

## CHAPTER 5 - BUILDINGS AND BUILDING REGULATIONS

### ARTICLE I - TECHNICAL CODES

#### Sec. 5-1: Wellington's Building Codes

- A. *Authority:* This chapter is promulgated pursuant to Chapter 553, Florida Statutes.
- B. *Codes Adopted by Reference:* The building official shall enforce the following, which are adopted by reference and as may be amended by this article.
1. The group of codes known as the Florida Building Code 7<sup>th</sup> Edition (2020), including but not limited to, the following:
    - a. Building
    - b. Accessibility
    - c. Residential
    - d. Existing buildings
    - e. Plumbing
    - f. Fuel Gas
    - g. Mechanical
    - h. Energy Conservation
  2. 2017 National Electrical Code.
  3. Florida Fire Prevention Code.
  4. International Property Maintenance Code, 2021 Edition as published by the International Code Council, Inc.

#### Sec. 5-2: Wellington Building Code Administrative Code

The purpose of the Wellington Building Code Administrative Code is to provide for a means of properly enforcing the codes adopted by reference in section 5-1.

### CHAPTER 1 - ADMINISTRATION SECTION 101 – GENERAL

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

**101.2 Scope.** The provisions of this code shall apply to the construction, alteration, relocation, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures as herein amended by Wellington.

*Exceptions:*

1. Detached one (1) and two (2) family dwellings and multiple single-family dwellings (townhouses) not more than three (3) stories above grade plane in height with a separate means of egress and their accessory structures not more than three (3) stories above grade plane in height, shall comply with the Florida Building Code, Residential.
2. Code Requirements that address snow loads and earthquake protection are pervasive; they are left in place but shall not be utilized or enforced because Florida has no snow load or earthquake threat.

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

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

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

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

**101.3.2 Warranty and Liability.** The permitting plan review or inspection of any building, system, or plan by Wellington, 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. Wellington shall not be liable in tort for damages or hazardous or illegal condition or inadequacy in such building, system, or plan, nor for any failure of any component of such, which may occur subsequent to such inspection or permitting. Further, no building department employee shall be liable in tort for damage from such conditions, in accordance with F.S. § 768.28, as may be amended or replaced.

**101.4 Referenced Codes.** The other codes listed in Sections 101.4.1 through 101.4.11 and referenced elsewhere in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference.

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

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

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

**101.4.4 Property Maintenance.** The provisions contained within the 2021 International Property Maintenance Code as published by the International Code Council shall establish the minimum standards for maintenance of; interior and exterior structure, required light and ventilation, required space and maximum number of occupants, minimum plumbing requirements, minimum heating requirements, minimum electrical system requirements, and other requirements applicable to all structures currently in existence within Wellington.

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

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

**101.4.7 Accessibility.** For provisions related to accessibility, refer to the Florida Building Code, Accessibility.

**101.4.8 Manufactured Buildings.** For additional administrative and special code requirements, see section 458, Florida Building Code, Building, and Rule 61-41 Florida Administrative Code.

**101.4.9 Electrical.** The provisions of Chapter 27 of the Florida Building Code, Building Volume and Part VIII - Electrical, of the Florida Building Code Residential Volume, 7th Edition (2020) shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.

**101.4.10 Existing Buildings.** The provisions of the Florida Existing Building Code shall apply to matters governing the repair, alteration, change of occupancy, addition to and relocation of existing buildings.

**101.4.11 Article III - Flood Damage Prevention of Wellington Code of Ordinances** shall be considered part of the requirements of this code relative to flood control. Conflicting requirements between the Florida Building Code and Article III of Wellington Code of Ordinances shall be resolved in favor of the requirement that offers the greatest degree of flood damage prevention or alternatives that would provide an equivalent degree of flood damage prevention and an equivalent method of construction.

## **SECTION 102 APPLICABILITY**

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

**102.1.1 The Florida Building Code does not apply to,** and no code enforcement action shall be brought with respect to, zoning requirements, land use requirements and owner specifications or programmatic requirements which do not pertain to and govern the design, construction, erection, alteration, modification, repair or demolition of public or private buildings, structures or facilities or to programmatic requirements that do not pertain to enforcement of the Florida Building Code.

Additionally, a local code enforcement agency may not administer or enforce the Florida Building Code, Building Volume 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.

**102.2 Building.** The provisions of the Florida Building Code shall apply to the construction, erection, alteration, modification, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every public and private building, structure or facility or floating residential structure, or any appurtenances connected or attached to such buildings, structures or facilities. Additions, alterations, repairs and changes of use or occupancy group in all buildings and structures shall comply with the provisions provided in the Florida Building Code, Existing Building. The following buildings, structures and facilities, except for those located in a Special Flood Hazard Area, are exempt from the Florida Building Code as provided by law, and any further exemptions shall be as determined by the legislature and provided by law:

- (a) 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 or modular structures used as temporary offices, except that the provisions of Part II (Section 553.501—553.513, Florida Statutes) relating to accessibility by persons with disabilities shall apply to such mobile or modular structures. Permits shall be required for structural support and tie down, electric supply and all other such utility connections to such mobile or modular structures as required by this jurisdiction.
- (f) Those structures or facilities of electric utilities, as defined in 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 or the Seminole Tribe of Florida. As used in this paragraph, the term "chickee" means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing or other non-wood features.
- (i) Family mausoleums not exceeding 250 square feet (23 m<sup>2</sup>) in area that are prefabricated and assembled on site or preassembled and delivered on site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.
- (j) Temporary housing provided by the Department of Corrections to any prisoner in the state correctional system.
- (k) A building or structure having less than 1,000 square feet (93 m<sup>2</sup>) which is constructed and owned by a natural person for hunting and which is repaired or reconstructed to the same dimension and condition as existed on January 1, 2011, if the building or structure:
  - 1. Is not rented or leased or used as a principal residence;

2. Is not located within the 100-year floodplain according to the Federal Emergency Management Agency's current Flood Insurance Rate Map; and
  3. Is not connected to an off-site electric power or water supply.
- (l) Service providers of water, sewer, storm, gas, cable, telephone, or other similar utility systems are exempt to the point of service connection for the building or structure. Additional telecommunication exemptions may be found in Section 489.503(14), Florida Statutes.

However, these structures may be subject to local zoning and/or land development regulations.

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

**102.2.2 Residential buildings or structures** moved into or within a 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 original construction and are operational and safe for reconnection; and
  6. Foundation plans are sealed by a professional engineer or architect licensed to practice in this state, if required by the Florida Building Code, Building for all buildings or structures of the same residential occupancy class.
7. The requirements of Florida Building Code, Existing Building Volume, are also satisfied.

**102.2.3 The building official shall apply the same standard** to a moved residential building or structure as that applied to the remodeling of any comparable residential building or structure to determine whether the moved structure is substantially remodeled. The cost of the foundation on which the moved building or structure is placed shall not be included in the cost of remodeling for purposes of determining whether a moved building or structure has been substantially remodeled.

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

**102.2.5 Each enforcement district** shall be governed by a board, the composition of which shall be determined by the affected localities.

1. At its own option, each enforcement district or local enforcement agency may adopt rules granting to the owner of a single-family residence one (1) or more exemptions from the Florida Building Code relating to:
  - a) Addition, alteration, or repairs performed by the property owner upon his or her own property, provided any addition or alteration shall not exceed 1,000 square feet (93 m<sup>2</sup>) or the square footage of the primary structure, whichever is less.
  - b) Addition, alteration, or repairs by a non-owner within a specific cost limitation set by rule, provided the total cost shall not exceed \$5,000 within any 12-month period.
  - c) Building and inspection fees.
2. However, the exemptions under subparagraph 1 do not apply to single-family residences that are located in mapped flood hazard areas, as defined in the code, unless the enforcement district or local enforcement agency has determined that the work, which is otherwise exempt, does not constitute a substantial improvement, including the repair of substantial damage, of such single-family residences.
3. Each code exemption, as defined in sub-subparagraphs 1a, 1b, and 1c shall be certified to the local board 10 days prior to implementation and shall only be effective in the territorial jurisdiction of the enforcement district or local enforcement agency implementing it.
4. Each enforcement district or local enforcement agency may establish an alternative permitting program for replacing nonstructural components of building systems in a residential dwelling unit. A licensed contractor performing such work for the resident shall also be exempt from individual permits and inspections if either the owner or the licensed contractor obtains a valid Annual Permit per Section 105.1.1 of this code and all such work is reported as required in Section 105.1.2 of this code for compliance evaluation. No added capacity, system expansion or new building work of any type shall be excluded from individual permit and inspection by this provision.

**102.2.6 This section does not apply to** traditional swings and other standard playground equipment accessory to a one (1) or two (2) family dwelling, as determined by the building official. Exempt structures covered under this section may still be subject to zoning permits.

*Exception:* Electrical service to such playground equipment shall be in accordance with Chapter 27 of this code or Part VIII, Electrical, of the Florida Building Code Residential Volume, 7th Edition (2020), as applicable.

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

**102.4 Referenced codes and standards.** The codes and standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference as further regulated in Sections 102.4.1 and 102.4.2 of this code.

**102.4.1 Conflicts.** Where conflicts occur between provisions of this code and referenced codes and standards, the provisions of this code shall apply.

**102.4.2 Provisions in referenced codes and standards.** Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this code or the Florida Codes listed in Section 101.4, the provisions of this code or the Florida Codes listed in

Section 101.4, as applicable, shall take precedence over the provisions in the referenced code or standard.

**102.5 Partial invalidity** In the event that any part or provision of this code is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions of this code.

**102.6 Existing structures.** The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change, except as is specifically covered in this section, or the Florida Fire Prevention Code, or 2021 Property Maintenance Code as is deemed necessary by the building official for the general safety and welfare of the occupants and the public.

**102.6.1 Buildings not previously occupied.** A building or portion of a building that has not been previously occupied or used for its intended purpose in accordance with the laws in existence at the time of its completion shall comply with the provisions of the Florida Building Code or Florida Residential Code, as applicable for new construction or with any current permit for such occupancy.

**102.6.2 Buildings previously occupied.** The legal occupancy of any building existing on the date of adoption of this code shall be permitted to continue without change except as otherwise specifically provided in this code, the Florida Building Code, Existing Building Volume; Florida Fire Prevention Code; the adopted International Property Maintenance Code; the codes referenced in Section 101.4 of this code; or as is deemed necessary by the building official for the general safety and welfare of the occupants and the public.

**102.7 Relocation of manufactured buildings.**

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

**102.8 Existing mechanical equipment.** An agency or local government may not require that existing mechanical equipment located on or above the surface of a roof be installed in compliance with the requirements of the Florida Building Code except during reroofing when the equipment is being replaced or moved during reroofing and is not in compliance with the provisions of the Florida Building Code relating to roof-mounted mechanical units.

**PART 2—ADMINISTRATION AND ENFORCEMENT  
SECTION 103 - BUILDING DEPARTMENT**

**103.1 Creation of enforcement agency.** The Building Department is hereby created and the official in charge shall be known as the building official. All code officials employed by the department shall be certified in accordance with Chapter 468, Part XII, Florida Statutes.

**103.2 Appointment.** The building official shall be appointed by the appointing authority of the jurisdiction.

**103.3 Deputies** In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the building official shall have the authority to appoint a deputy building official, the related technical officers, inspectors, plan examiners and other employees. Such employees shall have powers as delegated by the building official.

**103.4 Restrictions on employees.** An employee connected with the department, shall not be financially interested in the furnishing of labor, material, or appliances for the construction, alteration, or maintenance of a building, structure, service, system, or in the making of plans or of specifications thereof, unless he/she is the owner of such. This employee shall not engage in any other work which is inconsistent with his/her duties or conflict with the interests of the department, or which violates Florida Statutes Section 112.313(7)(a).

## **SECTION 104 DUTIES AND POWERS 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. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

**104.2 Applications and permits.** The building official shall receive applications, review construction documents and issue permits for the erection, and alteration, demolition and moving of buildings, structures, and service systems, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code.

**104.2.1 Determination of substantially improved or substantially damaged existing buildings and structures in flood hazard areas.** For applications for reconstruction, rehabilitation, repair, alteration, addition or other improvement of existing buildings or structures located in flood hazard areas, the building official shall determine if the proposed work constitutes substantial improvement or repair of substantial damage. Where the building official determines that the proposed work constitutes substantial improvement or repair of substantial damage, and where required by this code, the building official shall require the building to meet the requirements of Section 1612 or R322 of this code, and Article III, - Flood Damage Prevention of Wellington Code of Ordinances.

**104.3 Notices and orders.** The building official shall issue all necessary notices or orders to ensure compliance with this code.

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

**104.5 Identification.** The building official shall carry proper identification, as issued by the jurisdiction, when inspecting structures or premises in the performance of duties under this code.

**104.6 Right of entry.**

**104.6.1** Where it is necessary to make an inspection to enforce any of the provisions of this code, or where the building official has reasonable cause to believe that there exists in any structure or upon any premises a condition which is contrary to or in violation of this code which makes such structure or premises unsafe, dangerous or hazardous, the building official is authorized to enter

the structure or premises at reasonable times to inspect or to perform any duty imposed by this code, provided that if such structure or premises are occupied, that credentials be presented to the occupant and entry requested. If such structure, or premises is unoccupied, the building official shall first make a reasonable effort to locate the owner or other persons having charge or control of the structure, or premises, and request entry. If entry is refused, the building official shall have recourse to every remedies provided by law to secure entry.

**104.6.2** When the building official obtains 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 the 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.

**104.7 Department records.** The building official shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained in the official records for the period required for retention of public records per F.S. [Ch.] 119.

**104.8 Liability.** The building official, member of the board of appeals or employee charged with the enforcement of this code while acting for the jurisdiction in good faith and without malice in the discharge of the duties, required by this code or other pertinent law or ordinance, shall not thereby be civilly or criminally rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer, employee or board member because of an act performed by that officer or employee or board member in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The building official or any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of this code.

**104.8.1 Legal defense.** Any suit or criminal complaint instituted against an officer or employee or board member because of an act performed by that officer or employee or board member in the lawful discharge of duties and under the provisions of this code shall be defended by legal representatives of the jurisdiction until the final termination of the proceedings. The building official or any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of this code.

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

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

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

**104.10.1 Flood hazard areas.** Modifications in flood hazard areas may only be granted in accordance with Article III, - Flood Damage Prevention of Wellington Code of Ordinances.

**104.11 Alternative materials, design and methods of construction and equipment.** The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the building official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability, level of sanitation, and safety. The building official shall require that sufficient evidence or proof be submitted to substantiate any claim made regarding the alternative. Where the alternative material, design or method of construction is not approved, the building official shall respond in writing, stating the reasons why the alternative was not approved.

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

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

**104.12 Requirements not covered by this 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.

## SECTION 105 PERMITS

**105.1 Required.** Any contractor, owner, or agent authorized in accordance with Florida Statute 489 who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building tenancy or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any impact-resistant coverings, electrical, gas, mechanical, fire protection or plumbing system, or accessible or flood resistant site element, the installation of which is regulated by this code, or Article III, - Flood Damage Prevention of Wellington Code of Ordinances to cause any such work to be done, shall first make application to the building official and obtain the required permit.

**105.1.1 Annual facility permit.** In lieu of an individual permit for each alteration to an existing electrical, gas, mechanical, plumbing or interior nonstructural office system(s), the building official is authorized to issue an annual permit for any occupancy 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 sites as deemed necessary. An annual facility permit shall be assessed with an annual fee and shall be valid for one (1) 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.

**105.1.2 Annual facility 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

access to such records at all times or such records shall be filed with the building official as designated. The building official is authorized to revoke such permit and deny future permits, if code violations are found to exist.

**105.1.3 Food permit.** In accordance with 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.

**105.1.4 Public swimming pool.** The local enforcing agency may not issue a building permit to construct, develop, or modify a public swimming pool without proof of application, whether complete or incomplete, for an operating permit pursuant to Section 514.031, Florida Statutes. A certificate of completion or occupancy may not be issued until such operating permit is issued. The local enforcing agency shall conduct their review of the building permit application upon filing and in accordance with Chapter 553, Florida Statutes. The local enforcing agency may confer with the Department of Health, if necessary, but may not delay the building permit application review while awaiting comment from the Department of Health.

**105.2 Work exempt from permit.** Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction, to include work in any special flood hazard area. Exemptions granted under this section do not relieve the owner or contractor from their duty to comply with applicable provisions of the Florida Building Code and requirements of Article III, - Flood Damage Prevention of Wellington Code of Ordinances. As determined by the building official, permits shall not be required for the following:

**Building:**

1. Cabinets and countertops with no reconfiguration for 1 & 2 Family Dwellings, papering, tiling, carpeting, and similar finish work, with no electrical or plumbing work.
2. Temporary motion picture, television and theater sets and scenery.
3. Traditional swings and other standard playground equipment accessory to detached one (1) and two (2) family dwellings, as determined by the building official, but they may be subject to Zoning permits.
4. Retractable awnings supported by an exterior wall and do not require additional support or electric in Groups R-3 and U occupancies, but they may be subject to Zoning permits.
5. Non-fixed and movable fixtures, cases, racks, and counters not over 5 feet 9 inches (1753 mm) in height.

