

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 14 OF THE CODE OF ORDINANCES ENTITLED "BUILDINGS AND BUILDING REGULATIONS" BY AMENDING SECTION 14-2 TO AMEND ADMINISTRATIVE FEES, ADD PERMIT FEES, MECHANICAL FEES, ADD ELECTRICAL FEES, ADD PLUMBING FEES AND AFTER-THE-FACT PENALTY FEES; AMENDING SECTION 14-31 TO UPDATE ADOPTED CONSTRUCTION CODES; AMENDING SECTION 14-35 TO REPEAL SECTION 107.4 SCHEDULE OF PERMIT FEES; AMENDING SECTION 14-36 TO CLARIFY THE CHIEF BUILDING OFFICIAL'S DUTIES; AMENDING SECTION 14-37 TO CLARIFY EXCEPTIONS AND REQUIREMENTS FOR PROFESSIONAL PLANS AND DISPLAY OF ADDRESS; AMENDING SECTION 14-38 TO CLARIFY MINIMUM FLOOR ELEVATION, REQUIRING A TOTAL HEIGHT CERTIFICATE; AMENDING SECTION 14-39, HURRICANE REQUIREMENTS; AMENDING SECTION 14-40 REGARDING PERMITS IN HISTORIC DISTRICTS; ADDING SECTION 14-41 CISTERN SAFETY PROGRAM; ADDING SECTION 14-42, CONSTRUCTION SITE REQUIREMENTS; AMENDING SECTION 14-76 TO UPDATE PARTIES TO BE NOTIFIED OF DEMOLITION IN THE HISTORIC DISTRICT; AMENDING SECTION 14-150 TO AMEND INSURANCE COVERAGE REQUIREMENTS; AMENDING SECTION 14-181 TO ADD A DEFINITION OF VESSEL, HOUSEBOAT, ETC; AMENDING SECTION 14-186 TO CORRECT A SCRIVENOR'S ERROR; AMENDING SECTION 14-192 TO ADJUST GUARDRAIL LOAD REQUIREMENTS; REPEALING SECTION 14-259, PERMIT FEES; AMENDING SECTION 14-291, ADOPTION OF ELECTRICAL CODE; REPEALING SECTION 14-324, EMPLOYMENT OF REFRIGERATION AND AIR CONDITIONING MECHANICS; AMENDING SECTION 14-325, PERMITS REQUIRED; AMENDING SECTION 14-326, TO CLARIFY PLANS AND SPECIFICATIONS REQUIREMENTS; AMENDING SECTION 14-328 TO REQUIRE SIDE YARD SETBACKS CLEAR AND ACCESSIBLE; REPEALING SECTION 14-358, AMENDMENTS TO FLORIDA PLUMBING CODE; AMENDING SECTION 14-360 TO CORRECT NAME OF COMMUNITY SERVICES DEPARTMENT; REPEALING SECTION 14-361, EXCAVATIONS, AND REPLACING IT WITH A NEW SECTION 14-361, SIDE YARD SETBACKS; AMENDING SECTION 14-364 TO REQUIRE STORMWATER TO BE RETAINED ON INDIVIDUAL LOTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Key West finds that it is necessary

from time to time to update ordinances governing Buildings and Building Regulations, to ensure compliance with State and National building code requirements; and

WHEREAS, an amendment to the Buildings and Building Regulations ordinance will promote the health, safety and welfare of the citizens and visitors of the City of Key West.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF KEY WEST, FLORIDA:

Section 1: That Chapter 14 of the Code of Ordinances is hereby amended as follows\*:

**ARTICLE I. IN GENERAL**

**Sec. 14-1. Payment of fees, assessments and service charges required prior to issuance of permit, approval, development order, variance or certificate.**

The city and its agencies, departments, boards and authorities shall not issue any permit, approval, development order, variance, or certificate on any lot or parcel of property in the city until all fees, fines, charges and assessments of any nature due or accruing to the city have been paid on the subject parcel or lot.

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\*(Coding: Added language is underlined; deleted language is ~~struck through~~.)

**Sec. 14-2. Applicable fees.**

Certain fees are applicable to all articles of ~~chapter 14~~ Chapter 14 or otherwise have broad application. Accordingly, the office of the chief building official shall charge and collect for the following services at the following rates:

Administrative Fees

(a) Inspection after normal business hours, with three-hour minimum and a partial hour shall be rounded up, per hour  
~~.....\$65.00~~ \$70.00

(b) Time-specific inspections schedule during normal working hours, per inspection .....\$70.00

(c) Re-inspection fees. If necessary for inspector to return for inspection of a building or structure:

(1) First re-inspection .....\$25.00

(2) Second re-inspection .....\$50.00

(3) Three or more re-inspections, each .....\$100.00

(d) Requested courtesy inspection, each ~~...25.00~~ \$70.00

(e) Permit extension of an active permit only for 180-days without required inspection approval .....~~60.00~~ \$70.00

(f) Reinstatement of expired permit for purpose of final inspection, each .....\$100.00

(g) Replacement permit card .....\$25.00

(h) Change of contractor .....\$100.00

(i) Permit application review/processing fee: 0.1% of ~~estimated cost of work in excess of \$2,500.00~~ contract price with a minimum fee of \$10.00 per application.

Florida DBPR surcharge is 1.5% of total permitting fee; \$2.00 minimum.

Florida DEO surcharge is 1.5% of total permitting fee; \$2.00 minimum.

(j) City education fee for the training and recertification of building department staff pursuant to Florida Statutes, per permit .....\$2.00

(k) Certificate of Completion: \$100.00

~~(k)~~ (1) Certificate of Occupancy:

(1) Residential, each .....\$100.00

(2) Commercial, each .....\$200.00

~~(l)~~ (m) Temporary Conditional Certificate of Occupancy, per any portion of 90-day period .....\$250.00

(n) FEMA/Floodplain Administrator Reviews:

(1) Mitigation for 1 & 2 family dwellings..... \$40.00

(2) Mitigation for commercial buildings.....\$100.00

(3) Environmental review.....\$40.00

(o) Fire Marshal review of all commercial projects: 0.05% of the contract price with a minimum fee of \$75.00 per application.

Permit Fees. The permit fee schedule is established under authority of F.S. 553.80:

**Building**

(1) New buildings (including balconies, porches, additions, garages and accessory buildings):

(a) For each \$1,000.00 of contract price or fractional part thereof, .....\$18.00

(b) Minimum fee ....\$60.00

(2) New structures other than buildings (including water towers, radio towers, water plants, bridges, cisterns, seawalls, docks and boat davits):

(a) For each \$1,000.00 of contract price or fractional part thereof .....\$24.00

(b) Minimum fee .....\$60.00

(3) Repairs or remodeling to building or structures as listed in (1) and (2):

(a) Less than \$1,000.00 contract price..... no permit required.

(b) For each \$1,000.00 of contract price or fractional part thereof .....\$24.00

(c) Minimum fee ....\$.60.00

(4) Outdoor Features: Docks, decks, excavation, filling, awnings and removable canopies, hurricane shutters, wood lattice and screening, excavation:

(a) For each \$1,000.00 of contract price or fractional part thereof .....\$24.00

(b) Minimum fee... \$60.00

(5) Site Work (including driveways, patios, parking lots and sidewalks):

(a) For each 1,000 square feet or fractional part thereof .....\$18.00

(b) Coating of asphalt: for each 10,000 square feet or fractional part thereof .....\$15.00

(c) Minimum fee .....\$60.00

(6) Fences (including wood, chain link and concrete block):

(a) For the first 100 linear feet or fractional part thereof .....\$75.00

(b) For each additional linear foot after first 100 .....\$0.50

(7) Roofing (includes repairs and new roofs):

(a) For each 100 square feet or fractional part thereof .....\$12.00

(b) Minimum fee .....\$60.00

(8) Swimming pools/spas/hot tubs:

- (a) Residential, each, flat fee .....\$250.00
- (b) Commercial, each, flat fee .....\$550.00
- (c) Spa/hot tub (up to 64 sq. ft.) .....\$75.00
- (d) Repairs, resurfacing, .....\$100.00
- (e) Pool decks; for each \$1,000 of contract price or fractional part thereof....\$24.00
- (9) Temporary tent, structure or occupancy (temporary permit only, issued for 30-day period); .....\$60.00
- (10) Moving building; for each \$1,000.00 of contract price or fractional part thereof .....\$24.00
- (11) Demolition of buildings; for each \$1,000.00 of contract price or fractional part thereof ..... \$24.00
- (12) Tanks (gasoline, water, etc., all materials), including anchoring pads,
  - (a) For each 1,000 gallons or fractional part thereof .....\$7.00
  - (b) Minimum fee, per tank .....\$ 60.00
- (13) Signs:
  - (a) For each 50 square feet of each sign face or fractional part thereof .....\$35.00
  - (b) Minimum fee....\$60.00

(14) Mobile home installation:

(a) Tie-down inspection for insurance purposes only ....

\$60.00

(b) Tie-downs, blocking, sewer connection, water connection, and electrical connection.....\$150.00

(15) Temporary trailer (construction and/or sales); maximum of 180 days (each) .....\$250.00

**Mechanical**

(1) Minimum fee.....\$60.00

(2) Air Conditioning and/or Heat Pump Systems:

(a) For each \$1,000.00 of contract price or fractional part thereof.....\$24.00

(b) For additional ductwork openings in remodel, per opening.....\$10.00

(3) Hoods (including grease ducts):

(a) Residential (flat fee).....\$50.00

(b) Commercial per \$1,000.00 of contract price or fractional part thereof....\$24.00

(4) Refrigeration, walk-ins and reach-ins:

(a) For each \$1,000.00 of contract price or fraction thereof.....\$24.00



(5) Miscellaneous or not listed:

(a) For each \$1,000.00 of contract price or fraction thereof.....\$24.00

**Electrical**

(1) Minimum fee.....\$60.00

(2) Site work:

(a) For each \$1,000.00 of contract price or fraction thereof.....\$24.00

(3) Residential new and old work, service, feeders, added circuits, etc.:

(a) For each \$1,000.00 of contract price or fraction thereof.....\$24.00

(4) Residential Construction Temporary.....\$60.00

(5) Residential low voltage security/fire alarm systems:

(a) For each \$1,000.00 of contract price or fraction thereof.....\$24.00

(6) Residential 90 day service releases prior to final approval/occupancy:.....\$100.00

(7) Commercial new and old work, service, feeders, added circuits, etc.:

(a) For each \$1,000.00 of contract price or fraction thereof.....\$24.00

(8) Commercial Construction Temporary.....\$120.00

(9) Commercial low voltage security/fire alarm systems:

(a) For each \$1,000.00 of contract price or fraction thereof.....\$30.00

(10) Commercial 90 day service releases prior to final approval/occupancy.....\$200.00

(11) Alternative or emergency power systems:

(a) For each \$1,000.00 of contract price or fraction thereof.....\$24.00

**Plumbing**

(1) Minimum fee.....\$60.00

(2) Site work, grease interceptors, oil separators, etc.

