

ARTICLE 1. - GENERAL.

Sec. 14-1-1. - Purpose.

The purpose of this chapter is to comply with Florida Statutes, Chapters 489, 553 and 633 and to provide rules and regulations to improve public safety by: promoting the control and abatement of fire hazards; providing uniform minimum standards, regulations and requirements for safe and stable design, methods of construction, installation and uses of materials in electrical wiring, plumbing, including irrigation systems, natural and liquified petroleum gas piping, mechanical systems or equipment and providing for assurance of the qualifications and competency of those persons installing and inspecting the same; regulating the use of structures, premises, and open areas; establishing the responsibilities and procedures for construction, unsafe building and minimum housing code enforcement; and setting forth the standards for compliance and achievement of these objectives in order to afford reasonable protection for public safety, health, and general welfare.

(Ord. No. 19-02, § 1, 9-12-02)

Sec. 14-1-2. - Application.

This chapter and all of the model technical codes adopted by reference herein shall apply to all existing structures, to all new structures and to all alterations to any new or existing structure, both private and public, located within the corporate limits of the City of Pensacola, except those which are specifically exempted by State or Federal Statutes or State administrative rules.

(Ord. No. 19-02, § 1, 9-12-02)

Sec. 14-1-3. - State Minimum Building Construction Standards adopted.

The Building Construction Standards, specified in Chapter 553, Florida Statutes, the Florida Administrative Codes applicable thereto, the Florida Building Code, and all editions and revisions thereto as may be adopted by the Florida Building Commission as the state minimum building codes, including those specific state codes relating to electrical, glass, manufactured buildings, accessibility by handicapped persons, thermal efficiency, energy conservation, and radon resistant construction, save and except those portions which are deleted, modified, or amended as contained in this chapter, are hereby adopted for the purpose of governing the construction, erection, enlargement, alteration, repair, demolition, use, occupancy, proximity and maintenance of buildings and other structures within the city.

(Ord. No. 19-02, § 1, 9-12-02)

Secs. 14-1-4—14-1-20. - Reserved.

ARTICLE II. - DEPARTMENT OF INSPECTION SERVICES

Sec. 14-1-21. - Department of Inspection Services established; director; powers and duties.

- (a) ~~Subject to the provisions of subsection 1-1-1(c), t~~There shall be an Inspection Services function within the administrative service of the City of Pensacola, the head of which shall serve at the pleasure of the mayor and also serve in the capacity of building official as defined in the Florida Statutes and the model technical codes subsequently adopted herein. The department shall review, monitor, and make recommendations concerning city policy and administration functions regarding the subjects of building inspection, minimum housing, unsafe building abatement, and other inspection functions assigned to that department; shall assist with the duties of other departments

pertinent to the inspections function within the corporate limits of the City of Pensacola; and shall perform such other duties as prescribed by the mayor and the technical codes as adopted herein.

- (b) The Inspection Services function and the Building Department as defined in the technical codes shall be one and the same. All regulations and procedures for the organization, operation and administration of the Building Department shall apply to the Inspection Services function unless modified by this chapter or by state statute.

(Ord. No. 19-02, § 1, 9-12-02; Ord. No. 16-10, § 236, 9-9-10)

Sec. 14-1-22. - Inspectors; qualifications; authority and duties.

- (a) Where the term "inspector" is used it shall mean the mayor's duly appointed representative of the Building Official, appointed to represent the city in the enforcement of these codes and shall include the titles inspector, chief inspector, code inspector, inspection supervisor or plans examiner as referred to in the Florida Statutes, the Administrative Codes of Florida, or the civil service regulations of the city, any city code or the codes adopted by reference, herein. A person appointed to fill the office of inspector shall meet the qualifications of the Florida Statutes, and the technical codes and the civil service laws of the City of Pensacola.
- (b) It shall be unlawful for a city employee, while holding the office of building official or inspector, to engage in any way, directly or indirectly, personally or in connection with another person, firm or corporation, in the business of inspection, construction, installation, maintenance or the sale of material, components or devices used in the construction or maintenance of any structure or system regulated by this Code, or in any other way to be involved in an industry regulated by this code except for the performance of their official duties.
- (c) It shall be the duty of each inspector to see that all laws governing construction and land use are strictly complied with. They shall keep records of inspections made and other official work performed under the provisions of this Code.
- (d) A city inspector shall have the right to issue a stop work order or to void a permit issued by the department whenever the inspector determines that the work being done is not in conformance with approved plans or any part of the Codes of the City of Pensacola for which such inspector has been given the responsibility and authority for administration or enforcement.
- (e) A city inspector shall have the right, during reasonable hours, to enter any building or property in the discharge of official duties.
- (f) In the case of emergency, a city inspector shall have the right, in the discharge of official duties, to enter any structure, building or property, manhole or subway, or to climb any pole for the purpose of examining and testing systems therein or thereon and shall have the authority to cause the disconnection, in the case of emergency, of any service connection, line, wire, pipe, or like device, where dangerous to life or property, or where such service connection may interfere with the work of the fire department.
- (g) City inspectors are hereby empowered to order the discontinuance of service to any wiring, device and/or equipment found to be defectively installed or not in accordance with the provisions of this code, until such wiring, device, and equipment and its installation have been made safe by the owner as directed by the building official.
- (h) Upon completion of an inspection, if a structure or an installation is found not to be in compliance with this Code, the inspector shall immediately notify the person, firm or corporation erecting, using or owning the structure or installing the system, of the defects which have been found and explain the corrective action required and establish the time period in which compliance is to be accomplished.
- (i) A city inspector, when designated by the mayor as a code enforcement officer in accordance with Title XIII of the City Code and applicable Florida Statutes, may issue citations to persons violating

the contractor licensing laws of the city, county or state and to persons failing to obtain required permits, unless such action is prohibited elsewhere in this code or in the Florida Statutes. Such citations shall be processed in accordance with F.S. § 489.127 and Title XIII, Code of the City of Pensacola.

(Ord. No. 19-02, § 1, 9-12-02; Ord. No. 16-10, § 237, 9-9-10)

Secs. 14-1-23—14-1-40. - Reserved.

ARTICLE III. - CONSTRUCTION BOARD OF ADJUSTMENT AND APPEALS AND AUTHORITY

Sec. 14-1-41. - Authority.

(a) There is hereby established a Construction Board of Adjustment and Appeals (CBAA).

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~~(b) The Construction Board of Adjustment and Appeals (CBAA) established pursuant to section 3 of Ordinance No. 8-94 supersedes and replaces the Building Board of Adjustment and Appeal and all other construction and technical code appeals boards previously established by any adopted technical code, City code or ordinance, except the Architectural Review Board, the Code Enforcement Board, the Zoning Board of Adjustment, and the Fire Appeals Board.~~

(be) The Construction Board of Adjustment and Appeals established herein shall have jurisdiction over all technical codes, including the Florida Building Code, the National Electric Code, and the International Property Maintenance Code, but excepting the Life Safety and Fire Prevention Codes, adopted hereafter.

(cd) The Construction Board of Adjustments and Appeals shall have the power to hear appeals of decisions and interpretations of the building official and consider variances of the technical codes.

(de) The owner of a building, structure or service system, or his duly authorized agent, may appeal a decision of the building official if the building official rejected or refused to approve the manner of construction or material proposed to be used in the installation or alteration of a building or structure or service system, the provisions of the code do not apply to the specific case, that an equally good or more desirable form of installation can be employed, or the true intent or meaning of the code has been misconstrued or incorrectly interpreted.

(ef) The Construction Board of Adjustments and Appeals, when so appealed to and after a hearing, may vary the application of any provision of the technical codes 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 the technical codes or public interest.

(fg) Notice of appeals to the Construction Board of Adjustments and Appeals shall be in writing and filed within fifteen (15) calendar days after the decision is rendered by the building official. Appeals shall be in a form acceptable to the CBAA.

(gh) The Board of Appeals provided for in the International Property Maintenance Code and the Construction Board of Adjustment and Appeals, as established herein, shall be one and the same. There shall be no fee for an appeal to said board unless provided for by ordinance hereafter adopted, except as provided in section 7-14-4 of the Code of the City of Pensacola.

~~(i) The Construction Board of Adjustment and Appeals shall serve as the regulation and discipline board for holders of city plumbing and gas certificates of competency, who hold current and valid certification as of the effective date of this ordinance. In regulating and disciplining these certificate holders the CBAA is authorized to enforce the provisions of Chapter 489 Part I, Florida Statutes, and this Code. The CBAA may conduct disciplinary proceedings against city plumbing and gas certificate holders, who hold current and valid city certification as of the effective date of this ordinance, and may revoke, suspend, or deny the renewal of a City of Pensacola certificate of competency; place on probation, reprimand or censure a city certificate holder; require restitution or impose a fine not to~~

Commented [JM2]: No longer applicable.

~~exceed five thousand dollars (\$5,000.00); or a combination thereof, if the certificate holder is found guilty of violating any part of this City Code. In addition, the CBAA may assess reasonable investigative and legal costs for the prosecution of the violation against a certificate holder found guilty of a violation.~~

- ~~(j) Appeals of the decisions of the CBAA regarding certificate holder regulation and discipline may be made by any party to the complaint or the disciplinary action. In the case of city certificate holders who are not required to be registered with the state, appeals shall be made in writing to the city council within fifteen (15) days of the date of the CBAA's decision. Decisions of the city council concerning appeals shall be final.~~
- ~~(k) Appeals of the decisions of the CBAA by, or in regard to state registered contractors with the Department of Business and Professional Regulation shall be made to the Florida Construction Industry Licensing Board (CILB) in accordance with the rules issued by the CILB.~~
- ~~(l) Whenever the CBAA shall take disciplinary action, as allowed in paragraph (i), against an individual registered with the Florida Department of Business and Professional Regulation (DBPR), the CBAA shall report such action to the Florida Construction Industry Licensing Board (CILB). The CBAA shall inform the disciplined individual and any complainant of the local penalty imposed, the rights to appeal, and the consequences should the individual decide not to appeal.~~

(Ord. No. 19-02, § 1, 9-12-02; Ord. No. 08-08, § 1, 1-31-08)

Sec. 14-1-42. - Membership; organization.

- (a) The seven (7) members of the City of Pensacola Construction Board of Adjustment and Appeals shall be individuals with knowledge and experience in the technical codes and shall include one (1) registered architect, one (1) registered engineer, one (1) general or building contractor, one (1) electrical contractor, one (1) plumbing and gas contractor, one (1) mechanical contractor and one (1) member at large from the public. The two (2) alternates shall be one (1) member at large from the construction industry and one (1) member at large from the public. The members shall be appointed by the city council and shall serve without compensation.
- (b) The appointments to the Construction Board of Adjustment and Appeals ~~shall be provided for in section 3 of Ordinance No. 8-94 shall continue in existence as established by section 3 of Ordinance No. 8-94~~ as follows:
 - 1. Two (2) members appointed for a term of one (1) year each.
 - 2. Three (3) members appointed for a term of two (2) years each.
 - 3. Two (2) members appointed for a term of three (3) years each.
- (c) After the appointments provided for in section 3 of Ordinance No. 8-94, appointments shall be made for a term of three (3) years. Appointments to fill any vacancy on the board shall be for the remainder of the unexpired term of the member.
- (d) Alternate members shall be appointed for a term of two (2) years.
- (e) Alternate members of the board may attend all meetings of the board and participate in all discussions but shall vote only in the absence, disability or disqualification of a regular member. When an alternate member acts, the minutes of the meeting shall reflect the absent, disabled, or disqualified member in whose place and stead the alternate is acting.
- (f) The members of the CBAA shall elect, from their appointed membership, a ~~chair~~ ~~chairman~~ and a vice ~~chair~~ ~~chairman~~, whose terms shall be for one (1) year. A member may be reelected as chairman or vice chairman as long as remaining a member of the board. The chairman and vice chairman shall vote on all issues brought before the board; however, no member shall act in a case in which that member has a personal or financial interest.

- (g) If any regular member fails to attend two (2) of three (3) successive meetings without cause and without prior approval of the chairman, the CBAA shall declare the member's office vacant, and request that the city council promptly fill such vacancy.
- (h) Members of the CBAA may be suspended and removed from membership on the CBAA for cause by the city council, upon recommendation by either the CBAA or the mayor.
- (i) The Building Official or his appointed representative shall serve as the secretary to the CBAA.

(Ord. No. 19-02, § 1, 9-12-02; Ord. No. 16-10, § 238, 9-9-10)

Sec. 14-1-43. - Rule making authority.

The CBAA is authorized to make such rules not inconsistent with law which are necessary to carry out the duties and authority conferred upon it by this chapter.

(Ord. No. 19-02, § 1, 9-12-02)

Secs. 14-1-44—14-1-60. - Reserved.

ARTICLE IV. - CONTRACTOR CERTIFICATION

Sec. 14-1-61. - Acceptance of contractors' certificates of competency issued by county.

- (a) No person or business entity shall engage in the business of contracting within the city in any category of construction contracting as defined in Chapter 489, Florida Statutes, ~~Escambia County Ordinance No. 90-4, Escambia County Ordinance No. 94-18, Escambia County Ordinance No. 94-2, and subsequent amendments thereto, or applicable Escambia County regulations~~ without having first obtained a contractor certificate of competency (license) in the appropriate category from the Florida Construction Industry Licensing Board (CILB), the Florida Electrical Contractor's Licensing Board (ECLB), the Escambia County Contractor Competency Board, the Escambia County Board of Electrical Examiners, or the Escambia County Board of Plumbing Examiners, except that any person or business entity possessing a City of Pensacola contractor's certificate of competency (license) which was current and valid ~~on or before September 12, 2002, upon adoption of this ordinance~~ shall be allowed to engage in the business of contracting providing that such certificate of competency is maintained by biennial renewal as required by section 7-14-3 of the Code of the City of Pensacola. Each business entity engaging in the business of contracting in the City of Pensacola must have a full time person who holds either a State of Florida certification, or an Escambia County or City of Pensacola certification which has been registered with the State of Florida, unless exempted from registration by applicable Florida law, designated as the qualifying agent for that business entity.
- (b) Contractor's certificates of competency issued by Escambia County pursuant to County Ordinance No. 90-4, Escambia County Ordinance No. 94-18, Escambia County Ordinance No. 94-2, and subsequent amendments thereto, are hereby accepted by the city as evidence of the competency of the qualifying business or individual to perform the services or trade provided for in any such certificate.
- (c) All persons certified under the authority of the Escambia County Contractor Competency Board, Escambia County Board of Electrical Examiners, the Escambia County Board of Plumbing Examiners, the Florida Construction Industry Licensing Board, or the Florida Electrical Contractor Licensing Board contracting within the city shall comply with the requirements, as identified in this chapter, and failure to do so shall be punishable pursuant to the Codes of the City of Pensacola, including but not limited to, section 1-1-8, section 14-3-4 or F.S. §§ 775.082, 775.083, and 775.084.
- (d) Acceptance of Escambia County certificates of competency and the requirement herein that individuals or businesses contracting within the city comply with Escambia County Ordinances shall

in no way alter or preclude the necessity for complying with the other requirements of the Code of the City of Pensacola.

