

ORDINANCE NO. 010-2002

AN ORDINANCE AMENDING BUILDINGS AND CONSTRUCTION, CHAPTER 6, MONROE COUNTY CODE; CREATING A NEW ARTICLE 1 CALLED "GENERAL AND ADMINISTRATIVE;" REPEALING EXISTING ARTICLE II AND CREATING NEW ARTICLE II CALLED "PERMITS, INSPECTIONS, AND CERTIFICATES OF OCCUPANCY;" REPEALING EXISTING ARTICLES IV, VI, VIII, AND IX; PROVIDING FOR ADMINISTRATION AND ENFORCEMENT OF FLORIDA BUILDING CODE AS APPLIED TO MONROE COUNTY; PROVIDING FOR THE REPEAL OF ALL ORDINANCES INCONSISTENT HEREWITH; PROVIDING FOR INCORPORATION INTO THE MONROE COUNTY CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Florida Building Code has been signed into law and went into effect on March 1, 2002; and,

WHEREAS, the Florida Building Code supersedes and replaces the Standard Building Code and related technical codes, which were adopted by Monroe County over the years; and,

WHEREAS, portions of existing Chapter 6, Buildings and Construction, of the Monroe County Code need to be amended to reflect changes enacted by the Florida Building Code; and,

WHEREAS, the Florida Building Code provides an opportunity for local governments to establish more stringent and specific local requirements for administration of the Florida Building Code, then as provided for in Chapter 1, Administration, Florida Building Code; and,

WHEREAS, the Growth Management Division has recommended specific amendments to Chapter 6 of the Monroe County Code reflecting required changes resulting from the enactment of the Florida Building Code and local administrative requirements; and,

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, THE FOLLOWING:

Section 1. The title of Chapter 6, Article 1, is hereby amended to read as follows:

ARTICLE 1. GENERAL AND ADMINISTRATIVE

Section 2. Chapter 6, Article I, Division 1 is hereby created which reads as follows:

DIVISION 1. GENERAL

Sec. 6-1. Purpose.

The purpose of this chapter is to govern the administration and enforcement of the Florida Building Code and associated technical construction standards and regulations within unincorporated Monroe County.

Sec. 6-2. Scope.

The Florida Building Code shall be applicable to all structures and buildings within unincorporated Monroe County, except as specifically exempted under the Florida Statutes.

Sec. 6-3. Windload requirements.

All major structures within unincorporated Monroe County, except mobile/manufactured homes, shall be designed pursuant to the requirements of ASCE 7-98 using a minimum wind speed of one hundred fifty (150) miles per hour.

Sec. 6-4. Unsafe buildings.

(a) *Abatement Required:* All unsafe buildings shall be abated using the Standard Unsafe Building Abatement Code, 1997 edition, promulgated by the Southern Building Code Congress International, Inc., subject to all amendments, modifications or deletions hereinafter contained.

(b) *Unsafe Buildings Defined:* 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, shall be abated by repair and rehabilitation or by demolition in accordance with the provisions of the Standard Unsafe Building Abatement Code.

(c) *Amendment:* As adopted by Monroe County, section 302.1.1(4), Standard Unsafe Building Abatement Code, shall read as follows: "A statement advising that any person having legal interest in the property may be prosecuted before the code enforcement special master, in county court, or in any other manner provided by law for failure to repair, vacate or demolish the offending building in the manner set forth in the notice."

Sec. 6-5. Requirements not covered.

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 the Florida Building Code or the other technical codes and regulations, shall be determined by the building official.

Sec. 6-6. 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.

(a) *Generally:* All provisions, terms, phrases and expressions contained in this chapter 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 chapter, unless otherwise specifically provided, shall have the meanings prescribed by the statutes of the State of Florida for the same term.

(b) *Text:* In the case of any difference of meaning or implication between the text of this chapter and any figure, the text shall control.

(c) *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.

(d) *Month:* The word “month” shall mean a calendar month.

(e) *Gender:* Words importing the masculine gender shall be construed to include the feminine gender and neuter.

(f) *Shall, May:* The word “shall” is mandatory; “may” is permissive. The word “shall” takes precedence over “may.”

(g) *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.

(h) *Year:* The word “year” shall mean a calendar year, unless a fiscal year is indicated.

(i) *Interpretation:* Interpretations of this chapter and the Florida Building Code shall be made by the building official.

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

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

Sec. 6-7. Definitions.

The words and phrases used in this chapter shall have the following meanings:

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 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 County Property Appraiser.

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

Building component. An element or assembly of elements integral to or part of a building.

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.

Certification. The act or process of obtaining a certificate of competency from the state through the review of the applicant's experience and financial responsibility as well as successful passage of an examination.

Certificate of competency (certificate). An official document evidencing that a person is qualified to engage in the business of contracting, subcontracting or the work of a specific trade.

Certificate of experience. An official document evidencing that an applicant has satisfied the work experience requirements for a certificate of competency.

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

Certified contractor. Any contractor who possesses a certificate of competency issued by the Department of Professional Regulation of the State of Florida.

Change of occupancy. A change from one 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.

Cumulative construction cost. The sum total of costs associated with any construction work done to a building or structure either at one (1) time or at different times within a specified period of time.

