

ORDINANCE NO. 14-2007

A ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 54, OF THE CODE OF ORDINANCES, ENTITLED "BUILDINGS AND BUILDING REGULATIONS" BY AMENDING ARTICLE I, SECTION 54-7 ENTITLED "STATE BUILDING CODE ADOPTED"; AMENDING SECTION 54-8 ENTITLED "AMENDMENTS ADOPTED"; CREATING NEW CHAPTER 1 WITHIN SECTION 54-8 TO BE ENTITLED "ADMINISTRATION"; CREATING SECTION 101 TO BE ENTITLED "GENERAL"; CREATING SECTION 102 TO BE ENTITLED "APPLICABILITY"; CREATING SECTION 103 TO BE ENTITLED "BUILDING DIVISION OF THE COMMUNITY DEVELOPMENT DEPARTMENT"; CREATING SECTION 104 TO BE ENTITLED "DUTIES AND POWERS OF BUILDING OFFICIAL"; CREATING SECTION 105 TO BE ENTITLED "PERMITS"; CREATING SECTION 106 TO BE ENTITLED "CONSTRUCTION DOCUMENTS"; CREATING SECTION 107 TO BE ENTITLED "TEMPORARY STRUCTURES AND USES"; CREATING SECTION 108 TO BE ENTITLED "FEES"; CREATING SECTION 109 TO BE ENTITLED "INSPECTIONS"; CREATING SECTION 110 TO BE ENTITLED "CERTIFICATES AND BUILDING USE"; CREATING SECTION 111 TO BE ENTITLED "TESTS"; CREATING SECTION 112 TO BE ENTITLED "CONSTRUCTION BOARD OF ADJUSTMENTS AND APPEALS"; CREATING SECTION 113 TO BE ENTITLED "SEVERABILITY"; CREATING SECTION 114 TO BE ENTITLED "VIOLATION AND PENALTIES"; AMENDING ARTICLE III, DIVISION 2 BY REPEALING SECTION 54-92 ENTITLED "UNSAFE RESIDENTIAL BUILDINGS"; REPEALING SECTION 54-98 ENTITLED "PLANNING AND ZONING BOARD"; SECTION 54-129 ENTITLED "UNSAFE DWELLINGS OR STRUCTURES"; AND SECTION 54-130 ENTITLED "UNLAWFUL STRUCTURES"; AMENDING ARTICLE III ENTITLED HOUSING CODE TO CREATE NEW CODE SECTION 54-81 TO BE ENTITLED "PROPERTY MAINTENANCE STANDARDS, GENERAL"; CREATING NEW SECTION 54-82 TO BE ENTITLED "GENERAL REQUIREMENTS FOR THE EXTERIOR AND INTERIOR OF STRUCTURES"; CREATING NEW SECTION 54-83 TO BE ENTITLED "BOARDED UP BUILDINGS; HURRICANE SHUTTER REMOVAL REQUIRED "; CREATING NEW SECTION 54-84 TO BE ENTITLED "ADDITIONAL LANDSCAPE AND PROPERTY STANDARDS"; CREATING NEW SECTION 54-85 TO BE ENTITLED "SUPPLEMENTAL COMMERCIAL PROPERTY MAINTENANCE STANDARDS"; CREATING NEW SECTION 34-129 TO BE ENTITLED "RESPONSIBILITY OF OWNER"; CREATING NEW SECTION 34-130 TO BE ENTITLED "RESPONSIBILITY OF OCCUPANT"; CREATING NEW SECTION 34-131 TO BE ENTITLED "NUISANCE DECLARED"; CREATING NEW SECTION 34-132 TO BE ENTITLED "NUISANCE TO BE ABATED"; CREATING NEW SECTION 54-133 TO BE ENTITLED "PROCEDURE FOR ABATEMENT OF NUISANCE"; CREATING NEW SECTION 54-134 TO BE ENTITLED "APPEAL PROCEDURE"; PROVIDING FOR SEVERABILITY, PROVIDING FOR THE REPEAL OF

LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Article VIII, §2(b) of the Constitution of the State of Florida and Chapter 166, Florida Statutes, the Town of Lake Park, Florida (the "Town") has the governmental and corporate powers of a duly constituted municipality; and

WHEREAS, the Town Commission has adopted general provisions pertaining to Buildings and Building Regulations within the Town, which have been codified in Chapter 54 of the Town Code of Ordinances; and

WHEREAS, the Town has previously adopted the Florida Building Code and amendments to the Code by reference; and

WHEREAS, the provisions of Chapter 1 of the Florida Building Code were substantially amended during the 2005 amendments to the entire Florida Building Code; and

WHEREAS, in order for the Town to adopt the most recent provisions of Chapter 1 of the Florida Building Code, it is necessary to amend portions of Chapter 54, Article I to adopt amendments to Chapter One of the Florida Building Code as required by state law; and

WHEREAS, Town staff has recommended to the Town Commission that the Chapter 1 amendments to the Florida Building Code, be adopted as set forth herein; and

WHEREAS, the Town Commission, after due notice and public hearings, deems it to be in the interest of the public health, safety and general welfare to amend the Town's Code to amend Chapter 54, Article I, Sections 54-7 and 54-8 to adopt the Town's Chapter One amendments to the Florida Building Code, by creating Chapter 1 to be entitled "Administration", Section 101 to be entitled "General"; Section 102 to be entitled "Applicability"; Section 103 to be entitled "Building Division of the Community Development Department"; Section 104 to be entitled "Duties and Powers of Building Official"; Section 105 to be entitled "Permits"; Section

106 to be entitled "Construction Documents"; Section 107 to be entitled "Temporary Structures and Uses"; Section 108 to be entitled "Fees"; Section 109 to be entitled "Inspections"; Section 110 to be entitled "Certificates and Building Use"; Section 111 to be entitled "Tests"; Section 112 to be entitled "Construction Board of Adjustments and Appeals"; Section 113 to be entitled "Severability"; Section 114 to be entitled "Violation and Penalties" and to reserve Section 115, and to repeal Section 54-92 entitled "Unsafe residential buildings"; Section 54-98 entitled "Planning and Zoning Board"; Section 54-129 entitled "Unsafe dwellings or structures"; and Section 54-130 entitled "Unlawful structures"; of Article III; and

WHEREAS, in addition, Town Staff has recommended to the Town Commission that Chapter 54, Article III, Sections 54-81, 54-82, 54-83, 54-84, 54-85, 54-129, 54-130, 54-131, 54-132, 54-133, and 54-134 be created to provide additional property and landscape maintenance regulations, to regulate and abate nuisances, and to restrict the erection and removal of hurricane and storm shutters, plywood, and other materials used to cover, board-up, or otherwise block access to windows and doors of a building or structure.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA:

Section 1. The foregoing recitals are adopted herein as true and correct findings of fact and conclusions of law of the Town Commission.

Section 2. Chapter 54, Article I, Section 54-7 is hereby amended to read as follows:

ARTICLE I GENERALLY

Sec. 54-7. State Florida building code adopted.

There is adopted by reference as fully and to the same extent as if set out at length herein the Florida Building Code, as amended from time to time, as the minimum construction standards for the town; one copy shall be kept on file in the office of the town manager, and another copy shall be kept in the department of community development.

Section 3. Chapter 54, Article I, Section 54-8 is hereby amended to create and include the Chapter One amendments to the Florida Building Code, and creating Chapter 1 to be entitled “Administration”, Section 101 to be entitled “General”; Section 102 to be entitled “Applicability”; Section 103 to be entitled “Building Division of the Community Development Department”; Section 104 to be entitled “Duties and Powers of Building Official”; Section 105 to be entitled “Permits”; Section 106 to be entitled “Construction Documents”; Section 107 to be entitled “Temporary Structures and Uses”; Section 108 to be entitled “Fees”; Section 109 to be entitled “Inspections”; Section 110 to be entitled “Certificates and Building Use”; Section 111 to be entitled “Tests”; Section 112 to be entitled “Construction Board of Adjustments and Appeals”; Section 113 to be entitled “Severability”; Section 114 to be entitled “Violation and Penalties” and Section 115 (Reserved) are hereby created and Section 54-92 entitled “Unsafe residential buildings”; Section 54-98 entitled “Planning and zoning board”; Section 54-129 entitled “Unsafe dwellings or structures”; and Section 54-130 entitled “Unlawful structures”; of Article III, are hereby repealed to read as follows:

Sec. 54-8. Chapter one amendments Amendments adopted.

~~There is hereby adopted by reference, as fully and to the same extent as if set out at length herein, the amendments to the Florida Building Code, as amended from time to time, as part of the minimum construction standards for the town; one copy is now and has been, for the ten days preceding the adoption of the ordinance from which this section is derived, on file in the office of the town manager.~~

CHAPTER ONE ADMINISTRATION

SECTION 101
GENERAL

101.1 Title. These regulations shall be known as the *Florida Building Code*, hereinafter referred to as "this code."

101.2 Scope. The provisions of this chapter shall govern the administration and enforcement of the *Florida Building Code* and shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal

and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures as herein amended by the Town of Lake Park, Florida.

Exceptions:

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

101.2.1 Unsafe Buildings shall be abated using the International Property Maintenance Code current edition, promulgated by the International Code Commission, Inc., subject to all amendments, modifications or deletions hereinafter contained.

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

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

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

101.3.2 Permitting and inspection. The permitting or inspection of any building, system or plan by this jurisdiction, under the requirements of this code, shall not be construed in any court as a warranty of the physical condition of such building, system or plan or their adequacy. The town shall not be liable in tort for damages or hazardous or illegal condition or inadequacy in such building, system or plan, nor for any failure of any component of such, which may occur subsequent to such inspection or permitting. Further, no Building or Community Development Department employee shall be liable in tort for damages from such conditions, in accordance with Section 768.28(9) (a), Florida Statutes, as may be amended.

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

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

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

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

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

101.4.5 Residential. The provisions of the *Florida Building Code, Residential* shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height with a separate means of egress and their accessory structures.

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

101.4.7 Energy. The provisions of Chapter 13 of the *Florida Building Code, Building* shall apply to all matters governing the design and construction of buildings for energy efficiency.

101.4.8 Accessibility. For provisions related to accessibility, refer to Chapter 11 of the *Florida Building Code, Building*.

101.4.9 Existing Buildings. The provisions of the *Florida Existing Building Code* shall apply to the repair, alteration, change of occupancy, addition, and relocation of existing buildings. A building or portion of a building that has not been previously occupied or used for its intended purpose shall comply with the provisions of the *Florida Building Code* for new construction.