(Ord. No. 19-02, § 1, 9-12-02)

Sec. 14-1-62. - Gas installers and gas contractors.

- (a) No person or business entity shall engage in the business of installing, altering or repairing, within the city, any natural gas piping or gas appliance, device or equipment for which a permit is required by this code, unless the person is the holder of either a City of Pensacola or an Escambia County gas contractor certificate issued by the Department of Agriculture and Consumer Services or is certified by the State of Florida as a plumbing contractor or the person or business entity employs a full time person who qualifies the business by holding either a City of Pensacola or an Escambia County master gas installer certification and is designated as the supervisor of gas installations for that person or entity. Persons or business entities engaged in the installation of liquefied petroleum gas shall hold a liquefied petroleum gas installation contractor certificate, issued by the Department of Agriculture and Consumer Services, and be licensed in accordance with Florida Statutes; or shall employ a full time person who qualifies the business by holding the required certification, registration or license.
- (b) Upon the date of adoption of this ordinance, the City of Pensacola shall no longer issue gas installers certificates of competency. Those persons holding current City of Pensacola certificates of competency as of the date of adoption of this ordinance shall be allowed to renew and exercise the privileges of the same within the city as long as they remain active in the business of installing gas piping or appliances and renew their certificate biennially, as required by section 7-14-3 of this Code. City certificate holders shall be subject to regulation and discipline by the Construction Board of Adjustment and Appeals.
- (c) All persons certified as a master gas installer or journeyman gas installer under the authority of the Escambia County Board of Plumbing Examiners, pursuant to county ordinance, are hereby accepted by the city as having the competency to perform the services provided for in the Escambia County ordinance establishing such certificate. Holders of Escambia County competency certificates contracting within the city shall be subject to the appeals and complaints hearing procedure of the Escambia County Board of Plumbing Examiners regarding all work done within the city.
- (d) Acceptance of Escambia County certificates of competency and the requirement herein that individuals or businesses contracting within the city comply with Escambia County Ordinances shall in no way alter or preclude the necessity for complying with requirements of the City codes and failure to do so shall be punishable pursuant to the Codes of the City of Pensacola, including but not limited to, section 1-1-8, section 14-3-4, or F.S. §§ 775.082, 775.083, and 775.084.

(Ord. No. 19-02, § 1, 9-12-02)

Sec. 14-1-63. - Plumbers and plumbing contractors.

- (a) No person or business entity shall engage in the business of installing, altering or repairing, within the city, any plumbing system, fixture, device or equipment for which a permit is required by this code, unless the person is the holder of either a City of Pensacola or an Escambia County plumbing contractor certificate currently registered with the State of Florida or is certified by the State of Florida as a plumbing contractor or the person or business entity employs a full time supervisor of plumbing installations who qualifies the business by holding the required certification or registration.
- (b) Upon the date of adoption of this ordinance, the City of Pensacola shall no longer issue plumbing certificates of competency. Those persons holding current City of Pensacola certificates of competency shall be allowed to renew and exercise the privileges of the same within the city as long as they remain active in the business of installing plumbing systems or fixtures and renew their

certificate biennially, as required by section 7-14-3 of this Code. City certificate holders shall be subject to regulation and discipline by the Construction Board of Adjustment and Appeals.

- (c) All persons certified as a master plumber, journeyman plumber, lawn sprinkler system installer, or plumbing contractor under the authority of the Escambia County Board of Plumbing Examiners, pursuant to county ordinance, are hereby accepted by the city as having the competency to perform the services provided for in the Escambia County ordinance establishing such certificate. Holders of Escambia County competency certificates contracting within the city shall be subject to the appeals and complaints hearing procedure of the Escambia County Board of Plumbing Examiners regarding all work done within the city.
- (d) Acceptance of Escambia County certificates of competency and the requirement herein that individuals or businesses contracting within the city comply with Escambia County Ordinances shall in no way alter or preclude the necessity for complying with the requirements of the city codes and failure to do so shall be punishable pursuant to the Codes of the City of Pensacola, including but not limited to, section 1-1-8, section 14-3-4, or F.S. §§ 775.082, 775.083, and 775.084.

(Ord. No. 19-02, § 1, 9-12-02)

Sec. 14-1-64. - Irrigation/sprinkler system installers.

- (a) No person or business entity shall engage in the business of installing, altering or repairing, within the city, any irrigation system, fixture, device or equipment for which a permit is required by this code, unless the person is the holder of either a City of Pensacola or an Escambia County irrigation/sprinkler system installer certificate, master plumber certificate or plumbing contractor certificate currently registered with the State of Florida or is certified by the State of Florida as a plumbing contractor or the person or business entity employs a full time person who qualifies the business by holding the required certification and registration.
- (b) Upon the date of adoption of this ordinance, the City of Pensacola shall no longer issue irrigation/sprinkler system installer certificates of competency. Those persons holding current city certificates of competency shall be allowed to renew and exercise the privileges of the same within the city as long as they remain active in the business of installing irrigation/sprinkler plumbing systems and renew their certificate biennially, as required by section 7-14-3 of this Code. City certificate holders shall be subject to regulation and discipline by the Construction Board of Adjustment and Appeals.
- (c) All persons certified as a master plumber, or an irrigation/sprinkler installer or plumbing contractor under the authority of the Escambia County Board of Plumbing Examiners, pursuant to county ordinance, are hereby accepted by the city as having the competency to perform the services provided for in the Escambia County ordinance establishing such certificate. Holders of Escambia County competency certificates contracting within the city shall be subject to the appeals and complaints hearing procedure of the Escambia County Board of Plumbing Examiners regarding all work done within the city.
- (d) Acceptance of Escambia County certificates of competency and the requirement herein that individuals or businesses contracting within the city comply with Escambia County Ordinances shall in no way alter or preclude the necessity for complying with the requirements of the City Codes and failure to do so shall be punishable pursuant to the Codes of the City of Pensacola, including but not limited to, section 1-1-8, section 14-3-4, or F.S. §§ 775-082, 775.083, and 775.084.

(Ord. No. 19-02, § 1, 9-12-02)

Sec. 14-1-65. - Reserved.

Sec. 14-1-66. - Journeymen and master electricians.

- (a) A journeyman electrician is a person who possesses the necessary qualifications, training and technical knowledge to install electrical wiring, apparatus or equipment for light, heat or power, and who is capable of doing electrical work according to the plans and specifications furnished him or her and in accordance with this Code, and the requirements established by the Escambia County Board of Electrical Examiners and who has been tested and certified as such by the Escambia County Board of Electrical Examiners, or the holder of a City of Pensacola certificate of competency which was current and valid upon the adoption of this chapter.
- (b) A master electrician is a person who possesses the necessary qualifications, training, and technical knowledge to plan, lay out and supervise the installation of electrical wiring, apparatus or equipment for light, heat or power and who has demonstrated qualification under the provisions of this Code and the requirements established by the Escambia County Board of Electrical Examiners and who has been tested and certified, as such, by the Escambia County Board of Electrical Examiners, or the holder of a City of Pensacola certificate of competency which was current and valid upon the adoption of this chapter.
- (c) Upon the date of adoption of this ordinance, the City of Pensacola shall no longer issue journeyman electrician or master electrician certificates of competency. Those persons holding current City of Pensacola certificates of competency, as of the date of adoption of this ordinance, shall be allowed to renew and exercise the privileges of the same within the city as long as they remain active in electrical work as permitted by this Code and renew their certificate biennially, as required by section 7-14-3 of this Code. City certificate holders shall be subject to regulation and discipline by the Escambia County Board of Electrical Examiners.
- (d) Subsequent to the effective date of this chapter, a person desiring to obtain a certificate of competency for a journeyman electrician or master electrician, as defined in this section must satisfy all requirements of the Escambia County Board of Electrical Examiners. Pursuant to section 14-1-61 journeyman and master electricians licensed by the Escambia County Board of Electrical Examiners shall be authorized to conduct work as defined in this section.
- (e) Acceptance of Escambia County certificate of competency and the requirement herein that individuals or businesses contracting within the city comply with Escambia County Ordinances shall in no way alter or preclude the necessity for complying with the other requirements of the Code of the City of Pensacola and failure to do so shall be punishable pursuant to the Codes of the City of Pensacola, including but not limited to, section 1-1-8, section 14-3-4, or F.S. §§ 775-082, 775,083, and 775.084.

(Ord. No. 19-02, § 1, 9-12-02)

Sec. 14-1-67. - Maintenance electricians.

- (a) A maintenance electrician is a person who possesses the necessary qualifications and is certified by the Escambia County Board of Electrical Examiners to keep in repair, and/or maintain or operate machinery, elevators, or equipment in specific buildings or plants as an employee of the owners or operators of such buildings or plants. This person is restricted from doing any electrical work which requires an electrical permit from the City of Pensacola.
- (b) Upon the date of adoption of this ordinance, the City of Pensacola shall no longer issue maintenance electrician certificates of competency. Those persons holding current City of Pensacola certificates of competency shall be allowed to renew and exercise the privileges of the same within the city as long as they remain active in electrical work as permitted by this Code and renew their certificate biennially, as required by section 7-14-3 of this Code. City certificate holders shall be subject to regulation and discipline by the Escambia County Board of Electrical Examiners. Nothing in this section shall be construed as authorizing any maintenance electrician to engage in business as an electrician, nor as authorizing any such individual to do electrical work other than in or on the property of their employer. Maintenance electricians shall not be allowed to make new installations or perform new construction under this provision. Upon leaving the employment for which the

maintenance electrician certificate of competency was issued, such certificate of competency shall become null and void.

- (c) Subsequent to the effective date of this ordinance, a person desiring to obtain a certificate of competency for a maintenance electrician, as defined in this section must satisfy all requirements of the Escambia County Board of Electrical Examiners. Pursuant to section 14-1-61 maintenance electricians licensed by the Escambia County Board of Electrical Examiners shall be authorized to conduct work as defined in this section.
- (d) Acceptance of Escambia County certificate of competency and the requirement herein that individuals or businesses contracting within the city comply with Escambia County Ordinances shall in no way alter or preclude the necessity for complying with the other requirements of the Code of the City of Pensacola and failure to do so shall be punishable pursuant to the Codes of the City of Pensacola, including but not limited to, section 1-1-8, section 14-3-4, or F.S. §§ 775-082, 775.083, and 775.084.

(Ord. No. 19-02, § 1, 9-12-02)

Sec. 14-1-68. - Electrical contractors.

- (a) As of the effective date of this chapter, a person or entity desiring to engage in electrical contracting, as defined in Chapter 489 Part II, Florida Statutes, must satisfy all requirements of the Escambia County Board of Electrical Examiners for certification as an electrical contractor.
- (b) No person or business entity shall engage in the business of installing, altering or repairing within the city, any electrical wiring, device or equipment for which a permit is required by this code unless: the person is certified or licensed and authorized to do such work as provided for in section 14-1-61 of this chapter. Those persons designated as qualifying agents shall comply with all requirements of the Florida Statutes and administrative rules of the Florida Electrical Contractor's Licensing Board concerning notifications.
- (c) Upon the date of adoption of this chapter, the City of Pensacola shall no longer issue electrical contractor certificates of competency. Those persons holding current City of Pensacola certificates of competency shall be allowed to renew and exercise the privileges of the same within the city as long as they remain active in electrical contracting work as permitted by this Code and renew their certificate biennially, as required by section 7-14-3 of this Code. City certificate holders shall be subject to regulation and discipline by the Escambia County Board of Electrical Examiners.
- (d) Acceptance of Escambia County certificate of competency and the requirement herein that individuals or businesses contracting within the city comply with Escambia County Ordinances shall in no way alter or preclude the necessity for complying with the other requirements of the Code of the City of Pensacola and failure to do so shall be punishable pursuant to the Codes of the City of Pensacola, including but not limited to, section 1-1-8, section 14-3-4, or F.S. §§ 775-082, 775.083, and 775.084.

(Ord. No. 19-02, § 1, 9-12-02)

Sec. 14-1-69. - Alarm system contractors.

No person or business entity shall engage in the business of installing, altering or repairing, within the city, any alarm system wiring, device or equipment for which a permit is required by this code unless the person is the holder of an Escambia County alarm system contractor certificate currently registered with the State of Florida or is a State certified alarm system contractor; or the person or business entity employs a full time person who holds such a registration or certificate and is designated as the qualifying agent. Those persons designated as qualifying agents shall comply with all requirements of the Florida Statutes and administrative rules of the Florida Electrical Contractor Licensing Board concerning notifications.

(Ord. No. 19-02, § 1, 9-12-02)

Sec. 14-1-70. - Liability Insurance required.

Contractors doing business in the city shall be required to carry bodily injury and property damage insurance in the amounts specified in Rule 61G4-15.003, Florida Administrative Code.