**Gas:**

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

**Mechanical:**

1. Portable heating appliance.
2. Portable ventilation equipment.

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

**Plumbing:**

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

**Electrical:**

1. Repairs and maintenance: Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles, or repair and replacement of like for like common household electrical fixtures, switches, and outlets on the load side of the electrical source.
2. Radio and television transmitting stations: The provisions of this code shall not apply to electrical equipment used for radio and television transmissions, but do apply to equipment and wiring for a power supply and the installations of towers and antennas, except as exempted by Florida Statute Chapter 489.503(14).
3. Temporary testing systems: A permit shall not be required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.
4. In accordance with F.S. § 553.793, as used in this section, the term:
  - (a) "Contractor" means a person who is qualified to engage in the business of electrical or alarm system contracting pursuant to a certificate or registration issued by the Florida Department of Business and Professional Regulation under part II of Chapter 489, Florida Statutes or by the Palm Beach County Construction Industry Licensing Board under Chapter 67-1876, Laws of Florida.

- (b) "Low-voltage alarm system project" related to the installation, maintenance, inspection, replacement, or service of a new or existing alarm system, as defined in Section 489.505, Florida Statutes, operating at low voltage, as defined in the National Electrical Code Standard 70, and ancillary components or equipment attached to such a system, including, but not limited to, home-automation equipment, thermostats, and video cameras. This section does not apply to the installation or replacement of a fire alarm if plan review is required.
- (c) "Low-voltage electric fence" means an alarm system, as defined in § 489.505, that consists of a fence structure and an energizer powered by a commercial storage battery not exceeding 12 volts which produces an electric charge upon contact with the fence structure.

A low-voltage electric fence must meet all of the following requirements to be exempt as a low-voltage alarm system project:

- The electric charge produced by the fence upon contact must not exceed energizer characteristics set forth in paragraph 22.108 and depicted in Figure 102 of International Electrotechnical Commission Standard No. 60335-2-76, Current Edition.
  - A nonelectric fence or wall must completely enclose the low-voltage electric fence. The low-voltage electric fence may be up to 2 feet higher than the perimeter nonelectric fence or wall.
  - The low-voltage electric fence must be identified using warning signs attached to the fence at intervals of not more than 60 feet.
  - The low-voltage electric fence shall not be installed in an area zoned exclusively for single-family or multi-family residential use.
  - The low-voltage electric fence shall not enclose the portions of a property which are used for residential purposes.
- (d) "Wireless alarm system" means a burglar alarm system or smoke detector that is not hardwired.
- (e) This section does not apply to the installation or replacement of a fire alarm, or access control system affecting required means of egress as required by Florida Building Code Chapter 10, if a plan review is required.

**105.2.1 Emergency repairs.** Where equipment replacements and repairs must be performed in an emergency situation, the permit application shall be submitted within the next working business day to the building official. Prior notification shall be given to the building official including the work address, nature of emergency and scope of work immediately in person or via email or voice mail.

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

**105.2.3 Public service agencies.** A permit shall not be required for the installation, alteration or repair of generation, transmission, distribution or metering or other related equipment that is under the ownership and control of public service agencies by established right.

**105.3 Application for permit.** To obtain a permit, the applicant shall first file an application therefore in writing or electronically on a form furnished by the building department for that purpose.

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(5) and (6).

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 on the date of the application governs the permitted work for the life of the permit and any extension granted to the permit.

Effective October 1, 2017, a local enforcement agency shall post each type of building permit application on its website. Completed applications must be able to be submitted electronically to the appropriate building department. Accepted methods of electronic submission include, but are not limited to, e-mail submission of applications in portable document format or submission of applications through an electronic fill-in form available on the building department's website or through a third-party submission management software. Payments, attachments, or drawings required as part of the permit application may be submitted in person in a non-electronic format, at the discretion of the building official.

**105.3.1 Action on application.** Except for applications filed without the prerequisite fees, the building official shall examine or cause to be examined applications for permits and amendments thereto within a reasonable time after filing. If the application or the construction documents do not conform to the requirements of pertinent laws, the building official shall reject such application in writing, stating the reasons therefore. If the building official is satisfied that the proposed work conforms to the requirements of this code and laws and ordinances applicable thereto, the building official shall issue a permit therefore as soon as practicable. When authorized through contractual agreement with a school board, in acting on applications for permits, the building official shall give first priority to any applications for the construction of, or addition or renovation to, any school or educational facility.

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

**105.3.1.2 No permit may be issued** for any building construction, erection, alteration, modification, repair or addition unless the applicant for such permit provides to the enforcing agency which issues the permit any of the following documents which apply to the construction for which the permit is to be issued and which shall be prepared by or under the direction of an engineer registered under Chapter 471, Florida Statutes:

1. Plumbing documents for any new building or addition which requires a plumbing system with more than 250 fixture units or which costs more than \$125,000.
2. Fire sprinkler documents for any new building or addition which includes a fire sprinkler system which contains 50 or more sprinkler heads. Personnel as authorized by chapter

633 Florida Statutes, may design a fire sprinkler system of 49 or fewer heads and may design the alteration of an existing fire sprinkler system if the alteration consists of the relocation, addition or deletion of not more than 49 heads, notwithstanding the size of the existing fire sprinkler system.

3. 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 \$125,000. This paragraph does not include any document for the replacement or repair of an existing system in which the work does not require altering a structural part of the building or for work on a residential one (1), two (2), three (3), or four (4) family structure. An air-conditioning system may be designed by an installing air-conditioning contractor certified under Chapter 489, Florida Statutes, to serve any building or addition which is designed to accommodate fewer than 100 persons and requires an air-conditioning system with a value of \$125,000 or less; and when a 15-ton-per system or less is designed for a singular space of a building and each 15-ton system or less has an independent duct system. Systems not complying with the above require design documents that are to be sealed by a professional engineer.

*Example 1:* When a space has two (2) 10-ton systems with each having an independent duct system, the contractor may design these two (2) systems since each unit (system) is less than 15 tons.

*Example 2:* Consider a small single-story office building which consists of six (6) individual offices where each office has a single three (3)-ton package air conditioning heat pump. The six (6) heat pumps are connected to a single water-cooling tower. The cost of the entire heating, ventilation and air-conditioning work is \$47,000 and the office building accommodates fewer than 100 persons. Because the six (6) mechanical units are connected to a common water tower this is considered to be an 18-ton system.

*NOTE:* It was further clarified by the Commission that the limiting criteria of 100 persons and \$125,000 apply to the building occupancy load and the cost for the total air-conditioning system of the building.

4. 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.
5. Electrical documents. See Florida Statutes, Section 471.003(2)(h). Any electrical or plumbing or air-conditioning and refrigeration system meeting the following thresholds are required to be designed by a Florida Registered Engineer. Any system which:
  - a. Requires an electrical or plumbing or air-conditioning and refrigeration system with a value greater than \$125,000; and
  - b. Requires an aggregate service capacity of greater than 600 amperes (240 volts) on a residential electrical system or greater than 800 amperes (240 volts) on a commercial or industrial electrical system;
  - c. Requires a plumbing system with more than 250 fixture units; or
  - d. Requires a heating, ventilation, and air-conditioning system which exceeds a 15-ton-per-system capacity, or if the project is designed to accommodate more than 100 persons.

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

6. All public swimming pools and public bathing places defined by and regulated under Chapter 514, Florida Statutes.

**105.3.2 Time limitation of application.** An application for a permit for any proposed work shall be deemed to have been abandoned and becoming null and void after six (6) months of no activity, abandonment or failure to respond to requested corrections occurs during the application process after the date of filing unless such application has been pursued in good faith or permit has been issued; except that the building official is authorized to grant one (1) or more extensions of time for additional periods not exceeding 90 days each. The extension shall be requested in writing prior to the abandonment date, with justifiable cause demonstrated. Abandoned applications shall be subject to destruction in accordance with state law. The fee for extension of a permit application shall be set forth by the administrative authority. There may be fees or requirements from other government agencies for permit application extensions.

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

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

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

**105.3.6 Asbestos removal contractor exemption.** Refer to Section 105.9 for additional requirements. A licensed asbestos removal contractor is not required when 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 and Florida Statutes Chapter 489.103(7). 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 out building 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.

**105.3.7 Applicable Code for Manufactured Buildings.** Manufacturers should be permitted to complete all buildings designed and approved prior to the effective date of a new code edition, provided a clear signed contract is in place. The contract shall provide specific data mirroring that required by an application for permit, specifically, without limitation, date of execution, building owner or dealer, and anticipated date of completion. However, the construction activity must commence within 6 months of the contract's execution. The contract is subject to verification by the Department of Business and Professional Regulation.

**105.3.8 Public right-of-way.** A permit shall not be issued by the building official for the construction, alteration, or relocation of any building, structure, or system impacting any street, alley or public lane, unless the applicant has received a right-of-way permit from the authority having jurisdiction over the right of way.

**105.4 Conditions of the permit.** The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of any other federal, state and local laws ordinance, codes and regulations. Permits presuming to give authority to violate or cancel the provisions of this code or of any other federal, state and local laws ordinances codes and regulations shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the building official from requiring the correction of errors in the construction documents and other data, requiring corrections to work already performed, and/or revocation of the permit. No deviations from the permit may be made without prior written authorization. The building official is also authorized to prevent occupancy or use of a structure where in violation of this code or of any other federal, state and local laws, ordinances, codes and regulations.

**105.4.1 Permit intent.** A permit issued shall be construed to be a license to proceed with the work and not as authority to violate, cancel, alter or set aside any of the provisions of the technical codes, nor shall issuance of a permit prevent the building official from thereafter requiring a correction of errors in plans, construction or violations of this code. Every permit issued shall 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.

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

**105.4.1.2** If a new permit, or revalidation (renewal) of the original permit, is not obtained within six (6) months from the date the initial permit became null and void, the building official is authorized to require that any work which has been commenced or completed be removed from the building site. Alternatively, a new permit may be issued on application, providing the work in place and required to complete the structure meets all applicable regulations in effect at the time the initial permit became null and void and any regulations which may have become effective between the date of expiration and the date of issuance of the new permit.

**105.4.1.3** Work shall be considered to be in active progress when the permit has received an approved inspection within six (6) months. This provision shall not be applicable in case of civil commotion or strike or when the building work is halted due directly to judicial injunction, order or similar process, or due to action by an environmental or archeological

agency having jurisdiction. The building official is authorized to grant, in writing, one (1) or more extensions of time, for periods not more than three (3) months each. The extension shall be requested in writing and justifiable cause demonstrated, prior to expiration.

**105.4.1.4** The fee for renewal, reissuance and extension of a permit shall be set forth by the administrative authority. There may be fees or requirements from other government agencies for permit extensions and renewals.

**105.5 Expiration.** Every permit issued shall become inactive or expired pursuant to Section 105.4.1 of this code, and shall be renewed pursuant to Section 105.4.1.1 of this code before the work may resume. Permits that remain inactive or expired for more than six (6) months shall lose all rights vested in the permit pursuant to Section 105.4.1.2 of this code. In order to complete the work authorized under a permit which has lost all vested rights, the permit holder and property owner shall be responsible to either remove the work from the site or obtain a new permit to complete all work in accordance with the current code requirements and approved permitted plans. Inspections performed and accepted prior to expiration may be accepted subject to the discretion of the building official.

**105.5.1 Additional options for closing a permit.** Pursuant to Section 553.79(15), Florida Statutes, a property owner, regardless of whether the property owner is the one (1) listed on the application for the building permit, may close a building permit by complying with the following requirements:

1. The property owner may retain the original contractor listed on the permit or hire a different contractor appropriately licensed in this state to perform the work necessary to satisfy the conditions of the permit and to obtain any necessary inspection in order to close the permit. If a contractor other than the original contractor listed on the permit is hired by the property owner to close the permit, such contractor is not liable for any defects in the work performed by the original contractor and is only liable for the work that he or she performs.
2. The property owner may assume the role of an owner-builder, in accordance with Sections 489.103(7) and 489.503(6), Florida Statutes.
3. If a building permit is inactive or expired and its requirements have been substantially completed and no life safety issues exist, as determined by the local enforcement agency, the permit may be closed without having to obtain a new building permit, and the work required to close the permit may be done pursuant to the building code in effect at the time the local enforcement agency received the application for the permit, unless the contractor has sought and received approval from the local enforcement agency for an alternative material, design or method of construction.
4. A local enforcement agency may close a building permit 6 years after the issuance of the permit, even in the absence of a final inspection, if the local enforcement agency determines that no apparent safety hazard exists.
5. For purposes of this section, the term "close" means that the requirements of the permit have been satisfied.
6. For purposes of this section, an open permit shall mean a permit that has not satisfied all requirements for completion as listed in Section 110.

**105.5.2** Closing out or resolving open or expired permits shall be the responsibility of the permit applicant and the property owner. Failure to close out or resolve open permits may result in a referral of the matter to the County Construction Industry Licensing Board (CILB) or Wellington Construction Board of Adjustments and Appeals (CBAA), as applicable, and Wellington Code Enforcement Department.

**105.6 Denial or Revocation of permits.** Whenever a permit required under this section is denied or revoked because the plan, or the construction, erection, alteration, modification, repair, or demolition of a building, is found by the local enforcing agency to be not in compliance with the Florida Building Code, the local enforcing agency shall identify the specific plan or project features that do not comply with the applicable codes, identify the specific code chapters and sections upon which the finding is based, and provide this information to the permit applicant. If the local building code administrator or inspector finds that the plans are not in compliance with the Florida Building Code, the local building code administrator or inspector shall identify the specific plan features that do not comply with the applicable codes, identify the specific code chapters and sections upon which the finding is based, and provide this information to the local enforcing agency. The local enforcing agency shall provide this information to the permit applicant.

**105.6.1 Arms Length Purchaser** Pursuant to Section 553.79(16), Florida Statutes, a local enforcement agency may not deny issuance of a building permit to; issue a notice of violation to; or fine, penalize sanction or assess fees against an arm's-length purchaser of a property for value solely because a building permit applied for by a previous owner of the property was not closed. The local enforcement agency shall maintain all rights and remedies against the property owner and contractor listed on the permit.

**105.6.2 Discipline** Pursuant to Section 553.79(16), Florida Statutes, a local enforcement agency may not deny issuance of a building permit to a contractor solely because the contractor is listed on other building permits that were not closed. However, the local enforcement agency shall maintain all other rights and remedies against the contractor listed on the permit(s), including, but not limited to, potential referral to the appropriate licensing authority for potential discipline.

**105.6.3 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.

**105.6.4 Violation of code provisions.** The building official may require correction or 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.

**105.7 Placement of permit.** The building permit or copy shall be kept on the site of the work until the completion of the project.

**105.8 Notice of commencement.** In accordance with 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 14-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. A NOTICE OF COMMENCEMENT MUST BE RECORDED AND POSTED ON THE JOB SITE BEFORE THE FIRST INSPECTION. IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN ATTORNEY BEFORE RECORDING YOUR NOTICE OF COMMENCEMENT."

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

in accordance with state and federal law. Refer to Section 105.3.6 "Asbestos Removal Contractor Exemption" of this code for additional requirements.

**105.10 Certificate of protective treatment for prevention of termites.** A weather-resistant job-site posting board shall be provided to receive duplicate treatment certificates as each required protective treatment is completed, supplying one (1) 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. For a bait system, see Section 1816.1.7 of the Florida Building Code for contract document requirements.

**105.11 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.

**105.12 Work starting before permit issuance.** Upon written request and written approval of the building official, the scope of work delineated in the building permit application and plan may be started prior to the final approval and issuance of the permit, provided any work completed is entirely at risk of the permit applicant and the work does not proceed past the first required inspection. This provision only applies to Florida Building Code, all other Agency approvals necessary for construction must be secured prior to this provision being applied.

**105.13 Phased permit approval.** After submittal of the appropriate construction documents, the building official is authorized to issue a permit for the construction of foundations or any other part of a building or structure before the construction documents for the whole building or structure have been submitted. The holder of such permit for the foundation or other parts of a building or structure shall proceed at the holder's and owner's own risk with the building operation and without assurance that a permit for the entire structure will be granted. Corrections may be required to meet the requirements of the technical codes. This provision only applies to the Florida Building Code, all other agency approvals necessary for construction must be secured prior to this provision being applied.

**105.14 Permit issued on basis of an affidavit.** 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. 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 Part XII of Chapter 468, Florida Statutes, and that any person conducting inspections is qualified as a building inspector under Part XII of Chapter 468, Florida Statutes. Nothing aforesaid shall preclude plan review or inspections by the building official (See also Section 107.6).

*Exception:* Permits issued on the basis of an affidavit shall not extend to the flood load and flood resistance requirements of the Florida Building Code.

**105.15 Opening protection.** When any activity requiring a building permit, not including roof covering replacement or repair work associated with the prevention of degradation of the residence, that is applied for on or after July 1, 2008, and for which the estimated cost is \$50,000 or more for a site built single-family detached residential structures that is located in the wind borne debris region as defined in this Code and that has an insured value of \$750,000 or more, or, if the site built single-family detached residential structures is uninsured or for which documentation of insured value is not presented, has a just valuation for the structure for purposes of ad valorem taxation of \$750,000 or more; opening protections as required within this Code or Florida Building Code, Residential for new construction shall be provided.

*Exception:* Single family residential structures permitted subject to the Florida Building Code are not required to comply with this section.

