

## Chapter 10 BUILDINGS AND BUILDING REGULATIONS<sup>1</sup>

### **ARTICLE I. IN GENERAL**

#### **Sec. 10-1. Purpose of chapter.**

The purpose of this chapter is to provide minimum standards, provisions, and requirements to ensure safe and suitable design, methods of construction, and uses of materials in buildings and structures erected, constructed, enlarged, altered, repaired, moved, converted to other uses, or demolished. The provisions of this chapter shall be deemed to supplement all laws of the state relating to building regulation.

(Code 1983, § 150.01; Code 1996, § 10-1)

#### **Sec. 10-2. Enforcement.**

This chapter shall be enforced by the building code administrator.

(Code 1983, § 150.02; Code 1996, § 10-2)

#### **Sec. 10-3. Certain outdoor storage prohibited.**

- (a) It shall be unlawful to leave any material, while building or repairing any house or building or doing other work, in a condition so as to endanger persons or vehicles in passing along any street, alley, or other public way, and without keeping on the area at night a suitable light at such points thereon as may be easily seen, to warn the public of danger, and in no event shall the obstruction occupy more than one-third of the pavement.
- (b) It shall be unlawful to store any materials, appliances, equipment, unused furniture or the like outdoors where it is visible from an adjacent building or from the public rights-of-way, except that outdoor furniture is permitted on balconies and patios.

(Code 1983, § 150.04; Code 1996, § 10-3; Ord. No. 245, § 1, 4-24-2007)

#### **Sec. 10-4. Excavations.**

No person shall excavate or dig in, or remove any material from, any street, sidewalk, or other public way, place, or grounds without first obtaining a permit from the building code administrator.

(Code 1983, § 95.02; Code 1996, § 10-4)

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<sup>1</sup>State law reference(s)—Municipal Home Rule Powers Act, F.S. ch. 166; building construction standards, F.S. ch. 553; state building code, F.S. § 553.70 et seq.

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**Sec. 10-5. Easements to be left in original condition.**

It shall be unlawful for any person who may cross a public utility easement, water main, sewage main, or other similar installation to omit leaving the easement in like condition as before crossing the easement.

(Code 1983, § 132.07; Code 1996, § 10-5)

**Sec. 10-6. Town datum; official elevations; minimum floor elevation.**

- (a) The official datum plane to be used in the town as a plane of reference for all elevations is hereby declared to be the National Geodetic Vertical Datum (NGVD).
- (b) All elevations for any building, sidewalk, street, sewer grade, or other structure within the town shall be described with reference to its elevation as compared with the official town datum.
- (c) The minimum floor elevation of any [new](#) structure erected within the town shall be at an elevation of [nine point three \(9.3\)](#) ~~eight~~ feet above the mean sea level datum.

(Code 1983, § 150.06; Code 1996, § 10-6)

**Secs. 10-7—10-30. Reserved.**

***ARTICLE II. ARCHITECTURAL REVIEW BOARD***

**Sec. 10-31. Rules and regulations.**

Rules and regulations concerning the architectural review board can be found at chapter 2, article IV, divisions 1 and 2 of this Code.

(Code 1996, § 10-31; Ord. No. 236, § 1, 3-28-2006)

**Secs. 10-32—10-60. Reserved.**

***ARTICLE III. PERMITS***

**Sec. 10-61. Required.**

It shall be unlawful to construct or alter any building or structure in the town without having first secured a permit.

(Code 1983, § 150.05(a); Code 1996, § 10-61)

State law reference(s)—Permits, required, F.S. § 553.79.

**Sec. 10-62. Application; plans and specifications.**

- (a) Applications for building permits shall be accompanied by two complete sets of plans, drawings, and specifications showing work to be done. Except as otherwise permitted by this Code, all plans, drawings, and

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specifications must be drawn, prepared, or verified by a state registered architect or engineer, and his seal of office imprinted thereon. Additionally, such plans, drawings, and specifications shall contain the unqualified certification of the architect or engineer, under seal, that the plans, drawings, and specifications are in full compliance with all provisions of the town's Code of Ordinances. Any plans, drawings, or specifications which fail to contain such certification under seal, or which otherwise fail to be in full compliance with the Code of Ordinances, shall be rejected. No plans, drawings, or specifications submitted with an application for building permit, or in connection with changes to previously submitted plans, drawings, or specifications, shall be prepared by any town employee, including the building code administrator, or any associate of the building code administrator or any town employee.

- (b) If required by the building code administrator or otherwise required under this Code, an application for a building permit shall be accompanied by two copies of a certified survey and site plan, prepared by a state registered land surveyor, drawn to scale, showing the actual dimensions of the lot to be built upon, the size, shape, and location of the proposed building to be erected, and such other information as the building code administrator reasonably might require to determine whether the application complies with all applicable provisions of this Code.
- (c) An application for a building permit for work to be performed on a condominium unit or housing cooperative (hereinafter referred to as "co-op") shall also include an authorized signature on behalf of the condominium association or co-op board, respectively, acknowledging that the association/board has been notified that the work described in the building permit application is to be performed in the condominium unit/co-op unit and that the association/board acknowledges that the town is not responsible for enforcing any applicable condominium/co-op covenants, rules or regulations. The town, in its sole discretion, may reject any application submitted that fails to substantially comply with this subsection.
- (d) Applications for building permits, with all supporting plans, drawings, and specifications, as required, shall be filed with the building department. The building department shall make a record of the application. The two copies of the application shall be referred to the building code administrator, who shall examine the plans to determine whether the proposed construction or alteration will comply with the provisions of this Code relative thereto. The building code administrator shall review the application, supporting plans, drawings, and specifications, and any amendments to determine if the work proposed by the application or amendments thereto is in compliance with the zoning provisions of [Chapter 26, Land Development](#) ~~the land development chapter~~. One set of plans shall be returned to the applicant with a permit, if granted, and the other shall be retained by the town for the use of the building code administrator and as part of the permanent records of the town. No permit shall be issued until after approval of the plans by the building code administrator, receipt and acceptance by the town of the building permit application and any other required documents, and payment of the fee as prescribed by the town council. As a courtesy, the building department will make a reasonable effort to notify condominium associations and co-op boards of the status of each building permit involving their respective condominium and co-op units, including when inspections have been scheduled and when a permit has been closed out. The building department's failure to make such notifications shall not give rise to any cause of action against the town.
- (e) Pursuant to section 2-93, the building code administrator may require the plans for the construction to be submitted to and approved by the architectural review board prior to the issuance of a building permit.
- (f) It shall be unlawful to vary materially from the submitted plans and specifications unless these variations are submitted in an amended plan to the building code administrator and approved by him. The building code administrator shall determine if the amended plans should be submitted or resubmitted to the architectural review board pursuant to subsection 2-93(a).

(Code 1983, § 150.05(b)—(f); Code 1996, § 10-62; Ord. No. 301 , § 2, 4-13-2021)

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**Sec. 10-63. Inspections and testing.**

The building code administrator shall make or cause to be made any inspections necessary for the enforcement of the provisions of this chapter and to make any tests or examinations of materials or methods to be used for the purpose of seeing that they comply with the provisions of this chapter.

(Code 1983, § 150.05(g); Code 1996, § 10-63)

**Sec. 10-64. Fees and charges.**

The town council shall establish permit fees and charges for all construction related activities by resolution, [which may be made available to the public upon request.](#)~~—~~

(Code 1996, § 10-65; Ord. No. 158, § 1, 12-18-1991)

**Secs. 10-65—10-90. Reserved.**

**ARTICLE IV. BUILDING CODES<sup>2</sup>**

**Sec. 10-91. Compliance with construction codes required.**

The following standards and technical codes are hereby adopted, and shall be effective within the town as provided below:

- (1) The following construction codes: The most current editions of the Florida Building Code, with any and all appendices as published by the State of Florida, along with the following standard code updates: the existing building; mechanical; test protocols for high-velocity hurricane zones; building; fuel gas; energy conservation; plumbing; accessibility; and residential codes, all including the latest editions finally adopted and published by the adopting authority, pursuant to law, with all the above being hereby adopted by reference and enforced within the town.

~~(2) In case of any conflict between specific sections of the most recent edition of any of the codes, the most stringent provision shall apply. Notwithstanding this provision, the provisions of chapter 1, Administration, as adopted below shall be effective within the town.~~

- ~~(2)~~ (3) In case of any conflict between specific sections of the most recent edition of any of the codes, the most stringent provision shall apply. Notwithstanding this provision, the provisions of chapter 1, Administration, shall be effective within the town and the town adopts the following local administrative amendments to chapter 1, Florida Building Code (~~2010~~[2023](#)):

Chapter 1. Administration

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CHAPTER I. ADMINISTRATION

SECTION 101. [SCOPE AND GENERAL REQUIREMENTS.](#)

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

101.2 *Scope.* The provisions of this code shall apply to the construction, alteration, ~~movement,~~ [relocation](#), enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures within the ~~town~~ [Town of South Palm Beach](#).

Exceptions:

1. Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories above grade plane in height with a separate means of egress and their accessory structures [not more than three stories above grade plane in height](#) shall comply with the Florida Building Code, Residential.
2. ~~Existing buildings undergoing repair, alterations or additions or change of occupancy shall comply with chapter 34 of this code.~~ [Code requirements that address snow loads and earthquake protection shall not be utilized or enforced.](#)

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

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

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

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

101.3.2 Warranty and liability. The permitting and inspection of any building, system, or plan by the ~~town~~Town of South Palm Beach, under the requirements of this code, shall not be construed in any court as a warranty of the physical condition of such building, system, or plan, or their adequacy. The ~~town~~Town of South Palm Beach shall not be liable in tort for damages or hazardous or illegal condition or inadequacy in such building, system, or plan, nor for any failure of any component of such, which may occur subsequent to such inspection or permitting. Further, no building department employee shall be liable in tort for damage from such conditions, in accordance with F.S. § 768.28(9)(a), as may be amended.

101.4 *Referenced codes*. The other codes listed in sections 101.4.1 through 101.4.109 and referenced elsewhere in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference.

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

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

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

101.4.4 Property maintenance. Any property that is under construction or which has undergone demolition of any kind whatsoever shall ensure that its altered state does not become a nuisance within the town due to particulate matter in conformance with section 18-1 of the town Code of Ordinances. The building official is authorized to enforce this maintenance standard by requiring actions such as the sodding and landscaping of the affected area, or by requiring any other reasonable mitigating actions, prior to construction on the site.

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

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

[101.4.7 Existing buildings. The provisions of the Florida Building Code, Existing Building shall apply to matters governing the repair, alteration, change of occupancy, addition to and relocation of existing buildings.](#)

101.4.~~87~~ Accessibility. For provisions related to accessibility, refer to Florida Building Code, Accessibility.

101.4.~~98~~ Manufactured buildings. For additional administrative and special code requirements, see section 458, Florida Building Code, Building, and Rule 61-41 F.A.C.

101.4.~~109~~ Electrical. The provisions of chapter 27 of the Florida Building Code, Building, shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.

~~101.4.114-10.1~~ 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. The "Floodplain Management Ordinance of the Town of South Palm Beach" was adopted by Ordinance No. 271 and codified at article VI, of chapter 26, Land Development, and shall be considered part of the requirements of this code relative to flood control. Conflicting requirements between the Florida Building Code and Ordinance No. 271 shall be resolved in favor of the requirement that offers the greatest degree of flood damage prevention or alternatives that would provide an equivalent degree of flood damage prevention and an equivalent method of construction.

#### SECTION 102. APPLICABILITY.

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

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

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pertain to enforcement of the Florida Building Code. Additionally, a local code enforcement agency may not administer or enforce the Florida Building Code, Building, to prevent the siting of any publicly owned facility, including, but not limited to, correctional facilities, juvenile justice facilities, or state universities, community colleges, or public education facilities, as provided by law.

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

- (a) Building and structures specifically regulated and preempted by the federal government.
- (b) Railroads and ancillary facilities associated with the railroad.
- (c) Nonresidential farm buildings on farms.
- (d) Temporary buildings or sheds used exclusively for construction purposes.
- (e) Mobile or modular structures used as temporary offices, except that the provisions of F.S. ch. 553, pt. II (F.S. § 553.501 et seq.) relating to accessibility by persons with disabilities, and permits shall be required for structural support and tie-down, electrical supply, and all utility connections to such mobile or modular structures.
- (f) Those structures or facilities of electric utilities, as defined in F.S. § 366.02, which are directly involved in the generation, transmission or distribution of electricity.
- (g) Temporary sets, assemblies or structures used in commercial motion picture or television production, or any sound-recording equipment used in such production, on or off the premises.
- (h) Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this paragraph, the term "chickee" means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials and that does not incorporate any electrical, plumbing, or other non-wood features.
- (i) Service providers of water, sewer, storm, gas, cable, telephone, or other similar utility systems are exempt to the point of service connection for the building or structure.
- (j) Family mausoleums not exceeding 250 square feet (23m<sup>2</sup>) in area which are prefabricated and assembled on site or preassembled and delivered on site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.
- (k) Temporary housing provided by the department of corrections to any prisoner in the state correctional system.
- (l) A building or structure having less than 1,000 square feet (93m<sup>2</sup>) which is constructed and owned by a natural person for hunting and which is repaired or reconstructed to the same dimension and condition as existed on January 1, 2011, if the building or structure:



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1. Is not rented or leased or used as a principal residence;
2. Is not located within the 100-year floodplain according to FEMA's current Flood Insurance Rate Map; and
3. Is not connected to an off-site electric power or water supply.

102.2.1 In addition to the requirements of F.S. §§ 553.79 and 553.80, facilities subject to the provisions of F.S. ch. 395 (Hospital Licensing and Regulation), and F.S. ch. 400, pts. II (F.S. § 400.011 et seq.) and VIII (F.S. § 400.960 et seq.) (Nursing Homes), shall have facility plans reviewed and construction surveyed by the state agency authorized to do so under the requirements of F.S. ch. 395 and F.S. ch. 400, pts. II and VIII, and the certification requirements of the federal government.

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

1. The building or structure is structurally sound and in occupiable condition for its intended use;
2. The occupancy use classification for the building or structure is not changed as a result of the move;
3. The building is not substantially remodeled;
4. Current fire code requirements for ingress and egress are met;
5. Electrical, gas and plumbing systems meet the codes in force at the time of original construction and are operational and safe for reconnection; and
6. Foundation plans are sealed by a professional engineer or architect licensed to practice in this state, if required by the ~~applicable Florida Statutes~~ Florida Building Code, Building for all buildings or structures of the same residential occupancy class.

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

102.2.4 This section does not apply to the Town of South Palm Beach and authority of the department of agriculture and consumer services to inspect amusement rides or the department of financial services to inspect state-owned buildings and boilers.

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

1. At its own option, each enforcement district or local enforcement agency may adopt rules granting to the owner of a single-family residence one or more exemptions from the Florida Building Code relating to:

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- a. Addition, alteration, or repairs performed by the property owner upon his own, provided any addition or alteration shall not exceed 1,000 square feet (93 m<sup>2</sup>) or the square footage of the primary structure, whichever is less.
  - b. Addition, alteration, or repairs by a nonowner within a certain cost limitation set by rule, provided the total cost shall not exceed \$5,000.00 within any 12-month period.
  - c. Building inspection fees.
2. However, the exemptions under subparagraph 1. do not apply to single-family residences that are located in mapped flood hazard areas, as defined in the code, unless the enforcement district or local enforcement agency has determined that the work, which is otherwise exempt, does not constitute a substantial improvement, including the repair of substantial damage, of such single-family residences.
  3. Each code exemption, as defined in sub-subparagraphs 1.a., b., and c., shall be certified to the local board ten days prior to implementation and shall only be effective in the territorial Town of South Palm Beach of the enforcement district or local enforcement agency implementing it.
  4. However, each enforcement district or local enforcement agency may establish an alternative permitting program for replacing nonstructural components of building systems in a residential dwelling unit. A licensed contractor performing such work for the resident shall also be exempt from individual permits and inspections if either the owner or the licensed contractor obtains a valid annual permit per section 105.1.1 of this code and all such work is reported as required in section 105.1.2 of this code for compliance evaluation. No added capacity, system expansion or new building work of any type shall be excluded from individual permit and inspection by this provision.

102.2.6 This [section Code](#) does not apply to swings and other playground equipment accessory to a one- or two-family dwelling.

Exception: Electrical service to such playground equipment shall be in accordance with chapter 27 of this code.

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

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

102.4.1. Conflicts. Where [differences conflicts](#) occur between provisions of this code and referenced codes and standards, the provisions of this code shall apply.