Commented [JM3]: Per Jonathan Bilby's suggestion

~~(a) All persons or business entities desiring to engage in work of the nature specified in this chapter within the City of Pensacola shall be appropriately licensed, registered, or certified pursuant to this code and shall obtain and submit proof of general liability insurance coverage (including products and completed operations) insuring the City of Pensacola in at least the following amounts:~~

~~Bodily injury and property damage: Three hundred thousand dollars (\$300,000.00) per occurrence, three hundred thousand dollar (\$300,000.00) aggregate.~~

~~(b) The certificate holder shall be the City of Pensacola.~~

~~(c) The cancellation notice shall stipulate that, should the general liability coverage, described above, be canceled before the expiration date thereof, the issuing company will mail a thirty-day written notice to the City of Pensacola.~~

(Ord. No. 19-02, § 1, 9-12-02)

Sec. 14-1-71. - Reserved.

REPEAL SECTION 14-1-72.

~~Sec. 14-1-72. - Contractor vehicle identification.~~

Commented [JM4]: Covered by F.S. section 489.119(5)(c).

~~(a) Persons or business entities engaging in the business of contracting and subcontracting within the city, as regulated by the State of Florida, the City of Pensacola or one of the Escambia County contractor competency or certification boards referenced herein, shall not use any truck or car for carrying supplies, tools and equipment which does not have the contractor's name, and State certificate or local certificate and State registration number permanently placed upon both sides of the vehicle in letters of at least two (2) inches in height.~~

~~(b) Persons or business entities engaging in a trade or business which does not require a certificate of competency but which requires the purchase of a permit before commencing work, regardless of individual licensing requirements, shall not use any truck or car for carrying supplies, tools or equipment which does not have the business name and local telephone number permanently placed upon both sides of the vehicle in letters of at least two (2) inches in height.~~

~~(Ord. No. 19-02, § 1, 9-12-02)~~

Sec. 14-1-73. - Prohibitions; violations.

(a) It is unlawful for any person to engage in the business or act in the capacity of a contractor or certificate holder in the City of Pensacola without having been duly certified or registered as required under the provisions of state law and the Code of the City of Pensacola.

(b) It is a violation of this Code for any person to:

1. Falsely hold themselves out as one duly certified as required by the provisions of this Code;
2. Falsely impersonate one duly certified as required by the provisions of this Code;
3. Present as their own the certificate or registration of another;

4. Give false or forged evidence for the purpose of obtaining a certificate or registration;
5. Use or attempt to use a certificate or registration which has expired, or has been suspended or revoked.

(Ord. No. 19-02, § 1, 9-12-02)

Secs. 14-1-74—14-1-90. - Reserved.

REPEAL ARTICLE V.

ARTICLE V. OWNER-BUILDER'S PRIVILEGE

~~Sec. 14-1-91. General.~~

~~Nothing herein shall prohibit a bona fide owner from personally constructing, remodeling or renovating their own bona fide residence; or installing electrical wiring or equipment, gas piping or equipment, plumbing piping or equipment, mechanical devices, controls or equipment within; providing that he/she is determined to be a qualified person and the work is on a single family residence which is, or will be, occupied by the owner and his/her family, for at least one year following completion of the project. Such privilege does not convey the right to violate any of the provisions of this code, any of the technical codes adopted hereby, or the requirements and limitations of the Florida Statutes, nor is it to be construed as exempting any such property owner from obtaining a permit and paying the required fees therefor.~~

Commented [JM5]: Defer to state law

~~(Ord. No. 19-02, § 1, 9-12-02)~~

~~Sec. 14-1-92. Qualified person.~~

~~For purposes of this section, a "qualified person" shall be a property owner who has demonstrated to the satisfaction of the building official, or his representative, that he/she is the owner and is, or will be, the occupant of the single family residence for which a permit is requested and has the basic knowledge and skills necessary to do the work requested in a manner which will comply in all respects with this Code.~~

~~(Ord. No. 19-02, § 1, 9-12-02)~~

~~Sec. 14-1-93. Requirements.~~

~~Property owners desiring to do their own work shall comply with the following:~~

- ~~(a) Submit job plans and specifications and personal qualifications for the Building Official's approval.~~
- ~~(b) Complete and sign the disclosure statement concerning contracting requirements, as required by Florida Statutes.~~
- ~~(c) Secure a permit in accordance with this Code.~~
- ~~(d) Personally perform and/or supervise the work permitted, in his/her own residence, without compensation from any other person and without employing master or journeymen. The owner shall furnish affidavits as to these requirements if required by the Building Official.~~
- ~~(e) Engage properly-certified contractors, who shall obtain their own permits, to perform any work for which he/she is not found qualified or for which he/she does not obtain the permit.~~
- ~~(f) Perform construction and installations in accordance with this Code.~~

(g) ~~Have construction and installations inspected and approved by the Department of Inspection Services.~~

~~(Ord. No. 19-02, § 1, 9-12-02)~~

~~Secs. 14-1-94—14-1-110. —Reserved.~~

ARTICLE ~~V-IV~~. - PERMITS—CODE COMPLIANCE

Sec. 14-1-111. - Permit—Fee.

No construction permit authorized or required by this Code shall be issued by the inspection services ~~Department of Inspection Services~~ until the applicant therefor pays the appropriate fee for the permit and the rights and privileges provided therein.

(Ord. No. 19-02, § 1, 9-12-02)

Sec. 14-1-112. - Same—Term.

Every construction permit issued shall become invalid unless the work authorized by such permit is commenced within six (6) months after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of three (3) months after the time the work is commenced, except that re-roofing permits shall be good for only three (3) weeks and demolition permits for only ninety (90) days, unless the permit holder shall have obtained an extension from the Building Official. "Work," as used herein, shall be defined as progress evidenced by at least one satisfactory inspection during any six (6) ~~three (3)~~ month period.

(Ord. No. 19-02, § 1, 9-12-02)

Sec. 14-1-113. - Same—Deviation.

The construction permit, when issued, shall be for such installation as is described in the application and plans and no deviation shall be made from the installation so described without the written approval of the inspection services ~~Department of Inspection Services~~. If any deviation from the original permit is made another permit covering the deviation may be required.

(Ord. No. 19-02, § 1, 9-12-02)

Sec. 14-1-114. - Damage exceeding fifty percent of appraised taxable value.

Whenever a building has deteriorated, been destroyed, or demolished to the extent that the cost of improvement, renovation or repair work will exceed fifty (50) percent of the appraised taxable value established prior to the destruction or demolition, then it shall be required that the entire structure be reworked to meet the requirements of the current construction, life safety and fire prevention codes.

(Ord. No. 19-02, § 1, 9-12-02)

Sec. 14-1-115. - Stop work order.

Whenever improvement work on any premises within the city whether permitted or not, is being done contrary to the provisions of this or any other code of the City of Pensacola, the code inspector observing

such work shall issue a written stop work order or other correction notice to the person or firm responsible for the work. The person responsible shall cease work until the proposed work is approved or until corrections in compliance with the correction notice have been made. The Building Official may, at his discretion, revoke any permit issued for improvements if the person responsible fails to comply with a written stop work or correction notice.

(Ord. No. 19-02, § 1, 9-12-02)

Sec. 14-1-116. - Conformance with regulations and technical codes.

Any person, firm or corporation engaged in a business regulated by this Code, whose work does not conform to the regulations and technical codes adopted herein, shall on notice from the building official make necessary changes or corrections so as to conform to these regulations and technical codes; if changes have not been made after ten (10) days' notice from the building official, the building official may then refuse to issue any more permits, for any project, to that person, firm or corporation until such work has fully complied with these regulations and codes.

(Ord. No. 19-02, § 1, 9-12-02)

Sec. 14-1-117. - Permit appeals.

A person, firm or corporation which is denied a permit or has a permit revoked shall have the right to appeal, in writing, the decision of the Building Official to the Construction Board of Adjustment and Appeals within fifteen (15) days of such action. The Construction Board of Adjustment and Appeals shall meet and decide the appeal of the permit denied or revoked within fifteen (15) business days of receipt by the Building Official of the written appeal.

(Ord. No. 19-02, § 1, 9-12-02)

Secs. 14-1-118—14-1-130. - Reserved.

ARTICLE ~~V~~^{VI}. - BUILDINGS⁽³⁾

Footnotes:

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Cross reference— Barbed wire fences unlawful without planks, § 8-1-8; code enforcement, Title XIII.

Sec. 14-1-131. - Florida Building Code—Adopted.

Pursuant to F.S. § 553.73, and other applicable provisions of law, the ~~2001~~ Florida Building Code and all subsequent editions and revisions thereto as may be adopted by the State of Florida Building Commission as the state minimum building code, save and except the portions which are deleted, modified, or amended as contained in this chapter, are hereby adopted for the purpose of governing the construction, erection, enlargement, alteration, repair, demolition, use, occupancy, proximity and maintenance of buildings and other structures within the city. Not less than one (1) copy of the foregoing codes has been filed for more than ten (10) days preceding passage of this chapter and is now filed in the office of the City Building Official.

(Ord. No. 19-02, § 1, 9-12-02)

Sec. 14-1-132. - Same—Amendments.

At the time of excavation and during construction of a swimming pool an effective safety barrier as defined in Section 424.2.2 of the Florida Building Code shall be installed and maintained so as to enclose all four sides of the excavation or swimming pool whenever persons constructing the pool are not at the site and the permanent enclosure has not been installed.

(Ord. No. 19-02, § 1, 9-12-02)

~~Sec. 14-1-133. - Reserved.~~

Sec. 14-1-133. - Local government amendments to Florida Building Code.

The Florida Building Code permits local governments to adopt amendments which are more stringent than the minimum standards in state statutes, and amendments to the technical provisions of the Florida Building Code which apply solely within the jurisdiction of the local government. Pursuant to the provisions of F.S. § 553.73(4), the following amendments are adopted and applicable within the city limits of the City of Pensacola:

- (a) Section 1612.4.2 of the Florida Building Code, Building, is amended to provide:

Elevation requirements. The minimum elevation requirements shall be as specified in ASCE 24 or the base flood elevation plus 3 feet (914 mm), whichever is higher.

- (b) Section R322.2.1 of the Florida Building Code, Residential, is amended to provide:

R322.2.1 Elevation requirements.

1. Buildings and structures in flood hazard areas including flood hazard areas designated as Coastal A Zones, shall have the lowest floors elevated to or above the base flood elevation plus 3 feet (914 mm), or the design flood elevation, whichever is higher.
2. In areas of shallow flooding (AO zones), buildings and structures shall have the lowest floor (including basement) elevated to a height above the highest adjacent grade of not less than the depth number specified in feet (mm) on the FIRM plus 3 feet (914 mm), or not less than 3 feet (915 mm) if a depth number is not specified.
3. Basement floors that are below grade on all sides shall be elevated to or above base flood elevation 3 feet (914 mm), or the design flood elevation, whichever is higher.

Exception: Enclosed areas below the design flood elevation, including basements with floors that are not below grade on all sides, shall meet the requirements of Section 322.2.2.

- (c) Section R322.2.2 of the Florida Building Code, Building, is amended to provide:

R322.2.2 Enclosed areas below design flood elevation.

Enclosed areas, including crawl spaces, that are below the design flood elevation shall:

1. Be used solely for parking of vehicles, building access or storage. The interior portion of such enclosed areas shall not be partitioned or finished into separate rooms except for stairwells, ramps, and elevators, unless a partition is required by the fire code. The limitation on partitions does not apply to load bearing walls interior to perimeter wall (crawl space) foundations. Access to enclosed areas shall be the minimum necessary to allow for the parking of vehicles (garage door) or limited storage of maintenance equipment

used in connection with the premises (standard exterior door) or entry to the building (stairway or elevator).

- (d) Section R322.3.2 of the Florida Building Code, Building, is amended to provide:

R322.3.2 Elevation requirements.

1. Buildings and structures erected within coastal high-hazard areas and Coastal A Zones, shall be elevated so that the bottom of the lowest horizontal structure members supporting the lowest floor, with the exception of pilings, pile caps, columns, grade beams and bracing, is elevated to or above the base flood elevation plus 3 feet (914 mm) or the design flood elevation, whichever is higher.
2. Basement floors that are below grade on all sides are prohibited.
3. The use of fill for structural support is prohibited.
4. Minor grading, and the placement of minor quantities of fill, shall be permitted for landscaping and for drainage purposes under and around buildings and for support of parking slabs, pool decks, patios and walkways.
5. Walls and partitions enclosing areas below the design flood elevation shall meet the requirements of Sections R322.3.4 and R322.3.5.

- (e) Section R322.3.4 of the Florida Building Code, Building, is amended to provide:

R322.3.4 Walls below design flood elevation.

Walls are permitted below the elevated floor, provided that such walls are not part of the structural support of the building or structure and:

1. Electrical, mechanical, and plumbing system components are not to be mounted on or penetrate through walls that are designed to break away under flood loads; and
2. Are constructed with insect screening or open lattice; or
3. Are designed to break away or collapse without causing collapse, displacement or other structural damage to the elevated portion of the building or supporting foundation system. Such walls, framing and connections shall have a design safe loading resistance of not less than 10 (470 Pa) and no more than 20 pounds per square foot (958 Pa); or
4. Where wind loading values of this code exceed 20 pounds per square foot (958 Pa), the construction documents shall include documentation prepared and sealed by a registered design professional that:
 - 4.1. The walls below the design flood elevation have been designed to collapse from a water load less than that which would occur during the design flood.
 - 4.2. The elevated portion of the building and supporting foundation system have been designed to withstand the effects of wind and flood loads acting simultaneously on all building components (structural and nonstructural). Water loading values used shall be those associated with the design flood. Wind loading values used shall be those required by this code.

- (f) Section R322.3.5 of the Florida Building Code, Building, is amended to provide:

R322.3.5 Enclosed areas below the design flood elevation.

Enclosed areas below the design flood elevation shall be used solely for parking of vehicles, building access or storage. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms except for stairwells, ramps, and elevators, unless a partition is required by the fire code. Access to enclosed areas shall be the minimum necessary to allow for the parking of vehicles (garage door) or limited storage of maintenance equipment used in

connection with the premises (standard exterior door) or entry to the building (stairway or elevator).

