

Chapter 118

CONSTRUCTION STANDARDS*

* **Cross References:** Concurrency, ch. 106; land use districts, ch. 109; development design standards, ch. 115; resource protection standards, ch. 121; signs, handbills and structures, ch. 124.

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- Sec. 118-1. Purpose and intent.
 - Sec. 118-2. Florida Building Code--Building (2001).
 - Sec. 118-3. Florida Building Code--Mechanical (2001).
 - Sec. 118-4. Florida Building Code--Plumbing (2001).
 - Sec. 118-5. Florida Building Code--Fuel Gas (2001).
 - Sec. 118-6. Standard Housing Code (1997).
 - Sec. 118-7. Reserved.
 - Sec. 118-8. National Electrical Code (1999).
 - Sec. 118-9. Florida Fire Prevention Code (1997).
 - Sec. 118-10. Life Safety Code (2000).
 - Sec. 118-11. Reserved.
 - Sec. 118-12. Reserved.
 - Sec. 118-13. Standard Unsafe Building Abatement Code (1985).
 - Sec. 118-14. Uniform Fire Safety Rules and Standards.
 - Sec. 118-15. Reserved.
 - Sec. 118-16. Reserved.
 - Sec. 118-17. Flood prevention regulations.
 - Sec. 118-18. Design guidelines for alteration or reconstruction of certain commercial structures.
 - Sec. 118-19. Fees.
 - Sec. 118-20. Cross connection control--Manual adopted.
 - Sec. 118-20.1. Areas embraced.
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 - Sec. 118-20.6. Cross connection public employees.
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 - Sec. 118-20.8. Property access for cross connection control.
 - Sec. 118-20.9. Discontinuance of service.
 - Sec. 118-20.10. Expenses and records.
 - Sec. 118-21. Demolition of structures.

Sec. 118-1. Purpose and intent.

The intent of this chapter is to establish minimum standards that will govern the construction of dwellings, buildings, and other structures within the corporate limits of the city. Minimum construction standards are necessary for the protection of the health, safety, and welfare of the populace residing in, or having the occasion to enter, buildings and structures located within the city. It is further the intent of this section to include, by reference, those buildings or technical codes that are required to provide such protection.

The building official or fire chief shall be responsible for administration and implementation of the following codes as indicated. If two or more codes deal with the same construction standards, the code that provides the greatest measure of life safety shall prevail. Copies of all referenced codes are on file in the offices of the building official and the fire chief, and shall be available for inspection during regular business hours. (Ord. No. 01-02, § 2, 2-15-01; Ord. No. 02-57, § 1(Exh. A), 9-5-2002)

Sec. 118-2. Florida Building Code--Building (2001).

The Florida Building Code 2001 Edition is hereby adopted by reference as amended hereby as the building code of the city, and administered by the building official. The appendices thereto are expressly not adopted.

(Ord. No. 01-02, § 2, 2-15-01; Ord. No. 02-57, § 1(Exh. A), 9-5-2002)

CHAPTER 1 ADMINISTRATION

SECTION 101 GENERAL

101.1 Scope. The provisions of this chapter shall govern the administration and enforcement of the Florida Building Code.

101.2 Title. The provisions of the following chapters shall constitute and be known and be cited as the Florida Building Code, hereinafter known as "this code."

101.3 Code Remedial

101.3.1 General. This code is hereby declared to be remedial and shall be construed to secure the beneficial interests and purposes thereof, which are public safety, health and general welfare through structural strength, stability, sanitation, adequate light and ventilation, and safety to life and property from fire and other hazards attributed to the built environment including alteration, repair, removal, demolition, use and occupancy of buildings, structures or premises, and by regulating the installation and maintenance of all electrical, gas, mechanical and plumbing systems, which may be referred to as service systems.

101.3.2 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.

101.3.3 Permitting and inspection. The inspection or permitting of any building, system or plan by the 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. Neither the jurisdiction 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 jurisdiction is found to have acted in bad faith or with malicious purpose in a manner exhibiting wanton and willful disregard of the safety, health and welfare of the public.

101.4 Applicability

101.4.1 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.

101.4.2 Building. The provisions of the Florida Building Code shall apply to the construction, erection, alteration, modification, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every public and private building, structure or facility or floating residential structure, or any appurtenances connected or attached to such buildings, structures or facilities. Additions, alterations, repairs and changes of use or occupancy group in all buildings and structures shall comply with the provisions provided in Chapter 34 of this code. The following buildings, structures, and facilities are exempt from the Florida Building Code as provided by law, and any future exemptions shall be as determined by the legislature and provided by law:

- (a) Building and structures specifically regulated and preempted by the federal government.
- (b) Railroads and ancillary facilities associated with the railroad.
- (c) Nonresidential farm buildings on farms.
- (d) Temporary buildings or sheds used exclusively for construction purposes.
- (e) Mobile homes used as temporary offices, except that the provisions of part V (F.S. §§ 553.501--553.513) relating to accessibility by persons with disabilities shall apply to such mobile homes.
- (f) Those structures or facilities of electric utilities, as defined in F.S. § 366.02, 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 of 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 nonwood features.

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

101.4.2.2 In addition to the requirements of F.S. §§ 553.79 and 553.80, facilities subject to the

provisions of F.S. ch. 395 and F.S. ch. 400, pt. II shall have facility plans reviewed and construction surveyed by the state agency authorized to do so under the requirements of F.S. ch. 395 and F.S. ch. 400, pt. II, and F.S. ch. 400, pt. II and the certification requirements of the federal government.

101.4.2.3 Residential buildings or structures moved into or within a county or municipality shall not be required to be brought into compliance with the state minimum building code in force at the time the building or structure is moved, provided:

1. The building or structure is structurally sound and in occupiable condition for its intended use;
2. The occupancy use classification for the building or structure is not changed as a result of the move;
3. The building is not substantially remodeled;
4. Current fire code requirements for ingress and egress are met;
5. Electrical, gas and plumbing systems meet the codes in force at the time of 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 Florida Building Code, Building for all residential buildings or structures of the same occupancy class.

101.4.2.3.1 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.

101.4.2.3.2 Unsafe Buildings shall be abated using the Standard Unsafe Building Abatement Code, 1985 edition, promulgated by the Southern Building Code Congress International, Inc., subject to all amendments, modifications or deletions hereinafter contained.

101.4.2.4 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 insurance to inspect state-owned buildings and boilers.

101.4.2.5 Each enforcement district shall be governed by a board, the composition of which shall be determined by the affected localities. 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 to the Florida Building Code relating to:

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

2. Addition, alteration or repairs by a nonowner within a specific cost limitation set by rule, provided the total cost shall not exceed \$5,000.00 within any 12-month period.
3. Building and inspection fees.

Each code exemption, as defined in this section, shall be certified to the local board 10 days prior to implementation and shall be effective only in the territorial jurisdiction of the enforcement district or local enforcement agency implementing it.

101.4.3 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.

101.4.4 Gas. The provisions of the Florida Building Code, Fuel Gas shall apply to the installation of consumers' gas piping, 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.

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

101.4.6 Plumbing. The provisions of the Florida Building Code, Plumbing shall apply to every plumbing installation, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances and when connected to a water or sewerage system and all aspects of a medical gas system.

101.4.7 Federal and state authority. The provisions of this code shall not be held to deprive any Federal or State agency, or any applicable governing authority having jurisdiction, of any power or authority which it had on the effective date of the adoption of this code or of any remedy then existing for the enforcement of its orders, nor shall it deprive any individual or corporation of its legal rights as provided by law.

101.4.8 Appendices. To be enforced, the appendices included in the technical codes must be adopted by a local governmental jurisdiction for use in that jurisdiction.

101.4.9 Referenced standards. Standards referenced in the technical codes shall be considered an integral part of the codes without separate adoption. If specific portions of a standard are denoted by code text, only those portions of the standard shall be enforced. Where code provisions conflict with a standard, the code provisions shall be enforced. Permissive and advisory provisions in a standard shall not be construed as mandatory.

101.4.10 Units of measure. The inch-pound system of measurement is applicable to the provisions of

this code. Metric units indicated in parenthesis following inch-pound units are approximate equivalents and are provided for informational purposes only.

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

101.4.12 Energy. For provisions related to energy, refer to Chapter 13 of the Florida Building Code, Building.

SECTION 102 BUILDING DEPARTMENT

102.1 Establishment. There is hereby established a department to be called the Building Department and the person in charge shall be known as the Building Official.

102.2 Employee qualifications

102.2.1 Building Official Qualifications. The Building Official shall be licensed as a Building Code Administrator by the State of Florida. The Building Official shall be appointed or hired by the applicable governing authority and shall not be removed from office except for cause after full opportunity has been given to be heard on specific charges before such applicable governing authority.

102.2.3 Employee Qualifications. The Building Official, with the approval of the applicable governing authority, may appoint or hire such number of officers, inspectors, plans examiners, assistants and other employees as shall be authorized from time to time. A person shall not be appointed or hired as inspector or plans examiner unless that person meets the qualifications for licensure as an inspector or plans examiner, in the appropriate trade as established by the State of Florida.

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

102.4 Records. The Building Official shall keep, or cause to be kept, a record of the business of the department. The records of the department shall be open to public inspection.

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

SECTION 103
POWERS AND DUTIES OF THE
BUILDING OFFICIAL

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

103.2 Right of entry

103.2.1 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 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.

103.2.2 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.

103.3 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 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.

103.4 Revocation of permits. The building official is authorized to suspend or revoke a permit issued under the provisions of this code wherever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any provisions of this code.

103.4.1 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.

103.4.2 Violation of code provisions. The building official 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.

103.5 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 the provisions of the Standard Unsafe Building Abatement Code or other local ordinance.

103.6 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.

103.7 Alternate materials and methods.

103.7.1 The provisions of the technical codes are not intended to prevent the use of any material or method of construction not specifically prescribed by them, provided any such alternate has been reviewed by the building official. The building official shall approve any such alternate, provided the building official finds that the alternate for the purpose intended is at least the equivalent of that prescribed in the technical codes 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 alternate.

103.7.2 Accessibility. Alternate designs and technologies for providing access to and usability of a facility for persons with disabilities shall be in accordance with 11-2.2

SECTION 104 PERMITS

104.1 Permit Application

104.1.1 When required. Any owner, authorized agent, or contractor who desires to construct, enlarge, alter, repair, move, demolish, or change the occupancy or occupant content of a building or structure, or any outside area being used as part of the building's designated occupancy (single or mixed) 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 the technical codes, or to cause any such work to be done, shall first make application to the building official and obtain the required permit for the work.