102.4.2. Provisions in referenced codes and standards. Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this code or the Florida Codes listed in section 101. 4, the provisions of this code or the Florida Code

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listed in section 101.4, as applicable, shall take precedence over the provisions in the referenced code or standard added in the 2014 code.

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

102.6 *Existing structures.* The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change, except as is specifically covered in this code, the Floodplain Management Ordinance of the Town, the codes referenced in section 101.4, or the Florida Fire Prevention Code, or as is deemed necessary by the building official for the general safety and welfare of the occupants and the public.

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

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

102.7 *Relocation of manufactured buildings.*

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

102.~~8~~<sup>7</sup> *Existing mechanical equipment.* An agency or local government may not require that existing mechanical equipment located on or above the surface of a roof be installed in compliance with the requirements of the Florida Building Code ~~until~~except during reroofing when the equipment is being replaced or moved during reroofing and is not in compliance with the provisions of the Florida Building Code ~~related~~relating to roof-mounted mechanical units.

SECTION 103. ~~DEPARTMENT OF BUILDING SAFETY~~BUILDING DEPARTMENT.

103.1 *Establishment.* ~~There is hereby established a department to be called the department of building safety.~~The town shall have a building department and the person in charge shall be known as the building official. All code officials employed or contracted by the department shall be certified in accordance with F.S. ch. 468, pt. XII (F.S. § 468.601 et seq.).

103.2 *Employee or Contractor qualifications.* The town manager shall hire the building official, with the concurrence of the town council, and make such determinations as are necessary to hire an

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individual [or company](#) possessing the requisite qualifications to enforce the provisions of the Florida Building Code within the town.

103.3 *Restrictions on employees.* An officer or employee connected with the department, except one whose only connection is as a member of the board established by this code, shall not be financially interested in the furnishing of labor, material, or appliances for the construction, alteration, or maintenance of a building, structure, service, or system, or in the making of plans or of specifications thereof, unless ~~he~~ [the individual](#) is the owner of such. This officer or employee shall not engage in any other work which is inconsistent with their duties or conflict with the interests of the department, except as instructors.

SECTION 104. DUTIES AND POWERS OF THE BUILDING OFFICIAL.

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

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

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

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

104.5 *Identification.* The building official shall carry proper identification, as issued by the ~~town~~ [Town of South Palm Beach](#), when inspecting structures or premises in the performance of duties under this code.

104.6 *Right of entry.*

104.6.1 Where it is necessary to make an inspection to enforce any of the provisions of this code, or where the building official has reasonable cause to believe that there exists in any building or upon any premises any condition or code violation which makes such building, structure, or premises, unsafe, dangerous or hazardous, the building official is authorized to enter the building, structure or premises at all reasonable times to inspect or to perform any duty imposed by this code, provided that if such building, structure or premises are occupied, that credentials be presented to the occupant and entry requested. If such building, structure, or premises are unoccupied, the building official shall first make a reasonable effort to locate the owner or other persons having charge or control of the building, structure, or premises, and request entry. If entry is refused, the building official shall have recourse to every remedy provided by [local, state, or federal](#) law to secure entry.

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104.6.2 When the building official shall have first obtained a proper inspection warrant in accordance with F.S. ch. 933, or other remedy provided by law to secure entry, no owner or occupant or any other persons having charge, care or control of any building, structure, or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the building official for the purpose of inspection and examination pursuant to this code.

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

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

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

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

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

104.10.1 Flood hazard areas. The building official shall not grant modifications to any provision in flood hazard areas as established by section 1612.3 of the Florida Building Code unless a determination has been made that:

1. A showing of good and sufficient cause that the unique characteristics of the size, configuration or topography of the site render the elevation standards of section 1612 inappropriate.
2. A determination that the failure to grant the variance would result in exceptional hardship by rendering the lot undevelopable.

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3. A determination that the granting of variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, cause fraud on or victimization of the public, or conflict with existing laws or ordinances.
4. A determination that the variance is the minimum necessary to afford relief, considering the flood hazard.
5. Submission to the applicant of written notice specifying the difference between the design flood elevation and the elevation to which the building is to be built, stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation, and stating that construction below the design flood elevation increases risks to life and property.

~~104.11 Alternative materials, design and methods of construction and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the building official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety.~~

104.11 Alternative materials, design and methods of construction and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the building official finds that the proposed alternative meets all of the following:

- 1.The alternative material, design or method of construction is satisfactory and complies with the intent of the provisions of this code.
- 2.The material, method or work offered is, for the purpose intended, not less than the equivalent of that prescribed in this code as it pertains to the following:
  - 2.1.Quality.
  - 2.2.Strength.
  - 2.3.Effectiveness.
  - 2.4.Fire resistance.
  - 2.5.Durability.
  - 2.6.Safety.

Where the alternative material, design or method of construction is not approved, the building official shall respond in writing, stating the reasons why the alternative was not approved.

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

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

104.12 *Requirements not covered by code.* Any requirements necessary for the strength, stability or proper operation of an existing or proposed building, structure, electrical, gas, mechanical or plumbing system, or for the public safety, health and general welfare, not specifically covered by this or the other technical codes, shall be determined by the building official.

SECTION 105. PERMITS.

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

105.1.1 Annual facility permit. In lieu of an individual permit for each alteration to existing electrical, gas, mechanical, plumbing or interior nonstructural office systems, the building official is authorized to issue an annual permit for any occupancy to facilitate routine or emergency service, repair, refurbishing, minor renovations of service systems, or manufacturing equipment installations/relocations. The building official shall be notified of major changes and shall retain the right to make inspections at the facility sites as deemed necessary. An annual facility permit shall be assessed with an annual fee and shall be valid for one year from date of issuance. A separate permit shall be obtained for each facility and for each construction trade, as applicable. The permit application shall contain a general description of the parameters of work intended to be performed during the year.

105.1.2 Annual permit records. The person to whom an annual permit is issued shall keep a detailed record of alterations made under such annual permit. The building official shall have access to such records at all times or such records shall be filed with the building official as designated. The building official is authorized to revoke such permit if code violations are found to exist.

105.1.3 Food permit. As per F.S. § 500.12, a food permit from the department of agriculture and consumer services is required of any person who operates a food establishment or retail store.

105.2 *Work exempt from permit.* Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of the [townTown of South Palm Beach](#), to include work in any special flood hazard area. Exemptions granted under this section do not relieve the owner or contractor from their duty to comply with applicable provisions of the

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Florida Building Code and requirements of the Town Floodplain Management Ordinance. Permits shall not be required for the following:

Building:

1. Building permits are not required for replacement or repair work having value of less than \$1,000.00, providing, however, that such work will not adversely affect the structural integrity, fire rating, exit access or egress requirements.
2. Interior painting, wall papering, wall tiling, carpeting, ~~cabinets, counter tops~~ and similar finish work, with no electrical or plumbing work.
3. Temporary motion picture, television and theater sets and scenery.
4. Swings and other playground equipment accessory to detached one- and two-family dwellings, but they may be subject to zoning permits.
5. Retractable awnings supported by an exterior wall do not require additional support of Groups R-3 and U occupancies, but they may be subject to zoning permits.
6. Non fixed and movable fixtures, cases, racks, and counters not over five feet, nine inches (1,753 mm) in height.

Electrical:

1. Repairs and maintenance: Repair or replacement of like common household electrical fixtures, switches, and outlets on the load side of the electrical source. Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.
2. Radio and television transmitting stations: The provisions of this code shall not apply to electrical equipment used for radio and television transmissions, but do apply to equipment and wiring for a power supply and the installations of towers and antennas.
3. Temporary testing systems: A permit shall not be required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.

Gas:

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

Mechanical:

1. Portable heating appliance.
2. Portable ventilation equipment.
3. Portable cooling unit.



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4. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.
5. Replacement of any part ~~which~~ that does not alter its approval or make it unsafe.
6. Portable evaporative cooler.
7. Self-contained refrigeration system containing ~~ten~~ 10 pounds (4.54 kg) or less of refrigerant and actuated by motors of 1.0 horsepower (746 W) or less.
8. The installation, replacement, removal or metering of any load management control device.

Plumbing:

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

105.2.1 Emergency repairs. Where equipment replacements and repairs must be performed in an emergency situation, the permit application shall be submitted within the next working business day to the building official. Notification shall be given to the building official including the work address, nature of emergency and scope of work immediately, or by the next business day.

105.2.2 Minor repairs. Ordinary minor repairs or installation of replacement parts may be made with the approval of the building official, without a permit, provided the repairs do not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load-bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring systems or mechanical equipment or other work affecting public health or general safety, and such repairs shall not violate any of the provisions of the technical codes.

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

105.3 *Application for permit.* To obtain a permit, the applicant shall first file an application ~~therefor~~ for the permit in writing on a form furnished by the department for that purpose. If the applicant is a contractor, the contractor must first complete an annual business registration form before filing

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[an application for a permit; the owner does not have to register.](#) Permit application forms shall be in the format prescribed by a local administrative board, if applicable, and must comply with the requirements of F.S. § 713.135(5) and (6). Each application shall be inscribed with the date of application, and the code in effect as of that date. For a building permit for which an application is submitted prior to the effective date of the Florida Building Code, the state minimum building code in effect in the permitting ~~town~~[Town of South Palm Beach](#) on the date of the application governs the permitted work for the life of the permit and any extension granted to the permit.

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

105.3.1 Action on application. The building official shall examine or cause to be examined applications for permits and amendments thereto within a reasonable time after filing. If the application or the construction documents do not conform to the requirements of pertinent laws, the building official shall reject such application in writing, stating the reasons therefor. If the building official is satisfied that the proposed work conforms to the requirements of this code and laws and ordinances applicable thereto, the building official shall issue a permit therefor as soon as practicable. When authorized through contractual agreement with a school board, in acting on applications for permits, the building official shall give first priority to any applications for the construction of, or addition or renovation to, any school or educational facility.

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

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

1. Plumbing documents for any new building or addition which requires a plumbing system with more than 250 fixture units or which costs more than \$125,000.00.
2. Fire sprinkler documents for any new building or addition which includes a fire sprinkler system which contains 50 or more sprinkler

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heads. Personnel as authorized by F.S. ch. 633 may design a fire sprinkler system of 49 or fewer heads and may design the alteration of an existing fire sprinkler system if the alteration consists of the relocation, addition, or deletion of 249 or fewer sprinklers and the addition of up to 49 sprinklers, as long as the cumulative total number of fire sprinklers being added, relocated, or deleted does not exceed 249, not more than 49 heads, notwithstanding the size of the existing fire sprinkler system-; or may design the alteration of an existing fire sprinkler system if the alteration consists of the relocation or deletion of 249 or fewer sprinklers, notwithstanding the size of the existing fire sprinkler system, if there is no change of occupancy of the affected areas, as defined in this code and the Florida Fire Prevention Code, and there is no change in the water demand as defined in NFPA 13, "Standard for the Installation of Sprinkler Systems," and if the occupancy hazard classification as defined in NFPA 13 is reduced or remains the same as a result of the alteration.

3. Heating, ventilation, and air-conditioning documents for any new building or addition which requires more than a 15-ton-per-system capacity which is designed to accommodate 100 or more persons or for which the system costs more than \$125,000.00. This paragraph does not include any document for the replacement or repair of an existing system in which the work does not require altering a structural part of the building or for work on a residential one, two, three or four-family structure. An air conditioning system may be designed by an installing air-conditioning contractor certified under F.S. ch. 489 to serve any building or addition which is designed to accommodate fewer than 100 persons and requires an air-conditioning system with a value of \$125,000.00 or less; and when a 15-ton-per-system or less is designed for a singular space of a building and each 15-ton system or less has an independent duct system. Systems not complying with the above require design documents that are to be sealed by a professional engineer.  
Example 1. When a space has two 10-ton systems with each having an independent duct system, the contractor may design these two systems since each unit (system) is less than 15 tons.  
Example 2. Consider a small single-story office building which consists of six individual offices where each office has a single three-ton package air conditioning heat pump. The six heat pumps are connected to a single water cooling tower. The cost of the entire heating, ventilation and air-conditioning work is \$47,000.00 and the office building accommodates fewer than 100 persons. Because the six mechanical units are connected to a common water tower, this is considered to be an 18-ton system.  
NOTE: It was further clarified by the commission that the limiting criteria of 100 persons and \$125,000.00 apply to the building

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occupancy load and the cost for the total air-conditioning system of the building.

4. Any specialized mechanical, electrical, or plumbing document for any new building or addition which includes a medical gas, oxygen, steam, vacuum, toxic air filtration, halo, or fire detection and alarm system which costs more than \$5,000.00.

**Exception:**

Simplified permitting processes.

(1) As used in this section, the term:

(a) "Component" means valves, fire sprinklers, escutcheons, hangers, compressors, or any other item deemed acceptable by the local enforcing agency. For purposes of this paragraph, a valve does not include pressure-regulating, pressure-reducing, or pressure-control valves.

(b) "Contractor" means a person who:

1. Is qualified to engage in the business of electrical or alarm system contracting pursuant to a certificate or registration issued by the department under F.S. ch. 489, pt. II; or

2. Is qualified to engage in the business of fire protection system contracting pursuant to a license or certificate issued by the State Fire Marshal.

(c) "Fire alarm system project" means a fire alarm system alteration of a total of 20 or fewer initiating devices and notification devices, or the installation or replacement of a fire communicator connected to an existing fire alarm control panel in an existing commercial, residential, apartment, cooperative, or condominium building.

(d) "Fire sprinkler system project" means a fire protection system alteration of a total of 20 or fewer fire sprinklers in which the sprinklers are of the same K-factor and located in spaces where there is no change of hazard classification or increased system coverage area, or the installation or replacement of an equivalent fire sprinkler system component in an existing commercial, residential, apartment, cooperative, or condominium building. For purposes of this paragraph, a component is equivalent if the component has the same or better characteristics, including electrical, hydraulic, pressure losses, and required listings and spacing as the component being replaced.

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(2)(a) A local enforcement agency may require a contractor, as a condition of obtaining a *permit* for a fire alarm system project or fire sprinkler system project, to submit a completed application and payment.

(b) A local enforcement agency may not require a contractor to submit plans or specifications as a condition of obtaining a *permit* for a fire alarm system project or fire sprinkler system project.

(3) A local enforcement agency must issue a *permit* for a fire alarm system project or fire sprinkler system project in person or electronically.

(4) A local enforcement agency must require at least one inspection of a fire alarm system project or fire \_\_\_\_\_ sprinkler system project to ensure compliance with applicable codes and standards. If a fire alarm system project or fire sprinkler system project fails an inspection, the contractor must take corrective action as necessary to pass inspection.

(5) (a) For a fire sprinkler alarm system project, a contractor must keep a copy of the plans and specifications at the fire alarm system project worksite and make such plans and specifications available to the inspector at each inspection.

(b) For a fire sprinkler system project to alter an existing fire protection system, a contractor must keep a copy of the plans and specifications at the fire sprinkler system project worksite and make such plans and specifications available to the inspector at each inspection.

(c) For a fire sprinkler system project to install or replace a component, a contractor must keep a copy of the manufacturer's installation instructions and any pertinent testing instructions needed to certify or accept the component at the fire sprinkler system project worksite and make such documents available to the inspector at each inspection.

5. Electrical documents. See F.S. § 471.003(2)(h). Any electrical or plumbing or air-conditioning and refrigeration system meeting the following thresholds are required to be designed by a Florida registered engineer. The system, requires an electrical system with a value of over \$125,000.00; and requires an aggregate service capacity of over 600 amperes (240 volts) on a residential electrical system or over 800 amperes (240 volts) on a commercial or industrial electrical system:  
NOTE: It was further clarified by the commission that the limiting factor of 240 volts or over is required to be designed by an engineer. Documents requiring an engineer seal by this part shall not be valid unless a professional engineer who possesses a valid

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certificate of registration has signed, dated, and stamped such document as ~~provide~~provided in F.S. § 471.025.

6. ~~All public swimming pools and public bathing places defined by and regulated under F.S. ch. 514.~~

105.3.1.2 Reviewing application for building permit.

1. When reviewing an application for a building permit, a local government may not request additional information from the applicant more than three times, unless the applicant waives such limitation in writing.

2. If a local government requests additional information from an applicant and the applicant submits the requested additional information to the local government within 30 days after receiving the request, the local government must, within 15 days after receiving such information:

- a. Determine if the application is properly completed;
- b. Approve the application;
- c. Approve the application with conditions;
- d. Deny the application; or
- e. Advise the applicant of information, if any, that is needed to deem the application properly completed or to determine the sufficiency of the application.