(a) For each \$1,000.00 of contract price or fraction thereof.....\$24.00

(3) Irrigation systems:

(a) For each \$1,000.00 of contract price or fraction thereof.....\$12.00

(4) Sewer, Building interior lines and connections:

(a) For each \$1,000.00 of contract price or fraction thereof.....\$24.00

(5) Potable water, backflow preventers, fixtures, water connections for new construction or rework existing:

(a) For each \$1,000.00 of contract price or fraction thereof..... \$24.00

( 6) Fire Suppression Systems:

(a) Fire Sprinkler System: Sprinkler heads, Fittings, Standpipes, etc.:

(1) For each \$1,000.00 of contract price or fraction thereof.....\$30.00

(b) Underground Fire Main:

(1) For each \$1,000.00 of contract price or fraction thereof.....\$30.00

**After-the-Fact Penalty**

In the event that any work for which a permit is required is commenced or is in process prior to the issuance of a permit by the building department, then the fees specified for such work shall be increased. The payment of a penalty fee shall not relieve any person from fully complying with the requirements of any applicable code.

Penalty fees:

(a) First \$5,000.00 contract price.....\$250.00 permit fee.

(b) >\$5,000.00 contract price.....Double the normal fee.

## ARTICLE II. BUILDING CODES

### Sec. 14-31. Adopted Construction Codes.

The most current editions as adopted by the State of Florida Building Commission of the Florida Building Code, Building; the Florida Building Code, Plumbing Code; the Florida Building Code, Mechanical Code; the Florida Building Code, Fuel Gas Code; the Florida Building Code, Existing Building; Test Protocols for High Velocity Hurricane Codes, and the International the Florida Building Code, Residential, 1 & 2 Family Dwelling Code 2000 Edition;— NFPA 70, the National Electrical Code; the Florida Building Code, Energy Conservation, and the Florida Building Code, Accessibility are hereby adopted and made a part of the Code of Ordinances.

### Sec. 14-32. Conflicts.

If any conflict occurs between the provisions of the building codes adopted in section 14-31 and the applicable provisions of this Code of Ordinances, state law or city ordinances, rules or regulations, the more strict code shall prevail and be controlling.

**Sec. 14-33. Definitions.**

(a) Whenever the word "municipality" or the word "city" is used in the codes adopted in section 14-31, it shall be construed to mean the City of Key West, Florida.

(b) Whenever the term "corporate counsel" or "city attorney" is used in the codes adopted in section 14-31, it shall be construed to mean the city attorney of this city.

**Cross reference**— Definitions generally, § 1-2.

**Sec. 14-34. Penalty for violation.**

Any person who shall violate any provision of the codes adopted by section 14-31 and specific amendments thereto shall be deemed guilty of an offense and upon conviction shall be punished as provided in section 1-15. Each day such violation continues shall be deemed a separate offense.

**Sec. 14-35. Amendments to building code.**

The Florida Building Code adopted by the provisions of section 14-31 is amended in the following respects:

*Sec. 104.10.1, Florida Building Code, Building*

Add a new Sec. 104.10.1 as follows:

*104.10.1 Modifications of the strict application of the*

requirements of the Florida Building Code. The Building Official shall coordinate with the Floodplain Administrator to review requests submitted to the Building Official that seek approval to modify the strict application of the flood resistant construction requirements of the Florida Building Code to determine whether such requests require the granting of a variance pursuant to Section 117.

~~Section 107.4 Schedule of permit fees is amended to read as follows:~~

~~The office of the building official of the City of Key West, Florida, shall charge and collect for building permits at the rates set forth below:~~

~~(1) New buildings (including balconies, porches, additions, garages and accessory buildings):~~

~~(a) For each \$1,000.00 of value, or fractional part thereof, of enclosed space .....\$18.00~~

~~(b) Minimum fee .....60.00~~

~~(2) New structures other than buildings (including water towers, radio towers, water plants, bridges, eisterns, seawalls, docks and boat davits):~~

~~(a) For each \$1,000.00 of cost or fractional part thereof .....24.00~~

~~(b) Minimum fee .....60.00~~

~~(3) Repairs or remodeling to building~~

~~(a) Less than \$500.00 estimated cost, no permit required.~~

~~(b) For each \$1,000.00 of estimated cost or fractional part thereof .....24.00~~

~~(c) Minimum fee .....60.00~~

~~(4) Docks and decks:~~

~~(a) For each \$1,000.00 of estimated cost of construction or fractional part thereof .....24.00~~

~~(b) Inspection .....80.00~~

~~(5) Concrete/asphalt (including driveways, patios, parking lots and sidewalks):~~

~~(a) For each 1,000 square feet or fractional part thereof .....18.00~~

~~(b) Coating of asphalt: for each 10,000 square feet or fractional part thereof .....15.00~~

~~(c) Minimum fee .....60.00~~

~~(6) Fences (including wood, chainlink and concrete block):~~

~~(a) For the first 100 linear feet or fractional part thereof .....75.00~~

~~(b) For each additional linear foot after first 100 .....0.50~~

~~(7) Roofing (includes repairs and new roofs):~~

~~(a) For each 100 square feet or fractional part thereof .....12.00~~

~~(b) Minimum fee .....60.00~~

~~(8) Swimming pools~~

~~(a) Residential, flat fee .....250.00~~

~~(b) Commercial, flat fee .....350.00~~

~~(c) Spa/hot tub (up to 12' diameter) .....75.00~~

~~(d) Repairs .....100.00~~

~~(9) Temporary tents, (temporary permit only, issued only for 30-day period); flat fee per tent .....50.00~~

~~(10) Moving building; for each \$1,000.00 of estimated cost of construction or fractional part thereof .....24.00~~



~~(11) Demolition of buildings; for each \$1,000.00  
of estimated cost of construction or fractional part  
thereof .....30.00~~

~~(12) Tanks (gasoline, water, etc., all  
materials),~~

~~(a) For each 1,000 gallons or fractional part  
thereof .....7.00~~

~~(b) Minimum fee, per tank .....75.00~~

~~(13) Signs:~~

~~(a) For each 50 square feet of each sign face or  
fractional part thereof .....35.00~~

~~(b) [Reserved.]~~

~~(14) Mobile home installation:~~

~~(a) Tiedown inspection for insurance purposes  
only .....75.00~~

~~(b) Tiedowns, blocking, sewer connection, water  
connection, and electrical connection .....150.00~~

~~(15) Temporary trailer (construction and/or  
sales); maximum of 180 days (each) .....250.00~~

~~(16) Cisterns:~~

~~(a) Residential .....100.00~~

~~(b) Commercial (non-potable water only):~~

~~1. For each 1,000-gallon capacity or fractional part thereof .....10.00~~

~~2. Minimum fee .....150.00~~

~~(17) Seawalls and riprap:~~

~~(a) For each 50 lineal feet or fractional part thereof .....25.00~~

~~(b) Inspection .....80.00~~

~~(c) Minimum fee .....60.00~~

~~(18) Excavation:~~

~~(a) For each \$1,000.00 of estimated cost of construction or fractional part thereof .....24.00~~

~~(b) Minimum fee .....60.00~~

~~(19) Filling (on land and/or water):~~

~~(a) For each 100 cubic yards or fractional part thereof .....15.00~~

~~(b) Inspection fee .....80.00~~

~~(c) Minimum fee .....60.00~~

~~(20) Awnings and removable canopies:~~

~~(a) For each \$1,000.00 of estimated cost of construction or fractional part thereof .....24.00~~

~~(b) Minimum fee .....60.00~~

~~(21) Hurricane shutters:~~

~~(a) For each \$1,000.00 of estimated cost of construction or fractional part thereof .....24.00~~

~~(b) Minimum fee .....60.00~~

~~(22) Wood lattice and screening:~~

~~(a) For each \$1,000.00 of estimated cost of construction or fractional part thereof .....24.00~~

~~(b) Minimum fee .....60.00~~

~~(23) Penalty. In the event that any work for which a permit is required is commenced or is in process prior to the issuance of a permit by the building department, then the fees specified for such work shall be doubled. The payment of a double fee shall not relieve any person from fully complying with the requirements of any applicable code. Notwithstanding the foregoing, the fee for work commenced without a permit shall be a minimum of \$250.00 if the value of the work (labor and materials) is found by the building official to exceed \$1,500.00.~~

*Sec. 107.6.1, Florida Building Code, Building*

Add a new Sec. 107.6.1 as follows:

*107.6.1 Building permits issued on the basis of an affidavit.* Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 C.F.R. Sections 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 Section 105.14 and Section 107.6, shall not extend to the flood load and flood resistance construction requirements of the Florida Building Code.

*Sec. 117, Florida Building Code, Building*

Add a new Sec. 117 as follows:

*117 VARIANCES IN FLOOD HAZARD AREAS*

*117.1 Flood hazard areas.* Pursuant to section 553.73(5), F.S., the variance procedures adopted in the local floodplain management ordinance shall apply to requests submitted to the Building Official for variances to the provisions of Section 1612.4 of the Florida Building Code, Building or, as applicable, the provisions of R322 of the Florida Building Code, Residential. This section shall not apply to Section 3109 of the Florida Building Code, Building.