SECTION 102
APPLICABILITY

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

102.1.1 The *Florida Building Code* does not apply to, and no code enforcement action shall be brought with respect to, zoning requirements, land use requirements, and owner specifications or programmatic requirements which do not pertain to, and govern, the design, construction, erection, alteration, modification, repair or demolition of public or private buildings, structures or facilities, or to programmatic requirements that do not pertain to enforcement of the *Florida Building Code*. Additionally, a local code enforcement agency may not administer or enforce the *Florida Building Code*, *Building* to prevent the citing of any publicly owned facility, including, but not limited to, correctional facilities, juvenile justice facilities, or state universities, community colleges, or public education facilities, as provided by law. In addition to the requirements of this code, there may be other regulations by other agencies affecting details of development, building design and construction, such as, but not limited to:

TABLE INSET:

<u>OTHER AGENCIES</u>	<u>TOPICS REGULATED</u>
<u>Federal and State DEP</u>	<u>Wetlands and Dock Permitting</u>
<u>State Health Department</u>	<u>Wells and Septic Systems</u>
<u>Lake Park Public Safety</u>	<u>Commercial Building Security</u>
<u>Lake Park Land Development:</u>	<u>Flood Damage Prevention Ordinance</u>
	<u>Zoning Regulations</u>
<u>Lake Worth Drainage District</u> <u>South Florida Water Management District</u> <u>Palm Beach County</u>	<u>Drainage Systems</u>
<u>Florida Department Transportation</u>	<u>Drainage and Access</u>
<u>Florida DEP</u>	<u>Discharge Pollution Elimination</u>

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

Code as provided by law, and any further exemptions shall be as determined by the legislature and provided by law:

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

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

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

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

102.2.3 The building official shall apply the same standard to a moved residential building or structure as that applied to the remodeling of any comparable residential building or structure to determine whether the moved structure is substantially remodeled. The cost of the foundation on which the moved building or structure is

placed shall not be included in the cost of remodeling for purposes of determining whether a moved building or structure has been substantially remodeled.

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

102.2.5 At its own option, each enforcement district or local enforcement agency may promulgate rules granting to the owner of a single family residence one or more exemptions from the *Florida Building Code* relating to replacing non-structural components of building systems in the residence.

102.2.5.1 The resident of an existing single family dwelling shall be exempt from permitting and inspection requirements when replacing non-structural components of building systems in the residence, without connection to electric power or pressure piping. A licensed contractor performing component replacement work on residential properties shall be exempt from individual permits and inspections if under a valid Annual Permit per Section 105.1.1 of this Code and all such work is reported as required in Section 105.1.2 of this Code for compliance evaluation. But no added capacity, system expansion or new building work of any type shall be excluded from individual permit and inspection by this provision, for any person.

102.2.6 This section does not apply to swings and other playground equipment accessory to a one-or two-family dwelling except as provided for in the Town's land development regulations.

Exception: Electrical service to any playground equipment shall be in accordance with Chapter 27 of this code.

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

102.4 Referenced codes and standards. The codes and standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and referenced codes and standards, the provisions of this code shall apply.

102.5 Reserved.

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

102.7 Relocation of manufactured buildings.

- (1) Relocation of an existing manufactured building does not constitute an alteration.
- (2) A relocated building shall comply with wind speed requirements of the new location, using the appropriate wind speed map. If the existing building was manufactured in compliance with the *Standard Building Code* (prior to March 1, 2002), the wind speed map of the *Standard Building Code* shall be applicable. If the existing building was manufactured in compliance with the *Florida Building Code* (after March 1, 2002), the wind speed map of the *Florida Building Code* shall be applicable.

102.8 Rules of Construction. The rules set out in this section shall be observed, unless such construction is inconsistent with the manifest intent of this chapter. The rules of construction and definitions set out here shall not be applied to any section of this chapter which contains any express provisions excluding such construction, or where the subject matter or content of such section would be inconsistent with this section.

102.8.1 Generally. All provisions, terms, phrases and expressions contained in this division shall be liberally construed in order that the true intent and meaning of the administration of the jurisdiction may be fully carried out. Terms used in this division, unless otherwise specifically provided, shall have the meanings prescribed by the statutes of this state for the same terms.

102.8.2 Text. In case of any difference of meanings or implication between the text of this division and any figure, the text shall control.

102.8.3 Delegation of authority. Whenever a provision appears requiring the building official or some other officer or employee to do some act or perform some duty, it is to be construed to authorize the building official or other officer to designate, delegate and authorize professional level subordinates to perform the required act or duty unless the terms of the provision or section specify otherwise.

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

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

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

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

102.8.8 Interpretation. Interpretations of this chapter shall be made by the building official.

102.9 Words Defined

Abandon or abandonment. (1) Termination of a construction project by a contractor without just cause or proper notification to the owner including the reason for termination. (2) Failure of a contractor to perform work without just cause for ninety (90) days. (3) Failure to obtain an approved inspection within one hundred eighty (180) days from the previous approved inspection.

Appraised value. For the purpose of this section, appraised value is defined as either (1) one hundred and twenty (120) percent of the assessed value of the structure as indicated by the Palm Beach County Property Appraiser's Office or (2) the value as indicated in a certified appraisal from a certified appraiser.

Assessed value. The value of real property and improvements thereon as established by the Palm Beach County Property Appraiser.

Authorized agent. A person specifically authorized by the holder of a certificate of competency to obtain permits in his stead.

Basis Wind Speed Line. The basic wind speed line for the jurisdiction shall be as established by the wind speed contour map attached to, and made part of, this chapter is applicable.

Board. The Town of Lake Park Board of Adjustments and Appeals, unless otherwise specifically stated herein or unless the Town contracts with another local government through an interlocal or other agreement to use another local government's board to function as the Town's board.

Building official. The Town's building official or his/her authorized designee.

Building shell. The structural components that completely enclose a building, including, but not limited to, the foundation, structural frame, floor slabs, exterior walls and roof system.

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

Certificate of occupancy (C.O.). An official document evidencing that a building satisfies the requirements of the jurisdiction for the occupancy of a building.

Certificate of Completion (C.C.). An official document evidencing that a building satisfies the requirements of the jurisdiction for the completions of a building.

Change of occupancy. A change from the *Florida Building Code* occupancy classification or sub classification to another.

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

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

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

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

Inspection warrant. A court order authorizing the official or his designee to perform an inspection of a particular property named in the warrant.

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

Permit. An official document authorizing performance of a specific activity regulated by this chapter.

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

Site. The physical clearing of the site in preparation for foundation work including, but not limited to, site clearing, excavation, dewatering, pilings and soil testing activities.

SECTION 103

BUILDING DIVISION OF COMMUNITY DEVELOPMENT DEPARTMENT

103.1 Establishment. There is hereby established a department to be called the community development department which shall include a building division and the person in charge of the building division shall be known as the building official. All code officials employed by the community development department shall be certified in accordance with Chapter 468, Part XII, Florida Statutes.

103.2 Employee qualifications

103.2.1 Building official's qualifications. The building official shall have at least ten years combined experience as an architect, engineer, construction code official, contractor, or construction superintendent, with at least five years of such experience in supervisory positions. The building official shall be certified (active and in good standing) as a building official or building code administrator by the State of Florida.

103.2.2 Chief inspector qualifications. The building official, with the approval of the Town Manager, may designate chief inspectors to administer the provisions of the Building, Electrical, Gas, Mechanical, Plumbing, Residential, and Existing Building Codes. Each chief inspector shall have at least ten years combined experience as an architect, engineer, construction code official, contractor, or construction superintendent with at least five years of such experience in supervisory positions.

103.2.3 Plans examiner and inspector qualifications. The building official, with the approval of the Town Manager, may appoint or hire such number of officers, plans examiners, inspectors, assistants and other employees as shall be authorized from time to time. A person shall not be appointed or hired as a plans examiner or inspector of construction who has not had at least five years experience as a building inspector, engineer, architect, or as a superintendent, foreman, or competent mechanic in charge of construction, in the corresponding trade. The plans examiners and inspectors shall be certified, through the State of Florida for the appropriate trade.

103.2.4 Deputy building official qualifications. The building official may designate as a deputy an employee in the community development department who shall, during the absence or disability of the building official, exercise all the powers of the building official. The deputy building official shall have the same qualifications listed in 103.2.1.

103.3 Restrictions on employees. An officer or employee connected with the community development department, except one whose only connection is as a member of the board established by this code, shall not be financially interested in the furnishing of labor, material, or appliances for the construction, alteration, or maintenance of a building, structure, service, system, or in the making of plans or of specifications thereof, unless he/she is the owner of such. This officer or employee shall not engage in any other work which is inconsistent with their duties or conflict with the interests of the community development department.

103.4 Records. The building official shall keep, or cause to be kept, a record of the business of the community development department. The records of the community development department shall be open to public inspection.

103.5 Reports. The building official may submit annually a report covering the work of the community development department during the preceding year. He/she may incorporate in said report a summary of the decisions of the Construction Board of Adjustments and Appeals during said year.

SECTION 104 **DUTIES AND POWERS OF BUILDING OFFICIAL**

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

104.2 Right of entry.

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

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

104.3 Stop work orders. Upon notice from the building official, work on any building, structure, electrical, gas, mechanical or plumbing system that is being done contrary to the provisions of this code or in a dangerous or unsafe manner, shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to their agent, or to the person doing the work, and shall state the conditions under which work may be resumed. Where an emergency exists, the building official shall not be required to give a written notice prior to stopping the work.

104.4 Revocation of permits

104.4.1 Misrepresentation of application. The building official may revoke a permit or approval, issued under the provisions of this code, in case there has been any false statement or misrepresentation as to the material fact in the application or plans on which the permit or approval was based.

104.4.2 Violation of code provisions. The building official or his designee may revoke a permit upon determination by the building official that the construction, erection, alteration, repair, moving, demolition, installation, or replacement of the building, structure, electrical, gas, mechanical or plumbing systems for which the permit was issued is in violation of, or not in conformity with, the provisions of this code and all other pertinent laws and ordinances as adopted by the State of Florida, the Town of Lake Park, or any agency with jurisdiction.

104.5 Unsafe buildings or systems. All buildings, structures, electrical, gas, mechanical or plumbing systems which are unsafe, unsanitary, or do not provide adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use, constitute a hazard to safety or health, are considered unsafe buildings or service systems. All such unsafe buildings, structures or service systems are hereby declared illegal and shall be abated by repair and rehabilitation or by demolition in accordance with this code. The extent of repairs shall be determined by the building official.

When the building official or his designee determines that an unsafe building, structure or service system cannot be reasonably repaired in accordance with this or the technical codes, it shall be demolished in accordance with this section.

104.5.1 When the building official or his designee determines a building, structure, electrical, gas, mechanical or plumbing system or portion thereof is unsafe, as set forth in this code he/she shall, in accordance with established procedure for legal notices, give the owner, agent or person in control of such building, structure, electrical, gas, mechanical or plumbing system written notice stating the defects thereof. This notice shall require the owner within a stated time either to complete specified repairs or improvements, or to demolish and remove the building, structure, electrical, gas, mechanical or plumbing system or portion thereof.