3. If a local government makes a second request for additional information from the applicant and the applicant submits the requested additional information to the local government within 30 days after receiving the request, the local government must, within 10 days after receiving such information:

- a. Determine if the application is properly completed;
- b. Approve the application;
- c. Approve the application with conditions;
- d. Deny the application; or
- e. Advise the applicant of information, if any, that is needed to deem the application properly completed or to determine the sufficiency of the application.

4. Before a third request for additional information may be made, the applicant must be offered an opportunity to meet with the local government to attempt to resolve outstanding issues. If a local government makes a third request for additional information from the applicant and the applicant submits the requested additional information to the local government within 30 days after receiving the request, the local government must, within 10 days after receiving such information unless the applicant waived the local government's limitation in writing, determine that the application is complete and:

- a. Approve the application;
- b. Approve the application with conditions; or
- c. Deny the application.

5. If the applicant believes the request for additional information is not authorized by ordinance, rule, statute, or other legal authority, the local government, at the applicant's request, must process the application and either approve the application, approve the application with conditions, or deny the application.

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105.3.2. Reserved. [Note: Previous text from section 105.3.2. Time limitation of application has been repealed here and such time limitations appear at section 105.5.]

105.3.3 The town may not issue a building permit for any building construction, erection, alteration, modification, repair or addition unless the permit either includes on its face or there is attached to the permit the following statement:

"NOTICE: In addition to the requirements of this permit, there may be additional restrictions applicable to this property that may be found in the public records of this county such as the requirement for home or property owners' association approval, and there may be additional permits required from other governmental entities such as water management districts, state agencies or federal agencies."

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

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

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

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

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

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contract is subject to verification by the department of [business and professional regulation](#). ~~community affairs.~~

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

[105.3.9 A local government may not require a contract between a builder and an owner for the issuance of a building permit or as a requirement for the submission of a building permit application.](#)

105.4 *Conditions of the permit.* The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of any other ordinance of the ~~town~~[Town of South Palm Beach](#). Permits presuming to give authority to violate or cancel the provisions of this code or other ordinances of the ~~town~~[Town of South Palm Beach](#) shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the building official from requiring the correction of errors in the construction documents and other data. The building official is also authorized to prevent occupancy or use of a structure where in violation of this code or of any other ordinances of the ~~town~~[Town of South Palm Beach](#).

105.4.1 Permit intent. A permit issued shall be construed to be a license to proceed with the work and not as authority to violate, cancel, alter or set aside any of the provisions of the technical codes, nor shall issuance of a permit prevent the building official from thereafter requiring a correction of errors in plans, construction or violations of this code. Every permit issued shall become invalid unless the work authorized by such permit is commenced within six months after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of six months after the time the work is commenced.

105.4.1.1 If work has commenced and the permit is revoked, becomes null and void or expires because of lack of progress, expires because it has gone beyond the maximum time allowed pursuant to section 105.5.1 or because of abandonment, then a new permit, or revalidation of the original permit, covering the proposed construction shall be obtained before proceeding with the work. If no additional permit time extension is allowed by the town under section 105 regulations, then that permit shall become null and void and work under that permit that has already been commenced is subject to removal as provided by section 105.4.1.2.

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



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105.4.1.3 Work shall be considered to be in active progress when the permit has received an approved inspection within six months. This provision shall not be applicable in case of civil commotion or strike or when the building work is halted due directly to judicial injunction, order or similar process, or due to action by an environmental or archeological agency having jurisdiction in the ~~town~~[Town of South Palm Beach](#). The building official is authorized to grant, in writing, a one-time extension of time, for a period of not more than 90 days. The extension shall be requested in writing and justifiable cause demonstrated, at least two weeks prior to expiration. If such application for extension is not acted upon by the building official within two weeks, such application shall be deemed to be denied. Such denial of an application for extension of a building permit in whole or part may be appealed to the town council within ten days of the effective date of denial. Such timely appeal of a denial of an application for permit time extension will stay the expiration of such permit until the town council has considered it and acted upon it.

105.4.1.4 The fee for renewal, reissuance, and extension of a permit shall be set forth by the town council. There may be fees or requirements from other government agencies for permit extensions and renewals. Notwithstanding the normal fees for renewal, reissuance or extension of a permit, any second or subsequent permit time extension approved by the town council shall cause the applicant to incur additional fees and costs of ~~two~~[four](#) times the original permit fee; and should the applicant fail to timely complete the project by the extension date so granted, a penalty in the amount of \$200.00 per day ~~shall~~[may](#) automatically accrue and shall continue to accrue each day until completion. Such daily penalty amount accrued must be paid prior to the issuance of a certificate of occupancy, unless waived or reduced, in whole or part, by the town council after a written request ~~for~~ such consideration by the applicant has been received.

105.5 *Time limitation; expiration.*

105.5.1 Time limitation. Subject also to section 105.4.1 above, a building permit issued for construction activity shall be valid for 30 months, beginning from the date of the issuance of the first, and still applicable, construction permit that has been issued for such work.

105.5.2 Appeals for extension denials by the building official pursuant to section 105.4.1.3 above, requests for additional 90-day extensions beyond the granted one-time extension by the building official or requests for permit time extensions for periods longer than 90 days that must have been received not later than 30 days prior to the permit expiration date, will be considered and acted upon by the town council as soon [as](#) the appeal or request for longer extension time period can reasonably be placed on the council agenda for consideration and action. The town council, for good cause shown, may direct the building official to issue a permit extension not to exceed six months, from its original date of expiration, which extension may be conditioned on protections appropriate for the best interest of the town, its residents, or their health, safety or general welfare. Such town council decision shall be considered final.

105.5.3 Upon expiration of all or any portion of any building permit, all related town development permit approvals concerning the building project shall simultaneously expire.

[105.5.4 Additional options for closing a permit. Pursuant to F.S. § 553.79\(15\), a property owner, regardless of whether the property owner is the one listed on the application for the](#)

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building permit, may close a building permit by complying with the following requirements:

1. The property owner may retain the original contractor listed on the permit or hire a different contractor appropriately licensed in this state to perform the work necessary to satisfy the conditions of the permit and to obtain any necessary inspection in order to close the permit. If a contractor other than the original contractor listed on the permit is hired by the property owner to close the permit, such contractor is not liable for any defects in the work performed by the original contractor and is only liable for the work that he or she performs.

2. The property owner may assume the role of an owner-builder, in accordance with F.S. § 489.103(7) and § 489.503(6).

3. If a building permit is expired and its requirements have been substantially completed, as determined by the local enforcement agency, the permit may be closed without having to obtain a new building permit, and the work required to close the permit may be done pursuant to the building code in effect at the time the local enforcement agency received the application for the permit, unless the contractor has sought and received approval from the local enforcement agency for an alternative material, design or method of construction.

4. A local enforcement agency may close a building permit 6 years after the issuance of the permit, even in the absence of a final inspection, if the local enforcement agency determines that no apparent safety hazard exists.

For purposes of this section, the term “close” means that the requirements of the permit have been satisfied.

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

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105.6.1 Misrepresentation of application. The building official may revoke a permit or approval, issued under the provisions of this code, in case there has been any false statement or misrepresentation as to the material fact in the application or plans on which the permit or approval was based.

105.6.2 Violation of code provisions. The building official may require correction or revoke the permit upon determination by the building official that the construction, erection, alteration, repair, moving, demolition, installation, or replacement of the building,

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structure, electrical, gas, mechanical or plumbing systems for which the permit was issued is in violation of, or not in conformity with, the provisions of this code.

105.6.3 Arms Length Purchaser - Pursuant to F.S. § 553.79(16), a

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

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

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

No work shall begin until after a permit has been issued except as otherwise provided in this code.

105.8 *Notice of commencement.* In accordance with F.S. § 713.135, when any person applies for a building permit, the authority issuing such permit shall print on the face of each permit card in no less than 14-point, capitalized, boldfaced type:

"WARNING TO OWNER: YOUR FAILURE TO RECORD A NOTICE OF COMMENCEMENT MAY RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY. A NOTICE OF COMMENCEMENT MUST BE RECORDED AND POSTED ON THE JOB SITE BEFORE THE FIRST INSPECTION. IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN ATTORNEY BEFORE RECORDING YOUR NOTICE OF COMMENCEMENT."

105.9 *Asbestos.* The enforcing agency shall require each building permit for the demolition or renovation of an existing structure to contain an asbestos notification statement which indicates the owner's or operator's responsibility to comply with the provisions of F.S. § 469.003 and to notify the department of environmental protection of his intentions to remove asbestos, when applicable, in accordance with state and federal law. Refer to section 105.3.6, asbestos removal, for additional requirements.

105.10 *Certificate of protective treatment for prevention of termites.* A weather-resistant job-site posting board shall be provided to receive duplicate treatment certificates as each required protective treatment is completed, supplying one copy for the person the permit is issued to and another copy for the building permit files. The treatment certificate shall provide the product used, identity of the applicator, time and date of the treatment, site location, area treated,

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chemical used, percent concentration and number of gallons used, to establish a verifiable record of protective treatment. If the soil chemical barrier method for termite prevention is used, final exterior treatment shall be completed prior to final building approval. For a bait system, see section 1816.1.7 of the Florida Building Code for contract document requirements.

- 105.11 *Notice of termite protection.* A permanent sign which identifies the termite treatment provider and need for reinspection and treatment contract renewal shall be provided. The sign shall be posted near the water heater or electric panel.
- 105.12 *Work starting before permit issuance.* Upon written request and approval of the building official, the scope of work delineated in the building permit application and plan may be started prior to the final approval and issuance of the permit, provided any work completed is entirely at the risk of the permit applicant and the work does not proceed past the first required inspection. This provision is only for the Florida Building Code, all other agency approvals necessary for construction must be secured prior to this provision being applied.
- 105.13 *Phased permit approval.* After submittal of the appropriate construction documents, the building official is authorized to issue a permit for the construction of foundations or any other part of a building or structure before the construction documents for the whole building or structure have been submitted. The holder of such permit for the foundation or other parts of a building or structure shall proceed at the holder's own risk with the building operation and without assurance that a permit for the entire structure will be granted. Corrections may be required to meet the requirements of the technical codes. This provision is only for the Florida Building Code; all other agency approvals necessary for construction must be secured prior to this provision being applied.
- 105.14 *Permit issued on basis of an affidavit.* The building official may accept a sworn affidavit from a registered architect or engineer stating that the plans submitted conform to the technical codes. For buildings and structures, the affidavit shall state that the plans conform to the laws as to egress, type of construction and general arrangement and, if accompanied by drawings, show the structural design and that the plans and design conform to the requirements of the technical codes as to strength, stresses, strains, loads and stability. Whenever a permit is issued in reliance upon an affidavit or whenever the work to be covered by a permit involves installation under conditions which, in the opinion of the building official, are hazardous or complex, the building official shall require that the architect or engineer who signed the affidavit or prepared the drawings or computations shall ~~inspect-supervise~~ such work. The building official may without any examination or inspection accept such affidavit, provided the architect or engineer who made such affidavit agrees to submit to the building official copies of inspection reports as inspections are performed. In addition, the ~~architect or engineer~~ shall certify conformity to the permit, and upon completion of the structure, electrical, gas, mechanical or plumbing systems make and file with the building official written affidavit that the work has been done in conformity to the reviewed plans and that the structure, electrical, gas, mechanical or plumbing system has been erected in accordance with the requirements of the technical codes. Where the building official relies upon such affidavit, the architect or engineer shall assume full responsibility for compliance with all provisions of the technical codes and other pertinent laws or ordinances. In the event such architect or engineer is not available, the owner shall employ in his stead a competent person or agency whose qualifications are reviewed by the building official. The building official shall ensure that any person conducting plans review is qualified as a plans examiner under F.S. ch. 468, pt. XII (F.S. § 468.601 et seq.), and that any person conducting

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inspections is qualified as a building inspector under F.S. ch. 468, pt. XII. Nothing aforesaid shall preclude plan review or inspections by the building official.

~~Exception:-~~ 105.14.1 Affidavits in flood hazard areas. Permits issued on the basis of an affidavit shall not extend to the flood load and flood resistance requirements of the Florida Building Code and the building official shall review and inspect those requirements.

105.15 *Opening protection.* When any activity requiring a building permit, not including roof covering replacement or repair work associated with the prevention of degradation of the residence, ~~that is applied for on or after July 1, 2008,~~ and for which the estimated cost is \$50,000.00 or more for a site built single-family detached residential structure that is located in the wind borne debris region as defined in this code and that has an insured value of \$750,000.00 or more, or, if the site built single-family detached residential structure is uninsured or for which documentation of insured value is not presented, has a just valuation for the structure for purposes of ad valorem taxation of \$750,000.00 or more; opening protections as required within this code or Florida Building Code, Residential for new construction shall be provided.

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

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

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

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property has voluntarily consented to the inspection of that portion of the building, structure, or real property in accordance with the prohibition in paragraph (a).

4. Inspecting any portion of a building, structure, or real property pursuant to an inspection warrant issued in accordance with F.S. §§ 933.20—933.30.

105.17 *Streamlined low-voltage alarm system installation permitting.*

- (1) As used in this section, the term:
  - (a) "Contactor" means a person who is qualified to engage in the business of electrical or alarm system contracting pursuant to a certificate or registration issued by the department under F.S. ch. 489, pt. II (F.S. § 489.501 et seq.).
  - (b) "Low-voltage alarm system project" means a project related to the installation, maintenance, inspection, replacement or service of a new or existing alarm system, as defined in F.S. § 489.505, including video cameras and close-circuit television systems used to signal or detect a burglary, fire, robbery, or medical emergency, that is hardwired and operating at low voltage, as defined in the National Electrical Code Standard 70, Current Edition, or a new or existing low-voltage electric fence. The term also includes ~~and~~ ancillary components or equipment attached to a low-voltage alarm system or low-voltage electric fence such a system, including, but not limited to, home-automation equipment, thermostats, closed-circuit television systems access controls, battery recharging devices, and video cameras.
  - (c) "Low-voltage electric fence" means an alarm system, as defined in F.S. § 489.505, that consists of a fence structure and an energizer powered by a commercial storage battery not exceeding 12 volts which produces an electric charge upon contact with the fence structure.
  - (d) "Wireless alarm system" means a burglar alarm system or smoke detector that is not hardwired.
- (2) Notwithstanding any provision of this code, this section applies to all low-voltage alarm system projects for which a permit is required by a local enforcement agency. However, a permit is not required to install, maintain, inspect, replace, or service a wireless alarm system, including any ancillary components or equipment attached to the system.
- (3) —A low-voltage electric fence must meet all of the following requirements to be permitted as a low-voltage alarm system project and no further permit shall be required for the low-voltage alarm system project other than as provided in this section:
  - (a) The electric charge produced by the fence upon contact must not exceed energizer characteristics set forth in paragraph 22.108 and depicted in Figure 102 of International Electrotechnical Commission Standard No. 60335-2-76, Current Edition.
  - (b) A nonelectric fence or wall must completely enclose the low-voltage electric fence. The low-voltage electric fence may be up to 2 feet higher than the perimeter nonelectric fence or wall.
  - (c) The low-voltage electric fence must be identified using warning signs attached to the fence at intervals of not more than 60 feet.

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(d) The low-voltage electric fence shall not be installed in an area zoned exclusively for single-family or multi-family residential use.

(e) The low-voltage electric fence shall not enclose the portions of a property which are used for residential purposes.

- (4) This section does not apply to the installation or replacement of a fire alarm if a plan review is required.
- (5) A local enforcement agency shall make uniform basic permit labels available for purchase by a contractor to be used for the installation or replacement of new or existing alarm system at a cost as indicated in F.S. § 553.793. The local enforcement agency may not require the payment of any additional fees, charges, or expenses associated with the installation or replacement of a new or existing alarm.
- (a) A local enforcement agency may not require a contractor, as a condition of purchasing a label, to submit information other than identification information of the licensee and proof of registration or certification as a contractor.
  - (b) A label is valid for one year after the date of purchase and may only be used within the ~~Town of South Palm Beach town.~~ of the local enforcement agency that issued the label. A contractor may purchase labels in bulk for one or more unspecified current or future projects.
- (5) A contractor shall post an unused uniform basic permit label in a conspicuous place on the premises of the low-voltage alarm system project site before commencing work on the project.
- (6) A contractor is not required to notify the local enforcement agency before commencing work on a low-voltage alarm system project. However, a contractor must submit a Uniform Notice of Low-Voltage Alarm System Project as provided under subsection (7) to the local enforcement agency within 14 days after completing the project. A local enforcement agency may take disciplinary action against a contractor who fails to timely submit a Uniform Notice of a Low-Voltage Alarm System Project.
- (7) The Uniform Notice of a Low-Voltage Alarm System Project may be submitted electronically or by facsimile if all submissions are signed by the owner, tenant, contractor, or authorized representative of such persons. The Uniform Notice of a Low-Voltage Alarm System Project shall be in the format prescribed by the local enforcement agency and must comply with the requirements of F.S. § 553.793(7).
- (8) A low-voltage alarm system project may be inspected by the local enforcement agency to ensure compliance with applicable codes and standards. If a low-voltage alarm system project fails an inspection, the contractor must take corrective action as necessary to pass inspection.
- (9) A municipality, county, district, or other legal entity of local government may not adopt or maintain in effect ~~an~~ any ordinance or rule regarding a low-voltage alarm system project that is inconsistent with this section.
- (10) A uniform basic permit label shall not be required for the subsequent maintenance, inspection, or service of an alarm system that was permitted in accordance with this section. The provisions of this act are not intended to impose new or additional licensure

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requirements on persons licensed in accordance with the applicable provisions of F.S. ch. 489.