*Sec. 1612.2, Florida Building Code, Building*

Amend Sec. 1612.2 as follows:

SUBSTANTIAL DAMAGE. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. The term also includes flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT. Any combination of repair, reconstruction, rehabilitation, addition or improvement of a building or structure taking place during a five-year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the structure before the improvement or repair is started. For each building or structure, the five-year period begins on the date of the first improvement or repair of that building or structure subsequent to 1986. If the structure has sustained 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 that the alteration will not preclude the structure's continued designation as a historic structure.

*1612.5 Flood hazard documentation.* The following documentation shall be signed and sealed by a land surveyor and mapper licensed by the State of Florida, and shall be submitted to and approved by, the Floodplain Administrator:

1. For construction in flood hazard areas not subject to high-velocity wave action:

1.1. A FEMA Elevation Certificate completed by a Florida licensed professional land surveyor, showing the lowest floor, including basement, as required by the foundation inspection and the final inspection in Section 110.3.

1.2. For fully enclosed areas below the design flood elevation where provisions to allow for the automatic entry and exit of floodwaters do not meet

the minimum requirements in Section 2.6.2.1, ASCE 24, construction documents shall include a statement that the design will provide for equalization of hydrostatic flood forces in accordance with Section 2.6.2.2 of ASCE 24, with an engineer's certification.

1.3. For dry, floodproofed, nonresidential buildings, construction documents shall include a statement that the dry floodproofing is in accordance with ASCE 24.

2. For construction in flood hazard areas subject to high-velocity wave action:

2.1. A FEMA Elevation Certificate completed by a by a Florida licensed professional land surveyor and mapper, showing the bottom of the lowest horizontal structural member as required by the foundation inspection and the final inspection in Section 110.3.

2.2. A city V-Zone Certification completed by a professional engineer.

2.3. Construction documents shall include a statement that the building is designed in accordance with ASCE 24, including that the pile or column

foundation and building or structure to be attached thereto is designed to be anchored to resist flotation, collapse and lateral movement due to the effects of wind and flood loads acting simultaneously on all building components, and other load requirements of Chapter 16.

2.4. For breakaway walls designed to resist a nominal load of less than 10 psf (0.48 kN/m<sup>2</sup>) or more than 20 psf (0.96 kN/m<sup>2</sup>), construction documents shall include a statement that the breakaway wall is designed in accordance with ASCE 24.

The Florida Building Code, Existing Building is hereby amended by the following technical amendment.

*Sec. 202, SUBSTANTIAL DAMAGE.* Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. The term also includes flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.



**Sec. 14-36. Chief Building official's office created, duties.**

(a) The office of chief building official of the city is created.

(b) It shall be the duty of the chief building official to:

(1) Inspect all construction, mechanical, electric and plumbing that is under City jurisdiction.

(2) Enforce all of the laws, rules and regulations relating thereto.

~~(b)~~ (c) The duties and responsibilities of the building plans examiners, building inspectors and inspections required to be made by the building inspectors shall be ~~the duties and responsibilities of~~ as assigned by the chief building official.

(d) It shall be unlawful for any person to hinder or interfere with the chief building official in the discharge of his duties under this article.

**~~Cross reference~~** Officers and employees, § 2-116 et seq.

**Sec. 14-37. Building permits; professional plans; display of permits; address; exceptions.**

(a) *Building permit required; display.* Building permits shall be procured from the chief building official before performance of any work or construction of any character, whether permanent or temporary. Within 48 hours after it is issued, the applicant must cause the permit to be posted and displayed at the work site so that it is readily visible from an adjacent public street throughout the term of the work. No work shall be performed unless a proper permit is so posted.

Inspections may not be performed if the permit is not posted and address numbers are not a minimum of 4" high and clearly visible from the street.

Exception 1: Total contract price less than \$1,000.00 per FBC Sect.105.2.2 Minor Repairs. Ordinary minor repairs may be made with the approval of the chief building official without a building 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 rearrangements of parts of a structure affecting the egress requirements; additionally, ordinary minor repairs shall not include addition to, alteration of, replacement or

relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electrical circuit 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.

Any new electrical circuits or wiring will require a permit.

Any new plumbing fixtures or piping will require a permit.

Exception 2: Painting, both interior and exterior, residential or commercial does not require a permit. Tile repair or installation, floor covering, including carpet, laminate, resilient, and wood, both residential and commercial, do not require a permit.

Work that falls under the \$1,000.00 threshold for a building permit may be performed only by the property owner or a licensed contractor. Unlicensed workers, including 'handymen' are not allowed to conduct any type of work to a residential or commercial structure.

(b) *Professional plans required.* Professional plans shall be required as follows:

(1) Plans for work requiring a building permit shall be submitted in ~~duplicate or in triplicate if required by the state~~ multiple sets, as determined by the chief building official, to the chief building official and shall be prepared by, and bear the seal of, an architect or structural engineer duly registered in the state, except if the work is by the owner-occupant upon a one- or two-family residence, and the work is cosmetic, nonstructural repair, alteration or addition.

(2) Notwithstanding subsection (b) (1) of this section, plans for work which requires a building permit and which involves mechanical, plumbing or electrical repairs, alterations or additions shall be prepared by and shall bear the impress seal of an engineer duly registered in the state, as reasonably required in the interest of health and safety by the chief building official.

(3) The chief building official may waive the requirements in (b) (1) and/or (2) by special permission.

~~(c) Work done by owner occupant. A building permit may be issued to the owner-occupant of real property to construct or cause to be constructed, while the owner-occupant is present on the site,~~

~~a one or two family residential structure for his own use and not offered for sale or lease or to repair the structure without being required to be a qualified contractor himself in accordance with this article and without being required to employ a licensed contractor. The owner-occupant may not construct or repair or cause the construction or repair of more than one such structure during any one-year period.~~

**Sec. 14-38. Minimum floor elevation.**

(a) The floor of any habitable residential or commercial building which is erected at any location in the city shall be at least one foot above the crown of the closest street and in no instance less than the base flood elevation. Floodplain requirements found in Chapter 34 Floods.

(b) A total height certificate measured from the crown of the street to the rooftop or ridge shall be submitted prior to issuance of a certificate of occupancy on a new structure or addition.

**Sec. 14-39. Hurricane requirements.**

(a) A reinforced cast-in-place concrete tie beam shall be placed around the perimeter at each floor and roof level on bearing walls of masonry units. Reinforcing shall not be less than four no. 5 reinforcing bars with no. 3 stirrups at a minimum of 12

inches on-center spacing. Beam size shall not be less than eight inches in width and 12 inches in depth.

(b) In hollow masonry unit construction, all corners shall be cast-in-place concrete and reinforced with five no. 5 reinforcing bars with no. 3 ties at 12 inches on-center spacing poured solid with concrete. One no. 5 reinforcing bar shall be placed in the voids at the sides of all doors and window openings in hollow masonry units and filled with cast-in-place concrete. Such reinforcing shall be properly tied into the ~~footing and spandrel beam.~~ foundation system.

(c) Hurricane strapping or engineered equivalent shall be required from rooftop to foundation creating a complete path of uplift resistance.

(d) Structural design by a Florida Registered Architect or Professional Engineer complying with the FBC will be accepted as compliant with (a), (b) or (c).

**Sec. 14-40. Permits in historic districts.**

(a) *Requirements.* No building or work permit required by this Code for work in the historic zoning districts of the city or in tidal waters contiguous to and within 600 feet of the historic zoning districts shall be issued until a certificate of appropriateness has been granted by vote of the historic

architectural review commission (HARC), attested by signature of its presiding member, and until the ~~city manager~~ chief building official finds that the building or work permit conforms to all laws and regulations of the city.

(b) *Contents.* All permits issued by the city shall show the nature and extent of the intended work in detail sufficient to demonstrate that the project is consistent with all city laws and regulations and of ~~the historic architectural review commission.~~ HARC.

(c) Building permit application shall be identical in scope, description and elevation views of the HARC project.

~~(e)~~(d) *Stop work order; penalty.* The chief building official is authorized to post a signed and dated notice to stop work on any site on which work is being performed in violation of the city laws and regulations or of ~~the historic architectural review commission~~ HARC. Any person shall be guilty of an offense punishable as provided in section 1-15 if the person:

(1) Performs work with actual or constructive knowledge that the work site has been posted by such notice, which notice has not been withdrawn by a dated, signed order of the chief building official; or

(2) Removes, defaces, conceals or alters such notice to stop work, without a dated, signed authorization of the chief building official.

Where such offenses are of a continuing nature, no two separate offenses shall be charged against the same person within any one-hour period.

**Sec. 14-41. Cistern Safety Program.**

(a) The Chief Building Official is hereby authorized to provide a cistern safety program to regulate existing inground cisterns, abandoned wells more than eight inches (8") in diameter, septic tanks and other inground tank structures.

(1) Records indicate that there may be many inground cisterns that are abandoned or in dilapidated condition. The Cistern Safety Program requires:

(2) Permit applications at no cost for five (5) year permits that will regulate minimum safety standards for those inground structures over 20 years old.

(3) The application must include an accurate site plan showing the location and depth of the inground structure.

(4) If the inground structure is to be demolished a no cost inspection by the building department will be required



to verify that the bottom has been broken up to prevent water accumulation and the cavity has been filled in with pea rock or sand.

(5) If the inground structure is to be kept and maintained then a Florida Professional Engineer will have to inspect the structural integrity of the structure and cover and provide a sealed and signed letter affirming the structural integrity along with a photograph of the cover.

(6) The City permit must be renewed every 5 years for those inground structures that have not been demolished. The above steps must be repeated in order to renew the permit.

#### **Sec. 14-42. Construction Site Requirements.**

A set of permit plans must be maintained on the project site. It must be a stamped-approved set issued as the field copy for inspections. Permits issued without approved plans should have the contractor's agent on-site to answer inspector questions. If approved plans are damaged or lost replacement approved plans must be obtained before work may receive inspection approval. Revision to the approved plans/permit is required when construction deviates from the approved plans or to the work description on the

permit. No construction may be concealed until it has received inspection approval.

(a) Construction rough-in inspections of mechanical, electrical and plumbing must be approved before scheduling the building inspection.

(b) Inspections must be scheduled not less than the weekday before.

(c) A functional restroom or portable toilet facility shall be on-site in accordance with the FBC Plumbing Code.