Exceptions:

1. Permits shall not be required for the following mechanical work.

- 1.1. any portable heating appliance;
- 1.2. any portable ventilation equipment;
- 1.3. any portable cooling unit;
- 1.4. any steam, hot or chilled water piping within any heating or cooling equipment regulated by this code;
- 1.5. replacement of any part which does not alter its approval or make it unsafe;
- 1.6. any portable evaporative cooler;
- 1.7. any self-contained refrigeration system containing 10 lb (4.54 kg) or less of refrigerant and actuated by motors of 1 horsepower (746 W) or less; and
- 1.8. The installation, replacement, removal, or metering of any load management control device.

104.1.2 Temporary structures. A special building permit for a limited time shall be obtained before the erection of temporary structures such as construction sheds, seats, canopies, tents and fences used in construction work or for temporary purposes such as reviewing stands. Such structures shall be completely removed upon the expiration of the time limit stated in the permit.

104.1.3 Work authorized. A building, electrical, gas, mechanical or plumbing permit shall carry with it the right to construct or install the work, provided the same is shown on the drawings and set forth in the specifications filed with the application for the permit. Where these are not shown on the drawings and covered by the specifications submitted with the application, separate permits shall be required.

104.1.4 Minor repairs. Ordinary minor repairs may be made with the approval of the building official without a permit, provided that such repairs shall not violate any of the provisions of the technical codes.

104.1.5 Information required. Each application for a permit, with the required fee, shall be filed with the building official on a form furnished for that purpose and shall contain a general description of the proposed work and its location. The application shall be signed by the owner or his authorized agent. The building permit application shall indicate the proposed occupancy of all parts of the building and of that portion of the site or lot, if any, not covered by the building or structure and shall contain such other information as may be required by the building official. Permit application forms shall be in the format prescribed by a local administrative board, if applicable, and must comply with the requirements of F.S. § 713.135(6) & (7). Each application shall be inscribed with the date of application and the code in effect as of that date. For a building permit for which an application is submitted prior to the effective date of the Florida Building Code, the state minimum building code in effect in the permitting jurisdiction of the date of the application governs the permitted work for the life of the permit and any extension granted to the permit.

104.1.6 Time Limitations. Except as otherwise provided in this chapter, an application for a permit for any proposed work shall be deemed to have been abandoned, and shall expire by limitation and become null and void 6 months after the date of filing for the permit, or plan approval, whichever is later unless before then a permit has been issued. One or more extensions of time for periods of not more than 90 days each may be allowed by the building official for the application, provided the extension is requested in writing and justifiable cause is demonstrated.

104.1.7 Annual Facility Permit. In lieu of an individual permit for each alteration to an existing electrical gas, mechanical, plumbing or interior non-structural office system(s), the building official is authorized to issue an annual permit for Group F occupancies to facilitate routine or emergency service, repair, refurbishing, minor renovations of service systems or manufacturing equipment installations/relocations. The building official shall be notified of major changes and shall retain the right to make inspections at the facility site as deemed necessary. A facility service permit shall be assessed an annual fee and shall be valid for one year from date of issuance. A separate permit shall be obtained for each facility and for each construction trade, as applicable. The permit application shall contain a general description of the parameters of work intended to be performed during the year.

104.1.7.1 Annual Permit Records. The person to whom an annual permit is issued shall keep a detailed record of alterations made under such annual permit. The building official shall have reasonable access to such records upon request. The permit holder shall list/identify all work performed on a form approved by the building official. At the end of the permit validation period, a copy of the log shall be filed with the building official. The building official is authorized to revoke or withhold the issuance of the future permits if a pattern of code violations is found to exist.

104.1.8 Food Permit. As per F.S. § 500.12, a food permit from the Department of Agriculture and Consumer Services is required of any person who operates a food establishment or retail store.

104.1.9 Notice of Commencement. As per F.S. § 713.135, 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."

104.1.10 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 F.S. § 469.003 and to notify the Department of Environmental Protection of her or his intentions to remove asbestos, when applicable, in accordance with state and federal law.

104.2 Drawings and specifications

104.2.1 Requirements. As required by 104.3.1.1 of the code, two or more copies of specifications, and of

drawings drawn to scale with sufficient clarity and detail to indicate the nature and character of the work, shall accompany the application for a permit. Such drawings and specifications shall contain information, in the form of notes or otherwise, as to the quality of materials, where quality is essential to conformity with the technical codes. Such information shall be specific, and the technical codes shall not be cited as a whole or in part, nor shall the term "legal" or its equivalent be used as a substitute for specific information. All information, drawings, specifications and accompanying data shall bear the name and signature of the person responsible for the design.

104.2.1.1 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.

104.2.1.2 Additional data. The building official shall be allowed to require details, computations, stress diagrams, and other data necessary to describe the construction or installation and the basis of calculations.

104.2.2 Design professional. If the design professional is an architect or engineer legally registered under the laws of this state regulating the practice of architecture or engineering, then he/she shall affix his official seal to said drawings, specifications and accompanying data, as required by Florida Statute.

104.2.2.1 Certification by contractors authorized under the provisions of F.S. § 489.115(4)(b) shall be considered to equivalent to sealed plans and specifications by a person licensed under F.S. ch. 471 or F.S. ch. 481 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 F.S. chs. 471, 481 or 489.

104.2.3 Structural and fire resistance integrity. Plans for all buildings shall indicate how required structural and fire resistance integrity will be maintained where a penetration of a required fire resistant wall, floor or partition will be made for electrical, gas, mechanical, plumbing and communication conduits, pipes and systems. Such plans shall also indicate in sufficient detail how the fire integrity will be maintained where required fire resistant floors intersect the exterior walls and where joints occur in required fire resistant construction assemblies.

104.2.4 Site drawings. Drawings shall show the location of the proposed building or structure and of every existing building or structure on the site or lot. 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.

104.2.5 Hazardous occupancies. The building official may require the following:

1. *General site plan.* A general site plan drawn at a legible scale which shall include, but not be 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 of hazardous materials stored.
2. *Building floor plan.* A building floor plan drawn to a legible scale, which shall include, but not be 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 routes. 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.

104.2.6 Certificate of Protective Treatment for prevention of termites. A weather resistant jobsite 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.

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

104.3 Examination of documents.

104.3.1 Plan Review. The building official shall examine or cause to be examined each application for a permit and the accompanying documents, consisting of drawings, specifications, computations and additional data, and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of the technical codes and all other pertinent laws or ordinances.

Exceptions:

1. Building plans approved pursuant to F.S. § 553.77(6) 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 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 appropriate design and inspection professionals and which contain adequate in-house fire departments and rescue squads is exempt, subject to local government option, from review of plans and inspections, providing owners certify that applicable codes and

standards have been met and supply appropriate approved drawings to local building and fire-safety inspectors.

104.3.1.1 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:

Commercial Buildings:

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 (Table 500)

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

calculated fire resistance

5. Fire suppression systems shall include:

early warning

smoke evacuation systems schematic

fire sprinklers

standpipes

pre-engineered systems

riser diagram

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

occupant load and egress capacities

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 develop)

light and ventilation

sanitation

12. Special systems

elevators

escalators

lifts

13. Swimming Pools

barrier requirements

spas

wading pools

Electrical

1. Electrical
 - wiring
 - services
 - feeders and branch circuits
 - overcurrent protection
 - grounding
 - wiring methods and materials
 - GFCIs
2. Equipment
3. Special Occupancies
4. Emergency Systems
5. Communication Systems
6. Low-voltage
7. Load calculations

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

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

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/shut-offs

Demolition

1. Asbestos removal

Residential (One- and Two-Family):

Building

1. Site requirements
 - setback/separation (assumed property lines)
 - location of septic tanks
2. fire resistant construction (if required)
3. fire
4. smoke detector locations

5. Egress

egress window size and location

stairs construction requirements

6. Structural requirements shall include:

wall section from foundation through roof, including assembly and materials

connector tables

wind requirements

structural calculations (if required)

7. Accessibility requirements:

show/identify accessible bath

Manufactured / Mobile Homes

1. Site requirements

setback/separation (assumed property lines)

location of septic tanks (if applicable)

2. Structural

wind zone

anchoring

blocking

4. Mechanical

Exhaust systems

clothes dryer exhaust

kitchen equipment exhaust

5. Electrical

exterior disconnect location

104.3.1.2 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. Re-roofs
3. Minor electrical, plumbing and mechanical repairs.
4. Annual maintenance permits
5. Prototype plans

except for local site adaptations, siding, foundations and/or modifications

except for structures that require waiver

104.3.2 Affidavits. The building official may accept a sworn affidavit from a registered architect or engineer stating that the plans submitted conform to the technical codes. For buildings and structures, the affidavit shall state that the plans conform to the laws as to egress, type of construction and general arrangement and, if accompanied by drawings, show the structural design and that the plans and design conform to the requirements of the technical codes as to strength, stresses, strains, loads and stability. The building official may without any examination or inspection accept such affidavit, provided the architect or engineer who made such affidavit agrees to submit to the building official copies of inspection reports as inspections are performed and upon completion of the structure, electrical, gas, mechanical or plumbing systems a certification that the structure, electrical, gas, mechanical or plumbing system has been erected in accordance with the requirements of the technical codes 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 F.S. ch. 468, and that any person conducting inspections is qualified as a building inspector under F.S. ch. 468, pt. XII.

104.4 Issuing Permits

104.4.1 Action on Permits

104.4.1.1 The building official shall act upon an application for a permit without unreasonable or unnecessary delay. If the building official is satisfied that the work described in an application for a permit and the contract documents filed therewith conform to the requirements of the technical codes and other pertinent laws and ordinances, he shall issue a permit to the applicant. 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.

104.4.1.2 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.

104.4.1.3 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 F.S. ch. 471:

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) on a commercial or industrial electrical system and which costs more than \$50,000.00.
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 \$50,000.00.
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 F.S. § 633.521, 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 \$50,000.00. 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-family, two-family, three-family or four-family structure.

An air-conditioning system may be designed by an installing air-conditioning contractor certified under F.S. ch. 489, to serve any building or addition which is designed to accommodate fewer than 100 persons and requires an air-conditioning system with value of \$50,000.00 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 system is less than 15 tons.

Example 2: Consider a small single story office building which consists of 6 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 \$47,000.00 and the office building accommodates fewer than 100 persons.

Note: It was further clarified by the commission that the limiting criteria of 100 persons and \$50,000.00 apply to the building occupancy load and the cost of 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 \$5,000.00.

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 F.S. § 471.025.

104.4.1.4 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."

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

104.4.2 Refusal to issue permit. If the application for a permit and the accompanying contract documents describing the work do not conform to the requirements of the technical codes or other pertinent laws or ordinances, the building official shall not issue a permit, but shall return the contract documents to the applicant with his refusal to issue such permit. Such refusal shall, when requested, be in writing and shall contain the reason for refusal.

104.4.3 Identification of minimum premium policy. Except as otherwise provided in Chapter 440, 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 F.S. §§ 440.10 and 440.38.

