

ORDINANCE NO. 2769-09

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA
RELATING TO BUILDINGS; AMENDING CHAPTER 22 TO
INCORPORATE THE FLORIDA BUILDING CODE WITH CERTAIN
ADMINISTRATIVE AND TECHNICAL AMENDMENTS WHICH
INCLUDE CERTAIN FIRE SPRINKLER REQUIREMENTS AS THE
WINTER PARK BUILDING CODE; DECREASING THE
MEMBERSHIP ON THE CONSTRUCTION BOARD, AND
UPDATING THE PROPERTY AND BUILDING MAINTENANCE
CODE WITH AMENDMENTS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Florida Building Code Act of 1998 directed the Florida Building Commission to establish a statewide uniform building code known as the Florida Building Code; and

WHEREAS, the 2007 Florida Building Code with 2009 amendments is in effect throughout the State of Florida as of March 1, 2009; and

WHEREAS, the enforcement of the Florida Building Code is the responsibility of local governments; and

WHEREAS, the City of Winter Park actively participates in the enforcement of building construction regulation for the benefit of the public safety of its citizens; and

WHEREAS, the City of Winter Park desires to facilitate the enforcement of the Florida Building Code by enacting administrative and technical amendments which meet the needs of its citizens; and

WHEREAS, the City Commission hereby makes findings that certain administrative and technical fire sprinkler amendments are needed for the safety and public welfare of its citizens due to proximity of older buildings in the Central Business District and for fire protection purposes in other buildings;

NOW, THEREFORE, BE IT ENACTED by the people of the City of Winter Park, Florida as follows:

Section 1. Article II, "Building Code", Chapter 22 of the Code of Ordinances of the City of Winter Park is hereby repealed and a new Article II is substituted to read as follows:

ARTICLE II. Building Code

Sec. 22-26. Short title.

This article shall be known and cited as the building code of the City of Winter Park.

Sec. 22-27. Codes adopted by reference.

The 2007 Florida Building Code (with 2009 Supplement), including all volumes: Building, Existing Building, Fuel Gas, Plumbing, Mechanical and Residential, as published by the International Code Council, Inc, (Country Club Hills, Illinois) is hereby adopted by reference.

Sec. 22-28. Amendments to the Florida Building Code

The Florida Building Code as adopted in section 22-27 is amended in the following respects:

Section 101.2.2 is added as follows

101.2.2 Unsafe Buildings shall be abated using the *International Property Maintenance Code 2003 2009 edition*, promulgated by the International Code Council, Inc., subject to all amendments, modifications or deletions hereinafter contained.

SECTION 103 is added to read as follows:

103. BUILDING DEPARTMENT

103.1 Establishment. There is hereby established a Department to be called the Building and Code Enforcement Department and the person in charge shall be known as the building official or director of building and code enforcement.

103.2 Employee qualifications

103.2.1 Building official qualifications. The Building Official shall be licensed as a Building Code Administrator by the State of Florida.

103.2.2 Employee qualifications. The building official, with the approval of the 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.

103.3 Restrictions on employees. An officer or employee connected with the department, except one whose only connection is as a member of the board established by this code, shall not be financially interested in the furnishing of labor, material, or appliances for the construction, alteration, or maintenance of a building, structure, service, system or in the making of plans or of specifications thereof, 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.

103.4 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, except where exempted by Florida law.

103.5 Liability. Any officer or employee, or member of the construction board of adjustments and appeals, charged with the enforcement of this code, acting for the 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 accrue to persons or property as a result of any act, event or omission of action in the scope of his employment or function, unless he acted in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard of human rights, safety or property. Any suit brought against any officer or employee or member because of such act, event or omission performed by him in the enforcement of any provisions of this code shall be defended by the city until the final termination of the proceedings, unless such person acted in

bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard of human rights or property.

Section 104.1-104.7 is added to read as follows:

SECTION 104 POWERS AND DUTIES OF THE BUILDING OFFICIAL

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

104.2 Right of entry

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

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

104.3 Revocation of permits. The building official is authorized to suspend or revoke a permit issued under the provisions of this code whenever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or for violation of any provision of this building code or the code of ordinances of the city.