(Ord. No. 16-19, § 3, 8-8-19)

Sec. 14-1-134. - Building permits.

- (a) In addition to the requirements specified in the Florida Building Code, as adopted herein, applications for and issuance of construction permits shall be in accordance with Chapter 12-12, Code of the City of Pensacola.
- (b) Applications for building permits shall be accompanied by the following information and materials:
 - 1. Two (2) or more complete sets of building construction plans and specifications, signed by the designer, and, when required, sealed by an appropriately certified professional, drawn in sufficient detail to be reviewed for compliance with the requirements of the technical codes, Florida Statutes and the Land Development Code contained in Chapter 12.
 - 2. Proof of sewer tap from Escambia County Utilities Authority, as appropriate.
 - 3. Completed, current Florida thermal efficiency code compliance certification forms, when applicable, pursuant to Florida Statutes, Chapter 553.
- (c) One (1) copy of the plans shall be returned to the applicant by the building official after designated agents have marked as approved. This copy is to be maintained at the job site and available for review by city inspectors at any time that work is in progress. A second copy of the plans, similarly marked, shall be retained by the Building Official. Additional copies, when required, will be distributed to the appropriate authorities.
- (d) When a building permit is required, no permits for electrical, plumbing, gas, mechanical or other building service system shall be issued until after the building permit has been issued.
- (e) No building permit shall be issued by the city on any parcel of property subject to its jurisdiction when there is a pending request for a change of zoning classification for the parcel; unless the use for which the permit is requested is permitted in both the present zoning classification and the zoning classification requested.
- (f) A building permit issued by the inspection services Department ~~of Inspection Services~~ shall be required for all swimming pool installations, and all regulations concerning the issuance of a building permit shall likewise apply to swimming pool permits.
- (g) Electrical and plumbing permits shall be required in accordance with the electrical and plumbing codes adopted herein.
- (h) A separate building permit shall be required for erecting enclosure fencing or walls.

(Ord. No. 19-02, § 1, 9-12-02)

Sec. 14-1-135. - Moving of buildings.

- (a) No building, structure or assembly which exceeds the maximum highway limits of the state shall be moved over the public streets and thoroughfares of the city until a permit for the movement shall have been issued by the Building Official.
- (b) Permit application forms shall be completed to show the route and time when any such move is requested under the authority of the permit, and shall contain the prior approval of the Police Department, Fire Department and the Traffic Engineer before issuance by the Building Official.
- (c) All structures relocated within or brought into the city must be located, modified, remodeled or repaired so as to be in total compliance with the codes of the city. Such work is to commence

immediately upon location or relocation within the city and to be actively continued until completed. Structures which are not located, modified and repaired, as required, shall be considered as unsafe structures and the Building Official shall take action in accordance with the International Property Maintenance Code or other applicable provisions of this Code.

- (d) Before a permit to move a structure into or within the city is issued, a sewer tap, as appropriate, and a permit for an approved foundation and site plan shall have been obtained.

(Ord. No. 19-02, § 1, 9-12-02; Ord. No. 08-08, § 2, 1-31-08)

Sec. 14-1-136. - Demolition.

- (a) The demolition of buildings and structures shall be controlled by provisions of the Florida Building Code and the International Property Maintenance Code, as adopted herein, by those additional provisions, outlined for special review districts, contained in Chapter 12-2, Code of the City of Pensacola and those guidelines as established in this part.
- (b) No building or structure shall be demolished, razed, dismantled or removed in whole or in part without first obtaining a permit issued by the Building Official of the city. A permit issued for demolition shall be valid for ninety (90) days. Extensions for periods not exceeding thirty (30) days each may be granted in writing by the building official.
- (c) Applications for demolition permits must include an affidavit, signed by the applicant or the property owner, indicating that all gas, water and electrical utilities have been cut off or disconnected. Utilities shall be cut off at the property line or off premises when a building or structure is to be totally demolished.
- (d) Demolition permits for structures larger than three thousand (3,000) square feet in floor area or over thirty-five (35) feet in height at any point shall require a current certificate of insurance showing general liability coverage of at least three hundred thousand dollars (\$300,000.00), per occurrence and per accident, for products and completed operations.
- (e) When required by the Building Official, the Florida Building Code, or by the International Property Maintenance Code, as adopted herein, barricades and other shielding shall be used to protect adjacent property and the public. At the end of each working day the remainder of the structure shall be left in a stable condition with no dangerous unsupported roofs, walls or other elements. Fencing or continuous security guard(s) may be required.
- (f) All footings, foundations, piers, etc. of one- and two-family dwellings which have been demolished, shall be removed to a depth of not less than twelve (12) inches below the natural ground level. Utility supply and sewer piping shall be removed so as to be flush with grade level. The footings, foundations, utility supply and sewer piping and all pilings of structures larger than a one- or two-family dwelling shall be removed to not less than four (4) feet below the natural ground level. Remaining sections of footings, foundations, pilings, and piping may be buried provided they have not been disturbed from their original position and are surrounded by compacted earth or other permitted backfill. All excavations are to be filled to the natural grade; unnatural hills or mounds of earth are to be leveled or removed.
- (g) Debris and waste materials shall not be allowed to accumulate or be buried on the premises. Usable, recyclable by products of demolition including, but not limited to, steel beams and rip-rap may be stored only where permitted by the provisions of Chapter 12-2, Code of the City of Pensacola.
- (h) Demolition work shall be conducted in compliance with the noise regulations for construction contained in the Code of the City of Pensacola.
- (i) The owner of a building or structure or his duly authorized agent may appeal a decision or requirement of the Building Official, concerning demolition, to the Construction Board of Adjustment and Appeals. Filing of an appeal will stay the work until a decision has been rendered by the board. When an appeal is made, the Building Official shall require appropriate safeguards to protect the

public and adjacent buildings. If deemed necessary, an immediate meeting of the Construction Board of Adjustment and Appeals shall be called by the chair of the board.

(Ord. No. 19-02, § 1, 9-12-02; Ord. No. 08-08, § 3, 1-31-08)

Sec. 14-1-137. - Damage to city rights-of-way or property.

Any damage to city right-of-way or property, including damage to sidewalks, driveways, curbs, paving, trees, grass and shrubbery resulting from the moving, construction, erection, enlargement, alteration, repair, or demolition procedure including the erection and removal of fences, barriers or walkways, shall be repaired or replaced as required by the mayor.

(Ord. No. 19-02, § 1, 9-12-02; Ord. No. 16-10, § 239, 9-9-10)

Sec. 14-1-138. - Tents.

- (a) A building permit shall be required for any tent larger than one hundred (100) square feet in size erected in the city.
- (b) Issuance of a building permit for erection of a tent shall require prior approval of the fire department. The fire department shall be responsible for determining the adequacy of the flame retardant quality of the tent and other fire suppression equipment requirements.
- (c) Unless waived by the Building Official, application for a tent permit shall include a fully dimensional site plan showing the proposed location of the tent, location of any other permanent or temporary site improvements, on-site parking and, if required, portable sanitary facilities.
- (d) Sanitary facilities shall exist or be provided within one hundred (100) feet of any tent and in the same minimum fixture count as is required in the Florida Building Code—Plumbing, as adopted herein, for permanent structures of the same use or occupancy as is intended for the tent. The mayor may extend such distance for community events. The minimum fixture count may be reduced by the Building Official when he determines that the number of facilities will be in excess of the actual number required based upon existing permanent facilities and intended use of the tent.
- (e) When a proposed tent location is in a parking lot intended to be used by persons frequenting a permanent structure, no more than two (2) percent of the parking required in chapter 12 shall be lost due to erection of the tent.
- (f) Wind load requirements contained in the Florida Building Code, as adopted herein, and all other requirements of this Code and the Land Development Code contained in chapter 12 shall apply to tents which will be in place for more than fifteen (15) days.
- (g) All electrical service to a tent shall comply with the requirements of the National Electrical Code as adopted herein.

(Ord. No. 19-02, § 1, 9-12-02; Ord. No. 16-10, § 240, 9-9-10)

REPEAL SECTION 14-1-139.

~~Sec. 14-1-139. - International Property Maintenance Code adopted.~~

~~The International Property Maintenance Code, 2006 Edition, published by the International Code Council, Inc., and subsequent editions and revisions thereto is hereby adopted and incorporated as fully as if set out at length in this section and the provisions thereof shall be deemed the minimum standards essential to effect the elimination of unsafe buildings in an efficient and timely manner within the city, save and except such portions as are deleted, modified, or amended as contained in this chapter. Not less~~

Commented [JM6]: Covered in Sec. 14-1-222.

~~than one copy of the foregoing codes has been filed for more than ten (10) days preceding passage of this chapter, and is now filed in the office of the city Building Official.~~

~~(Ord. No. 19-02, § 1, 9-12-02; Ord. No. 08-08, § 4, 1-31-08)~~

Sec. 14-1-140. - Costs incurred by city declared lien; collection; enforcement.

- (a) All expenses incurred by the city in abating an unsafe building condition in accordance with the International Property Maintenance Code, Florida Building Code, or other provision of this Code shall be reimbursed by the legal or beneficial owner and shall constitute a lien against the property until paid, including statutory interest. The city may recover such expenses by any means authorized by law or equity. "Expenses" shall include, but not be limited to, costs incurred in ascertaining ownership, architectural or engineering consultation, mailing or delivery of notices, contracts for demolition or repair, recording fees, and taxable costs of litigation including reasonable attorney's fees.
- (b) The Building Official shall certify to the mayor that the specific work has been completed. The mayor shall then prepare and process a complete assessment of all costs including, but not limited to, all expenses listed in the preceding paragraph or other legitimate expenses that may have occurred before, during or after proceedings necessary to eliminate the illegal condition of buildings or structures described herein.
- (c) Furthermore, the assessment is declared a lien upon the land until paid, and to have equal dignity with other liens for ad valorem taxes. The mayor shall file for public record the claims of liens against the property cleared, or abated of the condition, or condemned building setting forth the amount of the lien, a description of the property involved, and that the lien is claimed pursuant to the provisions of this section. The lien shall be signed and sworn to by the mayor. Monies received from enforcement of the lien shall be collected and deposited in the special assessment fund. The lien shall be enforced as otherwise provided for by law.

(Ord. No. 19-02, § 1, 9-12-02; Ord. No. 08-08, § 5, 1-31-08; Ord. No. 16-10, § 241, 9-9-10)

Secs. 14-1-141—14-1-160. - Reserved.

ARTICLE VIII. - ELECTRICITY^[4]

Footnotes:

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State Law reference— Minimum electrical standards, F.S. § 553.15 et seq.; inspection warrants, F.S. § 933.20 et seq.

Sec. 14-1-161. - Short title.

This article shall be known and may be cited as the City of Pensacola Electrical Code.

(Ord. No. 19-02, § 1, 9-12-02)

Sec. 14-1-162. - National Electrical Code adopted.

- (a) The National Electrical Code (NFPA-70), 1999 edition copyrighted by the National Fire Protection Association, as may be amended, is hereby adopted for the purpose of establishing rules and regulations for the installation, alteration and removal of electrical wiring and equipment, and the

whole thereof, save and except such portions as are deleted, modified, or amended as contained in this article, of which not less than one copy of the foregoing code has been filed for more than ten (10) days preceding passage of this section, and now is filed in the office of the Building Official of the city. The same is hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this ordinance shall take effect, the provisions thereof shall be controlling in electrical construction within the corporate limits of the city.

- (b) In application and administration of the National Electrical Code, the "authority having jurisdiction" shall be the building official as designated by the mayor, defined in article II of this Title, or his designated representative.
- (c) The administrative chapter of the 2001 Florida Building Code, as adopted and amended herein, shall apply to this Code. The authority of the Construction Board of Adjustment and Appeals referred to in section 14-1-41 of the Code of the City of Pensacola shall apply equally to the Florida Building Code-Fuel Gas.

(Ord. No. 19-02, § 1, 9-12-02)

Sec. 14-1-163. - Same—Amendments.

The amendments to the National Electrical Code shall be as set out in this section. All references to section and chapter numbers in the text of this section shall be construed as if followed by the words, "of the National Electrical Code," unless clearly indicating to the contrary.

A. *Article 680—Swimming, Pools, Fountains, and Similar Installations.*

- (1) All electrical circuits, regardless of the voltage or current rating, installed in a swimming pool or spa area shall be installed by a licensed electrical contractor and proper permits and inspections shall be required.

(Ord. No. 19-02, § 1, 9-12-02)

REPEAL SECTION 14-1-164.

~~Sec. 14-1-164. —Approved materials and devices.~~

Commented [JM7]: This section is actually in 12-2-40.

- ~~(a) Generally no electrical materials, devices or appliances shall be used, installed or sold in the city unless they are in conformity with the provisions of this Code; the statutes of the state and the rules and regulations issued under the authority of the Florida Statutes; and unless they are in conformity with approved electrical materials, devices and appliances, and with the standards of a recognized and certified national or international testing association using evaluation and testing procedures approved by the American Standards Association, which latter conformity shall be prima facie evidence that such electrical materials devices and appliances comply with the regulations of this Code; or unless by written permission from the building official, who may require additional safeguards for unapproved apparatus. The maker's name, trademark or other identification symbol shall be placed on all electrical material, devices and appliances used or installed under this Code.~~
- ~~(b) Electric fences shall not be permitted in the city, except that electrical fences may be used at wildlife sanctuaries permitted by the U.S. Department of Wildlife and Fisheries to harbor and protect federally protected and/or endangered species. Electrical fences must be wholly within the interior of such sanctuaries and may not be used as perimeter fences. Site plans and installation diagrams must be submitted to the City Department of Planning and Neighborhood Development and the City Department of Inspection Services for review and approval. Electrical fences may not be in use during hours of operation when the public is present and appropriate warning signs must be attached to electrical fences. No electrical permit will be issued and no electrical inspection is required.~~

(Ord. No. 19-02, § 1, 9-12-02)

REPEAL SECTION 14-1-165.

Sec. 14-1-165. — Communication and alarm systems.