Stop work order; penalty. The chief building official is authorized to post a signed and dated 'notice to stop work' on any site on which work is being performed in violation of the city laws and regulations or of HARC. Any person shall be guilty of an offense punishable as provided in section 1-15 if the person:

(a) Performs work with actual or constructive knowledge that the work site has been posted by such notice, which notice has not

been withdrawn by a dated, signed order of the chief building official; or

(b) Removes, defaces, conceals or alters such notice to stop work, without a dated, signed authorization of the chief building official.

Where such offenses are of a continuing nature, no two separate offenses shall be charged against the same person within any one-hour period.

**ARTICLE III. - UNSAFE AND UNSANITARY BUILDINGS**

DIVISION 1. - GENERALLY

Sec. 14-66. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Building* means any structure or part thereof not a dwelling as defined in this section.

*Dwelling* means any structure or part thereof used and occupied for human habitation or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith.

*Official* means the city's chief building official.

*Owner-occupant* means the holder of the title in fee simple and every mortgagor of record.

*Parties in interest* means all individuals, associations and corporations who have interests of record in a dwelling or building and any who are in possession thereof.

*Public authority* means any housing authority or any officer who is in charge of any department or branch of the government of the city, the county or the state relating to health, fire, building regulations or other activities concerning dwellings or buildings in the city.

**Cross reference**— Definitions generally, § 1-2.

**Sec. 14-67. - Standard Unsafe Building Abatement Code adopted.**

The 1985 edition of the Standard Unsafe Building Abatement Code, as adopted by the Southern Building Code Congress International, Inc., is adopted and made a part of the Code of Ordinances for the purpose of regulating nuisances, dwellings unfit for habitation, and dangerous buildings and providing for the abatement of such conditions.

**Sec. 14-68. - Duties of official.**

(a) The powers conferred upon the chief building official by this article shall be in addition and supplemental

to the powers conferred upon the chief building official by any other section of this Code or city ordinance.

(b) The chief building official shall have such powers as may be necessary or convenient to carry out and effectuate the purpose and provisions of this article. Without limiting the generality of the foregoing, the chief building official shall have the following powers, in addition to others granted, to:

(1) Investigate dwelling and building conditions in the city in order to determine which dwellings therein are unfit for human habitation and which buildings are dangerous, being guided in such examination of dwellings and buildings by the requirements set forth in this article.

(2) Administer oaths, affirmations and examine witnesses and receive evidence.

(3) Enter upon and within premises, dwellings and buildings for the purposes of making examinations and investigations, provided that such entries shall be made in such a manner as to cause the least possible inconvenience to the persons in possession.

(4) Appoint and fix the duties of such officers, agents and employees as he deems necessary to carry out the purpose of this article.

(5) Delegate any of his functions and powers under this article to such officers and agents as he may designate.

**Sec. 14-69. - Examination of dwellings and buildings.**

It shall be the duty of the chief building official to diligently examine all dwellings and buildings located in the city for the purpose of locating and taking action with respect to such dwellings and buildings as appear to be unfit for human habitation and such buildings as appear to be dangerous.

**Sec. 14-70. - Reports required of employees of fire, police and health departments.**

The employees of the fire department, police department and health department shall make a report in writing to the chief building official of every building or structure which is, may be, or is suspected of being unfit for human habitation or a dangerous building within the terms of this article. Such report shall be delivered to the chief building official within 48 hours of the discovery of such building or dwelling by the employee of the fire, police or health department.

**Sec. 14-71. - Conditions rendering dwelling unfit or building dangerous.**

The chief building official shall determine that a dwelling is unfit for human habitation or a building is dangerous if he finds that any of the following conditions exist in such dwelling:

(1) Interior walls or other vertical structural members which list, lean or buckle to such an extent that a plumbline passing through the center of gravity falls outside the middle third of its base.

(2) Supporting members which show 33 percent or more of damage or deterioration, or nonsupporting enclosing or outside walls or coverings which show 50 percent or more of damage or deterioration.

(3) Floors or roofs which have improperly distributed loads, which are overloaded, or which have insufficient strength to be reasonably safe for the purposes used.

(4) Such damage by fire, wind or other causes as endangers the lives, safety or welfare of the occupants or other people in the city.

(5) Dilapidation, decay, insanitation or disrepair which is likely to cause sickness or disease or to work

injury to the health, safety or welfare of the occupants or other people of the city.

(6) Inadequate facilities for egress in case of fire or panic.

(7) Defects therein increasing the hazards of fire, accident or other calamities.

(8) Such lack of adequate ventilation, light, heating or sanitary facilities as endanger the health, morals, safety or general welfare of the occupants or other city residents.

(9) Violation of any provision of the building regulations or fire prevention laws or ordinances of the state or city.

(10) Any room, except a bathroom, with window area less than one-tenth of the floor area or with window area of one-tenth or more of the floor area, but which window area cannot be opened so that the openings will equal as much as 1/20 of the floor area.

(11) A bathroom which does not have at least one outside window which can be opened or does not have other means of adequate ventilation.



(12) Such relationship to adjoining buildings or dwellings that light or air is inadequate or that a fire hazard exists.

**Sec. 14-72. - Minimum facilities.**

(a) A dwelling shall be construed by the chief building official to be unfit for human habitation or a dangerous building, and he shall so find, if the dwelling does not have minimum facilities consisting of the following:

(1) Inside running water and an installed kitchen sink.

(2) Inside bathing facilities which shall consist of an installed tub or shower.

(3) An installed water closet. If the water closet is built on a porch, it shall be enclosed for privacy and from the weather, with running water.

(4) Installed electric lighting facilities.

(5) Screens provided to effectively cover all outside openings such as windows, doors, etc., with mesh of such fineness as is ordinarily used in dwelling units to prevent the entrance of flies, mosquitoes and other similar pests.

(b) All of the minimum requirements in subsection (a) of this section shall be constructed and installed in accordance with the applicable sections of this Code or city ordinances.

**Sec. 14-73. - Dangerous buildings.**

It is found as a fact that there exist in the city buildings which are dangerous due to dilapidation; due to defects increasing the hazards of fire, accident or other calamities; due to lack of ventilation, light or sanitary facilities; and due to other conditions rendering such buildings unsafe, insanitary or detrimental to the health, safety or morals, or otherwise inimical to the welfare, of the city residents.

**Sec. 14-74. - Nuisances.**

Any building, part of any building, charred parts or remains of any building, or any structure or debris which may be on any premises within the city limits and that may be dangerous to the safety of the people of the city or to adjacent property or that may be a fire menace or that may be injurious to the health of the people or against the sanitary regulations of the city or of the state or the state board of health is declared a nuisance and shall be abated in the manner as provided in division 1 of article II of chapter 26.

**Cross reference—** Nuisances, § 26-31 et seq.

**Sec. 14-75. - Existence of dwellings unfit for habitation.**

It is found as a fact that there exist in the city dwellings which are unfit for human habitation due to dilapidation; due to defects increasing the hazards of fire, accident or other calamities; due to lack of ventilation, light or sanitary facilities; and due to other conditions rendering such dwellings unsafe or insanitary or dangerous or detrimental to the health, safety or morals, or otherwise inimical to the welfare, of the city residents.

**Sec. 14-76. - Notification of demolition in historic district.**

(a) If the owner-occupant, agent or person in control of a contributing building in the city historic district seeks to obtain a permit for the demolition of the building or if a building in the historic district is condemned by the chief building official, it is incumbent upon and required of the chief building official not to issue such permit for demolition or proceed with the condemnation of such building until the chief building official gives written notice to the ~~Bahama Conch Community Land Trust,~~ Historic Florida Keys Foundation, Inc., and Old Island Restoration Foundation, Inc., that such building is sought to be voluntarily demolished or that such building has been condemned and will be demolished under the authority

and direction of the city commission, and the chief building official shall publish notice of the proposed demolition in a newspaper of general circulation in the city.

(b) Upon giving notice to the corporations named in subsection (a) of this section, the corporations or any of them shall have 30 days to advise the chief building official, in writing, that the corporation intends to negotiate with the owner-occupant, agent or person in control seeking to obtain a permit to demolish the building or the owner-occupant, agent or person in control of the building condemned and offer assistance to the owner-occupant, agent or person in control in the protection of the building for the purpose of removing the building, if voluntarily sought to be demolished, or restoring the building, if condemned, to meet the minimum requirements of the city building code. Upon such notification from the corporation, the chief building official shall not issue a permit for demolition or proceed with condemnation of such building for a period of 30 days.

(c) If the corporations show no interest in the building at the expiration of the 30 days, the chief building official shall either issue the permit to demolish the building

or proceed with the condemnation of the building, if so condemned.

**DIVISION 2. - DETERMINATIONS AND COMPLAINT PROCEDURES**

**Sec. 14-106. - Issuance of complaint; hearing.**

Whenever a petition is filed with the chief building official by a public authority or whenever it appears to the chief building official, on his own motion, that any dwelling is unfit for human habitation or any building is dangerous, the chief building official shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner-occupant of and parties in interest in such dwelling or building a complaint stating the charges in that respect and containing a notice that a hearing will be held before the chief building official at a place therein fixed within the city, not less than ten days nor more than 30 days after the serving of such complaint. The owner-occupant and parties in interest shall have the right to file an answer to the complaint and to appear in person or otherwise and give testimony at the place and time fixed in the complaint. Any person desiring to do so may attend such hearing and give evidence relevant to the matter being heard. The rules of

evidence prevailing in courts of law or equity shall not be controlling in hearings before the building official.

**Sec. 14-107. - Order to repair, alter or improve building.**

If, after such notice and hearing as provided in section 14-106, the chief building official determines that the dwelling under consideration is unfit for human habitation or the building under consideration is dangerous, he shall state in writing his findings of fact in support of such determination. The chief building official shall issue and cause to be served upon the owner-occupant thereof an order requiring the owner-occupant, within the time specified therein, to repair, alter or improve such building so as to render it fit for human habitation or to vacate and close the dwelling as a human habitation, or it shall require the owner-occupant within the specified time therein to repair, alter or improve such building so as to render it safe or to vacate and close the building for any and every use.