104.4 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 permit application or plans on which the permit or approval was based including unlicensed contracting.

104.5 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 or the code of ordinances of the city.

104.7 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 code, shall be determined by the building official.

Section 105.15 is added to read as follows:

105.15 Conditions of permit

105.15.1 Conditions of permit; permit term and intent.

105.15.1.1 The building official shall act upon an application for a permit with plans as filed, or as amended, without unreasonable or unnecessary delay. A permit issued shall be construed to be a license to proceed with the work and shall not be construed as authority to violate, cancel, alter, or set aside any of the provisions of this code (including the Winter Park Code of Ordinances), nor shall such issuance of a permit prevent the building official from thereafter requiring a correction of errors in plans or in construction or of violations of this code (including the Winter Park Code of Ordinances). No substantial building site preparation, including but not limited to excavation or placement of fill or foundation construction, shall take place prior to the issuance of a building, foundation or site development permit. Issuance of such permits is limited to meeting all other city site development requirements, and is subject to the approval of the building official.

105.15.1.2 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: provided, however, in the case of constructing or renovating or building a new one or two family dwelling, additions onto one or two-family dwellings or accessory buildings work under the permit must be substantially completed within 12 calendar months after the time the work is commenced or else the permit shall become invalid. If such permit becomes invalid, no new permit shall be issued covering the same work or any portion thereof if the effect of such permit would be to allow completion of the work begun under the original permit unless an extension of the original permit is granted by the building official after receiving in writing reasons for the delay in completion of the building for good cause (see Section 105.15.1.6). Furthermore any structural work partially completed on the property where the permit became invalid shall be removed and the property cleaned to the satisfaction of the building official. If the property owner or holder of the invalidated permit fails to remove the structure and clean the property within 30 days of the invalidation date, then the building official may take the necessary action to have the structure removed and have the property cleaned with all costs assessed against the property owner and if unpaid for 30 days shall be assessed as a lien against the property.

105.15.1.3 With respect to commercial or multifamily building projects, construction activity which has commenced under a valid building permit shall proceed without stoppages of work exceeding ninety (90) days after which the building permit may be revoked and become void. The licensed contractor and/or property owner shall maintain all construction sites in a safe condition and shall provide fencing or other protective barriers on construction sites where work has ceased for a period of time more than 7 days. Such inactive building sites shall be kept clean so as to minimize unsafe conditions and unsightly appearance. Active construction sites shall be protected as directed by the Florida Building Code and the building official.

105.15.1.4 In addition to any stricter provisions listed in 104.3 for revoking or voiding a permit, 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.

105.15.1.5 For good cause shown, in order to keep the permit valid, the building official may grant one or more extensions of time for periods not exceeding 90 days each. Requests for extensions shall be in writing and addressed to the building official, shall state the basis for the request, and shall be filed prior to the expiration of the permit period or any extension thereof previously granted. Such extensions as may be granted shall be in writing by the building official.

105.15.1.6 Good cause for an extension shall include, but not be limited to, the following circumstances beyond the control of the permit holder:

- (1) Acts of God and other natural disasters.
- (2) Material shortages.
- (3) Interruptions due to strikes or other employee job actions.
- (4) Fire, explosion, or some similar catastrophe.
- (5) Financial reversals of a temporary nature.
- (6) Other situations beyond the control of the permit holder.

Section 105.16 is added to read as follows:

105.16 Temporary toilet facilities for workers.

Suitable temporary toilet facilities as determined by the building official in reliance upon normal industry standards shall be provided and maintained in a sanitary condition for the use of workers during construction. Such facilities shall be regularly cleaned and provided in a well-ventilated location and shall be placed at least 15 feet from the side property line of the lot on which it is located and may not be placed in the public right-of-way. The location of temporary toilet facilities on the property may be changed by the building official to recognize unique conditions or a less offensive location for neighbors.

Section 105.17 is added to read as follows:

105.17 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 triple the basic permit fee. This provision does not apply if the building official determines that due to emergency work a delay would clearly have placed life or property in imminent danger. The payment of a triple 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.

Sections 105.18 to 105.25 are added to read as follows:

105.18 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, the 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 International Code Council's *Building Safety* magazine or other current valuation data available at the option of the building official or by using the actual contract amount for the construction improvement with the higher amount used for the permit valuation.