SECTION 106. FLOOR AND ROOF DESIGN LOADS.

106.1 *Live loads posted.* Where the live loads for which each floor or portion thereof of a commercial or industrial building is or has been designed to exceed 50 psf (2.40 kN/m<sup>2</sup>), such design live loads shall be conspicuously posted by the owner in that part of each story in which they apply, using durable signs. It shall be unlawful to remove or deface such notices.

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

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

SECTION 107. SUBMITTAL DOCUMENTS.

107.1 General. Submittal documents consisting of construction documents, statement of special inspections, geotechnical report and other data shall be submitted in two or more sets with each permit application [and in accordance with F.S. § 553.79](#). The construction documents shall be prepared by a registered design professional where required by F.S. ch. 471 and 61G15 Florida Administrative Code or F.S. ch. 481 and 61G1 Florida Administrative Code. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional. Electronic media documents shall be submitted when required by the building official, and may require only one set of submittals.

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

107.2 *Construction documents.* Construction documents shall be in accordance with sections 107.2.1 through 107.2.5.

107.2.1 Information on construction documents. Construction documents shall be dimensioned and drawn upon suitable material. Electronic media documents shall be submitted when approved by the building official. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations, as determined by the building official. Such drawings and specifications shall contain information, in the form of notes or otherwise, as to the quality of materials, where quality is essential to conformity with the technical codes. Such information shall be specific, and the technical codes shall not be cited as a whole or in part, nor shall the term "legal" or its equivalent be used as a substitute for specific information. All information, drawings, specifications and accompanying data shall bear the name and signature of the person responsible for the design. (See also section 107.3.5).

107.2.1.1 For roof assemblies required by the code. The construction documents shall illustrate, describe and delineate the type of roofing system, materials, fastening requirements, flashing requirements and wind resistance rating that are required to be installed. Product evaluation and installation shall indicate compliance with the



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wind criteria required for the specific site or a statement by an architect or engineer for the specific site must be submitted with the construction documents.

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

107.2.1.3 Quality of building plans. Building plans shall be drawn to a minimum one-eighth-inch scale upon substantial paper, cloth or other acceptable medium. The building official may establish through departmental policy, other standards for plans and specifications, in order to provide conformity to its record retention program. This policy may include such things as minimum size, shape, contrast, clarity, or other items related to records management. Electronic media must be compatible with the archive requirements of Florida Statutes.

107.2.2 Fire protection system shop drawings. Shop drawings for the fire protection system shall be submitted to indicate conformance to this code and the construction documents and shall be approved prior to the start of system installation. Shop drawings shall contain all information as required by the referenced installation standards in chapter 9-[of the Florida Building Code](#).

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

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

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

[107.2.6](#) Site plan. The construction documents submitted with the application for permit shall be accompanied by a site plan showing to scale the size and location of new construction and existing structures on the site, distances from lot lines, the established street grades and

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the proposed finished grades and, as applicable, flood hazard areas, floodways, and design flood elevations; and it shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot. The building official is authorized to waive or modify the requirement for a site plan when the application for permit is for alteration or repair or when otherwise warranted.

107.2.56.1 Design flood elevations. Where design flood elevations are not specified, they shall be established in accordance with section 1612.3.1.

107.2.56.2 For the purpose of inspection and record retention, site plans for a building may be maintained in the form of an electronic copy of the worksite. These plans must be open to inspection by the building official or a duly authorized representative, as required by the Florida Building Code.

[107.2.7 Structural information. The construction documents shall provide the information specified in Section 1603.](#)

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

Exceptions:

1. Building plans approved pursuant to F.S. § 553.77(3) and state-approved manufactured buildings are exempt from local codes enforcing agency plan reviews except for provisions of the code relating to erection, assembly or construction at the site. Erection, assembly (including utility crossover connections) and construction at the site are subject to local permitting and inspections. Photocopies of plans approved according to F.A.C. 98-1.009, shall be sufficient for local permit application documents of record for the modular building portion of the permitted project.
2. Industrial construction on sites where design, construction and fire safety are supervised by appropriate licensed design and inspection professionals and which contain adequate in-house fire departments and rescue squads is exempt, subject to approval by the building official, from review of plans and inspections, providing the appropriate licensed design and inspection professionals certify that applicable codes and standards have been met and supply appropriate approved drawings to local building and fire-safety inspectors.

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

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

107.3.3 Phased approval. The building official is authorized to issue a permit for the construction of foundations or any other part of a building or structure before the construction documents for the whole building or structure have been submitted, provided that adequate information and detailed statements have been filed complying with pertinent requirements of this code. The holder of such permit for the foundation or other parts of a building or structure shall proceed at the holder's own risk with the building operation and without assurance that a permit for the entire structure will be granted.

107.3.4 Design professional in responsible charge. When it is required that documents be prepared by a registered design professional, the building official shall be authorized to require the owner to engage and designate on the building permit application a registered design professional who shall act as the registered design professional in responsible charge. If the circumstances require, the owner shall designate a substitute registered design professional in responsible charge who shall perform the duties required of the original registered design professional in responsible charge. The building official shall be notified in writing by the owner if the registered design professional in responsible charge is changed or is unable to continue to perform the duties. [Successor registered design professional in responsible charge licensed under F.S. ch. 471 shall comply with F.S. § 471.025\(4\) and the procedure set forth in 61G15-27.001 Florida Administrative Code; or licensed under F.S. ch. 481 shall comply with F.S. § 481.221\(6\) and the procedure set forth in 61G1-18.002 Florida Administrative Code](#)

The registered design professional in responsible charge shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building. Those products which are regulated by ~~DCA Rule 61G20 9N+~~ [Florida Administrative Code](#) shall be reviewed and approved in writing by the designer of record prior to submittal for ~~Town of South Palm Beach~~[town](#) approval.

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

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

107.3.4.2 Certifications by contractors authorized under the provisions of F.S. § 489.115 shall be considered equivalent to sealed plans and specifications by a person licensed

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under F.S. ch. 471 or 481 by local enforcement agencies for plans review for permitting purposes relating to compliance with the wind-resistance provisions of the code or alternate methodologies approved by the Florida Building Commission for one- and two-family dwellings. Local enforcement agencies may rely upon such certification by contractors that the plans and specifications submitted conform to the requirements of the code for wind resistance. Upon good cause shown, local government code enforcement agencies may accept or reject plans sealed by persons licensed under F.S. ch. 471, 481 or 489.

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

107.3.5.1 Commercial Buildings:

107.3.5.1.1 Building.

1. Site requirements: Parking.  
Fire access.  
Vehicle loading.  
Driving/turning radius.  
Fire hydrant/water supply/post indicator valve (PIV).  
Setback/separation (assumed property lines).  
Location of specific tanks, water lines and sewer lines.  
Flood hazard areas, flood zones, and design flood elevations.
2. Occupancy group and special occupancy requirements shall be determined.
3. Minimum type of construction shall be determined (see Table 503).
4. Fire-resistant construction requirements shall include the following components:  
Fire-resistant separations.  
Fire-resistant protection for type of construction.  
Protection of openings and penetrations of rated walls.  
Fire blocking and draft stopping and calculated fire resistance.
5. Fire suppression systems shall include:  
Early warning smoke evacuation systems schematic fire sprinklers.  
Standpipes.  
Pre-engineered systems.

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Riser diagram.

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

Occupant load and egress capacities.

Early warning.

Smoke control.

Stair pressurization.

Systems schematic.

7. Occupancy load/egress requirements shall include:

Occupancy load.

Gross.

Net.

Means of egress.

Exit access.

Exit.

Exit discharge.

Stairs construction/geometry and protection.

Doors.

Emergency lighting and exit signs.

Specific occupancy requirements.

Construction requirements.

Horizontal exits/exit passageways.

8. Structural requirements shall include:

Soil conditions/analysis.

Termite protection.

Design loads.

Wind requirements.

Building envelope.

Structural calculations (if required).

Foundation. ;b7;Flood requirements in accordance with section 1612, including lowest floor elevations, enclosures, flood damage-resistant materials.

Wall systems.

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Floor systems.

Roof systems.

Threshold inspection plan.

Stair systems.

9. Materials shall be reviewed and shall, at a minimum, include the following:

Wood.

Steel.

Aluminum.

Concrete.

Plastic.

Glass.

Masonry.

Gypsum board and plaster.

Insulating (mechanical).

Roofing.

Insulation.

10. Accessibility requirements shall include the following:

Site requirements.

Accessible route.

Vertical accessibility.

Toilet and bathing facilities.

Drinking fountains.

Equipment.

Special occupancy requirements.

Fair housing requirements.

11. Interior requirements shall include the following:

Interior finishes (flame spread/smoke development).

Light and ventilation.

Sanitation.

12. Special systems:

Elevators.

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Escalators.

Lifts.

13. Swimming pools:

Barrier requirements.

Spas.

Wading pools.

107.3.5.1.2 Electrical.

1. Electrical:

Wiring.

Services.

Feeders and branch circuits.

Overcurrent protection.

Grounding.

Wiring methods and materials.

GFCIs.

2. Equipment.

3. Special occupancies.

4. Emergency systems.

5. Communication systems.

6. Low voltage.

7. Load calculations.

8. Design flood elevation.

107.3.5.1.3 Plumbing.

1. Minimum plumbing facilities.

2. Fixture requirements.

3. Water supply piping.

4. Sanitary drainage.

5. Water heaters.

6. Vents.

7. Roof drainage.

8. Back flow prevention.

9. Irrigation.

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10. Location of water supply line.
11. Grease traps.
12. Environmental requirements.
13. Plumbing riser.
14. Design flood elevation.

107.3.5.1.4 Mechanical.

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

107.3.5.1.5 Gas.

1. Gas piping.
2. Venting.
3. Combustion air.
4. Chimneys and vents.
5. Appliances.
6. Type of gas.



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7. Fireplaces.
8. LP tank location.
9. Design flood elevation.
10. Design flood elevation.

107.3.5.2 Demolition.

1. Asbestos removal.

107.3.5.3 Residential (One- and Two-Family).

1. Site requirements.

Setback/separation (assumed property lines).

Location of septic tanks.

2. Fire-resistant construction (if required).
3. Smoke detector locations.
4. Egress.

Egress window size and location stairs construction requirements.

5. Structural requirements shall include:

Wall section from foundation through roof, including assembly and materials connector tables.

Termite protection.

Design loads.

Wind requirements.

Building envelope.

Structural calculations (if required).

Foundation.

Wall systems.

Floor systems.

Roof systems.

6. Accessibility requirements: show/identify accessible bath.
7. Impact-resistant coverings or systems.
8. Flood hazard areas, flood zones, design flood elevations, lowest floor elevations, enclosures, equipment, and flood damage-resistant materials.
9. Electrical:

Electric service riser with wire sizes, conduit detail and grounding detail.

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Complete load calculations.

Panel schedules.

10. Mechanical:

Equipment and location.

Duct systems.

11. Plumbing:

Plumbing riser.

12. Gas:

Gas piping.

Venting.

Combustion air.

Chimneys and vents.

Appliances type of gas.

Fireplaces.

LP tank location.

Riser diagram/shutoffs.

13. Energy calculations.

107.3.5.4 Swimming pools.

1. Barrier requirements.

2. Spas.

3. Wading pools.

107.3.5.5 Exemptions.

Plans examination by the building official shall not be required for the following work:

1. Replacing existing equipment such as mechanical units, water heaters, etc.
2. Minor electrical, plumbing and mechanical repairs.
3. Annual maintenance permits.
4. Prototype plans: except for local site adaption, siding, foundations and/or modifications. Except for structures that require waiver.
5. Manufactured buildings plan except for foundations and modifications of buildings on site.

107.4 *Amended construction documents.* Work shall be installed in accordance with the approved construction documents, and any changes made during construction that are not in compliance

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with the approved construction documents shall be resubmitted for review as an amended set of construction documents.

107.5 *Retention of construction documents.* One set of approved construction documents shall be retained by the building official as required by Florida Statutes.

107.6 *Affidavits.* The building official may accept a sworn affidavit from a registered architect or engineer stating that the plans submitted conform to the technical codes. For buildings and structures, the affidavit shall state that the plans conform to the laws as to egress, type of construction and general arrangement and, if accompanied by drawings, show the structural design and that the plans and design conform to the requirements of the technical codes as to strength, stresses, strains, loads and stability. The building official may without any examination or inspection accept such affidavit, provided the architect or engineer who made such affidavit agrees to submit to the building official copies of inspection reports as inspections are performed and upon completion of the structure, electrical, gas, mechanical or plumbing systems, a certification that the structure, electrical, gas, mechanical or plumbing system has been erected in accordance with the requirements of the technical codes. Where the building official relies upon such affidavit, the architect or engineer shall assume full responsibility for compliance with all provisions of the technical codes and other pertinent laws or ordinances. The building official shall ensure that any person conducting plans review is qualified as a plans examiner under F.S. ch. 468, pt. XII (F.S. § 468.601 et seq.) and that any person conducting inspections is qualified as a building inspector under F.S. ch. 468, pt. XII.

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.

[107.6.2 Affidavits provided pursuant to F.S. § 553.791. For a building or structure in a flood hazard area, the building official shall review any affidavit certifying compliance with the flood load and flood-resistant construction requirements of the Florida Building Code.](#)

[107.7 If the local building code administrator or inspector finds that the plans are not in compliance with the Florida Building Code, the local building code administrator or inspector shall identify the specific plan features that do not comply with the applicable codes, identify the specific code chapters and sections upon which the finding is based, and provide this information to the local enforcing agency. If the building code administrator, plans examiner, or inspector requests another local enforcing agency employee or a person contracted by the local enforcing agency to review the plans and that employee or person identifies specific plan features that do not comply with the applicable codes, the building code administrator, plans examiner, or inspector must provide this information to the local enforcing agency. The local enforcing agency shall provide this information to the permit applicant.](#)

SECTION 108. TEMPORARY STRUCTURES AND USES.

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

108.2 *Conformance.* Temporary structures and uses shall ~~conform to the structural strength, fire safety, means of egress, accessibility, light, ventilation and sanitary requirements of this code as necessary to ensure public health, safety and general welfare.~~ [comply with the requirements in Section 3103.](#)

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

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

SECTION 109. FEES.

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

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

109.3 *Building permit valuations.* [The applicant for a permit shall provide an estimated permit value at time of application.](#) If, in the opinion of the building official, the claimed valuation of building, alteration, structure, electrical, gas, mechanical or plumbing systems appears to be underestimated on the application, the permit shall be denied, unless the applicant can show detailed, quantity estimates, and/or bona fide signed contracts (excluding land value) to meet the approval of the building official. For permitting purposes, valuation of buildings and systems shall be total replacement value to include structural, electric, plumbing, mechanical, interior finish, relative site work, architectural and design fees, marketing costs, overhead and profit; excluding only land value. Valuation references may include the latest published data of national construction cost analysis services (Marshall-Swift, Means, etc.), as published by the International Code Congress. Final building permit valuation shall be set by the building official.

109.4 *Work commencing before permit issuance.* Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the building official's approval or the necessary permits shall be subject to a penalty fee in addition to the required permit fees, as set in the approved schedule of fees or as provided by local ordinance. This provision shall not apply to emergency work when delay would clearly have placed life or property in imminent danger. But in all such cases, there should be immediate notification to the building official and the required permits must be applied for within three business days and unreasonable delay in obtaining those permits shall result in the charge of a penalty fee. The payment of a penalty fee shall not preclude or be deemed a substitute for prosecution for commencing work without first obtaining a permit. The building official may grant extensions of time or adjust penalties when justification cause has been demonstrated in writing.

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

109.6 *Refunds.* The building official is authorized to establish a refund policy.

SECTION 110. INSPECTIONS.