**Sec. 14-108. - Noncompliance by owner-occupant of dwelling.**

If the owner-occupant of a dwelling fails to comply with the order to repair, alter or improve or to vacate and close the dwelling as provided in this division, the chief building official may cause such dwelling to be repaired, altered or improved or to

be vacated and closed. The chief building official shall cause to be posted on the main entrance of any dwelling so closed a placard with the following statement:

This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful.

**Sec. 14-109. - Noncompliance by owner-occupant of building.**

If the owner-occupant of a building fails to comply with an order to repair, alter or improve or to vacate and close a building as provided in this division, the chief building official may cause such building to be repaired, altered or improved or to be vacated and closed. The building official shall cause to be posted on the main entrance of any building so closed a placard with the following statement:

This building is dangerous. It is hereby closed and its use is prohibited.

**Sec. 14-110. - Failure to comply with order to remove or demolish.**

If the owner-occupant fails to comply with an order to remove or demolish the dwelling or building, the chief building official may cause such dwelling or building to be removed or demolished. The duties of the chief building official set forth in sections

14-108, 14-109 and this section shall not be exercised until the city commission shall have ordered the chief building official to proceed to effectuate the purposes of this article with respect to the particular property which the chief building official shall have found to be unfit for human habitation or dangerous and which property shall be described in an ordinance or a resolution of the commission.

**Sec. 14-111. - Costs.**

The amount of the cost of such repair, alteration, or improvement or vacating and closing or removal or demolition by the chief building official pursuant to this division shall be a lien against the real property upon which such cost was incurred. Such cost shall be placed upon the city's tax books against the property and may be collected and such lien may be foreclosed, in the same manner as taxes and tax liens are collected and foreclosed, or by suit, as the city may determine. If the dwelling or building is removed or demolished by the chief building official, he shall sell the materials of such dwelling or building and shall credit the proceeds of such sale against the cost of removal or demolition, and any balance remaining shall be deposited in the registry of the county circuit court by the chief building official, to be secured in such a manner as may be directed by



such court and disbursed by the court to the persons found to be entitled thereto by final order or decree of the court.

**Sec. 14-112. - Validity of proceedings.**

Failure on the part of any owner-occupant or party in interest to receive or have served upon him any complaint, notice or order provided for in this division shall not affect or invalidate the proceedings with respect to any other owner-occupant or party in interest or any other person.

**Sec. 14-113. - Emergency cases.**

In emergency cases where it reasonably appears there is immediate danger to the life or safety of any person or to the safety of other property, unless a dwelling unfit for human habitation or a dangerous building is immediately repaired, demolished or vacated, the chief building official shall cause the immediate repair or demolition of such dwelling or building. The cost of such repair or demolition shall be recovered and collected as is provided in section 14-111 or the chief building official may revoke the certificate of occupancy and order vacation of the premises until necessary repairs, etc., render the premises fit for use or habitation.

**Sec. 14-114. - Service and filing of complaints, notices and orders.**

(a) Complaints, notices or orders issued by the building official pursuant to this division shall be served upon persons either personally or by registered mail. If the whereabouts of any person is unknown and the whereabouts cannot be ascertained by the chief building official in the exercise of reasonable diligence and the chief building official shall make an affidavit to that effect, the serving of such complaint, notice or order upon such person may be made by publishing the notice once a week for two successive weeks in a newspaper published in the city, service being deemed complete upon the date of the last publication. A copy of any notice, complaint or order served by publication shall be posted in a conspicuous place on the premises affected by the notice, complaint or order on or before the date of the last publication.

(b) A copy of such complaint or order shall also be filed by the chief building official in the office of the clerk of the county circuit court as in cases of lis pendens notice as provided by law.

**Sec. 14-115. - Unauthorized removal of complaints, notices or orders.**

No person without the written consent of the chief building official shall remove or permit the removal of any complaint, notice or order posted in accordance with sections 14-108 and 14-109.

**Sec. 14-116. - Failure to comply with order.**

If any order issued and served in accordance with this division is not complied with within the time specified therein, the dwelling or building with respect to which the order has been issued is declared to be a public nuisance. It shall be unlawful for any person having knowledge of the issuance of such order to occupy, as a human habitation, or to use such dwelling or building or any part thereof or to suffer or permit the dwelling or building or any part thereof to be occupied as a human habitation or used therefor.

**Sec. 14-117. - Receiving rentals after finding unfit.**

When the chief building official finds that a dwelling is unfit for human habitation within the meaning of this article and has notified the owner-occupant to such effect and the time limit set by the chief building official for the correction of defects of vacating the dwelling has expired, no person shall receive

rentals for or offer for rent or occupy such dwelling unit as a human habitation.

#### **ARTICLE IV. - MOVING BUILDINGS**

**Cross reference**— Environment, ch. 26; streets and sidewalks, ch. 62.

##### **Sec. 14-146. - Requests for permission.**

(a) Requests for permission to move any and all buildings from their existing location to some other location within the city limits shall be submitted to the chief building official.

(b) A request for permission to move any building from its existing location to some other location within the city limits shall be accompanied by plans showing proposed improvements to the building and contemplated improvements upon the building and location at its new proposed site. In addition to submission of proposed plans, every request for permission to move a building as contemplated in this article shall be accompanied by a performance bond in such amount as is deemed reasonable in the circumstances by the chief building official.

##### **Sec. 14-147. - Notice, commission approval.**

After the application for the moving of any building or structure has been filed, the chief building official shall supply to the city clerk the necessary information to cause a notice to

be published in a newspaper of local circulation that a hearing will be held by the city commission to consider such application. The cost of publishing the notice shall be paid by the applicant. The notice shall be published at least six days prior to the date of the hearing. After the application has been so advertised, it shall then be submitted to the city commission, together with a plot plan and two elevations disclosing the appearance of the building after the building is moved and constructed and renovation has been completed, for the city commission's approval.

**Sec. 14-148. - Failure to obtain permit.**

Any person who shall move a building or structure within or into the city without first obtaining a permit shall be guilty of an offense.

**Sec. 14-149. - Compliance with zoning requirements.**

In no case shall any building or structure be moved within the city limits or moved into the city limits to any restricted area wherein and whereby the building or structure would violate any restrictions of the city's zoning ordinance.

**Sec. 14-150. - Insurance coverage.**

Before any permit shall be issued allowing the moving of any building or structure, the applicant shall secure and obtain a liability insurance policy protecting the legal liability of the city to pay all claims for personal injury or death resulting

therefrom and property damage on account of accidents which may arise out of or in connection with such moving. The minimum limits of such policies shall be ~~\$100,000.00 for public liability and \$50,000.00 for property damage.~~ not be less than \$1 million each occurrence with respect to general liability and \$1 million combined single limit with respect to automobile liability, with an additional follow-form umbrella of not less than \$3 million each occurrence to be written in excess of both the general and auto liability policies. The City shall be named as an additional insured on both the general and auto liability policies, shall be provided with waivers of subrogation on both policies, and shall be given not less than 30 days' prior notice of any material change or cancellation to any policy.

**Sec. 14-151. - Protection of public.**

Any house or structure being moved that is left in the city streets after dark shall have displayed thereon a red light at each corner and one in the middle.

**Sec. 14-152. - Prevention of damage to streets and sidewalks.**

In the moving of a building or structure in the city, trucks, trailers or dollies must have rubber tires, or in lieu thereof

planks of sufficient width and thickness must be laid on the streets and sidewalks to prevent any damage.

**Sec. 14-153. - Notice to utility companies.**

It shall be the responsibility of the contractor or firm moving any building or structure to inform the appropriate officials of the city electric system and the police department of the time the building is to be moved and the route to be involved in such moving.

**ARTICLE V. - FLOATING HOMES**

**Sec. 14-181. - Definition.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Floating home* means any structure designed to be waterborne and which is used primarily as a dwelling, but not including vessels used primarily as mobile waterborne vessels for transportation.

Vessel, Houseboat, etc. means:

- (1) Proper current registration documents issued by a valid governmental agency within the United States.
- (2) Marine power for navigational purposes.

(3) A control center located forward on the vessel that provides fully operational steering and throttle control of the vessel during navigation.

(4) All legally required navigational lights, aides, and equipment as proscribed by the relevant governmental agency appropriate for the size and type of vessel.

**Cross reference**— Definitions generally, § 1-2.

**Sec. 14-182. - Intent.**

The intent of this article is to bring floating homes within the scope of the regulatory scheme applicable to land based dwellings, making modifications necessary to accommodate the unique features of floating homes.

**Sec. 14-183. - Violation; penalty.**

Any violation of this article shall be punishable as provided in section 1-15.

**Sec. 14-184. - Certificate of occupancy.**

(a) No floating home shall be occupied as a dwelling unless a certificate of occupancy has been issued by the chief building official. Cooking and sleeping facilities within a floating home shall be prima facie evidence that it is occupied as a dwelling. The chief building official shall issue a



certificate of occupancy when the following conditions are fulfilled:

- (1) Compliance with structural requirements.
- (2) Compliance with minimum housing standards.
- (3) Compliance with moorage requirements.
- (4) Payment of the certificate fee.

However, a certificate of occupancy shall not be granted unless the planning department issues a determination of eligibility under the city's rate of growth ordinance (ROGO).

(b) The initial fee for certification shall be \$25.00. The fee for recertification of a floating home moved to another moorage berth shall be \$10.00.

(c) Certification shall be valid until revoked and may be revoked by the building official for violation of the terms of this article.

**Sec. 14-185. - Compartmentation and flotation devices.**

(a) *Compartmentation of devices.* Watertight pontoons, floats, hulls or other devices used to keep the floating home afloat shall be fitted with transverse or longitudinal watertight bulkheads which provide compartmentation sufficient to keep the fully loaded floating home afloat with positive stability with any one compartment flooded. This subsection may

be waived by the chief building official upon certification by a competent architect or engineer familiar with such devices that design, materials and construction of the hull or other floatation device is such that the possibility of rupture is extremely remote.

(b) *Construction generally.* Flotation devices shall be structurally sound and securely fastened to the floating home superstructure. Flotation devices shall be constructed so that access to each compartment is readily available from the first floor level of the completed floating home. The external surfaces of all flotation devices shall be watertight and thoroughly protected from corrosion from saltwater, solvents and weather.