105.19 Schedule of permit fees. On all buildings, structures, electrical, plumbing, mechanical and gas systems or alterations requiring a permit, a plan review fee for each permit shall be paid as required at the time of applying for the permit, and a fee shall be paid as required at the time of obtaining the permit in accordance with the schedule as established by the city commission of the city as set forth in its schedule of fees. The established permit and plan review fee shall include the costs of services for enforcing the land development code in the areas of plan review, inspection, and preliminary consultation for a project and administration of the land development code. The amount of refunds for any building permit, including single-family dwellings, shall be determined by deducting the cost of all city services including but not limited to plan review fees. When one year has elapsed from the time of issuance of a permit, no refunds shall be processed. No new permit shall be issued to a building permit applicant who has outstanding unpaid fees from any previous permit issued to said applicant, including but not limited to re-inspection fees, impact fees, or "Stop work order" charges or who has outstanding permits which have not received either final inspection approval or a release on abandoned projects after more than six months of inactivity except for extenuating circumstances such as good cause as delineated under Section 105.15.1.6.

105.20Tents. Temporary tent structures with an area of 100 square feet or less which do not block access to buildings, violate zoning setbacks and are not used to expand or provide a commercial business do not require a permit. Temporary shall be defined as 7 calendar days or less.

105.21 Additional data. The building official may require details, computations, stress diagrams, surveys and other data necessary to describe the construction, ensure proper building placement on a site, verify code compliant installation(s) and to determine the basis of calculations provided.

105.22 Contractor/owner responsibility.

105.22.1 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, free of overgrown weeds and grass over 12 inches and the accumulation of construction debris must not remain on the property for a period of time exceeding 10 days. Violation of these conditions shall authorize the building official to place a stop work order on such jobs in violation of this section and require removal of debris and overgrowth. Other remedies shall include referring the violation to the code enforcement board or having all debris removed from job site by the city and charging all costs to the

contractor or the property owner and if unpaid for 30 days shall be assessed as a lien against the property.

105.22.2 The contractor, the owner or his agent, upon completion of a building or construction project, shall immediately remove all walkways, debris and all other obstructions and leave such public property in as good a condition as it was before work was commenced and shall replace all broken curbs, sidewalks or other damaged public utilities or property to the satisfaction of the Public Works Department prior to obtaining a certificate of occupancy/completion or within 14 calendar days from notification if no certificate of occupancy/completion is issued. Failure to correct damaged public property will result in the city taking action to make corrections and all costs incurred will be charged to the property owner and/or contractor, and a lien will be placed against the property for the costs of repairs.

105.23 Demolition - Rodent and dust control. In order to control spread of infestation by rodents, the building official may require proof that a building proposed to be demolished is free of rodents. Such proof may be certification by a state certified pest control operator that the building is free of infestation by rodents. Dust control shall be maintained at all times during demolition by watering or other protective means.

105.24 Notice provision for demolition of buildings.

(a) Prior to the issuance of a permit for the demolition of a building, the property owner or the designated representative of the owner of the building proposed for demolition shall post a notice on the property where the building is located so as to be easily visible and readable from the abutting street frontage and shall remain in place for 30 days. This notice shall be provided by the City and shall include the following information:

- (1) Owner of the property.
- (2) Date of posting the notice.
- (3) Address of the building planned for demolition and statement that the building will be demolished at the end of the posting period.

(b) Buildings not required to follow the notice of demolition provisions of this section:

1. Buildings which are determined to be a safety hazard, unsafe, a public nuisance, or otherwise dangerous and require immediate removal.
2. Accessory buildings, such as detached carports, garages, sheds, storage buildings, arbors, boathouses, greenhouses, and similar detached structures.
3. Other buildings as determined by the building official, such as certain commercial or multifamily buildings, but not including any building listed on the city's registry of historical buildings.