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

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

110.1.2 Other inspections and services. The building official may make, or cause to be made by others, the inspections required by this section of this code. The building official may accept reports of inspectors of recognized inspection services, provided that after investigation, he is satisfied as ~~to~~ their qualifications and reliability. A certificate called for by any provision of the technical codes shall not be based on such reports unless the same are in writing and certified by a responsible officer of such service. The building official shall ensure that all persons making such inspections shall be certified in accordance with Chapter 468 Florida Statutes; or licensed under F.S. Ch. 471 or 481.

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

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

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Such inspectors shall be adequately present at times work is underway on the structural elements of the building. Such ~~inspectors~~ [an inspector](#) shall be a registered architect or engineer. An employee of the architect or engineer licensed under F.S. ch. 468, pt. XII (F.S. 468.601 et seq.), may perform the inspections, under the direction of and with final certification from the architect or engineer. Such inspectors shall submit weekly progress reports including the daily inspections to the building official, and including a code compliance opinion of the residential inspector.

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

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

110.1.3.1 [Exception](#). Affidavits for inspection may not be utilized for inspection of specific construction requirements contained in 44 CFR, §§ 59 and 60 and a local floodplain management ordinance for construction located in special flood hazard areas.

110.2 *Preliminary inspection*. Subject to the limitations of F.S. ch. 553, before issuing a permit, the building official is authorized to examine or cause to be examined buildings, structures and sites for which an application has been filed.

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

110.3 *Required inspections*. The building official, upon notification from the permit holder or his agent, shall make the following inspections, and such other inspections as deemed necessary, and shall either release that portion of the construction or shall notify the permit holder or his agent of any violations which must be corrected in order to comply with the technical codes. The building

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official shall determine the timing and sequencing of when inspections occur and what elements are inspected at each inspection. A complete survey or special purpose survey may be required before an inspection is approved.

A. Building.

1. Foundation inspection. To be made after trenches are excavated and forms erected and required reinforcing steel is in place and shall, at a minimum, include the following building components:

- Stem-wall.
- Monolithic slab-on-grade.
- Pilings and pile caps.
- Footings/grade beams.

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

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

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

2. Construction inspections.

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

2.2 Sheathing inspection. To be made either as part of a dry-in inspection or done separately at the request of the contractor after all roof and wall sheathing and fasteners are complete and shall, at a minimum, include the following building components:

- Roof sheathing.
- Wall sheathing.
- Floor sheathing.
- Sheathing fasteners.

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- Roof/wall dry-in.
- Gypsum board, as required.
- Sheathing/cladding inspection.

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

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

- Window/door framing and installation. Verify rough opening dimensions are within tolerances, buck and attachments.
- [Window U-factor/SHGC as indicated on approved energy calculations](#)
- [Window/door buck attachment](#)
- [Vertical cells/columns complete, if applicable](#)

- Lintel/tie beams complete, if applicable.
- Framing/trusses/bracing/connectors (including truss layout drawings).
- Draft stopping/fire blocking.
- Curtain wall framing.
- Fire resistant assemblies, joints and penetrations, as required.
- Accessibility.

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

- Dry-in.
- Insulation.
- Roof coverings (including in-progress).
- Flashing.

4. Energy insulation, thermal and ignition barriers.

[5. Exterior wall coverings. Shall at a minimum include the following building components in progress inspections:](#)

- [Exterior wall coverings and veneers](#)
- [Soffit coverings](#)



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

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

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

6.1. Lowest floor elevation. In flood hazard areas, as part of the final inspection, a final certification of the lowest floor elevation [or the elevation to which a building is dry floodproofed, as applicable](#), shall be submitted to the ~~Town of South Palm Beach~~[town](#).

87. Swimming pool inspection.

- First inspection to be made after excavation and installation of reinforcing steel, bonding and main drain, and prior to placing of concrete shell.
- Underground electric inspection.
- Underground piping inspection including a pressure test.
- Deck inspection to be made prior to installation of the deck material (with forms, deck drains, and any reinforcement in place).
- Final electric inspection to be made prior to filling the swimming pool with water.
- Final permanent barrier inspection is to be made prior to filling the swimming pool with water.
- In order to pass final inspection and receive a certificate of completion, a residential swimming pool must meet the requirements relating to pool safety features as described in section 424.2.17 [of this code](#).
- Final inspection to be made when the swimming pool is complete and all required enclosure requirements are in place.

98. Demolition inspections.

- First inspection to be made after all utility connections have been disconnected and secured in such manner that no unsafe or unsanitary conditions shall exist during or after demolition operations.
- Final inspection to be made after all demolition work is completed.

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

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

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

B. Electrical.

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

C. Plumbing.

1. Underground inspection. To be made after trenches or ditches are excavated, piping is installed, and before any backfill is put in place.
2. Rough-in inspection. To be made after the roof, framing, fire-blocking and bracing is in place and all soil, waste and vent piping is complete, and prior to the is installation of insulation (if applicable), or wall or ceiling membranes.
3. Final inspection. To be made after the building is complete, all plumbing fixtures are in place and properly connected, and the structure is ready for occupancy.

Note: See section 312 of the Florida Building Code, Plumbing, for required tests.

D. Mechanical.

1. Underground inspection. To be made after trenches or ditches are excavated, underground duct and fuel piping is installed, and before any backfill is put in place.

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2. Rough-in inspection. To be made after the building is dried-in, framing, fire-blocking and bracing are in place and all ducting, and other concealed components are complete, and prior to the installation of insulation (if applicable), or wall or ceiling membranes. [Includes mechanical provisions of the energy code and approved energy calculations provisions.](#)
3. Final inspection. To be made after the building is complete, the mechanical system is in place and properly connected, and the structure is ready for occupancy.

E. Gas.

1. Rough piping inspection. To be made after all new piping authorized by the permit has been installed, and before any such piping has been covered or concealed or any fixtures or gas appliances have been connected.
2. Final piping inspection. To be made after all piping authorized by the permit has been installed and after all portions which are to be concealed by plastering or otherwise have been so concealed, and before any fixtures or gas appliances have been connected. This inspection shall include a pressure test.
3. Final inspection. To be made on all new gas work authorized by the permit and such portions of existing systems as may be affected by new work or any changes, to ensure compliance with all the requirements of this code and [to assure that the installation and construction of the gas system is](#) in accordance with reviewed plans.

F. Site debris.

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

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

110.3.2 Concrete slab and under-floor inspection. (Reserved.)

110.3.3 Lowest floor elevation. (Reserved.)

110.3.4 Frame inspection. (Reserved.)

110.3.5 Lath and gypsum board inspection. (Reserved.)

110.3.6 Fire- and smoke-resistant penetrations. Protection of joints and penetrations in fire-resistance-rated assemblies, smoke barriers and smoke partitions shall not be concealed from view until inspected and approved.

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

110.3.8 Energy efficiency inspections. Inspections shall be made to determine compliance with FBC, Energy Conservation and confirm with the approved energy code submittal (by appropriate trade) and corresponding mandatory requirements and shall include, but not be limited to, inspections for: corresponding envelope insulation R- and U-values, fenestration U-value, and Solar Heat Gain Coefficient, duct system R-value, and HVAC~~with chapter 13 and shall include, but not be limited to, inspections for envelope insulation R- and U-values, fenestration U-value, duct system R-value, and HVAC and water heating equipment efficiency.~~

110.3.~~89~~ Reserved Other Inspections. In addition to the inspections specified in Sections 110.3 through 110.3.8, the building official is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this code and other laws that are enforced by the Building Division.

110.3.~~109~~ Special Inspections. (Reserved.)

110.3.~~110~~ Inspections prior to issuance of certificate of occupancy or completion. The building official shall inspect or cause to be inspected, at various intervals, all construction or work for which a permit is required, and a final inspection shall be made of every building, structure, electrical, gas, mechanical or plumbing system upon completion, prior to the issuance of the certificate of occupancy or certificate of completion. In performing inspections, the building official shall give first priority to inspections of the construction, addition, or renovation to, any facilities owned or controlled by a state university, state community college or public school district.

110.3.11.1 Flood Hazard Documentation. If located in a flood hazard area, documentation as required in Section 1612.5 of the Florida Building Code, Building; or Section R322 of the Florida Building Code, Residential, shall be submitted to the building official prior to the final inspection.

110.3.11.2 Commercial Energy Code documentation. If required by energy code path submittal, confirmation that commissioning result requirements have been received by building owner.

110.3.11.3 Residential Energy Code documentation. If required by energy code path submittal (R405), confirmation that the envelope and duct test requirements shall be received by building official.

110.3.~~121~~ Termites. Building components and building surroundings required to be protected from termite damage in accordance with section 1503.~~76~~, section 2304.~~12.613~~ or section 2304.~~12.2.811-6~~, specifically required to be inspected for termites in accordance with section 2114, or required to have chemical soil treatment in accordance with section 1816 shall not be covered or concealed until the release from the building official has been received. (Also refer to sections 105.10 and 105.11.)

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110.3.13~~2~~ Impact-resistant coverings or systems. Where impact-resistant coverings or systems are installed to meet requirements of this code, the building official shall schedule adequate inspection of impact-resistant coverings or systems to determine the following:

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

110.3.14~~3~~ Reinforcing steel and structural frames. Reinforcing steel or structural frame work of any part of any building or structure shall not be covered or concealed without first obtaining a release from the building official. Certification that field welding and structural bolted connections meet design requirements shall be submitted to the building official upon request.

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

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

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

110.7 *Shoring.* For threshold buildings, (any building which is greater than three stories or 50 feet in height, or which has an assembly occupancy classification as defined in the Florida Building Code which exceeds 5,000 square feet in area and an occupant content of greater than 500 persons), shoring and associated formwork or falsework shall be designed and inspected by a Florida-licensed professional engineer, employed by the permit holder or subcontractor, prior to any required mandatory inspections by the threshold building inspector.

110.8 *Threshold building.*

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

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110.8.2 The special inspector shall determine that a professional engineer who specializes in shoring design has inspected the shoring and reshoring for conformance with the shoring and reshoring plans submitted to the enforcing agency. A fee simple title owner of a building, which does not meet the minimum size, height, occupancy, occupancy classification or number-of-stories criteria which would result in classification as a threshold building under F.S. § 553.71, may designate such building as a threshold building, subject to more than the minimum number of inspections required by the Florida Building Code.

110.8.3 The fee owner of a threshold building shall select and pay all costs of employing a special inspector, but the special inspector shall be responsible to the enforcement agency. The inspector shall be a person certified, licensed or registered under F.S. ch. 47 as an engineer or under F.S. ch. 481 as an architect.

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

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

110.8.4.2 Any proposal to install an alternate structural product or system to which building codes apply shall be submitted to the enforcement agency for review for compliance with the codes and made part of the enforcement agency's recorded set of permit documents.

110.8.4.3 All shoring and reshoring procedures, plans and details shall be submitted to the enforcement agency for recordkeeping. Each shoring and reshoring installation shall be supervised, inspected and certified to be in compliance with the shoring documents by the contractor.

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

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

110.8.6 The building department may allow a special inspector to conduct the minimum structural inspection of threshold buildings required by this code ~~and, section F.S. § 553.73, Florida Statutes,~~ without duplicative inspection by the building department. The building official is responsible for ensuring that any person conducting inspections is qualified as a building inspector under F.S. ch. 468, pt. XII (F.S. § 468.601 et seq.), or certified as a special

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inspector under F.S. § 471 or 481. Inspections of threshold buildings required by F.S. § 553.79(5) are in addition to the minimum inspections required by this code.

110.9 Mandatory structural inspections for condominium and cooperative buildings.

110.9.1 General. The Legislature finds that maintaining the structural integrity of a building throughout the life of the building is of paramount importance in order to ensure that buildings are structurally sound so as to not pose a threat to the public health, safety, or welfare. As such, the Legislature finds that the imposition of a statewide structural inspection program for aging condominium and cooperative buildings in this state is necessary to ensure that such buildings are safe for continued use.

110.9.2. As used in this section, the terms:

- (a) "Milestone inspection" means a structural inspection of a building, including an inspection of load-bearing elements and the primary structural members and primary structural systems as those terms are defined in F.S. § 627.706 by an architect licensed under chapter 481 or engineer licensed under chapter 471 authorized to practice in this state for the purposes of attesting to the life safety and adequacy of the structural components of the building and, to the extent reasonably possible, determining the general structural condition of the building as it affects the safety of such building, including a determination of any necessary maintenance, repair, or replacement of any structural component of the building. The purpose of such inspection is not to determine if the condition of an existing building is in compliance with the Florida Building Code or the firesafety code. The milestone inspection services may be provided by a team of professionals with an architect or engineer acting as a registered design professional in responsible charge with all work and reports signed and sealed by the appropriate qualified team member.
- (b) "Substantial structural deterioration" means substantial structural distress or substantial structural weakness that negatively affects a building's general structural condition and integrity. The term does not include surface imperfections such as cracks, distortion, sagging, deflections, misalignment, signs of leakage, or peeling of finishes unless the licensed engineer or architect performing the phase one or phase two inspection determines that such surface imperfections are a sign of substantial structural deterioration.

110.9.3. (a) An owner or owners of a building that is three stories or more in height as determined by the Florida Building Code and that is subject, in whole or in part, to the condominium or cooperative form of ownership as a residential condominium under F.S. ch. 718 or a residential cooperative under F.S. ch. 719 must have a milestone inspection performed by December 31 of the year in which the building reaches 30 years of age, based on the date the certificate of occupancy for the building was issued, and every 10 years thereafter. If a building reached 30 years of age before July 1, 2022, the building's initial milestone inspection must be performed before December 31, 2024. If a building reaches 30 years of age on or after July 1, 2022, and before December 31, 2024, the

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building's initial milestone inspection must be performed before December 31, 2025. If the date of issuance for the certificate of occupancy is not available, the date of issuance of the building's certificate of occupancy shall be the date of occupancy evidenced in any record of the local building official.

(b) The local enforcement agency may determine that local circumstances, including environmental conditions such as proximity to salt water as defined in F.S. § 379.101, require that a milestone inspection must be performed by December 31 of the year in which the building reaches 25 years of age, based on the date the certificate of occupancy for the building was issued, and every 10 years thereafter.

(c) The local enforcement agency may extend the date by which a building's initial milestone inspection must be completed upon a showing of good cause by the owner or owners of the building that the inspection cannot be timely completed if the owner or owners have entered into a contract with an architect or engineer to perform the milestone inspection and the inspection cannot reasonably be completed before the deadline or other circumstance to justify an extension.

(d) The local enforcement agency may accept an inspection report prepared by a licensed engineer or architect for a structural integrity and condition inspection of a building performed before July 1, 2022, if the inspection and report substantially comply with the requirements of this section. Notwithstanding when such inspection was completed, the condominium or cooperative association must comply with the unit owner notice requirements in Section 110.9.9. The inspection for which an inspection report is accepted by the local enforcement agency under this paragraph is deemed a milestone inspection for the applicable requirements in chapters 718 and 719. If a previous inspection and report is accepted by the local enforcement agency under this paragraph, the deadline for the building's subsequent 10-year milestone inspection is based on the date of the accepted previous inspection.

110.9.4. The milestone inspection report must be arranged by a condominium or cooperative association and any owner of any portion of the building which is not subject to the condominium or cooperative form of ownership. The condominium association or cooperative association and any owner of any portion of the building which is not subject to the condominium or cooperative form of ownership are each responsible for ensuring compliance with the requirements of this section. The condominium association or cooperative association is responsible for all costs associated with the milestone inspection attributable to the portions of a building which the association is responsible to maintain under the governing documents of the association. This section does not apply to a single-family, two-family, or three-family dwelling with three or fewer habitable stories above ground.

110.9.5. Upon determining that a building must have a milestone inspection, the local enforcement agency must provide written notice of such required inspection to the condominium association or cooperative association and any owner of any



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portion of the building which is not subject to the condominium or cooperative form of ownership, as applicable, by certified mail, return receipt requested. The condominium or cooperative association must notify the unit owners of the required milestone inspection within 14 days after receipt of the written notice from the local enforcement agency and provide the date that the milestone inspection must be completed. Such notice may be given by electronic submission to unit owners who consent to receive notice by electronic submission or by posting on the association's website.

110.9.6. Phase one of the milestone inspection must be completed within 180 days after the owner or owners of the building receive the written notice under Section 110.9.5. For purposes of this section, completion of phase one of the milestone inspection means the licensed engineer or architect who performed the phase one inspection submitted the inspection report by e-mail, United States Postal Service, or commercial delivery service to the local enforcement agency.