**105.16 Inspection of existing residential building not impacted by construction.**

- (a) A local enforcing agency, and any local building code administrator, inspector, or other official or entity, may not require as a condition of issuance of a one (1) or two (2) family residential building permit the inspection of any portion of a building, structure, or real property that is not directly impacted by the construction, erection, alteration, modification, repair, or demolition of the building, structure, or real property for which the permit is sought.
- (b) This subsection does not apply to a building permit sought for:
  - 1. A substantial improvement as defined in Section 161.54, Florida Statutes or as defined in the Florida Building Code.
  - 2. A change of occupancy as defined in the Florida Building Code.
  - 3. A conversion from residential to nonresidential or mixed use pursuant to Section 553.507(2)(a), Florida Statutes or as defined in the Florida Building Code.
  - 4. A historic building as defined in the Florida Building Code.
- (c) This subsection does not prohibit a local enforcing agency, or any local building code administrator, inspector, or other official or entity, from:
  - 1. Citing any violation inadvertently observed in plain view during the ordinary course of an inspection conducted in accordance with the prohibition in paragraph (a).
  - 2. Inspecting a physically nonadjacent portion of a building, structure, or real property that is directly impacted by the construction, erection, alteration, modification, repair, or demolition of the building, structure, or real property for which the permit is sought in accordance with the prohibition in paragraph (a).
  - 3. Inspecting any portion of a building, structure, or real property for which the owner or other person having control of the building, structure, or real property has voluntarily consented to the inspection of that portion of the building, structure, or real property in accordance with the prohibition in paragraph (a).
  - 4. Inspecting any portion of a building, structure, or real property pursuant to an inspection warrant issued in accordance with Sections 933.20 through 933.30, Florida Statutes.

## SECTION 106 FLOOR AND ROOF DESIGN LOADS

**106.1 Live loads posted.** Where the live loads for which each floor or portion thereof of a commercial or industrial building is or has been designed to exceed 50 psf (2.40 kN/m<sup>2</sup>), such design live loads shall be conspicuously posted by the owner in that part of each story in which they apply, using durable signs. It shall be unlawful to remove or deface such notices. For residential construction where roof trusses have been designed for 30 psf for light attic storage, a permanent sign shall be posted in the attic area at final building inspection.

**106.2 Issuance of certificate of occupancy.** A certificate of occupancy required by Section 111 shall not be issued until the floor load signs, required by Section 106.1, have been installed.

**106.3 Restrictions on loading.** It shall be unlawful to place, or cause or permit to be placed, on any floor or roof of a building, structure or portion thereof, a load greater than is permitted by this code.

## SECTION 107 SUBMITTAL DOCUMENTS

**107.1 General.** Submittal documents consisting of construction documents, statement of special inspections, geotechnical report and other data shall be submitted in approved format with each permit application. The construction documents shall be prepared by a registered design professional where required by the Chapter 471, Florida Statutes or Chapter 481, Florida Statutes & 61G15 Florida Administrative Code or Chapter 481, Florida Statutes & 61G1 Florida Administrative Code. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional. Electronic media documents shall be submitted in the approved format as required by the building official.

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

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

**107.2 Construction documents.** Construction documents shall be in accordance with Sections 107.2.1 through 107.2.6.

**107.2.1 Information on construction documents.** Construction documents shall be dimensioned and prepared as electronic media documents and submitted in the format approved by the building official. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations, as determined by the building official. 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. (see also Section 107.1).

**107.2.1.1 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 certifying suitability for the specific site must be submitted with the construction documents.

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

**107.2.1.3 Quality of building plans.** Building plans shall be drawn to a minimum 1/8-inch scale. The building official may establish through departmental policy, standards for plans and specifications, including electronic format in order to provide conformity to its electronic permit review and record retention program. This policy may include such things as minimum and maximum sizes, shape, contrast, clarity, electronic format, or other items related to records management. Electronic media must be compatible with the archive requirements of Florida Statutes.

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

**107.2.3 Means of egress.** The construction documents shall show in sufficient detail the location, construction, size and character of all portions of the means of egress including the exit, the exit access, and the path of the exit discharge to the public way in compliance with the provisions of this code. In other than occupancies in Groups R-2, R-3, and I-1, the construction documents shall designate the number of occupants to be accommodated on every floor, and in all rooms and spaces.

**107.2.4 Exterior wall envelope.** Construction documents for all buildings shall describe the exterior wall envelope in sufficient detail to determine compliance with this code. The construction documents shall provide details of the exterior wall envelope as required, including flashing, intersections with dissimilar materials, corners, end details, control joints, intersections at roof, eaves or parapets, means of drainage, water-resistive membrane and details around openings. The construction documents shall include manufacturer's installation instructions that provide supporting documentation that the proposed penetration and opening details described in the construction documents maintain the weather resistance of the exterior wall envelope. The supporting documentation shall fully describe the exterior wall system which was tested, where applicable, as well as the test procedure used.

**107.2.5 Exterior balcony and elevated walking surfaces.** Where balcony or other elevated walking surfaces are exposed to water from direct or blowing rain, snow or irrigation, and the structural framing is protected by an impervious moisture barrier the construction documents shall include details for all element of the impervious moisture barrier system. The construction documents shall include manufacturer's installation instructions.

**107.2.6 Site plan.** The construction documents submitted with the application for permit shall be accompanied by a site plan showing to scale the size and location of new construction and existing structures on the site, distances from lot lines and between buildings, the established street grades and the proposed finished grades and, as applicable, flood hazard areas, floodways, and design

flood elevations; and it shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot. The site plan shall include accessible parking and accessible routes as required by the FBC Accessibility when applicable. The building official is authorized to waive or modify the requirement for a site plan when the application for permit is for alteration or repair or when otherwise warranted.

**107.2.6.1 Design flood elevations.** Where design flood elevations are not specified, they shall be established in accordance with Section 1612.3 1. Design flood elevations shall be uniformly specified utilizing the currently effective NAVD 88.

**107.2.6.2 For the purpose of inspection and record retention,** site plans for a building shall be maintained at the worksite in a form acceptable to the building official. These plans must be open to inspection by the building official or a duly authorized representative, as required by the Florida Building Code.

**107.2.7 Structural information.** The construction documents shall provide the information specified in Section 1603 of this code and include shoring details, where applicable, for new construction and alterations. Where construction includes excavation, shoring details shall demonstrate protection of the angle of repose for foundation systems of existing adjacent structures.

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

*Exceptions:*

1. Building plans approved pursuant to F.S. § 553.77(5) and state-approved manufactured buildings are exempt from local codes enforcing agency plan reviews except for provisions of the code relating to erection, assembly or construction at the site. Erection, assembly (including utility crossover connections) and construction at the site are subject to local permitting and inspections. Photocopies of plans approved according to FAC 9B-1.009, F.A.C., shall be sufficient for local permit application documents of record for the modular building portion of the permitted project.
2. Industrial construction on sites where design, construction and fire safety are supervised by appropriately licensed design and inspection professionals and which contain adequate in-house fire departments and rescue squads is exempt, subject to approval by the building official, from review of plans and inspections, providing the appropriate licensed design and inspection professionals certify that applicable codes and standards have been met and supply appropriate approved drawings to local building and fire-safety inspectors.

**107.3.1 Approval of construction documents.** When the building official issues a permit, the construction documents shall be noted, in writing or by stamp, as "Reviewed for Code Compliance." One (1) set of construction documents so reviewed shall be retained by the building official. The other set shall be returned to the applicant, shall be kept at the site of work and shall be open to inspection by the building official or a duly authorized representative.

**107.3.2 Previous approvals.** This code shall not require changes in the construction documents, construction or designated occupancy of a structure for which a lawful permit has been heretofore issued or otherwise lawfully authorized, and the construction of which has been pursued in good faith within 6 months after the effective date of this code and has not been abandoned.

**107.3.3 Phased approval.** The building official is authorized to issue a permit for the construction of foundations or any other part of a building or structure before the construction documents for the whole building or structure have been submitted, provided that adequate information and detailed statements have been filed complying with pertinent requirements of this code. The holder of such permit for the foundation or other parts of a building or structure shall proceed at the holder's own risk with the building operation and without assurance that a permit for the entire structure will be granted. This provision only applies to the Florida Building Code; all other agency approvals necessary for construction must be secured prior to this provision being applied.

**107.3.4 Design professional in responsible charge.** When it is required that documents be prepared by a registered design professional, the building official shall be authorized to require the owner or the owner's authorized agent to engage and designate on the building permit application a registered design professional who shall act as the registered design professional in responsible charge. If the circumstances require, the owner or the owner's authorized agent shall designate a substitute registered design professional in responsible charge who shall perform the duties required of the original registered design professional in responsible charge. The building official shall be notified in writing by the owner or the owner's authorized agent if the registered design professional in responsible charge is changed or is unable to continue to perform the duties. The registered design professional in responsible charge shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building. Those products which are regulated by FAC Rule 61G20 shall be reviewed and approved in writing by the designer of record prior to submittal for jurisdictional approval.

**107.3.4.1 Deferred submittals.** For the purposes of this section, deferred submittals are defined as those portions of the design that are not submitted at the time of the application and that are to be submitted to the building official within a specified period. Deferral of any submittal items shall have the prior approval of the building official. The registered design professional in responsible charge shall list the deferred submittals on the construction documents for review by the building official.

**Documents for deferred submittal** items shall be submitted to the registered design professional in responsible charge who shall review them and forward them to the building official with a notation indicating that the deferred submittal documents have been reviewed and found to be in general conformance to the design of the building. The deferred submittal items shall not be installed until the deferred submittal documents have been approved by the building official.

**107.3.4.2 Certifications by contractors authorized under the provisions** of F.S. § 489.115(4)(b) shall be considered equivalent to sealed plans and specifications by a person licensed under Chapter 471, Florida Statutes, or Chapter 481 Florida Statutes, by local enforcement agencies for plans review for permitting purposes relating to compliance with the wind-resistance provisions of the code or alternate methodologies approved by the Florida Building Commission for one (1) and two (2) family dwellings. Local enforcement agencies may rely upon such certification by contractors that the plans and specifications submitted conform to the requirements of the code for wind resistance. Upon good cause shown, local government code enforcement agencies may accept or reject plans sealed by persons licensed under Chapters 471, 481 or 489, Florida Statutes.

**107.3.5 Minimum plan review criteria for buildings.** The examination of the documents by the building official shall include the following minimum criteria and documents: a floor plan; site plan; foundation plan; floor/roof framing plan or truss layout; all fenestration penetrations; flashing; and rough opening dimensions and all exterior elevations:

## **Commercial Buildings:**

### **107.3.5.1.1 Building:**

1. Site requirements:
  - Parking
  - Fire access
  - Vehicle loading
  - Driving/turning radius
  - Fire hydrant/water supply/post indicator valve (PIV)
  - Set back/separation (assumed property lines)
  - Location of specific tanks, water lines and sewer lines
  - Flood hazard areas, flood zones, and design flood elevations
2. Occupancy group and special occupancy requirements shall be determined.
3. Minimum type of construction shall be determined (see Table 503).
4. Fire-resistant construction requirements shall include the following components:
  - Fire-resistant separations
  - Fire-resistant protection for type of construction
  - Protection of openings and penetrations of rated walls
  - Fire blocking and draftstopping and calculated fire resistance
5. Fire suppression systems shall include:
  - Early warning smoke evacuation systems
  - Schematic fire sprinklers
  - Standpipes
  - Pre-engineered systems
  - Riser diagram
6. Life safety systems shall be determined and shall include the following requirements:
  - Occupant load and egress capacities
  - Early warning
  - Smoke control
  - Stair pressurization
  - Systems schematic
  - Safeguards during construction, as applicable
7. System schematic
8. Occupancy load/egress requirements shall include:
  - 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

9. Structural requirements shall include:
  - Soil conditions/analysis
  - Termite protection
  - Design loads
  - Wind requirements
  - Building envelope (including Section 107.2.4)
  - Impact resistant coverings or systems
  - Structural calculations (if required)
  - Foundation
  - Flood requirements in accordance with Section 1612, including lowest floor elevations, enclosures, flood damage-resistant materials
  - Wall systems
  - Floor systems
  - Roof systems
  - Threshold inspection plan
  - Stair systems
  
10. 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
  - Deck coatings
  - Insulation
  - Building envelope portions of the Energy Code (including calculation and mandatory requirements)
  
11. 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
  
12. Interior requirements shall include the following:
  - Interior finishes (flame spread/smoke development)
  - Light and ventilation
  - Sanitation
  
13. Special systems:
  - Elevators
  - Escalators
  - Lifts

14. Commercial Energy Code submittal
15. Swimming pools:  
Barrier requirements  
Spas  
Wading pools
16. Location and installation details. The specific location and installation details of each fire door, fire damper, ceiling damper and smoke damper shall be shown and properly identified on the building plans by the designer.

**107.3.5.1.2 Electrical:**

1. Electrical:  
Wiring  
Services  
Feeders and branch circuits  
Overcurrent protection  
Grounding  
Wiring methods and materials  
GFCIs  
Electrical requirements of the Energy Code
2. Equipment
3. Special occupancies
4. Emergency systems
5. Communication systems
6. Low voltage
7. Load calculations
8. Design flood elevation

**107.3.5.1.3 Plumbing:**

1. Minimum plumbing facilities
2. Fixture requirements
3. Water supply piping
4. Sanitary drainage
5. Water heaters
6. Vents
7. Roof drainage
8. Back flow prevention
9. Irrigation

10. Location of water supply line
11. Grease traps
12. Environmental requirements
13. Plumbing riser
14. Design flood elevation
15. Water/plumbing requirements of the Energy Code (including calculation and mandatory requirements)

**107.3.5.1.4 Mechanical:**

1. Energy Calculations
2. Exhaust systems:  
Clothes dryer exhaust  
Kitchen equipment exhaust  
Specialty exhaust systems
3. Equipment
4. Equipment location
5. Make-up air
6. Roof-mounted equipment
7. Duct systems
8. Ventilation
9. Combustion air
10. Chimneys, fireplaces and vents
11. Appliances
12. Boilers
13. Refrigeration
14. Bathroom ventilation
15. Laboratory
16. Design flood elevation

**107.3.5.1.5 Gas**

1. Gas piping
2. Venting

3. Combustion air
4. Chimneys and vents
5. Appliances
6. Type of gas
7. Fireplaces
8. LP tank location
9. Riser diagram/shutoffs
10. Design flood elevation
11. Gas portions of the Energy Code (including calculation and mandatory requirements)

#### **107.3.5.2 Demolition**

1. Asbestos removal

#### **107.3.5.3 Residential (One (1) and Two (2) Family)**

1. Site requirements
  - Set back/separation (assumed property lines)
  - Location of septic tanks
2. Fire-resistant construction and fire protection systems (if required)
3. Smoke detector locations
4. Egress
  - Egress window size and location stairs construction requirements
5. Structural requirements shall include:
  - Wall section from foundation through roof, including assembly and materials connector tables wind requirements, and structural calculations (if required)
  - Flood hazard areas, flood zones, design flood elevations, lowest floor elevations, enclosures, equipment, and flood damage-resistant materials
  - Termite protection
  - Design loads
  - Wind requirements
  - Building envelope
  - Structural calculations (if required)
  - Foundation
  - Wall systems
  - Floor systems
  - Roof systems
6. Accessibility requirements: show/identify accessible bath

7. Impact resistant coverings or systems
8. Flood hazard areas, flood zones, design flood elevations, lowest floor elevations, enclosures, equipment, and flood damage-resistant materials
9. Electrical:  
Electric service riser with wire sizes, conduit detail and grounding detail. Complete load calculations, Panel schedules
10. Mechanical:  
Equipment and location, Duct systems
11. Plumbing:  
Plumbing riser
12. Gas:  
Gas piping  
Venting  
Combustion air  
Chimneys and vents  
Appliances  
Type of gas  
Fireplaces  
LP tank location  
Riser diagram/shutoffs
13. Residential Energy Code submittal (including calculations and mandatory requirements)
14. Swimming Pools:  
Barrier requirements  
Spas  
Wading pools

Manufactured buildings/housing –

1. Site requirements:  
Setback/separation (assumed property lines)  
Location of septic tanks (if applicable)
2. Structural:  
Wind zone  
Anchoring  
Blocking
3. Plumbing:  
List potable water source and meter size (if applicable)
4. Mechanical:  
Exhaust systems  
Clothes dryer exhaust  
Kitchen equipment exhaust
5. Electrical exterior disconnect location

**107.3.5.4 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. (as determined by the building official).
2. Minor electrical, plumbing, and mechanical repairs.
3. Annual maintenance permits.
4. Prototype plans: except for local site adaptation, siding, foundations and/or modifications Except for structures that require waiver.
5. Manufactured buildings plan except for foundations and modifications of buildings on site and as listed below in manufactured buildings/housing.

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

**107.5 Retention of construction documents.** One (1) set of approved construction documents shall be retained by the building official as required by state or local laws.

**107.6 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. Where the building official relies upon such affidavit, the architect or engineer shall assume full responsibility for compliance with all provisions of the technical codes and other pertinent laws or ordinances. The building official shall ensure that any person conducting plans review is qualified as a plans examiner under Part XII of Chapter 468, Florida Statutes, and that any person conducting inspections is qualified as a building inspector under Part XII of Chapter 468, Florida Statutes. Nothing aforesaid shall preclude plan review or inspections by the building official (See also Section 105.14). On applications in which private provider services are utilized, all time frames shall adhere to time frames as indicated in Florida Statutes 553.791 7(a).

**107.6.1 Building permits issued on the basis of an affidavit in special flood hazard areas.**

Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 C.F.R. Parts 59 and 60), the authority granted to the Building Official to issue permits, to rely on inspections, and to accept plans and construction documents on the basis of affidavits and plans submitted pursuant to Sections 105.14 and 107.6, shall not extend to the flood load and flood resistance construction requirements of the Florida Building Code.