105.25 Underground utilities. In order to improve the aesthetic appeal of the city and to reduce hazards from wind storms, all utility lines such as electric, telephone, cable TV and other utilities shall be placed underground in conjunction with new construction, substantial renovation, and repair of buildings, signs or other structures or when a building is undergoing an electrical service upgrade from a 200 amperage service to a greater amperage service. Substantial renovation shall be renovation and/or additions whose building permit value exceeds 50 percent of the value of the existing improvements on the most current property tax roll. The city recognizes that certain physical elements such as existing buildings, swimming pools, large trees and such may impose

unreasonable hardships on the property owner's compliance with the placement of utilities underground. Upon confirmation of these hardships by the utility companies, the building official may waive this requirement.

Section 106.2 is added to read as follows:

106.2 Site plan and site management plan

106.2.1 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 may require a boundary line survey prepared by a qualified surveyor.

106.2.2 Construction site management. The building official may require a detailed site management plan and completion schedule prior to the approval of a building permit or during the process of completing any active or inactive construction or demolition project. The site management plan shall, at a minimum, provide specific information outlining where all construction worker parking, construction equipment, material storage and temporary structures will be located on the site under construction or on nearby properties, and the plan is subject to review and approval by the building official. Additionally, traffic routes to and from the site, pedestrian safety barriers and fencing shall be included on the site management plan and shall be identified for approval. The site management plan must also reflect where displaced public or private parking is temporarily located during the term of the project to the maximum extent feasible. Failure to comply with the approved site management plan shall result in the placement of a "stop work" order as outlined in Section 114, the issuance of a citation, by referring the violation to be heard by the Code Enforcement Board or any other remedy provided at law. The approved construction site management plan must be kept at the construction site and be available at all times during the construction process and be made available to the building official or city inspectors.

Section 106.7 is added to read as follows:

106.7 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 material storage facility shall be identified on the plan with the hazard classes and quantity range per hazard class of the hazardous materials stored.

SECTION 109 INSPECTIONS

109.1 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.

109.2 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.

109.3 Inspection service. The building official may make, or cause to be made, the inspections required by Section 105. The specific required inspections and inspection sequence shall be determined upon application for a building permit. The building official may accept reports of department inspectors, independent inspectors or of recognized inspection services, provided that after investigation he 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, architect or engineer performing building code inspections in a manner specified by the building official. All persons making such inspections shall be certified in accordance to Chapter 468 Florida Statutes.

Required inspections listed in Section 109.3 are amended as follows:

Building

1.1 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
- ☐ column pads
- ☐ waterproofing
- ☐ footer steel grounding

1.2 Slab Inspection: To be made after the reinforcement is in place, all concealed conduit, piping, ducts and vents are installed, termite soil treatment, sub-grade electrical, plumbing, and mechanical work is complete. Slab shall not be poured until all previous required inspections have been approved.

A foundation survey prepared and certified by a registered surveyor shall be required for all new construction prior to approval of the floor slab inspection. The survey shall certify placement of the building on the site, finish floor elevation and indicate 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.

1.3 Tie Beam/Lintel or Column Inspection (Masonry/reinforced concrete construction only): To be made after all reinforcing steel is in place and clean outs provided.

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

- ☐ window/door framing and installation.
- ☐ vertical cells/columns
- ☐ lintel/tie beams
- ☐ framing/trusses/bracing/connectors
- ☐ draft stopping/fire-blocking
- ☐ curtain wall framing
- ☐ energy insulation (To be made after the framing inspection is approved & insulation is in place)
- ☐ accessibility provisions
- ☐ verify rough opening dimensions are within tolerances.

3. 1 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

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

3.2. Fire rated component inspection: To be made when components are in place and fasteners are visible for all wall, floor, roof or ceiling assemblies.

4. Roofing inspection: To be made as two inspections on tile, slate or similar roof coverings or as one inspection on all other roof coverings, and 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 the Florida Building Code (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.
8. **Manufactured building inspections.** The building department shall inspect construction of foundations; connection of buildings to foundations; installation of parts identified on plans as site installed items joining the modules, including utility crossovers; utility connections from the building to utility lines on site; utility lines on site; and any other work done on site which requires compliance with the Florida Building Code. Additional inspections may be required for public educational facilities.(see Section 423.27.20).