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

104.5.3 The owner, agent or person in control shall have the right to appeal from the decision of the building official, as provided hereinafter, and to appear before the Construction Board of Adjustments and Appeals at a specified time and place to show cause why he should not comply with said notice.

104.5.4 In case the owner, agent, or person in control cannot be found within the stated time limit, or, if such owner, agent, or person in control shall fail, neglect, or refuse to comply with notice to repair, rehabilitate, or to demolish, and remove said building, structure, electrical, gas, mechanical or plumbing system or portion thereof, the building official, after having ascertained the cost, shall cause such building, structure, electrical, gas, mechanical or plumbing system or portion thereof, to be demolished, secured, or required to remain vacant or unused.

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

104.5.6 Costs incurred under 104.5.4 and 104.5.5 shall be charged to the owner of the premises involved. If charges are not paid within a ten (10) day period following the billing notification sent by certified mail, the owner of the premises will be charged in the following manner:

1. The building official shall assess the entire cost of such vacation, demolition, or removal against the real property upon which such cost was incurred, which assessment shall include but not be limited to, all administrative costs specifically including professional and legal fees and expenses, postal expenses, newspaper publication, and shall constitute a lien upon such property superior to all others except taxes.

2. The Clerk of the Circuit Court shall file such lien in Palm Beach County's Official Record Book showing the nature of such lien, the amount thereof and an accurate legal description of the property, including the street address, which lien shall be effective from the date of filing and recite the names of all persons notified and interested persons. After three (3) months from the filing of any such lien which remains unpaid, the Town may foreclose the lien in the same manner as mortgage liens are foreclosed. Such lien shall bear interest from date of abatement of nuisance at the rate of eleven (11) percent per annum or at the current statutory rate, whichever is greater, and shall be enforceable if unsatisfied as other liens may be enforced by the Town.

104.6 Requirements not covered by code. Any requirements necessary for the strength, stability or proper operation of an existing or proposed building, structure, electrical, gas, mechanical or plumbing system, or for the public safety, health and general welfare, not specifically covered by this or the other technical codes, shall be determined by the building official. In addition, other requirements to implement, clarify or set procedures to accomplish the intent of this code may be set in writing by the building official and may be posted electronically for public access.

104.7 Reserved.

104.8 Reserved.

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

104.9.1 Used materials and equipment. The use of used materials which meet the requirements of this code for new materials is permitted. Used equipment and devices shall not be reused unless approved by the building official.

104.10 Reserved.

104.11 Alternative materials, design and methods of construction and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the building official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety. When alternate life safety systems are designed, the *SFPE Engineering Guide to Performance-Based Fire Protection Analysis and Design of Buildings*, or other methods approved by the building official may be used. The building official shall require that sufficient evidence or proof be submitted to substantiate any claim made regarding the alternative.

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

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

104.11.3 Accessibility. Alternative designs and technologies for providing access to and usability of a facility for persons with disabilities shall be in accordance with Section 11.2.2.

SECTION 105
PERMITS

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

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

105.2 Work exempt from permit. Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code. Permits shall not be required for the following:

Building:

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

Gas:

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

Mechanical:

1. Portable heating appliance.
2. Portable ventilation equipment.
3. Portable cooling unit.
4. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.
5. Replacement of any part which does not alter its approval or make it unsafe.
6. Portable evaporative cooler.
7. Self-contained refrigeration system containing 10 pounds (4.54 kg) or less of refrigerant and actuated by motors of 1 horsepower (746 W) or less.
8. The installation, replacement, removal or metering of any load management control device.

Plumbing:

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

Electrical:

1. Repair or replacement of common household electrical switches and outlets on the load side of the electrical source.

105.2.1 Emergency repairs. Where equipment replacements and repairs must be performed in an emergency situation, the permit application shall be submitted within the

next working business day to the building official. Prior notification shall be given to the building official including the work address, nature of emergency and scope of work.

105.2.2 Minor repairs. Ordinary minor repairs or installation of replacement parts may be made with the prior approval of the building official without a permit, provided the repairs do not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load-bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; additionally, ordinary minor repairs shall not include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring systems or mechanical equipment or other work affecting public health or general safety, and such repairs shall not violate any of the provisions of the technical codes.

105.2.2 Reserved.

105.3 Application for permit. To obtain a permit, the applicant shall first file an application therefore in writing on a form furnished by the community development department for that purpose. Permit application forms shall comply with the requirements of Section 713.135(5) and (6), Florida Statutes.

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

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

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

105.3.1.2 No permit may be issued for any building construction, erection, alteration, modification, repair, or addition unless the applicant for such permit

provides to the enforcing agency which issues the permit any of the following documents which apply to the construction for which the permit is to be issued and which shall be prepared by or under the direction of an engineer registered under Chapter 471, Florida Statutes:

1. Electrical documents for any new building or addition which requires an aggregate service capacity of 600 amperes (240 volts) or more on a residential electrical system or 800 amperes (240 volts) or more on a commercial or industrial electrical system and which costs more than \$50,000.

2. Plumbing documents for any new building or addition which requires a plumbing system with more than 250 fixture units or which costs more than \$50,000.

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

4. Heating, ventilation, and air-conditioning documents for any new building or addition which requires more than a 15-ton-per-system capacity which is designed to accommodate 100 or more persons or for which the system costs more than \$50,000. This paragraph does not include any document for the replacement or repair of an existing system in which the work does not require altering a structural part of the building or for work on a residential one, two, three or four-family structure.

An air-conditioning system may be designed by an installing air-conditioning contractor certified under Chapter 489, Florida Statutes, to serve any building or addition which is designed to accommodate fewer than 100 persons and requires an air-conditioning system with a value of \$50,000 or less; and when a 15-ton-per system or less is designed for a singular space of a building and each 15-ton system or less has an independent duct system. Systems not complying with the above require design documents that are to be sealed by a professional engineer.

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

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

NOTE: It was further clarified by the Florida Building Commission that the limiting criteria of 100 persons and \$50,000 apply to the building occupancy load and the cost for the total air-conditioning system of the building.

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

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

105.3.2 Time limitation of application. An application for a permit for any proposed work shall be deemed to have been abandoned six months after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the building official is authorized to grant one or more extensions of time for additional periods not exceeding 90 days each. The extension shall be requested in writing prior to the abandonment date and justifiable cause demonstrated. Abandoned applications shall be subject to destruction in accordance with state law.

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

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

105.3.5 Identification of minimum premium policy. Except as otherwise provided in Chapter 440, Florida Statutes, Workers' Compensation, every employer shall, as a condition to receiving a building permit, show proof that it has secured compensation for its employees as provided in Section 440.10 and 440.38, Florida Statutes.

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

agency shall provide the person with a disclosure statement in substantially the following form:

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

105.4 Conditions of the permit.

105.4.1 Permit intent. A permit issued shall be construed to be a license to proceed with the work and not as authority to violate, cancel, alter or set aside any of the provisions of the technical codes, nor shall issuance of a permit prevent the building official from thereafter requiring a correction of errors in plans, construction or violations of this code. Every permit issued shall expire unless the work authorized by such permit is commenced within six months after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of six months after the time the work is commenced. Permits issued for the demolition of a structure shall expire sixty days from the date of issuance. For a justifiable cause, one extension of time for a period not exceeding thirty days may be allowed. Such request shall be in writing to the building official.

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

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

105.4.1.3 Work shall be considered to be in active progress when the permit has received an approved inspection within six months. This provision shall not be applicable in case of civil commotion or strike or when the building work is halted due directly to judicial injunction, order or similar process. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 90 days each. The extension shall be requested in writing and justifiable cause demonstrated, prior to expiration.

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

105.5 Reserved.

105.6 Reserved.

105.7 Placing of permit. Work requiring a permit shall not commence until the permit holder or his agent places the permit card and all related documents in a conspicuous place on the premises. The permit and all related documents shall be protected from the weather and located in such position as to allow the building official or representative to conveniently make the required entries thereon. The permit and all related documents shall be maintained in such position by the permit holder until the Certificate of Occupancy or Completion is issued by the building official.

105.8 Notice of commencement. As per Section 713.135, Florida Statutes, when any person applies for a building permit, the authority issuing such permit shall print on the face of each permit card in no less than 18-point, capitalized, boldfaced type: "WARNING TO OWNER: YOUR FAILURE TO RECORD A NOTICE OF COMMENCEMENT MAY RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY. IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN ATTORNEY BEFORE RECORDING YOUR NOTICE OF COMMENCEMENT."

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

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

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

105.12 Work starting before permit issuance. Upon written request and written approval of the building official, the scope of work delineated in the building permit application and plan may be started prior to the final approval and issuance of the permit, provided any work completed is entirely at risk of the permit applicant and the work does not proceed past the first required inspection. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the building official's approval or the necessary permits, shall be subject to a penalty of two hundred percent (200%) of the regular permit fee in addition to the required permit fees..

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

105.14 Affidavits. The building official may accept a sworn affidavit from a registered architect or engineer stating that the plans submitted conform to the technical codes. For buildings and structures, the affidavit shall state that the plans conform to the laws as to egress, type of construction and general arrangement and, if accompanied by drawings, show the structural design and that the plans and design conform to the requirements of the technical codes as to strength, stresses, strains, loads and stability. The building official may without any examination or inspection accept such affidavit, provided the architect or engineer who made such affidavit agrees to submit to the building official copies of inspection reports as inspections are performed and upon completion of the structure, electrical, gas, mechanical or plumbing systems a certification that the structure, electrical, gas, mechanical or plumbing system has been erected in accordance with the approved plans, specifications, and the requirements of the technical codes. Where the building official relies upon such affidavit, the architect or engineer shall assume full responsibility for compliance with all provisions of the technical codes and other pertinent laws or ordinances. The building official shall ensure that any person conducting plans review is qualified as a plans examiner under Part XII of Chapter 468, Florida Statutes, and that any person conducting inspections is qualified as a building inspector under Part XII of Chapter 468, Florida Statutes. Nothing aforesaid shall preclude plan review or inspections by the building official.

SECTION 106 **CONSTRUCTION DOCUMENTS**

106.1 Submittal documents. Construction documents, special inspection and structural observation programs, and other data shall be submitted in two or more sets with each application for a permit. The construction documents shall be prepared by a design professional

where required by the statutes. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a design professional.

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

If the design professional is an architect or engineer legally registered under the laws of this state regulating the practice of architecture as provided for in Chapter 481, Florida Statutes, Part I, or engineering as provided for in Chapter 471, Florida Statutes, then he or she shall affix his or her official seal, original signature and date to said drawings, specifications and accompanying data, as required by Florida Statute. If the design professional is a landscape architect registered under the laws of this state regulating the practice of landscape architecture as provided for in Chapter 481, Florida Statutes, Part II, then he or she shall affix his or her seal, original signature and date to said drawings, specifications and accompanying data as defined in Section 481.303(6)(a)(b)(c)(d), FS.