## **SECTION 108 TEMPORARY STRUCTURES AND USES**

**108.1 General.** The building official is authorized to require a permit for temporary structures and temporary uses. Such permits shall be limited as to time of service, but shall not be permitted for more than six (6) months. The building official is authorized to grant extensions for demonstrated cause.

**108.2 Conformance.** Temporary structures and uses shall comply with the requirements in Section 3103.

**108.3 Temporary power.** The building official is authorized to give permission to temporarily supply and use power in part of an electric installation before such installation has been fully completed and the final certificate of completion has been issued. The part covered by the temporary certificate shall comply with the requirements specified for temporary lighting, heat or power in NFPA 70. (National Electrical Code [NEC])

**108.4 Termination of approval.** The building official is authorized to terminate such permit for a temporary structure or use and to order the temporary structure to be removed or use to be discontinued.

## **SECTION 109 FEES**

**109.1 Payment of fees.** An application shall not be valid and shall not be reviewed until the applicable fees prescribed by law have been paid. A permit shall not be valid until the fees prescribed by law have been paid, nor shall an amendment to a permit be released until the additional fee, if any, has been paid.

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

**109.3 Building permit valuations.** The applicant for a permit shall provide an estimated permit value at time of application. For permitting purposes, permit valuations shall include total replacement value of work, including materials and labor, for which the permit is being issued, such as structural, electrical, gas, mechanical, plumbing equipment, interior finish, related site work, architectural and design fees, marketing costs, overhead, and profit, excluding only land value. Valuation references may include the latest published data of national construction cost analysis services, such as Marshall-Swift, Means, etc., or as published by the International Code Council. If, in the opinion of the building official, the valuation is underestimated on the application, the permit shall be denied, unless the applicant can show detailed quantity estimates, or bona fide signed contracts, acceptable to the building official. Final building permit valuation shall be set by the building official.

**109.4 Work commencing before permit issuance.** Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits or without prior approval from the building official as permitted in Section 105.2.2 or 105.12 shall be subject to a penalty fee in addition to the required permit fees, as set in the approved schedule of 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 applied for within three (3) business days and any unreasonable delay in obtaining those permit(s) shall result in the charge of a penalty fee. The payment of a penalty 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 adjust penalties when justifiable cause has been demonstrated in writing.

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

**109.6 Refunds.** The building official is authorized to establish and publish a refund policy through local ordinance.

## **SECTION 110 INSPECTIONS**

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

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

**110.1.2 Other inspections services.** The building official may make, or cause to be made the inspections required by Section 110 of this code. He/she may accept reports of department inspectors, independent inspectors or recognized inspection services, provided that after investigation he/she is satisfied as to their qualifications and reliability. A certificate required by any provision of this code shall not be based on such reports unless the same are certified by the building code inspector or the architect or engineer performing building code inspections in a manner specified by the building official. The building official shall ensure that all persons making such inspections shall be certified in accordance to Chapter 468 Florida Statutes.

The building official may require the owner to employ an inspection service in the following instances:

1. For buildings or additions of Type I construction
2. For all major structural alterations
3. Where the concrete design is based on compressive strength in excess of 3000 pounds per square inch
4. For pile driving
5. For buildings with area greater than 20,000 square feet
6. For buildings more than two (2) stories in height; or
7. For buildings and structures of unusual design or methods of construction

Such inspectors shall be present when work is underway on the structural elements of the building to adequately attest to its compliance. Such inspectors shall be a registered architect, or engineer. An employee of the architect or engineer licensed under Chapter 468, Part XII, Florida Statutes may perform the inspections, under the direction of and with final certification from the architect or engineer. Such inspectors shall submit weekly progress reports including the daily inspections to the building official, and including a code compliance opinion of the Resident Inspector.

At the completion of the construction work or project, the architect or engineer shall submit a certificate of compliance to the building official, stating that the work was done in compliance with this code and in accordance with the permitted drawing. Final inspection shall be made by the building official before a Certificate of Occupancy or Certificate of Completion is issued; and confirmation inspections may be made at any time to monitor activities and resident inspectors.

**110.1.3 Affidavit for inspection.** With specific prior approval of, and in a format acceptable to the building official, an affidavit for certification of inspection may be accepted from the permit qualifier; when accompanied by extensive photographic evidence of sufficient detail to demonstrate code compliance. The photographic evidence shall be comprehensive in the display of the installation and/or construction and job location identifiers. The affidavit and accompanying photographs shall be provided to the inspector prior to or at the next scheduled inspection. If the photographs are found to be insufficient by the building official to demonstrate compliance with this code and/or the permitted document, or clearly display location identifiers, or are missing, the contractor may be required to obtain the services of a Registered Florida Design Professional to inspect and certify the installation and/or construction. Inspection by Registered Florida Design Professional shall be in person and certification by Registered Florida Design Professional shall be accompanied by new extensive photographic evidence of sufficient detail to demonstrate code compliance.

**110.1.3.1 Exception:** Affidavits may not be accepted for inspection of elements of construction which require inspection by the local jurisdiction under the requirements of Title 44, Code of Federal Regulations, Parts 59 and 60, and the local flood damage prevention ordinance.

**110.2 Preliminary inspection.** Subject to the limitations of F.S. Chapter 553.79(20), before issuing a permit, the building official is authorized to examine or cause to be examined buildings, structures and sites for which an application has been filed.

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

**110.3 Required inspections.** The building official upon notification from the permit holder or his or her agent, shall make the following inspections, and such other inspections as deemed necessary, and shall either release that portion of the construction or shall notify the permit holder or his or her agent of any violations which must be corrected in order to comply with the technical codes. The building official shall determine the timing and sequencing of when inspections occur and what elements are inspected at each inspection. A complete survey, or special purpose survey may be required before an inspection is approved.

A. *Building:*

1. Foundation inspection. To be made after trenches are excavated, any required reinforcing steel is in place, 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/Floor Inspection: Concrete slab and under-floor inspections shall be made after in-slab or under-floor reinforcing steel or framing members installed and all building service equipment, conduit, piping accessories and other ancillary equipment items are in place, but before any concrete is placed or floor sheathing installed, including the subfloor.

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

1.2. In flood hazard areas, upon placement of the lowest floor, including basement, and prior to further vertical construction, the elevation certification as required in Section 1612.5, shall be submitted to the building official.

2. Shell Inspections:

2.1. Lintel/tie beams/columns/masonry units. To be made after masonry units, forms, reinforcing steel, shoring, conduit, piping accessories, and other ancillary equipment items are in place, but before any concrete is placed.

2.2. 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
- Floor sheathing
- Continuous air barrier
- Sheathing fasteners
- Roof/wall dry-in
- Gypsum board, as required
- Sheathing/cladding inspection

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

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

- Dry-in
- Insulation (according to submitted energy calculations)
- Roof coverings (including in-progress)
- Flashing

Re-Roof Sheathing Inspection is required prior to application of the roof covering.

2.4. Framing inspection. To be made after the roof deck or sheathing, all framing, fire-blocking and bracing is in place, all concealed wiring, all pipes, chimneys, ducts and vents are complete and the rough electrical, plumbing, heating wires, pipes and ducts are approved, and shall at a minimum include the following building components:

- Window/door framing and installation. Verify rough opening dimensions are within tolerances, buck and attachments
- Window U-factor/SHGC as indicated on approved calculations
- Window/door buck attachment
- Vertical cells/columns complete, if applicable
- Lintel/tie beams complete, if applicable
- Framing/trusses/bracing/connectors (including truss layout and engineered drawings)
- Draft stopping/fire blocking
- Curtain wall framing
- Fire resistant assemblies joints and penetrations, as required
- Lath, as required
- Accessibility

2.5. Insulation Inspection: To be made after the framing inspection is approved and the insulation is in place, according to approved energy calculation submittal. Includes wall and ceiling insulation, thermal and ignition barriers.

2.6. Lath/Drywall, as required Lath and gypsum board inspections shall be made after lathing and gypsum board, interior and exterior, is in place, but before any plastering is applied or gypsum board joints and fasteners are taped and finished.

Exception: Gypsum board that is not part of a fire-resistance- rated assembly or a shear assembly in a single-family dwelling, unless otherwise determined by the building official.

2.7. Exterior wall coverings. Shall at a minimum include the following building components in progress inspections:

- Exterior wall coverings and veneers
- Soffit coverings

3. Final inspection. To be made after the building is completed, all sub-trade inspections have passed and the structure is ready for occupancy.

- 3.1. In flood hazard areas, as part of the final inspection, a final certification of the lowest floor elevation shall be submitted to the authority having jurisdiction.

*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.
- Perimeter piping inspection/pressure test to be made prior to backfill and preparation of the pool deck (if any).
- Light niche/wet niche inspection. To inspect the bonding of underwater light fixtures prior to filling the pool with water.
- Pool deck inspection to be made prior to placing concrete in the pool deck with all required bonding connections completed.
- 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 of this code.
- Final electric inspection to be made prior to filling the swimming pool with water.
- Final permanent barrier inspection to be made prior to filling the swimming pool with water.

*Demolition inspections:*

- First inspection (pre-demolition) 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.

*Manufactured building inspections:* The building department shall inspect construction of foundations; connecting buildings to foundations; installation of parts identified on plans as site installed items, joining the modules, including utility crossovers; utility connections from the building to utility lines on site; and any other work done on site which requires compliance with the Florida Building Code. (See also Section 107.3.5 Manufactured/Modular Buildings) Additional inspections may be required for public educational facilities (see Section 423.27.20).

*Impact-resistant coverings:* Where impact resistant coverings or impact resistant systems are installed the building official shall perform inspections at the request of the applicant, on all impact-resistant coverings or impact resistant systems to determine the following:

- The system indicated on the plans was installed.
- The system is installed in accordance with the manufacturer's installation instructions and the product approval.

B. *Electrical:*

1. Underground inspection. To be made after trenches or ditches are excavated, conduit or cable is installed, and before any backfill is put in place.
2. Rough-in inspection. To be made after the building is dried-in, framing, fire blocking and bracing is in place and prior to the installation of wall or ceiling membranes.
3. Low Voltage. To be made for security, alarm, elevator, and special uses prior to being covered from view.
4. Power release inspection. To be made after building electrical system is substantially complete, or completed in phases, with all circuitry installed and electrical fixtures and devices in place, or properly tagged and safed-off.
5. Final inspection. To be made after the building electrical system is complete, all required electrical fixtures are in place and properly connected, tested and the structure is ready for occupancy.
6. Existing Swimming Pools. To be made after all repairs or alterations are complete, all required electrical equipment, GFCI protection, and equipotential bonding are in place on said alterations or repairs.

C. *Plumbing:*

1. Underground inspection. To be made after trenches or ditches are excavated, piping is 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, vent, water, and other piping is complete, and prior to this installation of wall or ceiling membranes.
3. Final inspection. To be made after the building plumbing system is complete, all plumbing fixtures are in place and properly connected, and the structure is ready for occupancy.
  - a. Note: See Section 312 of the Florida Building Code, Plumbing for required tests.

D. *Mechanical:*

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

E. *Gas:*

1. Underground piping and tanks. To be made after trenches or ditches are excavated, underground gas piping is installed, and before backfill is put in place.

2. 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.
3. 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.
4. Final inspection. To be made on all new gas work authorized by the permit and such portions of existing systems as may be affected by new work or any changes, to ensure compliance with all the requirements of this code and to assure that the installation and construction of the gas system is in accordance with reviewed plans.

F. *Site Debris*

1. The contractor and/or owner of any active or inactive construction project shall be responsible for the clean-up and removal of all construction debris or any other miscellaneous discarded articles during the course of the construction project and prior to receiving final inspection approval Construction job sites must be kept clean and in a safe condition at all times. (See also Section 110.9)
2. All debris shall be kept in such a manner as to prevent it from being spread by any means.

**110.3.1 Footing and foundation inspection.** Footing and foundation inspections shall be made after excavations for footings are complete and any required reinforcing steel is in place. For concrete foundations, any required forms shall be in place prior to inspection. Materials for the foundation shall be on the job, except where concrete is ready mixed in accordance with ASTM C 94, the concrete need not be on the job. (See also Section 110.3 Building)

**110.3.2 Concrete slab and under-floor inspection.** Reserved. (See Section 110.3 Building 1.1).

**110.3.3 Lowest Floor elevation.** (Reserved). (See Section 110.3 Building 1.2).

**110.3.4 Frame Inspection.** (Reserved). (See Section 110.3 Shell 2.4).

**110.3.5 Lath and Gypsum Board Inspection.** (Reserved). (See Section 110.3 Shell 2.6).

**110.3.6 Weather-exposed balcony and walking surface waterproofing.** Where balcony or other elevated walking surfaces are exposed to water from direct or blowing rain, snow or irrigation, and the structural framing is protected by an impervious moisture barrier, all elements of the impervious-moisture-barrier system shall not be concealed until inspected and approved.

**110.3.7 Fire- and smoke-resistant penetrations.** Protection of joints and penetrations in fire-resistance-rated assemblies, smoke barriers and smoke partitions shall not be concealed from view until inspected and approved by the building official.

**110.3.8 Energy efficiency inspections.** Inspections shall be made to determine compliance with FBC, Energy Conservation and confirm with the approved energy code submittal (by appropriate trade) and corresponding mandatory requirements and shall include, but not be limited to, inspections for: corresponding envelope insulation R- and U-values, fenestration U-value and Solar Heat Gain Coefficient, duct system R-value, and HVAC lighting, electrical and water-heating equipment efficiency.

**110.3.9 Other Inspections.** In addition to the inspections specified in Sections 110.3 through 110.3.7, the building official is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this code and other laws that are enforced by the Building Division.

**110.3.10 Special Inspections.** (Reserved).

**110.3.11 Final 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.

**110.3.11.1 Flood hazard documentation.** For properties located in a flood hazard area, all required documentation shall be submitted to the building official at the time of the final inspection.

**110.3.11.2 Energy Code documentation.** As required by Section C408.2.4.1 of the Energy Conservation Volume, confirmation that the preliminary commissioning report has been received by building owner shall be provided at the time of final mechanical inspection.

**110.3.12 Termites.** Building components and building surroundings required to be protected from termite damage in accordance with Section 1503.7 of this code, Section 2304.13 of this code or Section 2304.11.6 of this code, specifically required to be inspected for termites in accordance with Section 2114 of this code, or required to have chemical soil treatment in accordance with Section 1816 of this code shall not be covered or concealed until the release from the building official has been received. (Also refer to Sections 105.10 and 105 11 of this code)

**110.3.13 Impact Resistant coverings or systems.** Where impact resistant coverings or systems are installed to meet requirements of this code, the building official shall schedule adequate inspections of impact resistant coverings or systems to determine the following:

1. The system indicated on the plans was installed.
2. The system is installed in accordance with the manufacturer's installation instructions and the product approval.

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

**110.4 Inspection agencies.** The building official is authorized to accept reports of approved inspection agencies, provided such agencies satisfy the requirements as to qualifications and reliability.

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

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

**110.7 Shoring.** For threshold buildings, shoring and associated formwork or falsework shall be designed and inspected by a Florida licensed professional engineer, prior to any required mandatory inspections by the threshold building inspector.

**110.7.1 Other shoring.** The Building Official may require engineered shoring drawings and procedures for reshoring for temporary support of vertical and horizontal loads and stabilization of foundation soils when applicable. Inspections are required to ensure the shoring is installed in accordance with the approved engineered shoring drawings. The Building Official may require the inspections to be made by qualified third parties when deemed necessary. (See also Section 110.1.2 Inspection Services).

### **110.8 Threshold building.**

**110.8.1** During new construction or during repair or restoration projects in which the structural system or structural loading of a building is being modified, the enforcing agency shall require a special inspector to perform structural inspections on a threshold building pursuant to a structural inspection plan prepared by the engineer or architect of record. The structural inspection plan must be submitted to the enforcing agency prior to the issuance of a building permit for the construction of a threshold building. The purpose of the structural inspection plans is to provide specific inspection procedures and schedules so that the building can be adequately inspected for compliance with the permitted documents. The special inspector may not serve as a surrogate in carrying out the responsibilities of the building official, the architect, or the engineer of record. The contractor's contractual or statutory obligations are not relieved by any action of the special inspector.

**110.8.2** The special inspector shall determine that a professional engineer who specializes in shoring design has inspected the shoring and reshoring for conformance with 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 Florida Statute 553.71(7), may designate such building as a threshold building, subject to more than the minimum number of inspections required by the Florida Building Code.

**110.8.3** 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.

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

**110.8.4.1** 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 load-bearing components complies with the permitted documents, and the shoring and reshoring conforms to the shoring and reshoring plans submitted to the enforcement agency."

**110.8.4.2** Any proposal to install an alternate structural product or system to which building codes apply shall 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.

**110.8.4.3** All shoring and reshoring procedures, plans and details shall 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.

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

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

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

**110.9 Impact of construction.** All construction activity regulated by this code shall be performed in a manner so as not to adversely impact the condition of adjacent property, unless such activity is permitted to affect said property pursuant to a consent granted by the applicable property owner, under terms or conditions agreeable to the applicable property owner. This includes, but is not limited to, the control of dust, noise, water or drainage runoffs, debris, and the storage of construction materials. New construction activity shall not adversely impact legal historic surface water drainage flows serving adjacent properties, and may require special drainage design complying with engineering standards to preserve the positive drainage patterns of the affected sites. Accordingly, developers, contractors and owners of all new residential development, including additions, pools, patios, driveways, decks or similar items, on existing properties resulting in a significant decrease of permeable land area on any parcel or has altered the drainage flow on the developed property shall, as a permit condition, provide a professionally prepared drainage plan clearly indicating compliance with this paragraph. Upon completion of the improvement, a certification from a licensed professional, as appropriate under Florida law, shall be submitted to the inspector in order to receive approval of the final inspection.