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.

Fair market value shall mean the total cost of materials plus labor costs. The total cost of labor and materials shall be as indicated on the invoice of an arms-length transaction; or, if no such invoice is available, the labor and materials shall be as calculated pursuant to the most recent edition of Means Construction Data. "Voluntary labor" and/or "gift material" shall not be used to represent fair market value.

FCILB. The Florida Construction Industry Licensing Board.

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.

Interior finish. The preparation of interior spaces of a commercial building for the first occupancy thereof.

Licensed contractor. A contractor certified by the State of Florida or the local jurisdiction who has satisfied the all state or local requirements to be actively engaged in contracting.

Market value. As defined in floodplain regulations of chapter 9.5 of this code.

Normal maintenance or repair work. The repair or replacement of any existing component if the replacement has the same size, capacity, technical characteristics and location, as determined by the building official, and if the fair market value of the repair work or replacement is less than one thousand dollars (\$1,000.00).

Owner's agent. A person, firm or entity authorized in writing by the owner to act for or in place of the owner.

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 of inspections.

Qualifying agent, primary. A person who possess the requisite skill, knowledge, experience and certificate of competency, and has the responsibility to supervise, direct, manage, and control the contracting activities of the business organization with which he is associated; who has the responsibility to supervise, direct, manage and control construction activities on a job for which he has obtained a permit; and who technical and personal qualification have been determined by investigation and examination and is evidenced by his possession of a certificate of competency.

Qualifying agent, secondary. A person who possesses the requisite skill, knowledge, experience and certificate of competency, and has the responsibility to supervise, direct, manage and control construction activities on a job for which he has obtained a permit, and whose technical and personal qualification have been determined

by investigation and examination and is evidenced by his possession of a certificate of competency.

Reciprocity. To accept a verified affidavit from any municipality or county of the State of Florida that the applicant has satisfactorily completed a written examination in its jurisdiction equal in content with the examination required by this chapter.

Registered contractor. A contractor who has registered with the department of professional regulation of the State of Florida pursuant to fulfilling the competency requirements of the local jurisdiction.

Registration. The act or process of registering a locally obtained certificate of competency with the state, or the act or process of registering a state issued certificate of competency with the municipality.

Remodeling. Work which changes the original size, configuration or material of the components of a building.

Residential building. Any one – or two-family building or accessory.

Roofing. The installation of roof coverings.

Spa. Any constructed or prefabricated pool containing water jets.

Specialty contractor. A contractor whose services do not fall within the categories specified in Section 489.105(3), Florida Statutes, as amended.

Start of Construction-Site. The physical clearing of the site in preparation for foundation working, including but not limited to, site clearing, excavation, de-watering, pilings and soil testing activities.

Start of Construction-Building. The removal, disassembly, repair, replacement, installation or assembly of the building, structure, building system or building components in whole or parts thereof.

Stop work order. An order by the building official, or his designee, which requires the immediate cessation of all work and work activities described in the order.

Structural component. Any part of a system, building or structure, load bearing or non-load bearing, which is integral to the structural integrity thereof, including but not limited to walls, partitions, columns, beams and girders.

Structural work or alteration. The installation or assembling of new structural components into a system, building or structure. Also, any change, repair or replacement of any existing structural component of a system, building or structure.

Substantial completion. Where the construction work has been sufficiently completed in accordance with the applicable city, state and federal codes, so that the owner can occupy or utilize the project for the use for which it is intended.

Value. Job cost.

Sec. 6-8. Permitting and inspections.

The inspection or permitting of any building, system or plan by Monroe County under the requirements of the Florida Building Code shall not be construed in any court as a warranty of the physical condition of such building, system or plan or their adequacy. Neither Monroe County nor any employee thereof shall be liable in tort for damages for any defect or hazardous or illegal condition or inadequacy in such building, system or plan, nor for any failure of any component of such, which may occur subsequent to such inspection or permitting, unless the employee of Monroe County is found to have acted in bad faith or with malicious purpose in a manner exhibiting wanton and willful disregard of safety, health and welfare of the public.

Sec. 6-9. Mobile/manufactured homes.

The placement of mobile/manufactured homes shall be governed by Section 15-C, Florida Administrative Code.

Sec. 6-10. Penalties.

A violation of any provision of the Florida Building Code and this chapter by any person, firm or corporation shall constitute a misdemeanor or subject to fines and penalties stipulated in chapter 6.3 of this code. Each day of a continuing violation shall constitute a separate offense subject to the penalties set forth herein.

Sec. 6-11. Severability.

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

Section 3. Chapter 6, Article 1, Division 2 is hereby created which reads as follows:

DIVISION 2. ADMINISTRATION

Sec. 6-12. Building department.

(a) *Organization and Administration:* There is hereby established a department called the building department headed by the building official. Upon recommendation of the county administrator, the department shall be assigned to the division of county government that the board of county commissioners determines appropriate. The county

administrator with the approval of the board of county commissioners shall designate the building official.

(b) *Employee Qualifications:* The building official shall be licensed as a building code administrator by the State of Florida. All appointed or hired inspectors and plan examiners shall meet the qualifications for licensing in the appropriate trade as established by the State of Florida.