106.1.1 Information on construction documents. Construction documents shall be dimensioned and drawn upon suitable material. Electronic media documents are permitted to be submitted when approved by the building official. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations, as determined by the building official (see also Section 106.3.5).

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

106.1.1.2 For roof assemblies required by the code, the construction documents shall illustrate, describe, and delineate the type of roofing system, materials, fastening requirements, flashing requirements and wind resistance rating that are required to be installed. Product evaluation and installation shall indicate compliance with the wind criteria required for the specific site or a statement by an architect or engineer for the specific site must be submitted with the construction documents.

106.1.2 Additional data. The building official may require details, computations, stress diagrams, and other data necessary to describe the construction or installation and the basis of calculations. All drawings, specifications and accompanying data required by the building official to be prepared by an architect or engineer shall be affixed with their official seal, original signature and date as state law requires.

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

106.2 Reserved.

106.3 Examination of documents. The building official shall examine or cause to be examined the accompanying construction documents and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of this code and other pertinent laws or ordinances.

Exceptions:

1. Building plans approved pursuant to Section 553.77(6), Florida Statutes, and state-approved manufactured buildings are exempt from local codes enforcing agency plan reviews except for provisions of the code relating to erection, assembly or construction at the site. Erection, assembly (including utility crossover connections) and construction at the site are subject to local permitting and inspections.

2. Industrial construction on sites where design, construction and fire safety are supervised by licensed design and inspection professionals and which contain adequate in-house fire departments and rescue squads is exempt, subject to approval of the building official, from review of plans and inspections, providing the appropriate licensed design and inspection professionals certify that applicable codes and standards have been met and supply appropriate approved drawings to local building and fire-safety inspectors.

106.3.1 Approval of construction documents. When the building official issues a permit, the construction documents shall be endorsed, in writing or by stamp, as "Reviewed for Code Compliance." One set of construction documents so reviewed shall be retained by the building official. The other set shall be returned to the applicant, shall be kept at the site of work and shall be open to inspection by the building official or a duly authorized representative.

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

106.3.3 Product approvals. Those products which are regulated by the Department of Community Affairs ("DCA") Rule 9B-72 shall be reviewed and approved in writing by the designer of record prior to submittal for jurisdictional approval.

106.3.4 Reserved.

106.3.4.1 Reserved.

106.3.4.2 Reserved.

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

106.3.5 Minimum plan review criteria for buildings. The examination of the documents by the building official shall include the following minimum criteria and documents: a floor plan; site plan; foundation plan; floor/roof framing plan or truss layout; and all exterior elevations:

106.3.5.1 Commercial Buildings:

106.3.5.1.1 Building

1. Site requirements:

Parking

Fire access

Vehicle loading

Driving/turning radius

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

Set back/separation (assumed property lines)

Location of specific tanks, water lines and sewer lines

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

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

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

Fire-resistant separations

Fire-resistant protection for type of construction

Protection of openings and penetrations of rated walls

Fire blocking and draftstopping and calculated fire resistance

5. Fire suppression systems shall include:

Early warning smoke evacuation systems

Schematic fire sprinklers

Standpipes

Pre-engineered systems

Riser diagram

Same as above.

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

Occupant load and egress capacities

Early warning

Smoke control

Stair pressurization

Systems schematic

7. Occupancy load/egress requirements shall include:

Occupancy load

Gross

Net

Means of egress

Exit access

Exit

Exit discharge

Stairs construction/geometry and protection

Doors

Emergency lighting and exit signs

Specific occupancy requirements

Construction requirements

Horizontal exits/exit passageways

8. Structural requirements shall include:

Soil conditions/analysis

Termite protection

Design loads

Wind requirements

Building envelope

Structural calculations (if required)

Foundation

Wall systems

Floor systems

Roof systems

Threshold inspection plan

Stair systems

9. Materials shall be reviewed and shall at a minimum include the following:

Wood

Steel

Aluminum

Concrete

Plastic
Glass
Masonry
Gypsum board and plaster
Insulating (mechanical)
Roofing
Insulation

10. Accessibility requirements shall include the following:

Site requirements
Accessible route
Vertical accessibility
Toilet and bathing facilities
Drinking fountains
Equipment
Special occupancy requirements
Fair housing requirements

11. Interior requirements shall include the following:

Interior finishes (flame spread/smoke development)
Light and ventilation
Sanitation

12. Special systems:

Elevators
Escalators
Lifts

106.3.5.1.2 Electrical

1. Electrical:

Wiring
Services
Feeders and branch circuits
Over current protection
Grounding
Wiring methods and materials
GFCIs

2. Equipment

3. Special occupancies

4. Emergency systems

5. Communication systems

6. Low voltage

7. Load calculations

106.3.5.1.3 Plumbing

1. Minimum plumbing facilities

2. Fixture requirements

3. Water supply piping

4. Sanitary drainage

5. Water heaters

6. Vents

7. Roof drainage

8. Back flow prevention

9. Irrigation

10. Location of water supply line

11. Grease traps

12. Environmental requirements

13. Plumbing riser

106.3.5.1.4 Mechanical

1. Energy calculations

2. Exhaust systems:

Clothes dryer exhaust

Kitchen equipment exhaust

Specialty exhaust systems

3. Equipment

4. Equipment location

5. Make-up air

6. Roof-mounted equipment

7. Duct systems
8. Ventilation
9. Combustion air
10. Chimneys, fireplaces and vents
11. Appliances
12. Boilers
13. Refrigeration
14. Bathroom ventilation
15. Laboratory

106.3.5.2 Gas

1. Gas piping
2. Venting
3. Combustion air
4. Chimneys and vents
5. Appliances
6. Type of gas
7. Fireplaces
8. LP tank location
9. Riser diagram/shutoffs

106.3.5.3 Demolition

1. Asbestos removal

106.3.5.4 Residential (one- and two-family)

1. Site requirements
Set back/separation (assumed property lines)
Location of septic tanks

2. Fire-resistant construction (if required)

3. Smoke detector locations

4. Egress:
Egress window size and location
stairs construction requirements

5. Structural requirements shall include:
Wall section from foundation through roof, including assembly and materials
connector tables wind requirements structural calculations (if required)

6. Accessibility requirements: Show/identify accessible bath

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

8. Mechanical:
Energy calculations, Equipment and location, Duct systems

9. Plumbing
Plumbing rise

106.3.5.5 Swimming pools: Barrier requirements, Spas, Wading pools

106.3.5.6 Exemptions. Plans examination by the building official shall not be required for the following work:

1. Replacing existing equipment such as mechanical units, water heaters, etc.

2. Minor electrical, plumbing and mechanical repairs

3. Prototype plans
Except for local site adaptations, siding, foundations and/or modifications.
Except for structures that require waiver.

4. Manufactured buildings plans except for foundations of buildings which are constructed on site.

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

106.5 Retention of construction documents. One set of approved construction documents shall be retained by the building official as required by Florida Statutes.

106.6 Reserved.

SECTION 107 TEMPORARY STRUCTURES AND USES

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

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

107.3 Temporary power. The building official is authorized to give permission to temporarily supply and use power in part of an electric installation before such installation has been fully completed and the final certificate of completion has been issued. The part covered by the temporary certificate shall comply with the requirements specified for temporary lighting, heat or power in Chapter 27 of the *Florida Building Code, Building*.

107.4 Termination of approval. The building official is authorized to terminate a permit for a temporary structure or use, and to order the temporary structure or use to be discontinued.

SECTION 108 FEES

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

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

108.2.1 Types of Fees Enumerated. Fees may be charged for but not limited to the following:

- Permits
- Plans Examination
- Inspection
- Certificates of Competency (including fees for applications, examinations, renewal late renewal)

- Impact fees
- Planning and Zoning review fees
- Administrative fees
- Variance requests
- Administrative appeals
- Violations
- Other fees established by local ordinance

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

108.4 Work commencing before permit issuance. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the building official's approval or the necessary permits shall be subject to a penalty fee in addition to the required permit fees, as set in approved schedule of fees. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the building official's approval or the necessary permits, shall be subject to a penalty of two hundred percent (200%) of the regular permit fee in addition to the required permit fees..

108.5 Reserved.

108.6 Reserved.

SECTION 109 **INSPECTIONS**

109.1 General. Construction or work for which a permit is required shall be subject to inspection by the building official and such construction or work shall remain accessible and exposed for inspection purposes until approved. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid. It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. The building official shall be permitted to require a boundary line survey prepared by a qualified surveyor whenever the boundary lines cannot be readily determined in the field. Neither the building official nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

109.1.2 Inspection Service. The building official may make, or cause to be made, the inspections required by Section 109. He or she may accept reports of inspectors, independent inspectors or of recognized inspection services, provided that after investigation he/she is satisfied as to their licensure, Qualifications and reliability. A certificate required by any provision of this code shall not be based on such reports unless the same are recorded by the building code inspector or the architect or engineer performing building code inspections in a manner specified by the building official. The building official shall ensure that all persons making such inspections shall be licensed in accordance to Part XII Chapter 468 Florida Statutes.

109.1.3 Resident Inspection Services. The building official may require the owner to employ an inspection service who although compensated by the owner shall report to the building official. Such inspectors shall be adequately present at times work is underway on the structural elements of the building. Such inspectors shall be a registered architect, or engineer, or a person licensed under Chapter 468, Part XII, Florida Statutes. Such inspectors shall submit weekly progress reports including the daily inspections to the building official, and including a code compliance opinion of the Resident Inspector. At the completion of the construction work or project, such inspectors shall submit a certificate of compliance to the building official, stating that the work was done in compliance with this code and in accordance with the permitted drawings and specifications. Final inspection shall be made by the building official before a Certificate of Occupancy or Certificate of Completion is issued; and confirmation inspections may be made at any time to monitor activities and resident inspectors.

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

109.2.1 Existing building inspections. Before issuing a permit, the building official may examine or cause to be examined any building, electrical, gas, mechanical, or plumbing systems for which an application has been received for a permit to enlarge, alter, repair, move, demolish, install, or change the occupancy. He/she may inspect the buildings, structures, electrical, gas, mechanical and plumbing systems, from time to time, before, during and upon completion of the work for which a permit was issued. He/she shall make a record of every such examination and inspection and of all observed violations of the technical codes. Additional regulations in Chapter 34 of this code may apply.

109.2.2 Manufacturers and fabricators. When deemed necessary by the building official, he/she shall make, or cause to be made, an inspection of materials or assemblies at the point of manufacture or fabrication. A record shall be made of every such examination and inspection and of all violations of the technical codes.

