zones, and design flood elevations.**

17 2. **Occupancy group and special occupancy requirements.**

18 3. **Minimum type of construction shall be determined (see Table 503, Florida**
19 **Building Code).**

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

21 a. **Fire-resistant separations;**

22 b. **Fire-resistant protection for type of construction;**

23 c. **Protection of openings and penetrations of rated walls; and**

24 d. **Fire blocking and draftstopping and calculated fire resistance.**

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

26 a. **Early warning smoke evacuation systems;**

- b. Schematic fire sprinklers;
- c. Standpipes;
- d. Pre-engineered systems; and
- e. Riser diagram.

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

- a. Occupant load and egress capacities;
- b. Early warning;
- c. Smoke control;
- d. Stair pressurization; and
- e. Systems schematic.

7. Occupancy load/egress requirements shall include:

- a. Occupancy load;
- b. Gross area;
- c. Net area;
- d. Means of egress;
- e. Exit access;
- f. Exit;
- g. Exit discharge;
- h. Stairs construction/geometry and protection;
- i. Doors;
- j. Emergency lighting and exit signs;
- k. Specific occupancy requirements;
- l. Construction requirements; and
- m. Horizontal exits/exit passageways.

8. Structural requirements shall include:

- 1 a. Soil conditions/analysis;
- 2 b. Termite protection;
- 3 c. Design loads;
- 4 d. Wind requirements;
- 5 e. Building envelope;
- 6 f. Impact resistant coverings or systems;
- 7 g. Structural calculations (if required);
- 8 h. Foundation;
- 9 i. Flood requirements in accordance with Section 1612, Florida Building Code,
- 10 including lowest floor elevations, enclosures, flood damage-resistant materials;
- 11 j. Wall systems;
- 12 k. Floor systems;
- 13 l. Roof systems;
- 14 m. Threshold inspection plan; and
- 15 n. Stair systems.
- 16 9. Materials shall be reviewed and shall at a minimum include the following:
- 17 a. Wood;
- 18 b. Steel;
- 19 c. Aluminum;
- 20 d. Concrete;
- 21 e. Plastic;
- 22 f. Glass;
- 23 g. Masonry;
- 24 h. Gypsum board and plaster;
- 25 i. Insulating (mechanical);
- 26 j. Roofing; and

- 1 k. Insulation.
- 2 10. Accessibility requirements shall include the following:
- 3 a. Site requirements;
- 4 b. Accessible route;
- 5 c. Vertical accessibility;
- 6 d. Toilet and bathing facilities;
- 7 e. Drinking fountains;
- 8 f. Equipment;
- 9 g. Special occupancy requirements; and
- 10 h. Fair housing requirements.
- 11 11. Interior requirements shall include the following:
- 12 a. Interior finishes (flame spread/smoke development);
- 13 b. Light and ventilation; and
- 14 c. Sanitation.
- 15 12. Special systems:
- 16 a. Elevators;
- 17 b. Escalators; and
- 18 c. Lifts.
- 19 13. Swimming pools:
- 20 a. Barrier requirements;
- 21 b. Spas; and
- 22 c. Wading pools.
- 23 (b) Electrical:
- 24 1. Electrical shall include:
- 25 a. Wiring;
- 26 b. Services;

- 1 c. Feeders and branch circuits;
- 2 d. Overcurrent protection;
- 3 e. Grounding;
- 4 f. Wiring methods and materials; and
- 5 g. Ground fault circuit interrupters;
- 6 2. Equipment.
- 7 3. Special occupancies.
- 8 4. Emergency systems.
- 9 5. Communication systems.
- 10 6. Low voltage.
- 11 7. Load calculations.
- 12 8. Design flood elevation.
- 13 (c) Plumbing:
- 14 1. Minimum plumbing facilities.
- 15 2. Fixture requirements.
- 16 3. Water supply piping.
- 17 4. Sanitary drainage.
- 18 5. Water heaters.
- 19 6. Vents.
- 20 7. Roof drainage.
- 21 8. Back flow prevention.
- 22 9. Irrigation.
- 23 10. Location of water supply line.
- 24 11. Grease traps.
- 25 12. Environmental requirements.
- 26 13. Plumbing riser.

- 1 14. Design flood elevation.
- 2 (d) Mechanical.
- 3 1. Exhaust systems shall include:
- 4 a. Clothes dryer exhaust;
- 5 b. Kitchen equipment exhaust; and
- 6 c. Specialty exhaust systems.
- 7 2. Equipment.
- 8 3. Equipment location.
- 9 4. Make-up air.
- 10 5. Roof-mounted equipment.
- 11 6. Duct systems.
- 12 7. Ventilation.
- 13 8. Combustion air.
- 14 9. Chimneys, fireplaces and vents.
- 15 10. Appliances.
- 16 11. Boilers.
- 17 12. Refrigeration.
- 18 13. Bathroom ventilation.
- 19 14. Laboratory.
- 20 15. Design flood elevation .
- 21 (e) Gas.
- 22 1. Gas piping.
- 23 2. Venting.
- 24 3. Combustion air.
- 25 4. Chimneys and vents.
- 26 5. Appliances.

- 1 6. Type of gas.
- 2 7. Fireplaces.
- 3 8. LP tank location.
- 4 9. Riser diagram/shutoffs.
- 5 10. Design flood elevation.
- 6 (f) Energy Calculations.
- 7 (g) Demolition.
- 8 1. Asbestos removal.
- 9 (2) Residential (One- and Two-Family).
- 10 (a) Building
- 11 1. Site requirements shall include:
- 12 a. Setback and separation (to assumed property lines and each other);
- 13 b. Location of septic tanks; and
- 14 c. Drainage plan.
- 15 2. Fire-resistant construction (if required).
- 16 3. Smoke detector locations.
- 17 4. Egress.
- 18 a. Egress window size and location stairs construction requirements.
- 19 5. Structural requirements shall include:
- 20 a. Wall section from foundation through roof, including assembly and materials
- 21 connector tables;
- 22 b. Termite protection;
- 23 c. Design loads;
- 24 d. Wind requirements;
- 25 e. Building envelope;
- 26 f. Structural calculations (if required);

- 1 g. Foundation;
- 2 h. Wall systems;
- 3 i. Floor systems; and
- 4 j. Roof systems.
- 5 6. Accessibility requirements: show/identify accessible bath.
- 6 7. Impact resistant coverings or systems.
- 7 8. Flood hazard areas, flood zones, design flood elevations, lowest floor elevations,
- 8 enclosures, equipment, and flood damage-resistant materials.
- 9 (b) Electrical.
- 10 1. Electric service riser with wire sizes, conduit detail and grounding detail.
- 11 2. Complete load calculations, panel schedules.
- 12 (c) Mechanical.
- 13 1. Equipment and location, Duct systems
- 14 (d) Plumbing.
- 15 1. Plumbing riser.
- 16 (e) Gas.
- 17 1. Gas piping.
- 18 2. Venting.
- 19 3. Combustion air.
- 20 4. Chimneys and vents.
- 21 5. Appliances.
- 22 6. Type of gas.
- 23 7. Fireplaces.
- 24 8. LP tank location.
- 25 9. Riser diagram/shutoffs.
- 26 (f) Energy Calculations.

- 1 (g) Swimming Pools.
- 2 1. Barrier requirements.
- 3 2. Spas.
- 4 3. Wading pools.
- 5 (3) Exemptions.
- 6 (a) Plans examination by the building official shall not be required for the following
- 7 work:
- 8 1. Replacing existing equipment such as mechanical units, water heaters, etc.
- 9 2. Minor electrical, plumbing and mechanical repairs.
- 10 3. Annual maintenance permits.
- 11 (b) Manufactured buildings or prototype building plans, except that plan review by
- 12 the building official shall still be required for local site adaptations and foundations of buildings
- 13 which are constructed on site, and modifications or structures that require waiver, as to the
- 14 following:
- 15 1. Site requirements.
- 16 a. Setback and separation (as to assumed property lines and to each other).
- 17 b. Location of septic tanks (if applicable).
- 18 2. Structural.
- 19 a. Wind zone.
- 20 b. Anchoring.
- 21 c. Blocking.
- 22 3. Plumbing.
- 23 a. List potable water source and meter size (if applicable).
- 24 4. Mechanical.
- 25 a. Exhaust system.

- b. Clothes dryer exhaust.
- c. Kitchen equipment exhaust.
- 5. Electrical.
- a. Exterior disconnect location.

Sec. 19-114. - 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 and, if appropriate, approved as an amended set of construction documents. Applicable fees shall be required.

Sec. 19-115. - Correction of Plans.

If, at any time from the date of issuance of the permit to the date of issuance of a certificate of occupancy or completion, the building official determines that approved plans are, in whole or in part, in violation of this chapter or other applicable codes and ordinances, he shall notify the permit holder, who shall require the registered design professional to correct the drawings or otherwise satisfy the building official that the design and working drawings are in compliance with the applicable codes and ordinances. Applicable fees shall be required.

Sec. 19-116. - Revision of Plans.