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

the following form:

Disclosure Statement

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

104.4.5 Special foundation permit. When application for permit to erect or enlarge a building has been filed and pending issuance of such permit, the building official may, at his discretion, issue a special permit for the foundation only. The holder of such a special permit is proceeding at their own risk and without assurance that a permit for the remainder of the work will be granted nor that corrections will not be required in order to meet provisions of the technical codes.

104.4.6 Public right-of-way. A permit shall not be given by the building official for the construction of any building, or for the alteration of any building where said building is to be changed and such change will affect the exterior walls, bays, balconies, or other appendages or projections fronting on any street, alley or public lane, or for the placing on any lot or premises of any building or structure removed from another lot or premises, unless the applicant has made application for right-of-way permits from the authority having jurisdiction over the street, alley or public lane.

104.5 Conditions of the permit

104.5.1 Permit intent. A permit issued shall be construed to be a license to proceed with the work and not as authority to violate, cancel, alter or set aside any of the provisions of the technical codes, nor shall issuance of a permit prevent the building official from thereafter requiring a correction of errors in plans, construction, or violations of this code. Every permit issued shall become invalid unless the work authorized by such permit is commenced within 6 months after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of 6 months after the time the work is commenced. Failure to obtain an approved inspection within 180 days of the previous approved inspection shall constitute suspension or abandonment. One or more extensions of time, for periods not more than 180 days each, 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. The building official shall record the extension of time granted.

104.5.1.1 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.

104.5.1.2 If a new permit is not obtained within 180 days 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.

104.5.1.3 Work shall be considered to be in active progress when the permit has received an approved inspection within 180 days. 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.

104.5.1.4 The fee for renewal, re-issuance and extension of a permit shall be set forth by the administrative authority.

104.5.1.5 Permits issued for the demolition of a structure shall expire sixty (60) days from the date of issuance. For a justifiable cause, one (1) extension of time for a period not exceeding thirty (30) days may be allowed. Such request shall be in writing to the building official.

104.5.2 Permit issued on basis of an affidavit. Whenever a permit is issued in reliance upon an affidavit or whenever the work to be covered by a permit involves installation under conditions which, in the opinion of the building official, are hazardous or complex, the building official shall require that the architect or engineer who signed the affidavit or prepared the drawings or computations shall supervise such work. In addition, they shall be responsible for conformity to the permit, provide copies of inspection reports as inspections are performed, and upon completion make and file with the building official written affidavit that the work has been done in conformity to the reviewed plans and with the structural provisions of the technical codes. In the event such architect or engineer is not available, the owner shall employ in his stead a competent person or agency whose qualifications are reviewed by the building official. The building official shall ensure that any person conducting plans review is qualified as a plans examiner under F.S. ch. 486, pt. XII and that any person conducting inspections is qualified as a building inspector under F.S. ch. 468, pt. III.

104.5.3 Plans. When the building official issues a permit, the building official shall endorse, in writing or by stamp both sets of reviewed plans "Reviewed for Code Compliance." One set of reviewed drawings shall be retained by the building official and the other set shall be returned to the applicant. The permit drawings shall be kept at the site of work and shall be open to inspection by the building official or his authorized representative.

104.5.4 Work starting before permit issuance.

Upon approval of the building official, the scope of work delineated in the building permit application and plans 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.

104.6 Fees

104.6.1 Prescribed fees. A permit shall not be issued until fees authorized under F.S. § 553.80 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.

104.6.2 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 of 100 percent of the usual permit fee in addition to the required permit fees or as provided by local ordinance. This provision shall not apply to emergency work when delay would clearly have placed life or property in imminent danger. But in all such cases the required permit(s) must be obtained within three (3) business days and any unreasonable delay in obtaining those permit(s) shall result in the charge of a double fee. The payment of a double 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.

104.6.3 Accounting. The building official shall keep a permanent and accurate accounting of all permit fees and other monies collected, the names of all persons upon whose account the same was paid, along with the date and amount thereof.

104.6.4 Schedule of Permit Fees. On all buildings, structures, electrical, plumbing, mechanical and gas systems or alterations requiring a permit, a fee for each permit shall be paid as required at the time of filing application, in accordance with the schedule as established by the applicable governing authority.

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

- * Permits;
- * Plans examination;
- * Certificates of competency (including fees for applications, examinations, renewal, late renewal, and reciprocity);
- * Re-inspections;
- * Administrative fees (including fees for investigative and legal costs incurred in the context of certain disciplinary cases heard by the board);
- * Variance requests;
- * Administrative appeals;
- * Violations; and

* Other fees as established by local ordinance.

104.6.6 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 the application, permit 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.

SECTION 105 INSPECTIONS

105.1 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 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.

105.2 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.

105.3 Inspection service. The building official may make, or cause to be made, the inspections required by 105. He or she may accept reports of department 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 certified in accordance to F.S. ch. 468.

105.4 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. In performing inspections, the building official shall give first priority to inspections of the construction, addition, or renovation to, any facilities owned or controlled by a state university, state community college or public school district.

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

105.6 Required inspections. The building official upon notification from the permit holder or his agent shall make the following inspections, and shall either release that portion of the construction or shall notify the permit holder or his 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.

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 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.

2. Framing inspection: To be made after the roof, all framing, fireblocking 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
- * framing/trusses/bracing/connectors
- * draft stopping/fire-blocking
- * curtain wall framing

- * energy insulation

- * accessibility

3. 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

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

- * dry-in

- * insulation

- * roof coverings

- * flashing

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

6. 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.

- * Final inspection 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

7. 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.

Electrical

1. Underground inspection: 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. 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.

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 the installation of wall or ceiling membranes.
3. Final inspection: To be made after the building is complete, all required plumbing fixtures are in place and properly connected, and the structure is ready for occupancy.

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 is 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.

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 insure 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.

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.

105.7 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.

105.8 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.

105.9 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 covered or concealed from view without first obtaining a release from the building official.

105.10 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.

105.11 Termites. Building components and building surroundings required to be protected from termite damage in accordance with 1503.4.4, 1804.6.2.7, 1916.7.5, 2303, 2304, or 2603.3, specifically required to be inspected for termites in accordance with 2116, or required to have chemical soil treatment in accordance with 1816 shall not be covered or concealed until the release from the building official has been received.

105.12 Shoring. For threshold buildings, shoring and associated formwork or falsework shall be designed and inspected by a Florida Licensed Professional Engineer, employed by the permit holder or subcontractor, prior to any required mandatory inspections by the Threshold Building inspector.

105.13 Threshold Building

105.13.1 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 plan is to provide specific inspection procedures and schedules so that the building can be adequately inspected for compliance with the permitted documents.

105.13.2 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 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.

105.13.3 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.

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

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

105.13.4.2 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.

105.13.4.3 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.

105.13.4.4 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 F.S. ch. 633.

105.13.5 No enforcing agency may issue a building permit for construction of any threshold building except to a licensed general contractor, as defined in F.S. § 489.105(3)(a), or to a licensed building contractor, as defined in F.S. § 489.105(3)(b), within the scope of his or her license.

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

SECTION 106 CERTIFICATES

106.1 Certificate of Occupancy

106.1.1 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.

106.1.2 Issuing Certificate of Occupancy. Upon 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, and after verification that all septic system permits have received an approved final inspection where applicable, the building official shall issue a Certificate of Occupancy stating the nature of the occupancy permitted, the number of persons for each floor when limited by law, and the allowable load per square foot for each floor in accordance with the provisions of this code.

106.1.3 Temporary/Partial occupancy. A temporary/ partial Certificate of Occupancy may be issued for a portion or portions of a building which may safely be occupied prior to final completion of the building.

106.2 Certificate of Completion. A certificate of completion 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.

106.3 Service utilities

106.3.1 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.

106.3.2 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.

106.3.3 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 or property. 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.

106.4 Posting floor loads

106.4.1 Occupancy. An existing or new building shall not be occupied for any purpose which will cause the floors thereof to be loaded beyond their safe capacity.

106.4.2 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 department.

106.4.3 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 107 TESTS

107.1 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.

SECTION 108 SEVERABILITY

108.1 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 109 VIOLATIONS AND PENALTIES

109.1 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, in violation of a

detailed statement or drawing submitted and permitted there under, shall be guilty of a misdemeanor of the second degree. Each such person shall be considered guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this code is committed or continued. Upon conviction of any such violation such person shall be punished within the limits as provided by law and local ordinance.

Chapters 2 through and including Chapter 36 of the Florida Building Code 2001 Edition are adopted without amendment and are included by reference.
(Ord. No. 02-57, § 1(Exh. A), 9-5-2002)

Sec. 118-3. Florida Building Code--Mechanical (2001).

The Florida Building Code--Mechanical, 2001 Edition is hereby adopted by reference as the mechanical code of the city, and administered by the building official. The appendices thereto are expressly not adopted.
(Ord. No. 01-02, § 2, 2-15-01; Ord. No. 02-57, § 1(Exh. A), 9-5-2002)

Sec. 118-4. Florida Building Code--Plumbing (2001).

The Florida Building Code - Plumbing, 2001 Edition is hereby adopted by reference as the plumbing code of the city, and administered by the building official. The appendices thereto are expressly not adopted.
(Ord. No. 01-02, § 2, 2-15-01; Ord. No. 02-57, § 1(Exh. A), 9-5-2002)

Sec. 118-5. Florida Building Code--Fuel Gas (2001).

The Florida Building Code--Fuel Gas, 2001 Edition is hereby adopted as the gas code of the city, and administered by the building official. The appendices thereto are expressly not adopted.
(Ord. No. 01-02, § 2, 2-15-01; Ord. No. 02-57, § 1(Exh. A), 9-5-2002)

Sec. 118-6. Standard Housing Code (1997).

The Standard Housing Code, 1997 Edition, excluding Sec. 106 and Sec. 107, or as amended by the Southern Building Code Congress International, Inc., is hereby adopted as the housing code of the city, and administered by the building official. The appendices thereto are expressly not adopted. Any reference in the Standard Housing Code to the Standard Building Code shall be construed to be a reference to the Florida Building Code.
(Ord. No. 01-02, § 2, 2-15-01; Ord. No. 02-57, § 1(Exh. A), 9-5-2002)

Sec. 118-7. Reserved.

Sec. 118-8. National Electrical Code (1999).

The National Electric Code, 1999 Edition, as compiled by the National Fire Protection Association, is hereby adopted by reference as the electrical code of the city, and administered by the building official.
(Ord. No. 01-02, § 2, 2-15-01; Ord. No. 02-57, § 1(Exh. A), 9-5-2002)

Sec. 118-9. Florida Fire Prevention Code (1997).

The Florida 2001 Fire Prevention Code, as compiled by the Florida Building Standards Commission, is hereby adopted by reference as the fire prevention code of the city, and administered by the fire chief. (Ord. No. 01-02, § 2, 2-15-01; Ord. No. 02-57, § 1(Exh. A), 9-5-2002)

Sec. 118-10. Life Safety Code (2000).