109.3 Required inspections. The building official upon notification from the permit holder or his or her agent shall make the following inspections, and such other inspections as deemed necessary, and shall either release that portion of the construction or shall notify the permit holder or his or her agent of any violations which must be corrected in order to comply with the

technical codes. The building official shall determine the timing and sequencing of when inspections occur and what elements are inspected at each inspection. A complete survey, or special purpose survey may be required before an inspection is approved.

A. Building.

1. Foundation inspection. To be made after trenches are excavated and forms erected and shall at a minimum include the following building components:

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

1.1 Slab Inspection: To be made after the reinforcement is in place, all concealed conduit, piping, ducts and vents are installed and the electrical, plumbing and mechanical work is complete. Slab shall not be poured until all required inspections have been made and passed.

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

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

- Window/door framing and installation
- Vertical cells/columns
- Lintel/tie beams (including truss layout and Engineered drawings)
- Framing/trusses/bracing/connectors
- Draft stopping/fire blocking
- Curtain wall framing
- Energy insulation
- Accessibility.

3. Insulation Inspection: To be made after the framing inspection is approved and the insulation is in place.

4. Gypsum Board Nailing Inspection

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

- Roof sheathing
- Wall sheathing

- Sheathing fasteners
- Roof/wall dry-in
- Sheathing/cladding inspection
- Window/door buck attachment

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

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

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

8. Swimming pool inspection.

- First inspection to be made after excavation and installation of reinforcing steel, bonding and main drain and prior to placing of concrete shell.
- Underground electric inspection
- Underground plumbing inspection including a pressure test
- Deck Inspection to be made prior to installation of the deck material (with forms, deck drains, and any reinforcement in place)
- Final inspections are to be made when the swimming pool is complete and all required enclosure requirements are in place.
In order to pass final inspection and receive a certificate of completion, a residential swimming pool must meet the requirements relating to pool safety features as described in Section 424.2.17.
- Final electric inspection to be made prior to filling the swimming pool with water.
- Final permanent barrier inspection to be made prior to filling the swimming pool with water.

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

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

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

B. Electrical.

1. Underground inspection (including bonding and ground). To be made after trenches or ditches are excavated, conduit or cable installed, and before any backfill is put in place.
2. Rough-in inspection. To be made after the roof, framing, fire blocking and bracing is in place and prior to the installation of wall or ceiling membranes.
3. Low Voltage: To be made for security, alarm, elevator, and special uses prior to being covered from view.
4. Final inspection. To be made after the building is complete, all required electrical fixtures are in place and properly connected or protected, and the structure is ready for occupancy.

C. Plumbing.

1. Underground inspection. To be made after trenches or ditches are excavated, piping installed, and before any backfill is put in place.
2. Rough-in inspection. To be made after the roof, framing, fire blocking and bracing is in place and all soil, waste and vent piping is complete, and prior to this installation of wall or ceiling membranes.
3. Final inspection. To be made after the building is complete, all plumbing fixtures are in place and properly connected, and the structure is ready for occupancy.

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

D. Mechanical.

1. Underground inspection. To be made after trenches or ditches are excavated, underground duct and fuel piping installed, and before any backfill is put in place.
2. Rough-in inspection. To be made after the roof, framing, fire blocking and bracing are in place and all ducting, and other concealed components are complete, and prior to the installation of wall or ceiling membranes.
3. Final inspection. To be made after the building is complete, the mechanical system is in place and properly connected, and the structure is ready for occupancy.

E. Gas.

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

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

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

F. Site Debris.

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

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

109.3.1 Written release. Work shall not be done on any part of a building, structure, electrical, gas, mechanical or plumbing system beyond the point indicated in each successive inspection without first obtaining a written release from the building official. Such written release shall be given only after an inspection has been made of each successive step in the construction or installation as indicated by each of the foregoing three inspections.

109.3.2 Reserved.

109.3.3 Reinforcing steel and structural frames. Reinforcing steel or structural framework of any part of any building or structure shall not be covered or concealed without first obtaining a release from the building official. Certification that field welding and structural bolted connections meet design requirements shall be submitted to the building official, upon request.

109.3.4 Termites. Building components and building surroundings required to be protected from termite damage in accordance with Section 1503.6, Section 2304.13 or Section 2304.11.6, specifically required to be inspected for termites in accordance with Section 2114, or required to have chemical soil treatment in accordance with Section 1816 shall not be covered or concealed until the release from the building official has been received.

109.3.5 Shoring. For threshold buildings, shoring and associated formwork or false work shall be designed and inspected by a Florida licensed professional engineer,

employed by the permit holder or subcontractor, prior to any required mandatory inspections by the threshold building inspector.

109.3.6 Threshold building.

109.3.6.1 The enforcing agency shall require a special inspector to perform structural inspections on a threshold building pursuant to a structural inspection plan prepared by the engineer or architect of record. The structural inspection plan must be submitted to the enforcing agency prior to the issuance of a building permit for the construction of a threshold building. The purpose of the structural inspection plans is to provide specific inspection procedures and schedules so that the building can be adequately inspected for compliance with the permitted documents.

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

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

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

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

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

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

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

109.3.6.5 No enforcing agency may issue a building permit for construction of any threshold building except to a licensed general contractor, as defined in Section 489.105(3)(a), Florida Statutes, or to a licensed building contractor, as defined in Section 489.105(3)(b), Florida Statutes, within the scope of her or his license. The named contractor to whom the building permit is issued shall have the responsibility for supervision, direction, management and control of the construction activities on the project for which the building permit was issued.

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

109.3.8 Plaster fire protection. In all buildings where plaster is used for fire protection purposes, the permit holder or his agent shall notify the building official after all lathing and backing is in place. Plaster shall not be applied until the release from the building official has been received.

109.3.9 Fire resistant joints and penetrations. The protection of joints and penetrations in required fire resistant construction assemblies shall not be covered or concealed from view without first obtaining a release from the building official.

109.3.10 Impact of construction. All construction activity regulated by this code shall be performed in a manner so as not to adversely impact the condition of adjacent property, unless such activity is permitted to affect said property pursuant to a consent granted by the applicable property owner, under terms or conditions agreeable to the applicable property owner. This includes, but is not limited to, the control of dust, noise,

water or drainage run-offs, debris, and the storage of construction materials. New construction activity shall not adversely impact legal historic surface water drainage flows serving adjacent properties, and may require special drainage design complying with engineering standards to preserve the positive drainage patterns of the affected sites. Accordingly, developers, contractors and owners of all new residential development, including additions, pools, patios, driveways, decks or similar items, on existing properties resulting in a significant decrease of permeable land area on any parcel or has altered the drainage flow on the developed property shall, as a permit condition, provide a professionally prepared drainage plan clearly indicating compliance with this paragraph. Upon completion of the improvement, a certification from a licensed engineer shall be submitted to the inspector in order to receive approval of the final inspection.

109.4 Inspections prior to issuance of Certificate of Occupancy or Completion. The building official shall inspect or cause to be inspected, at various intervals, all construction or work for which a permit is required, and a final inspection shall be made of every building, structure, electrical, gas, mechanical or plumbing system upon completion, prior to the issuance of the Certificate of Occupancy or Certificate of Completion.

109.5 Inspection requests. It shall be the duty of the holder of the building permit or their duly authorized agent to notify the building official when work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspections of such work that are required by this code.

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

SECTION 110 **CERTIFICATES AND BUILDING USE**

110.1 Certificate of Occupancy.

110.1.1 Building occupancy. A new building shall not be occupied or a change made in the occupancy, nature or use of a building or part of a building until after the building official has issued a Certificate of Occupancy. Said certificate shall not be issued until all required electrical, gas, mechanical, plumbing and fire protection systems have been inspected for compliance with the technical codes and other applicable laws and ordinances and released by the building official. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction.

110.1.2 Issuing Certificate of Occupancy. Upon satisfactory completion of construction of a building or structure and installation of electrical, gas, mechanical and plumbing systems in accordance with the technical codes, reviewed plans and specifications, and after the final inspection, the building official shall issue a Certificate of Occupancy that contains the following:

1. The building permit number.
2. The address of the structure.
3. The name and address of the owner.
4. A description of that portion of the structure for which the certificate is issued.
5. A statement that the described portion of the structure has been inspected for compliance with the requirements of this code for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.
6. The name of the building official.
7. The edition of the code under which the permit was issued.
8. The use and occupancy, in accordance with the provisions of Chapter 3.
9. The type of construction as defined in Chapter 6.
10. The design occupant load.
11. If an automatic sprinkler system is provided, whether the sprinkler system is required.
12. Any special stipulations and conditions of the building permit.

110.1.3 Revocation. The building official is authorized to, in writing, suspend or revoke a certificate of occupancy or completion issued under the provisions of this code wherever the certificate is issued in error, or on the basis of incorrect information supplied, or where it is determined that the building or structure or portion thereof is in violation of any ordinance or regulations or any provisions of this code.

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

110.2 Certificate of Completion. Upon satisfactory completion of a building, structure, electrical, gas, mechanical or plumbing system, a Certificate of Completion may be issued. This certificate is proof that a structure or system is complete and for certain types of permits is released for use and may be connected to a utility system. This certificate does not grant authority to occupy or connect a building, such as a shell building, prior to the issuance of a Certificate of Occupancy.

110.3 Service Utilities.

110.3.1 Connection of service utilities. No person shall make connections from a utility, source of energy, fuel or power to any building or system which is regulated by the technical codes for which a permit is required, until released by the building official and a Certificate of Occupancy or Completion is issued. The servicing utility company shall not connect the power supply until notified by the building official.

110.3.2 Temporary connection. The building official may authorize the temporary connection of the building or system to the utility source of energy, fuel or power for the purpose of testing building service systems or for use under a temporary Certificate of Occupancy.

110.3.3 Authority to disconnect service utilities. The building official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by the technical codes, in case of emergency where necessary to eliminate an immediate hazard to life, property, or unsafe condition. The building official shall notify the serving utility and, whenever possible, the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the owner or occupant of the building, structure or service system shall be notified in writing, as soon as practical thereafter.

110.4 Posting floor loads.

110.4.1 Occupancy. An existing or new building shall not be occupied for any purpose that will cause the floors thereof to be loaded beyond their safe capacity. The building official may permit occupancy of a building for mercantile, commercial or industrial purposes, by a specific business, when he/she is satisfied that such capacity will not thereby be exceeded.

110.4.2 Storage and factory-industrial occupancies. It shall be the responsibility of the owner, agent, proprietor or occupant of Group S and Group F occupancies, or any occupancy where excessive floor loading is likely to occur, to employ a competent architect or engineer in computing the safe load capacity. All such computations shall be accompanied by an affidavit from the architect or engineer stating the safe allowable floor load on each floor in pounds per square foot uniformly distributed. The computations and affidavit shall be filed as a permanent record of the building division.