(c) *Building Official Authority and Duties:* The building official shall have authority to administer, interpret, and enforce provisions of the Florida Building Code and this chapter. Such authority, jurisdiction, and duties shall include the following:

- (1) To process building permit applications and issue and revoke building permits;
- (2) To inspect sites, buildings and structures as required by this chapter, the Florida Building Code and the Standard Unsafe Building Abatement Code;
- (3) To issue and revoke certificates of occupancy;
- (4) To maintain building permit, financial, and other public records related to the department's affairs;
- (5) To establish such policies and procedures necessary for the administration of his responsibilities under the Florida Building Code and this chapter;
- (6) To provide a recording secretary for the purpose of keeping the minutes of all proceedings of the contractors examining board and construction board of adjustment and appeals;
- (7) To be official source to render interpretations of this chapter and the Florida Building Code;
- (8) To enforce provisions of the Florida Building Code and this chapter;
- (9) To issue stop work orders; and,
- (10) To conduct all other such duties and responsibilities as are otherwise required by this chapter.

Sec. 6-13. Construction board of adjustment and appeals.

(a) *Jurisdiction, Authority, and Duties:* There is hereby established a board called the construction board of adjustment and appeals. This board shall have the following jurisdiction, authority, and duties:

- (1) To consider and render decisions on appeals of administrative decisions and interpretations of the building official related to the Florida Building Code and this chapter;
- (2) To consider and grant variances to the Florida Building Code; and,
- (3) To approve cost approach appraisals for determination of fair market value pursuant to the floodplain regulations under chapter 9.5 of this code.

(b) *Membership, Appointment, Removal, Terms, and Vacancies:*

- (1) The construction board of adjustment and appeals shall consist of at least seven (7) , but not more than nine (9) members. Members shall be appointed by the board of county commissioners.
- (2) The construction board of adjustment and appeals shall consist of all the members of the contractors examining board, as provided for in section 6-83 of this chapter, plus one (1) registered architect and one (1) registered professional engineer and a second alternate member.
- (3) Terms of office, removal, vacancies, the regularity of meetings and administrative hearings shall be governed by the same rules and regulations as the contractors examining board.

(c) *Decisions:* The construction board of adjustment and appeals shall, in every case, reach a decision without unreasonable or unnecessary delay. Any hearing related to an appeal or variance shall be conducted in accordance for procedures for quasi-judicial matters. Each decision of the board shall also include the reason 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.

Sec. 6-14 Administrative appeals.

(a) *Scope of Appeals:* The owner of a building, structure or service system, or his duly authorized agent, may appeal an administrative decision or interpretation of the building official related to the Florida Building Code to the construction board of adjustment and appeals only if one of the following conditions is alleged 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 the Florida Building 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 the Florida Building Code or any of the regulations thereunder have been misconstrued or incorrectly interpreted.

(b) *Initiation of Appeals:* The appellant shall complete and submit a notice of appeal to the building department within thirty (30) days of the decision. The notice of appeal shall be in a form approved by the building official and accompanied by a nonrefundable fee. No notice of appeal shall be deemed complete without payment of required fees.

(c) *Procedures:* Upon receipt of a complete notice to appeal, the building official shall schedule a hearing to consider the appeal at the next regularly scheduled meeting of the construction board of adjustment and appeals. The building officials shall prepare a staff report and shall forward in a timely manner the appellant's notice and staff report along with all records relevant to the appeal to the construction board of adjustment and appeals prior to the scheduled hearing.

(d) *Decisions on Appeals:* In rendering its decision in accordance with the provisions of section 6-13 (c) above, the construction board of adjustment and appeals must find that at least one of the conditions in paragraph (a) above have been met in order to overturn an administrative decision or interpretation of the building official:

(e) *Waiver of Rights:* Failure to file notice of appeal within the thirty (30) calendar day appeal period shall constitute a waiver of any rights under this chapter to appeal the decision or interpretation of the building official.

Sec. 6-15. Variances.

(a) *Purpose:* The purpose of this section is to establish procedures and standards for varying the application of provisions of the Florida Building Code.

(b) *Authority and Scope of Authority:* The construction board of adjustments and appeals shall have the authority to vary the application of any provision of the Florida Building Code in accordance with the standards in paragraph (d) below.

(c) *Application and Procedures:* The applicant shall file a request for a variance along with a non-refundable fee to the building department on a form approved by the building official. The application for a variance is not complete without payment of the

required fees. The building official shall schedule a hearing to consider the applicant's request at the next regularly scheduled meeting of the construction board of adjustment and appeals. The building officials shall prepare a staff report with recommendations and forward in a timely manner the applicant's request and staff report along with all records relevant to the request to the construction board of adjustment and appeals prior to the scheduled hearing.

(d) *Decisions on Variance Requests:* In rendering its decision in accordance with the provisions of section 6-13 (c) above, the construction board of adjustment and appeals shall only grant a variance if it finds that enforcement of the Florida Building Code to this specific situation would do manifest injustice and would be contrary to its spirit and purpose and the public interest, and, if it 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 circumstance 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 the Florida Building 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; and,
- (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.