The Life Safety Code, 2000 Edition or as amended by the National Fire Protection Association, is hereby adopted by reference as the life safety code of the city, and administered by the fire chief. (Ord. No. 01-02, § 2, 2-15-01; Ord. No. 02-57, § 1(Exh. A), 9-5-2002)

Sec. 118-11. Reserved.

Sec. 118-12. Reserved.

Sec. 118-13. Standard Unsafe Building Abatement Code (1985).

The Standard Unsafe Building Abatement Code, 1985 Edition, excluding Sec. 105, or as amended by the Southern Building Code Congress International, Inc., is hereby adopted by reference as the unsafe building abatement code of the city, and administered by the building official. Any reference in the Standard Unsafe Building Abatement Code to the Standard Building Code shall be construed to be a reference to the Florida Building Code. (Ord. No. 01-02, § 2, 2-15-01; Ord. No. 02-57, § 1(Exh. A), 9-5-2002)

Sec. 118-14. Uniform Fire Safety Rules and Standards.

The Uniform Fire Safety Rules and Standards, as compiled by the State of Florida Department of Insurance Division of State Fire Marshal, is hereby adopted by reference as the applicable fire safety rules and standards of the city, and administered by the fire chief. (Ord. No. 01-02, § 2, 2-15-01; Ord. No. 02-57, § 1(Exh. A), 9-5-2002)

Sec. 118-15. Reserved.

Sec. 118-16. Reserved.

Sec. 118-17. Flood prevention regulations.

- (a) *Statutory authorization, findings of fact, purpose, and objectives.*
- (1) *Statutory authorization.* The Legislature of the State of Florida has authorized and delegated in F.S. ch. 166, the responsibility of local government units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City Commission of the City of Eustis does hereby adopt the following floodplain management regulations.
- (2) *Findings of fact.*

- a. The flood hazard areas of the City of Eustis are subject to periodic inundation, which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
 - b. These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, flood-proofed, or otherwise unprotected from flood damages.
- (3) *Statement of purpose.* It is the purpose of this section to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:
- a. Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, which result in damaging increases in erosion or in flood heights and velocities;
 - b. Require that uses vulnerable to floods including facilities which serve such uses by protected against flood damage throughout their intended life span;
 - c. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;
 - d. Control filling, grading, dredging and other development which may increase erosion or flood damage; and
 - e. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.
- (4) *Objectives.* The objectives of this section are to:
- a. Protect human life, health and to eliminate or minimize property damage;
 - b. Minimize expenditure of public money for costly flood control projects;
 - c. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
 - d. Minimize prolonged business interruptions;
 - e. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, roadways, and bridges and culverts located in floodplains;

- f. Maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas; and
- g. Ensure that potential homebuyers are notified that property is in a flood hazard area.

(b) *Definitions.* Unless specifically defined below, words or phrases used in this section shall be interpreted so as to give them the meaning they have in common usage and to give this section its most reasonable application.

Accessory structure means a structure that is located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Accessory structures should constitute a minimal investment, may not be used for human habitation, and be designed to have minimal flood damage potential. Examples of accessory structures are detached garages, carports, storage sheds, pole barns, and hay sheds.

Appeal means a request for a review of the floodplain administrator's interpretation of any provision of this section or a request for a variance.

Area of shallow flooding means a designated AO or AH Zone on the community's flood insurance rate map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of special flood hazard is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. This term is synonymous with the phrase "special flood hazard area."

Base flood means the flood having a one-percent chance of being equaled or exceeded in any given year (also called the "100-year flood" and the "regulatory flood"). Base flood is the term used throughout this section.

Base flood elevation means the water-surface elevation associated with the base flood.

Basement means that portion of a building having its floor sub-grade (below ground level) on all sides.

Breakaway wall means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

Building. See "structure".

Coastal high hazard area means an area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. The area is designated on the FIRM as Zone V1--V30, VE, or V.

Datum a reference surface used to ensure that all elevation records are properly related. Many communities have their own datum that was developed before there was a national standard. The current national datum is the national geodetic vertical datum (NGVD) of 1929, which is expressed in relation to mean sea level, or the North American vertical datum (NAVD) of 1988.

Development means any man-made change to improved or unimproved real estate, including, but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or storage of materials or equipment.

Elevated building means a non-basement building built to have the lowest floor elevated above the ground level by foundation walls, posts, piers, columns, pilings, or shear walls.

Encroachment means the advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

Existing construction means, for the purposes of floodplain management, structures for which "the start of construction" commenced before the date of the initial flood insurance rate map (FIRM). Existing construction, means for the purposes of determining rates structures for which the "start of construction" commenced before the effective date of the first FIRM or before January 1, 1975, for FIRMs effective before that date. This term may also be referred to as "existing structures".

Existing manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

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

Flood or flooding means:

- (a) A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - (1) The overflow of inland or tidal waters.
 - (2) The unusual and rapid accumulation or runoff of surface waters from any source.
 - (3) Mudslides (i.e. mudflows) which are proximately caused by flooding as defined in paragraph (a)(2) of this definition and are akin to a river of liquid and flowing mud on the surface of normally dry land areas, as when earth is carried by a

current of water and deposited along the path of the current.

- (b) The collapse or subsidence of land along a shore of a lake or other body of water as the result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (a)(1) of this definition.

Flood boundary and floodway map (FBFM) means the official map of the community on which the Federal Emergency Management Agency (FEMA) has delineated the areas of special flood hazard and regulatory floodways.

Flood hazard boundary map (FHBM) means an official map of the community, issued by FEMA, where the boundaries of the areas of special flood hazard have been identified as only approximate zone A.

Flood insurance rate map (FIRM) means an official map of the community, issued by FEMA, which delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

Flood insurance study (FIS) is the official hydraulic and hydrologic report provided by FEMA. The study contains an examination, evaluation, and determination of flood hazards, and, if appropriate, corresponding water surface elevations, or an examination, evaluation, and determination of mudslide (i.e., mudflow) and other flood-related erosion hazards. The study may also contain flood profiles, as well as the FIRM, FHBM (where applicable), and other related data and information.

Floodplain means any land area susceptible to being inundated by water from any source (see definition of "flooding").

Floodplain management means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

Floodplain administrator is the individual appointed to administer and enforce the floodplain management regulations of the community.

Floodplain management regulations means this section and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain ordinance, grading ordinance, and erosion control ordinance), and other applications of police power which control development in flood-prone areas. This term describes federal, State of Florida, or local regulations in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

Floodproofing means any combination of structural and non-structural additions, changes, or adjustments to structures, which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Floodway fringe means that area of the floodplain on either side of the regulatory floodway where encroachment may be permitted without additional hydraulic and/or hydrologic analysis.

Free of obstruction means any type of lower area enclosure or other construction element that will obstruct the flow of velocity water and wave action beneath the lowest horizontal structural member of the lowest floor of an elevated building during a base flood event is not allowed. This requirement applies to the structures in velocity zones (V-Zones).

Freeboard means the additional height, usually expressed as a factor of safety in feet, above a flood level for purposes of floodplain management. Freeboard tends to compensate for many unknown factors, such as wave action, bridge openings and hydrological effect of urbanization of the watershed, that could contribute to flood heights greater than the height calculated for a selected frequency flood and floodway conditions.

Functionally dependent use means a use that cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding or ship repair. The term does not include long-term storage, manufacture, sales, or service facilities.

Hardship as related to variances from this section means the exceptional hardship associated with the land that would result from a failure to grant the requested variance. The community requires that the variance is exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic consideration, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

Highest adjacent grade means the highest natural elevation of the ground surface, prior to the start of construction, next to the proposed walls of a structure.

Historic structure means any structure that is:

- (a) Listed individually in the national register of historic places (a listing maintained by the department of interior) or preliminarily determined by the secretary of the interior as meeting the requirements for individual listing on the national register;
- (b) Certified or preliminarily determined by the secretary of the interior as contributing to the

historical significance of a registered historic or a district preliminarily determined by the secretary to qualify as a registered historic district;

- (c) Individually listed on the Florida inventory of historic places, which has been approved by the secretary of the interior; or
- (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (1) By the approved Florida program as determined by the secretary of the interior, or
 - (2) Directly by the secretary of the interior.

Lowest adjacent grade means the lowest elevation, after the completion of construction, of the ground, sidewalk, patio, deck support, or basement entryway immediately next to the structure.

Lowest floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage, in an area other than a basement, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the non-elevation design standards of this ordinance.

Mangrove stand means an assemblage of mangrove trees which are mostly low trees noted for a copious development of interlacing adventitious roots above ground and which contain one or more of the following species: Black mangrove (*Avicennia Nitida*); red mangrove (*Rhizophora mangle*); white mangrove (*Languncularia Racemosa*); and buttonwood (*Conocarpus Erecta*).

Manufactured home means a building, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes park trailers, travel trailers, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

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

Market value means the building value, which is the property value excluding the land value and that of the detached accessory structures and other improvements on site (as agreed to between a willing buyer and seller) as established by what the local real estate market will bear. Market value can be established by an independent certified appraisal (other than a limited or curbside appraisal, or one based on income approach), actual cash value (replacement cost depreciated for age and quality of construction of building), or adjusted tax-assessed values.

Mean sea level means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this section, the term is synonymous with national geodetic vertical datum (NGVD) of 1929, or North American vertical datum (NAVAD) of 1988.

National geodetic vertical datum (NGVD) of 1929 means a vertical control used as a reference for establishing varying elevations within the floodplain.

New construction means, for floodplain management purposes, any structure for which the "start of construction" commenced on or after the effective date of the initial floodplain management code, ordinance, or standard based upon specific technical base flood elevation data that establishes the area of special flood hazard--Include only one date. The term also includes any subsequent improvements to such structures. For flood insurance rates, structures for which the start of construction commenced on or after the effective date of the date of an initial FIRM or after December 31, 1974, whichever is later--Include only one date, and includes any subsequent improvements to such structures.

New manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the first floodplain management code, ordinance or standard.

North American vertical datum (NAVD) of 1988 means a vertical control used as a reference for establishing varying elevations within the floodplain.

Program deficiency means a defect in the community's floodplain management regulations or administrative procedures that impairs effective implementation of those floodplain management regulations or of the standards required by the national flood insurance program.

Public safety and nuisance means anything that is injurious to safety or health of the entire community or a neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal or basin.

Recreational vehicle means a vehicle that is:

- (a) Built on a single chassis;
- (b) 400 square feet or less when measured at the largest horizontal projection;
- (c) Designed to be self-propelled or permanently towable by a light duty truck; and
- (d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonable use.