Commented [JM8]: Inspections recommended deletion

- (a) ~~All communication system installations shall be in compliance with the requirements of the National Electrical Code adopted herein. Communication systems shall include telephone, telegraph, television, computer, district messenger, fire and burglar monitors and low voltage alarms, central station systems for any of the preceding, telephone and intercom systems, and similar types of equipment. Communication system installers are not required to have master or journeyman electrical certificates of competency, however, alarm system contractors are required to comply with Florida Electrical Contractor Licensing Board regulations.~~
- (b) ~~It shall be the duty of the Building Official or his designated representative to see that all laws governing communications systems construction are strictly complied with.~~
- (c) ~~When any part of a communications system installation within or through environmental air plenums and fire-rated assemblies will be hidden by the placement of parts of the building, the person, firm or corporation installing the communications system shall notify the Department of Inspection Services and such parts of the communication system installation shall not be concealed until they have been inspected. In large installations, where the concealment of parts of the wiring proceeds continuously, the person, firm or corporation installing the communication system shall give the electrical inspector due notice, and inspection shall be made periodically during the progress of the work.~~
- (d) ~~All cables not in conduit shall be independently supported.~~
- (e) ~~All alarm system installations including prewire only installations shall require permits. Neither a permit nor an inspection will be required for other communication systems installed in one and two family dwellings or for computer systems in any residential dwelling. An inspection will be required for alarm systems in one and two family dwellings and in small commercial installations not involving central stations, pull stations or automatic fire protection systems. Inspections shall be required for complex installations involving central stations, pull stations, or automatic fire suppression or protection systems or when deemed necessary by the Building Official or the fire marshal.~~
- (f) ~~The Building Official may cause the reinspection of communication system installations. When a communication system, installed within or through environmental air plenums or fire wall assemblies, is found to be in a dangerous condition, the firm or corporation owning, using or operating the building shall be notified to make the necessary repairs or changes within twenty-four (24) hours unless otherwise directed by the Building Official. A reinspection fee may be required.~~

(Ord. No. 19-02, § 1, 9-12-02)

Sec. 14-1-166. - Electrical permits.

- (a) Unless specifically exempted in this Code or by the Building Official, no wiring, devices, or equipment for the transmission, distribution, or utilization of electrical energy for light, alarms, power, heat, electronic communication, radio transmission and reception, lightning protection or other purpose shall be installed within or on any structure nor shall any alteration or addition be made in any such existing wiring, devices, or equipment without first securing an electrical permit from the inspection services Department of Inspection Services.
- (b) Application for an electrical permits shall be made on forms provided in writing, by the person, or person(s) authorized to represent a business entity, planning to install the work, and the permit, when approved, shall be issued to such applicant. The person or business entity making application for such permit shall describe the work to be done including the size of conductors to be used in or

upon any building for all services, mains, feeders, and sub-feeders, the areas to be served by such conductors, and shall, when required by the Building Official or his designated representative, file with the inspection services ~~Department of Inspection Services~~ complete plans and specifications for the installations, showing details as may be necessary to determine whether the installation as described will be in conformity with the requirements of this Code. When a building permit is also required, electrical permits, for other than temporary power poles, shall not be issued until after the building permit has been issued.

- (c) Electrical plans for all buildings requiring emergency means of egress shall show the location of all fire escape lights, exit signs and emergency lights and such locations shall have the approval of the Building Official and the Fire Marshal before an electrical permit is issued for their installation.
- (d) The permit, when issued, shall be for such installation as is described in the application and plans, and no deviation shall be made from the installation so described without the written approval of the authority having jurisdiction. If any deviation from the original permit is made, another permit covering the deviation may be required.
- (e) Every permit issued shall become invalid unless the work authorized by such permit is commenced within six (6) months after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of ~~six (6) three (3)~~ months after the time the work is commenced. One (1) or more extensions of time, for periods not more than ninety (90) days each, may be allowed for the permit. The extension shall be requested in writing and justifiable cause demonstrated. Extensions shall be in writing by the Building Official.

~~.(f) All electrical circuits, regardless of voltage, current rating or permit requirements, shall comply with the requirements of the National Electrical Code.~~

- ~~(f)~~ (g) Exemption for companies or businesses regulated by the Florida Public Service Commission: Alterations or additions to wiring, devices, or equipment for the transmission of electrical energy where such alterations or additions are for the sole purpose of providing energy management capability related to utility programs approved or endorsed by the Florida Public Service Commission (FPSC) shall be exempt from the requirement of this section, including inspections, except for the requirements contained in subsection (f). This exemption shall apply only to a company or business authorized by the FPSC to establish such a program. All work herein described shall be performed by a contractor, appropriately licensed by the State of Florida and/or local government. This exemption shall not apply unless prior to implementing such a program, the company or business provides to the city an agreement agreeing to indemnify and hold harmless the City of Pensacola for any and all work performed under the FPSC approved program in a form acceptable to the city attorney. This exemption in no manner creates any obligation nor creates any liability on the part of the city to inspect or approve the work described herein.

(Ord. No. 19-02, § 1, 9-12-02)

Secs. 14-1-169—14-1-190. - Reserved.

REPEAL SECTION 14-1-167.

~~Sec. 14-1-167. Contractor requirements.~~

- ~~(a) All electrical and alarm system contractors shall have a business telephone attended during normal business hours.~~
- ~~(b) A registered contractor shall have a licensed journeyman or master electrician on the job site at any time that electrical work is being done.~~

~~(Ord. No. 19-02, § 1, 9-12-02)~~

Commented [JM9]: Regulated by Escambia County.

Sec. 14-1-168. - Tampering with grounding or equipment prohibited.

- (a) It shall be unlawful for any person, firm or corporation not having first obtained a permit to remove ground clamps from water pipes, or to in any way tamper with an electrical installation, and thereby increase the hazard to life and property.
- (b) It shall be unlawful for anyone to tamper with or alter in any way, equipment owned by the utility company without expressed permission of that utility company.

(Ord. No. 19-02, § 1, 9-12-02)

Secs. 14-1-169—14-1-190. - Reserved.

ARTICLE ~~VIII-HX~~. - GAS

Footnotes:

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State Law reference— Protection of underground gas pipelines, F.S. § 553.851.

Sec. 14-1-191. - Short title.

This article shall be known and may be cited as the City of Pensacola Gas Code.

(Ord. No. 19-02, § 1, 9-12-02)

Sec. 14-1-192. - Florida Building Code—Fuel Gas adopted.

Pursuant to F.S. § 553.73, and other applicable provisions of law, the ~~2004~~ Florida Building Code-Fuel Gas and subsequent editions and revisions thereto as may be adopted by the State of Florida Building Commission as the state minimum building code, are hereby adopted by the city for the purposes of establishing the minimum requirements for safe installation, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings, piping and appurtenances thereto, of both natural and liquefied petroleum gas, save and except such portions as are deleted, modified, or amended as contained in this article. Not less than one (1) copy of the foregoing code has been filed for more than ten (10) days preceding passage of this ordinance, and is now filed in the office of the City Building Official. Such edition of the Florida Building Code-Fuel Gas is hereby adopted and incorporated as fully as if set out at length in this section and the provisions thereof shall be deemed the minimum for controlling gas piping construction within the city.

(Ord. No. 19-02, § 1, 9-12-02)

Sec. 14-1-193. - Same—Amendments.

The administrative chapter of the ~~2004~~ Florida Building Code, as adopted and amended herein, shall apply to this Code. The authority of the Construction Board of Adjustment and Appeals referred to in section 14-1-41 of the Code of the City of Pensacola shall apply equally to the Florida Building Code-Fuel Gas.

(Ord. No. 19-02, § 1, 9-12-02)

Sec. 14-1-194. - LPG reference standards.

The standards published by the National Fire Protection Association, in particular NFPA 54 and 58, shall be used in the administration of liquefied petroleum gas installations.

(Ord. No. 19-02, § 1, 9-12-02)

Sec. 14-1-195. - Gas permits.

- (a) No piping, devices or equipment for the transmission, distribution, or utilization of gaseous fuel, shall be installed within or on any structure nor shall any alteration or addition be made in any such existing piping, devices, or equipment without first securing a gas permit from the inspection services ~~Department of Inspection Services~~.
- (b) Application for a gas permit shall be made on forms provided, in writing, by the person, or person(s) authorized to represent a business entity, planning to do the work, and the permit, when approved, shall be issued to such applicant. The person, or business entity, making application for such permit shall state in the application the system pressure, size and type of piping to be used in or upon any building for all services, mains, feeders and sub-feeders, the areas and equipment or appliances to be served by such piping, and shall, when required by the department, file with the inspection services ~~Department of Inspection Services~~ complete plans and specifications for the installations and equipment or appliances, showing details as may be necessary to determine whether the installation as described will be in conformity with the requirements of this Code. When a building permit is also required gas permits shall not be issued until after the building permit has been issued.

(Ord. No. 19-02, § 1, 9-12-02)

REPEAL SECTION 14-1-196.

~~Sec. 14-1-196. - Contractor requirements.~~

- ~~(a) All contractors shall have a business telephone attended during normal business hours.~~
- ~~(b) A contractor shall have a certified journeyman or master gas installer on the job site at any time that gas work is being done.~~

~~(Ord. No. 19-02, § 1, 9-12-02)~~

Sec. 14-1-197. - Investigation of complaints.

The Building Official shall cause to be examined all premises about which a complaint concerning the gas piping, appliance installation or ventilation is made and shall, upon evidence of the unsafe or unfinished condition thereof, condemn same and notify the owner or agent of the premises to arrange the gas piping, ventilation or appliance installation in compliance with this Code.

(Ord. No. 19-02, § 1, 9-12-02)

Sec. 14-1-198. - Unlawful installations and connections.

- (a) It shall be unlawful for any person to fail to place the gas piping or appliance installation on the premises or building in proper and safe condition in accordance with the provisions of this Code

Commented [JM10]: Regulated by Escambia County.

within a reasonable time fixed by the Building Official or Fire Marshal, or for any person to interfere with the Gas Inspector, Fire Inspector, Fire Marshal or the Building Official in the proper and lawful performance of their duties.

- (b) It shall be unlawful for any person to make a direct connection of any pipeline or device to any gas service built and maintained by the city gas company; ~~Energy Services of Pensacola.~~

(Ord. No. 19-02, § 1, 9-12-02)

Secs. 14-1-199—14-1-220. - Reserved.

ARTICLE ~~IX~~. - MINIMUM HOUSING^[6]

Footnotes:

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Cross reference— Fair housing, Ch. 5-2, Art. II; code enforcement, Title XIII.

Sec. 14-1-221. - Short title.

This article shall be known and may be cited as the City of Pensacola Minimum Housing Code.

(Ord. No. 19-02, § 1, 9-12-02)

Sec. 14-1-222. - International Property Maintenance Code adopted.

The ~~2006 edition of the~~ International Property Maintenance Code, published by the International Code Council, Inc., as may be amended, is hereby adopted and incorporated as fully as if set out at length in this section and the provisions thereof shall be deemed the minimum housing standards essential for safe and healthful living within the city, save and except such portions as are deleted, modified, or amended as contained in this article. Not less than one (1) copy of the foregoing code has been filed for more than ten (10) days preceding passage of this chapter, and is now filed in the office of the city Building Official.

(Ord. No. 19-02, § 1, 9-12-02; Ord. No. 08-08, § 6, 1-31-08)

Sec. 14-1-223. - Same—Amendments.

The following sections of the International Property Maintenance Code are hereby amended as follows:

- (a) *Section 101.1. Title:* Revise to read as follows: These regulations shall be known as the Property Maintenance Code of the City of Pensacola hereinafter referred to as "this code."
- (b) *Section 102.3. Application of other codes.* Revise to read as follows: Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures of the Florida Building Code, Florida Residential Code, Florida Fuel Gas Code, Florida Mechanical Code,

Florida Plumbing Code and the National Electrical Code. Nothing in this code shall be construed to cancel, modify or set aside any provision of the Land Development Code of the City of Pensacola.

- (c) *Section 103. DEPARTMENT OF PROPERTY MAINTENANCE.* Revise title to read: DIVISION OF PROPERTY MAINTENANCE.
- (d) *Section 103.2. Appointment.* Revise to read as follows: The code official shall be appointed by the chief appointing authority of the jurisdiction.
- (e) *Section 103.4. Liability.* Delete this paragraph in its entirety.
- (f) *Section 103.5. Fees.* Delete this paragraph in its entirety.
- (g) *Section 107.4. Penalties.* Delete this paragraph in its entirety.
- (h) *Section 108.4. Placarding.* Delete this paragraph in its entirety.
- (i) *Section 108.4.1. Placard removal.* Delete this paragraph in its entirety.
- (j) *Section 108.5. Prohibited occupancy.* Revise to read as follows: Any occupied structure condemned by the code official shall be vacated as ordered by the code official. Any person who shall occupy a premises or shall operate placarded equipment, and any owner or any person responsible for the premises who shall let anyone occupy a premises or operate placarded equipment shall be liable for the penalties provided by this code.
- (k) *Section 109.5. Costs of emergency repairs.* Revise to read as follows: Cost incurred in the performance of emergency work shall be paid by the jurisdiction. The jurisdiction may institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of said costs.
- (l) *Section 201.3. Terms defined in other codes.* Revise to read as follows: Where terms are not defined in this code and are defined in the Florida Building Code, Florida Residential Code, Florida Fuel Gas Code, Florida Mechanical Code, Florida Plumbing Code and the National Electrical Code, such terms shall have the meanings ascribed to them as stated in those codes.
- (m) *Section 302.4. Weeds.* In the first sentence after the words "in excess of" insert the following: twelve (12) inches in height.
- (n) *Section 302.9. Defacement of Property.* Revise to read as follows: No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti. It shall be the responsibility of the owner of the property to restore said surface to an approved state of maintenance and repair within seven (7) days of notification.

Exception: The 17th Street CSX Railroad Trestle shall be exempted from the provisions of this section.