If, at any time from the date of issuance of the permit to the date of issuance of a certificate of occupancy or completion, the building owner, permit holder, registered design professional or an authorized representative determines during the construction phase that changes or revisions to the approved plans, specifications or accompanying data are required for any reason, the responsible individual or an authorized representative thereof shall cause such changes or revisions to be prepared by the registered design professional and shall submit them to the building official for review and approval, if appropriate, prior to incorporating such changes or revisions into the building or structure. Applicable fees shall be required.

1 Sec. 19-117. - Correction/Revision Narrative.

2 Corrections to construction documents prior to the issuance of the permit and revisions
3 of approved construction documents after issuance of the permit and before final inspection
4 shall be accompanied by a certified narrative by the registered design professional identifying
5 each document change. Applicable fees shall be required.

6 Sec. 19-118. - Retention of Construction Documents.

7 One copy of the official construction documents shall be retained by the building official
8 as required by Florida Statutes.

9 Sec. 19-119. - Affidavits.

10 (1) The building official may accept a sworn affidavit from a registered architect or
11 engineer stating that the plans submitted conform to the Florida Building Code. For buildings
12 and structures, the affidavit shall state that the plans conform to the laws as to egress, type of
13 construction and general arrangement and, if accompanied by drawings, show the structural
14 design and that the plans and design conform to the requirements of the Florida Building Code
15 as to strength, stresses, strains, loads and stability. The building official may without any
16 examination or inspection accept such affidavit, provided the architect or engineer who made
17 such affidavit agrees to submit to the building official copies of inspection reports as inspections
18 are performed and, upon completion of the structure, electrical, gas, mechanical or plumbing
19 systems, a certification that the structure, electrical, gas, mechanical or plumbing system has
20 been erected in accordance with the requirements of the Florida Building Code. Where the
21 building official relies upon such affidavit, the architect or engineer shall assume full
22 responsibility for compliance with all provisions of the Florida Building Code and other pertinent
23 laws or ordinances. The building official shall ensure that any person conducting plans review is
24 qualified as a plans examiner under Part XII of Chapter 468, Florida Statutes, and that any
25 person conducting inspections is qualified as a building inspector under Part XII of Chapter 468,
26 Florida Statutes.

1 (2) Pursuant to the requirements of federal regulation for participation in the National
2 Flood Insurance Program (44 C.F.R. Sections 59 and 60), the authority granted to the building
3 official to issue permits, to rely on inspections, and to accept plans and construction documents
4 on the basis of affidavits and plans under this building code, shall not extend to the flood load
5 and flood resistance construction requirements of the Section 1612.4 of the Florida Building
6 Code, Building or, as applicable, the requirements of R322 of the Florida Building Code,
7 Residential.

8 Sec. 19-120 – 19-125. – Reserved.

9 DIVISION 3. – TEMPORARY STRUCTURES AND USES

10 Sec. 19-126. – In General.

11 The building official shall be authorized to issue a permit for temporary structures and
12 temporary uses, subject to compliance with any applicable zoning requirements. Such permits
13 shall be limited as to time of service, but shall not be permitted for more than six (6) months.
14 The building official shall be authorized to grant one (1) additional six month extension for
15 demonstrated cause.

16 Sec. 19-127. – Conformance.

17 Temporary structures and uses shall conform to the structural strength, fire safety,
18 means of egress, accessibility, light, ventilation and sanitary requirements of this building code
19 as necessary to ensure public health, safety and general welfare.

20 Sec. 19-128. - Temporary Power.

21 The building official shall be authorized to give permission to temporarily supply and use
22 power in part of an electric installation before such installation has been fully completed and the
23 final certificate of occupancy or completion has been issued. The part covered by the temporary
24 certificate shall comply with the requirements specified for temporary lighting, heat or power as
25 prescribed by Chapter 27, Florida Building Code, Building.

1 Sec. 19-129. - Temporary Use of Right-of-Way for Construction Materials.

2 (1) Maximum Space Used for Building Materials.

3 Upon written request, the city manager or his designee may authorize building materials
4 required for use immediately or in connection with the construction of a building to be placed or
5 stored upon the street or sidewalk in front of the building in the course of construction or
6 alteration. The maximum width of such occupied space shall not exceed one-third (1/3) of the
7 width of the street, measured between curbs, and in no case shall the space within five (5) feet
8 of the nearest rail of any railway tracks be occupied by building materials. The sidewalk space
9 may be occupied for building construction purposes providing the owner or his agent constructs
10 a temporary sidewalk not less than five (5) feet in width in the outer portion of the permissible
11 occupied space. Such temporary sidewalk shall be protected on the building side by a tight
12 fence not less than eight (8) feet in height and shall be open on both ends and on the side next
13 to the street. The city manager or designee may impose reasonable conditions upon any such
14 proposed use of a street or sidewalk, or portion thereof.

15 (2) Placing Building Material in Front of Adjoining Property.

16 Building materials may be placed in front of the property adjoining a building site under
17 the same conditions as provided for the occupation of the street immediately in front of the
18 building site, provided the written consent and waiver of claim for damages against the city is
19 obtained from the owner of such adjoining property, and approved by the city attorney.

20 (3) Mixing Mortar or Concrete; Cleaning of Pavement.

21 Mortar or concrete may be prepared in the space permitted for storage of building
22 materials, but shall be done in a mechanical mixer or in a tight box or on a tight mixing board in
23 such a manner that dripping or splashing shall be prevented. All pavement shall be well
24 cleaned of all building materials at all times. A construction runoff control plan shall be
25 approved by the city manager or his designee and implemented prior to the commencement of

1 mixing, cleaning or other work to ensure that construction runoff which may enter any city
2 drainage structure or facility is in compliance with all applicable federal and state standards.

3 Sec. 19-130. - Termination of Approval.

4 The building official shall be authorized to terminate any permit for a temporary structure
5 or use and to order the temporary structure or use discontinued upon a finding that such permit
6 is in violation of this building code, any city law or ordinance or threatens the public health,
7 safety and welfare.

8 Sec. 19-131 – 19-136. – Reserved.

9 DIVISION 4. – FEES

10 Sec. 19-137. – Prescribed Fees.

11 Work shall not commence until fees authorized under Section 553.80, Florida Statutes,
12 have been paid to the city. No amendment to a permit shall be released until the additional fee,
13 if any, due to an increase in the estimated cost of the building, structure, electrical, plumbing,
14 mechanical or gas systems has been paid to the city.

15 Sec. 19-138. - Schedule of Permit Fees.

16 A fee for each permit shall be paid as required in accordance with the Boca Raton
17 Municipal Facilities and Services User Fee Schedule and other schedules as established by the
18 applicable governing authorities.

19 Sec. 19-139. - Building Permit Valuations.

20 (1) Building permit valuation shall be based on the total contract amount. A certified
21 true copy of the contract shall be produced at the time of application for valuation. If, in the
22 opinion of the building official, the claimed valuation of building, alteration, structure, or
23 electrical, gas, mechanical, plumbing or fire protection systems appears to be underestimated
24 on the application, the permit shall be denied unless the applicant can show detailed quantity
25 estimates and/or bona fide signed subcontracts (excluding land value) to support such permit
26 valuation to the satisfaction of the building official. For permitting purposes, valuation of

1 buildings and systems shall be total contract value to build and complete the structure and
2 accessories including structural, electric, plumbing, mechanical, fire protection, interior finish,
3 related site work, architectural and design fees, marketing costs, labor, overhead and profit.
4 Land value shall not be included in determining the permit valuation.

5 (2) If a certified copy of the contract cannot be produced, the applicant may be
6 required to produce detailed quantity estimates and/or bona fide copies of signed subcontracts
7 (excluding land value) to support such permit valuation to the satisfaction of the building official.
8 Valuation references may include the latest published data of national construction cost analysis
9 services. Final building permit valuation shall be set by the building official.

10 Sec. 19-140. - Work Commencing Before Permit Issuance.

11 If any person commences any work for which a permit is required by this chapter before
12 obtaining the building official's approval and issuance of a permit, the necessary permits shall
13 be subject to a penalty of 200 percent of the required permit fee in addition to the required
14 permit fees. The payment of such fee shall not relieve any person from fully complying with the
15 requirements of this chapter in the execution of the work, nor from any other penalties
16 prescribed herein.

17 Sec. 19-141. - Related Fees.

18 The payment of the permit fee for the construction, alteration, removal or demolition for
19 work done in connection to or concurrently with the work authorized by a permit shall not relieve
20 the applicant or permit holder from the payment of other fees that are prescribed by law.

21 Sec. 19-142. - Method of Payment of Fees.

22 (1) All fees required by this chapter shall be paid by cash, check, credit card or
23 money order at the office of the building official or by credit card online. An initial deposit as
24 prescribed by the city's adopted fee schedule shall be paid at the time of submittal of any
25 application for a building permit. The initial deposit shall be nonrefundable. All other permit
26 fees shall become due at the time of approval of the permit by the building official.

1 (2) A permit shall become immediately invalid upon a determination by the finance
2 department that any check, credit card or money order submitted to the city in payment of any
3 fee has been returned or denied payment to the city due to insufficient funds or any other cause
4 equivalent to nonpayment of a fee. If the work has not commenced, the building official may
5 reinstate the permit upon certification from the finance department that all outstanding fees have
6 been paid by cash or certified check. Where the work has commenced, the fee shall be subject
7 to a penalty of 200 percent of the required permit fee in addition to the required permit fees.