Regulatory floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Remedy a deficiency or violation means to bring the regulation, procedure, structure or other development into compliance with State of Florida, federal or local floodplain management regulations;

or if this is not possible, to reduce the impacts of its noncompliance. Ways the impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of this section or otherwise deterring future similar violations, or reducing federal financial exposure with regard to the structure or other development.

Riverine means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Sand dune means naturally occurring accumulations of sand in ridges or mounds landward of the beach.

Shallow flooding means the same as area of shallow flooding.

Special flood hazard area means the same as area of special flood hazard.

Start of construction for other than new construction or substantial improvements under the Coastal Barrier Resources Act P.L. 97-348, includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main building. For substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Storm cellar means a place below grade used to accommodate occupants of the structure and emergency supplies as a means of temporary shelter against severe tornadoes or similar windstorm activity.

Structure means for floodplain management purposes a walled and roofed building, including gas or liquid storage tank that is principally above ground, as well as a manufactured home.

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial improvement means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cumulative cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "substantial damage" regardless of the actual repair work performed. This term does not, however, include any repair or improvement of a structure to correct existing violations

of State of Florida or local health, sanitary, or safety code specifications, which have been identified by the local code enforcement official prior to the application for permit for improvement, and which are the minimum necessary to assure safe living conditions.

Substantially improved existing manufactured home parks or subdivisions is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

Variance is a grant of relief from the requirements of this section.

Violation means the failure of a structure or other development to be fully compliant with the requirements of this section. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this section is presumed to be in violation until such time as that documentation is provided.

Watercourse means a lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

Water surface elevation means the height, in relation to the national geodetic vertical datum (NGVD) of 1929 or the North American vertical datum (NAVD) of 1988, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

(c) *General provisions.*

- (1) *Lands to which this section applies.* This section shall apply to all areas of special flood hazard within the jurisdiction of the City Commission of the City of Eustis.
- (2) *Basis for establishing the areas of special flood hazard.* The areas of special flood hazard identified by the federal emergency management agency in the flood insurance study (FIS) for the City of Eustis, dated June 28, 1974, with the accompanying maps and other supporting data, and any subsequent revisions thereto, are adopted by reference and declared to be a part of this section. The flood insurance study and flood insurance rate map are on file at the City of Eustis Building Department.
- (3) *Designation of floodplain administrator.* The City Commission of the City of Eustis hereby appoints the senior director of development services or his designee to administer and implement the provisions of this section and is herein referred to as the floodplain administrator.
- (4) *Establishment of development permit.* A development permit shall be required in conformance with the provisions of this section prior to the commencement of any development activities.
- (5) *Compliance.* No structure or land shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this section and other applicable regulations.

- (6) *Abrogation and greater restrictions.* This section is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this section and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
- (7) *Interpretation.* In the in interpretation and application of this section all provisions shall be:
- a. Considered as minimum requirements;
 - b. Liberally construed in favor of the governing body; and
 - c. Deemed neither to limit nor repeal any other powers granted under State of Florida Statutes.
- (8) *Warning and disclaimer of liability.* The degree of flood protection required by this section is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This section does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This section shall not create liability on the part of the City Commission of the City of Eustis or by any officer or employee thereof for any flood damages that result from reliance on this section or any administrative decision lawfully made thereunder.
- (9) *Penalties for violation.* Violation of the provisions of this section or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall be punishable for a non-criminal violation. Any person who violates this section or fails to comply with any of its requirements shall, upon adjudication therefore, be fined not more than \$500.00, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the floodplain administrator from taking such other lawful actions as is necessary to prevent or remedy any violation.
- (d) *Administration.*
- (1) *Permit procedures.* Application for a development permit shall be made to the floodplain administrator on forms furnished by him or her prior to any development activities, and may include, but not be limited to, the following plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill, storage of materials or equipment, drainage facilities, and the location of the foregoing. Specifically, the following information is required.
- a. Application stage:
 1. Elevation in relation to mean sea level of the proposed lowest floor (including basement) of all buildings;
 2. Elevation in relation to mean sea level to which any non-residential building will

be flood-proofed;

3. Certificate from a registered professional engineer or architect that the non-residential flood-proofed building will meet the flood-proofing criteria in subsection (d)(1)b. and (e)(2)b. of this section;
 4. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development; and
 5. Elevation in relation to mean sea level of the bottom of the lowest horizontal structural member of the lowest floor and provide a certification from a registered engineer or architect indicating that they have developed and or reviewed the structural designs, specifications and plans of the construction and certified that are in accordance with accepted standards of practice in coastal high hazard areas.
- b. Construction stage: Upon placement of the lowest floor, or flood-proofing by whatever construction means, or bottom of the lowest horizontal structural member it shall be the duty of the permit holder to submit to the floodplain administrator a certification of the NGVD or NAVD elevation of the lowest flood or flood-proofed elevation, or bottom of the lowest horizontal structural member as built, in relation to mean sea level. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When flood-proofing is utilized for a particular building said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The floodplain administrator shall review the lowest floor and flood-proofing elevation survey data submitted. The permit holder immediately and prior to further progressive work being permitted to proceed shall correct violations detected by such review. Failure to submit the survey or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

(2) *Duties and responsibilities of the floodplain administrator.* Duties of the administrator shall include, but are not to be limited to:

- a. Review permits to assure sites are reasonably safe from flooding;
- b. Review all development permits to assure that the permit requirements of this section have been satisfied;
- c. Advise permittee that additional federal, State of Florida, or local permits may be required, and if such additional permits are necessary, especially as it relates to F.S. §§ 161.053; 320.8249; 320.8359; 373.036; 380.05; 381.0065; and ch. 553, pt. IV, require that copies of such permits be provided and maintained on file with the development permit;
- d. Notify adjacent communities, the department of community affairs, division of

emergency management, the St. Johns Water Management District, the federal emergency management agency and other federal and/or State of Florida agencies with statutory or regulatory authority prior to any alteration or relocation of a watercourse;

- e. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is maintained;
- f. Verify and record the actual elevation (in relation to mean sea level) of the lowest floor (A-Zones) or bottom of the lowest horizontal structural member of the lowest floor (V-Zones) of all new or substantially improved buildings, in accordance with subsection (e)(2)a. and b., and section (e)(5)b., respectively;
- g. Verify and record the actual elevation (in relation to mean sea level) to which the new or substantially improved buildings have been flood-proofed, in accordance with subsection (e)(2)b.;
- h. Review certified plans and specifications for compliance. When flood-proofing is utilized for a particular building, certification shall be obtained from a registered engineer or architect certifying that all areas of the building below the required elevation are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy in compliance with subsection (e)(2)b. of this section. In coastal high hazard areas, certification shall be obtained from a registered professional engineer or architect that the building is designed and securely anchored to pilings or columns in order to withstand velocity waters and hurricane wave wash. Additionally in coast high hazard areas, if the area below the lowest horizontal structure member of the lowest floor is enclosed, it may be done so with open wood lattice and insect screening or with non-supporting breakaway walls that meet the standards of subsection (e)(5)f. of this section;
- i. Interpret the exact location of boundaries of the areas of special flood hazard. When there appears to be a conflict between a mapped boundary and actual field conditions, the floodplain administrator shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article;
- j. When base flood elevation data or floodway data have not been provided in accordance with subsection (c)(3) of this section, the floodplain administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, State of Florida, or any other source, in order to administer the provisions of subsection (e);
- k. Coordinate all change requests to the FIS, FIRM and FBFM with the requester, State of Florida, and FEMA; and
- l. Where base flood elevation is utilized, obtain and maintain records of lowest floor and

flood-proofing elevations for new construction and substantial improvements in accordance with subsection (e)(2)a. and b., respectively.

(e) *Provisions for flood hazard reduction.*

- (1) *General standards.* In all areas of special flood hazard, all development sites including new construction and substantial improvements shall be reasonably safe from flooding, and meet the following provisions:
- a. New construction and substantial improvements shall be designed or modified and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
 - b. Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable State of Florida requirements for resisting wind forces;
 - c. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage. See the applicable technical bulletin or bulletins for guidance;
 - d. New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage. See the applicable technical bulletin or bulletins for guidance;
 - e. Electrical, heating, ventilation, plumbing, air conditioning, equipment and other service facilities, including duct work, shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
 - f. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
 - g. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
 - h. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;
 - i. Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this section shall meet the requirements of "new construction" as contained in this section;
 - j. Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provisions of this ordinance, shall be undertaken only if said

non-conformity is not furthered, extended, or replaced;

- k. All applicable additional federal, State of Florida, and local permits shall be obtained and submitted to the floodplain administrator. Copies of such permits shall be maintained on file with the development permit. State of Florida permits may include, but not be limited to the following:
 - 1. St. Johns River Water Management District: In accordance with F.S. ch. 373.036, § (2)(a)--Flood protection and floodplain management.
 - 2. Department of community affairs: In accordance with F.S. ch. 380.05, Areas of critical state concern, and F.S. ch. 553, Part IV, Florida Building Code.
 - 3. Department [of] health: In accordance with F.S. ch. 381.0065, Onsite sewage treatment and disposal systems.
 - 4. Department of environmental protection, coastal construction control line: In accordance with F.S. ch. 161.053, Coastal construction and excavation.
 - l. Standards for subdivision proposals and other proposed development (including manufactured homes):
 - 1. All subdivision proposals shall be consistent with the need to minimize flood damage;
 - 2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage;
 - 3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- (2) *Specific standards.* In all A-Zones where base flood elevation data have been provided (Zones AE, A1-30, and AH), as set forth in subsection (c)(2), the following provisions shall apply:
- a. Residential construction. All new construction or substantial improvement of any residential building (including manufactured home) shall have the lowest floor, including basement, elevated to no lower than 18 inches above the base flood elevation. Should solid foundation perimeter walls be used to elevate structure, openings sufficient to facilitate automatic equalization of flood hydrostatic forces on both sides of the exterior walls shall be provided in accordance with standards of subsection (e)(2)c.
 - b. Non-residential construction. All new construction or substantial improvement of any commercial, industrial, or non-residential building (including manufactured home) shall have the lowest floor, including basement, elevated to no lower than 18 inches above the base floor elevation. All buildings located in A-Zones may be flood-proofed, in lieu of

being elevated, provided that all areas of the building components below the base flood elevation plus one foot are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied using the FEMA flood-proofing certificate. Such certification along with the corresponding engineering data, and the operational and maintenance plans shall be provided to the floodplain administrator.