110.4.3 Signs required. In every building or part of a building used for storage, industrial or hazardous purposes, the safe floor loads, as reviewed by the building official on the plan, shall be marked on plates of approved design which shall be supplied and securely affixed by the owner of the building in a conspicuous place in each story to which they relate. Such plates shall not be removed or defaced, and if lost, removed or defaced, shall be replaced by the owner of the building.

SECTION 111 **TESTS**

The building official may require tests or test reports as proof of compliance. Required tests are to be made at the expense of the owner, or agent, by an approved testing laboratory or other approved agency.

SECTION 112 **CONSTRUCTION BOARD OF ADJUSTMENTS AND APPEALS**

112.1 Appointment. There is hereby established a board to be called the Construction Board of Adjustments and Appeals, which shall consist of seven members and two alternates. The Town Commission shall appoint the Board unless the Town Commission contracts with another local government to use their Board as the Town's Board.

112.2 Membership and Terms.

112.2.1 Membership. The Construction Board of Adjustments and Appeals shall consist of seven members. Such board members shall be composed of individuals with knowledge and experience in the technical codes to include, when feasible, an architect, engineer, general contractor, electrical contractor, HVAC contractor, plumbing contractor, and any other contractor licensed category. In addition to the regular members, there should be two alternate members, one member with the qualifications referenced above and one member at large from the public. A board member shall not act in a case in which he has a personal or financial interest.

112.2.2 Terms. The terms of office of the board members shall be staggered so no more than one-third of the board is appointed or replaced in any 12-month period. The two alternates, if appointed, shall serve one-year terms. Vacancies shall be filled for an unexpired term in the manner in which original appointments are required to be made. Three absences of any member from required meetings of the board shall in a 12 month period, at the discretion of the applicable governing body, render any such member subject to immediate removal from office.

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

board, shall be required. In the event that regular members are unable to attend a meeting, the alternate members, if appointed, shall vote.

112.2.4 Secretary of board. The building official or his/her authorized representative shall act as secretary of the board and shall make a detailed record of all of its proceedings, which shall set forth the reasons for its decision, the vote of each member, the absence of a member, and any failure of a member to vote.

112.3 Powers. The Construction Board of Adjustments and Appeals shall have the power, as further defined in 112.4, to hear appeals of decisions and interpretations of the building official and consider variances of the technical codes. The Board shall constitute the Contractor Regulatory Board of the Town of Lake Park pursuant to Chapter 489 F.S. for hearings on the performance of state licensed certified contractors.

112.4 Appeals.

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

1. The building official rejected or refused to approve the mode or manner of construction proposed to be followed or materials to be used in the installation or alteration of a building, structure or service system.
2. The provisions of this code do not apply to this specific case.
3. That an equally good or more desirable form of installation can be employed in any specific case.
4. The true intent and meaning of this code or any of the regulations hereunder have been misconstrued or incorrectly interpreted.

112.4.2 Variances. The Construction Board of Adjustments and Appeals, when so appealed to and after a hearing, may vary the application of any provision of this code to any particular case when, in its opinion, the enforcement thereof would do manifest injustice and would be contrary to the spirit and purpose of this or the technical codes or public interest, and also finds all of the following:

1. That special conditions and circumstances exist which are peculiar to the building, structure or service system involved and which are not applicable to others.
2. That the special conditions and circumstances do not result from the action or inaction of the applicant.
3. That granting the variance requested will not confer on the applicant any special privilege that is denied by this code to other buildings, structures or service system.
4. That the variance granted is the minimum variance that will make possible the reasonable use of the building, structure or service system.

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

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

112.4.3 Notice of appeal. Notice of appeal shall be in writing and filed within 30 calendar days after the building official renders the decision failing which, the appeal shall be rendered untimely and summarily dismissed by the Board and may not be heard by the Board.

112.4.4 Application for appeal. All appeals of administrative decisions shall be made by completing and submitting a technically complete appeal form using forms prescribed by the Town together with the payment of the appeal filing fee. The filing fee is an administrative cost that has been established by resolution of the Town Commission and which may be amended from time to time. The aggrieved party or appellant may provide additional information and documentation in addition to the information requested on the Town form. The appeal shall specify at a minimum the following:

1. A detailed description of the decision, interpretation, requirement or determination which is being appealed;
2. A copy of the written decision, interpretation, requirement or determination which is being appealed which also reflects the date when such action was taken by the building official ;
3. The form of relief that the aggrieved party ("appellant") is requesting;
4. A statement as to whether any code enforcement proceedings have been initiated by the Town that involve the subject matter of the appeal and if the subject of the appeal has been heard and ruled upon by the Town's special magistrate;
5. The sections of the Town Code and/or the Florida Building Code that are at issue.
6. The appeal application form must be executed, sworn to under oath and notarized by the owners of at least 75 percent of the property described in the application. If the appeal is submitted by an agent of the property owner or an agent of a tenant or contract purchaser, or other person aggrieved by the decision, the appeal must be accompanied by a written power of attorney appointing the agent to act on behalf of the appellant in the proceedings. The power of attorney shall be subject to review as to form and legal sufficiency by the Town Attorney, and may be rejected if the document is not deemed legally sufficient in the sole discretion of the Town attorney.
7. Attach all documents and other tangible evidence to support your position in the appeal.

8. If an aggrieved party/appellant fails to submit a technically sufficient appeal using the application form provided by the Town, the appeal will not be scheduled for hearing until a technically complete appeal has been submitted. The submission of an appeal that is not technically sufficient, does not toll the running of the thirty (30) days appeal period, and unless a sufficient appeal is received within the 30 day period, the appeal will be forever time barred.

9. All properties described in one application must be contiguous and immediately adjacent to one another, and the administrative official may require more than one application if the property concerned contains more than ten acres or if the fee paid for one application would not equal the cost of processing the application.

10. Only applications which the board is authorized to consider and act upon shall be accepted for filing, and no application shall be considered or construed to be filed until the required fee has been paid.

112.4.5 Unsafe or dangerous buildings or service systems. In the case of a building, structure or service system, which in the opinion of the building official, is unsafe, unsanitary or dangerous, the building official may, in the order, limit the time for such appeals to a shorter period.

112.5 Procedures of the board.

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

112.5.2 Decisions. The Construction Board of Adjustments and Appeals shall, in every case, reach a decision without unreasonable or unnecessary delay. Each decision of the board shall also include the reasons for the decision. If a decision of the board reverses or modifies a refusal, order, or disallowance of the building official or varies the application of any provision of this code, the building official shall immediately take action in accordance with such decision. Every decision shall be promptly filed in writing in the office of the building official and shall be open to public inspection. A certified copy of the decision shall be sent by mail or otherwise to the appellant and a copy shall be kept publicly posted in the office of the building official for two weeks after filing. Every decision of the board shall be final; subject however to such remedy as any aggrieved party might have at law or in equity.

SECTION 113 **SEVERABILITY**

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

SECTION 114
VIOLATIONS AND PENALTIES

Any person, firm, corporation or agent who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, or who shall erect, construct, alter, install, demolish or move any structure, electrical, gas, mechanical or plumbing system, or has erected, constructed, altered, repaired, moved or demolished a building, structure, electrical, gas, mechanical or plumbing system, without full compliance with applicable codes, laws, ordinances, rules and regulations, shall be guilty of a misdemeanor. Each such person shall be considered guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of applicable codes, laws, ordinances, rules and regulations is committed or continued, and upon conviction of any such violation such person shall be punished within the limits and as provided by state laws. Nothing in this section shall prevent the authority having jurisdiction from imposing fines, liens, or seek injunction relief, or exercising other enforcement powers as permitted by law. Code enforcement and the penalties of 162 Florida Statutes Part I may be employed if building work begins without payment of all required fees.

SECTION 115
RESERVED

Section 4. Chapter 54, Article III, Sections 54-92, 54-98, 54-129 and 54-130 are hereby repealed as follows:

Sec. 54-92. Unsafe residential buildings.

~~All residential buildings or structures used as such which are unsafe, unsanitary, unfit for human habitation, or not provided with adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment, are considered unsafe buildings. All such unsafe buildings are hereby declared illegal and shall be abated by repair and rehabilitation or by demolition in accordance with the following procedure:~~

~~(1) Whenever the community development director determines that there are reasonable grounds to believe that there has been a violation of any provision of this article or of any rule or regulation adopted pursuant thereto, the community development director shall give notice of such alleged violation to the person or persons responsible therefor and such alleged violations shall constitute a nuisance. Such notice shall:~~

- ~~a. Be put in writing;~~
- ~~b. Include a statement of the reasons why it is being used;~~
- ~~c. Allow a reasonable time to correct violations but in no event shall the time of correction exceed 120 days;~~
- ~~d. State that, if such repairs, reconstruction, alterations, removal or demolition are not voluntarily completed within the stated time as set forth in the notice, the community development director shall institute such legal proceedings charging the person or persons, firm, corporation or agent with a violation of this article.~~

~~(2) Service of notice shall be as follows:~~

~~a. By delivery to the owner personally, or by leaving the notice at the usual place of abode of the owner with a person of suitable age and discretion;~~

~~b. By depositing the notice in the United States Post Office addressed to the owner at the owner's last known address with postage prepaid thereon; or~~

~~e. By posting a copy of the notice in a conspicuous place on the premises to be repaired.~~

~~(3) When a residential building is to be demolished, it shall be done so in accordance with the provisions of the state building code (section 54-7), or in such manner as may be approved by the community development director.~~

~~Sec. 54-98. Planning and zoning board.~~

~~(a) The duties of the planning and zoning board under this division shall be:~~

~~(1) To consider and determine appeals whenever it is claimed that the true intent and meaning of this article or any of its regulations have been misconstrued or wrongly interpreted.~~

~~(2) To permit, in appropriate cases where the application of the requirement of this article in the allowance of the stated time for the performance of any action required hereunder would appear to cause undue hardship on an owner, up to a maximum of two extensions of time, not to exceed 60 days each, from the date of such decision of the planning and zoning board. Applications for additional extensions of time shall be heard by the planning and zoning board. Such requests for additional extensions of time shall be filed with the community development director not less than 15 days prior to the expiration of the current extension.~~

~~(b) An appeal should not be considered where an appeal case has been previously decided involving the same premises.~~

~~Sec. 54-129. Unsafe dwellings or structures.~~

~~Unsafe buildings or other privately owned structures shall be condemned and/or abated in accordance with the requirements of the state building code and/or the most current edition of the Standard Unsafe Building Abatement Code, which are hereby incorporated herein by reference.~~

~~Sec. 54-130. Unlawful structures.~~

~~An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this article or was erected, altered or occupied contrary to law. Such structures are deemed unfit for human occupancy and shall be vacated. Failure of the owner to comply will cause the premises to be condemned and utility services terminated to the property pending compliance with this article.~~

Section 5. Chapter 54, Article III, Sections 54-81, 54-82, 54-83, 54-84, 54-85, 54-129,

54-130, 54-131, 54-132, 54-133, and 54-134 are hereby created to read as follows:

Sec. 54-81. Property maintenance standards. general.