8 (3) Fees for a disapproved inspection with penalty shall be paid by cash, check,
9 credit card or money order at the office of the building official or by credit card online before the
10 reinspection will be scheduled.

11 Sec. 19-143. - Refunds.

12 The initial permit processing deposit, the temporary certificates of occupancy fee and the
13 prepermit construction agreement fee are non-refundable. Building permit fees that were
14 entered incorrectly or applied based on inaccurate information shall be refunded.

15 Sec. 19-144 – 19.149. – Reserved.

16 ARTICLE IV. – INSPECTIONS AND CONSTRUCTION REQUIREMENTS

17 DIVISION 1. - INSPECTIONS

18 Sec. 19-150. – In General.

19 Construction or work for which a permit is required shall be subject to inspection by the
20 building official and such construction or work shall remain accessible and exposed for
21 inspection purposes until approved. Approval as a result of an inspection shall not be construed
22 to be an approval of a violation of the provisions of this building code, Florida Building Code or
23 of other ordinances of the city. Inspections presuming to give authority to violate or cancel the
24 provisions of this building code or of other ordinances of the city shall not be valid. It shall be
25 the duty of the permit holder to cause the work to remain accessible and exposed for inspection

1 | purposes. Neither the building official nor the city shall be liable for expenses entailed in the
2 | removal or replacement of any material required to allow inspection.

3 | Sec. 19-151. - Manufacturers and Fabricators.

4 | The building official shall make, or cause to be made, an inspection of materials or
5 | assemblies at the point of manufacture or fabrication when deemed necessary. A record shall
6 | be made of every such examination and inspection and of all violations of the Florida Building
7 | Code.

8 | Sec. 19-152. – Access, Ladder to be Provided for City Inspectors.

9 | It shall further be the duty of the permit holder to provide access to and means for
10 | inspections of such work that are required by this building code. In addition, the permit holder
11 | shall be responsible for providing a ladder in place at the time of inspection for use by the
12 | applicable city inspector, when required. The ladder shall extend at least three (3) feet above
13 | the level of the area requiring inspection and comply with all OSHA requirements.

14 | Sec. 19-153. - Requests for Scheduled Inspections.

15 | (1) Inspection requests shall be made to the office of the building official by the
16 | permit holder. Requests for inspection shall be made the previous day. The permit holder shall
17 | inspect the work prior to requesting an inspection to determine that it is in compliance with the
18 | requirements of this building code and the Florida Building code and ready for inspection. Work
19 | not approved by the inspector shall be made to comply with the requirements of this building
20 | code and the Florida Building code and a reinspection shall be requested by the permit holder.

21 | (2) It shall be the duty of the permit holder to notify the building official when work is
22 | ready for inspection.

23 | Sec. 19-154. - Preliminary Inspection.

24 | Subject to the limitations of Florida Statute Chapter 553, before issuing a permit, the
25 | building official shall be authorized to examine, or cause to be examined, buildings, structures
26 | and sites for which an application has been filed.

1 Sec. 19-155. – Inspection of Existing Buildings.

2 Before issuing a permit, the building official may examine, or cause to be examined, any
3 existing building, electrical, gas, mechanical, or plumbing systems for which an application has
4 been received to permit construction, alteration, modification, repair or demolition of public or
5 private buildings or structures and facilities including manufactured buildings and code
6 enforcement of every building or structure or any appurtenances connected or attached to such
7 buildings or structures within the City of Boca Raton. The building official may inspect the
8 buildings, structures, electrical, gas, mechanical and plumbing systems, from time to time,
9 before, during and upon completion of the work for which a permit has been issued. The
10 building official shall make a record of every such examination and inspection and of all
11 observed violations of the Florida Building Code. Additional regulations in Florida Building
12 Code, Existing Building may apply.

13 Sec. 19-156. - Required Inspections.

14 The building official, upon notification from the permit holder, shall make the following
15 inspections and such other inspections the building official deems necessary, and shall either
16 approve that portion of the construction or shall notify the permit holder of any violations which
17 must be corrected in order to comply with the Florida Building Code. The building official shall
18 determine the timing and sequencing of when inspections occur and what elements are
19 inspected at each inspection. A complete survey or special purpose survey may be required
20 before an inspection is approved.

21 (1) Building Inspections:

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

- 25 1. Stem-wall;
- 26 2. Monolithic slab-on-grade;

1 3. Pilings and pile caps; and

2 4. Footings/grade beams.

3 (b) Slab/floor. Concrete slab and under-floor inspections shall be made after in-slab
4 or under-floor reinforcing steel or framing members installed and all building service equipment,
5 conduit, piping accessories and other ancillary equipment items are in place, but before any
6 concrete is placed or floor sheathing installed, including the subfloor.

7 1. Foundation/form board/stem wall survey. Prior to the slab inspection, the permit
8 holder shall file with the building official a certified scaled drawing prepared, sealed and signed
9 by a land surveyor registered in the State of Florida, showing all property lines; the setback
10 distances from each property line to the foundation, stem walls or sills of the structure under
11 construction; the location of any recorded easements within the property lines and the actual
12 elevation of the foundation, stem walls or sills; and the final elevation of the ground floor for
13 comparison with the required minimum ground floor elevation as shown on the approved
14 drawings. The foundation/form board/stem wall survey shall be approved by the city and the
15 permit holder so notified prior to the permit holder proceeding with the work. Any deviations
16 from or violations of this chapter or other applicable codes and ordinances of the city shall be
17 corrected by the permit holder before construction may proceed.

18 2. In flood hazard areas, upon placement of the lowest floor, including the
19 basement, and prior to further vertical construction, the elevation certification required in Section
20 1612.5, Florida Building Code, shall be submitted to the city.

21 (c) Column/tie beam/masonry unit/lintel. Inspections shall be required after masonry
22 units, forms, reinforcing steel, shoring, conduit, piping accessories, and other ancillary
23 equipment items are in place, but before any concrete is placed.

24 (d) Sheathing. Inspections shall be made after all roof and wall sheathing and
25 fasteners are complete and shall, at a minimum, include the following building components:

26 1. Roof sheathing;

- 1 2. Wall sheathing;
- 2 3. Floor sheathing;
- 3 4. Sheathing fasteners (sheathing fasteners installed and found to be missing the
- 4 structural member (shiners) shall be corrected prior to installation of the dry-in material);
- 5 5. Gypsum board, as required; and
- 6 6. Cladding.

7 (e) Framing. Inspections shall be made after the roof deck or sheathing, all framing,

8 fire blocking and bracing are in place, all concealed wiring, all pipes, chimneys, ducts and vents

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

- 10 1. Window/door framing and installation (verification that rough opening dimensions
- 11 are within tolerances, installation of buck and attachments);
- 12 2. Lintel/tie beam installation, if applicable;
- 13 3. Framing/trusses/bracing/connectors (including truss layout drawings);
- 14 4. Draft stopping/fire blocking;
- 15 5. Curtain wall framing;
- 16 6. Fire resistant assemblies, joints and penetrations, as required; and
- 17 7. Accessibility.

18 (f) Roofing. Inspections shall, at a minimum, include the following building

19 components:

- 20 1. Dry-in;
- 21 2. Insulation;
- 22 3. Roof coverings (including in-progress); and
- 23 4. Flashing.
- 24 (g) Energy insulation, thermal and ignition barrier.

1 (h) Lath/Drywall. Inspections shall be made after interior and exterior lathing and
2 gypsum board is in place, but before any plastering is applied or gypsum board joints and
3 fasteners are taped and finished.

4 (i) Final. Inspection shall be made upon completion of the building when ready for
5 occupancy.

6 1. Lowest floor elevation. Prior to the final inspection, and where the work is
7 completed in special flood hazard areas, the permit holder shall submit a final certification of the
8 lowest floor elevation to the city.

9 (2) Electrical Inspections.

10 (a) Underground (including bonding and ground). Inspections shall be made after
11 trenches or ditches are excavated, conduit or cable is installed, and before any backfill is put in-
12 place.

13 (b) Rough-in. Inspections shall be made after the building is dried-in, framing, fire-
14 blocking and bracing is in place, and prior to the installation of insulation (if applicable), or wall
15 or ceiling membranes.

16 (c) Low Voltage. Inspections shall be made for security, fire alarm, elevator and
17 special uses.

18 (d) Final. Inspections shall be made after the building is completed, all required
19 electrical fixtures are in place and properly connected or protected, and the structure is ready for
20 occupancy.

21 (3) Plumbing Inspections.

22 (a) Underground. Inspections shall be made after trenches or ditches are
23 excavated, piping is installed, and before any backfill is put in place.

24 (b) Rough-in. Inspections shall be made after the roof, framing, fire blocking and
25 bracing is in place and all soil, waste and vent piping is complete, and prior to the installation of
26 insulation (if applicable), or wall or ceiling membranes.

1 (c) Final. Inspections shall be made after the building is completed, all plumbing
2 fixtures are in place and properly connected, and the structure is ready for occupancy. Prior to
3 the final inspection, the permit holder shall remit to the city copies of test results pursuant to
4 Section 312, Florida Building Code, Plumbing.

5 (4) Mechanical Inspections.