(c) *Bilge pump.* Where permanent-type flotation such as Styrofoam or plastic foam is not provided, an adequate portable bilge pump shall be maintained in proper working order.

(d) *Holding tank.* Flotation and decking shall provide access to the sewage pump.

(e) *Material.* All material, such as decking, siding and subflooring, which is subjected to moisture or water splash shall be of a type not adversely affected by moisture or shall be treated.

**Sec. 14-186. - Electrical wiring and service.**

(a) *Scope.* This section covers the electric conductors and equipment installed within or on floating homes and the conductors that connect floating homes to the supply of electricity.

(b) *Branch circuits, feeders and calculations.* Branch circuits, feeders and calculations shall correspond to requirements for a single unit of a multifamily dwelling and shall comply with the building code in effect in this city.

(c) *Services.* Services shall be provided as follows:

(1) Service equipment shall be placed ashore and shall comply with the electrical code and the building code in all applicable respects. The power supply from the dock or shore to a floating home shall be cord type S-SO or ST, installed in compliance with the electrical code with one conductor in the cord for grounding only, in addition to the neutral conductor.

(2) Individual cord overcurrent protection shall not exceed 50 amperes. Not more than ~~two~~ two cords may be installed to supply one vessel. Cords shall be fitted with an approved separable connector at the shore end and directly connected at the vessel distribution panel. The cord shall be supported

with a corrosion-resistant, mesh-type strain relief device at the vessel end.

(d) *Grounding.* The neutral terminal block of the vessel's distribution panel shall not be grounded to the metal parts of the vessel. The grounding conductor of the supply cord shall be terminated on a grounding bus in the distribution panel. The hull, if metal, and electrical equipment metallic piping, exposed metal structural members, metal railing, ladders, etc., shall be effectively bonded to the ground bus. If the hull is built of material other than metal, a ground electrode of corrosion-resistant metal shall be so located as to be in contact with the water and shall be connected with no. 6 AWG copper wire to the ground bus. The electrode shall be of bronze or brass and not smaller than one-quarter inch in diameter and 18 inches in length.

(e) *Wiring methods.* Installation in wood frame construction shall be in accordance with the electrical code and the building code.

**Cross reference—** Utilities, ch. 74.

**Sec. 14-187. - Plumbing.**

The plumbing of all floating homes shall comply with the requirements of the plumbing code adopted by the city in section 14-356, except as follows: plastic piping, A.B.C. drainage, waste

and vent piping and PVC drainage, waste and vent piping conforming to the product and installation standards of the International Association of Plumbing and Mechanical Officials will be permitted as an alternate method of construction when first approved by the chief building official. Plastic pipe in floating homes or other structures shall be limited to that part within the walls of the floating home or other structure.

**Sec. 14-188. - Inboard sewage device.**

An approved sewage receiving tank and ejection device shall be installed aboard every floating home or other floating structure. The device shall consist of an approved tank with a liquid capacity of not less than 30 gallons nor more than 40 gallons and shall be equipped with a 1½-inch or larger discharge line and a one-half-horsepower pump. The inboard sewage device shall be connected to an approved moorage sewage collection system or shall have the capability of being pumped out into a sewage tank truck.

**Sec. 14-189. - Fuel gas piping.**

All gas piping installed in a floating home or in any other floating structure shall be installed in accordance with the building code with the following exception: exposed piping. All gas piping installed in a floating home or other floating structure

which is exposed to corrosion shall be provided with an approved protective coating or shall be galvanized and painted.

**Sec. 14-190. - Building heights.**

The building height of a floating home shall not exceed two stories, and the total height measured from the first deck to the highest point on the roof ridge or gable shall not exceed 22 feet.

**Sec. 14-191. - Exit facilities.**

The facilities of all exits of a floating home shall comply with the requirements for dwellings as set forth in the building code except as follows: exterior exits. Stairways or ramps from the floating home to the mooring deck or float shall be at least 36 inches in width and shall be provided with guardrails on both sides.

**Sec. 14-192. - Guardrails.**

(a) Guardrails at least 36 inches in height shall be provided in the floating home in the following locations:

- (1) Both sides of all exterior stairways and ramps.
- (2) All edges of occupied roof areas.
- (3) Edges of all decks not encompassed by the exterior walls of the floating home superstructure.

(b) Guardrails shall be designed to withstand a lateral load of 200 pounds per foot applied at the top of the rail. In open-type railings, intermediate members shall not be spaced more than nine inches apart.

**Sec. 14-193. - Moorage standards; parking; density of land site.**

(a) Moorage berths for floating homes shall be connected to a public street by land or by walkway not less than four feet wide. Walkways and berths shall be illuminated at an average intensity of two foot candles.

(b) One off-street parking space shall be available for the exclusive use of the occupants of each filled moorage berth.

(c) Floating home moorages shall not cause the density limitation applicable to the land site to which the moorage is connected to be exceeded.

**ARTICLE VI. - ELECTRICITY**

**Cross reference—** Utilities, ch. 74.

**DIVISION 1. - GENERALLY**

**Sec. 14-221. - Interference with chief building official.**

It shall be unlawful for any person to hinder or interfere with the chief building official in the discharge of his duties under this article.

**Sec. 14-222. - Duty to inspect.**

It shall be the duty of the chief building official to:

- (1) Inspect all the wiring, apparatus and equipment and installations for light, heat or power within the city limits;
- (2) Enforce all the laws, rules and regulations relating thereto;
- (3) Exercise a general supervision over all electrical work in the city; and
- (4) Enforce all the provisions of the electrical code.

**Sec. 14-223. - Temporary service.**

A 30-day temporary electrical service connection may be granted by the chief building official if the wiring installation, apparatus or equipment is found to be in a safe operating condition and provided an urgent necessity for electric current exists. Under these circumstances, an application for temporary service shall be filed with and approved by the chief building official.



**Sec. 14-224. - Dangerous conditions.**

The chief building official is empowered to inspect or reinspect any wiring, equipment or apparatus conducting or using electric current for light, heat or power in the city. If conductors, equipment or apparatus are found to be unsafe to life or property, the official shall notify the person owning or operating the hazardous wiring or equipment to correct the condition within the time the official specifies. Failure to correct violations in the specified time constitutes a violation of this article.

**Sec. 14-225. - Termination of service to hazardous connections.**

The chief building official is given the power to disconnect extension cords, temporary wiring, branch circuits, subfeed conductors or the main service supplying electrical energy to any portion of an electrical wiring system on or in buildings or on premises, if this wiring is deemed by the official to be hazardous to life or property.

**Sec. 14-226. - Performance of work by authorized persons.**

(a) It shall be unlawful for any person not qualified as an electrician in accordance with this article to do any electrical construction or make any repairs, alterations, additions or

changes to any existing system of electrical wiring, apparatus or equipment for light, heat or power within the city limits except as provided for in subsection (c) of this section and section 14-257(a) (4) .

(b) It shall be unlawful for any person to work as an electrician in the city except as provided by section 14-257(a) (4), without first qualifying.

(c) Any corporation holding a franchise from the city for the purpose of furnishing electrical current for light, heat or power shall have the right to install, connect, disconnect or remove meters or their protective devices, without obtaining permits, after a certificate of approval has been issued on the installation.

**DIVISION 2. - PERMIT**

**Sec. 14-256. - Required.**

Except as otherwise provided in this division, no person shall install any electrical apparatus or perform any other work coming under this article without first obtaining a written permit from the building department.

**Sec. 14-257. - Application of division to owner-occupant.**

(a) Nothing contained in this division shall prohibit any bona fide owner-occupant from personally installing electrical

wiring on his premises, provided that he abides by the following rules and regulations:

(1) Submit plans and specifications to the building department for approval.

(2) Satisfy the chief building official as to his ability and qualifications to install electrical wiring.

(3) Make application and secure an electrical permit before commencing electrical work of any character.

(4) File an affidavit that he is the bona fide owner-occupant and will personally install the work on his premises only.

(5) Pay the required permit fees set forth in this division.

(6) Perform the electrical work according to the rules and regulations contained in this division and the electrical code.

(7) Notify the chief building official when the work is ready for inspection.

(b) Personal installation by an owner-occupant must be by himself, for himself, on his own premises without compensation or pay from anyone for his labor or the installation.

(c) An owner-occupant exercising this privilege shall conform to all the requirements of this division and shall not set himself up as an electrical contractor, nor shall he employ anyone to assist him with the installation.

**Sec. 14-258. - Plans and specifications.**

(a) Plans and specifications with complete descriptions of all proposed electrical work shall be submitted to the building department at the same time application is made for a building permit. The plans must be legibly drawn or printed to a definite scale by a registered architect, registered engineer, general contractor, electrical contractor or owner-occupant, two floor plans being sufficient provided they show all the proposed electrical work. The plans shall show the outline of the total floor area, the square feet of the building under consideration, the point at which the service connection is to be made with the public utility or isolated plant or with another building, the size of service and subfeeder wires, the location of service switches and center of distribution, and the arrangement of circuits showing the number of outlets connected thereto. The plans must be stamped "approved" by the chief building official before the building permit or the electrical permit can be obtained and before any electrical work can be started. All blueprints or drawings of this nature are filed in the office of the chief building official for safekeeping and future reference.

(b) The installation of the wiring, apparatus or equipment for light, heat or power within or attached to any building or

premises, whether for private or public use, must be done in accordance with the plans and specifications submitted, as described in this section. Any changes or omissions in the wiring system shown on the plans must be made by the owner-occupant in the form of revised plans setting forth the changes and accepting the responsibilities for the changes. The revised plans must be addressed to the chief building official and shall be filed in his office.