(e) *Variance conditions:* In granting the variance, the construction board of adjustment and appeals 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 the Florida Building Code. Violation of the conditions of a variance shall be deemed a violation of this chapter and the Florida Building Code.

Sec. 6-16 Right of entry.

(a) *Inspections:* Whenever necessary to make an inspection to enforce any of the provisions of the Florida Building 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 the Florida Building Code. If such building or premises are occupied, he shall first present proper credentials and request entry. If such building, structure, or premises are unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of such and request entry. If entry is refused, the building official shall have recourse to every remedy provided by law to secure entry.

(b) *Prohibition on Entry:* 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 the Florida Building Code and this chapter.

Section 4. The title of Chapter 6, Article II is hereby amended to read as follows:

**ARTICLE II. PERMITS, INSPECTIONS, AND
CERTIFICATES OF OCCUPANCY**

Section 5. Existing Chapter 6, Article II, is hereby repealed.

Section 6. A new Chapter 6, Article II, Division 1 is hereby created which reads as follows:

DIVISION 1. PERMITS

Sec. 6-17. Building permits required.

(a) *Applicability:* A building permit shall be required for all work shown in the following table, where specifically exempted by this section and Section 104, Florida Building Code:

WORK REQUIRING A PERMIT:	EXCEPTIONS:*
Site preparation including: land clearing, placements of fill, excavation, and blasting; however, no permit for site preparation may be issued except in conjunction with the establishment of a use or structure allowed in the land use district.	Permits may be issued for the removal of invasive exotic vegetation at any time; A permit is not required for the removal of ten (10) or fewer stems of invasive exotic vegetation on parcels with a lawfully established principal use; however, this exemption shall not apply if the removal is part of a larger clearing operation undertaken in segments within any one calendar year, whether by the same or

	different contractors and/or the property owner or if undertaken in conjunction with any construction.
Demolition.	Residential demolition where the value of the structure to be demolished is less than one thousand dollars (\$1,000.00).
Tie downs of habitable structures.	None
Signs.	Those signs which are specifically exempt from permit requirements pursuant to chapter 9.5 of this code; however, in no case shall a sign be exempt if its installation represents a threat to life and safety.
Fences.	None.
Any new construction and remodeling work of principal and accessory structures.	<p>Interior remodeling where the fair market value of the work is less than one thousand dollars (\$1,000.00) and the footprint of the structure is not altered.</p> <p>Open-sided, thatch-roofed structures on residential lots or parcels not exceeding one-hundred (100) square feet in roof coverage.</p> <p>Tool sheds located on residential lots or parcels not exceeding one hundred (100) square feet in ground coverage or seven (7) feet in height.</p> <p>Exterior and interior painting of single and two-family residential buildings.</p> <p>Installation of carpeting and floor coverings in single and two-family residential buildings which have previously been inhabited, if the fair market value of the work is less than five thousand dollars (\$5,000.00);</p> <p>Installation of prefabricated hurricane shutters on a single and two-family residential buildings if the fair market value of the work is less than twenty-five hundred dollars (\$2,500.00); and</p> <p>Normal maintenance and ordinary minor</p>

	repairs where the fair market value of such work is less than one thousand dollars (\$1,000.00).
All work in the electrical, mechanical, and plumbing trades.	Normal maintenance and ordinary repair where the fair market value of such work is less than one thousand dollars (\$1,000.00). The installation of satellite antennas and microwave receiving antennas which do not exceed one (1) meter in diameter but only where mounted on existing buildings or structures.
All work subject to the floodplain management requirements of chapter 9.5 of this code.	Normal maintenance and ordinary minor repairs where the fair market value of such work is less than one thousand dollars (\$1,000.00).
Resource extraction activities (as defined in chapter 9.5 of this code).	None.
Any work involving life safety.	None.

***Note:** All work that is exempt from permitting shall comply with the Florida Building Code, this chapter, and chapter 9.5 of this code and shall be subject to code compliance.

(b) *Separate Building Permit Required:* A separate building permit shall be required for each principal structure and any dock, sea-wall, and rip-rap accessory structure.

Sec. 6-18. Building permit application process.

(a) *Application:* An applicant for a building permit shall submit a completed application on a form approved by the building official along with a non-refundable fee, if required by this chapter, and any other drawings, diagrams, and materials required by the building official to ensure compliance with the Florida Building Code and this chapter. The application shall be signed by the owner of the property or his authorized agent. No application shall be excepted for processing that is not deemed complete, which includes payment of all required fees, without the express written approval of the building official.

(b) *Agents for Owner Builders:* In accordance with chapter 489, Florida Statutes, an agent may not apply for, nor be issued a permit on behalf of an owner builder.

(c) *Permit Issuance:* A building permit shall only be issued, if the building official finds its consistent with the Florida Building Code and this chapter and is compliant with chapter 9.5 of this code, as determined by the planning director.

(d) *Permit Conditions:* The building official may place conditions on a permit as are necessary to ensure development is carried out in compliance with all applicable regulations. Violation of a permit condition shall be a violation of this chapter.