- c. Elevated buildings. New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the lowest floor elevations shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.
 1. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:
 - (i) Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - (ii) The bottom of all openings shall be no higher than 12 inches above foundation adjacent interior grade (which must be equal to or higher in elevation than the adjacent exterior grade); and
 - (iii) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they provide the required net area of the openings and permit the automatic flow of floodwaters in both directions.
 2. Fully enclosed areas below the lowest floor shall be solely used for parking of vehicles, storage, and building access. Access to the enclosed area shall be minimum necessary to allow for parking of vehicles (garage door), limited storage of maintenance equipment used in connection with the premises (standard exterior door), or entry to the living area (stairway or elevator); and
 3. The interior portion of such enclosed area shall not be finished or partitioned into separate rooms.
- d. Standards for manufactured homes and recreational vehicles.
 1. All manufactured homes that are placed, or substantially approved within Zones A1-30, AH and AE, on sites (i) outside of an existing manufactured home park or subdivision; (ii) in a new manufactured home park or subdivision; (iii) in an expansion to an existing manufactured home park or subdivision; or (iv) in an existing manufactured home park or subdivision on which a manufactured home

has incurred "substantial damage" as a result of a flood, the lowest floor be elevated on a permanent foundation to 18 inches above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

2. All manufactured homes to be placed or substantially improved in an existing manufactured home park or subdivision within Zones A-1, AH, and AE, that are not subject to the provisions of paragraph d.1. of this section, must be elevated so that either:
 - (i) The lowest floor of the manufactured home is elevated to no lower than 18 inches above the base flood elevation, or
 - (ii) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least an equivalent strength that are no less than 54 inches in height above the grade and securely anchored to an adequate foundation system to resist flotation, collapse, and lateral movement.
3. All recreational vehicles placed on sites within Zones A1-30, AH, and AE must either:
 - (i) Be on the site for fewer than 180 consecutive days;
 - (ii) Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions), or
 - (iii) Meet all the requirements for new construction, including anchoring and elevation requirements in accordance with subsection (e)(2)d.1. and 2. of this section.
- e. Adequate drainage paths around structures shall be provided on slopes to guide water away from structures.
- f. Standards for streams with established base flood elevations, without regulatory floodways. Located within the areas of special flood hazard established in subsection (c)(2) of this section, where streams exist for which base flood elevation data has been provided by the federal emergency management agency without the delineation of the regulatory floodway (Zones AE and A1-30), the following additional provisions shall also apply.
 1. Until a regulatory floodway is designated, no new construction, substantial improvements, or other development including fill shall be permitted within the areas of special flood hazard, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and

anticipated development will not increase the water surface elevation of the base flood more than one foot at any point within the community.

2. Development activities which increase the water surface elevation of the base flood by more than one foot may be allowed provided that the developer or applicant first applies--with the community's endorsement--for a conditional FIRM revision, and receives the approval of the federal emergency management agency.
- g. Floodways. Located within areas of special flood hazard established in article 3, section B, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and have significant erosion potential, the following additional provisions shall also apply:
1. Prohibit encroachments, including fill, new construction, substantial improvements and other developments within the regulatory, floodway unless certifications (with supporting technical data) by a registered professional engineer is provided through hydraulic and hydrologic analyses performed in accordance with standard engineering practice demonstrating that encroachments would not result in any increase in flood levels during occurrence of the base flood discharge.
 2. Prohibit the placement of manufactured homes (mobile homes), except in an existing manufactured homes (mobile homes) park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring standards of subsection (e)(1)b., and the elevation standards of subsection (e)(2)a. and b., and the encroachment standards of subsection (e)(2)g.1., are met.
 3. Development activities including new construction and substantial improvements that increase the water surface elevation of the base flood by more than one foot may be allowed, provided that the developer or applicant first applies--with the community's endorsement--for a conditional FIRM revision, and receives the approval of FEMA.
 4. When fill is proposed, in accordance with the permit issued by the Florida Department of Health, within the regulatory floodway, the development permit shall be issued only upon demonstration by appropriate engineering analyses that the proposed fill will not increase the water surface elevation of the base flood in accordance with subsection (e)(2)g.1.
- h. For all structures located seaward of the coastal construction control line (CCCL), the lowest floor of all new construction and substantial improvements shall be elevated to the regulatory flood elevation established by the Florida Department of Environmental Protection or by FEMA in accordance with subsection (c)(2), whichever is higher. All non-elevation design requirements of subsection (e)(5) shall apply.

- (3) *Specific standards for a-zones without base flood elevations and regulatory floodways.* Located within the areas of special flood hazard established in subsection (c)(2), where there exist A Zones for which no base flood elevation data and regulatory floodway have been provided or designated by the federal emergency management agency, the following provisions shall apply:
- a. Require standards of subsection (e)(1);
 - b. The floodplain administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, State of Florida, or any other source, in order to administer the provisions of this section. When such data is utilized, provision of subsection (e)(2) shall apply. The floodplain administrator shall:
 1. Obtain the elevation (in relation to the mean sea level) of the lowest floor (including the basement) of all new and substantially improved structures;
 2. Obtain, if the structure has been flood-proofed in accordance with the requirements of subsection (e)(2)b., the elevation in relation to the mean sea level to which the structure has been flood-proofed; and
 3. Maintain a record of all such information.
 - c. Notify, in riverine situations, adjacent communities, the State of Florida, department of community affairs, NFIP coordinating office, and the applicable water management district prior to any alteration or relocation of a watercourse, and submit copies of such notifications to FEMA.
 - d. Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.
 - e. Manufactured homes shall be installed using methods and practices that minimize flood damage. They must be elevated and anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring, may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State of Florida and local anchoring requirements for resisting wind forces.
 - f. When the data is not available from any source as in paragraph b. of this section, the lowest floor of the structure shall be elevated to no lower than three feet above the highest adjacent grade.
 - g. Require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or five acres, whichever is the lesser, include within such proposals base flood elevation data.
- (4) *Standards for AO zones.* Located within the areas of special flood hazard established in subsection (c)(2), are areas designated as shallow flooding areas. These areas have flood hazards

associated with base flood depths of one to three feet, where a clearly defined channel does not exist and the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:

- a. All new construction and substantial improvements of residential structures in all AO Zones shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet on the flood insurance rate map. If no flood depth number is specified, the lowest floor, including basement, shall be elevated to no less than two feet above the highest adjacent grade.
 - b. All new construction and substantial improvements of non-residential structures shall:
 1. Have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet on the flood insurance rate map. If no flood depth number is specified, the lowest floor, including basement, shall be elevated to at least two feet above the highest adjacent grade, or
 2. Together with attendant utility and sanitary facilities be completely flood-proofed to that level to meet the flood-proofing standard specified in subsection (e)(2)b.
 - c. Adequate drainage paths around structures shall be provided on slopes to guide water away from structures.
- (5) *Coast high hazard areas (V-Zones)*. Located within areas of special flood hazard established in subsection (c)(2) are coastal high hazard areas, designated as Zones V1-30, VE, or V (with BFE). The following provisions shall apply for all development activities:
- a. Meet the requirements of subsection (d)(1), and subsection (e)(1) and (2) (except (2)g.), (3) and (4).
 - b. All new construction and substantial improvements in Zones V1-V30, VE, and V (with BFE) shall be elevated on pilings or columns so that:
 1. The bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to no lower than two feet above the base flood elevation whether or not the structure contains a basement; and
 2. The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Water loading will be those values associated with the base flood. Wind loading values will be those required by applicable State of Florida or local, if more stringent than those of the State of Florida, building standards.
 - c. A registered professional engineer or architect shall develop or review the structural

design, specifications and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of this section.

- d. Obtain the elevation (in relation to mean sea level) of the bottom of the lowest horizontal structural member of the lowest floor (excluding pilings and columns) of all new and substantially improved structures. The floodplain administrator shall maintain a record of all such information.
- e. All new construction and substantial improvements shall be located landward of the reach of mean high tide.
- f. Provide that all new construction and substantial improvements have the space below the lowest floor either free of obstruction or constructed with non-supporting breakaway walls, open wood lattice-work, or insect screening intends to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. For the purpose of this section, a breakaway wall shall have a design safe loading resistance of not less than ten and no more than 20 pounds per square foot. Use of breakaway walls which exceed a design safe loading resistance of 20 pounds per square foot (either by design or when so required by local codes) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions:
 - 1. Breakaway wall collapse shall result from water load less than that which would occur during the base flood;
 - 2. The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural or nonstructural). The water loading shall be those values associated with the base flood. The wind loading values shall be those required by applicable Florida or local, if more stringent than those of the State of Florida, building standards;
 - 3. Such enclosed space shall be useable solely for parking of vehicles, building access, or storage. Such space shall not be finished, partitioned into multiple rooms, or temperature-controlled.
- g. Prohibit the use of fill for structural support. No development permit shall be issued for development involving fill in coastal high hazard areas unless it has been demonstrated through appropriate engineering analyses that the subject fill does not cause any adverse impacts to the structure on site or adjacent structures. Placement of fill that would result in an increase in the base flood elevation or cause adverse impacts by wave ramping and deflection may be permitted, provided that the permit applicant first applies for and receives a conditional FIRM revision, fulfilling the requirements of such revisions as established by FEMA.

- h. Prohibit man-made alteration of sand dunes and mangrove stands that would increase potential flood damage.
- i. Standards for manufactured homes.
 - 1. All manufactured homes to be placed or substantially improved on sites: (i) Outside a manufactured home park or subdivision; (ii) in a new manufactured home park or subdivision; (iii) in an expansion to an existing manufactured home park or subdivision; or (iv) in an existing manufactured home park or subdivision in which a manufactured home has incurred "substantial damage" as the result of a flood, must meet the standards of subsection (e)(5)b.--h.
 - 2. All manufactured homes placed or substantially improved on other sites in an existing manufactured home park or subdivision shall meet the requirements of subsection (e)(2)d.2.
- j. Recreational vehicles placed on sites within Zones VE, V1-V30, V (with base flood elevation) on the FIRM either:
 - 1. Be on the site for fewer than 180 consecutive days;
 - 2. Be fully license and ready for highway use (on is wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions);
 - 3. Meet the requirements of subsection (e)(5)b.--h.;
 - 4. Prohibit the placement of recreational vehicles, except in an existing recreational vehicle park. They must be on site for fewer than 180 consecutive days, fully licensed and ready for highway use (on its wheels or jacking system, is attached to the site by quick disconnect type utilities and security devices, and has no permanently attached additions). They shall also have a plan for removal in case of a threat.
- k. For all structures located seaward of the coastal construction control line (CCCL), the bottom of the lowest horizontal structural member of the lowest floor of all new construction and substantial improvements shall be elevated to the flood elevation established by the Florida Department of Environmental Protection or the base flood elevation, whichever is the higher. All non-elevation design requirements subsection (e)(5)b.--k. shall apply.
- l. When fill is proposed, in accordance with the permit issued by the Florida Department of Health, in coastal high hazard area, the development permit shall be issued only upon demonstration by appropriate engineering analyses that the proposed fill will not increase the water surface elevation of the base flood nor cause any adverse impacts to adjacent

properties by wave ramping and deflection.