**~~Sec. 14-259. - Permit fees.~~**

~~The office of the building official shall charge and collect for electrical permits at the following rates:~~

~~(1) The minimum permit fee shall be \$50.00.~~

~~(2) If any work for which a permit is required is commenced or is in process prior to the issuance of a permit by the building department, the fees specified for such work shall be doubled. The payment of a double fee shall not relieve any person from fully complying with the requirements of any applicable code. Notwithstanding the foregoing, the fee for work commenced without a permit shall be a minimum of \$250.00 if the value of the work (labor and materials) is found by the building official to exceed \$1,500.00.~~

~~(3) The following schedule of fees is applicable to replacement or reconnection as well as original installations:~~

~~(a) Site work (commercial):~~

~~For each \$1,000.00 of cost or fractional part thereof  
.....\$30.00~~

~~(b) Outlets:~~

~~i. General (receptacles, switches, lights, telephones, TV,  
etc.) .....10.00~~

~~ii. For each 100 square feet of enclosed area or fractional  
part thereof .....10.00~~

~~iii. Appliance outlets, each (including ceiling fans)  
.....10.00~~

~~iv. Exterior area lighting, each .....10.00~~

~~(c) Services, feeds and subfeeds:~~

~~i. Temporary electric for construction .....50.00~~

~~ii. 30-day temporary .....75.00~~

~~iii. Foundation bonding .....30.00~~

~~iv. Single Phase:~~

~~A. 0 to 300 amp .....75.00~~

~~B. Over 300 amp to 400 amp .....100.00~~

~~C. Over 400 amp to 600 amp .....125.00~~

~~D. Over 600 amp .....200.00~~

~~v. Three Phase:~~

~~A. 0 to 300 amp .....100.00~~

~~B. Over 300 to 400 amp .....125.00~~

~~C. Over 400 to 600 amp .....150.00~~

~~D. Over 600 amp .....250.00~~

~~(d) Motors:~~

~~i. 0 to 10 HP .....50.00~~

~~ii. Over 10 HP to 25 HP .....100.00~~

~~iii. Over 25 HP .....125.00~~

~~(e) Generators, transformers, and transfer switches (each):~~

~~i. 0 to 25 KW .....75.00~~

~~ii. Over 25 KW to 50 KW .....125.00~~

~~iii. Over 50 KW .....150.00~~

~~(f) X-ray machines (each) .....150.00~~

~~(g) Welding machines (each):~~

~~i. 0 to 25 amps (primary) .....50.00~~

~~ii. Over 25 amps to 50 amps .....65.00~~

~~iii. Over 50 amps .....75.00~~

~~(h) A/C (each):~~

~~i. Window or wall (if new service required) .....20.00~~

~~ii. Central system:~~

~~A. Up to 20 tons .....50.00~~

~~B. Over 20 tons, per ton .....3.00~~

~~iii. Refrigeration:~~

~~A. Up to 20 tons .....50.00~~

~~B. Over 20 tons, per ton .....3.00~~

~~C. Heat pump (per unit) .....50.00~~

~~(i) Elevators:~~

~~i. Commercial, each .....200.00~~

~~ii. Residential, each .....75.00~~

~~iii. Dumbwaiters, wheelchair lifts or stair lifts, each  
.....75.00~~

~~(j) Signage:~~

~~i. First sign connection .....50.00~~

~~ii. Each additional sign connection .....15.00~~

~~(k) Plug mold and track lighting:~~

~~For each 100 lineal feet or fractional part thereof .....50.00~~

~~(l) Alarm systems:~~

~~i. Low voltage systems residential, each .....50.00~~

~~ii. Commercial:~~

~~For each \$1,000.00 of cost or fractional part thereof  
.....30.00~~

~~(m) Repairs/remodeling, minimum fee .....50.00~~

~~(n) Swimming pool and hot tub bonding:~~

~~i. Pool bonding .....50.00~~

~~ii. Deck bond and equal potential bond .....50.00~~

~~(o) Fiber optic system:~~

~~For each \$1,000.00 of cost or fractional part thereof  
.....20.00~~



~~(p) Temporary electric service .....100.00~~

~~(q) Miscellaneous:~~

~~For each \$1,000.00 of cost or fractional part thereof  
.....25.00~~

**Sec. 14-260. - Issuance.**

A permit shall be issued by the electrical inspection division to a qualified person prior to any electrical work being started or caused to be started on an entirely new installation of permanent or temporary wiring, electrical apparatus or equipment or for making extensions or changes to existing wiring systems for light, heat or power upon premises, inside, outside or attached to buildings or structures of any character.

**Sec. 14-261. - Failure to obtain.**

Whenever any person shall commence or proceed with any electrical installation or construction work for which a permit is required by the city, without first obtaining such permit, the person so commencing or proceeding with such work without a permit shall take out a belated permit covering such work and shall pay, double the specific permit fees provided by section 14-259 to be paid for a timely permit covering such work. Neither anything contained in this section nor the act of taking out and paying fees for a belated permit shall absolve any person of any penalty

incurred for the doing of electrical construction or installation work without first obtaining a permit.

**Sec. 14-262. - Request for inspection.**

A request for the inspection of electrical work, such as roughing-in, equipment installations, final inspection or electrical work for light, heat or power of any character, must be made at the building department as soon as the job is ready. The request for inspection must be made by the person installing the wiring, and failure to request such inspection constitutes a violation of this Code.

**DIVISION 3. - ELECTRICAL CODE**

**Sec. 14-291. - Adopted.**

See section 14-31.

~~(a) The 1999 edition of the National Electrical Code, as adopted by the Southern Building Code Congress International, Inc., is adopted and made a part of the Code of Ordinances as the minimum standard for the installation of all electrical equipment, fixtures, appliances, conductors, wiring and related items within the city, except as otherwise specifically provided in this Code. A copy of the National Electrical Code shall be on file for~~

~~inspection in the office of the building official during regular office hours.~~

~~(b) In addition to the National Electrical Code, the 1996 edition of the Florida Electrical Code (notice L) is adopted and made a part of the Code of Ordinances.~~

~~(c) Where a provision of the two electrical codes adopted by the city are in conflict, the more restrictive provision shall take precedence.~~

**Sec. 14-292. - Conflicts.**

If any conflict occurs between the provisions of the code adopted in section 14-291 -31 and the applicable sections of this Code, state law or city ordinances, rules or regulations, the more strict code shall prevail and be controlling.

**Sec. 14-293. - Definitions.**

(a) Whenever the word "municipality" or the word "city" is used in the code adopted in section 14-29131, it shall be construed to mean the City of Key West, Florida.

(b) Whenever the term "corporate counsel" or "city attorney" is used in the code adopted in section 14-292 or 14-31, it shall be construed to mean the city attorney of this city.

**Sec. 14-294. - Penalty for violation.**

Any person who shall violate any provision of the code adopted by section 14-~~291~~31 shall be deemed guilty of an offense and shall upon conviction be punished as provided in section 1-15. Each day such violation continues shall be deemed a separate offense.

**Sec. 14-295. - Standards for installation.**

All electric heat, light and power wires, fixtures, appliances, conductors, apparatus and their supports placed or installed in or upon any building or other structure in the city shall be in strict conformity with approved standards of construction for safety to life and property and in accordance with this division, provided that materials for wiring, appliances and equipment shall conform to the standards of Underwriters' Laboratories, Inc., which shall be prima facie evidence that the wiring, appliances and equipment comply with such provisions.

**ARTICLE VII. - MECHANICAL CODE**

**Sec. 14-321. - Adopted.**

See section 14-31.

**Sec. 14-322. - Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Refrigeration and air conditioning installation* means all work and materials used in installing and maintaining and/or extending a system of air conditioning or refrigeration apparatus or equipment used in connection therewith inside of or attached to any building or structure, lot or premises.

**Cross reference**— Definitions generally, § 1-2.

**Sec. 14-323. - Supervision of work.**

The chief building official shall inspect all refrigeration, and air conditioning, duct and exhaust systems, solar and other heating work in the city and enforce the applicable sections of this Code.

**~~Sec. 14-324. - Employment of refrigeration and air conditioning mechanics.~~**

~~No licensed mechanical contractor shall employ any person to work in the capacity of a refrigeration and air conditioning mechanic in the city unless the person has in his possession a certificate of competency. No refrigeration and air conditioning mechanic shall do any refrigeration or air conditioning work of any character such as installing apparatus or equipment or making changes or extensions to an existing system of refrigeration or air conditioning, upon premises outside, inside or attached to a building or premises, whether for permanent or temporary work in the city, unless he is employed by and works under the direct~~

~~supervision of a licensed mechanical contractor who is duly certified by the contractors examining board.~~

**Sec. 14-325. - Permits required.**

~~(a) Permits will be issued only to master mechanics, limited master mechanics and homeowners-occupants who qualify.~~

~~(b) Permits will be are required for ~~air-cooled and water-cooled~~ refrigeration and air conditioning equipment installed in commercial buildings, motels, hotels, stores, apartments and ~~roominghouses,~~ residences regardless of the horsepower rating of the units. ~~If central plants are installed, installation must be according to the applicable sections of this Code.~~~~

**Sec. 14-326. - Plans and specifications.**

(a) Plans and specifications with complete descriptions of all proposed refrigeration and air conditioning work shall be submitted to the chief building official at the same time application is made for a building permit. The plans must be legibly drawn or printed to a definite scale by a registered architect, registered engineer, ~~refrigeration and air conditioning mechanical~~ contractor or ~~homeowner-occupant,~~ owner/builder ~~one floor plan being sufficient, provided it shows~~ showing all the proposed refrigeration and air conditioning work. ~~otherwise, two~~

~~or more plans shall be submitted.~~ The plans shall show the outline of the total floor area, the square feet of the building under consideration, the point at which the compressors are located, size and horsepower of motors, controls, piping, ductwork and arrangement of apparatus. All habitable rooms shall make provision for return air. Undercutting of doors is not approved. The plans must be stamped approved by the chief building official before the building permit or ~~refrigeration and air conditioning~~ mechanical permit can be obtained and before any ~~refrigeration and air conditioning~~ mechanical work can be started. ~~All blueprints or drawings of this nature are filed in the office of the building official for safekeeping and future reference.~~ The installation of the ~~refrigeration and air conditioning~~ mechanical apparatus or equipment within or attached to any building or premises, whether for private or public use, must be done in accordance with the plans and specifications submitted.

(b) Any changes or omissions in ~~the refrigeration and air conditioning~~ any mechanical system shown on the plans must be made ~~by the owner-occupant~~ in the form of revised plans setting forth the changes and ~~accepting the responsibilities for the changes.~~ The revised plans shall be submitted to the chief building official and shall be filed in his office.