110.9.7. A milestone inspection consists of two phases:

110.9.7.1. For phase one of the milestone inspection, a licensed architect or engineer authorized to practice in this state shall perform a visual examination of habitable and nonhabitable areas of a building, including the major structural components of a building, and provide a qualitative assessment of the structural conditions of the building. If the architect or engineer finds no signs of substantial structural deterioration to any building components under visual examination, phase two of the inspection, as provided in Section 110.9.7.2, is not required. An architect or engineer who completes a phase one milestone inspection shall prepare and submit an inspection report pursuant to Section 110.9.8.

110.9.7.2. A phase two of the milestone inspection must be performed if any substantial structural deterioration is identified during phase one. A phase two inspection may involve destructive or nondestructive testing at the inspector's direction. The inspection may be as extensive or as limited as necessary to fully assess areas of structural distress in order to confirm that the building is structurally sound and safe for its intended use and to recommend a program for fully assessing and repairing distressed and damaged portions of the building. When determining testing locations, the inspector must give preference to locations that are the least disruptive and most easily repairable while still being representative of the structure. If a phase two inspection is required, within 180 days after submitting a phase one inspection report the architect or engineer performing the phase two inspection must submit a phase two progress report to the local enforcement agency with a timeline for completion of the phase two inspection. An inspector who completes a phase two milestone inspection shall prepare and submit an inspection report pursuant to Section 110.9.8.

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110.9.8. Upon completion of a phase one or phase two milestone inspection, the architect or engineer who performed the inspection must submit a sealed copy of the inspection report with a separate summary of, at minimum, the material findings and recommendations in the inspection report to the condominium association or cooperative association, to any other owner of any portion of the building which is not subject to the condominium or cooperative form of ownership, and to the *building official* of the local government which has jurisdiction. The inspection report must, at a minimum, meet all of the following criteria:

- (a) Bear the seal and signature, or the electronic signature, of the licensed engineer or architect who performed the inspection.
- (b) Indicate the manner and type of inspection forming the basis for the inspection report.
- (c) Identify any substantial structural deterioration, within a reasonable professional probability based on the scope of the inspection, describe the extent of such deterioration, and identify any recommended repairs for such deterioration.
- (d) State whether unsafe or dangerous conditions, as those terms are defined in the Florida Building Code, were observed.
- (e) Recommend any remedial or preventive repair for any items that are damaged but are not substantial structural deterioration.
- (f) Identify and describe any items requiring further inspection.

110.9.9. Within 45 days after receiving the applicable inspection report, the condominium or cooperative association must distribute a copy of the inspector-prepared summary of the inspection report to each condominium unit owner or cooperative unit owner, regardless of the findings or recommendations in the report, by United States mail or personal delivery at the mailing address, property address, or any other address of the owner provided to fulfill the association's notice requirements under chapter 718 or chapter 719, as applicable, and by electronic transmission to the e-mail address or facsimile number provided to fulfill the association's notice requirements to unit owners who previously consented to receive notice by electronic transmission; must post a copy of the inspector-prepared summary in a conspicuous place on the condominium or cooperative property; and must publish the full report and inspector-prepared summary on the association's website, if the association is required to have a website.

110.9.10. A local enforcement agency may prescribe timelines and penalties with respect to compliance with this section.

110.9.11. A board of county commissioners or municipal governing body may adopt an ordinance requiring that a condominium or cooperative association and any other owner that is subject to this section schedule or commence repairs for substantial structural deterioration within a specified timeframe after the local enforcement agency receives a phase two inspection report; however, such repairs must commence within 365 days after receiving such report. If an owner of the building fails to submit proof to the local enforcement agency that repairs have been scheduled or have commenced for substantial structural deterioration identified in a phase two inspection report within the required timeframe, the local enforcement agency must review and determine if the building is unsafe for human occupancy.

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110.9-10 *Impact of construction.* All construction activity regulated by this code shall be performed in a manner so as not to adversely impact the condition of adjacent property, unless such activity is permitted to affect said property pursuant to a consent granted by the applicable property owner, under terms or conditions agreeable to the applicable property owner. This includes, but is not limited to, the control of dust, noise, water or drainage runoffs, debris, and the storage of construction materials. New construction activity shall not adversely impact legal historic surface water drainage flows serving adjacent properties, and may require special drainage design complying with engineering standards to preserve the positive drainage patterns of the affected sites. Accordingly, developers, contractors and owners of all new residential development, including additions, pools, patios, driveways, decks or similar items, on existing properties resulting in a significant decrease of permeable land area on any parcel or has altered the drainage flow on the developed property shall, as a permit condition, provide a professionally prepared drainage plan clearly indicating compliance with this paragraph. Upon completion of the improvement, a certification from a licensed professional shall be submitted to the inspector in order to receive approval of the final inspection.

SECTION 111. CERTIFICATES OF OCCUPANCY AND COMPLETION.

111.1 *Use and occupancy.* No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made, until the building official has issued a certificate of occupancy therefor as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the ~~Town of South Palm Beach~~ [town](#). Said certificate shall not be issued until all required electrical, gas, mechanical, plumbing and fire protection systems have been inspected for compliance with the technical codes and other applicable laws and ordinances and released by the building official.

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

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

1. The building permit number.
2. The address of the structure.
3. The name and address of the owner [or the owner's authorized agent](#).
4. A description of that portion of the structure for which the certificate is issued.
5. A statement that the described portion of the structure has been inspected for compliance with the requirements of this code for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.
6. For buildings and structures in flood hazard areas, a statement that documentation of the as-built lowest floor elevation has been provided and is retained in the records of the department of building safety.
7. The name of the building official.

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8. The edition of the code under which the permit was issued.
9. The use and occupancy, in accordance with the provisions of chapter 3 [of this code.](#)
10. The type of construction as defined in chapter 6 [of this code.](#)
11. The design occupant load.
12. If an automatic sprinkler system is provided, whether the sprinkler system is required.
13. Any special stipulations and conditions of the building permit.

111.3 *Temporary/partial occupancy.* A temporary/partial certificate of occupancy or certificate of completion may be issued for a portion or portions of a building that may safely be occupied prior to final completion of the building. The building official may require, once all life safety issues have been complied with, an applicant to provide adequate cash surety for unfinished work or revision of plans until a permanent certificate of occupancy or certificate of completion is granted. The purpose of the cash surety is to insure completion of work under this permit. Such cash surety shall be equal to 110 percent of the estimated value of the remaining work, including labor and material, as determined by the design professional. The design professional shall submit a signed and sealed document attesting to the amount required to cover the cash surety. If work has not been completed and all finals requested within 90 days of issuance of the initial temporary/partial certificate of occupancy or certificate of completion, the ~~Town of South Palm Beach~~[town](#) retains the right to have the applicant surrender the cash surety. The ~~town~~[Town of South Palm Beach](#) then may use the surety to finish the remaining work. The surety shall be in the form of cash money, certified check, or cashier's check. Surety shall be returned upon approval of all final inspections and upon written request that has been approved by the building official. This provision is only for the Florida Building Code, all other agency approvals necessary for construction must be secured prior to this provision being applied.

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

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

111.6 *Fixturing and stocking.* The building official is authorized to issue approval for fixturing and stocking, training, and decorating, when appropriate, to allow the builder to prepare the structure for permanent occupancy. The building may not be open to the general public or be used for the transaction of any commerce [until a certificate of occupancy has been issued](#). Such approval must be conditioned upon the approval of the fire marshal, when applicable.

111.7 Digital submittal requirements for new construction.

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

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~~111.7.2 Subdivision topography. The building official is authorized to require the submittal of electronic topographical data for all new subdivisions over five acres or five lots for the purposes of updating and maintaining the community's flood maps.~~

SECTION 112. SERVICE UTILITIES.

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

112.2 *Temporary connection.* The building official shall have the authority to authorize the temporary connection of the building or system to the utility source of energy, fuel or power for the purpose of testing building service systems or for use under a temporary certificate of occupancy.

112.3 *Authority to disconnect service utilities.* The building official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the referenced codes and standards set forth in section 101.4 in case of emergency where necessary to eliminate an immediate hazard to life, or property, or unsafe condition, or when such utility connection has been made without the approval required by section 112.1 or 112.2. The building official shall notify the serving utility, and whenever possible the owner and occupant of the building, structure, or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the owner or occupant of the building, structure, or service system shall be notified in writing, as soon as practical thereafter.

SECTION 113. BUILDING BOARD OF ADJUSTMENT AND APPEALS.

113.1 *Appointment.* There is hereby established a board to be called the building board of adjustment and appeals.

113.2 *Membership and terms.*

113.2.1 *Membership.* The members of the Town of South Palm Beach planning board, as created pursuant to section 2-151, shall sit as the building board of adjustment and appeals. A board member shall not act in a case in which he has a personal or financial interest.

113.2.2 *Reserved.*

113.2.3 *Quorum and voting.* A simple majority of the board shall constitute a quorum. In varying any provision of this code, the affirmative votes of the majority present, but not less than three affirmative votes, shall be required. In modifying a decision of the building official, not less than four affirmative votes, but not less than a majority of the board, shall be required. In the event that regular members are unable to attend a meeting, the alternate members, if appointed, shall vote.

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

113.3 *Powers.* The building board of adjustments and appeals shall have the power, as further defined in 116.4, to hear appeals of decisions and interpretations of the building official and consider variances of the technical codes.

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*113.4 Appeals.*

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

1. The building official rejected or refused to approve the mode or manner of construction proposed to be followed or materials to be used in the installation or alteration of a building, structure or service system.
2. The provisions of this code do not apply to this specific case.
3. That an equally good or more desirable form of installation can be employed in any specific case, which the building official has rejected or refused.
4. The true intent and meaning of this code or any of the regulations hereunder have been misconstrued or incorrectly interpreted.

113.4.2 Variances. The building board of adjustments and appeals, when upon written request, has been so appealed to and after a hearing, may vary the application of any provision of this code to any particular case when, in its opinion, the enforcement thereof would do manifest injustice and would be contrary to the spirit and purpose of this or the technical codes or public interest, and also finds all of the following:

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

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

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

*113.5 Procedures of the board.*

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113.5.1 Rules and regulations. The board shall establish rules and regulations for its own procedure not inconsistent with the provisions of this code. The board shall meet on call of the chairperson. The board shall meet within 30 calendar days after notice of appeal has been received.

113.5.1.1 Rules of evidence. Formal rules of evidence shall not apply, but fundamental due process should be observed and govern the proceedings. Upon determination by the chairperson, irrelevant, immaterial, or unduly repetitious evidence may be excluded, but all other evidence of a type commonly relied upon by reasonable, prudent persons in the conduct of their affairs shall be admissible, whether or not such evidence would be admissible in a trial in the courts of Florida. Any part of the evidence may be received in written form. The board may request certain evidence be provided by an architect or engineer registered in the State of Florida, in which case said evidence shall be signed, sealed, and dated.

113.5.1.2 Testimony. Any member of the board or the attorney representing the board may inquire of, or question, any witness before the board. Any member of the board, the petitioner or his attorney, and/or the building official shall be permitted to inquire of any witness before the board. The board may consider testimony presented by the building official, the petitioner, or any other witness.

113.5.2 Decisions. The building board of adjustment and appeals shall, in every case, reach a decision without unreasonable or unnecessary delay. Each decision of the board shall also include the reasons for the decision. If a decision of the board reverses or modifies a refusal, order, or disallowance of the building official or varies the application of any provision of this code, the building official shall immediately take action in accordance with such decision. Every decision shall be promptly filed in writing in the office of the building official and shall be open to public inspection. A certified copy of the decision shall be sent by mail or otherwise to the appellant and a copy shall be kept publicly posted in the office of the building official for two weeks after filing. Every decision of the board shall be final; subject, however, to such remedy as any aggrieved party might have at law or in equity.

113.6 *Local construction regulation board.* The local government may also utilize this board to convene as the local construction regulation board (LCRB), as provided in F.S. § 489.113. The LCRB may deny, suspend, revoke or limit the authority of a certified contractor to obtain a building permit or permit with specific conditions, if the board has found such contractor, through public hearing, to be guilty of fraud or a willful building code violation within the county or municipality that the board represents. The board may also, deny, suspend, revoke or limit the authority of a certified contractor to obtain a building permit or permit with specific conditions, if it has proof through the public hearing process, that a contractor has been found guilty in another county or municipality within the past 12 months, of fraud or a willful building code violation and after providing notice of an opportunity to be heard to the contractor, finds that such fraud or violation would have been fraud or a violation if committed in the county or municipality that the local construction board represents. Notification of and information concerning such permit denial shall be submitted to the department within 15 days after the local construction regulation board decides to deny the permit.

SECTION 114. VIOLATIONS.

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Any person, firm, corporation or agent who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, or who shall erect, construct, alter, install, demolish or move any structure, electrical, gas, mechanical or plumbing system, or has erected, constructed, altered, repaired, moved or demolished a building, structure, electrical, gas, mechanical or plumbing system, without full compliance with applicable codes, laws, ordinances, rules and regulations, shall be found in violation of this code. Each such person shall be considered in violation of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of applicable codes, laws, ordinances, rules and regulations is committed or continued, and upon conviction of any such violation such person shall be punished within the limits and as provided by state laws. Nothing in this section shall prevent the ~~authority having Town of South Palm Beach~~town from imposing fines, liens, or ~~seek injunction~~seeking injunctive relief, or exercising other enforcement powers as permitted by law. Code enforcement and penalties of F.S. ch. 162 pt. I (F.S. § 162.01 et seq.) shall be authorized if building work begins without payment of all required fees, and for the purposes of enforcing this code, code officials licensed under F.S. ch. 468 pt. XII (F.S. § 468.601 et seq.) are deemed "Code Inspectors," as defined in F.S. § 162.04.

SECTION 115. STOP WORK ORDER.

115.1 ~~Stop work orders. Upon notice from the building official, work on any building, structure, electrical, gas, mechanical or plumbing system that is being done contrary to the provisions of this code or in a dangerous or unsafe manner, shall immediately cease.~~ Authority. Whenever the building official finds any work regulated by this code being performed in a manner either contrary to the provisions of this code or dangerous or unsafe, the building official is authorized to issue a stop work order.

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

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

SECTION 116. UNSAFE STRUCTURES AND EQUIPMENT.

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



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

116.1.1 When the building official determines a building, structure, electrical, gas, mechanical or plumbing system or portion thereof is unsafe, as set forth in this code, ~~they~~<sup>he</sup> shall provide the owner, agent or person in control of such building, structure, electrical, gas, mechanical or plumbing system a written notice of violation stating the defects thereof. This notice shall require the owner within a stated time either to complete specified repairs or improvements, or to demolish and remove the building, structure, electrical, gas, mechanical or plumbing system or portion thereof. At the option of the town, the processes and procedures for code enforcement under F.S. ch. 162 may be utilized to abate a violation under this section. If this statutory method of enforcement is invoked, the building official shall act in the role of code inspector as authorized in section 113 of this code to initiate enforcement proceedings, and notice shall be in accordance with the provisions of the statute.

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

116.1.3 In case the owner, agent, or person in control cannot be found within the stated time limit, or, if such owner, agent, or person in control shall fail, neglect, or refuse to comply with notice to repair, rehabilitate, or to demolish, and remove said building, structure, electrical, gas, mechanical or plumbing system or portion thereof, the building official, acting as a code inspector, shall notify ~~the code~~<sup>an</sup> enforcement board and request a hearing. In the case of the violation posing a serious threat, and after having ascertained the cost, the building official may take action to cause such building, structure, electrical, gas, mechanical or plumbing system or portion thereof, to be demolished, secured, repaired, or required to remain vacant or unused. Taking such action does not create a continuing obligation on the part of the building official to continue with maintaining such building, structure, or system; or create liability for any damage to the property.

116.1.4 The decision of the building official shall be final in cases of emergency, which, in the opinion of the building official, involve imminent danger to human life or health, or the property of others. ~~He~~ The building official shall promptly cause such building, structure, electrical, gas, mechanical or plumbing system or portion thereof to be made safe or cause its removal. For this purpose, ~~he~~ the building official may at once enter such structure or land on which it stands, or abutting land or structures, with such assistance and at such cost as ~~he~~ the building official may deem necessary. He may order the vacating of adjacent

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structures and may require the protection of the public by an appropriate fence or such other means as may be necessary, and for this purpose may close a public or private way.

116.2 *Enforcement proceedings; hearings.* Violation proceedings and hearings for unsafe structures and equipment will be conducted before the code enforcement board or special magistrate in accordance with the provisions set forth in F.S. ch. 162. The owner of property that is subject to an enforcement proceeding before a ~~an~~ [code](#) enforcement board, special magistrate, or court is required to make disclosures as outlined in F.S. ch. 162 before a transfer of property, and failure to make the required disclosures creates a presumption of fraud.