6 (a) Underground. Inspections shall be made after trenches or ditches are
7 excavated, underground duct and fuel piping is installed, and before any backfill is put in place.

8 (b) Rough-in. Inspections shall be made after the building is dried-in, framing, fire
9 blocking and bracing are in place and all ducting, and other concealed components are
10 complete, and prior to the installation of insulation (if applicable), or wall or ceiling membranes.

11 (c) Final. Inspections shall be made after the building is completed, the mechanical
12 system is in place and properly connected, and the structure is ready for occupancy. Prior to
13 the final inspection, the permit holder shall remit to the city a copy of the test and balance report.

14 (5) Gas Inspections.

15 (a) Rough piping. Inspections shall be made after all new piping authorized by the
16 permit has been installed, and before any such piping has been covered or concealed or any
17 fixtures or gas appliances have been connected.

18 (b) Final piping. Inspections shall be made after all piping authorized by the permit
19 has been installed and after all portions which are to be concealed by plastering or otherwise
20 have been so concealed, and before any fixtures or gas appliances have been connected. Such
21 inspection shall include a pressure test.

22 (c) Final. Inspections shall be made on all new gas work authorized by the permit
23 and such portions of existing systems as may be affected by new work or any changes to
24 ensure compliance with all the requirements of this building code and to ensure that the
25 installation and construction of the gas system is in accordance with reviewed plans.

1 (6) Demolition Inspections.

2 Final. Inspections shall be made after all utility connections have been disconnected
3 and secured and all demolition work is completed.

4 (7) Manufactured Building Inspections.

5 (a) The city shall inspect construction of foundations; connection of buildings to
6 foundations; installation of parts identified on plans as site-installed items, joining the modules,
7 including utility crossovers; utility connections from the building to utility lines on site; and any
8 other work performed on site which requires compliance with the Florida Building Code.
9 Additional inspections may be required for public educational facilities pursuant to Section
10 423.27.20, Florida Building Code.

11 (b) Where impact-resistant coverings or impact-resistant systems are installed to
12 meet requirements of this building code, the building official shall schedule adequate
13 inspections of impact-resistant coverings or impact-resistant systems to determine the following:

- 14 1. The system indicated on the plans is installed; and
- 15 2. The system is installed in accordance with the manufacturer's installation
16 instructions and the product approval.

17 (8) Swimming Pool Inspections.

18 (a) Initial. Inspections shall be made after excavation and installation of reinforcing
19 steel, bonding and main drain, and prior to placing of the concrete shell.

- 1 (b) Underground electric.
- 2 (c) Underground piping, including a pressure test.
- 3 (d) Deck. Inspections shall be made prior to installation of the deck material with
4 forms, deck drains, and any reinforcement in place.
- 5 (e) Final Electric Inspection.
- 6 (f) Permanent Barrier.
- 7 (g) Final. Inspections shall be made when the swimming pool is completed and all
8 required enclosure requirements are in place. A residential swimming pool shall meet the
9 requirements relating to pool safety features as described in Section 424.2.17, Florida Building
10 Code.

11 Sec. 19-157. – General Requirements for All Inspection Types.

12 (1) Approval Required to Proceed Beyond Work to be Inspected. Work shall not be
13 done beyond the point indicated in each successive inspection without first obtaining the
14 approval of the building official for the required inspection. The building official, upon
15 notification, shall make the requested inspections and shall either indicate the portion of the
16 construction that is approved as completed, or notify the permit holder wherein the same fails to
17 comply with this building code. Any portions that do not comply with the approved construction
18 plans shall be corrected and such portion shall not be covered or concealed until authorized by
19 the building official.

20 (2) Reinforcing Steel and Structural Framing. Reinforcing steel or structural frame
21 work of any part of any building or structure shall not be covered or concealed without first
22 obtaining a release from the building official. Certification that field welding and structural bolted
23 connections meet design requirements shall be submitted to the building official upon request.

24 (3) Termites. Building components and building surroundings required to be
25 protected from termite damage in accordance with Section 1503.6, Section 2304.13 or Section
26 2304.11.6, Florida Building Code, specifically required to be inspected for termites in

1 accordance with Section 2114, Florida Building Code, or required to have chemical soil
2 treatment in accordance with Section 1816, Florida Building Code, shall not be covered or
3 concealed until authorized by the building official.

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

7 (5) Fire- and Smoke-Resistant Penetrations. Protection of joints and penetrations in
8 fire-resistance-rated assemblies, smoke barriers and smoke partitions shall not be covered or
9 concealed until authorized by the building official.

10 Sec. 19-158. – Special Requirements for Inspections for Threshold Buildings.

11 (1) The city shall require a special inspector to perform structural inspections on a
12 threshold building pursuant to a structural inspection plan prepared by the engineer or architect
13 of record. The structural inspection plan shall be submitted to the city prior to the issuance of a
14 building permit for the construction of a threshold building. The purpose of the structural
15 inspection plan is to provide specific inspection procedures and schedules so that the building
16 can be adequately inspected for compliance with the permitted documents. The special
17 inspector may not serve as a surrogate in carrying out the responsibilities of the building official,
18 the architect or the engineer of record. The contractor's contractual or statutory obligations are
19 not relieved by any action of the special inspector.

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

1 (3) The fee owner of a threshold building shall select and pay all costs of employing
2 a special inspector, however, the duty of loyalty of the special inspector shall be to the city. The
3 inspector shall be a person certified, licensed or registered under Chapter 471, Florida Statutes,
4 as an engineer or under Chapter 481, Florida Statutes, as an architect.

5 (4) The city shall require that, on every threshold building:

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

11 (b) The special inspector shall, upon completion of the building and prior to the
12 issuance of a certificate of occupancy, file a signed and sealed statement with the city in
13 substantially the following form: "To the best of my knowledge and belief, the above described
14 construction of all structural load-bearing components complies with the permitted documents,
15 and the shoring and reshoring conforms to the shoring and reshoring plans submitted to the City
16 of Boca Raton."

17 (c) Any proposal to install an alternate structural product or system to which this
18 building code applies shall be submitted to the city for review for compliance with this building
19 code and made part of the city's permit documents record.

20 (d) All shoring and reshoring procedures, plans and details shall be submitted to the
21 city for recordkeeping. Each shoring and reshoring installation shall be supervised, inspected
22 and certified to ensure compliance with the shoring documents by the contractor.

23 (e) No permit for construction of any threshold building shall be issued except to a
24 licensed general contractor, as defined in Section 489.105(3)(a), Florida Statutes, or to a
25 licensed building contractor, as defined in Section 489.105(3)(b), Florida Statutes, within the
26 scope of his license. The named contractor to whom the permit is issued shall have the

1 responsibility for supervision, direction, management and control of the construction activities on
2 the project for which the building permit was issued.

3 (f) The building official may allow a special inspector to conduct the minimum
4 structural inspection of threshold buildings required by this building code and the Florida
5 Building code, without duplicative inspection by the city. The building official shall be
6 responsible for ensuring that any person conducting inspections is qualified as a building
7 inspector under Part XII of Chapter 468, Florida Statutes, or certified as a special inspector
8 under Chapter 471 or 481, Florida Statutes. Inspections of threshold buildings required by
9 Section 553.79(5), Florida Statutes, are in addition to the minimum inspections required by this
10 building code.

11 Sec. 19-159. – Required Private Inspections Services.

12 (1) The building official may make, or cause to be made by others, the inspections
13 required by this division. The building official may accept the reports of inspectors of licensed
14 inspection services, provided that after investigation the building official is satisfied as to the
15 qualifications and reliability of such inspectors. A certificate called for by any provision of the
16 Florida Building Code shall not be based on such reports unless the same are in writing and
17 certified by a responsible officer of such inspection service. The building official may require the
18 permit holder to employ an inspection service in the following instances:

- 19 (a) For buildings or additions of Type I construction;
- 20 (b) For all major structural alterations;
- 21 (c) Where the concrete design is based on compressive strength in excess of 3000
22 pounds per square inch;
- 23 (d) For pile driving;
- 24 (e) For buildings with area greater than 20,000 square feet;
- 25 (f) For buildings more than two (2) stories in height; and
- 26 (g) For buildings and structures of unusual design or methods of construction.

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

6 (3) At the completion of the construction work or project, such inspectors shall
7 submit a certificate of compliance to the building official stating that the work was performed in
8 compliance with this building code and in accordance with the permitted plans. Final inspection
9 shall be made by the building official before a certificate of occupancy or certificate of
10 completion is issued, and confirmation inspections may be made at any time to monitor
11 activities and resident inspectors.

12 Sec. 19-160. - Affidavit for Certificate of Inspection.

13 With specific prior approval of, and in a format acceptable to the building official, an
14 affidavit for certification of inspection may be accepted from the permit holder when
15 accompanied by extensive photographic evidence of sufficient detail to demonstrate compliance
16 with this building code. The photographic evidence shall be comprehensive in the display of the
17 installation and/or construction and job location identifiers. The affidavit and accompanying
18 photographs shall be provided to the city's inspector at the next scheduled inspection on site. If
19 the photographs are found by the building official to be insufficient to demonstrate compliance
20 with this building code and/or the permitted plans, or clearly display location identifiers, or are
21 missing, the building official shall require the permit holder to obtain the services of a Registered
22 Florida Professional Engineer to inspect and certify the installation and/or construction.