(e) *Inspection Prior to Issuance of a Permit:* Before issuing a permit, the building official may examine or cause to be examined any building, electrical, gas, mechanical or plumbing systems for which an application has been received for a permit to enlarge, alter, repair, move, demolish, install or change the occupancy. He shall inspect all buildings, structures, electrical, gas, mechanical and plumbing systems, from time to time, during and upon completion of the work for which a permit was issued. He shall make a record of every such examination and inspection and of all violations of the technical codes.

Sec. 6-19. Permit application time limitations.

(a) *Time Limitations on Permit Application:* Unless the permit has been issued or the approved permit application has been entered into the permit allocation system process as provided for under chapter 9.5 of this code, an application for a permit shall be deemed to have been abandoned and become null and void six (6) months after the date of filing for the permit, except as otherwise provided for in this chapter. A one extension time extension for a period of not more than ninety (90) days may be authorized by the building official provided that the extension is requested in writing along with a non-refundable fee.

(b) *Notification of Ready Permit:* The building department shall notify the permit applicant for principal structures that the permit is ready to be issued (the “ready permit”). In the case of applications within the permit allocation system, as governed by chapter 9.5 of this code, notification shall be by certified mail to the name and address given by the applicant on the application. For all other permit applications, notice may be verbal or written as appropriate.

(c) *Expiration of Ready Permits:* In the case of permit applications within the permit allocation system, ready permits which are not picked up within sixty (60) days of the notification by certified mail shall automatically expire and become null and void. Except for demolition permits, all other permits which are ready but have not been picked up shall automatically expire in accordance with the provisions of paragraph (a) above. In either case, to renew the expired permit a new building permit application together with appropriate non-refundable fees must be submitted to the building department for approval.

Sec. 6-20 Issued permits.

(a) *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 Florida Building Code and other 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.

(b) *Permit Time Limitations*: Every permit issued shall become null and void unless the work authorized by such permit is commenced within six (6) months after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of six (6) months after the time the work is commenced. Work is considered commenced if it has received an approved initial inspection pursuant to permit requirements or an approved temporary electrical inspection. Any valid permit, for which construction has commenced, must progress in a timely fashion. The only method by which timely valid progress of authorized work may be demonstrated is through the building department's having performed and approved an inspection which is highlighted in red print on the building permit display card within one hundred eighty (180) days measured from either (1) as to the initial inspection, the date work was required to begin, or (2) as to inspections subsequent to the initial inspection, from the date of the last approved inspection which was highlighted in red print on the display card.

(c) *Approved Inspections*: These inspections which are highlighted in red print on the display card, as amended from time to time by the building official, may include, but shall not be limited to: any auger/auger cap; piling/piling cap; grade beam/slab; column/tie beams; slab/wood floor; roof trusses/sheathing; final roofing; A/C ductwork; total rough plumbing; total rough electrical; framing; insulation/drywall; final mechanical; final plumbing; final electrical and final building.

(d) *Failure to Obtain Inspections*: Failure to obtain an approved inspection within one hundred eighty (180) days of the previous approved inspection shall constitute suspension or abandonment, which shall render the permit null and void. Any work completed without an approved inspection may be subject to code compliance.

(e) *Extensions*: After work is commenced, a one-time only extension of time for a period of not more than one hundred eighty (180) days, may be allowed by the building official for the permit, provided the extension is requested in writing and justifiable cause is demonstrated prior to the expiration date. Any extension request shall be accompanied by a non-refundable fee.

(f) *Demolition Permits(Special Case)*: Any permits for the demolition of a structure shall expire sixty (60) days from the date of issuance. No extensions shall be allowed.

Sec. 6-21. Revocation of permits.

The building official may suspend or revoke any building permit under any one of the following circumstances:

(a) A materially false statement is contained in the application or plans for which the permit was issued; or

(b) Work is undertaken outside the scope or contrary to the conditions of the building permit; or

(c) The permit was issued in error and, in the opinion of the planning director, the building official, or the fire marshal, the error would result in a threat to the health, safety or welfare of the public.

Sec. 6-22. 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 his 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.

Sec. 6-23. Permit applications for hazardous occupancies.

The building official may require that any application for a permit involving a hazardous occupancy shall contain:

(a) *General Site Plan:* A general site plan drawn at a legible scale which shall include, but not limited to, the location of all buildings, exterior storage facilities, permanent access ways, evacuation routes, parking lots, internal roads, chemical loading areas, equipment cleaning areas, storm and sanitary sewer accesses, emergency equipment and adjacent property uses. The exterior storage areas shall be identified with the hazard classes and the maximum quantities per hazard class or hazardous materials stored.

(b) *Building Floor Plan:* A building floor plan drawn to a legible scale, which shall include, but not limited to, all hazardous materials storage facilities within the building and shall indicate rooms, doorways, corridors, exits, fire rated assemblies with their hourly rating, location of liquid tight rooms, and evacuation route. Each hazardous materials storage facility shall be identified on the plan with the hazard classes and quantity range per hazard class of the hazardous materials stored.

Sec. 6-24. Mobile/manufactured homes plan review criteria.