## **SECTION 111 CERTIFICATES OF OCCUPANCY AND COMPLETION**

**111.1 Use and Occupancy.** No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the building official has issued a Certificate of Occupancy therefore as provided herein. Issuance of a Certificate of Occupancy shall not be construed as an approval of a violation of the provisions of this code or other federal, state and local laws and ordinances of the jurisdiction. 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.

**Exception:** Certificates of occupancy are not required for work exempt from permits under Section 105.2.

**111.2 Certificate issued.** After the building official inspects the building or structure and finds no violations of the provisions of this code or other laws that are enforced by the department of building safety, or other agency whose approval is inherent in the building permitting process, the building official shall issue a Certificate of Occupancy that contains the following:

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

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

inspections and upon written request that has been approved by the building official. This provision is only for the Florida Building Code, all other Agency approvals necessary for construction must be secured prior to this provision being applied.

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

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

**111.6 Fixturing and Stocking.** The Building Official is authorized to issue approval for fixturing, stocking, training, or decorating, when appropriate, to allow the builder to prepare the structure for permanent occupancy. The building may not open to the general public or be used for the transaction of any commerce. Such approval must be conditioned upon the approval of the Fire Marshal, when applicable.

#### **111.7 Digital Submittal Requirements for New Construction.**

**111.7.1 Building Footprints.** The Building Official is authorized to require the submittal of digital shape (CAD) files, in a specific format, depicting a geo-referenced footprint with elevation for all new structures as a condition of the issuance of a Certificate of Occupancy.

**111.7.2 Subdivision Topography.** The Building Official is authorized to require the submittal of electronic topographical data and re-delineated 100-year floodplain boundaries for all new subdivisions or lots of record for the purposes of updating and maintaining the community's flood maps.

## **SECTION 112 SERVICE UTILITIES**

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

**112.2 Temporary connection.** The building official shall have the authority to 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.

**112.3 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, this code and the referenced codes and standards set forth in Section 101.4 in case of emergency where necessary to eliminate an immediate hazard to life, property, or unsafe condition, or when such utility connection has been made without the approval required by Section 112.1 or 112.2 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.

## **SECTION 113 CONSTRUCTION BOARD OF ADJUSTMENTS AND APPEALS**

**113.1 Establishment.** The establishment, powers, membership, terms, quorum, and voting of the Construction Board of Adjustment and Appeals are set forth in Chapter 2 of Wellington Code of Ordinances. Additionally, the following shall apply:

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

**113.3 Powers.** The Construction Board of Adjustments and Appeals shall have the power, as further defined in 113.4, to hear appeals of decisions and interpretations of the building official and consider variances of the technical codes.

**113.4 Local Construction Regulation Board.** The Construction Board of Adjustments and Appeals (CBAA) shall also constitute and act as the Local Construction Regulation Board ("LCRB"), as provided in F.S. § 489.113. As the LCRB, the CBAA may deny, suspend, revoke or limit the authority of a certified contractor to obtain a building permit or permits with specific conditions, if the board has found such contractor, through the public hearing process, to be guilty of fraud or a willful building code violation within Wellington. For purposes of this section, a "willful building code violation" means an act that is voluntarily and intentionally performed with the intent to violate or disregard the requirements of the law. The board may also, deny, suspend, revoke or limit the authority of a certified contractor to obtain a building permit or permit with specific conditions, if it has proof through the public hearing process, that a contractor has been found guilty in another county or municipality within the past 12 months, of fraud or a willful building code violation and after providing notice and an opportunity to be heard to the contractor, finds that such fraud or willful violation would have been fraud or a violation if committed in the county or municipality that the local construction board represents. Notification of and information concerning such permit denial shall be submitted to the department within 15 days after the LCRB decides to deny the permit.

### **113.5 Appeals.**

**113.5.1 Decision of the building official.** The owner of a building, structure or service system, or duly authorized agent, may appeal a decision of the building official to the Construction Board of Adjustment and Appeals whenever any one (1) 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 the specific case.
3. That an equally good or more desirable form of installation can be employed in any specific case, which the building official has rejected or refused.
4. The true intent and meaning of this code or any of the regulations hereunder have been misconstrued or incorrectly interpreted.

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

1. That special conditions and circumstances exist that are peculiar to the building, structure or service system involved and that are not applicable to others;
2. That the special conditions and circumstances do not result from the action or inaction of the applicant;
3. That granting the variance requested will not confer on the applicant any special privilege that is denied by this code to other buildings, structures or service system;
4. That the variance granted is the minimum variance that will make possible the reasonable use of the building, structure or service system; and
5. That the grant of the variance will be in harmony with the general intent and purpose of this code and will not be detrimental to the public health, safety and general welfare.

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

**113.5.3 Notice of appeal.** Notice of appeal shall be in writing and filed within 30 calendar days after the building official renders the decision. Appeals shall be in a form acceptable to the building official.

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

### **113.6 Procedures of the board.**

**113.6.1 Meetings.** The board shall meet upon call of the chair. The board shall meet within 30 calendar days after notice of appeal has been received.

**113.6.2 Rules and regulations.** The board shall comply with the procedures set forth in Wellington's Council Resolution No. R2011-75.

**113.6.3 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 certified copy of the decision shall be provided to the appellant and a copy shall be kept publicly posted in the office of the building official for two (2) weeks after filing. Every decision of the board shall be final; subject however to such remedy as any aggrieved party might have at law or in equity.

## SECTION 114 VIOLATIONS

Any person, including an individual, firm, partnership, corporation, or any of their agents, who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, or who shall erect, construct, alter, install, demolish or move any structure, electrical, gas, mechanical or plumbing system, or has erected, constructed, altered, repaired, moved or demolished a building, structure, electrical, gas, mechanical, or plumbing system, without full compliance with applicable codes, laws, ordinances, rules, and regulations, shall be guilty of a misdemeanor. Each such person shall be guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of applicable codes, laws, ordinances, rules, and regulations is committed or continued, and upon conviction of any such violation such person shall be punished within the limits and as provided by state law. Nothing in this section shall prevent the authority having jurisdiction from imposing fines, liens, or seeking injunction relief, or exercising other enforcement powers as permitted by law. Code enforcement and penalties of 162 Florida Statutes Part I shall be authorized if building work begins without payment of all required fees, and for the purposes of enforcing this code, code officials licensed under Florida Statute 468 Part XII are deemed "Code Inspectors," as defined in Florida Statute 162.04.

## SECTION 115 STOP WORK ORDER

**115.1 Authority.** Whenever the building official finds any work regulated by this code being performed in a manner either contrary to the provisions of this code or dangerous or unsafe, the building official is authorized to issue a stop work order.

**115.2 Issuance.** The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited work will be permitted to resume. Where an emergency exists, the building official shall not be required to give a written notice prior to stopping the work.

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

## SECTION 116 UNSAFE STRUCTURES AND EQUIPMENT

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

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

**116.1.1** When the building official determines a building, structure, electrical, gas, mechanical, or plumbing system, or any portion thereof, is unsafe, as set forth in this code, he/she shall, in accordance with established procedure for legal notices, give the owner, agent or person in control

of such building, structure, electrical, gas, mechanical, or plumbing system written notice stating the defects thereof. The notice shall require the owner within a stated time to either complete specified repairs or improvements, or to demolish and remove the building, structure, electrical, gas, mechanical, or plumbing system, or portion thereof.

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

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

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

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

**116.1.6** Costs incurred under 116.1.4 and 116.1.5 shall be charged to the owner of the premises involved. Notice of such charges shall be provided to the owner by certified mail. If the charges are not paid within 10 days following notification, the owner of the premises will be charged in the following manner:

1. The building official shall assess the entire cost of such vacation, demolition, or removal against the real property upon which such cost was incurred, which assessment shall include but not be limited to all administrative costs, postal expenses, newspaper publication, and shall constitute a lien upon such property superior to all others except taxes.
2. The Clerk shall record such lien in the County's Official Record Book showing the nature of such lien, the amount thereof and an accurate legal description of the property, including the street address, which lien shall be effective from the date of recording and shall recite the names of all persons notified and interested persons. After three (3) months from the recording of any such lien, which remains unpaid, the governing body may authorize

foreclose of the lien in the same manner as mortgage liens are foreclosed. Such lien shall bear interest from date such costs were incurred at the rate of 10% per annum and shall be enforceable if unsatisfied as other liens may be enforced by the governing agency.

## **SECTION 117 VARIANCES IN FLOOD HAZARD AREAS**

**117.1 Flood hazard areas.** Pursuant to Section 553.73(5), Florida Statutes, the variance procedures adopted in the Article III - Flood Damage Prevention of Wellington Code of Ordinances shall apply to requests submitted to the Building Official for variances to the provisions of Section 1612.4 of the Florida Building Code, Building Volume or, as applicable, the provisions of R322 of the Florida Building Code, Residential Volume. This section shall not apply to Section 3109 of the Florida Building Code, Building Volume.

## **SECTION 118 SEVERABILITY**

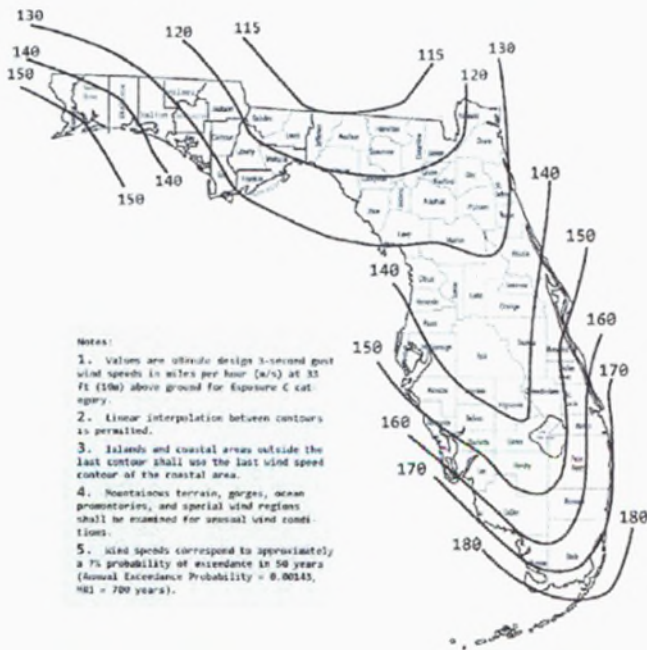
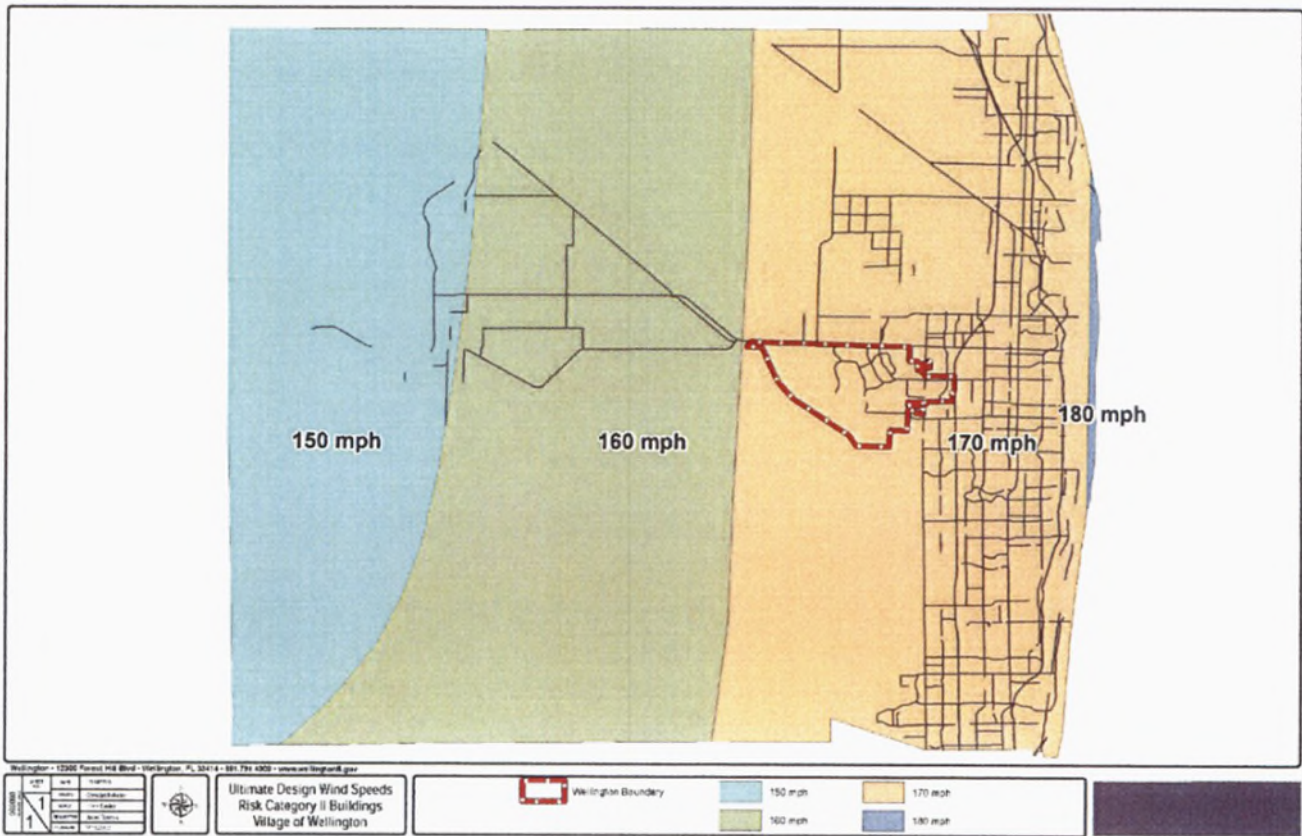
If any section, subsection, sentence, clause or phrase of this code is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

### **Sec. 5-3: Amendments to the Florida Building Code**

Section 1609.3 of the Florida Building Code-Building, Chapter 16 Structural Loads is amended to read:

*1609.3 Basic wind speed.* The ultimate design wind speed in miles per hour, for the development of wind loads, shall be determined by Figures 1609.3(1), 1609.3(2), and 1609.3(3) as depicted on map Figure 1609 and is hereby added to this code.

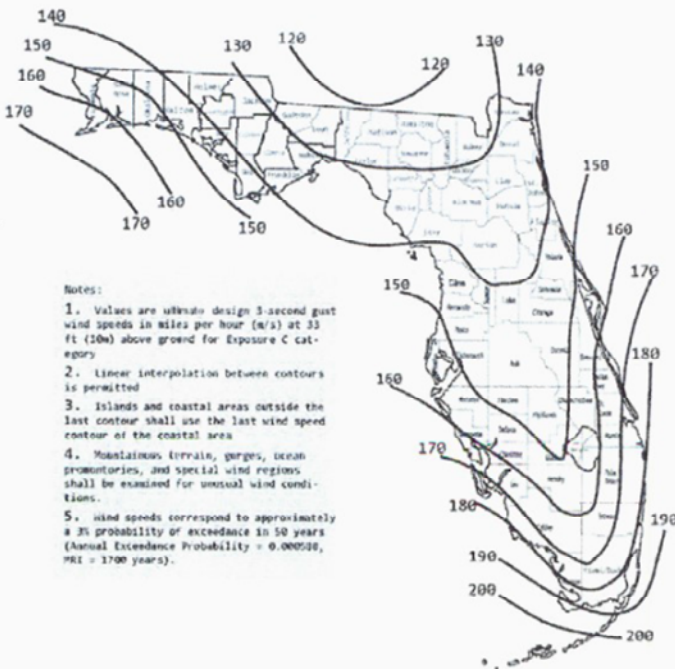
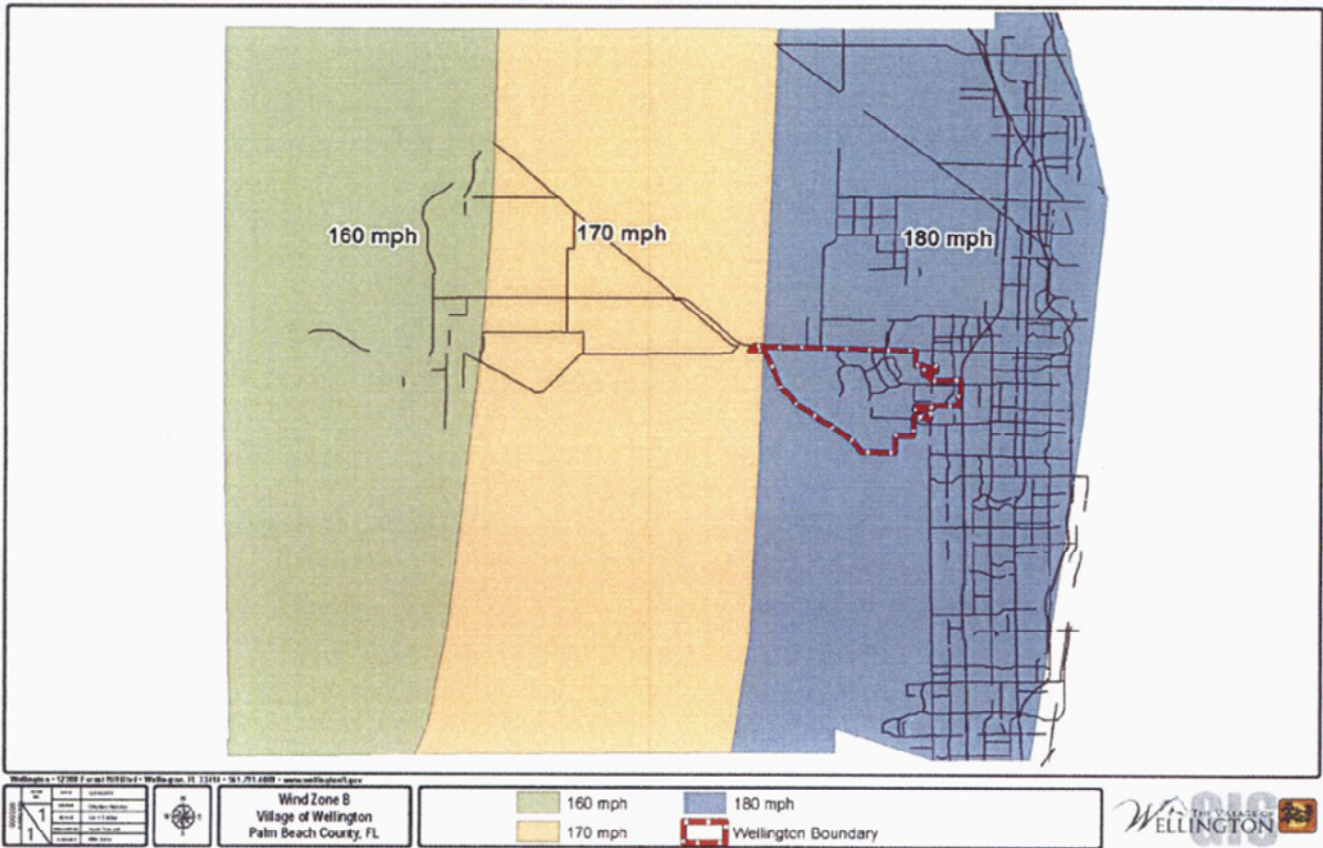
**Wellington—Figure 1609.3(1)  
Ultimate Design Wind Speed — Risk Category II Buildings**