23 Sec. 19-161. - Inspection Reports from Private Inspection Services.

24 The building official shall be authorized to accept reports from approved inspection
25 services, including those required by the city to be employed by the permit holder or inspection
26 services retained by the city to supplement the city's inspection services.

1 Sec. 19-162 – 19-167. – Reserved.

2 DIVISION 2. – CONSTRUCTION REQUIREMENTS

3 Sec. 19-168. - Impact of Construction.

4 (1) All construction activity regulated by this building code shall be performed in a
5 manner so as not to adversely impact the condition of adjacent property, unless such activity is
6 permitted to affect said property pursuant to a consent granted by the applicable property
7 owner, under terms or conditions agreeable to the applicable property owner. This includes, but
8 is not limited to, the control of dust, noise, water or drainage run-offs, debris, and the storage of
9 construction materials.

10 (2) Construction activity upon developed residential sites, including building
11 additions, pools, patios, driveways, decks or similar items, shall not adversely impact approved
12 or historic surface water drainage flows serving adjacent properties or the residential site upon
13 which construction activity is proposed. The building official shall be authorized to require
14 documentation from an engineer licensed by the State of Florida demonstrating that such
15 construction activity has not resulted in any adverse impact prior to granting approval of the final
16 inspection.

17 Sec. 19-169. - Site Debris.

18 (1) All construction sites shall be maintained in a clean and sanitary condition at all
19 times. All debris shall be kept in such a manner as to prevent it from being spread by any
20 means. During the construction phase, the building official may issue a written order to stop
21 work on a construction project for failure to maintain the construction site in a clean and sanitary
22 condition.

1 (2) Each construction site shall provide solid waste containers adequate in size and
2 sufficient in number to accommodate the accumulation of solid waste during the interval
3 between scheduled removals of solid waste from the project site. The number and type of
4 refuse containers shall be subject to the approval of the building official.

5 (3) Alternatively, solid waste shall be completely contained within a roll off dumpster
6 facility approved in accordance with the regulations of the city.

7 (4) The contractor/owner of any active or inactive construction project shall be
8 responsible for the clean-up and removal of all construction debris or any other miscellaneous
9 discarded articles prior to receiving final inspection approval.

10 Sec. 19-170. – Site Debris and Construction Material Storage Upon Declaration of a
11 Hurricane Warning.

12 (1) Upon declaration of a hurricane warning, all solid waste stored upon a
13 construction site shall be removed from the site and disposed of in an approved manner or
14 secured in such a manner as to prevent the waste material from becoming wind-borne debris
15 during a storm.

16 (2) Alternatively, upon declaration of a hurricane warning, construction materials
17 stored on site shall be tied, banded, or placed within secured containers so as to prevent the
18 materials from becoming wind-borne debris. For the purposes of this section, "secured" shall
19 mean a protective covering or netting adequately sized and fastened to prevent waste materials
20 and construction materials from becoming wind-borne debris.

21 Sec. 19-171. – Floor and Roof Design Loads – During and Following Completion of
22 Construction.

23 (1) Where the live loads for which each floor or portion thereof of a commercial or
24 industrial building is or has been designed to exceed 50 psf (2.40 kN/m²), such design live
25 loads shall be conspicuously posted using durable signs by the owner in that part of each story
26 in which such live design loads apply. It shall be unlawful to remove or deface such notices.

1 (2) A certificate of occupancy shall not be issued until the floor load signs required
2 by this section have been installed.

3 (3) It shall be unlawful to place, or cause or permit to be placed, on any floor or roof
4 of a building, structure or portion thereof, a load greater than is permitted by this building code.

5 Sec. 19-172 – 19-176. – Reserved.

6 ARTICLE V. – OCCUPANCY, COMPLETION AND SERVICE UTILITY CONNECTIONS

7 DIVISION I. – CERTIFICATES OF OCCUPANCY AND COMPLETION

8 Sec. 19-177. - Use and Occupancy.

9 No building or structure shall be used or occupied, and no change in the existing use or
10 occupancy classification of a building or structure or portion thereof shall be made, nor shall a
11 business tax receipt be issued, until the building official has issued a certificate of occupancy or
12 completion therefore as provided herein. Issuance of a certificate of occupancy or completion
13 shall not be construed as an approval of a violation of the provisions of this building code or of
14 other ordinances of the city should such violation exist. Said certificate shall not be issued until
15 all required electrical, gas, mechanical, plumbing and fire protection systems have been
16 inspected and approved for compliance with the Florida Building Code and other applicable
17 laws and ordinances of the city and approved by the building official. Certificates of occupancy
18 or completion shall not be required for work exempt from permits under this building code.

19 Sec. 19-178. – Interdepartmental Approval Required.

20 With the exception of certificates of occupancy or completion pertaining to single-family
21 dwellings, the building official shall not issue a certificate of occupancy as herein provided
22 without the prior approval and concurrence of any department director or his designee whose
23 department serves as a reviewing agency for the permit for which the certificate of occupancy or
24 completion is requested.

1 Sec. 19-179. – Certificate Issuance.

2 After the building official inspects the building or structure and finds no violations of the
3 provisions of this building code or other laws that are enforced by the department or other
4 agency whose approval is inherent in the permitting process, the building official shall issue a
5 certificate of occupancy or completion that contains the following:

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

1 | Sec. 19-180. - Temporary Occupancy.

2 | (1) The building official is authorized to issue a temporary certificate of occupancy
3 | before the completion of the entire work covered by the permit and issuance of a certificate of
4 | occupancy, provided that such portion or portions shall be occupied safely.

5 | (2) Upon written application by the permit holder and payment of the applicable fee,
6 | the building official may issue a temporary certificate of occupancy providing the building or
7 | structure is 90 percent complete and that all code requirements for sanitary facilities, means of
8 | egress, fire-resistive separation, fire prevention and protection, structural adequacy and public
9 | safety, including adequate barricading of the work areas from the area or areas to be occupied,
10 | have been inspected and approved by the building official and the fire chief or his designee. The
11 | application for a temporary certificate of occupancy shall be accompanied by the following
12 | documents:

13 | (a) A complete description of the work authorized by the permit remaining to be
14 | completed;

15 | (b) Certification that the persons who will occupy the building or structure, or portion
16 | thereof, have been notified in writing that only a temporary certificate of occupancy will be
17 | issued, that physical occupancy by such persons is voluntary and that if the permit holder fails
18 | to complete the building or structure, or portion thereof, and obtain a permanent certificate of
19 | occupancy within 90 days such persons will be required to vacate the premises;

20 | (c) If only a portion of the permitted work area is requested for temporary
21 | occupancy the application shall indicate the areas and must clearly state how the general public
22 | will obtain access to this section of the building and how construction areas will be barricaded
23 | from public access; and

24 | (3) A temporary certificate of occupancy may be issued for a period not to exceed
25 | 90 days. All work required to complete the building or project and obtain final inspections and a
26 | permanent certificate of occupancy shall be completed within the maximum 90-day time limit.

1 These provisions shall not apply in cases of civil disorder or natural disaster, or when
2 construction activities are halted due directly to judicial injunction, order or similar process. The
3 fact that the parties or property may be involved in litigation, or that the owner or his
4 representative did not accurately estimate the time required for completion prior to requesting a
5 temporary certificate of occupancy, shall not constitute justification for failure to complete the
6 building or project within the above-specified time limit.

7 (4) If the building or project is not completed and a certificate of occupancy not
8 issued within the maximum 90-day period for a temporary certificate of occupancy, and the
9 building official has not extended the time limit for cause as specifically provided herein:

10 (a) The temporary certificate of occupancy shall automatically terminate; and

11 (b) Persons who occupy the building or structure shall vacate the premises.

12 (5) The building official may extend a temporary certificate of occupancy upon
13 payment of the applicable fee for cause in cases of civil disorder, strike, natural disaster,
14 weather conditions that prevent or delay construction, unavailability of materials or equipment,
15 or when the construction activities are halted due directly to judicial injunction order or similar
16 process without acquiescence of permit holder, or for failure of any federal, state, county or city
17 agency to process and complete required documents within the 90-day time limit.

18 (6) It shall be the responsibility of a permit holder who desires to obtain an
19 extension of his temporary certificate of occupancy to notify the building official of the reason for
20 cause and to remit the applicable fee a minimum of ten (10) days prior to the expiration date of
21 the temporary certificate of occupancy.

22 19-181. - Certificate of Completion.

23 Upon satisfactory completion and approval of a building, structure, electrical, gas,
24 mechanical or plumbing system, a certificate of completion may be issued by the building
25 official. A certificate of completion shall constitute evidence that a structure or system is
26 complete and for certain types of permits is released for use and may be connected to a utility

1 system. Such certificate shall not grant authority to occupy a building, such as a shell building,
2 prior to the issuance of a certificate of occupancy.

3 19-182. - Revocation.

4 The building official shall be authorized to suspend or revoke, in writing, a certificate of
5 occupancy or certificate of completion issued under the provisions of this building code
6 whenever the certificate is issued in error, or on the basis of incorrect information supplied, or
7 where it is determined that the building or structure or portion thereof is in violation of any
8 ordinance or regulation or any of the provisions of this building code.