Building permit applications submitted for placement of mobile/manufactured homes shall contain, but not necessarily limited to, the following information required by the building official for plans review:

(a) *Site Requirements:* Setback/separation and location of on-site wastewater treatment facilities;

(b) *Structural*: Wind zone, anchoring, and blocking;

(c) *Mechanical*: Exhaust systems, including clothes dryer and kitchen equipment exhausts; and,

(d) *Electrical*: Exterior disconnect location.

Sec. 6-25. Certificate of competency required.

It shall be unlawful for any person or firm to engage in the business or act in the capacity of a contractor, subcontractor, master, journeyman or maintenance personnel, as hereinafter defined, anywhere within the unincorporated areas of this county without a current valid certificate of competency issued by either Monroe County or by the State of Florida.

Sec. 6-26. Unlawful uses and improvements.

As used herein, an “unlawful use or improvement” is any use or improvement existing on the effective date of this ordinance, which is capable of code enforcement prosecution under chapter 6.3 of this code. Except for building permits that are limited exclusively to addressing imminent risks to property and public health and safety, no building permit shall be issued for any use or improvement involving all or any portion of a parcel (as defined in section 9.5-4(P-1), of this code which contains as unlawful use or improvement until the parcel is brought into compliance with the provisions of chapter 9.5 of this code. By way of illustration and not limitation, permits may be issued for repairs and replacement of roof and other building structural components to the extent necessary to address imminent risks to property damage and public safety and health, such as for, but not limited to, the repair of leaking roofs and damaged roofs, walls, foundation; and, violations of building, electrical, mechanical, and electrical codes. Any such permit shall contain a provision requiring compliance with chapter 9.5 of this code by the date specified in said permit.

Sec. 6-27. Fees.

(a) *Purpose*: The purpose of this section is to establish the authority, schedule, and exemptions for permitting and related fees.

(b) *Authority and Fee Schedule*: Except as specifically established by this chapter, the board of county commissioners may by resolution establish a fee schedule for, but not limited to permit applications, permits, plans examination, certificates of competency, re-inspections, permit renewals, administrative fees, variance requests, and administrative appeals.

(c) *Fees Required*: Except as authorized by this chapter, no permit shall be issued without payment of all appropriate fees. Where a nonrefundable application fee is charged, the fee may be applied to off-set the total permit fee at the time the permit is

issued, except where the application fee exceeds the total permit fee. In this case, the application fee shall become the total permit fee.

(d) *Fee Exemptions:* Fees may be exempted for only those entities and activities specifically listed below:

(1) *Conditional exemptions:* The following governmental entities are exempt from county building permit and application fees, but only if the listed entity does not charge the county a fee (including an impact fee) for development, environment, or similar permits, or for right-of-way use:

- a. The State of Florida including the South Florida Water Management District;
- b. The United States;
- c. Municipalities wholly located within the county;
- d. City Electric System;
- e. Florida Keys Electric Co-op; and
- f. Florida Keys Aqueduct Authority.

(2) *Full exemptions:* The following entities or work are exempt from the county building permit and application fees:

- a. Monroe County;
- b. Volunteer fire departments;
- c. Volunteer emergency medical departments; and,
- d. Implementation of housing rehabilitation projects pursuant to the County's participation in federal and state programs for eligible and low and very-low income participants.

(e) *Fee Waivers:* Not-for-profit organizations with 501(c)(3) status from the Internal Revenue Service for construction of affordable or low income housing as defined by Florida Statutes and lessees of county-owned property for construction on said property may apply to the board of county commissioners for fee waivers from the permit and application fees.

(f) *Fee Refunds:* No fees paid for building permit fees shall be refunded without the approval of the board of county commissioners upon the recommendation of the county administrator. Permit application fees are not refundable.

Sec. 6-28. Building permit valuations.

If in the opinion of the building official, the valuation of building, alteration, structure, electrical, gas, mechanical or plumbing systems appears to be underestimated on a building permit application, the permit application shall be denied, unless the applicant can show detailed estimates to meet the approval of the building official. Permit valuations shall include total cost, such as electrical, gas, mechanical, plumbing equipment and other systems, including materials and labor. The permit valuation may be calculated using the latest Building Valuation Data published by the Southern Building Code Congress International or other applicable model code organization, at the option of the building official.

Sec. 6-29. Fees and permitting requirements for work done without a permit.

(a) After-the-Fact Permits and Fees:

- (1) Any person who commences any work requiring a permit under this chapter on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the building official's approval or the necessary permits shall pay two hundred fifty dollars (\$250.00) or ten (10) percent of the value of the construction work already completed, whichever is greater.
- (2) Before any permit may be issued under this section, the person, firm or corporation seeking the permit shall, at his own expense, provide the building department with the following:
 - a. Drawings sealed by an engineer license to practice in the State of Florida which certifies that all work already done is in compliance with the Florida Building Code; and
 - b. A certification from an engineer licensed in the State of Florida that all steel work is in compliance with the Florida Building Code and relevant State law and that such compliance has been verified through generally accepted engineering practice.

Compliance with the engineer certification requirements of this paragraph shall neither relieve the person, firm or corporation of fully complying with all other relevant county regulations, county ordinances or state statutes, nor from any penalties prescribed herein.