**BASIC WIND SPEED.** The basic wind speed,  $V$ , used in determination of design wind loads on buildings and other structures shall be determined from Figures 1609.3 (1), (2) & (3). The exact location of wind speed lines shall be established by local ordinance using recognized physical landmarks such as roads, canals, rivers and lake shores whenever possible. Because of the many wind speed lines of the multiple Risk Categories, there are not appropriate physical landmarks to provide an accurate and orderly reflection of these boundaries. To determine the applicable wind speed of a particular parcel, Village of Wellington has developed separate Geographic Information Systems (GIS) tools for each of the Risk Categories available on the Building Division website at: <http://www.wellingtonfl.gov/government/departments/planning-zoning-building-code-enforcement-strategic-planning/building>

For Risk Category II buildings and structures and occupancy category III buildings and structures, except health care facilities, the windborne debris region shall be based on Figure 1609 3(1) For occupancy category IV buildings and structures and occupancy III health care facilities, the windborne debris region shall be based on Figure 1609 3(2).

**Wellington—Figure 1609.3(2)  
Ultimate Design Wind Speed — Risk Category III Buildings**

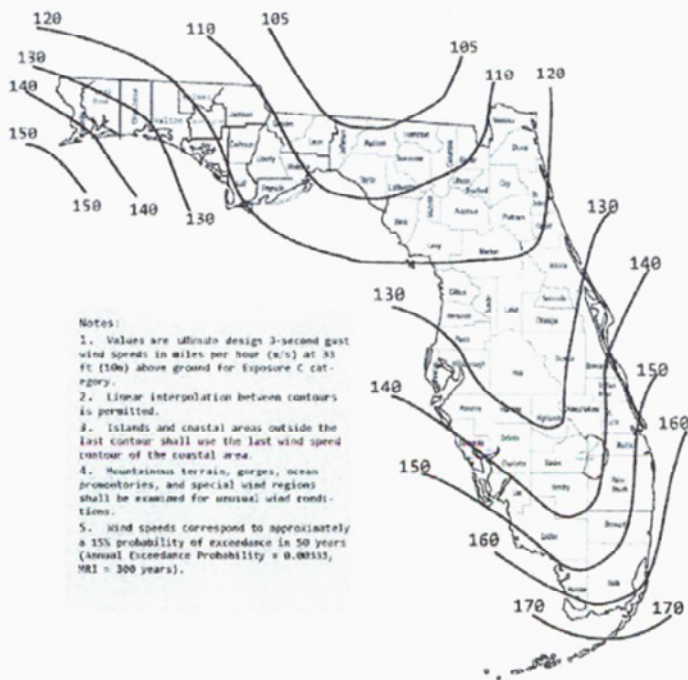
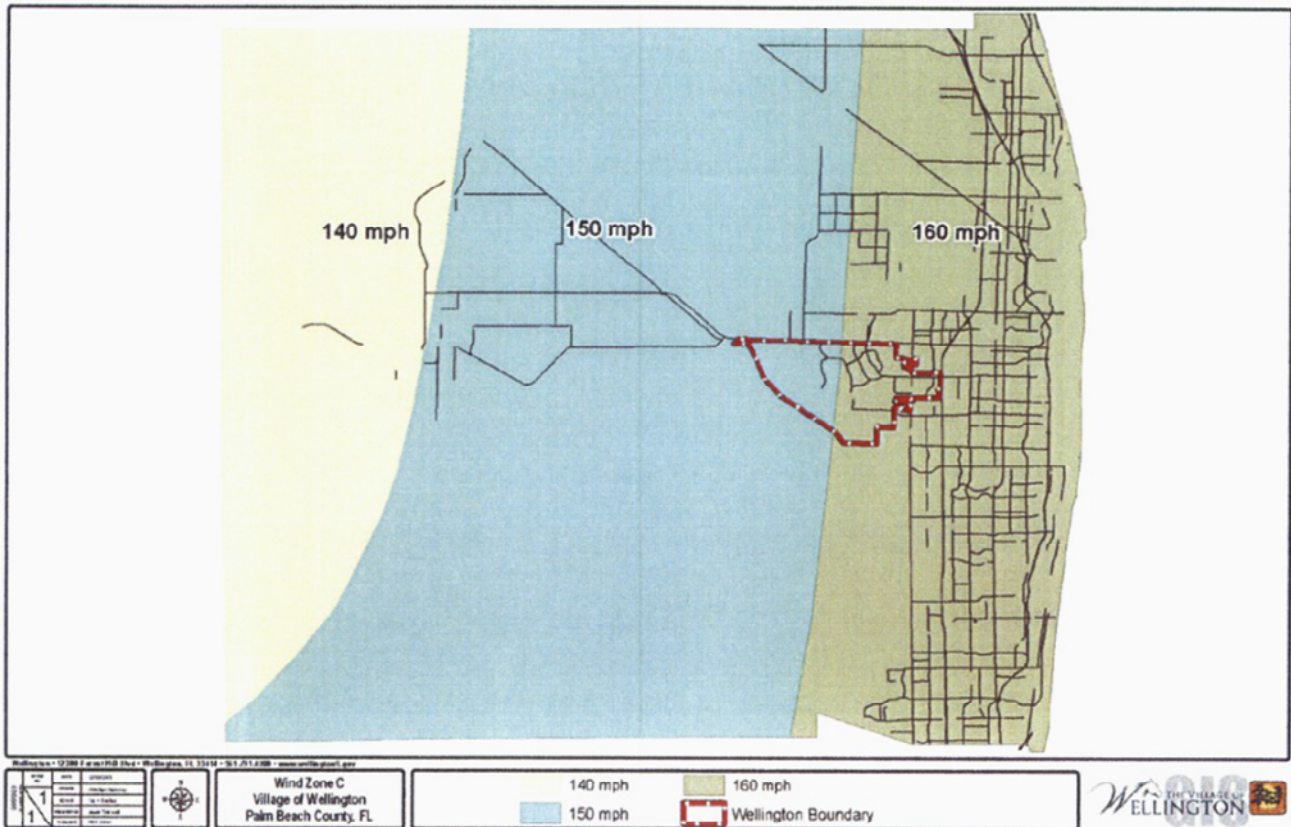


BASIC WIND SPEED. The basic wind speed,  $V$ , used in determination of design wind loads on buildings and other structures shall be determined from Figures 1609.3 (1), (2) & (3). The exact location of wild speed lines shall be established by local ordinance using recognized physical landmarks such as roads, canals, rivers and lake shores whenever possible. Because of the many wind speed lines of the multiple Risk Categories, there are not appropriate physical landmarks to provide an accurate and orderly reflection of these boundaries. To determine the applicable wind speed of a particular parcel, Village of Wellington has developed separate Geographic Information Systems (GIS) tools for each of the Risk Categories available on the Building Division website at: <http://www.wellingtonfl.gov/government/departments/planning-zoning-building-code-enforcement-strategic-planning/building>

For Risk Category II buildings and structures and occupancy category III buildings and structures, except health care facilities, the windborne debris region shall be based on Figure 1609.3(1). For occupancy category IV buildings and structures and occupancy III health care facilities, the windborne debris region shall be based on Figure 1609.3(2).



**Wellington—Figure 1609.3(3)  
Ultimate Design Wind Speed — Risk Category I Buildings**



**BASIC WIND SPEED.** The basic wind speed,  $V$ , used in determination of design wind loads on buildings and other structures shall be determined from Figures 1609.3 (1), (2) & (3). The exact location of wind speed lines shall be established by local ordinance using recognized physical landmarks such as roads, canals, rivers and lake shores whenever possible. Because of the many wind speed lines of the multiple Risk Categories, there are not appropriate physical landmarks to provide an accurate and orderly reflection of these boundaries. To determine the applicable wind speed of a particular parcel, Village of Wellington has developed separate Geographic Information Systems (GIS) tools for each of the Risk Categories available on the Building Division website at: <http://www.wellingtonfl.gov/government/departments/planning-zoning-building-code-enforcement-strategic-planning/building>

For Risk Category II buildings and structures and occupancy category III buildings and structures, except health care facilities, the windborne debris region shall be based on Figure 1609.3(1). For occupancy category IV buildings and structures and occupancy III health care facilities, the windborne debris region shall be based on Figure 1609.3(2).

## **ARTICLE II - FLOOD DAMAGE PREVENTION**

### **Sec. 5-4: Title**

These regulations shall be known as the Floodplain Management Ordinance of Wellington, hereinafter referred to as "this article."

### **Sec. 5-5: Scope**

The provisions of this article shall apply to all development that is wholly within, or partially within, any flood hazard area, including but not limited to the subdivision of land; filling, grading, and other site improvements and utility installations; construction, alteration, remodeling, enlargement, improvement, replacement, repair, relocation or demolition of buildings, structures, and facilities that are exempt from the Florida Building Code; placement, installation, or replacement of manufactured homes and manufactured buildings; installation or replacement of tanks; placement of recreational vehicles; installation of swimming pools; and any other development.

### **Sec. 5-6: Purpose and Intent**

The purpose and intent of this article and the flood load and flood resistant construction requirements of the Florida Building Code are to establish minimum requirements to safeguard the public health, safety, and general welfare and to minimize public and private losses due to flooding through regulation of development in flood hazard areas to:

- A. Minimize unnecessary disruption of commerce, access and public service during times of flooding;
- B. Require the use of appropriate construction practices in order to prevent or minimize future flood damage;
- C. Manage filling, grading, dredging, mining, paving, excavation, drilling operations, storage of equipment or materials, and other development which may increase flood damage or erosion potential;
- D. Manage the alteration of flood hazard areas, watercourses, and shorelines to minimize the impact of development on the natural and beneficial functions of the floodplain;
- E. Minimize damage to public and private facilities and utilities;
- F. Help maintain a stable tax base by providing for the sound use and development of flood hazard areas;
- G. Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events; and
- H. Meet the requirements of the National Flood Insurance Program for community participation as set forth in the Title 44 Code of Federal Regulations, Section 59.22.

### **Sec. 5-7: Coordination with the Florida Building Code**

This article is intended to be administered and enforced in conjunction with the Florida Building Code. Where cited, ASCE 24 refers to the edition of the standard that is referenced by the Florida Building Code.

### **Sec. 5-8: Warning**

The degree of flood protection required by this article and the Florida Building Code, as amended by this community, is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by man-made or natural causes. This article does not imply that land outside of mapped special flood hazard areas, or that uses permitted within such flood hazard areas, will be free from flooding or flood damage. The flood hazard areas and base flood elevations contained in the flood insurance study and shown on flood insurance rate maps and the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60 may be revised by the Federal Emergency Management Agency, requiring this community to revise these regulations to remain eligible for participation in the National Flood Insurance Program. No guaranty of vested use, existing use, or future use is implied or expressed by compliance with this article.

### **Sec. 5-9: Disclaimer of Liability**

This article shall not create liability on the part of the Wellington Council of Wellington or by any officer or employee thereof for any flood damage that results from reliance on this article or any administrative decision lawfully made thereunder.

### **Sec. 5-10: General (Conflict between Requirements)**

Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

### **Sec. 5-11: Areas to which this Article Applies**

This article shall apply to all flood hazard areas within Wellington, as established in section 5-12 of this article.

### **Sec. 5-12: Basis for Establishing Flood Hazard Areas**

The Flood Insurance Study for Palm Beach County, Florida and Incorporated Areas dated October 5, 2017 and all subsequent amendments and revisions, and the accompanying flood insurance rate maps (FIRM), and all subsequent amendments and revisions to such maps, are adopted by reference as a part of this article and shall serve as the minimum basis for establishing flood hazard areas. Studies and maps that establish flood hazard areas are on file at the Wellington's Planning, Zoning and Building Department, located at 12300 Forest Hill Boulevard, Wellington, Florida 33414.

### **Sec. 5-13: Submission of Additional Data to Establish Flood Hazard Areas**

To establish flood hazard areas and base flood elevations, pursuant to sections 5-33 through 5-36 of this article the floodplain administrator may require submission of additional data. Where field surveyed topography prepared by a Florida licensed professional surveyor or digital topography accepted by the community indicates that ground elevations:

- A. Are below the closest applicable base flood elevation, even in areas not delineated as a special flood hazard area on a FIRM, the area shall be considered as flood hazard area and subject to the requirements of this article and, as applicable, the requirements of the Florida Building Code.
- B. Are above the closest applicable base flood elevation, the area shall be regulated as special flood hazard area unless the applicant obtains a letter of map change that removes the area from the special flood hazard area.

### **Sec. 5-14: Other Laws**

The provisions of this article shall not be deemed to nullify any provisions of local, state or federal law.

### **Sec. 5-15: Abrogation and Greater Restrictions**

This article supersedes any ordinance in effect for management of development in flood hazard areas. However, it is not intended to repeal or abrogate any existing ordinances including but not limited to land development regulations, zoning ordinances, stormwater management regulations, or the Florida Building Code. In the event of a conflict between this article and any other ordinance, the more restrictive shall govern. This article shall not impair any deed restriction, covenant or easement, but any land that is subject to such interests shall also be governed by this article.

### **Sec. 5-16: Interpretation**

In the interpretation and application of this article, 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 statutes.

### **Sec. 5-17: Designation**

The Building Official is designated as the floodplain administrator. The Building Official may delegate performance of certain duties to other employees.

### **Sec. 5-18: General (Floodplain Administrator)**

The Floodplain Administrator is authorized and directed to administer and enforce the provisions of this article. The Floodplain Administrator shall have the authority to render interpretations of this article consistent with the intent and purpose of this article and may establish policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall not have the effect of waiving requirements specifically provided in this article without the granting of a variance pursuant to this article.

### **Sec. 5-19: Applications and Permits**

The Floodplain Administrator, in coordination with other pertinent offices of the community, shall:

- A. Review applications and plans to determine whether proposed new development will be located in flood hazard areas;
- B. Review applications for modification of any existing development in flood hazard areas for compliance with the requirements of this article;
- C. Interpret flood hazard area boundaries where such interpretation is necessary to determine the exact location of boundaries; a person contesting the determination shall have the opportunity to appeal the interpretation;
- D. Provide available flood elevation and flood hazard information;

- E. Determine whether additional flood hazard data shall be obtained from other sources or shall be developed by an applicant;
- F. Review applications to determine whether proposed development will be reasonably safe from flooding;
- G. Issue floodplain development permits or approvals for development other than buildings and structures that are subject to the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code, when compliance with this article is demonstrated, or disapprove the same in the event of noncompliance; and
- H. Coordinate with and provide comments to the building official to assure that applications, plan reviews, and inspections for buildings and structures in flood hazard areas comply with the applicable provisions of this article.

### **Sec. 5-20: Substantial Improvement and Substantial Damage Determinations**

For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Building Official, shall:

- A. Estimate the market value of the building or structure per the valuation data contained in the records of the Office of the Property Appraiser of Palm Beach County, Florida, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made; all valuation data and/or appraisals must be dated within six (6) months of permit application date.
- B. Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;
- C. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and
- D. Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the Florida Building Code and this article is required.

### **Sec. 5-21: Notices and Orders**

The Floodplain Administrator shall coordinate with appropriate local agencies for the issuance of all necessary notices or orders to ensure compliance with this article.