Electrical

1. **Underground inspection:** To be made after trenches or ditches are excavated, conduit or cable installed, footer steel grounding is in place 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.
4. **Temporary power inspection:** To be made after temporary power pole is in place and properly supported.
5. **New electrical service inspection:** To be made when all electrical work is complete and prior to energizing the electrical service.

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. Additional inspections shall include top out, tub sets, sewer and water service inspections
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.

Note: See Section 312 of the Florida Building Code, (Plumbing) for required tests.

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.

Add Section 109.7 to read as follows:

109.7 Final inspections. The licensed contractor and permit holder shall be responsible for obtaining final inspections and a certificate of occupancy/completion for all permits within a timely manner after completion of work. Timely shall mean within 30 calendar days after completion of work. Failure to obtain such final inspections and certificates of occupancy/completion shall be a violation of this article.

Section 110 Certificate of Occupancy

Add Section 110.1.1 to read as follows:

110.1.1 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, and after approval of other City departments involved in the inspection of the building or site, the building official shall issue a Certificate of Occupancy containing the information listed in Section 110.2 of the Florida Building Code and any other information required by the city. Delays in obtaining a certificate of occupancy by the contractor or property owner after fulfilling the above listed conditions will result in the automatic issuance of the certificate of occupancy with the issuance date recorded as the date on which final inspection approval occurred.

SECTION 112 CONSTRUCTION BOARD OF ADJUSTMENTS AND APPEALS

112. Construction board of adjustments and appeals.

112.1 Membership. There is hereby established a board to be called the construction board of adjustments and appeals, which shall consist of 7 members. The board shall be comprised of 2 licensed contractors (building, residential or general), one(1) practicing architect, one structural engineer, one master electrician, one master plumber and one

mechanical contractor. The board shall be appointed by the mayor and confirmed by the city commission. Transition from 9 members to 7 members shall occur within one year.

112.2 Terms of office. Members shall be appointed for terms of 3 years. Vacancies shall be filled for an unexpired term in the manner in which original appointments are required to be made.

112.3 Quorum. Four members of the board shall constitute a quorum, in the case of a matter or case concerning an electrical, plumbing or mechanical matter before the board, the respective appointee knowledgeable of that field shall be present in order to make a decision. In hearing appeals of the enforcement of the application of any provisions of the building codes including electrical, plumbing, fuel gas or mechanical volumes of the Florida Building Code or in modifying an order of the building official, affirmative votes of the majority present, but not less than 3 affirmative votes, shall be required. A board member shall not act in a case in which he has a personal interest.

112.4 Secretary of board. The building official shall act as secretary of the construction board of adjustments and appeals and shall make a detailed record of all its proceedings, which shall set forth the reasons for its decisions, the vote of each member, the absence of a member, and any failure of a member to vote.

112.5 Authority. The construction board of adjustments and appeals shall have the power to hear appeals of decisions and interpretations of the building official of this code and shall also have the authority to suspend or revoke the certificate of competency or state certification (within the city) of any residential, building, general, roofing, swimming pool, electrical, plumbing, mechanical or other specialty contractor doing work in the city who is found by the board to be guilty of one or more of the following acts or omissions:

- (1) Fraud or deceit in obtaining a certificate of competency.
- (2) Negligence, incompetence or misconduct in the practice of contracting within the meaning of this chapter.
- (3) Willful and deliberate disregard of or violation of this chapter or of any state statute concerning contractor licensing.

112.6 Decision of the building official. The owner of a building, structure or service system, or his duly authorized agent, may appeal a decision of the building official to the construction board of adjustment and appeals whenever any one of the following conditions are claimed to exist:

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

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

112.7 Procedures. The board shall establish rules and regulations for its own procedure not inconsistent with the provisions of this code. The board shall meet expeditiously after notice of appeal has been received within 21 days but no more than 30 days.

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

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

112.10 Decisions. The construction board of adjustment and appeals shall, in every case, reach a decision without unreasonable or unnecessary delay. Each decision of the board shall also include the reasons for the decision. If a decision of the board reverses or modifies a refusal, order, or disallowance of the building official or varies the application of any provision of this code, the building official shall immediately take action in accordance with such decision. Every decision shall be promptly filed in writing in the office of the building official and shall be open to public inspection. A copy of the decision shall be sent by mail or hand delivery to the appellant, and a copy shall be kept publicly in the office of the building official. Every decision of the board shall be final, subject however to such remedy as any aggrieved party might have at law or in equity. Appeals from the decision of the construction board of adjustments and appeals relating to provisions of the Florida Building Code, other than local amendments, may be appealed to the Florida Building Commission, pursuant to section 120.569 Florida Statutes, regarding the local government's action.