(b) Demolition: In lieu of obtaining a permit or approval from the building official above, the person, firm or corporation may remove all unpermitted work and return the site to its original condition. A demolition permit shall be required for all commercial work (regardless of value) and for residential work when the fair market value of the unpermitted work is one-thousand dollars (\$1,000.00) or more.

(c) *Excess Land Clearance; After-the-Fact Permit:* If land has been cleared in excess of what may be permitted, no building permit shall be issued for after-the-fact construction work under this section until the requirements of section 9.5-119(a)(1)-(4) and section 9.5-119(b)(1)-(4) of this code have been met.

(d) *Work is Unpermittable:* In the event the construction work is unpermittable under this Florida Building Code and chapter 9.5 of this code, the site shall be restored to its original condition. If demolition is required, a demolition permit shall be obtained for all commercial work (regardless of value) and for residential work if the fair market value of the unpermitted work is one thousand dollars (\$1,000.00) or more. If land clearing was involved, the site shall be restored pursuant to section 9.5-119(a)(1)-(4) of this code.

(e) *Appeals:* An appeal from any administrative decision made by the building official in enforcing this section shall be pursuant to chapter 9.5 of this code.

(f) *Emergency Exemption:* The provisions of this section shall not apply to emergency work when delay would clearly have place life or property in imminent danger. But in all such cases the required permit must be obtained within three (3) business days and any unreasonable delay in obtaining those permit(s) shall result in the charge of an after-the-fact permit fee as per paragraph (a) above. The payment of this fee shall not preclude or be deemed a substitute for prosecution for commencing work without first obtaining a permit. The building official may grant extensions of time or waive fees when justifiable cause has been demonstrated in writing.

Sec. 6-30. Tests for product compliance.

For products not covered under the statewide product evaluation and approval system, the building official may require tests or test reports as proof of compliance. Required tests are to be made at the expense of the owner, or his agent, by an approved testing laboratory or other approved agency.

Sec. 6-31. Motion picture, commercial and television production.

A special, no fee permit, is required for construction of temporary facilities and improvements incidental to motion picture, commercial and television production, including but not limited to sets, stages, tents, and supporting facilities and power. Any such special permit shall require that the site be restored to its original condition and shall state that the permit is not authorization for any work requiring a permit under this chapter or chapter 9.5 of this code.

Sec. 6-32. Temporary structures.

The building official may issue a special building permit for a limited time of not more than six (6) months for the erection of temporary structures such as construction sheds, trailers, seats, canopies, tents, and fences used in construction work or for temporary uses and events. Any such permit for temporary non-construction uses shall

require prior approval of the planning director to ensure compliance with chapter 9.5 of this code. Any structures shall be completely removed upon expiration of the time stated in the permit.

Sec. 6-33. New permit required.

If work has commenced and the permit is revoked, becomes null and void, or expires because of the lack of progress or abandonment, a new permit covering the proposed construction shall be obtained before work may proceed, which may require the payment of after-the-fact fees rather than regular permit fees. The building official may require an on-site inspection, plans, drawings, and other documentation. If the permit was issued under the permit allocation system in chapter 9.5 of this code, the applicant shall not be issued a permit until awarded an allocation.

Section 7. A new Chapter 6, Article II, Division 2, is hereby created which reads as follows:

DIVISION 2. INSPECTIONS

Sec. 6-34. Required inspections.

The building official, upon notification from the permit holder or his agent shall make inspections required by the Florida Building Code and this chapter and shall either release that portion of construction or shall notify the permit holder or his agent of any violations which must be corrected to comply with the Florida Building Code. The building official shall determine the timing and sequencing of when inspections occur and what elements are inspected at each inspection.

Sec. 6-35. Inspection service.

The building official may make, or cause to be made, the inspections required by the Florida Building Code and this chapter. He may accept reports of department inspectors, independent inspectors or of recognized inspection services, provided that after investigation he is satisfied as to their licensing, 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 certified in accordance to Chapter 468 Florida Statutes.

Sec. 6-36. Manufacturers and fabricators.

When deemed necessary by the building official, he shall make, or cause to be made, an inspection of materials or assemblies at the point of manufacture or fabrication.

A record shall be made of every such examination and inspection and of all violations of the technical codes.

Sec. 6-37. Work concealed prior to inspection.

If any work is concealed before an inspection has been made and the work approved, no further work shall occur on the site until the work is exposed, inspected and approved by a county inspector or until certification is provided to the building official by an architect or engineer that the concealed work is in conformance with the appropriate code.

Sec. 6-38. Working through a stop work order.

If any person or entity is found by the contractors examining board to violate this chapter by continuing to perform work subsequent to the issuance of a stop work order/red tag, that person or entity is subject to a minimum five hundred dollar (\$500.00) fine. In addition, there shall be automatic revocation of all permits and development orders related to the work being done; and a mandatory, minimum six (6) month suspension of the permit pulling privileges of any contractor (s) performing such work.

Sec. 6-39. Inspections prior to issuance of certificate of occupancy.

In addition to the inspection requirements of Section 105, Florida Building Code, the following inspections and inspection elements shall be required as deemed necessary by the building official:

(a) *Slab Inspection:* A slab inspection shall 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.