- (o) *Section 304.19. Glass panes in windows and doors.* Create this paragraph to read as follows: All glass panes intended for an exterior window or door must be in place and free of all cracks, paint, or any removable covering. Plexiglas or any other type of plastic material may not be substituted for a glass pane in any exterior window or door.
- (p) *Section 304.20. Temporarily securing windows and doors.* Create this paragraph to read as follows: Should an exterior window or door be broken or damaged in such a way to allow outside elements to freely enter the premises, plywood may be temporarily placed over the damaged exterior opening for a period of up to two (2) weeks to secure the building and make arrangements for a more permanent repair. Plywood covering an exterior window or door for more than fourteen (14) days after an incident that resulted in damage to the window or door shall not be allowed except in circumstances where the damage was caused by a natural disaster or Act of God. In situations where the damage was caused by the effects of a natural disaster or Act of God, plywood may stay in place to protect the building opening for a period of not more than six (6) months from the date of original damage in order to allow the property owner to repair the damaged window or door.

- (q) *Section 304.21. Sign frames and posts.* Create this paragraph to read as follows: Within thirty (30) days of an occupant vacating a premise within the Downtown Improvement Board District, all exterior signage, including frames, posts, anchors, support members, and electrical connections, that were used to promote the former occupant or to promote the services or products offered by the departed occupant must be removed from the premises. No unused sign frames, guidelines, anchors, poles, or other structural supports associated with the prior signage or occupant may be left on the exterior of the premises unless it is being used for its intended purpose by a new and subsequent occupant within the aforementioned thirty (30) day period.
- (r) *Section 304.22. Cleaning sidewalks.* Create this paragraph to read as follows: The public sidewalks abutting any premises where an occupant sells alcoholic beverages or provides outside seating on the public sidewalks for its consumption must be cleaned using a power washer at least once a month. Such power washing must be ~~performed~~ ~~performed~~ in a manner sufficient to remove gum, food, beverages, and other foreign fluids or waste materials from the sidewalks without damaging the sidewalks themselves.
- (s) *Section 401.3. Alternate Devices:* Replace International Building Code with Florida Building Code.
- (t) *Section 505.1. General:* Replace International Plumbing Code with Florida Plumbing Code.
- (u) *Section 602.2. Residential occupancies.* Replace International Plumbing Code with Florida Plumbing Code.
- (v) *Section 602.3. Heat supply.* Exceptions: 1. Replace International Plumbing Code with Florida Plumbing Code.
- (w) *Section 604.2. Services.* Replace ICC Electrical Code with National Electrical Code.
- (x) *Section 702.1. General.* Replace International Fire Code with NFPA 101.
- (y) *Section 702.2. Aisles.* Replace International Fire Code with NFPA 101.
- (z) *Section 702.3. Locked doors.* Replace International Building Code with Florida Building Code.
 - (a.a.) *Section 704.1. General.* Replace International Fire Code with NFPA 101.
 - (b.b.) *Section 704.2. Smoke alarms.* Replace International Fire Code with NFPA 101.

(Ord. No. 19-02, § 1, 9-12-02; Ord. No. 08-08, § 7, 1-31-08)

Sec. 14-1-224. - Burglar bars.

- (a) All burglar bars, grids, screens or other security closures installed on exits required by the Florida Building Code, the International Property Maintenance Code or the Life Safety Code shall comply with the requirements of these codes regarding openings for egress.
- (b) Any burglar bar, shutter, grid or other closure installed on bedroom window openings required for emergency egress shall be treated as a door for purposes of applying these codes and shall be able to be opened from the inside, without the use of a key, tool, special knowledge or effort and shall, when so opened, remain open without the use of additional support.

(Ord. No. 19-02, § 1, 9-12-02; Ord. No. 08-08, § 8, 1-31-08)

Secs. 14-1-225—14-1-240. - Reserved.

ARTICLE ~~XXI~~. - MECHANICAL^[7]

Footnotes:

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Cross reference— Code enforcement, Title XIII.

Sec. 14-1-241. - Short title.

This article shall be known and may be cited as the City of Pensacola Mechanical Code.

(Ord. No. 19-02, § 1, 9-12-02)

Sec. 14-1-242. - Florida Building Code—Mechanical adopted.

Pursuant to F.S. § 553.73, and other applicable provisions of law, the 2001 Florida Building Code—Mechanical, and subsequent editions and revisions thereto as may be adopted by the State of Florida Building Commission as the state minimum building code, are hereby adopted and incorporated as fully as if set out at length in this section and the provisions thereof shall be deemed the minimum requirements of the city for safe mechanical installations, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings, and appurtenances thereto so as to safeguard life, health and public welfare and the protection of property, save and except such portions as are deleted, modified, or amended as contained in this article. Not less than one (1) copy of the foregoing code has been filed for more than ten (10) days preceding passage of this chapter, and is now filed in the office of the City Building Official.

(Ord. No. 19-02, § 1, 9-12-02)

Sec. 14-1-243. - Same—Amendments.

- (a) The administrative chapter of the Florida Building Code, as adopted and amended herein, shall apply to this Code. The authority of the Construction Board of Adjustment and Appeals referred to in section 14-1-41 of the Code of the City of Pensacola shall apply equally in this Code.
- (b) No person shall suspend an air conditioning machine from any building, or from the windows of any building or aperture of any building, so that the air conditioning machine extends beyond the wall of the building, over the streets of the city or above any sidewalk, passageway, thoroughfare, public way, courtyard or assembly yard where the general public shall move or congregate, unless the person or the owner of the building shall first obtain a permit for the same from the Building Official.
- (c) Air conditioning machines suspended in the manner described in the preceding paragraph shall be so constructed and installed that they will withstand wind pressure of at least forty (40) pounds per square foot of surface, and shall be otherwise structurally safe, and shall be securely anchored or otherwise fastened, suspended or supported so that, in the opinion of the Building Official of the city, they are not a menace to persons or property.
- (d) The owner or person in control of any air conditioning machine, suspended over or extending into a public right-of-way, sidewalk, street, public way, courtyard or assembly yard used by the general public in the city shall indemnify, defend and hold harmless the city from and against any and all claims, demands, actions, judgments, costs, attorney's fees, or expenses for bodily injury, including death, or property damage arising out of or in connection with the installation or existence of said machine.

(Ord. No. 19-02, § 1, 9-12-02)

Sec. 14-1-244. - Mechanical permits.

- (a) No mechanical devices or equipment used for processing chemicals, gases or other materials or for heating, cooling, ventilation, refrigeration, incinerating, power, drying or the transmission and distribution of conditioned air shall be installed within or on any structure nor shall any alteration or addition be made in any such existing mechanical system or equipment without first securing a mechanical permit from the inspection services ~~D~~department-of ~~Inspection Services~~.
- (b) Application for a mechanical permit shall be made, in writing, on forms provided describing the work to be done by the person, or person authorized to represent the business entity, planning to install the work, and the permit, when approved, shall be issued to such applicant. The person or business entity, making application for such permit shall, when required by the department, file with the inspection services ~~D~~department-of ~~Inspection Services~~ complete plans and specifications for the installation, showing details as may be necessary to determine whether the installation as described will be in conformity with the requirements of this Code. When a building permit is also required mechanical permits shall not be issued until after the building permit has been issued.

(Ord. No. 19-02, § 1, 9-12-02)

Sec. 14-1-245. - Maintenance of safe conditions.

It shall be unlawful for any person to fail to place the mechanical system or equipment on the premises or building in proper and safe condition in accordance with the provisions of this Code within reasonable a time fixed by the Building Official, or to interfere with the inspector or the Building Official in the proper and lawful performance of their duties.

(Ord. No. 19-02, § 1, 9-12-02)

Secs. 14-1-246—14-1-260. - Reserved.

ARTICLE ~~XI~~^{II}. - PLUMBING^[8]

Footnotes:

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Cross reference— Code enforcement, Title XIII.

State Law reference— Plumbing, F.S. § 553.01 et seq.; minimum plumbing standards, F.S. § 553.06.

Sec. 14-1-261. - Short title.

This article shall be known and may be cited as the City of Pensacola Plumbing Code.

(Ord. No. 19-02, § 1, 9-12-02)

Sec. 14-1-262. - Application.

The City Plumbing Code shall apply to the practice, materials, and fixtures, new and existing, used in the installation, maintenance, extension, and alteration of all piping, fixtures, appliances and appurtenances in connection with any of the following: sanitary drainage or storm drainage facilities, venting systems, and the public or private water supply system within or adjacent to any building structure or conveyance. This code shall also apply to the practice and materials used in the installation, maintenance, extension or alteration of storm water drainage, irrigation, sewage and water supply systems of any premises to their connection with any point of public supply or disposal or other

acceptable terminal located within the corporate limits of the City of Pensacola, except those which are specifically exempted by state or federal statutes.

(Ord. No. 19-02, § 1, 9-12-02)

Sec. 14-1-263. - Florida Building Code—Plumbing adopted.

Pursuant to Chapter 553, Florida Statutes, and other applicable provisions of law, the 2001 Florida Building Code—Plumbing and subsequent editions and revisions thereto as may be adopted by the State of Florida Building Commission as the state minimum building code, are hereby adopted by the city and incorporated as fully as if set out at length in this section and the provisions thereof shall be deemed the minimum requirements for safe plumbing, save and except such portions as are deleted, modified, or amended as contained in this article. Not less than one (1) copy of the foregoing code has been filed for more than ten (10) days preceding passage of this ordinance, and is now filed in the office of the Building Official.

(Ord. No. 19-02, § 1, 9-12-02)

Sec. 14-1-264. - Same—Amendments.

- (a) The administrative chapter of the Florida Building Code, as adopted and amended herein, shall apply to this Code. The authority of the Construction Board of Adjustment and Appeals referred to in section 14-1-41 of the Code of the City of Pensacola shall apply equally to the Florida Building Code—Plumbing.
- (b) Back flow preventers shall be installed on all water meters or water services in accordance with the cross connection and back flow prevention program established by the water purveyors of Escambia County, and all new and retrofit plumbing connections shall provide for thermal expansion in the water system.

(Ord. No. 19-02, § 1, 9-12-02)

Sec. 14-1-265. - Plumbing and lawn sprinkler permits.

- (a) No piping, devices or equipment for the transmission, distribution, or utilization of potable water, or for the sanitary disposal of sewage shall be installed within or on any structure nor shall any alteration or addition be made in any such existing piping, devices, or equipment without first securing a plumbing permit from the ~~cityDepartment of Inspection Services~~, as required by the City Plumbing Code.
- (b) No wells, connections, valves, piping, distribution heads or other devices or equipment for the utilization of water, from any source, for the irrigation of landscaping, plants, or trees, shall be installed or modified without first securing a plumbing permit from the ~~cityDepartment of Inspection Services~~.
- (c) Lawn sprinkler system installer certificate holders shall be allowed to obtain permits for the installation, maintenance, repair, alteration and extension of lawn and landscape planting irrigation systems including valves, vacuum breakers, and back flow preventers or any other equipment for that purpose authorized by the Building Official. A lawn sprinkler system installer certificate holder may connect a sprinkler system to potable water sources. The scope of work and connections to any water source shall be in accordance with the City Plumbing Code.
- (d) Application for a plumbing permit shall be made on forms provided, in writing, by the person, or person(s) authorized to represent a business entity, planning to install the work, and the permit, when approved, shall be issued to such applicant. The person or business entity making application

for such permit shall state the size piping to be used for all services, mains, feeders and sub-feeders, the areas to be served by such piping, and shall, when required by the ~~Department~~ inspection services dDepartment-of-Inspection-Services, file with the complete plans and specifications for the installations, showing details as may be necessary to determine whether the installation as described will be in conformity with the requirements of this Code. When a building permit is also required, no plumbing permit shall be issued until after the building permit has been issued.

- (e) No plumbing permit shall be issued for new installations unless the applicant provides proof of sewer tap or septic tank approval.

(Ord. No. 19-02, § 1, 9-12-02)

Sec. 14-1-266. - Contractor requirements.

- (a) All plumbing contractors shall have a business telephone attended during normal business hours.
- (b) No contractor shall allow any work to be done on a job requiring a plumbing permit without a person, in the possession of a certification as either a journeyman or master plumber, on the job in a supervisory capacity. In the case of irrigation system installations, a person in the possession of a specialty plumber (irrigation systems) certification shall be on the job in a supervisory capacity.
- (c) Persons or business entities actively engaged in the installation of water filtration, distillation and purification equipment shall not be required to hold plumber certification, however, such persons or business entities shall be required to obtain permits and inspections for initial installation or removal of such systems or whenever breaking a service line is required. The servicing of water filtration, distillation and purification equipment once having been installed and inspected shall not require permitting or inspection unless breaking a service line is required.

(Ord. No. 19-02, § 1, 9-12-02)

Sec. 14-1-267. - Investigation of complaints.

The Building Official shall cause to be examined all premises about which a complaint concerning the plumbing, fixture or appliance installation or ventilation is made and shall, upon evidence of the unsafe, unhealthy or unfinished condition thereof, condemn same and notify the owner or agent of the premises to arrange the plumbing, ventilation or appliance installation in compliance with this Code.

(Ord. No. 19-02, § 1, 9-12-02)

Sec. 14-1-268. - Unlawful connections and installations.

- (a) It shall be unlawful for any person to make a direct connection of any pipeline to any water, sewer or storm water drainage service built and maintained by the City or the Escambia County Utilities Authority without having first obtained the required tap, permits and inspections therefor.
- (b) It shall be unlawful for any person to fail to place the plumbing or appliance installation on the premises or building in proper and safe condition in accordance with the provisions of this Code within reasonable time fixed by the building official, or to interfere with the plumbing inspector or the Building Official in the proper and lawful performance of their duties.

(Ord. No. 19-02, § 1, 9-12-02)

Secs. 14-1-269—14-1-290. - Reserved.

ARTICLE XIII. - GREEN BUILDING CERTIFICATION

Sec. 14-1-291. - Definitions.

City: The City of Pensacola, Florida.

Construction: Any project associated with the creation, development, or erection of any building eligible for the program.