116.3 *Administrative fines; costs to repair; liens.* All costs associated with taking a case before the enforcement board shall be recovered where the ~~town~~[Town of South Palm Beach](#) prevails. Whenever one of the orders of the [code](#) enforcement board or the special magistrate has not been complied with by the time set for compliance, for each day thereafter during which each violation continues past the date set for compliance, the [code](#) enforcement board or the special magistrate may impose a fine. All costs incurred as a result of actions taken per section 116.1.3 are charged to the violator. A certified copy of an order imposing a fine, or a fine plus repair, and the costs of prosecuting the case, may be recorded in the public records and shall thereafter constitute a lien against the land where the violation exists and upon any other real or personal property owned by the violator. If an order is recorded in the public records pursuant to this subsection, and it has been complied with by the date subsequent to the recording of the order, the enforcement board or special magistrate may issue an order releasing such lien that shall be recorded in the public record. A hearing is not required for the issuance of such recorded document.

116.4 *Appeal.* An aggrieved party, including the local governing body, may appeal a final administrative order of an enforcement board or special magistrate to the circuit court. Such an appeal shall not be a hearing de novo but shall be limited to appellate review of the record created before the enforcement board. An appeal shall be filed within 30 days of the execution of the order to be appealed.

SECTION 117. VARIANCES IN FLOOD HAZARD AREAS.

117.1 *Flood hazard areas.* Pursuant to F.S. § 553.73(5), the variance procedures adopted in the Floodplain Management Ordinance of the ~~town~~[Town of South Palm Beach](#), as set forth in Ordinance No. 287 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.

SECTION 118. RESERVED.

SECTION 119. SEVERABILITY.

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

(Code 1983, §§ 150.10, 150.11, 150.20, 150.21, 153.01, 153.02, 156.01; Code 1996, § 10-91; Ord. No. 183, § 1, 6-25-1996; Ord. No. 213, § 1, 3-26-2002; Ord. No. 233, § 1, 11-22-2005; Ord. No. 248, § 1, 5-27-2008; Ord. No. 265, § 1, 3-27-2012; Ord. No. 266, § 1, 6-26-2012; Ord. No. 272, § 1, 2-25-2014; Ord. No. 283, 1-26-2016)

**Sec. 10-92. Flooring above habitable areas; insulation required.**

Sound insulation material (underlayment) shall be required when installing wood, marble or ceramic tile on concrete floors above habitable areas. The underlayment and methods of construction required by this section shall conform to a minimum sound transmission class (STC) of 52, as such standard is promulgated by the Tile Council of America, Inc.

(Code 1996, § 10-92; Ord. No. 162, § 1, 9-22-1992; Ord. No. 186, § 1, 8-27-1996)

**Sec. 10-93. Basic wind speed.**

As required by paragraph 1609.3 of the Florida Building Code, [current edition](#) ~~5th Edition (2014)~~, wind speed lines in the area of the town are hereby established as set forth on the basic wind speed map, which is hereby adopted and incorporated as if fully set forth in this section, of which copies have been and are now filed in the office of the building official of the town. Pursuant to Figures 1609A, B and C of the Florida Building Code, [current edition](#) ~~(2014)~~, design wind speeds are as follows:

- (1) Category I buildings: 160 miles per hour.
- (2) Category II buildings: 170 miles per hour.
- (3) Category III and IV buildings: 180 miles per hour.

(Code 1996, § 10-93; Ord. No. 213, § 1A, 3-26-2002; Ord. No. 265, § 1, 3-27-2012; Ord. No. 283, 1-26-2016)

**Sec. 10-94. Changes in codes during construction.**

Any updated or revised editions of any of the codes adopted in this article, as promulgated by the issuing agency, and upon the approval of the town council, ~~and filing with the land development department~~, shall thereafter constitute the adopted construction codes of the town, as revised, and shall be enforced thereafter by the town. Notwithstanding this provision, any construction permit applications which have been received, and fees paid to the town prior to implementation, shall be governed by the codes in effect at the time of permit application.

(Code 1996, § 10-94; Ord. No. 213, § 1B, 3-26-2002)

**Secs. 10-95—10-115. Reserved.**

***ARTICLE V. COASTAL CONSTRUCTION***

***DIVISION 1. GENERALLY***

**Sec. 10-116. Definitions.**

The following words, terms and phrases, when used in this [A](#)rticle, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

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*Beach* means the zone of unconsolidated material that extends landward from the mean low water line to the place where there is marked change in material or physiographic form, or to the line of permanent vegetation, usually the effective limit of storm waves. Beach is alternatively termed "shore."

*Breakaway wall or frangible wall* means a partition independent of supporting structural members that will withstand design wind forces, but will fail under hydrostatic, wave, and runup forces associated with the design storm surge. Under these conditions, the wall shall fail in a manner such that it breaks up into components that will minimize the potential for damage to life or adjacent property. It shall be characteristic of a breakaway wall or frangible wall that it shall have horizontal design loading resistance of no less than ten or more than 20 pounds per square foot.

*Building support structure* means any structure which supports floor, wall, or column loads, and transmits them to the foundation. The term "building support structure" includes beams, grade beams, or joists, and includes the lowest horizontal structural member exclusive of piles, columns, or footings.

*Coastal barrier islands* means geological features above mean high water which are completely surrounded by marine waters, front upon the open waters of the Atlantic Ocean, and are composed of quartz sands, clays, limestone, oolites, rock, coral, coquina, sediment, or other material, including soil disposal, which features lie above the line of mean high water.

*Coastal building zone* means, for coastal barrier islands, the land area between the seasonal high water line and a line 5,000 feet landward from the coastal construction control line or the entire island, whichever is less.

*Coastal construction control line* means the landward extent of that portion of the beach-dune system which is subject to severe fluctuations based upon a 100-year storm surge, storm waves, or other predictable weather conditions as established by the department of environmental protection in accordance with F.S. § 161.053.

*Construction* means the building of or substantial improvement to any structure or the clearing, filling, or excavation of any land. It shall also mean any alterations in the size or use of any existing structure or the appearance of any land. When appropriate to the context, construction refers to the act of construction or the result of construction.

*Dune* means a mound or ridge of loose sediments, usually sand-sized, which lies landward of the beach.

*Major structure* means and includes, but is not limited to, residential buildings including mobile homes, commercial, institutional, industrial, and other construction having the potential for substantial impact on coastal zones.

*Mean high water line* means the intersection of the tidal plane of mean high water with the shore. Mean high water is the average height of high waters over a 19-year period.

*Minor structure* means and includes, but is not limited to, pile-supported, elevated dune and beach walkover structures; beach access ramps and walkways; stairways; pile-supported elevated viewing platforms, gazebos, and boardwalks; lifeguard support stands; public and private bathhouses; sidewalks, driveways, parking areas, shuffleboard courts, tennis courts, handball courts, racquetball courts, and other uncovered paved areas; earth retaining walls; sand fences, privacy fences, ornamental walls, ornamental garden structures, aviaries, and other ornamental construction. It shall be a characteristic of minor structures that they are considered to be expendable under design wind, wave, and storm forces.

*NGVD* means National Geodetic Vertical Datum, a geodetic datum established by the National Ocean Service and frequently referred to as the 1929 mean sea level datum.

*Nonhabitable major structure* means and includes, but is not limited to, swimming pools; parking garages; pipelines; piers; canals, lakes, ditches, drainage structures, and other water retention structures; water and

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sewage treatment plants; electrical power plants, transmission and distribution lines, transformer pads, vaults, and substations; roads, bridges, streets, and highways; and underground storage tanks.

*100-year storm* means a shore incident hurricane or any other storm with accompanying wind, wave, and storm surge intensity having a one percent chance of being equaled or exceeded in any given year, during any 100-year interval.

*Seasonal high water line* means the line formed by the intersection of the rising shore and the elevation of 150 percent of the local mean tidal range above mean high water.

*State minimum building code* means the building code adopted by a municipality or county pursuant to the requirements of F.S. § 553.73.

*Substantial improvement* means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds a cumulative total of 50 percent of the market value of the structure either before the repair or improvement is started or, if the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term "substantial improvement" does not, however, include either any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or any alteration of a structure listed on the National Register of Historic Places or the state inventory of historic places.

(Code 1983, § 160.03; Code 1996, § 10-116)

**Sec. 10-117. Purpose; conflicting regulations.**

- (a) The purpose of this [Article](#) is to provide minimum standards for the design and construction of buildings and structures to reduce the harmful effects of hurricanes and other natural disasters occurring along the coastal area of the town which fronts on the Atlantic Ocean and is part of a barrier island, and has a length of less than five-eighths of a mile and a maximum width of less than 1,500 feet. These standards are intended to specifically address design features which affect the structural stability of the beach, dunes, and topography of adjacent properties. The coastal code is site-specific to the coastal barrier island as defined in this [Article](#).
- (b) In the event of a conflict between this [Article](#) and other provisions of this Code, the requirements resulting in more restrictive design shall apply. No provisions in this [Article](#) shall be construed to permit any construction in any area prohibited by city, county, state, or federal regulation.

(Code 1983, § 160.01; Code 1996, § 10-117)

**Sec. 10-118. Scope of article.**

- (a) *Applicability.* The requirements of this [Article](#) shall apply to the following types of construction in the town, which is part of a coastal barrier island.
  - (1) The new construction of, or substantial improvement to, major structures, nonhabitable major structures, and minor structures.
  - (2) Construction which would change or otherwise have the potential for substantial impact on coastal zones; that is, excavation, grading, and paving.

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- (3) Construction located partially within the coastal building zone.
  - (4) Reconstruction, redevelopment, or repair of a damaged structure from any cause which meets the definition of substantial improvement as defined in section 10-116.
- (b) *Exceptions.* The requirements of this [Article](#) shall not apply to the following:
- (1) Minor work in the nature of normal beach cleaning and debris removal.
  - (2) Structures in existence prior to the effective date of the ordinance from which this [Article](#) is derived, except for substantial improvements as defined in section 10-116.
  - (3) Construction for which a valid and unexpired building permit was issued prior to the effective date of the ordinance from which this [Article](#) is derived.
  - (4) Construction extending seaward of the seasonal high water line which is regulated by the provisions of F.S. § 161.041; that is, groins, jetties, moles, breakwaters, seawalls, piers, revetments, beach nourishment, inlet dredging, and the like.
  - (5) Construction of nonhabitable major structures.
  - (6) Construction of minor structures, except for the requirements of section 10-173.
  - (7) Structures listed in the National Register of Historic Places or the state inventory of historic places.
  - (8) Construction for improvement of a major structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions.

(Code 1983, § 160.02(A), (B); Code 1996, § 10-118)

### **Sec. 10-119. Compliance required.**

Construction within the coastal barrier island shall meet the requirements of this [Article](#). All structures shall be designed so as to minimize damage to life, property, and the natural environment. Assistance in determining the design parameters to minimize the damage may be found in the reference documents listed in section 10-120.

(Code 1983, § 160.20; Code 1996, § 10-119)

### **Sec. 10-120. Reference material.**

Assistance in determining the design parameters and methodologies necessary to comply with the requirements of this [Article](#) may be obtained from the following:

- (1) Shore Protection Manual, U.S. Army Corps of Engineers, fourth edition, 1984.
- (2) U.S. Department of the Army, Coastal Engineering Research Center's Technical Papers and Reports.
- (3) Florida Department of Environmental Protection, Division of Beaches and Shores Technical and Design Memoranda.
- (4) Naval Facilities Engineering Command Design Manual, NAVFAC DM-26, U.S. Department of the Navy.
- (5) Coastal Construction Manual, Federal Emergency Management Agency, [February 1986-Volume I, August 2011.](#)

(Code 1983, § 160.27; Code 1996, § 10-120)

**Secs. 10-121—10-145. Reserved.**

*DIVISION 2. PERMITS*

**Sec. 10-146. Applications; certification.**

Applications for building permits for all construction in the coastal barrier island, if not of normal or usual design, may be required by the building code administrator to be certified by an architect or professional engineer registered in the state. The certification shall state that the design plans and specifications for the construction are in compliance with the criteria established by this [Article](#).

(Code 1983, §§ 160.02(C), 160.21; Code 1996, § 10-146)

**Secs. 10-147—10-170. Reserved.**

*DIVISION 3. STANDARDS*

**Sec. 10-171. Major structures.**

(a) *Design and construction.*

- (1) *Building code.* Major structures shall be designed and constructed in accordance with section 1606 of the Standard Building Code adopted in section 10-91. Major structures shall also comply with the applicable standards for construction found elsewhere in the Standard Building Code.
- (2) *Elevation, floodproofing, and siting.* All major structures shall be designed, constructed, and located in compliance with the National Flood Insurance Regulations as found in 44 CFR 59 and 60, Standard Building Code, department of environmental protection regulations, or article IV of chapter 26 of this Code, whichever is more restrictive.

(b) *Design conditions.*

- (1) *Velocity pressure.* Major structures shall be designed in accordance with the requirements of section 10-91 using a minimum fastest-mile wind velocity of 110 or 115 miles per hour, as appropriate. These minimum design pressures are as follows:

TABLE 1205.2A. VELOCITY PRESSURE (P.S.F.)  
 Building height 60 feet or less

Mean roof height (feet)	Fastest-mile wind velocity, V (m.p.h.)	
		110
0—15	25	28
20	28	30

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40	34	37
60	38	41

TABLE 1205.3A. GUST VELOCITY PRESSURE (P.S.F.)  
 Building height greater than 60 feet

Height (feet)	Fastest-mile wind velocity, V (m.p.h.) coastal exposure	
	110	115
0—30	35	38
31—50	40	44
51—100	47	51
101—200	54	60
201—300	61	67
301—400	66	72
401—500	70	82

- (2) *Foundations.* The elevation of the soil surface to be used in the design of foundations, calculation of pile reactions, and bearing capacities shall not be greater than that which would result from the erosion reasonably anticipated as a result of design storm conditions. Foundation design and construction of a major structure shall consider all anticipated loads acting simultaneously with live and dead loads. Erosion computations for foundation design shall account for all vertical and lateral erosion and scour-producing forces, including localized scour due to the presence of structural components. Foundation design and construction shall provide for adequate bearing capacity taking into consideration the type of soil present and the anticipated loss of soil above the design grade as a result of localized scour. Erosion computations are not required landward of coastal construction control lines established or updated since June 30, 1980. Upon request, the department of environmental protection may provide information as to those areas within coastal building zones where erosion and scour of a 100-year storm event is applicable.
- (c) *Wave forces.*
- (1) Calculations for wave forces resulting from design storm conditions on building foundations and superstructures may be based upon the minimum criteria and methods prescribed in the Naval Facilities Engineering Command Design Manual, NAVFAC DM-26, U.S. Department of the Navy; Shore Protection Manual, U.S. Department of the Army Corps of Engineers; U.S. Department of the Army Coastal Engineering Research Center Technical Papers and Reports; the technical and design memoranda of the division of beaches and shores, state department of environmental protection; or other professionally recognized methodologies which produce equivalent design criteria.
- (2) Breaking, broken, and nonbreaking waves shall be considered as applicable. Design wave loading analysis shall consider vertical uplift pressures and all lateral pressures to include impact as well as dynamic loading and the harmonic intensification resulting from repetitive waves.



- (d) *Hydrostatic loads.* Calculations for hydrostatic loads shall consider the maximum water pressure resulting from a fully peaked, breaking wave superimposed upon the design storm surge with dynamic wave setup. Both free and hydrostatic loads shall be considered. Hydrostatic loads which are confined shall be determined using the maximum elevation to which the confined water would freely rise if unconfined. Vertical hydrostatic loads shall be considered both vertically downward and upward on horizontal or inclined surfaces of major structures (for example, floors, slabs, roofs, walls). Lateral hydrostatic loads shall be considered as forces acting horizontally above and below grade on vertical or inclined surfaces. Hydrostatic loads on irregular or curved geometric surfaces shall be determined by considering the separate vertical and horizontal components acting simultaneously under the distribution of the hydrostatic pressures.
- (e) *Hydrodynamic loads.* Hydrodynamic loads shall consider the maximum water pressures resulting from the motion of the water mass associated with the design storm. Full intensity loading shall be applied on all structural surfaces above the design grade which would affect the flow velocities.

(Code 1983, § 160.22; Code 1996, § 10-171)

#### **Sec. 10-172. Nonhabitable major structures.**

Nonhabitable major structures need not meet the specific structural requirements of section 10-171, except that they shall be designed to produce the minimum adverse impact on the beach and dune system and shall comply with the applicable standards of construction found in the Standard Building Code adopted in section 10-91. All sewage treatment and public water supply systems shall be floodproofed to prevent infiltration of surface water anticipated under design storm conditions. Underground utilities, excluding pad transformers and vaults, shall be floodproofed to prevent infiltration of surface water expected under design storm conditions or shall otherwise be designed to function when submerged under the storm conditions.