(b) *Foundation Survey:* A foundation survey prepared and certified by a registered surveyor shall be required for all new construction prior to approval of the framing 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. In lieu of providing a survey, the contractor may elect to uncover all property line markers and string-up all property lines in preparation for inspection.

(c) *Framing Inspection:* The framing inspection shall all elements identified in section 105.6, Florida Building Code, and "installation" of window/door framing.

(d) *Insulation Inspection:* An insulation inspection shall be made after the framing inspection is approved and the insulation is in place.

(e) *Sheathing Inspection:* Sheathing fasteners installed and found to be missing the structural member (shiners) shall be removed and properly reinstalled prior to installation of the dry-in material.

(f) *Roofing Inspection:* The roofing inspection shall be made as two inspections on tile, slate or similar roof coverings or as one inspection on all other roof coverings.

(g) *Final Inspection Requirements:*

(1) After the building or work is completed, final inspections shall be made for every permit for work requiring plans review and approval or related to public health, safety, and welfare, as determined by the building official. Any permit requiring a final inspection shall be so annotated on the issued permit.

(2) It is the responsibility of the permit holder to call for a final inspection. Failure to obtain a final inspection shall render the permit null and void, if it is not done within the duration limits for the permit as specified in this chapter. The permit holder is subject to code compliance, if construction is completed and no required final inspection is made. If the permit becomes null and void, no further work is authorized without a new permit or approval by the building official.

Sec. 6-40. Site debris

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 fourteen (14) days. All debris shall kept in such a manner as to prevent it from being spread by any other means.

Section 8. A new Chapter 6, Article II, Division 3 is hereby created which reads as follows:

DIVISION 3. CERTIFICATES OF OCCUPANCY

Sec. 6-41. Certificate of occupancy.

(a) *Certificate of Occupancy Required:* No new building shall be occupied or a change made in the occupancy of an existing building until after the building official has issued a certificate of occupancy.

(b) *Issuance of Certificate of Occupancy:* Upon completion of construction of a building or structure and installation of electrical, gas, mechanical, and plumbing systems

and after final inspections, the building official shall issue a certificate of occupancy if he verifies that the completed construction under the applicable permit complies with the Florida Building Code and this chapter; was found in compliance by the planning director with chapter 9.5 of this code; was found in compliance with fire prevention and life and safety codes by the fire marshal, where applicable; and that any on-site sewage disposal and treatment received an approved final inspection, where applicable.

(c) *Debris Removal*: No certificate of occupancy shall be issued unless all construction debris is removed from the site.

(d) *Revocation of Certificate of Occupancy*: The building official may revoke any certificate of occupancy, if a false statement is contained in the permit application upon which the certificate is issued or if subsequent use does not conform with the land use (zoning) district in which the structure is located.

(e) *Temporary Certificate of Occupancy*: The building official may issue a temporary certificate of occupancy for no more than twelve (12) months for a portion or portions of a building which, in his determination, may be safely occupied prior to final completion of the building.

Section 9. Chapter 6, Article IV, is hereby repealed.

Section 10. Chapter 6, Article VI, is hereby repealed.

Section 11. Chapter 6, Article VIII, is hereby repealed.

Section 12. Chapter 6, Article IX, is hereby repealed.

Section 13. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 14. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of said conflict.

Section 15. This ordinance shall take effect immediately upon receipt of the official notice from the Office of the Secretary of State of the State of Florida that this ordinance has been filed with said Office.

Section 16. The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of the County of Monroe, Florida, as an addition, or amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

Section 17. The Clerk of the Court is hereby directed to forward a copy of this Ordinance to the Municipal Code Corporation for incorporation into the Monroe County Code of Ordinances.

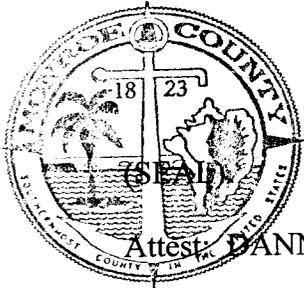
PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida, at a regular meeting of said Board held on the 17th of April, AD, 2002.

Mayor Charles "Sonny" McCoy	<u>yes</u>
Mayor Pro Tem Dixie Spehar	<u>yes</u>
Commissioner Murray Nelson	<u>yes</u>
Commissioner George Neugent	<u>yes</u>
Commissioner Nora Williams	<u>not present</u>

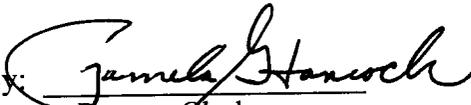
BOARD OF COUNTY COMMISSIONERS,
MONROE COUNTY, FLORIDA

By: 

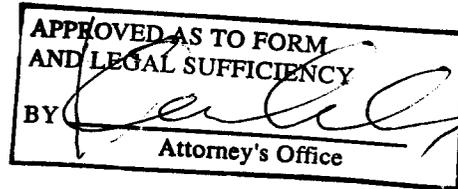
Mayor/Chairman



Attest: **DANNY KOLHAGE**, Clerk

By: 

Deputy Clerk



FILED FOR RECORD
2002 MAY -6 AM 10: 37
DANNY L. KOLHAGE
CLK. CIR. CT.
MONROE COUNTY, FLA.