9 Sec. 19-183 – 19-189. – Reserved.

10 DIVISION 2. - SERVICE UTILITY CONNECTIONS

11 Sec. 19-190. - Connection of Service Utilities.

12 No person shall make connections from a utility, source of energy, fuel or power to any
13 building or system that is regulated by this building code for which a permit is required until a
14 certificate of occupancy or certificate of completion is issued, or unless otherwise approved by
15 the building official.

16 Sec. 19-191. - Temporary Connection.

17 The building official shall have the authority to authorize the temporary connection of the
18 building or system to the utility source of energy, fuel or power for the purpose of testing building
19 service systems or for use pursuant to the issuance of a temporary certificate of occupancy.

20 Sec. 19-192. - Authority to Disconnect Service Utilities.

21 The building official shall have the authority to authorize disconnection of utility service to
22 the building, structure or system regulated by this building code and the Florida Building Code in
23 case of emergency where necessary to eliminate an immediate hazard to life, or property, or
24 unsafe condition, or when such utility connection has been made without the certificate required
25 by Sections 19-190 and 19-191. The building official shall notify the serving utility, and
26 whenever possible, the owner and occupant of the building, structure, or service system, of the

1 decision to disconnect prior to taking such action. If not notified prior to disconnecting, the
2 owner or occupant of the building, structure, or service system shall be notified in writing, as
3 soon as practical thereafter.

4 Sec. 19-193 – 19-198. – Reserved.

5 ARTICLE VI. – VIOLATIONS, STOP WORK ORDERS AND APPEALS

6 DIVISION I. – VIOLATIONS

7 Sec. 19-199. - Violations.

8 Any person, firm, corporation or agent who shall violate a provision of this building code,
9 or fail to comply therewith, or with any of the requirements thereof, or who shall erect, construct,
10 alter, install, demolish or move any structure, electrical, gas, mechanical or plumbing system, or
11 has erected, constructed, altered, repaired, moved or demolished a building, structure,
12 electrical, gas, mechanical or plumbing system, without full compliance with applicable codes,
13 laws, ordinances, rules and regulations of the city, shall be guilty of a misdemeanor. Each such
14 person shall be considered guilty of a separate offense for each and every day or portion
15 thereof during which any violation of any of the provisions of such applicable codes, laws,
16 ordinances, rules and regulations is committed or continued, and upon conviction of any such
17 violation, such person shall be punished within the limits and as provided by state laws. Nothing
18 in this section shall prevent the city from imposing fines or liens, or seeking injunctive relief, or
19 exercising other enforcement powers as permitted by law. Code enforcement and penalties of
20 Chapter 162, Florida Statutes Part I, shall be authorized if work begins without payment of all
21 required fees, and for the purposes of enforcing this building code. Code officials licensed
22 under Florida Statutes, Chapter 468, Part XII are deemed "code inspectors," as defined in
23 Florida Statutes, Section 162.04.

24 Sec. 19-200 – 19-205. – Reserved.

1 DIVISION 2. – STOP WORK ORDERS

2 Sec. 19-206. – Stop Work Orders.

3 Upon notice from the building official, work on any building, structure, electrical, gas,
4 mechanical or plumbing system that is being done contrary to the provisions of this building
5 code or in a dangerous or unsafe manner shall immediately cease.

6 Sec. 19-207. - Issuance.

7 The stop work order shall be in writing and shall be delivered to the owner of the
8 property involved, or to the owner's agent, or to the person doing the work. Upon issuance of a
9 stop work order, the cited work shall immediately cease. The stop work order shall state the
10 reason for the order, cite the work to be ceased and the conditions under which the cited work
11 will be permitted to resume. Where an emergency exists, the building official shall not be
12 required to give a written notice prior to stopping the work.

13 Sec. 19-208. - Unlawful Continuance.

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

17 Sec. 19-209 – 19-214. – Reserved.

18 DIVISION 3. - BUILDERS' BOARD OF ADJUSTMENT AND APPEALS

19 Sec. 19-215. - Appointment.

20 There is hereby established a board to be called the Builders' Board of Adjustment and
21 Appeals, hereinafter referred to as the "Board." The City Council as governing body shall
22 appoint the Board.

1 **Sec. 19-216. - Membership.**

2 The Board shall consist of nine (9) regular members who are individuals with knowledge
3 and experience in the Florida Building Code. Board membership to the greatest extent possible
4 shall consist of the following:

- 5 (1) One state-registered architect;
- 6 (2) One state-registered professional engineer;
- 7 (3) One general contractor;
- 8 (4) One electrical contractor;
- 9 (5) One mechanical (HVAC) contractor; and
- 10 (6) Four at-large members.

11 **Sec. 19-217. - Qualifications.**

12 Each member appointed to the board shall possess the following minimum
13 qualifications:

- 14 (1) Architects and engineers shall be registered under the laws of the State of
15 Florida regulating the practice of architecture and engineering.
- 16 (2) Contractors shall possess a valid certificate of competency and business tax
17 receipt recognized and accepted under the laws and ordinances of the city regulating the
18 business of contracting and business tax and, where required, state registration as a contractor.
- 19 (3) Be a resident of the city.

20 **Sec. 19-218. - Term of Office; Vacancies.**

- 21 (1) Each appointment to the Board shall be for a term of four (4) years.
- 22 (2) Vacancies shall be filled for any unexpired term in the manner prescribed for
23 original appointments.

24 **Sec. 19-219. - Organization.**

- 25 (1) The Board officers shall consist of a chair, vice-chair and such other officers as
26 the Board shall deem necessary.

1 (2) Officers of the Board shall be elected by a majority vote of the membership
2 annually.

3 (3) A member of the Board may be elected to serve as an officer without restriction
4 as to the number of terms served.

5 Sec. 19-220. - Quorum.

6 Five (5) members of the Board shall constitute a quorum.

7 Sec. 19-221. – Board Records.

8 (1) The chair of the Board shall make or cause to be made a detailed record of all
9 Board proceedings. Such records shall set forth the details of the appeal, statements of
10 witnesses, motions made, the vote of each member present, decision of the Board and reasons
11 therefore, and specific guidance to the building official for implementation of the Board's
12 decision.

13 (2) The city manager shall provide a recorder for the Board who shall be
14 responsible to the chair of the Board for preparing such notices, records and reports as the chair
15 deems necessary.

16 Sec. 19-222. - Compensation.

17 Members of the Board shall serve without compensation.

18 Sec. 19-223. – Powers.

19 (1) The Board shall have the power, as further defined in Section 19-224, et seq., to
20 hear appeals of decisions and interpretations of the building official relating to the Florida
21 Building Code and local amendments contained in Chapter 19, Code of Ordinances, of the fire
22 official relating to the Florida Fire Prevention Code and local amendments contained in Chapter
23 7, Code of Ordinances, and of the floodplain administrator relating to Flood Damage Prevention
24 and Floodplain Management codes contained in Chapter 21, Code of Ordinances.

25 (2) If the building official and the fire official are unable to agree on a resolution of
26 conflict between the Florida Building Code and the Florida Fire Prevention Code and the Life

1 Safety Code, the Board shall have the power to resolve the conflict in favor of the code which
2 offers the greatest degree of lifesafety or alternatives which would provide an equivalent degree
3 of lifesafety and an equivalent method of construction.

4 (3) The Board shall have the power to consider variances to Flood Damage
5 Prevention and Floodplain Management codes subject to the limitations, considerations and
6 conditions set forth in Section 21-93 et seq. and Marine Structure codes subject to the
7 limitations, considerations and conditions set forth in Section 19-225.

8 Sec. 19-224. – Appeals.

9 (1) Decisions and Interpretations.

10 The owner of a building, structure or service system, or duly authorized agent, may
11 appeal a decision of the building official, fire official or floodplain administrator to the Board
12 whenever any one of the following conditions are claimed to exist:

13 (a) The building official, fire official or floodplain administrator rejected or refused to
14 approve the mode or manner of construction proposed to be followed or materials to be used in
15 the installation or alteration of a building, structure or service system;

16 (b) The provisions of this building code do not apply to this specific case at issue;

17 (c) That an equally good or more desirable form of installation can be employed in
18 any specific case, which the building official, fire official or floodplain administrator has rejected
19 or refused; or

20 (d) The true intent and meaning of this building code or any of the regulations
21 hereunder have been misconstrued or incorrectly interpreted.

22 (e) Ineligible appeals.

23 1. The Board shall not consider an application for an appeal from the provisions of
24 this building code, or grant relief from the provisions thereof, when such authority is vested in
25 another board or the city council.

1 2. The application to the city manager for a permit extension pursuant Section 19-
2 82(1) shall be deemed the exclusive administrative remedy available to a permit holder.
3 Notwithstanding any other provision of this article, no appeal shall be heard by the Board from
4 an order or decision denying an extension request.

5 3. No application shall be accepted by the city if a similar request for an appeal has
6 been considered by the Board and denied at any time within 180 days immediately prior to the
7 date the application is submitted.

8 (2) Appeal Procedure.