Section 113 is added as follows:

SECTION 113 TESTS

113.1 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 114 is amended as follows:

114 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 the code of ordinances of the city or in a dangerous or unsafe manner, shall immediately cease, regardless of whether permitted plans have been reviewed by the city or permits have been issued. 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, or by posting the building, structure or property upon which work is being performed and shall state the reason(s) for stopping work. In an emergency situation, the building official shall not be required to give a written notice prior to stopping the work. Remedial action to correct violations or deficiencies shall be addressed by the owner, contractor or designer in

a timely manner not to exceed time limits as set by the building official. Such remedial or corrective action shall be submitted for review and approval to the Building Department when required.

Section 115 is added as follows:

115 Unsafe buildings or systems.

115.6.1 Abatement. 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 unsafe 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 Section 108 of the International Property Maintenance Code or other provisions of the building and property maintenance code of the city. All repairs shall be in performed in accordance with the Florida Building Code.

115.6.2. Public nuisances. Public nuisances are defined in section 22-177(202) under "nuisance". When nuisance conditions or hazards degenerate or cumulatively impact on structures, dwellings, or other buildings regulated by this code, to the extent that repair, removal, securing or demolition is necessary for the public health, safety and welfare, then the building official or his designee or the code enforcement board is authorized to order the property owner or city agents to repair, remove, secure, vacate or demolish such structures according to procedures outlined in this chapter. These powers are hereby declared to be remedial and essential for the public interest, and it is intended that such powers be liberally construed to effectuate the purposes stated herein.

115.6.3. Vacant buildings. No vacant building may be boarded up for a period of time exceeding 60 days unless granted a waiver by the building official. All vacant buildings or buildings permitted to be boarded up shall be maintained in accordance with section 22-177(303.6). Exterior walls and all boards used to enclose the building must be neatly fitted within window and door openings and must be painted to blend in with the color of the building, but shall not be brightly colored such as bright red, orange, green, or purple colors but rather shall be muted colors such as but not limited to tan or grey.

Section 116 is added as follows:

SECTION 116. VIOLATIONS AND PENALTIES

116.1 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.

Section 202 is amended by adding or altering the following definitions:

Building department: The city's building and code enforcement department.

Building official: The officer or other designated authority, or his duly authorized representative, charged with the administration and enforcement of this chapter, also, known as the director of building and code enforcement.

Section R302.1 is amended as follows:

R302.1 Exterior walls. In addition to the requirements listed in Section R302.1 and Table R302.1 all buildings located 3 feet or less to a lot line shall provide one hour fire rating with exposure from both sides without openings. Alternate protected openings by an approved fire rated material may be considered on a case by case basis.

Section R4101.17.4 is added as follows:

R4101.17.4 Swimming pool enclosure protection.

Prior to the start of construction on public or private swimming pools, the permanent fence or wall meeting all applicable requirements of the Florida Building Code, Residential Volume, Chapter 41, or a temporary fence at least four (4) feet in height above the grade shall be installed. This fence or wall shall be closed, latched and locked at all times, except when work is in progress and workmen are on the site. The temporary fence shall not be removed except when the permanent fence, wall, enclosure or swimming pool is being actively constructed. At no time shall the pool be left by workmen unless secured by either the permanent or temporary enclosure. Swimming pool barrier protection shall allow bodies of water such as lakes, canals and streams to serve as one side of the required barrier when the water frontage is at least six feet wide beyond the shoreline, and the side yard fence barrier proceeds at least one foot into the water body or the fence continues to the top of a canal or stream bulkhead wall. Provisions in this section shall also apply to swimming pools on multi-family or commercial building sites.