FGBC: Acronym for the Florida Green Building Coalition, Inc., a Florida 501(c) 3 not-for-profit corporation whose mission is to establish and maintain a Florida system of statewide green building standards and third party certification programs with environmental and economic benefits.

GHDS: Acronym for the Green Home Designation Standard of the Florida Green Building Coalition, Inc.

Green building: A designation given to buildings that have achieved the requirements of the green building rating system defined in this green building program.

Green building authority: The US Green Building Council (USGBC), the Florida Green Building Coalition (FGBC), the National Association of Home Builders (NAHB), Green Globes (operated by the Green Building Initiative), or equivalent certifying authority. Approved equal rating systems will be determined by the city's LEED accredited staff.

Green building program: The program outlined in this article for obtaining incentives for green buildings and developments.

LEED: The Leadership in Energy and Environmental Design Rating System of the USGBC.

NAHB: National Association of Home Builders.

Private: Property not owned by the jurisdiction.

Program certification: Final designation awarded to a program participant for satisfying all requirements associated with the program for a particular project.

Program participant: Any person or entity seeking program certification for a particular project.

Project: Any construction associated with the creation, development, or erection of any building eligible for the program.

USGBC: Acronym for the United States Green Building Council, a non-profit organization whose mission is to transform the way buildings and communities are designed, built and operated, enabling an environmentally and socially responsible, healthy and prosperous environment that improves quality of life.

(Ord. No. 19-12, § 1, 8-9-12, eff. 10-1-12)

Sec. 14-1-292. - Purpose.

The City of Pensacola finds that sustainable "green building" practices can significantly lower the energy and water consumption of buildings, operating costs, and the amount of solid waste generated while improving occupant health and productivity which are critical to public welfare. The purpose of this article is to define a certification-based "green building" program with incentives that will promote a more sustainable city in both the public and private sector.

(Ord. No. 19-12, § 1, 8-9-12, eff. 10-1-12)

Sec. 14-1-293. - Participation requirements.

For all non-city sponsored projects, and for all projects upon the Florida constitutional homestead of an existing residence this program shall be voluntary. For any city-owned civic or office construction projects, the city is expected to participate in the program unless the mayor determines that the cost (e.g. time, function, or funding) associated with participating in the program significantly outweighs the benefits of participating; however, the city shall ensure compliance with federal and state regulations. The mayor ~~or a designee~~ shall develop parameters for the green building program.

The construction of any city-owned or sponsored new building(s), affordable housing units, and major additions, shall meet at least a minimum certification as designated by a green building authority.

City-sponsored buildings include those projects where the city has donated property or provided monetary contributions. Adherence to the aforementioned "green building" ordinance shall be a condition to such sponsorship; however, this requirement may be waived or modified by the mayor ~~or his designee~~.

(Ord. No. 19-12, § 1, 8-9-12, eff. 10-1-12)

Sec. 14-1-294. - Designation of responsibility for administration and implementation.

The program shall be ~~jointly~~ administered by ~~inspections the city services, planning services, and the office of sustainability~~ which shall be responsible for:

- (a) Funding the program through annual funds budgeted and appropriated by city council;
- (b) Marketing the program to the Pensacola community by any reasonably effective means, including but not limited to print advertising, press releases, television advertising, or advertising in monthly mailers;
- (c) Developing any appropriate or necessary application procedures, including but not limited to, the program application form;
- (d) Providing an incentive award to any program participant who has successfully satisfied the requirements associated with that incentive; and
- (e) Resolving disputes that may arise from implementing the program.

(Ord. No. 19-12, § 1, 8-9-12, eff. 10-1-12)

Sec. 14-1-295. - Green building standards.

For city-constructed or sponsored buildings and developments the following certification shall apply based on project type:

- (a) Neighborhood developments that are owned, funded, or sponsored by the City shall satisfy the requirements associated with either:
 - (1) The current Green Development Designation Standard of the FGBC; or
 - (2) The current LEED for Neighborhood Development rating system program; or
 - (3) The ICC 700 National Green Building Standard; or
 - (4) An equivalent program using as a standard equivalent green building certification analysis.
- (b) New residential projects that are owned, funded, or sponsored by the city shall satisfy the requirements associated with either:
 - (1) The current Green Home Designation Standard of the FGBC; or
 - (2) The current LEED for Homes[®] program; or
 - (3) The current Hi-Rise Residential Standard of the FGBC for projects above three (3) stories; or

- (4) The ICC 700 National Green Building Standard; or
- (5) An equivalent program using as a standard equivalent green building certification analysis.
- (c) Additions and renovations of existing homes that are owned, funded, or sponsored by the city and exceed fifty (50) percent of the just market value as listed on the Escambia County Property Appraisers website or from a certified appraisal shall meet requirements of either:
 - (1) The current Green Home Designation Standard of the FGBC; or
 - (2) The current LEED for Homes[®] program; or
 - (3) The current Green Hi-Rise Residential Standard of the FGBC for projects above three (3) stories; or
 - (4) The ICC 700 National Green Building Standard; or
 - (5) An equivalent program using as a standard equivalent green building certification analysis.
- (d) New commercial, industrial, and institutional buildings that are owned, funded, or sponsored by the city shall satisfy all of the requirements associated with either:
 - (1) The current Green Commercial Building Standard of the FGBC; or
 - (2) The current LEED for Core and Shell program; or
 - (3) The current LEED for New Construction or derived USGBC LEED rating system (e.g., LEED for Schools, LEED for Health Care, LEED for Retail); or
 - (4) An equivalent program using as a standard equivalent green building certification analysis.
- (e) Additions and remodeling of existing commercial, industrial, and institutional buildings that are owned, funded, or sponsored by the city and exceed fifty (50) percent of the just market value as listed on the Escambia County Property Appraisers website or from a certified appraisal shall satisfy all of the requirements associated with either:
 - (1) The current Green Commercial Designation Standard of the FGBC; or
 - (2) The current LEED for Existing Buildings: Operations & Maintenance program; or
 - (3) The current LEED for Commercial Interiors program; or
 - (4) An equivalent program using as a standard equivalent green building certification analysis.
- (f) Rating system versions. City buildings or city-sponsored private buildings participating in the green building program shall be bound by the standard designated for the type of building unless the program participant requests to be certified under a more current version of a designated standard and the request is approved by the city's inspections services department.

(Ord. No. 19-12, § 1, 8-9-12, eff. 10-1-12)

Sec. 14-1-296. - Voluntary green building incentives.

The city offers assistance in the "green building" certification process, and encourages builders and developers to employ green building strategies that conserve water and energy, reduce the generation of solid waste, and improve occupant health and productivity. To encourage private builders and developers to voluntarily construct buildings as described in section 14-1-295 green building standards and receive the corresponding certification, the city shall provide incentives on the stipulation that the builder or developer furnish a copy of the project's green building certificate to the city's inspection services department. Incentives include fast track building permitting (five-day maximum for commercial, two (2) days for residential), a twenty-five (25) percent density bonus, recognition at a city council meeting, inclusion of project details on the city's green building webpage, informative banners placed at the project site, and a twenty-five (25) percent reduced parking requirement. The city shall offer a rebate to private, voluntary residential projects that covers the initial fee associated with applying for project certification

until all allocated annual funding has been distributed. Additionally, for the purpose of publicly recognizing outstanding commitment to green building, the program shall provide an award called the Green Building Award to be awarded annually by the mayor.

(Ord. No. 19-12, § 1, 8-9-12, eff. 10-1-12)

Sec. 14-1-297. - Certification.

At the time of preliminary concept review, the developer shall be required to submit a green building checklist to inspections services to serve as a good faith demonstration of the developer's intent to achieve certification and the methods that will be utilized to achieve said certification. The most recent LEED Scorecard, most recent version of the FGBC checklist, the ICC 700 National Green Building Standard Scoring Tool, or equivalent green building certificate checklist shall be submitted depending on the certification the developer is seeking. Each project shall be subject to certification by a qualified third party inspector or city inspector who has been trained and certified as a certifier for the appropriate green building certification for which the builder or developer is seeking. For the purpose of this section of the program, "third party" means any person or entity authorized according to the requirements of the standard in section 14-1-295 green building standards for a particular project.

(Ord. No. 19-12, § 1, 8-9-12, eff. 10-1-12)

Sec. 14-1-298. - Education and training.

- (a) The city, in conjunction with a green building authority, shall conduct at least one training workshop per year for the purpose of educating potential or current program participants, city staff, elected officials, and the general public about the program.
- (b) The city shall make available a meeting space at a government facility for green building programs offered by organizations that are of a general nature (not product specific).

(Ord. No. 19-12, § 1, 8-9-12, eff. 10-1-12)

Secs. 14-1-299—14-1-320. - Reserved.

CHAPTER 14-2. FIRE CODES^[9]

Footnotes:

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Cross reference— Administration, Title II; departments enumerated, § 2-4-3; property insurance premium tax, § 3-4-81; health and sanitation, Title IV; fees, Ch. 7-14; false police and fire alarms, § 8-1-15; airports and aircraft, Ch. 10-2; fire prevention at the airport, § 10-2-11; traffic and vehicles, Title XI; streets, sidewalks and other public places, Ch. 11-4; zoning districts, Ch. 12-2; signs, Ch. 12-4.

State Law reference— Fire prevention and control, F.S. Ch. 633; sale of fireworks, F.S. Ch. 791.02; explosives, F.S. Ch. 552.

ARTICLE I. - GENERAL

Sec. 14-2-1. - Short title.

This chapter of the Code of the City of Pensacola, Florida may be cited as the "City of Pensacola Fire Code."

(Ord. No. 8-94, § 4, 2-10-94)

Sec. 14-2-2. - Purpose.

The purpose of this chapter is to create compliance with F.S. Chs. 633 and 553, and Florida Administrative Code 69A, as those provisions may be amended from time to time, and to provide rules and regulations to improve public safety by: regulating the use of structures; promoting the control and abatement of fire hazards; and regulating the use of structures, promoting the control and abatement of fire hazards; and regulating the installation, use and maintenance of equipment for fire protection.

(Ord. No. 8-94, § 4, 2-10-94; Ord. No. 08-18, § 1, 5-10-18)

Sec. 14-2-3. - Fire Codes—Adopted.

- (a) *Generally.* Pursuant to F.S. § 633.202 and other applicable provisions of law, the Florida Fire Prevention Code, NFPA 1, "Fire Code" and NFPA 101 "Life Safety Code" of the National Fire Protection Association, and its incorporated standards and codes as published in the National Fire Codes of the National Fire Protection Association, as those provisions may be amended from time to time, being particularly the 2015 edition thereof, save and except such portions as are hereafter deleted, modified or amended, and is hereby adopted by the city, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion. The same is hereby incorporated as fully as if set out at length herein. A copy of NFPA 1 has been for more than ten (10) days preceding passage of this ordinance and is now on file in the office of the city fire chief.
- (b) *Amendments.* The following section(s) of the Fire Prevention Code adopted by subsection (a) of this section are amended as follows:

3-6 Key Boxes.

The authority having jurisdiction shall have the authority to require a knox (key) box to be installed in an accessible location in cases where:

- a. A building or other structure is protected by an automatic suppression or standpipe system.
- b. A building or other structure is protected by an automatic alarm system.
- c. A property is protected by a locked fence or gate and immediate access to the property is necessary for life saving or firefighting purposes.
- d. Access to or within a building is difficult because of security, and immediate access to the property is necessary for life saving or firefighting purposes.

The knox (key) box shall be a type approved by the authority having jurisdiction and shall contain keys necessary to gain access as required by the authority having jurisdiction. The operator of the premises shall immediately notify the authority having jurisdiction. The operator of the premises shall immediately notify the authority having jurisdiction, and provide the new key(s), any time a lock is changed or re-keyed and a key(s) to that lock is contained in the key box.

(Ord. No. 8-94, § 4, 2-10-94; Ord. No. 15-98, § 1, 4-9-98; Ord. No. 19-00, § 1, 3-23-00; Ord. No. 08-18, § 2, 5-10-18)

Sec. 14-2-4. - Reserved.

Editor's note— Ord. No. 08-18, § 3, adopted May 10, 2018, repealed § 14-2-4, which pertained to Life Safety Code—Adopted. See Code Comparative Table for complete derivation.

Sec. 14-2-5. - Life Safety Code—Automatic fire extinguishers.

Notwithstanding the provisions of the Life Safety Code, and pursuant to F.S. § 553.895, automatic fire extinguishment protection which conforms with the standards adopted by this code shall be required on all floors of any newly constructed building having three (3) or more stories, regardless of occupancy, except for single family and two family dwellings. For the purposes of this section, "newly constructed building" is defined as any building for which a building permit for new construction is issued after the effective date of the ordinance from which this section is derived. Nothing in this section shall be construed to excuse any requirements for automatic fire extinguishment protection set forth elsewhere in this code.

(Ord. No. 8-94, § 4, 2-10-94)

Sec. 14-2-6. - Additional firefighters and officers for temporary service.

In case of riot, conflagration or emergency, the mayor may appoint additional firefighters and officers for temporary service.

(Ord. No. 8-94, § 4, 2-10-94; Ord. No. 08-18, § 4, 5-10-18)

Sec. 14-2-7. - Authority of ~~chief mayor~~ to destroy building to prevent spread of fire.

Whenever any building in the city shall be on fire, it shall be lawful for the ~~fire chief mayor~~ to order and direct the building or any other building which he may deem hazardous and likely to communicate fire to buildings, or any part of the building, to be pulled down or destroyed; and no action shall be maintained against the ~~fire chief mayor~~ or any person acting under his authority.

(Ord. No. 8-94, § 4, 2-10-94; Ord. No. 08-18, § 5, 5-10-18)

Secs. 14-2-8—14-2-20. - Reserved.

ARTICLE II. - BUREAU OF FIRE PREVENTION

Sec. 14-2-21. - Bureau of fire prevention established; fire marshal; powers and duties.