- (f) *Variance procedures.*
- (1) *Designation of variance and appeals board.* City Commission of the City of Eustis shall hear and decide appeals and requests for variances from the requirements of this section.
- (2) *Duties of variance and appeals board.* The board shall hear and decide appeals when it is alleged an error in any requirement, decision, or determination is made by the floodplain management administrator in the enforcement or administration of this section. Any person aggrieved by the decision of the board may appeal such decision to the Circuit Court.
- (3) *Variance procedures.* In acting upon such applications, the board shall consider all technical evaluations, all relevant factors, standards specified in other sections of this section, and:
 - a. The danger that materials may be swept onto other lands to the injury of others;
 - b. The danger of life and property due to flooding or erosion damage;
 - c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - d. The importance of the services provided by the proposed facility to the community;
 - e. The necessity to the facility of a waterfront location, where applicable;
 - f. The availability of alternative locations for the proposed use, which are not subject to flooding or erosion damage;
 - g. The compatibility of the proposed use with existing and anticipated development;
 - h. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - i. The safety of access of the property in times of flood for ordinary and emergency vehicles;
 - j. The expected heights, velocity, duration, rate of rise, and sediment of transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
 - k. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- (4) *Conditions for variances.*

- a. Variances shall only be issued when there is:
 - 1. A showing of good and sufficient cause;
 - 2. A determination that failure to grant the variance would result in exceptional hardship; and
 - 3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- b. Variances shall only be issued upon a determination that the variance is the minimum necessary deviation from the requirements of this section.
- c. Variances shall not be granted after-the-fact.
- d. The floodplain administrator shall maintain the records of all variance actions, including justification for their issuance or denial, and report such variances in the community's NFIP biennial report or upon request to FEMA and the State of Florida, Department of Community Affairs, NFI Coordinating Office.

(5) *Variance notification.* Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that:

- a. The issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance up to amounts as high as \$25.00 for \$100.00 of insurance coverage, and
- b. Such construction below the base flood level increases risk to life and property.

A copy of the notice shall be recorded by the floodplains administrator in the office of the clerk of the court and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

(6) *Historic structures.* Variances may be issued for the repair or rehabilitation of "historic" structures meeting the definition in this section--upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a "historic" structure.

(7) *Structures in regulatory floodway.* Variances shall not be issued within any designated floodway if any impact in flood conditions or increase in flood levels during the base flood discharge would result.

(Ord. 87-09; Ord. No. 03-86, § 1, 11-20-2003; Ord. No. 05-17, § 1(Arts. 1--6), 7-7-2005)

Sec. 118-18. Design guidelines for alteration or reconstruction of certain commercial structures.

- (a) The Design Guidelines, First Edition, as adopted by the city community redevelopment agency

are hereby adopted and incorporated by reference as the design guidelines for the alteration or reconstruction of existing commercial structures that have been designated as historic landmarks, are located on historic landmark sites, are within a designated historic district, or are located within the community redevelopment district. These standards shall be administered by the building official and shall apply to any activity requiring the issuance of a building permit by the building official.

(b) Should a strict application of these Design Guidelines, First Edition, create a hardship as applied to a structure regulated by these guidelines because:

- (1) A strict application creates an undue economic hardship; or
- (2) A change in architectural or construction practices or the type of materials used in the construction industry has occurred which makes a strict application of these guidelines unreasonable or obsolete,

then the owner of such a parcel that is regulated by these Design Guidelines, First Edition, may apply to the city historic preservation board for relief from the application of these Design Guidelines, First Edition. The board may grant relief from the application of these design guidelines if the board finds that a strict application of the guidelines will result in an undue economic hardship to the property owner or that changes in architectural or construction practices or changes in the type of materials used in the construction industry has occurred which makes a strict application of these guidelines unreasonable or obsolete as applied to the property owner's parcel. The determination by the board approving or denying an application for relief under this section shall on the date it is issued be appeal able to the city commission. Notice of appeal shall be filed within 30 days of the date of the decision. Any decision by the city commission regarding an application for relief under this section may be reviewed by a writ of certiorari to the circuit court of the county. Notwithstanding the foregoing, no application for relief from these guidelines may be sought by a property owner in those cases where the terms and conditions of a state or federal grant require the strict application of these design guidelines to the property owner's parcel.

(Ord. No. 01-10, § 1, 4-19-01; Ord. No. 02-57, § 1(Exh. A), 9-5-2002)

Sec. 118-19. Fees.

The charge of fees for permits and inspections under this chapter shall be paid to the city at the time of permit issuance. Charges and fees for permits and inspections may be established by a duly adopted resolution of the city commission and are on file in the city clerk's office.

(Ord. No. 95-33, § 2, 11-2-1995; Ord. No. 02-57, § 1(Exh. A), 9-5-2002)

Sec. 118-20. Cross connection control--Manual adopted.

There is adopted by the city, for the purpose of establishing rules and regulations for the installation, repair and maintenance of backflow prevention and cross connection control devices, the manual of cross connection control by reference, and the whole of such manual, including appendixes, and any subsequent editions or amendments. One copy of such manual is to be filed in the office of the building official, the director of water, and the fire chief and the manual is adopted and incorporated in this section by reference as fully as if set out at length in this section; and from the date on which this section shall take effect, the provisions of such manual shall be controlling in the installation, repair and maintenance of backflow prevention and cross

connection devices in the city and on and to the city's utility system and connections to the system. One copy of the manual is to be filed in the city clerk's office.

(Code 1959, § 16.51; Ord. No. 02-57, § 1(Exh. A), 9-5-2002)

Sec. 118-20.1. Areas embraced.

All territory within the city and the county served by the city potable water system shall be governed by this article to the extent permitted by law.

(Code 1959, § 16.60; Ord. No. 02-57, § 1(Exh. A), 9-5-2002)

Sec. 118-20.2. Changes to manual.

The city commission shall periodically revise the manual of cross connection control as may be deemed necessary for the public, health, safety and welfare of the users of the city's water system or for protection of the utility system, and to effect cost-effective implementation of the provisions of the manual. The city commission may make revisions to the manual by duly adopted resolution of the city commission.

(Code 1959, § 16.52; Ord. No. 02-57, § 1(Exh. A), 9-5-2002)

Sec. 118-20.3. Cross connection and other codes and rules.

The cross connection control manual does not supersede the Florida Building Code --Plumbing 2001 as adopted by the city, the state department of health plumbing rules, or any adopted city plumbing or fire ordinance, but is supplementary to them; when conflicts exist the more restrictive provision shall apply.

(Code 1959, § 16.57; Ord. No. 02-57, § 1(Exh. A), 9-5-2002)

Sec. 118-20.4. Cross connection violation and liability.

(a) *Penalty.* Any person, user, customer, or property owner found guilty of violating any of the provisions of the cross connection control manual or any written order of the city shall be punishable in accordance with section 1-14. Additionally, such person, customer, user, or property owner shall pay all costs and expenses involved in the case, to include attorney's fees.

(b) *Violation notice.* Notice of violations of the manual of cross connection control shall be given by delivering the notice to the premises of the violating connection, a copy mailed to the billing address as it appears on the city's billing records, and a copy to the owner of record at the address of record listed in the most current county property tax roll. Each day upon which a violation of the provisions of the manual shall occur shall be deemed a separate and additional violation. Any person, user, customer or property owner in violation of any of the provisions of the manual shall become liable to the city for any expense, loss or damage incurred by the city for reason of such violation, to include attorney's fees. In addition to any penalty provided by law for the violation of any of the provisions of the manual, the city may bring suit in the appropriate court to enjoin, restrain or otherwise prevent the violation of any of the provisions of this article.

(Code 1959, § 16.58(A), (B); Ord. No. 02-57, § 1(Exh. A), 9-5-2002)

Sec. 118-20.5. Code enforcement board.

The city, in addition to the procedure specified in section 118-20.3, may use the code enforcement

provisions set forth I [in] chapter 2 of this Code to enforce the provisions of the manual of cross control connections.

(Code 1959, § 16.58(C); Ord. No. 02-57, § 1(Exh. A), 9-5-2002)

Sec. 118-20.6. Cross connection public employees.

No provision of this article designating the duties of any city officer or employee shall be so construed as to make such officer or employee liable for any fine or penalty for failure to perform such duty.

(Code 1959, § 16.59; Ord. No. 02-57, § 1(Exh. A), 9-5-2002)

Sec. 118-20.7. Cross connection control inspections.

The city manager or his designee of the utility system shall cause inspection to be made of all properties served by the utility system's public water supply where cross connections with the public water supply is deemed possible. The frequency of inspections and reinspections based on potential health hazards involved shall be as established by the manual of cross connection control. Fees for inspections and reinspections shall be as established in the manual of cross connection control and as may be changed by the city commission by duly adopted resolution of the city commission and on file in the city clerk's office.

(Code 1959, § 16.53; Ord. No. 02-57, § 1(Exh. A), 9-5-2002)

Sec. 118-20.8. Property access for cross connection control.

Duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter any building, structure or property served by a connection to the public potable water supply system of the city for the purpose of inspecting the piping system of systems on such property. Consent to such access shall be obtained from a person of suitable age and discretion or in control of the building, structure or property. The refusal of such information, or the refusal of access when requested, shall be deemed evidence of the presence of cross connections.

(Code 1959, § 16.54; Ord. No. 02-57, § 1(Exh. A), 9-5-2002)

Sec. 118-20.9. Discontinuance of service.

The city manager or his designee is authorized and directed to discontinue potable water service to any property after notice, wherein any connection in violation of the manual of cross connection control exists, and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the public potable water supply system. Water service to such property shall not be restored until the cross connection has been eliminated in compliance with the provisions of this article.

(Code 1959, § 16.55; Ord. No. 02-57, § 1(Exh. A), 9-5-2002)

Sec. 118-20.10. Expenses and records.

The consumer, user or owner shall bear all expense of installing, testing and maintaining the protective devices required by the manual of cross connection control to ensure proper operation on a continuing basis. Testing of protective devices shall be conducted by a person holding a current certification recognized by the state department of environmental protection in cross connection and backflow prevention devices and approved by the city utility system for inspection and testing purposes. A testing fee will be charged by the city

for each test and retest of the backflow or cross connection control device performed by city personnel or contract agent. The consumer shall keep records on the premises on his testing, maintenance and repair activities related to cross connection control and shall make these records available upon request to agents of city performing inspections or testing on the property. Copies of all maintenance and repair records shall be sent to the city's cross connection control program immediately after the work is performed by the user, customer or owner in accordance with the provisions of the manual of cross connection control.
(Code 1959, § 16.56; Ord. No. 02-57, § 1(Exh. A), 9-5-2002)

Sec. 118-21. Demolition of structures.

(a) *Permit required.* It shall be unlawful for any person, firm or corporation to wreck or demolish any building or structure in the city without first securing a permit as provided by this section and paying the fees prescribed herein.

(b) *Permit application and fees.* Application for a permit to wreck or demolish a building or structure in the city shall be in writing to and on the form or forms prescribed by the building official. The application shall include the following in addition to such other information as may be required by the building official.