### **Sec. 5-22: Inspections**

The Floodplain Administrator shall make the required inspections as specified in this article for development that is not subject to the Florida Building Code, including buildings, structures and facilities exempt from

the Florida Building Code. The Floodplain Administrator shall inspect flood hazard areas to determine if development is undertaken without issuance of a permit.

### **Sec. 5-23: Other Duties of the Floodplain Administrator**

The Floodplain Administrator shall have other duties, including but not limited to:

- A. Establish, in coordination with the building official procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to this article;
- B. Require that applicants proposing alteration of a watercourse notify adjacent communities and the Florida Division of Emergency Management, State Floodplain Management Office, and submit copies of such notifications to the Federal Emergency Management Agency (FEMA);
- C. Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the flood insurance rate maps if the analyses propose to change base flood elevations, flood hazard area boundaries, or floodway designations; such submissions shall be made within six (6) months of such data becoming available;
- D. Review required design certifications and documentation of elevations specified by this article and the Florida Building Code to determine that such certifications and documentations are complete; and
- E. Notify the Federal Emergency Management Agency when the corporate boundaries of Wellington are modified.

### **Sec. 5-24: Floodplain Management Records**

Regardless of any limitation on the period required for retention of public records, the Floodplain Administrator shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of this article and the flood resistant construction requirements of the Florida Building Code, including flood insurance rate maps; letters of map change; records of issuance of permits and denial of permits; determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required design certifications and documentation of elevations specified by the Florida Building Code and this article; notifications to adjacent communities, FEMA, and the state related to alterations of watercourses; assurances that the flood carrying capacity of altered watercourses will be maintained; documentation related to appeals and variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to this article and the flood resistant construction requirements of the Florida Building Code. These records shall be available for public inspection at Wellington's Planning, Zoning and Building Department, located at 12300 Forest Hill Boulevard, Wellington, Florida 33414.

### **Sec. 5-25: Permits Required**

Any owner or owner's authorized agent (hereinafter "applicant") who intends to undertake any development activity within the scope of this article, including buildings, structures and facilities exempt from the Florida Building Code, which is wholly within or partially within any flood hazard area shall first make application to the Floodplain Administrator, and the Building Official, if applicable, and shall obtain the required permit(s) and approval(s). No such permit or approval shall be issued until compliance with the requirements of this article and all other applicable codes and regulations has been satisfied.

## **Sec. 5-26: Floodplain Development Permits or Approvals**

Floodplain development permits or approvals shall be issued pursuant to this article for any development activities not subject to the requirements of the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code. Depending on the nature and extent of proposed development that includes a building or structure, the floodplain administrator may determine that a floodplain development permit or approval is required in addition to a building permit.

## **Sec. 5-27: Buildings, Structures and Facilities Exempt from the Florida Building Code**

Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 C.F.R. Sections 59 and 60), floodplain development permits or approvals shall be required for the following buildings, structures, and facilities that are exempt from the Florida Building Code and any further exemptions provided by law, which are subject to the requirements of this article:

- A. Railroads and ancillary facilities associated with the railroad.
- B. Nonresidential farm buildings on farms, as provided in F.S. § 604.50.
- C. Temporary buildings or sheds used exclusively for construction purposes.
- D. Mobile or modular structures used as temporary offices.
- E. 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.
- F. Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this paragraph, the term "chickee" means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other non-wood features.
- G. Family mausoleums not exceeding 250 square feet in area that are prefabricated and assembled on site or preassembled and delivered on site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.
- H. Temporary housing provided by the department of corrections to any prisoner in the state correctional system.
- I. Structures identified in F.S. § 553.73(10)(k), are not exempt from the Florida Building Code if such structures are located in flood hazard areas established on flood insurance rate maps.

## **Sec. 5-28: Application for a Permit or Approval**

To obtain a floodplain development permit or approval the applicant shall first file an application in writing on a form furnished by the community. The information provided shall:

- A. Identify and describe the development to be covered by the permit or approval.
- B. Describe the land on which the proposed development is to be conducted by legal description, street address or similar description that will readily identify and definitively locate the site.

- C. Indicate the use and occupancy for which the proposed development is intended.
- D. Be accompanied by a site plan or construction documents as specified in sections 5-33 through 5-36 of this article.
- E. State the valuation of the proposed work.
- F. Be signed by the applicant or the applicant's authorized agent.
- G. Give such other data and information as required by the floodplain administrator.

#### **Sec. 5-29: Validity of Permit or Approval**

The issuance of a floodplain development permit or approval pursuant to this article shall not be construed to be a permit for, or approval of, any violation of this article, the Florida Building Codes, or any other ordinance of this community. The issuance of permits based on submitted applications, construction documents, and information shall not prevent the floodplain administrator from requiring the correction of errors and omissions.

#### **Sec. 5-30: Expiration**

A floodplain development permit or approval shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized is suspended or abandoned for a period of 180 days after the work commences. Extensions for periods of not more than 180 days each shall be requested in writing and justifiable cause shall be demonstrated.

#### **Sec. 5-31: Suspension or Revocation**

The Floodplain Administrator is authorized to suspend or revoke a floodplain development permit or approval if the permit was issued in error, on the basis of incorrect, inaccurate or incomplete information, or in violation of this article or any other ordinance, regulation or requirement of this community.

#### **Sec. 5-32: Other Permits Required**

Floodplain development permits and building permits shall include a condition that all other applicable state or federal permits be obtained before commencement of the permitted development, including but not limited to the following:

- A. The South Florida Water Management District; F.S. § 373.036.
- B. Florida Department of Health for onsite sewage treatment and disposal systems; F.S. § 381.0065 and Chapter 64E-6, F.A.C.
- C. Florida Department of Environmental Protection for activities subject to the Joint Coastal Permit; F.S. § 161.055.
- D. Florida Department of Environmental Protection for activities that affect wetlands and alter surface water flows, in conjunction with the U.S. Army Corps of Engineers; Section 404 of the Clean Water Act.
- E. Federal permits and approvals.

### **Sec. 5-33: Information for Development in Flood Hazard Areas**

The site plan or construction documents for any development subject to the requirements of this article shall be drawn to scale and shall include, as applicable to the proposed development:

- A. Delineation of flood hazard areas, floodway boundaries and flood zone(s), base flood elevation(s), and ground elevations if necessary for review of the proposed development.
- B. Where base flood elevations or floodway data are not included on the FIRM or in the flood insurance study, they shall be established in accordance with section 5-34(B) or (C) of this article.
- C. Where the parcel on which the proposed development will take place will have more than 50 lots or is larger than five (5) acres and the base flood elevations are not included on the FIRM or in the flood insurance study, such elevations shall be established in accordance with section 5-34(A) of this article.
- D. Location of the proposed activity and proposed structures, and locations of existing buildings and structures.
- E. Location, extent, amount, and proposed final grades of any filling, grading, or excavation.
- F. Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose.
- G. Existing and proposed alignment of any proposed alteration of a watercourse.

The Floodplain Administrator is authorized to waive the submission of site plans, construction documents, and other data that are required by this article but that are not required to be prepared by a registered design professional if it is found that the nature of the proposed development is such that the review of such submissions is not necessary to ascertain compliance with this article.

### **Sec. 5-34: Information in Flood Hazard Areas without Base Flood Elevations (Approximate Zone A)**

Where flood hazard areas are delineated on the FIRM and base flood elevation data have not been provided, the floodplain administrator shall:

- A. Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices.
- B. Obtain, review, and provide to applicants base flood elevation and floodway data available from a federal or state agency or other source or require the applicant to obtain and use base flood elevation and floodway data available from a federal or state agency or other source.
- C. Where base flood elevation and floodway data are not available from another source, where the available data are deemed by the floodplain administrator to not reasonably reflect flooding conditions, or where the available data are known to be scientifically or technically incorrect or otherwise inadequate:
  - 1. Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices; or

2. Specify that the base flood elevation is two (2) feet above the highest adjacent grade at the location of the development, provided there is no evidence indicating flood depths have been or may be greater than two (2) feet.
- D. Where the base flood elevation data are to be used to support a letter of map change from FEMA, advise the applicant that the analyses shall be prepared by a Florida licensed engineer in a format required by FEMA, and that it shall be the responsibility of the applicant to satisfy the submittal requirements and pay the processing fees.

### **Sec. 5-35: Additional Analyses and Certifications**

As applicable to the location and nature of the proposed development activity, and in addition to the requirements of this section, the applicant shall have the following analyses signed and sealed by a Florida licensed engineer for submission with the site plan and construction documents:

- A. For development activities proposed to be located in a regulatory floodway, a floodway encroachment analysis that demonstrates that the encroachment of the proposed development will not cause any increase in base flood elevations; where the applicant proposes to undertake development activities that do increase base flood elevations, the applicant shall submit such analysis to FEMA as specified in section 5-36 of this article and shall submit the conditional letter of map revision, if issued by FEMA, with the site plan and construction documents.
- B. For development activities proposed to be located in a riverine flood hazard area for which base flood elevations are included in the flood insurance study or on the FIRM and floodways have not been designated, hydrologic and hydraulic analyses that demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachments, will not increase the base flood elevation more than one (1) foot at any point within the community. This requirement does not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in flood hazard areas identified as Zone AO or Zone AH.
- C. For alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained in a manner which preserves the channel's flood-carrying capacity; the applicant shall submit the analysis to FEMA as specified in section 5-36 of this article.

### **Sec. 5-36: Submission of Additional Data**

When additional hydrologic, hydraulic or other engineering data, studies, and additional analyses are submitted to support an application, the applicant has the right to seek a letter of map change from FEMA to change the base flood elevations, change floodway boundaries, or change boundaries of flood hazard areas shown on FIRMs, and to submit such data to FEMA for such purposes. The analyses shall be prepared by a Florida licensed engineer in a format required by FEMA. Submittal requirements and processing fees shall be the responsibility of the applicant.

### **Sec. 5-37: General (Development)**

Development for which a floodplain development permit or approval is required shall be subject to inspection.

### **Sec. 5-38: Development other than Buildings and Structures**

The floodplain administrator shall inspect all development to determine compliance with the requirements of this article and the conditions of issued floodplain development permits or approvals.

### **Sec. 5-39: Buildings, Structures and Facilities Exempt from the Florida Building Code**

The floodplain administrator shall inspect buildings, structures and facilities exempt from the Florida Building Code to determine compliance with the requirements of this article and the conditions of issued floodplain development permits or approvals.

### **Sec. 5-40: Buildings, Structures and Facilities Exempt from the Florida Building Code, Lowest Floor Inspection**

Upon placement of the lowest floor, including basement, and prior to further vertical construction, the owner of a building, structure or facility exempt from the Florida Building Code, or the owner's authorized agent, shall submit to the floodplain administrator:

- (1) If a design flood elevation was used to determine the required elevation of the lowest floor, the certification of elevation of the lowest floor prepared and sealed by a Florida licensed professional surveyor; or
- (2) If the elevation used to determine the required elevation of the lowest floor was determined in accordance with section 5-34(C)(2) of this article, the documentation of height of the lowest floor above highest adjacent grade, prepared by the owner or the owner's authorized agent.

### **Sec. 5-41: Buildings, Structures and Facilities Exempt from the Florida Building Code, Final Inspection**

As part of the final inspection, the owner or owner's authorized agent shall submit to the floodplain administrator a final certification of elevation of the lowest floor or final documentation of the height of the lowest floor above the highest adjacent grade; such certifications and documentations shall be prepared as specified in section 5-40 of this article.

### **Sec. 5-42: Manufactured Homes**

The floodplain administrator shall inspect manufactured homes that are installed or replaced in flood hazard areas to determine compliance with the requirements of this article and the conditions of the issued permit. Upon placement of a manufactured home, certification of the elevation of the lowest floor shall be submitted to the floodplain administrator.

### **Sec. 5-43: General (Construction Board of Adjustment and Appeals)**

The construction board of adjustment and appeals shall hear and decide on requests for appeals and requests for variances from the strict application of this article. Pursuant to F.S. § 553.73(5), the construction board of adjustment and appeals shall hear and decide on requests for appeals and requests for variances from the strict application of the flood resistant construction requirements of the Florida Building Code.

#### **Sec.5-44: Appeals**

The construction board of adjustment and appeals shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the floodplain administrator in the administration and enforcement of this article. Any person aggrieved by the decision may appeal such decision to the circuit court, as provided by Florida Statutes.

#### **Sec. 5-45: Limitations on Authority to Grant Variances**

The construction board of adjustment and appeals shall base its decisions on variances on technical justifications submitted by applicants, the considerations for issuance in section 5-49 of this article, the conditions of issuance set forth in section 5-50 of this article, and the comments and recommendations of the floodplain administrator and the building official. The construction board of adjustment and appeals has the right to attach such conditions as it deems necessary to further the purposes and objectives of this article.

#### **Sec. 5-46: Restrictions in Floodways**

A variance shall not be issued for any proposed development in a floodway if any increase in base flood elevations would result, as evidenced by the applicable analyses and certifications required in this article.

#### **Sec. 5-47: Historic Buildings**

A variance is authorized to be issued for the repair, improvement, or rehabilitation of a historic building that is determined eligible for the exception to the flood resistant construction requirements of the Florida Building Code, Existing Building Volume, upon a determination that the proposed repair, improvement, or rehabilitation will not preclude the building's continued designation as a historic building and the variance is the minimum necessary to preserve the historic character and design of the building. If the proposed work precludes the building's continued designation as a historic building, a variance shall not be granted and the building and any repair, improvement, and rehabilitation shall be subject to the requirements of the Florida Building Code.

#### **Sec. 5-48: Functionally Dependent Uses**

A variance is authorized to be issued for the construction or substantial improvement necessary for the conduct of a functionally dependent use, as defined in this article, provided the variance meets the requirements of section 5-46, is the minimum necessary considering the flood hazard, and all due consideration has been given to use of methods and materials that minimize flood damage during occurrence of the base flood.

#### **Sec. 5-49: Considerations for Issuance of Variances**

In reviewing requests for variances, the construction board of adjustment and appeals shall consider all technical evaluations, all relevant factors, all other applicable provisions of the Florida Building Code, this article, and the following:

- A. The danger that materials and debris may be swept onto other lands resulting in further injury or damage;
- B. The danger to life and property due to flooding or erosion damage;

- C. The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners;
- D. The importance of the services provided by the proposed development to the community;
- E. The availability of alternate locations for the proposed development that are subject to lower risk of flooding or erosion;
- F. The compatibility of the proposed development with existing and anticipated development;
- G. The relationship of the proposed development to the comprehensive plan and floodplain management program for the area;
- H. The safety of access to the property in times of flooding for ordinary and emergency vehicles;
- I. The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
- J. 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, streets and bridges.

**Sec. 5-50: Conditions for Issuance of Variances**

Variances shall be issued only upon:

- A. Submission by the applicant, of a showing of good and sufficient cause that the unique characteristics of the size, configuration, or topography of the site limit compliance with any provision of this article or the required elevation standards;
- B. Determination by the construction board of adjustment and appeals that:
  - 1. Failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable; increased costs to satisfy the requirements or inconvenience do not constitute hardship;
  - 2. The granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws and ordinances; and
  - 3. The variance is the minimum necessary, considering the flood hazard, to afford relief;
  - 4. Receipt of a signed statement by the applicant that the variance, if granted, shall be recorded in the office of the clerk of the court in such a manner that it appears in the chain of title of the affected parcel of land; and
  - 5. If the request is for a variance to allow construction of the lowest floor of a new building, or substantial improvement of a building, below the required elevation, a copy in the record of a written notice from the floodplain administrator to the applicant for the variance, specifying the difference between the base flood elevation and the proposed elevation of the lowest floor, stating that the cost of federal flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation (up to amounts as high as \$25.00 for \$100.00

of insurance coverage), and stating that construction below the base flood elevation increases risks to life and property.

#### **Sec. 5-51: Violations**

Any development that is not within the scope of the Florida Building Code but that is regulated by this article that is performed without an issued permit, that is in conflict with an issued permit, or that does not fully comply with this article, shall be deemed a violation of this article. A building or structure without the documentation of elevation of the lowest floor, other required design certifications, or other evidence of compliance required by this article or the Florida Building Code is presumed to be a violation until such time as that documentation is provided.

#### **Sec. 5-52: Authority**

For development that is not within the scope of the Florida Building Code but that is regulated by this article and that is determined to be a violation, the floodplain administrator is authorized to serve notices of violation or stop work orders to owners of the property involved, to the owner's agent, or to the person or persons performing the work.

#### **Sec. 5-53: Unlawful Continuance**

Any person who shall continue any work after having been served with a notice of violation or a stop work order, except such work as that person is directed to perform to remove or remedy a violation or unsafe condition, shall be subject to penalties as prescribed by law per section 108.4.

#### **Sec. 5-54: Penalties for Violation of Chapter**

A failure to comply with the provisions of this chapter or any of its requirements, including conditions and safeguards established in connection with grants of variances, shall constitute a violation. Any person who violates this chapter or fails to comply with any of its requirements shall, upon a finding of such violation, be fined not more than \$500.00 and shall pay all costs and expenses in the case. Each day a violation continues shall be considered a separate offense. Nothing contained in this section shall prevent Wellington from taking such other lawful action as is necessary to prevent or remedy any violation.

#### **Sec. 5-55: Scope**

Unless otherwise expressly stated, the following words and terms shall, for the purposes of this article, have the meanings shown in this section.

#### **Sec. 5-56: Terms Defined in the Florida Building Code**

Where terms are not defined in this article and are defined in the Florida Building Code, such terms shall have the meanings ascribed to them in that code.