(a) Applicability. These regulations shall apply to all private property, including all buildings and structures within the Town.

(b) General regulations.

(1) All buildings and structures, both existing and new, and all parts thereof, shall be maintained in good repair and kept in a sound, safe and sanitary condition. All devices or

safeguards which are required by this article in a building when erected, altered, or repaired shall be maintained in good working order. The owner, or the owner's designated agent, shall be responsible for the maintenance of buildings, structures and premises. The exterior of all buildings or structures shall be kept free from stains, mold, mildew, peeling paint, discoloration, graffiti, and general disrepair. Buildings or structures shall have no missing windows, doors, or railings.

(2) All driveways, sidewalks, and parking areas shall be maintained reasonably free of discoloration or deterioration.

(3) Fences and walls shall be maintained structurally sound (such as vertically plumb). Fences and walls shall be maintained in their original condition (such as reasonably free of discoloration, staining, or peeling).

(4) Hedges shall be trimmed and maintained in a healthy and neat condition; and shall not extend onto or over public or adjoining private properties or road rights-of-ways.

(c) Maintenance of construction sites. All construction sites shall be maintained in a clean and orderly condition during the entire construction process. Dumpster(s)/enclosure(s) shall be located on site throughout the construction process. The dumpster(s)/enclosure(s) shall be emptied when full, or if it emits noxious odors, or is attracting vermin or insects. All construction debris, materials, equipment, trailers, and other property, used directly or indirectly in connection with the construction activities, shall be physically contained within the boundaries of the construction site. Dumpster(s)/enclosure(s) may be required for additions or remodeling of single-family dwellings if deemed necessary by the Community Development Director.

(d) Property security devices, such as alarm systems, surveillance cameras, security guard(s) security fencing/gates, security lighting, shall be required when in the determination of the community development director in conjunction with the Palm Beach Sheriff's Office, such security devices and/or personnel are deemed necessary for the protection of the public health, safety, and general welfare and the abatement of a public and/or private nuisance.

Sec. 54-82. General requirements for the exterior and interior of structures.

(a) Foundation. The building foundation system shall be maintained in a safe manner and capable of supporting the load which normal use may cause to be placed thereon.

(b) Exterior walls. Every exterior wall shall be free of signs of deterioration or abuse such as holes, breaks, loose or rotting boards or timbers, stains, mold, mildew, peeling paint, graffiti, and general disrepair and any other conditions which might admit rain, or dampness to the interior portions of the walls or to the occupied spaces of the building. All siding material shall be kept in repair.

(c) Roofs.

(1) Roofs shall be structurally sound and maintained in a safe manner and have no defects which might admit rain or cause dampness in the walls or interior portion of the building.

(2) All portions, additions or sections of a roof including, but not limited to, fascia, eaves, soffit, sheathing, rafter tails, barge rafter, vent screening, gutters, downspouts, roof jacks, lead or metal flashing, shall be complete with all trim strips, moldings, brackets, braces and supports in accordance with common building practices. No item shall display signs of deterioration, abuse or improper installation that could be construed to affect the purpose of that item or cause damage to the immediate area or roof structure, that could allow dampness or admit rain to the interior of that building.

(d) Means of egress. Every dwelling unit shall have safe, unobstructed means of egress with minimum ceiling height of seven feet leading to a safe and open space at ground level. Stairs shall have minimum headroom of six feet eight inches.

Sec. 54-83. Boarded up buildings, hurricane shutter removal required.

The Town recognizes that from time to time it may be necessary to secure real property because of abandonment, disrepair, public hazard or natural disaster. Unsecured property can lead to vandalism problems, occupancy safety problems and appearance problems. The Town feels it necessary to create certain criteria for securing structures.

(1) Real property may be secured by boarding up windows, doors, or other openings upon the requirement of the building official, fire official, code officers or by a private party provided a permit is issued by the Town.

(2) Any means of securing property including crime prevention devices shall be subject to review by the building official for safety and compliance with the building code.

(3) If real property in any zoning district is secured for more than thirty (30) days, except in the case of a natural disaster, the boards, panels or other means of securing structural openings shall be painted to match the exterior color of the building and shall be cut and placed so as to form to the opening being secured.

(4) The owner of an occupied structure shall promptly repair any broken door or window so that a temporary boarded up condition is limited. Any such repair, other than in the case of a natural disaster, shall be made within ten (10) days.

(5) Any device (including wood or approved hurricane shutters) used for the securing of a property during a declared hurricane or tropical storm shall be removed no later than fourteen (28) days after the lifting of any hurricane or tropical storm warning or watch unless:

(a) A hurricane or tropical storm watch occurs during the fourteen (28) day period, at which point the fourteen (28) day period begins anew after the hurricane or tropical storm conditions have subsided; or

(b) The structure is used for residential purposes, but no person is in residence and the structure is secured by manufactured storm shutters.

(6) In no case shall plywood sheets be used for the boarding of occupied residences beyond the times set out in (4) and (5) above.

Sec. 54-84. Additional landscape and property standards.

(1) Developed lots:

(a) Shall be kept free of debris, rubbish, trash or litter.

(b) Shall be maintained free of diseased or dead trees and plant materials.

(c) Shall be kept free and clear of all exotic invasive pest plant species prohibited by the Florida Department of Environmental Protection.

(d) Shall be maintained in a neat and healthy condition, and reasonably free of weeds; any accumulation of decayed, dead or dying vegetative matter; and bare (dead) areas (except that a reasonable bare area may be permitted along a property line to prevent the infringement of growth onto an adjoining property).

(e) Lawns shall be maintained no higher than eight (8) inches in height.

(2) Undeveloped lots (never been grubbed or undergrowth cut).

(a) Shall be kept free of debris, rubbish, trash or litter.

(b) Shall be maintained free of diseased or dead trees and plant materials.

(c) Shall be kept free and clear of all exotic invasive pest plant species prohibited by the Florida Department of Environmental Protection.

(3) Undeveloped lots (grubbed or undergrowth cleared).

(a) Shall be kept free of debris, rubbish, trash or litter.

(b) Shall be maintained free of diseased or dead trees and plant materials.

(c) Shall be kept free and clear of all exotic invasive pest plant species prohibited by the Florida Department of Environmental Protection.

(d) Shall be maintained so that the underbrush or weeds do not exceed a height of 16 inches.

(4) Solid waste.

(a) All solid waste, excluding vegetative waste, shall be stored in garbage cans in a sanitary manner. All garbage cans and recycling containers shall be shielded from view from the road or adjoining properties where practical.

(b) Garbage cans and other trash or recycling containers may be placed at the curb no earlier than 4:00 p.m. on the day prior to scheduled pick up and removed from the curb no later than 12:00 midnight on the day of pick up.

(c) Vegetative waste may be placed at the curb no earlier than 72 hours prior to scheduled pick up.

(5) Abandoned property prohibited. It shall be unlawful for any person or entity to place or leave or cause to be placed or left any junked vehicles or abandoned property on public or private real property.

Sec. 54-85. Supplemental commercial property maintenance standards.

These regulations shall apply to all commercial property within the town. .

(1) Signs, which no longer advertise a business located on the premises, shall be removed within ten (10) days after the cessation of the business or receipt of notice from the Town.

(2) Signs and supporting structures shall be maintained free of deterioration or be removed.

(3) All dumpsters shall be sight screened from view, where practical, and shall be placed in a location which has been approved by the Town; the dumpster shall be maintained free of deterioration. The area around the dumpster shall be maintained free of debris.

Sec. 54-129 Responsibility of the owner.

(a) For purposes of this article, the term "owner" shall mean any person, agent, operator, firm, trust, partnership, limited liability corporation, association, corporation, or other person or entity having a legal or equitable interest in the property; or who is shown to be a/the record title owner of the property in the official records of the state, town or municipality; or who has the care, custody and control of the property, including but not limited to a guardian, personal representative or executor, of the estate of any such person, or the receiver, trustee or administrator of the estate of such person if ordered to take possession of property by a court of competent jurisdiction.

(b) The responsibilities of the owner are to:

(1) Let no dwelling to anyone for occupancy unless it meets minimum standards of the Florida Building Code and the Palm Beach County Housing Code, as amended, which are incorporated herein by reference.

(2) Have the dwelling in clean, sanitary, habitable condition; to free from infestation before renting; to provide suitable wall coverings and ceilings; and to clean, repair and exterminate if needed to meet forestated requirements before offering for rent.

(3) Provide screens to be hung.

(4) Exterminate in the following cases:

a. When infestation exists in two or more units of multiple-unit structures.

b. When infestation exists in shared or public areas of multiple units structures.

c. When infestation exists in a single unit of a multiple-unit structure or in a single-unit structure when infestation is due to failure of the owner to maintain the dwelling in a rat proof and reasonably insect proof condition.

(5) To allow code compliance and law enforcement officers of the town, reasonable access to the dwelling to inspect for violations of this section. The owner's refusal to allow code compliance and/or law enforcement officer's access to any dwelling, during reasonable hours, shall be construed as prima facie evidence that the owner is in violation of one or more parts of this article.

Sec. 54-130. Responsibility of occupant.

(a) For purposes of this article, the term "occupant" shall mean any person, living, sleeping, cooking or eating in, or having actual possession of, a dwelling unit or rooming unit.

(b) The responsibilities of the occupant are to:

(1) Keep dwellings and premises he controls and occupies in a clean and sanitary condition.

(2) To dispose of rubbish and garbage in a clean and sanitary manner as prescribed by town regulation.

(3) To hang and maintain screens provided by the owner except where owner has agreed to supply such services.

(4) To keep plumbing fixtures therein in a clean and sanitary condition and to exercise reasonable care in the proper use and operation thereof.

(5) To exterminate in the following cases:

a. The occupant of a single dwelling is responsible for extermination of any insects, rodents or other pests therein or on the premises.

b. The occupant of a dwelling unit in a multiple-unit structure is responsible for extermination of any insects, rodents or other pests if his unit is the only unit infested.

c. Notwithstanding the foregoing provisions of this section, whenever infestation is caused by the failure of the owner to maintain the dwelling in a rat proof or reasonably insect proof condition, the occupant is not responsible for extermination of any insects, rodents or other pests therein.

(6) Occupy no dwelling which does not comply with the minimum standards as set forth in the Florida Building Code and this Housing Code, as amended, which are incorporated herein by reference.

(7) To allow code compliance and law enforcement officers of the town, reasonable access to the dwelling to inspect for violations of this section. The occupant's refusal to allow code compliance and/or law enforcement officer's access to any dwelling during reasonable hours, shall be construed as prima facie evidence that the occupant is in violation of one or more parts of this section.

Sec.541-131. Nuisance declared.