9 (a) Any person alleging to have been aggrieved by an order or decision of the
10 building official, fire official, floodplain administrator or other person authorized to render a final
11 decision as to any requirement of this building code may appeal the order or decision to the
12 Board by filing a written notice of appeal. The notice of appeal shall be designated as such, and
13 shall contain:

14 1. A clear and concise statement of the order or decision to be reviewed, and the
15 date thereof;

16 2. A complete and detailed statement of the reasons for the appeal;

17 3. A complete and detailed statement of the relief sought from the Board;

18 4. Copies of the plans, specifications, drawings, codes, ordinances, rules,
19 regulations or other documents pertinent and material to the Board's consideration of the
20 appeal;

21 5. Signature of the appellant or his duly authorized representative; and

22 6. If signed by a representative, a notarized statement by the appellant designating
23 the representative and stating the authority vested in the representative to act for and on behalf
24 of the appellant.

25 (b) Time limit. Notice of appeal shall be filed with the Board within 30 calendar days
26 from the date of the decision or order sought to be reviewed.

1 (c) Filing fee. The application shall be accompanied by the applicable filing fee plus
2 the cost of advertising or mailing any public notices required under city ordinances or general
3 law. The filing fee shall be made payable to the city at the time of filing the appeal.

4 (d) Place of filing. The notice of appeal shall be filed with the recorder of the Board.

5 (e) Effect of appeal. An appeal to the Board shall not operate as a stay of any
6 proceeding or action by the city in the application or enforcement of this building code or the
7 Florida Building Code.

8 (f) Notice of hearing.

9 1. Upon the filing of an appeal, the chair of the Board shall set a date, time and
10 place for the hearing of the appeal. The date of the hearing shall be no later than ten (10)
11 calendar days after the notice of appeal has been timely received by the Board, except that if
12 the 10th day is a Saturday, Sunday or legal holiday, the hearing shall be held on the next
13 business day. The deadline for the hearing date may be extended upon mutual agreement of
14 the chair of the Board and the appellant.

15 2. Written notice of the hearing shall be given to the appellant, the city official
16 whose order or decision is being appealed and all other parties required to participate in the
17 hearing, including individuals whose statements or testimony is desired by the Board, the
18 appellant or the applicable city official.

19 (g) Board decisions on appeals.

20 1. Every decision of the Board on an appeal shall be final, subject to an appeal by
21 an aggrieved party to the city council. The decision shall be in writing and shall indicate the vote
22 upon the decision. Every decision on an appeal shall be open to public inspection, and the
23 decision shall be deemed rendered when signed by the chair and filed in the office of the
24 building official. A copy shall be sent by certified mail to the appellant at the address shown on
25 the application or appeal.

1 2. The Board shall, in every case, reach a decision on an appeal without
2 unreasonable or unnecessary delay and shall, in all instances, reach a decision within ten (10)
3 calendar days from the date of the completion of the hearing.

4 3. A decision of the Board to grant an appeal from the provisions of this building
5 code or to modify or reverse an order or decision of a city official shall specify the manner in
6 which such proposal or modification is to be made, the conditions upon which it is to be made,
7 and the reasons therefore. In such cases, the city official whose order or decision has been
8 reversed or modified shall take prompt action, as necessary, in accordance with such decision.

9 4. Any person aggrieved by a decision of the Board shall file a notice of appeal with
10 the city clerk and pay the applicable appeal fee within 30 days after rendition of the Board's
11 decision. The notice of appeal shall specify the action taken by the Board and in what respect
12 the appellant is aggrieved by such action, and the action which appellant desires the city council
13 to take with respect to the decision of the Board. The city council shall sit in open session as an
14 appeal board as soon as is practical and hold a public hearing upon the matter, and shall either
15 affirm the action of the Board, affirm it with modifications, reverse it or remand it for further
16 consideration.

17 Sec. 19-225. - Variances to Chapter 21, Floodplain Management and Chapter 22,
18 Marine Structures.

19 (1) The Board is hereby authorized to grant variances to the requirements of
20 Chapter 21, Floodplain Management and Chapter 22, Marine Structures.

21 (2) The Board shall have the authority to grant variances from the requirements of
22 Chapter 21, Floodplain Management, provisions of Section 1612.4 of the Florida Building Code,
23 Building or, as applicable, the provisions of R322 of the Florida Building Code, Residential
24 pursuant to the limitations, restrictions, considerations and conditions set forth in Section 21-93
25 et seq. of this code. Variances to the requirements of Section 3109 of the Florida Building Code,

1 Building, Structures Seaward of the Coastal Construction Control Line, shall not be permitted
2 under this section.

3 (3) The Board shall have the authority to grant variances from the requirements of
4 Chapter 22, Marine Structures, provided that it specifically finds that:

5 (a) Special and unique conditions exist which are peculiar to the petitioner's case
6 and which are not generally applicable to the property located in the zoning district.

7 (b) The special and unique conditions are not directly attributable to the actions of
8 the petitioner.

9 (c) The literal interpretation of this chapter, as applied to the petitioner, would
10 deprive the petitioner of rights commonly enjoyed by the owners of other property in the zoning
11 district.

12 (d) The variance granted is the minimum variance necessary for the petitioner to
13 make reasonable use of the property.

14 (e) Granting the variance is not detrimental to the public welfare, or injurious to
15 property or improvements in the zoning district or neighborhood involved.

16 (f) Granting the variance is not contrary to the objectives of the comprehensive plan
17 of the city.

18 (4) In granting a variance, the Board may prescribe conditions deemed necessary to
19 protect the public interest and to ensure compliance with applicable codes and the
20 comprehensive plan of the city.

21 (5) A variance granted by the Board shall automatically expire under the following
22 conditions:

23 (a) The variance shall expire 18 months from the date of the rendition of the written
24 resolution of the Board granting the variance if a permit has not been issued in accordance with
25 the plans and conditions upon which the variance was granted.

1 (b) The variance shall expire if a permit issued in accordance with the plans and
2 conditions upon which the variance was granted expires and is not renewed pursuant to the
3 applicable provisions regarding renewal of permits.

4 Sec. 19-226. – Procedures for Variances.

5 (1) Applications for a variance to Chapter 21, Floodplain Management and Chapter
6 22, Marine Structures.

7 (a) All applications for a variance to the Board shall be in writing on forms prescribed
8 by the city manager. The application shall be signed by the applicant, and if the applicant is not
9 the record title owner of the real property involved, the record title owner shall also sign the
10 application and the applicant's interest in the real property shall be disclosed. Every application
11 shall be sufficiently detailed to accurately inform the Board of the relief requested the reasons
12 therefore and the provisions of Chapter 21, Floodplain Management and Chapter 22, Marine
13 Structures affected thereby. Every application for a variance shall be accompanied by the
14 applicable fee.

15 (b) An application for a variance under this section shall be deemed abandoned 30
16 days after the date the development services department notifies the applicant of any
17 deficiencies contained in the application and such differences have not been corrected. The
18 development services department may, upon written request and justification by the applicant,
19 grant not more than one (1) 30-day extension. At the expiration of the 30-day period, or any
20 extension thereof, the application shall automatically expire and become invalid. Permit fees
21 and charges in excess of the one (1) percent deposit required at the time of permit application
22 shall be refunded.

23 (2) Notice of Hearing.

24 Upon the filing of an application for a variance and the payment of the fee, the
25 development services department shall:

26 (a) Set the application for a variance for a public hearing before the Board.

1 (b) Prior to the public hearing, transmit a copy of the application for a variance to the
2 municipal services department, and the development services department and the municipal
3 services department shall submit advisory reports and recommendations on the application for a
4 variance to the Board prior to the date of public hearing.

5 (c) Cause notice of the public hearing to be published in a newspaper of general
6 circulation in Boca Raton at least seven (7) days prior to the date of the hearing. In addition, for
7 variance to Chapter 22, Marine Structures, a copy of the notice of hearing shall be mailed by
8 certified mail, return receipt requested, to the applicant and to all the owners of waterfront
9 property within a 500-foot radius of the proposed marine structure under consideration
10 according to the most current county property appraiser's records. The actual cost for the
11 publication of notice and the mailing of notice to owners shall be paid by the applicant prior to
12 the public hearing.

13 (3) Public Hearing.

14 At the public hearing, the Board shall consider the testimony and exhibits of the
15 applicant, the city staff and all interested members of the public, and then act upon the
16 application for relief. Every decision of the Board shall be by a written resolution which shall
17 contain a detailed record of the findings of fact and conclusions of law of the Board.

18 (4) Voting Requirements.

19 (5) Each decision of the Board which grants a variance shall be adopted only upon
20 the affirmative vote of 2/3 of those members present and voting.

21 (6) Rendition of Decisions and Appeals.

22 Each resolution of the Board shall be deemed rendered when signed by the chair and
23 filed in the office of the city clerk. Any person aggrieved by a resolution of the Board shall file a
24 notice of appeal with the city clerk and pay the applicable appeal fee within 30 days after
25 rendition of the Board's resolution. The notice of appeal shall specify the action taken by the
26 Board and in what respect the appellant is aggrieved by such action, and the action which

1 appellant desires the city council to take with respect to the resolution of the Board. The city
2 council shall sit in open session as an appeal board as soon as is practical and hold a public
3 hearing upon the matter, and shall either affirm the action of the Board, affirm it with
4 modifications, reverse it or remand it for further consideration. The city manager shall not
5 authorize the issuance of any permits upon the authority of a resolution of the Board until 30
6 days have expired after the date of rendition of such resolution (or such additional time period
7 attributable to the pendency of an appeal).