- (1) Demolition contractor's name and address, certification or competency card number; property owner's name and address; location of the building or structure; legal description of the property; date demolition is to begin.

Exception: An owner-occupier of a single-family residence may demolish his free-standing garage or shed type structure (which has no water or sewerage connection) without securing an occupational license or certificate of competency. It shall be unlawful to employ any person, firm or corporation to assist that does not first produce a current occupational license and house wreckers' competence card. Such owner-occupier must comply with all other provisions of this section.

- (2) The application shall be accompanied by:
 - (i) Unless waived by the building official in his discretion, a rodent-control certificate by a pest control operator certified by the State of Florida to eradicate rodents, that the building has been treated or baited in a trade accepted manner and to the best knowledge of the certifier is free of rodent infestation.
 - (ii) Permit fee for demolition shall be set by the City Commission of the City of Eustis, by resolution, which may be amended from time to time. A certified copy of the resolution setting forth current demolition permit fees shall be on file with the city clerk.
 - (iii) Sewer disconnect charge. A fee of 100.00 shall be charged for each permit issued for the cost of disconnecting each city sewer service connection. If sewer disconnection is not required, the application form shall be certified by the building official relieving the applicant of the required fee. Should the permit not be issued, or if the fee has been collected and a sewer service not disconnected, the fee shall be returned to the applicant.

- (iv) Insurance requirements. The demolition contractor shall be responsible for all work and every part thereof, including leveling to grade and clean up, and for all materials, tools, appliances and property of every description used in connection with demolition for which application is made. The demolition contractor shall assume all risks of and liability for damage or injury to property or persons used or employed on or in connection with the work, and all risks of and liability for damage or injury to any property or person, wherever located, resulting from any operation connected with the demolition. Prior to the issuance of the city's occupational license and/or the required competency card necessary to perform services in the city, the demolition contractor shall have filed with the city's finance department a certificate of an insurance company authorized to do business in the state, stating that worker's compensation insurance has been issued to the applicant for all employees to be engaged in the work for which the application is made, or as an alternative, the applicant shall file with the finance department a proper certificate from the appropriate state agency to the effect that such applicant has qualified as a self-insurer.

Any applicant for a demolition permit who is not compelled by state law to carry worker's compensation insurance shall file with the finance department an affidavit to that effect at the time of, or prior to, his application for a permit.

In addition, the demolition contractor shall have filed with the city's finance department a certificate of an insurance company authorized to do business in this state, stating that liability insurance in an amount not less than \$1,000,000.00 has been issued to the applicant which insurance policy or policies shall show the city as a named insured and which policy or policies shall cover all activities of the contractor relating to the demolition.

Any insurance certificate as may be required shall state that the insurance company issuing same shall not cancel or void said insurance without 15 days prior written notice to the city finance department.

Unless waived by the building official in his discretion, any owner-occupier demolishing his own home shall place with the finance department a cash deposit or damage bond in the amount of \$1,000.00 payable to the City of Eustis and subject to forfeiture upon failure to correct damage, properly clear the lot of debris or restore the premises to a graded, safe and sanitary condition.

- (v) Where required by the building official in his discretion, a demolition plan which shall show:
- (A) Measures to be taken by the applicant to secure the job site, which shall include, when required by the building official, the erection of a six-foot high barricade or chain link fence on the property;
 - (B) The locations, dates and times of any anticipated street or road closures associated

with the demolition;

- (C) In the event of any street or road closures are required as a result of the demolition work, a traffic circulation plan providing for redirection of traffic from the affected streets and the traffic control measures to be used to implement the traffic circulation plan;
- (D) Whether any demolition materials will be stored on site, or on another associated staging site, and if so, the safety precautions to be taken to secure the demolition materials from the public.

(c) *Demolition operations.* Contractors performing demolition work in the city of Eustis shall conform to the U.S. Department of Labor "Safety and Health Regulations for Construction," Subpart T-Demolition and Subpart U-Blasting and Use of Explosives; the applicable provisions of the Florida Building Code adopted by section 118-2 of the Code, and additional regulations as set forth below:

- (1) General requirements. A contractor engaged in demolition work shall institute and maintain safety measures and provide all equipment or temporary construction necessary to safeguard all personnel and property affected by his operations. If a demolition plan has been required and approved by the building official, the demolition shall comply with the provisions of the approved demolition plan.
- (2) Tree protection. The destroying, injuring or removal of any tree, as defined by the Code of the City of Eustis is unlawful without first obtaining a tree removal permit as provided by said Code. The demolition permit does not authorize tree removal.
- (3) Dust. Dust producing operations shall be wetted down to the extent necessary to lay the dust.
- (4) Use of explosives. The use of explosives in demolition work shall conform to the U.S. Department of Labor "Safety and Health Regulations for Construction," Subpart U, as provided herein, and be under the jurisdiction and subject to such other requirements and limitations as may be imposed by the fire chief and the Code of Ordinances. Provided however, that no contractor shall utilize explosives in demolition work absent the approval of the city commission which may attach such conditions to the use of explosives as the commission determines to be reasonably necessary to protect the public health, safety and welfare.
- (5) Protection of adjoining wall. When any demolition work removes or destroys a wall that touches or is contiguous to an adjoining wall, the contractor shall maintain the structural integrity of such adjoining wall and maintain all required fire exits and passageways or provide substitutions meeting the requirements of the Code of the City of Eustis and the Eustis Building Official. Portions of the wall exposed by demolition operations shall be protected against the elements, and shall be restored or left permanently protected after completion of operations, and in condition which meets the requirements of the Code of the City of Eustis.
- (6) Protection of a party (common) wall. When any proposed demolition work exposes or breaches a wall used or adapted for joint service between two buildings, the property owner causing the

demolition to be made shall cause to be preserved such party wall at his own expense, so that it shall be and remain in a safe condition, and restored to a condition which meets the requirements of the Code of the City of Eustis.

The demolition contractor, in submitting an application for the demolition of a building or structure which in any way affects a party wall as defined herein, shall submit with the application a release form acceptable to the city attorney and signed by the owner of the property adjoining the party wall, providing that the City of Eustis, its officers and employees shall be free from any and all liability or claims which may result in any way from the demolition work.

- (7) Professional reports. When as a result of demolition operations, the building official, in his discretion, determines that a structural engineer's or other similarly qualified professional's review and report of the demolition operations is required in order for demolition operations to safely continue, the building official may issue a stop work order requiring all demolition activity to immediately cease pending submittal by the property owner or demolition contractor, at their sole cost and expense, of such reports from qualified professionals as are necessary to satisfy the building official that demolition activity may be safely completed.
- (d) *Duty to restore site.*
- (1) Permittee's responsibility. It shall be the duty of the permittee to restore the site to a condition which shall meet the requirements of the city's minimum standards code.
 - (i) Swimming pools, cellar floors and similar items shall be broken up to the extent necessary to provide ground drainage to prevent accumulation of water; such items in addition to septic tanks and excavations shall be filled with solids and compacted. All debris shall be removed including walkways, garage or carport driveways, and similar items other than that which is city property; protrusions and depressions shall be brought to level or evenly graded to the property lines.
 - (ii) Replace or repair streets, curbs, sidewalks, parkways, or other damage resulting from the demolition. City may in its option repair the damage and charge both the property owner and the demolition contractor.
 - (iii) Removal of debris, clearing of site and repairs to city property as required by this chapter, shall be made by the permittee within 15 work days after demolition begins; this period may be extended by the building official upon request by the permittee.
 - (iv) The building official, before relieving a demolition contractor from the responsibility incurred in this issuance of a demolition permit, shall require the evaluation of the city departments responsible, to insure that the site and any remaining structures, walls and appurtenances have been restored to meet the requirements of the Code of City of Eustis.
 - (v) If the wrecking, demolition or restoration work for which the permittee is responsible is not completed within the times prescribed, the city may suspend such other permits which may be issued to the permittee.

The city, after written notification to the permittee, may have the work performed at the expense of the permit holder, the property owner and the demolition contractor.

(2) Owner's responsibility.

- (i) It shall be the duty of the owner to restore the site, not otherwise the responsibility of the permittee, including removal of driveway approaches and sidewalks, restoration of parkways and removal of drain lines crossing parkways. Additionally, except for improvements governed by subparagraph (d)(2)(ii) below, the owner shall ensure that the site is well graded, drained, grassed and maintained within 30 days after demolition work is completed.
- (ii) The removal of any improvement on a site, such as foundations, drive or walkways, aprons, filling of any open excavation, or general improvements may be deferred, provided the owner certified in writing to the building official that new construction will commence with six calendar months after demolition begins and such request for deferment is approved by the building official or designee. Open excavations approved by the building official, prior to the commencement of any new construction, shall be protected by the erection of a continuous six-foot high barricade or chain link fence around the site. Should the owner fail to apply for a permit to construct a building on the site of the excavation within the six-month period, the site restoration as required by this section shall be completed by the owner within 30 days after the six-month deferment, unless such period is extended by the building official or his designee.
- (iii) Should the owner fail to fill excavations to the established grade, to replace any curbing or sidewalk which is contiguous to his property and which is either decayed or broken prior to and not as a result of demolition work, or should any new sidewalk or curbing be laid or constructed not in accordance with the provisions of the code, the city building official shall cause a written notice to be served upon such property owner, or his agent, to complete the site restoration provided in this article. Should such restoration not be completed within ten days from the date of the service of such notice, then and in that case the work shall be charged against the property. Should such charges not be paid within 30 days after receipt of billing, then a lien shall be placed upon such property as provided in the laws of the state.

(e) *Completion of the demolition and inspection of site.* The building official shall inspect the site as soon as demolition is completed, but no later than 15 days after substantial completion of the demolition project or 60 days from start of demolition which comes first, to insure compliance with this section and any other applicable provisions of the Code of the City of Eustis. The building official may extend this period for final inspection by an additional 30 days; request for additional extension beyond the 30-day period must be submitted to the city commission by the permittee.

(f) *Appeal, right of.* Whenever the building official shall reject or refuse to approve the mode or manner of the demolition of the building or structure, or when it is claimed that the provisions of the code of the City of Eustis do not apply, the owner of such building or structure or his duty authorized agent may appeal as

provided by the City Code.

(g) *Penalty.* Any person, firm or corporation guilty of violating any provision of this section is subject to the penalties provided by the Code of the City of Eustis for each offense; and a separate offense shall be deemed committed on each day during which a violation occurs or continues.
(Ord. No. 03-46, § 1, 4-17-2003; Ord. No. 03-56, §§ 1--3, 5-15-2003)

Editors Note: Ord. No. 03-46, § 1, adopted April 17, 2003, did not specifically amend these Land Development Regulations, hence, inclusion as § 118-21 was at the editor's discretion.