**Sec. 14-327. - Inspection.**

It shall be the duty of the chief building official to inspect all ~~refrigeration and air conditioning~~ mechanical apparatus, equipment and installations within the city.

**Sec. 14-328. - Dangerous installations.**

The chief building official is empowered to inspect or reinspect any refrigeration or air conditioning equipment. If the equipment or apparatus is found to be unsafe to life or property, the official shall notify the person owning or operating the hazardous equipment to correct the condition within the time the official specifies. Failure to correct violations in the specified time constitutes a violation of this Code.

(a) By order of the City Fire Marshal the side yard setbacks shall be kept clear and accessible. No fuel gas (propane) tanks or mechanical equipment shall be located within the required side yard setbacks.

**Sec. 14-329. - Obstructing inspection.**

It shall be unlawful for any person to hinder or interfere with the chief building official in the discharge of his duties under this article.



**ARTICLE VIII. - PLUMBING AND GAS**

**Sec. 14-356. - Codes adopted.**

See section 14-31.

**Sec. 14-357. - Conflicts.**

If any conflict occurs between the provisions of the codes adopted in section 14-35631 and the applicable sections of this Code of Ordinances, state law or city ordinances, rules or regulations, the more strict code shall prevail.

**~~Sec. 14-358. - Amendments to Florida Plumbing Code.~~**

~~The Florida Plumbing Code adopted by the provisions of section 14-356 is hereby amended, altered and changed in the following respects:~~

~~Section 106.3 Schedule of permit fees is amended to read as follows:~~

~~No person, firm or corporation shall commence work in connection with the items listed herewith without first submitting plans for the same, securing approval and a permit therefor, and paying for the permit at the following rates:~~

- ~~(A) Fixtures roughed in and set, per fixture .....15.00~~
- ~~(B) Minimum fee .....50.00~~
- ~~(C) Sewer:~~
  - ~~(1) Building interior lines and connection .....50.00~~

~~(2) Outside sanitary and storm lines (site work) for each \$1,000.00 of cost or fractional part thereof .....50.00~~

~~(D) Water piping:~~

~~(1) Connection to supply system (each) .....20.00~~

~~(2) Connection (each) to any appliance or fixture .....15.00~~

~~(3) Irrigation system for each \$1,000.00 of cost or fractional part thereof .....12.00~~

~~(4) Fire sprinkler system connection to city water for each \$1,000.00 or fraction thereof .....30.00~~

~~(5) Fire control system, including standpipe and siamese connections, each .....10.00~~

~~(a) Each standpipe .....12.00~~

~~(b) Each hose rack .....12.00~~

~~(c) Each sprinkler head .....0.50~~

~~(6) Solar water heater installations, per system .....30.00~~

~~(E) Mechanical permit fees:~~

~~(1) Minimum fee .....50.00~~

~~(2) Air conditioning systems:~~

~~(a) 2-ton or less capacity .....50.00~~

~~(b) 2-ton to 5-ton .....75.00~~

~~(c) 5-ton to 10-ton .....100.00~~

~~(d) 10-ton to 25-ton .....115.00~~

~~(e) 25-ton to 50-ton .....150.00~~

~~(f) 50-ton to 100-ton .....300.00~~

~~(g) Over 100-ton .....350.00~~

~~(3) Ductwork, per each opening .....10.00~~

~~(4) Hoods:~~

~~(a) Residential (flat fee) .....50.00~~

~~(b) Commercial for each \$1,000.00 of costs or fractional  
part thereof .....30.00~~

~~(5) Fire suppression system (flat fee) .....30.00~~

~~(6) Walk-in cooler .....30.00~~

~~(7) Refrigeration display cases, each .....10.00~~

~~(8) Heat pump (per unit) .....65.00~~

~~(9) Miscellaneous:~~

~~For each \$1,000.00 of costs or fractional part thereof  
.....50.00~~

~~(F) Manholes, each .....50.00~~

~~(G) Sewage treatment plant:~~

~~For each \$1,000.00 of cost or fractional part thereof for  
collection system and disposal well .....65.00~~

~~(H) Water mains and distribution lines:~~

~~For each \$1,000.00 of cost or fractional parts thereof  
.....50.00~~

~~(I) Swimming pool:~~

~~(1) Hook-up and site work (residential) .....50.00~~

~~(2) Commercial .....100.00~~

~~(J) Wells (where applicable), each .....25.00~~

~~(K) Repairs/remodeling:~~

~~Same fee structure as applicable to new work as specified herein~~

~~(L) Miscellaneous:~~

~~(1) For each \$1,000.00 of cost or fractional part thereof .....25.00~~

~~(2) Site work, underground utilities: \$0.03 a square foot of total area.~~

~~(M) Reinspection: All instances of reinspection .....25.00~~

~~A reinspection fee shall be paid to the city prior to the reinspection. Within ten days of its imposition, a person may appeal a reinspection fee in a written submission to the building official. The building official shall investigate all matters relating to the appeal and shall provide a reasonable basis in either sustaining or denying the appeal. Payment of a reinspection fee shall be made before the city will issue any further permits relating to the property.~~

~~(N) Minimum permit fee .....30.00~~

~~(O) Penalty. In the event that any work for which a permit is required is commenced or is in process prior to the issuance of a permit by the building department, then the fees specified for~~

~~such work shall be doubled. The payment of a double fee shall not relieve any person from fully complying with the requirements of any applicable code. Notwithstanding the foregoing, the fee for work commenced without a permit shall be a minimum of \$250.00 if the value of the work (labor and materials) is found by the building official to exceed \$1,500.00.~~

**Sec. 14-359. - Permit display.**

All plumbing or gas permits shall be kept on the work site or shall be in the possession of the person doing, having charge of, or performing the work and shall be exhibited upon the request of any person duly authorized to have such information.

**Sec. 14-360. - Installations in streets.**

No person shall install or cause to be installed a sanitary sewer lateral drain or storm drainline in the public streets or thoroughfares of the city. All such plumbing installations in public streets or thoroughfares shall be done by or under the supervision of the ~~public~~ Community Services department, and reasonable charges shall be made to any person desiring to have sanitary sewer lateral drainlines installed to his property line.

**Sec. 14-361. - ~~Excavations.~~ Side yard setbacks.**

By order of the City Fire Marshal all required side yard setbacks shall be kept clear for access. No fuel tanks or other

equipment or appliances shall be set within the required side yard setbacks.

~~Plumbing and gas permits shall not be issued to any person for the excavation of any streets or thoroughfares, without first informing the chief of the fire department and obtaining his approval. Before excavating any street or thoroughfare, sidewalk or other public property, it shall also be necessary to have the permission of the director of public works. Such excavation shall be subject to the department's rules and regulations. The department of public works shall require the applicant to deposit a bond in a sufficient amount to guarantee the restoration of any streets, thoroughfares, sidewalks or other public property to their original condition. Such bond shall be held a reasonable time or until the department is satisfied with the repair of the street or public property. If the department is not satisfied they shall notify the applicant of the dissatisfaction, and if the repairs are not promptly made, the department shall proceed to make such repairs from the deposit of the bond in its possession. Upon the completion of the repairs to the entire satisfaction of the department of public works, any remaining portion of the deposit of the bond in the hands of the department of public works shall be returned to the applicant.~~

**Sec. 14-362. - Connection to public sewer.**

Where a public sewer becomes available to an abutting property on which has been constructed a septic tank, leaching field, cesspool, leaching well or other method of sewage disposal, such septic tank, leaching field, cesspool, leaching well, etc., shall be emptied of its entire contents and filled with earth or suitable fill, and the waste, drainage, etc., of such premises shall be connected with the public sewer in accordance with this Code. Where such transfer from an outmoded disposal system is made to the public sewer, the chief building official shall first examine all plumbing facilities of such place and ascertain that it is in such condition so as to be in conformity with this Code and that it is safe and dependable to connect with the public sewer. If finding it not to conform to this Code, the chief building official shall require such owner-occupant, agent, tenant or other person occupying such premises to immediately provide such alterations as shall be necessary to comply with this Code.

**Sec. 14-363. - Sewer connections containing harmful waste matter.**

(a) No waste matter containing chemicals in any form which may be destructive to the sewer system shall be connected with the public sewer without first having been conducted through a neutralizing process or separating device.

(b) No steam or hot water in excess of 140 degrees Fahrenheit shall be connected with the public sewer.

(c) Gaseous or explosive substances shall not be connected with the public sewer without first being conducted through a sump or basin constructed so as to intercept any detrimental effects.

(d) No waste material or other substance of any kind which may cause clogging or damage to the sewer shall be conducted into any public sewer.

**Sec. 14-364. - Rainwater pipes discharging over sidewalks.**  
**Stormwater retention.**

Storm water shall be retained on individual lots as required by City Ordinance and shall not discharge into the City storm water system.

~~Rainwater pipes shall not discharge over sidewalks, but shall pass under the sidewalks to the gutter or pass through a proper pipe or channel, with an approved sidewalk plate or covering.~~

Section 2: If any section, provision, clause, phrase, or application of this Ordinance is held invalid or unconstitutional for any reason by any court of competent jurisdiction, the remaining provisions of this Ordinance shall be deemed severable therefrom and shall be construed as reasonable and necessary to achieve the lawful purposes of this Ordinance.



Section 3: All Ordinances or parts of Ordinances of said City in conflict with the provisions of this Ordinance are hereby superseded to the extent of such conflict.

Section 4: This Ordinance shall go into effect immediately upon its passage and adoption and authentication by the signature of the presiding officer and the Clerk of the Commission.

Read and passed on first reading at a regular meeting held this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

Read and passed on final reading at a regular meeting held this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

Authenticated by the presiding officer and Clerk of the Commission on \_\_\_\_\_ day of \_\_\_\_\_, 2015.

Filed with the Clerk \_\_\_\_\_, 2015.

Mayor Craig Cates	_____
Vice Mayor Mark Rossi	_____
Commissioner Teri Johnston	_____
Commissioner Clayton Lopez	_____
Commissioner Billy Wardlow	_____
Commissioner Jimmy Weekley	_____
Commissioner Tony Yaniz	_____

\_\_\_\_\_  
CRAIG CATES, MAYOR

ATTEST:

\_\_\_\_\_  
CHERYL SMITH, CITY CLERK