It is hereby declared and determined by the town commission, that the following shall each individually, or in any combination, be considered nuisances when they exist upon a lot in the unincorporated area of the town:

- (1) Accumulations of waste, yard trash, or rubble and debris;
- (2) Accumulations of waste, yard trash, or rubble and debris that may harbor rats or poisonous snakes or that may contain pools of water that may serve as breeding grounds for insects or other disease vectors;
- (3) Uncultivated vegetation greater when:
 - a. Greater than twelve (12) inches in height located on nonresidential vacant lots;
 - or
 - b. Greater than seven (8) inches in height when located on developed or undeveloped residential or developed nonresidential lots.
- (4) Schinus terebinthifolius (commonly known as Brazilian Pepper) bushes or trees, if uncultivated;
- (5) Uncultivated vegetation that constitutes a fire hazard; or
- (6) Vegetation, whether or not cultivated, that impedes or obstructs adequate view of intersections, traffic signs, railroad crossings or traffic from any street, road, or highway.
- (7) Any standing dead trees in close proximity to developed lots or rights-of-way.

Sec. 54-132. Nuisance to be abated.

It is further determined by the town commission, that any nuisance declared by this section which is found upon a lot in the unincorporated area of the town shall be abated in the following manner:

- (1) If the nuisance consists solely of accumulations of waste, yard trash, or rubble and debris as provided in subsections 54-131(1) and (2), it shall be abated in its entirety, provided that the nuisance lies upon a lot which is adjacent to a property which is developed and used or has been used for residential, commercial or industrial purposes;
or
- (2) If the nuisance consists solely of uncultivated vegetation as provided in subsections 54-131(3), (4) and (5), and the parcel is less than one-half (1/2) acre in size, the nuisance shall be abated in its entirety. If the parcel is greater than one-half (1/2) acre in size only so much of the nuisance shall be abated as lies within twenty-five (25) feet of the boundary of any adjacent property which is developed and used or has been used for residential, commercial or industrial purposes.
- (3) In cases involving areas declared by the town commission as blighted, pursuant to state statutes or in any cases which there is evidence of vagrants using the overgrown property for habitation or that crimes of a violent nature or crimes involving the sale or

possession of illegal substances are occurring on the premises, then the nuisance may be abated in its entirety, regardless of lot size, provided that the nuisance lies upon a lot which is adjacent to property which is developed. The evidence required must be documented by the town code compliance division or other appropriate law enforcement agency. For purposes of this section only, rights-of-way shall be considered adjacent, developed property. The owner and the town are encouraged to preserve, and need not clear trees and *Serenoa repens* (commonly known as Saw Palmetto); and provided further that the owner and the town are encouraged to clear *Melaleuca quinquenervia* (commonly known as Punk Tree, Cajeput, or Paper Bark Tree), *Casurina Spp.* (commonly known as Australian Pine); *Acacia Ariculaeformis* (commonly known as Earleaf Acacia); and provided further that the owner and the town shall clear *Schinus terebinthifolius* (commonly known as Brazilian Pepper).

(4) If the nuisance consists of the obstruction of adequate view of intersections, crossings, or traffic signs, the nuisance shall be abated in accordance with the safe sight distance triangles provisions of the Code or, when not provided in that section, the nuisances shall be abated so as to afford a clear, unobstructed view.

(5) If the nuisance consists of dead trees, only those standing dead trees located in an area that, if they fell, would likely cause damage to adjacent developed lots, sidewalks, or rights-of-way, need be removed.

(6) If the nuisance consists in part of uncultivated vegetation and in part of other nuisances declared by this article, the provisions of subsections (1), (2) and (3) shall each apply to its abatement.

Sec. 54-133. Procedure for abatement of a nuisance.

(a) The community development department is empowered to enter upon and inspect lots on which a nuisance is suspected to exist. Any code officer shall be immune from prosecution, civil or criminal, for reasonable, good faith entry upon residential, commercial or industrial property while in the discharge of duties imposed by these regulations. If inspection reveals the presence of a nuisance, the community development department shall notify the owner by registered or certified mail, return receipt requested, sent to the last known address of the owner, that a nuisance exists which is a violation of this ordinance. The notice shall also:

(1) Advise the owner of the right to a hearing as provided in section 54-134;

(2) Specify what corrective action must be taken;

(3) State that a failure to abate the nuisance will result in the community development department abating it, the cost of which action shall be assessed against the property; and

(4) That a lien shall be recorded against the property.

The appeal forms required in section 54-134 shall be included in the notice, along with a statement that such must be used to appeal the administrative determination. The owner shall have thirty (30) days from the date notice is mailed to abate the nuisance.

(b) If an appeal is filed, enforcement action shall proceed as provided in section 54-133.

(c) If no appeal is filed or if the notice sent as provided in subsection 54-133(g) is returned unclaimed, the community development department shall, upon the expiration of

the notification period, re-inspect the lot to determine whether or not the nuisance has been abated. If the community development department determines that the lot still harbors a nuisance, it shall cause its abatement according to the provisions of this article. To accomplish that goal, the community development department or its agents are authorized by the town commission to enter upon the lot and to take steps reasonably necessary to effect abatement.

(d) If abatement is effected by the community development department as provided in subsection (c), the cost to the town of abating the nuisance on each lot, including an administrative and operating fee of six hundred dollars (\$600.00) shall be calculated and assessed against the lot by the Community Development Director or the Town Manager. The assessment shall describe the lot, show the cost of abatement, and specify the administrative and operating fee. The community development department shall mail a notice of the assessment to the owner at the owner's last known address. Until full payment is received, assessments shall be legal, valid and binding obligations upon the property. The assessment shall become due and payable to the town as of the date of the mailing of the notice of assessment, interest shall begin to accrue at the rate of eleven (11) percent per annum on any unpaid portion thereof.

(e) As soon as possible after the assessment has been made by the Community Development Director or Town Manager a certified copy of the assessment shall be recorded by way of a claim of lien for assessments in the official records of the town maintained by the town clerk, and the Claim of Lien shall also be recorded in the public records of Palm Beach County. The lien shall become effective on the date that a copy of the lien is recorded.

(f) Lien assessments, together with interest thereon, may be enforced by civil action in the appropriate court of competent jurisdiction. The lien created hereby shall be a first lien, equal to a lien for nonpayment of property taxes, on any lot against which an assessment for costs to abate a nuisance has been recorded. The lien shall continue in full force until discharge by payment or otherwise, until settled and released by the Community Development Director or the Town Manager.

(g) The community development department shall mail a notice that a lien has been recorded to the owner of each record of each lot described in the lien for assessments. The notice shall be sent by certified or registered mail, return receipt requested, to the owner's last known address. The notice shall be in a form prepared by the community development department which shall include the following information:

Name and address of the owner;

Legal description of the lot where the nuisance has been abated;

Date of mailing of the notice of the lien;

A brief description of the nuisance;

Date that notice was originally sent to abate the nuisance;

A statement of the actual costs of abatement, the administrative fee, and any interest due;

Instructions regarding payment and removal of the lien; and

Additional information as necessary and appropriate.

(h) Nothing in this part shall prevent the town or the community development department from pursuing enforcement of this article through other processes.

Sec. 54-134. Appeal procedures.

Within twenty-five (25) days after the initial notice of a nuisance is sent by the community development department as provided in section 54-133, the lot owner may make written request to the town for a hearing before the Special Magistrate to show that the condition alleged in the notice does not exist, or to show that the condition does not constitute a nuisance. Notice of the right to a hearing shall be included in the initial notice to the lot owner. The owner's appeal shall be submitted upon forms to be provided by the community development department, and shall be accompanied by a certified check or money order in the amount of two hundred dollars (\$200.00) made payable to the town, which amount shall constitute a fee necessary to defray the costs to the town, the town attorney, the community development department, and the Special Magistrate hearing and the processing and administering the appeal. Failure to file an appeal or to appear before the Special Magistrate within the proscribed time shall be deemed a waiver of the lot owner's rights to appeal the administrative action. The Special Magistrate shall hear the appeal on its regularly scheduled agenda. The Special Magistrate shall give the lot owner seeking an appeal written notice of the date and location of the scheduled hearing. At the hearing, the town and the lot owner may introduce such evidence as is relevant. The hearing shall be conducted in accordance with the rules of procedure applicable to code enforcement proceedings. The decision of the Special Magistrate shall be final.

Section 6. Codification.

The provisions of this Ordinance shall become and be made part of the Code of Laws and Ordinances of the Town of Lake Park.

Section 7. Severability.

If any section, phrase, sentence or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 8. Repeal of Laws in Conflict.

All ordinances or parts of ordinances of the Town of Lake Park, Florida, which are in conflict herewith are hereby repealed to the extent of such conflict.

Section 9. Effective Date.

The provisions of this Ordinance shall become effective upon adoption.

Upon First Reading this 18 day of July, 2007,
the foregoing Ordinance 14-2007, was offered by Commissioner Balius
who moved its approval. The motion was seconded by Vice-Mayor Daly,
and being put to a vote, the result was as follows:


	AYE	NAY
MAYOR PAUL CASTRO	<u>X</u>	_____
VICE MAYOR ED DALY	<u>X</u>	_____
COMMISSIONER CHUCK BALIUS	<u>X</u>	_____
COMMISSIONER JEFF CAREY	<u>X</u>	_____
COMMISSIONER PATRICIA OSTERMAN	<u>X</u>	_____

Upon Second Reading this 1 day of August, 2007, the foregoing
Ordinance 14-2007, was offered by Commissioner Balius who
moved its adoption. The motion was seconded by Vice-Mayor Daly,
and being put to a vote, the result was as follows:

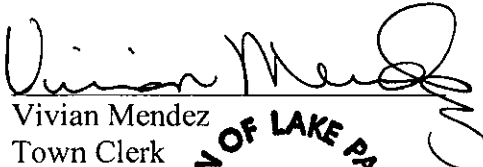
	AYE	NAY
MAYOR PAUL CASTRO	<u>X</u>	_____
VICE MAYOR ED DALY	<u>X</u>	_____
COMMISSIONER CHUCK BALIUS	<u>X</u>	_____
COMMISSIONER JEFF CAREY	<u>X</u>	_____
COMMISSIONER PATRICIA OSTERMAN	<u>X</u>	_____

The Mayor thereupon declared Ordinance No. 14-2007 duly passed and adopted this
1 day of August, 2007.

TOWN OF LAKE PARK, FLORIDA

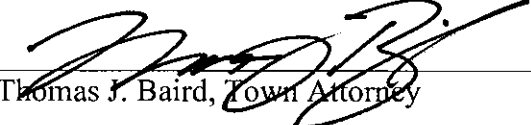
BY: 
Mayor Paul Castro

ATTEST:


Vivian Mendez
Town Clerk

**TOWN OF LAKE PARK
SEAL
FLORIDA**

Approved as to form and legal sufficiency:


Thomas J. Baird, Town Attorney