#### **Sec. 5-57: Terms Not Defined**

Where terms are not defined in this article or the Florida Building Code, such terms shall have ordinarily accepted meanings such as the context implies.

#### **Sec. 5-58: Definitions**

**Alteration of a Watercourse:** A dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

**Appeal:** A request for a review of the floodplain administrator's interpretation of any provision of this article.

**ASCE 24:** A standard titled Flood Resistant Design and Construction that is referenced by the Florida Building Code. ASCE 24 is developed and published by the American Society of Civil Engineers, Reston, VA.

**Base Flood:** A flood having a 1% chance of being equaled or exceeded in any given year. [Also defined in FBC, B, Section 202.] The base flood is commonly referred to as the "100-year flood" or the "1% annual chance flood."

**Base Flood Elevation:** The elevation of the base flood, including wave height, relative to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or other datum specified on the flood insurance rate map (FIRM).

**Basement:** The portion of a building having its floor subgrade (below ground level) on all sides. [See Florida Building Code, Building Volume, Section 202, "Basement (for flood loads)".]

**Design Flood:** The flood associated with the greater of the following two (2) areas:

- (1) Area with a floodplain subject to a 1% or greater chance of flooding in any year; or
- (2) Area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

**Design Flood Elevation:** The elevation of the "design flood," including wave height, relative to the datum specified on the community's legally designated flood hazard map. In areas designated as Zone AO, the design flood elevation shall be the elevation of the highest existing grade of the building's perimeter plus the depth number (in feet) specified on the flood hazard map. In areas designated as Zone AO where the depth number is not specified on the map, the depth number shall be taken as being equal to two (2) feet.

**Development:** Any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, tanks, temporary structures, temporary or permanent storage of equipment or materials, mining, dredging, filling, grading, paving, excavations, drilling operations or any other land disturbing activities.

**Encroachment:** The placement of fill, excavation, buildings, permanent structures or other development into a flood hazard area which may impede or alter the flow capacity of riverine flood hazard areas.

**Existing Building and Existing Structure:** Any buildings and structures for which the "start of construction" commenced before October 1, 1999.

**Existing Manufactured Home Park or Subdivision:** 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 October 1, 1999.

**Expansion to an Existing Manufactured Home Park or Subdivision:** 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).

**Federal Emergency Management Agency (FEMA):** The federal agency that, in addition to carrying out other functions, administers the National Flood Insurance Program.

**Flood or Flooding:** A general and temporary condition of partial or complete inundation of normally dry land from:

- (1) The overflow of inland or tidal waters.
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

**Flood Damage-resistant Materials:** Any construction material capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair.

**Flood Hazard Area:** The greater of the following two (2) areas:

- (1) The area within a floodplain subject to a 1% or greater chance of flooding in any year.
- (2) The area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

**Flood Insurance Rate Map (FIRM):** The official map of the community on which the Federal Emergency Management Agency has delineated both special flood hazard areas and the risk premium zones applicable to the community.

**Flood Insurance Study (FIS):** The official report provided by the Federal Emergency Management Agency that contains the flood insurance rate map, the flood boundary and floodway map (if applicable), the water surface elevations of the base flood, and supporting technical data.

**Floodplain Administrator:** The office or position designated and charged with the administration and enforcement of this article (may be referred to as the floodplain manager).

**Floodplain Development Permit or Approval:** An official document or certificate issued by the community, or other evidence of approval or concurrence, which authorizes performance of specific development activities that are located in flood hazard areas and that are determined to be compliant with this article.

**Floodway:** The channel of a river or other riverine 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 one (1) foot.

**Floodway Encroachment Analysis:** An engineering analysis of the impact that a proposed encroachment into a floodway is expected to have on the floodway boundaries and base flood elevations; the evaluation shall be prepared by a qualified Florida licensed engineer using standard engineering methods and models.

**Florida Building Code:** The family of codes adopted by the Florida Building Commission, including: Florida Building Code, Building; Florida Building Code, Residential; Florida Building Code, Existing Building; Florida Building Code, Mechanical; Florida Building Code, Plumbing; Florida Building Code, Fuel Gas.

**Functionally Dependent Use:** A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, including only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities; the term does not include long-term storage or related manufacturing facilities.

**Highest Adjacent Grade:** The highest natural elevation of the ground surface prior to construction next to the proposed walls or foundation of a structure.

**Historic Structure:** Any structure that is determined eligible for the exception to the flood hazard area requirements of the Florida Building Code, Existing Building Volume.

**Letter of Map Change (LOMC):** An official determination issued by FEMA that amends or revises an effective flood insurance rate map or flood insurance study. Letters of map change include:

**Letter of Map Amendment (LOMA):** An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective flood insurance rate map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.

**Letter of Map Revision (LOMR):** A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.

**Letter of Map Revision Based on Fill (LOMR-F):** A determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.

**Conditional Letter of Map Revision (CLOMR):** A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective flood insurance rate map or flood insurance study; upon submission and approval of certified as-built documentation, a letter of map revision may be issued by FEMA to revise the effective FIRM.

**Light-Duty Truck:** As defined in 40 C.F.R. 86.082-2, any motor vehicle rated at 8,500 pounds gross vehicular weight rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less, which is:

- (1) Designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or
- (2) Designed primarily for transportation of persons and has a capacity of more than 12 persons; or
- (3) Available with special features enabling off-street or off-highway operation and use.

**Lowest Floor:** The lowest floor of the lowest enclosed area of a building or structure, including basement, but excluding any unfinished or flood-resistant enclosure, other than a basement, usable solely for vehicle parking, building access or limited storage provided that such enclosure is not built so as to render the structure in violation of the non-elevation requirements of the Florida Building Code or ASCE 24.

**Manufactured Home:** A structure, transportable in one (1) or more sections, which is eight (8) feet or more in width and greater than 400 square feet, and which is built on a permanent, integral chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle" or "park trailer."

**Manufactured Home Park or Subdivision:** A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

**Market Value:** The price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of relevant facts. As used in this article, the term refers to the market value of buildings and structures, excluding the land and other improvements on the parcel. Market value may be established per the valuation data contained in the records of the Office of the Property Appraiser of Palm Beach County, Florida, or by a qualified independent appraiser, actual cash value (replacement cost depreciated for age and quality of construction), or tax assessment value.

**New Construction:** For the purposes of administration of this article and the flood resistant construction requirements of the Florida Building Code, structures for which the "start of construction" commenced on or after October 1, 1999 and includes any subsequent improvements to such structures.

**New Manufactured Home Park or Subdivision:** 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 October 1, 1999.

**Park Trailer:** A transportable unit which has a body width not exceeding 14 feet and which is built on a single chassis and is designed to provide seasonal or temporary living quarters when connected to utilities necessary for operation of installed fixtures and appliances. [Defined in F.S. § 320.01]

**Recreational Vehicle:** A vehicle, including a park trailer, which is: [see in F.S. § 320.01]

- (1) Built on a single chassis;
- (2) 400 square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by a light-duty truck; and
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**Special Flood Hazard Area:** An area in the floodplain subject to a 1% or greater chance of flooding in any given year. Special flood hazard areas are shown on FIRMs as Zone A, AO, A1—A30, AE, A99, AH, V1—V30, VE or V.

**Start of Construction:** The date of issuance of permits for new construction and substantial improvements, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement is within 180 days of the date of the issuance. The actual start of construction means either the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns. Permanent construction does not include land preparation (such as clearing, grading, or filling), the installation of streets or walkways, excavation for a basement, footings, piers, or foundations, the erection of temporary forms or

the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main buildings. For a 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.

**Substantial Damage:** Damage of any origin sustained by a building or structure whereby the cost of restoring the building or structure to its before-damaged condition would equal or exceed 50% of the market value of the building or structure before the damage occurred.

**Substantial Improvement:** Any repair, reconstruction, rehabilitation, addition, or other improvement of a building or structure, the cost of which equals or exceeds 50% of the market value of the building or structure before the improvement or repair is started. If the structure has incurred "substantial damage," any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either:

- (1) Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.
- (2) Any alteration of a historic structure provided the alteration will not preclude the structure's continued designation as a historic structure.

**Variance:** A grant of relief from the requirements of this article, or the flood resistant construction requirements of the Florida Building Code, which permits construction in a manner that would not otherwise be permitted by this article or the Florida Building Code.

**Watercourse:** A river, creek, stream, channel or other topographic feature in, on, through, or over which water flows at least periodically.

## **Sec. 5-59: Design and Construction of Buildings, Structures and Facilities Exempt From the Florida Building Code**

Pursuant to this article, buildings, structures, and facilities that are exempt from the Florida Building Code, including substantial improvement or repair of substantial damage of such buildings, structures and facilities, shall be designed and constructed in accordance with the flood load and flood resistant construction requirements of ASCE 24. Structures exempt from the Florida Building Code that are not walled and roofed buildings shall comply with the requirements of this article.

## **Sec. 5-60: Minimum Requirements**

Subdivision proposals, including proposals for manufactured home parks and subdivisions, shall be reviewed to determine that:

- A. Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
- B. All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
- C. Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

### **Sec. 5-61: Subdivision Plats**

Where any portion of proposed subdivisions, including manufactured home parks and subdivisions, lies within a flood hazard area, the following shall be required:

- A. Delineation of flood hazard areas, floodway boundaries and flood zones, and design flood elevations, as appropriate, shall be shown on preliminary plats;
- B. Where the subdivision has more than 50 lots or is larger than five (5) acres and base flood elevations are not included on the FIRM, the base flood elevations determined in accordance with this article; and
- C. Compliance with the site improvement and utilities requirements of this article.

### **Sec. 5-62: Minimum Requirements**

All proposed new development shall be reviewed to determine that:

- A. Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
- B. All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
- C. Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

### **Sec. 5-63: Sanitary Sewage Facilities**

All new and replacement sanitary sewage facilities, private sewage treatment plants (including all pumping stations and collector systems), and on-site waste disposal systems shall be designed in accordance with the standards for onsite sewage treatment and disposal systems in Chapter 64E-6, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the facilities and discharge from the facilities into flood waters, and impairment of the facilities and systems.

### **Sec. 5-64: Water Supply Facilities**

All new and replacement water supply facilities shall be designed in accordance with the water well construction standards in Chapter 62-532.500, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the systems.

### **Sec. 5-65: Limitations on Sites in Regulatory Floodways**

No development, including but not limited to site improvements, and land disturbing activity involving fill or regrading, shall be authorized in the regulatory floodway unless the floodway encroachment analysis required in this article demonstrates that the proposed development or land disturbing activity will not result in any increase in the base flood elevation.

### **Sec. 5-66: Limitations on Placement of Fill**

In Zone A, fill shall not be placed on land parcels of less than 10 acres in area. Subject to the limitations of this article and where permitted, fill shall be designed to be stable under conditions of flooding including

rapid rise and rapid drawdown of floodwaters, prolonged inundation, and protection against flood-related erosion and scour. In addition to these requirements, if intended to support buildings and structures (Zone A only), fill shall comply with the requirements of the Florida Building Code and ASTM D-698, Standard Test Methods for Laboratory Compaction Characteristics of Soil Using Standard Effort.

### **Sec. 5-67: General (Manufactured Homes)**

Manufactured homes shall not be placed in floodways. Where permitted, all manufactured homes installed in flood hazard areas shall be installed by an installer that is licensed pursuant to F.S. § 320.8249, and shall comply with the requirements of Chapter 15C-1, F.A.C. and the requirements of this article.

### **Sec. 5-68: Foundations**

All new manufactured homes and replacement manufactured homes installed in flood hazard areas shall be installed on permanent, reinforced foundations that are designed in accordance with the foundation requirements of the Florida Building Code Residential Section R322.2 and this article. Foundations for manufactured homes subject to section 5-72 of this article are permitted to be reinforced piers or other foundation elements of at least equivalent strength.

### **Sec. 5-69: Anchoring**

All new manufactured homes and replacement manufactured homes shall be installed using methods and practices which minimize flood damage and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Methods of anchoring include, but are not limited to, use of over-the-top or frame ties to ground anchors. This anchoring requirement is in addition to applicable state and local anchoring requirements for wind resistance.

### **Sec.5-70: Elevation**

Manufactured homes that are placed, replaced, or substantially improved shall comply with section 5-71 or 5-72 of this article, as applicable.

### **Sec. 5-71: General Elevation Requirement**

Unless subject to the requirements of this article, all manufactured homes that are placed, replaced, or substantially improved on sites located: (a) outside of a manufactured home park or subdivision; (b) in a new manufactured home park or subdivision; (c) in an expansion to an existing manufactured home park or subdivision; or (d) in an existing manufactured home park or subdivision upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall be elevated such that the bottom of the frame is at or above the elevation required, as applicable to the flood hazard area, in the Florida Building Code, Residential Section R322.2 (Zone A).

### **Sec. 5-72: Elevation Requirements for Certain Existing Manufactured Home Parks and Subdivisions**

Manufactured homes that are not subject to section 5-71 of this article, including manufactured homes that are placed, replaced, or substantially improved on sites located in an existing manufactured home park or subdivision, unless on a site where substantial damage as result of flooding has occurred, shall be elevated such that either the:

- A. Bottom of the frame of the manufactured home is at or above the elevation required in the Florida Building Code, Residential Section R322.2 (Zone A); or

- B. Bottom of the frame is supported by reinforced piers or other foundation elements of at least equivalent strength that are not less than 48 inches in height above grade.

### **Sec. 5-73: Enclosures**

Enclosed areas below elevated manufactured homes shall comply with the requirements of the Florida Building Code, Residential Section R322.2 for such enclosed areas.

### **Sec.5-74: Utility Equipment**

Utility equipment that serves manufactured homes, including electric, heating, ventilation, plumbing, and air conditioning equipment and other service facilities, shall comply with the requirements of the Florida Building Code, Residential Section R322.

### **Sec. 5-75: Temporary Placement**

Recreational vehicles and park trailers placed temporarily in flood hazard areas shall:

- A. Be on the site for fewer than 180 consecutive days; or
- B. Be fully licensed and ready for highway use, which means the recreational vehicle or park model is on wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanent attachments such as additions, rooms, stairs, decks and porches.

### **Sec. 5-76: Permanent Placement**

Recreational vehicles and park trailers that do not meet the limitations in this article for temporary placement shall meet the requirements of this article for manufactured homes.

### **Sec. 5-77: Underground Tanks**

Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty.

### **Sec. 5-78: Above-ground Tanks, Not Elevated**

Above-ground tanks that do not meet the elevation requirements of this article shall be permitted in flood hazard areas provided the tanks are anchored or otherwise designed and constructed to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty and the effects of flood-borne debris.

### **Sec.5-79: Above-ground Tanks, Elevated**

Above-ground tanks in flood hazard areas shall be attached to and elevated to or above the design flood elevation on a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area.

### **Sec. 5-80: Tank Inlets and Vents**

Tank inlets, fill openings, outlets and vents shall be:

- A. At or above the design flood elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and
- B. Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

#### **Sec. 5-81: General Requirements for Other Development**

All development, including man-made changes to improved or unimproved real estate for which specific provisions are not specified in this article or the Florida Building Code, shall:

- A. Be located and constructed to minimize flood damage;
- B. Meet the limitations of this article if located in a regulated floodway;
- C. Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;
- D. Be constructed offload damage-resistant materials; and
- E. Have mechanical, plumbing, and electrical systems above the design flood elevation or meet the requirements of ASCE 24, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of the building code for wet locations.

#### **Sec. 5-82: Fences in Regulated Floodways**

Fences in regulated floodways that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of this article.

#### **Sec. 5-83: Retaining Walls, Sidewalks and Driveways in Regulated Floodways**

Retaining walls, sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of this article.

#### **Sec. 5-84: Roads and Watercourse Crossings in Regulated Floodways**

Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one (1) side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of section 5-65 of this article. Alteration of a watercourse that is part of a road or watercourse crossing shall meet the requirements of this article.

#### **Sec. 5-85: Technical Amendments to the Florida Building Codes**

**Florida Building Code, Residential:** The following amendments to the Florida Building Code, Residential are hereby adopted:

**R322.2.1 Elevation requirements:**

1. Buildings and structures in flood hazard areas not designated as Coastal A Zones shall have the lowest floors elevated to or above the base flood elevation plus 1 foot or the design flood elevation, whichever is higher.
2. Reserved.
3. In areas of shallow flooding (AO Zones), buildings and structures shall have the lowest floor (including basement) elevated at least as high above the highest adjacent grade as the depth number specified in feet on the FIRM plus 1 foot, or at least 3 feet if a depth number is not specified.
4. Basement floors that are below grade on all sides shall be elevated to or above the base flood elevation plus 1 foot or the design flood elevation, whichever is higher.

*Exception:* Enclosed areas below the design flood elevation, including basements whose floors are not below grade on all sides, shall meet the requirements of Section R322.2.2.

**R408.7 Flood Resistance:** For buildings located in flood hazard areas as established in Table R301.2(1):

1. Walls enclosing the under-floor space shall be provided with flood openings in accordance with Section R322.2.2.
2. The finished ground level of the under-floor space shall be equal to or higher than the outside finished ground level on at least one (1) side.

**Florida Building Code, Building:** The following amendments to the Florida Building Code, Building are hereby adopted:

**1805.1.2.1 Flood Hazard Areas:** For buildings and structures in flood hazard areas as established in Section 1612.3, the finished ground level of an under-floor space such as a crawl space shall be equal to or higher than the outside finished ground level on at least one (1) side.