Section 903 of the Florida Building Code is amended as follows:

903. Automatic sprinklers systems

Approved automatic sprinkler systems installed in buildings shall comply with Section 903 of the Florida Building Code and in addition shall meet the following provisions:

903.1 Where required

903.2 Approved automatic sprinkler systems shall be provided in all buildings in the Central Business District (C-2) as defined in the Land Development Code (Chapter 58).

903.2.1 An approved automatic sprinkler system shall be provided in all Group A-1 through A-5 occupancies with Type V construction.

903.2.2 Group E (educational) An approved automatic sprinkler system shall be provided in all Group E occupancies.

903.2.3. Group F-1 - (factory industrial). An approved automatic sprinkler system shall be provided throughout all Group F (factory industrial occupancies) which exceed 1,000 square feet in fire area.

903.2.4. Group H - (Hazardous). An approved automatic sprinkler system shall be provided throughout all group H occupancies.

903.2.5 Group I - (Institutional). An approved automatic sprinkler system shall be provided in all group I (institutional occupancies).

903.2.6. Group M (mercantile). An approved automatic sprinkler system shall be provided in all Group M one story buildings over 5,000 square feet in fire area, and all Group M buildings over one-story in height and exceeding 10,000 square feet in fire area.

903.2.8 – 903.2.9. Group S - (storage). An approved automatic sprinkler system shall be provided throughout all Group S (storage occupancies) which exceed 2,000 square feet in fire area.

Section 1609.1.5 is add as follows for the purpose of determination of design wind loads in Winter Park:

Section 1609.1.5 Basic wind speed. For the purpose of complying with the structural requirements related to wind loads, all buildings and structures shall be designed for a minimum wind load of 110 mph in accordance with Figure 1609 including designs utilizing one of the alternate prescriptive wind design standards permitted in the Florida Building Code. This wind load determination is an administrative amendment to the Florida Building Code for the purpose of giving guidance to designers and to provide uniformity with neighboring jurisdictions and is not a local technical amendment.

Section 2. Article V, "Property and Building Maintenance", Chapter 22 of the Code of Ordinances of the City of Winter Park is hereby amended and to read as follows:

Sec. 22-176. Code adopted. The International Property Maintenance Code, 2009 edition, as published by International Code Council, Inc., is hereby adopted by reference, together with modifications and amendments contained in this article, and shall be known as the property and building maintenance code of the city. All references within the International Property Maintenance Code to the International Code(s) shall refer to the applicable Florida Building Code(s).

Sec. 22-176. Amendments. Renumber existing code amendment Sections 303.3, 303.6, 303.14, 303.18 to 304.3, 303.6, 303.14 and 303.19 respectively.

Section 3. It is the intention of the city commission of the city that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of the city; and that sections of this ordinance may be numbered or renumbered or lettered or relettered and the word "ordinance" may be changed to "chapter", "section", "article", or such other appropriate word or phrase in order to accomplish such intentions; and regardless of whether such inclusion in the code is accomplished, sections of this ordinance may be numbered or renumbered or lettered or relettered

and typographical errors which do not affect the intent may be authorized by the city manager, without need of public hearing, by filing a corrected or recodified copy of same with the city clerk.

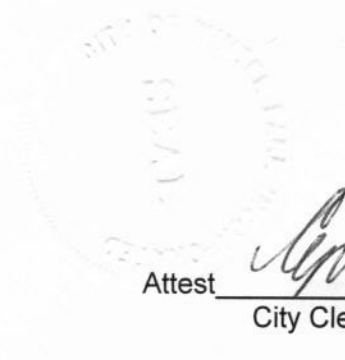
Section 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 5. If any section, subsection, sentence, clause, phrase of this ordinance, or the particular application thereof shall be held invalid by any court, administrative agency, or other body with appropriate jurisdiction, the remaining section, subsection, sentences, clauses or phrases under application shall not be affected thereby.

Section 6. This ordinance enacting amendments to the Florida Building Code shall be transmitted to the Florida Building Commission within 30 days.

Section 7. Effective Date. This ordinance shall take effect immediately upon its adoption.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida, held at City Hall, Winter Park, Florida, on the 27th day of April, 2009.


Kenneth W. Bradley
Mayor Kenneth W. Bradley

Attest Cynthia S. Bonham
City Clerk Cynthia S. Bonham