(Code 1983, § 160.23; Code 1996, § 10-172)

#### **Sec. 10-173. Minor structures.**

Minor structures need not meet the specific structural requirements of section 10-171, except that they shall be designed to produce the minimum adverse impact on the beach and dune system and shall comply with the applicable standards of construction found in the Standard Building Code adopted in section 10-91.

(Code 1983, § 160.24; Code 1996, § 10-173)

#### **Sec. 10-174. Location of construction.**

Construction, except for elevated walkways, lifeguard support stands, piers, beach access ramps, gazebos, and coastal or shore protection structures, shall be located a sufficient distance landward of the beach to permit natural shoreline fluctuations and to preserve dune stability. Construction, including excavation, may occur to the extent that the natural storm buffering and protection capability of the dune is not diminished.

(Code 1983, § 160.25; Code 1996, § 10-174)

**Sec. 10-175. Public access.**

Where the public has established an accessway through private lands to lands seaward of the mean high tide or water line by prescription, prescriptive easement, or any other legal means, development or construction shall not interfere with this right of access unless a comparable alternative accessway is provided. The developer shall have the right to improve, consolidate, or relocate the public accessways so long as they are:

- (1) Of substantially similar quality and convenience to the public;
- (2) Approved by the local government and approved by the department of environmental protection whenever improvements are involved seaward of the coastal construction line; and
- (3) Consistent with the coastal management element of the local comprehensive plan adopted pursuant to F.S. § 163.3178.

(Code 1983, § 160.26; Code 1996, § 10-175)

**Secs. 10-176—10-200. Reserved.**

***ARTICLE VI. MOVING OF STRUCTURES***

***DIVISION 1. GENERALLY***

**Secs. 10-201—10-225. -Reserved.**

***DIVISION 2. PERMIT***

**Sec. 10-226. Required.**

No building shall be moved through, into or out of the town except in pursuance of a permit issued by the town pursuant to this [A](#)rticle. Permits shall be issued only in accordance with the provisions of this [A](#)rticle.

(Code 1996, § 10-226)

**Sec. 10-227. Application.**

Any person desiring to obtain a permit under this [A](#)rticle shall make application in writing to the building code administrator upon such form as may be required by him. The application shall contain the following information:

- (1) The name, address and telephone number of the owner of the building, and the name, address and telephone number of the person moving such building, if different from the owner.
- (2) A description of the building, including dimensions and approximate weight, its pre-moving location and its ultimate destination.

- (3) The date and time for which the building movement is proposed, and the streets or route for which such movement is proposed.
- (4) Such other information as the building code administrator may reasonably require.

(Code 1996, § 10-227)

#### **Sec. 10-228. Fee.**

Any person applying for a permit under this ~~A~~article shall pay at the time of application a permit fee in an amount as established by a resolution of the town council.

(Code 1996, § 10-228; Ord. No. 263, § 1, 3-27-2012)

#### **Sec. 10-229. Insurance required.**

As a condition of securing a permit and moving a building, each applicant shall file with the ~~town attorney~~town a public liability insurance policy issued by an insurance company in good standing and licensed to do business in the state, or a certificate of such insurance, which policy or certificate must reflect that the person moving the building is insured against loss, damage or claims from liability for injury to, or death of, any person, or damage to any property, growing out of the moving of such building.

(Code 1996, § 10-229)

#### **Sec. 10-230. Unlawful acts.**

It shall be unlawful for any person engaged in moving any structure on or over any street or public way to:

- (1) Damage or interfere with any wires, trees, posts, or other structures of any kind, or to do any injury or damage to any person or property;
- (2) Unreasonably obstruct or interfere with the traffic on any street;
- (3) Fail to obey any ordinance, rule, or regulation relating to warning signals and barriers; or
- (4) Fail or refuse to replace and repair any street, pavement, or sidewalk that the town may permit to be disturbed.

(Code 1983, § 150.03; Code 1996, § 10-230)

#### **Secs. 10-231—10-238. Reserved.**

### **ARTICLE VII. USE OF RIGHTS-OF-WAY**

#### **Sec. 10-239. Communications services facility provider registration.**

- (a) *Purpose and intent.* It is the purpose of the town to establish regulations requiring registration of communications services facility providers with the town who intend to locate communications services

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facilities in, on or under any right-of-way located within the town, regardless of whether such rights-of-way are managed by the state. It is the intent of the town to promote the public health, safety, and general welfare of its citizens by ensuring the safety and integrity of the public rights-of-way within the town through the adoption and administration of reasonable regulations in relation to the registration of communications services facility providers consistent with the town's home rule powers and state and federal law, including F.S. §§ 337.401(3) and 337.401(7), and the Federal Telecommunications Act of 1996.

- (b) *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:

*Abandoned* means any communications services facility not in continued use for a period of 120 consecutive days.

*Communications services* means the transmission, conveyance, or routing of voice, data, audio, video, or any other information or signals, including video services, to a point, or between or among points, by or through any electronic, radio, satellite, cable, optical, microwave, or other medium or method now in existence or hereafter devised, regardless of the protocol used for such transmission or conveyance. The term includes such transmission, conveyance, or routing in which computer processing applications are used to act on the form, code, or protocol of the content for purposes of transmission, conveyance, or routing without regard to whether such service is referred to as voice-over-Internet-protocol services or is classified by the Federal Communications Commission as enhanced or value-added. The term does not include:

- (1) Information services.
- (2) Installation or maintenance of wiring or equipment on a customer's premises.
- (3) The sale or rental of tangible personal property.
- (4) The sale of advertising, including, but not limited to, directory advertising.
- (5) Bad check charges.
- (6) Late payment charges.
- (7) Billing and collection services.
- (8) Internet access service, electronic mail service, electronic bulletin board service, or similar online computer services.

*Communications services facilities* means a structure used to provide communication services and placed within the public right-of-way. The term includes wireless facilities as defined in F.S. § 337.401(7).

*Communications services facility provider* means an entity that places communications services facilities within the right-of-way. The term shall include wireless infrastructure providers as defined in F.S. § 337.401(7) and pass through providers as defined F.S. § 337.401(6).

*FDOT* means the Florida Department of Transportation.

*Right-of-way or public right-of-way* means a public right-of-way, public utility easement, highway, street, bridge, tunnel, pier, waterway, dock, wharf, court, lane, path, or alley or any other property for which a government entity is the authority that has jurisdiction and control and may lawfully grant access to such property pursuant to applicable law, and includes the surface, the air space over the surface and the area below the surface to the extent the government holds a property interest therein. The term "public right-of-way" shall not include private property. The term "public right-of-way" shall not include any real or personal government property except as described above and shall not include government buildings, fixtures, poles, conduits, facilities or other structures or improvements, regardless of whether they are situated in the public right-of-way.

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- (c) *Registration.* Each communications services facility provider desiring to place, erect, construct, install, locate, maintain, repair, extend, expand, remove, or relocate any communications services facilities in, under, over or across any public right-of-way in the town shall be considered to be using the public right-of-way and shall be required to register with the town in accordance with the terms of this section.
- (1) Any communications services facility provider desiring to use the public right-of-way shall, prior to the placement of such communications services facility, file a registration with the town ~~clerk~~building department which shall include the following information:
    - a. Identity of the applicant and name, address, email and telephone number of applicant's primary contact person in connection with the registration;
    - b. A copy of federal and/or state certification authorizing the applicant to provide communications services;
    - c. If the registrant is a corporation, proof of authority to do business in the state, which may be satisfied by the number of the corporate certification or by other means.
    - d. A copy of any pending permit applications with FDOT to install communications services facilities within any right-of-way located in the town, if applicable.
  - (2) The town will review the information submitted by the applicant. Such review will be by the town manager or ~~her~~their designee. If the applicant submits information in accordance with subsection (c)(1) of this section, the town shall accept the registration and shall notify the applicant of the effectiveness of the registration in writing. If the town determines that the information has not been submitted in accordance with subsection (c)(1) of this section, the town shall notify the applicant of the non-effectiveness of the registration, and reasons for the non-effectiveness, in writing. The town shall so reply to an applicant within 30 days after receipt of the registration information from the applicant. Upon notification of the non-effectiveness of the registration, nothing in this section shall preclude the applicant from filing a subsequent application addressing the basis for the non-effectiveness. If the registrant disputes the determination of non-effectiveness for the particular application submitted, the avenue of redress shall be an appeal to the town council. A registrant may cancel a registration upon written notice to the town stating that it will no longer maintain facilities in the public rights-of-way and will no longer need to pull permits to perform work in public rights-of-way. Within 30 days of any change in the information required to be submitted pursuant to this section, the registrant shall provide updated information to the town.
  - (3) While registrant shall not be required to submit a permit application to the town to place a communications service facility within any right-of-way located in the town, upon application with the FDOT for placement of communications services facilities within any right-of-way located in the town, applicant shall simultaneously submit a copy of such application to the town manager. Upon actual placement of communications services facilities within any right-of-way located in the town, registrant shall update its registration with the town to reflect the location and a description of the nature of the communications services facility or facilities.
  - (4) A registration shall not convey title, equitable or legal, in the public rights-of-way. Registrants may only occupy the public rights-of-way for communications services facilities. Registration does not excuse a communications services facility provider from obtaining appropriate access or pole attachment consents before locating its facilities on another person's facilities or from obtaining applicable state or federal permits. Registration does not excuse a communications services facility provider from complying with all applicable town ordinances, including this ~~A~~A article.

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~~(5) Each application for registration or transfer shall be accompanied by a nonrefundable application fee in the amount of \$100.00. The fee amount shall be equal to the town's costs and expenses incurred in connection with approving the registration or transfer. Fee amounts may be amended from time to time, by resolution of the town council, for the purpose of complying with this provision.~~

(56) Registration with the town shall be nonexclusive. Registration does not establish any priority for the use of the public rights-of-way by a registrant or any other registrants. Registrations are expressly subject to any future amendment to or replacement of this [A](#)article and further subject to any additional town ordinances, as well as any state or federal laws that may be enacted during the term of the registration.

(d) *Renewal.* A registrant shall renew its registration with the town every other year between January 1 and March 31. Registration renewals shall include: (i) updates to registration information; (ii) an inventory of the registrant's newly installed facilities or abandoned facilities since the prior registration or registration renewal. If no information in the then-existing registration has changed, the renewal may state that no information has changed. Failure to renew a registration may result in the town restricting the issuance of additional permits until the communications services facility provider or pass-through provider has complied with the registration requirements of this [A](#)article.

(e) *Involuntary termination of registration.*

(1) The involuntary termination of a registration may only be accomplished by an action of the town council [or building official](#). The town may declare the registration terminated and revoke and cancel all privileges granted under that registration if:

a. A federal or state authority suspends, denies, or revokes a registrant's certification to provide telecommunications service; or

b. The registrant abandons any of its facilities.

(2) Prior to such termination by the town resulting from a violation of any of the provisions of this section, the registrant shall be notified by the town with a written notice setting forth all matters pertinent to such violation and describing the action of the town with respect thereto. The registrant shall have 60 days after receipt of such notice within which to cure the violation, or within which to present a plan, satisfactory to the town council, to accomplish the cure of a violation. In the event of a vote by the town council to terminate, the registrant shall, within a reasonable time following such termination, remove or abandon the facilities and take such steps as are necessary to render every portion of the facilities remaining within the public right-of-way of the town safe. If the registrant has either abandoned its facilities or chooses to abandon its facilities, the town may require that some or all of the facilities be removed and the public right-of-way restored to its proper condition at the registrant's expense, utilizing town employees, agents or contractors, and charge any and all costs, and require reimbursement.

(f) *Compliance with laws.* A communications services facility provider shall at all times be subject to and shall comply with all applicable federal, state and local laws. A communications services facility provider shall at all times be subject to all lawful exercises of the police power of the town, to the extent not inconsistent with applicable laws.

(g) *Transfer of control; sale or assignment.*

(1) If the registrant transfers or assigns its registration incident to a sale or other transfer of the registrant's assets, the transferee or assignee shall be obligated to comply with the terms of this [A](#)article. Written notice of any transfer, sale or assignment shall be provided to the town within 20

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days following the effective closing date of the transfer, sale or assignment. In order for the transfer of the registration to be effective, the transferee or assignee must comply with the registration requirements of this section.

- (2) Notwithstanding anything in this ~~A~~rticle, pledges in trust or mortgages or other hypothecations of the assets of the registrant to secure the construction, operation or repair of its telecommunications facilities may be made to any person without notice to the town. Any mortgage, pledge, lease or other encumbrance of the telecommunications facilities shall be subject and subordinate to the rights of the town by virtue of this ~~A~~rticle or other applicable law.

(h) *Abandonment.*

- (1) Upon a registrant's abandonment of a wireless communications facility in the town public rights-of-way, the registrant shall notify the town of such abandonment within 90 calendar days. The town may direct the registrant by written notice to remove all or any portion of such abandoned facility at the registrant's sole expense if the town makes one or more of the following determinations regarding the abandoned facilities:
- a. The facilities compromise safety for any public rights-of-way user or during construction or maintenance in public rights-of-way;
  - b. The facilities prevent or will prevent another registrant from locating facilities in the area of public rights-of-way where the abandoned facility is located; or
  - c. The facilities create a maintenance condition that is disruptive to the public rights-of-way's use.
- (2) In the event that the town does not direct the removal of the abandoned facilities, the registrant, by its notice of abandonment to the town, shall be deemed to consent to the alteration or removal of all or any portion of the facility by the town or another person at such third party's cost. Abandonment shall be deemed to include the failure of a small cell facility as defined in F.S. § 337.401(7) to be installed and operational by a wireless service provider within nine months of its approval. If the registrant fails to remove all or any portion of an abandoned communications facility as directed by the town within a reasonable time period as may be required by the town under the circumstances, the town may perform such removal and charge the cost of the removal against the registrant.

(Ord. No. 290 , § 2, 7-24-2018)

**Sec. 10-240. Permit required.**

- (a) All construction or installation of any electric, transmission, ~~telephone or telegraph~~utility lines, pole lines, poles, ~~railways~~, ditches, sewers, water, heat or gas mains, pipe lines, fences, gasoline tanks or pumps or other structures along, across, or on any public right-of-way shall require a permit.
- (b) The building code administrator, or designee, shall, as deemed necessary from time to time, promulgate forms, procedures and permits for all construction or installation upon or within the public rights-of-way. Such application shall include the payment of a fee in accordance with the most current land development fee schedule, except that such fees shall not be applied in the following instances:
- (1) Where the construction to be performed is for the benefit of a governmental or subgovernmental agency and that agency is a direct party to the contract for said construction.
  - (2) Where the construction is performed by a cable television company licensed to operate within the town by the town council pursuant to town ordinance.

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- (c) In no event shall these fees be waived in instances wherein any construction is pursuant to conditions associated with or required through zoning and/or a planned unit development.
  - (d) Where any public right-of-way is damaged or impaired in any way because of construction, installation, inspection or repair work by any permittee, the permittee shall, at the permittee's expense, promptly restore the right-of-way as nearly as possible to its original condition before such damage. If the permittee fails to make adequate restoration, the town is authorized to do so and charge the cost thereof against the permittee.
  - (e) All permission granted for construction under this section does not constitute and shall not be construed as permitting a permanent location within any public right-of-way. Any facility permitted within the public right-of-way shall be relocated or reconstructed by the owner at his sole cost and expense when in conflict with any construction, reconstruction or any project permitted by the town or its authorized representative, which is deemed to be in the interest of the general public, within 30 days of the request. Where the owner requests additional time up to a maximum of 120 days, this may be granted by the building code administrator upon receipt of a letter stating adequate grounds to support the owner's position that additional time is necessary to complete the relocation. If the extension of time requested by the owner is denied by the building code administrator or any extension in excess of 120 days is desired by the owner, the owner may appeal to the town council by written request and the time for relocation shall be stayed while the appeal is pending.
  - (f) In the event of any emergency requiring repairs by utility companies to some portion of their facilities, nothing in this section shall be deemed to prohibit the making of such repairs without having first obtained a permit or paying a fee. ~~Provided, however,~~ that emergency repairs shall be reported to the police department so that traffic safety measures can be implemented. Where the emergency repair creates an open cut of a paved road which remains uncompleted after two business days following the notification of emergency repair, the utility shall thereupon apply for a construction permit pursuant to the provisions of this section.

(Code 1996, § 10-240; Ord. No. 188, § 1, 11-19-1996)