8 Sec. 19-227. - Procedures of the Board.

9 (1) Meetings of the Board shall be held at the call of the chair.

10 (2) In granting an appeal of an order or decision, or in reversing any order or
11 decision of the building official, fire official, floodplain administrator or other person authorized to
12 render a final decision as to any requirement of this building code the concurrence of 2/3 of
13 those members present and voting shall be required. In all other matters considered by the
14 Board, a simple majority of those members present and voting shall be required.

15 (3) No Board member shall act in any case in which that member has a conflict of
16 interest.

17 (4) All hearings of the Board shall be open to the public, and any person whose
18 interest may be affected by the matter on appeal shall be given the opportunity to be heard.

19 (5) The hearings shall be informal and need not be conducted according to
20 technical rules relating to evidence and witnesses. Such hearings shall, however, be conducted
21 in accordance with accepted parliamentary procedures relative to motions, votes and decisions.

22 (6) All relevant evidence shall be admitted if, in the opinion of the Board, it is the
23 type of evidence upon which reasonable and responsible persons would normally rely in the
24 conduct of business affairs, regardless of the existence of any common law or statutory rules
25 which might make such evidence inadmissible over objections in civil actions.

1 (7) Hearsay evidence may be accepted for the purpose of supplementing or
2 explaining any direct evidence, but such hearsay evidence shall not, in and of itself, be
3 considered sufficient to support a finding or decision unless the evidence is admissible over
4 objection in a civil action.

5 (8) The record of Board proceedings, as prescribed in this division, shall be
6 reviewed by the chair, approved by proper motion and vote of the Board, and forwarded to the
7 city council within 30 days from the date of such meeting. Copies of the approved record shall
8 be furnished simultaneously to the city manager, city attorney, development services director,
9 and the city official whose order or decision was the subject of the appeal.

10 Sec. 19-228. – Board to Serve as Local Construction Regulation Board.

11 (1) The Board is hereby established and authorized to serve as the local
12 construction regulation board (LCRB), as defined in Section 489.105, Florida Statutes, to deny,
13 suspend, revoke or limit the authority of a certified contractor to obtain a permit or permit with
14 specific conditions pursuant to the provisions set forth in Section 489.113, Florida Statutes and
15 procedures described herein.

16 (2) Proceedings related to fraud and willful building code violations.

17 (a) The city may, in addition to any other enforcement remedies of the city,
18 commence a proceeding pursuant to this division against a certified contractor by filing an
19 allegation of fraud or willful building code violation(s) with the Board. Upon such filing, city staff
20 shall schedule a hearing before the Board. The city staff shall notify the Board as to the name
21 and address of the alleged violator, including a brief description of the alleged violation, and
22 shall provide notice of the hearing to the alleged violator in the manner described in Section 2-
23 109.

24 (b) The city, the Board or the alleged violator may request that witnesses and
25 records be subpoenaed to a hearing under this division. Subpoenas shall be served by officers
26 of the city's police services department. The chair of the Board shall provide the city and/or the

1 | alleged violator with sufficient signed and blank witness subpoenas for the purpose of
2 | subpoenaing witnesses and records.

3 | (c) All testimony shall be under oath and shall be recorded. The Board shall take
4 | testimony from the city and the alleged violator. Formal rules of evidence shall not apply, but
5 | fundamental due process shall be observed and shall govern the proceedings.

6 | (d) At the hearing, the burden of proof shall be upon the city to show by a
7 | preponderance of the evidence that the fraud or violation occurred. Where proper notice of the
8 | hearing has been provided to the alleged violator, a hearing may proceed in the absence of the
9 | alleged violator.

10 | (e) The Board shall render its decision based on the evidence entered into the
11 | record. The Board may deny, suspend, or revoke the authority of the contractor to obtain a
12 | permit or limit such authority to obtaining a permit or permits with specific conditions, if the
13 | Board finds that the contractor:

- 14 | 1. Has been guilty of fraud or a willful building code violation within the city; or
- 15 | 2. Has been found guilty in another county or municipality within the past 12 months
16 | of fraud or a willful building code violation and finds that such fraud or violation would have been
17 | fraud or a violation if committed in the city.

18 | (f) The Board's decision shall then be transmitted to the alleged violator in the form
19 | of a written order. The order shall be mailed by certified mail to the alleged violator within 30
20 | days of the hearing.

21 | (g) In the event a permit is denied pursuant to this division, notification of and
22 | information concerning such permit denial shall be submitted to the Florida Department of
23 | Business and Professional Regulation, Construction Industry Licensing Board within 15 days
24 | after the Board decides to deny the permit pursuant FS 489.13 (4)(b).

25 | Sec. 19-229 – 19-234. – Reserved.

26 |

1
2 **ARTICLE VII. – UNSAFE STRUCTURES AND EQUIPMENT**

3 **Sec. 19-235. - Unsafe Buildings or Systems.**

4 All buildings, structures, electrical, gas, mechanical or plumbing systems or portions
5 thereof which are unsafe, unsanitary, or do not provide adequate egress, or which constitute a
6 fire hazard, or are otherwise dangerous to human life, or which in relation to existing use,
7 constitute a hazard to safety or health, are considered unsafe buildings or service systems. All
8 such unsafe buildings, structures or service systems are hereby declared illegal and shall be
9 ordered by the building official to be abated by the owner through repair and rehabilitation or by
10 demolition in accordance with the this article. The extent of repairs shall be determined by the
11 building official.

12 **Sec. 19-236. - Emergency Action; Imminent Danger.**

13 If, in the opinion of the building official, an emergency exists which involves imminent
14 danger to human life or health, or the property of others, the building official shall promptly
15 cause such building, structure, electrical, gas, mechanical or plumbing system, or portion
16 thereof, to be made safe or cause its removal. For this purpose, the building official may
17 immediately and without notice enter such structure or land on which it stands, or abutting land
18 or structures, with such assistance and at such cost as may be deemed necessary. The
19 building official may order the vacating of adjacent structures and may require the protection of
20 the public by appropriate fence or such other means as may be necessary, and for this purpose
21 may close a public or private way. All costs incurred as a result of actions taken by the building
22 official pursuant to Sec. 19-236 shall be the liability of the owner of the property upon which the
23 unsafe building is located.

24 **Sec. 19-237. - Enforcement Proceedings; Hearings.**

25 (1) Violation proceedings and hearings for unsafe structures and equipment shall be
26 conducted before the special magistrate in accordance with the provisions of this code. The

1 owner of property that is subject to an enforcement proceeding before the special magistrate
2 shall be required to make disclosures as required by Chapter 162, Florida Statutes and this
3 code, before a transfer of the property and failure to make the required disclosures creates a
4 presumption of fraud.

5 (a) If necessary, the written notification shall also require the building, structure,
6 electrical, gas, mechanical, plumbing systems or portion thereof to be vacated and/or
7 disconnected, and not reoccupied and/or reconnected until the specified repairs and
8 improvements are completed, inspected and approved by the building official.

9 (b) The building official shall post at each entrance to the building a placard stating:
10 THIS BUILDING IS UNSAFE AND ITS USE OR OCCUPANCY IS PROHIBITED BY THE
11 BUILDING OFFICIAL. This placard shall remain posted until the required repairs are made or
12 demolition is completed. It shall be unlawful for any person, firm or corporation or its officers,
13 agents or other servants, to remove the posting without written permission of the building
14 official, or for any person to enter the building, or use the building or system(s) except for the
15 purpose of making the required repairs or of demolishing same.

16 Sec. 19-238 – 19-244. – Reserved.

17 Section 3. If any section, subsection, clause or provision of this ordinance is held
18 invalid, the remainder shall not be affected by such invalidity.

19 Section 4. All ordinances and resolutions or parts of ordinances and resolutions and all
20 sections and parts of sections in conflict herewith shall be and hereby are repealed.

21 Section 5. Codification of this ordinance in the City Code of Ordinances is hereby
22 authorized and directed.

23 Section 6. This ordinance shall take effect immediately upon adoption.

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1 PASSED AND ADOPTED by the City Council of the City of Boca Raton this 13th day
2 of November 2013.

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4 CITY OF BOCA RATON, FLORIDA

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6 ATTEST:

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9 Susan S. Saxton
10 Susan S. Saxton, City Clerk

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13 Susan Whelchel
14 Susan Whelchel, Mayor

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18 Approved as to form:

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20
21 Diana Grub Frieser
22 Diana Grub Frieser
23 City Attorney

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COUNCIL VOTE			
	YES	NO	ABSTAINED
MAYOR SUSAN WHELCHER	✓	✓	
DEPUTY MAYOR SUSAN HAYNIE	✓	✓	
COUNCIL MEMBER ANTHONY MAJHESS	✓	✓	
COUNCIL MEMBER MICHAEL MULLAUGH	✓	✓	
COUNCIL MEMBER CONSTANCE J. SCOTT	✓	✓	

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