- (a) The Chief of the Pensacola Fire Department shall be responsible for the enforcement of the City of Pensacola Fire Code. To assist in the performance of the responsibilities and duties placed upon the chief of the fire department, a Bureau of Fire Prevention is hereby created.
- (b) The bureau shall operate under the supervision of the chief of the fire department, who shall designate a fire official of the department as fire marshal. The fire marshal shall be the administrator of the Bureau of Fire Prevention. The fire marshal shall be responsible for the direct administration and enforcement of the fire and life safety codes adopted herein. The fire marshal shall be appointed on the basis of examination or other method as provided by the city ~~civil service system for determining qualifications.~~
- (c) The chief of the fire department may also designate qualified members of the fire department as inspectors, from time to time, as may be necessary. The chief of the fire department may recommend to the ~~mayor city manager~~ the employment of technical inspectors, who when authorization is made, shall be selected through an examination to determine their fitness for the position, and which examination and selection shall be in conformity with the laws, rules and regulations of the ~~civil service of the city.~~

Commented [JM11]: Section 14-2-21 was previously suggested to be repealed; however, Chief Cranor has advised that this section should not be repealed

(Ord. No. 8-94, § 4, 2-10-94)

Sec. 14-2-22. - Survey of premises and specification of equipment.

The fire marshal shall survey each commercial and industrial establishment, mercantile, educational and institutional occupancy, place of assembly, hotel, multifamily ~~dwelling house~~ and trailer camp and shall specify suitable fire-detecting devices or extinguishing appliances which shall be provided in or near boiler rooms, kitchens or restaurants, clubs and like establishments, storage rooms involving considerable combustible material, rooms in which hazardous manufacturing processes are involved, repair garages and other places of a generally hazardous nature. Such devices or appliances may consist of automatic fire-alarm systems, automatic sprinkler or water-spray systems, standpipe and hose, fixed or portable fire extinguisher of a type suitable for the probable class of fire, manual or automatic covers, or carbon dioxide or other special fire-extinguishing systems. In special hazardous processes or storage, appliances of more than one type or special systems may be required.

(Ord. No. 8-94, § 4, 2-10-94)

Sec. 14-2-23. - Reserved.

Editor's note— Ord. No. 08-18, § 6, adopted May 10, 2018, repealed § 14-2-23, which pertained to reports and recommendations. See Code Comparative Table for complete derivation.

Secs. 14-2-24—14-2-40. - Reserved.

ARTICLE III. - FIRE PREVENTION BOARD OF APPEALS

Sec. 14-2-41. - Membership; organization.

- (a) A fire prevention board of appeals is hereby created for the purpose of hearing appeals from decisions made by the Fire Marshal of the City of Pensacola, pursuant to F.S. § 553.73. The City Council of the City of Pensacola, Florida, shall appoint five (5) members and two (2) alternate members to the board, which members shall have expertise in building construction and fire safety standards. Members shall serve for a term of three (3) years, except for initial appointments which shall be with two (2) members serving for a term of one year, two (2) members serving for a term of two (2) years, and one member serving for a term of three (3) years. No more than one of said members or their alternates shall be engaged in the same business, profession, or line of endeavor.
- (b) Once appointed, the board shall establish rules and regulations for the conduct of its business.

(Ord. No. 8-94, § 4, 2-10-94)

Sec. 14-2-42. - Fire prevention board of appeals—Continuity.

The current members of the board, previously appointed by the city council, shall continue in their appointed positions until the end of the existing term of their appointment or their resignation.

(Ord. No. 8-94, § 4, 2-10-94)

Sec. 14-2-43. - Authority.

- (a) All decisions of the fire marshal shall be in writing. Any person claiming to be aggrieved by a decision of the fire marshal may appeal that decision by filing a written request for appeal, stating the reasons

therefor, within thirty (30) days to the fire prevention board of appeals. Upon the filing of such an appeal, the fire marshal shall forthwith transmit to the board all documents constituting the record of the action from which the appeal is taken. A fee in the amount of fifty dollars (\$50.00) shall be paid to the City of Pensacola upon filing an appeal from a decision of the fire marshal.

- (b) The fire prevention board of appeals shall conduct a hearing on each appeal filed, providing reasonable notice to the party requesting the appeal and to the fire marshal. Pending final decision of the board, the order of the fire marshal shall be stayed unless it is determined by the fire marshal that there is an immediate fire hazard to life or property.
- (c) All decisions of the fire prevention board of appeals shall be in writing and shall be binding upon all persons affected thereby. Decisions of general application shall be indexed by building and fire code sections and shall be available for inspection during normal business hours.
- (d) In the event of a conflict between the applicable minimum building code and the applicable minimum fire safety code, it shall be resolved by agreement between the building official and the fire marshal in favor of the requirement of the code which offers the greatest degree of life safety or alternatives which would provide an equivalent degree of life safety and an equivalent method of construction. Any decision made by the fire marshal and the building official may be appealed to the fire prevention board of appeals as provided herein. If the decision of the fire marshal and the building official is to apply the provisions of either the applicable minimum building code or the applicable minimum fire safety code, the fire prevention board of appeals may not alter the decision unless the board determines that the application of such code is not reasonable. If the decision of the fire marshal and the building official is to adopt an alternative to the codes, the fire prevention board of appeals shall give due regard to the decision rendered by the fire marshal and the building official and may modify that decision if the fire prevention board of appeals adopts a better alternative, taking into consideration all relevant circumstances. In any case in which the fire prevention board of appeals adopts alternatives to the decision rendered by the fire marshal and the building official, such alternatives shall provide an equivalent degree of life safety and an equivalent method of construction as the decision rendered by the fire marshal and the building official.
- (e) In the event that the building official and the fire marshal are unable to agree on a resolution of a conflict between the applicable building code and the applicable fire code, a joint meeting between the fire prevention board of appeals and the construction board of adjustment and appeals may be scheduled to resolve the issue. For purposes of resolving conflicts by meeting in joint session, the joint boards shall select a chairman who shall serve a one-year term. The chairman for the calendar year 1993 shall be selected from the membership of the construction board of adjustment and appeals, and the chairman shall thereafter alternate annually between the two (2) boards. In order to establish a quorum of joint boards, there shall be present at least three (3) members from each board. The chairman of the joint boards will vote only to break tie decisions. No additional fee shall be required in the event that an appellant requests a joint board meeting to resolve a conflict.
- (f) Any person aggrieved by any decision of the board may apply to the Circuit Court of the First Judicial Circuit of Florida within thirty (30) days after rendition of the decision by the board. Review in the circuit court shall be by petition for writ of certiorari or such other procedure as may be authorized by law.

(Ord. No. 8-94, § 4, 2-10-94)

Secs. 14-2-44—14-2-60. - Reserved.

ARTICLE IV. - PROHIBITED—UNLAWFUL ACTS

Sec. 14-2-61. - Obstructing fire hydrants.

It shall be unlawful for any person to park a vehicle of any kind or leave standing the same within fifteen (15) feet of any fire hydrant, or place any goods, material or other obstructions within fifteen (15)

feet of any fire hydrant, or to in any manner impede the free access to or the immediate connection with any fire hydrant by the fire department.

(Ord. No. 8-94, § 4, 2-10-94)

Sec. 14-2-62. - Damaging fire department property.

It shall be unlawful to damage or injure any property of the fire department.

(Ord. No. 8-94, § 4, 2-10-94)

Sec. 14-2-63. - Interference with fire department employees.

It shall be unlawful to interfere with or obstruct any officer or employee of the fire department in the performance of any duty.

(Ord. No. 8-94, § 4, 2-10-94)

Sec. 14-2-64. - Obstructing streets and alleys.

No person shall close or obstruct for the free passage of pedestrian and vehicular traffic any existing public way or alley either private or public on any public street within the city, without prior approval of the mayor. All existing alleys providing ingress and egress to commercial establishments and providing ingress and egress for the fire department of the city and public utilities of the city shall be kept unobstructed and free and clear for that traffic.

(Ord. No. 8-94, § 4, 2-10-94; Ord. No. 08-18, § 7, 5-10-18)

Sec. 14-2-65. - Refusal to aid fire department.

It shall be unlawful for any able-bodied citizen, when called upon at or about any conflagration by the chief of the fire department ~~or his designee~~ or officers of the police, to fail or refuse to render service in such manner as ~~those officers~~ may deem proper.

(Ord. No. 8-94, § 4, 2-10-94)

Sec. 14-2-66. - Accumulations of combustibles.

It shall be unlawful for any person to allow the accumulation of trash, packing boxes or combustible material of any kind whatsoever, except fuel to be used on the premises, to remain upon any premises unless the same be maintained under a permit issued by the chief of the fire department.

(Ord. No. 8-94, § 4, 2-10-94)

Sec. 14-2-67. - Possession or sale of fireworks and other explosive devices.

It shall be unlawful to sell or keep or expose for sale within the city any firecracker, torpedo, skyrocket, roman candle, DA60 bomb, or toy pistol charged with gunpowder or with any fulminating, detonating or explosive material and any fireworks containing any explosives or flammable compound or any tablets or other device containing any explosive substance; provided, however, that nothing herein

shall prohibit the sale or possession of what are commonly known as "sparklers" approved by the State Fire Marshal's Office pursuant to F.S. § 791.013(1).

(Ord. No. 8-94, § 4, 2-10-94; Ord. No. 08-18, § 8, 5-10-18)

Sec. 14-2-68. - Discharge of fireworks.

It shall be unlawful for any person to discharge or explode in or upon any street, public way or park within the city, or upon any private premises within the city, any fireworks of the character defined in section 14-2-67, unless the discharging or exploding be performed under the direction, supervision and control of the ~~city chief of the fire department~~ and a permit has been issued by the ~~city chief of the fire department~~ so to do; provided, however, that nothing contained herein shall prohibit the use of what are commonly known as "sparklers" as defined in F.S. § 791.01(8).

(Ord. No. 8-94, § 4, 2-10-94; Ord. No. 08-18, § 9, 5-10-18)

Sec. 14-2-69. - Possession, use or transportation of explosives.

Permits to keep, have, use, store or transport any explosives as provided for in F.S. Ch. 552, or in the Fire Prevention Codes, as adopted herein, shall only be issued upon application in writing to the chief of the fire department. The permits shall be revocable at any time by the chief of the fire department on ten (10) days' notice to the parties to whom granted.

(Ord. No. 8-94, § 4, 2-10-94)

Sec. 14-2-70. - Spark arresters on certain equipment.

It shall be unlawful to operate in the city, or cause to be operated, in or about or upon any street, wharf or dock, or in or about any mill, factory or shop or private premises within a radius of two hundred (200) feet of any building, any engine from the smokestack of which burning sparks or cinders are emitted, without first providing a smokestack with a sufficient spark arrester or other device to effectually prevent the escape of burning sparks or cinders therefrom; providing nothing herein shall be construed to apply to smokestacks or engines which make no use of forced draft in any form and when those smokestacks are sixty (60) feet in height and at least ten (10) feet above the highest point of any building within the radius of two hundred (200) feet.

(Ord. No. 8-94, § 4, 2-10-94)

Sec. 14-2-71. - Outdoor fires.

It shall be unlawful to build, ignite, maintain outdoor fires or conduct open burning of any kind within the city limits of Pensacola. This shall include the burning of rubbish, trash and combustible waste materials. Examples include but are not limited to; leaves, grass, shrubbery, tree branches, treated wood, paper, plastics, copper and tires.

Permanent barbecues, portable barbecues, outdoor fireplaces, fire pits, Chiminea's or grills shall not be used for the disposal of rubbish, trash or combustible waste material. These items shall be used for the purposes intended by the manufacturer only. All lids and spark guards shall be used while any such units are in use.

Any person found to be in violation of this code shall be subject to penalties set forth in section 1-1-8 of the City Code; or pursuant to chapter 13 of this Code. Any investigating officer may cause an illegal burn to be extinguished.

(Ord. No. 08-18, § 10, 5-10-18)

CHAPTER 14-3. VIOLATIONS AND PENALTIES^[10]

Footnotes:

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Cross reference— Administration, Title II; health and sanitation, Title IV; control of erosion, sedimentation and runoff, Ch. 12-9; code enforcement, Title XIII; building construction standards, Ch. 14-1; fire codes, Ch. 14-2.

Sec. 14-3-1. - Title.

The title of this chapter shall be "Violations and Penalties."

(Ord. No. 8-94, § 5, 2-10-94)

Sec. 14-3-2. - Unlawful actions.

- (a) It shall be unlawful for any person to interfere with any city officer or employee charged with the responsibility of enforcing this title ~~the building official, fire chief, fire marshal or city inspector or officer~~ during the performance of any duties established herein or in any other codes or ordinances of the city.
- (b) It shall be unlawful to occupy, operate or use a structure or an installation found not to be in compliance with this code, unless approved by the building official ~~or his designated representative~~.
- (c) It shall be unlawful for the person or persons responsible for work upon which a "stop work" or a "correction notice" has been issued to fail to comply with the stop work or correction notice as directed.
- (d) It shall be unlawful for any person to violate this code or any of the provisions of the technical codes, life safety code, or fire prevention code and incorporated standards, as hereby adopted; to permit or maintain such violation; to refuse to obey any provision or regulation except as variation may be allowed by the action of the city building official ~~the construction board of adjustment and appeals, the fire chief, the fire marshal or the fire prevention board of appeals~~, in writing. Proof of such unlawful act or omission shall be deemed prima facie evidence that such act is that of the owner or other person in control of the premises. Prosecution or lack thereof of either the owner, occupant, or the person in charge shall not be deemed to relieve any of the others. All persons shall be required to correct or remedy violations or defects within a reasonable time; and when not otherwise specified, each ten (10) days that prohibited conditions are maintained, beyond the specified reasonable time, shall constitute a separate offense.

(Ord. No. 8-94, § 5, 2-10-94)

Sec. 14-3-3. - Nuisance.

It shall be unlawful for any person owning, leasing, occupying or having charge of any premises in this city to maintain, or permit to exist, such premises in such manner as to constitute a nuisance by allowing any one (1) or more of the following conditions to exist thereon. The following shall be defined as nuisances:

- (1) Any public nuisance known at common law or in equity jurisprudence.

- (2) Any attractive nuisance which may prove detrimental to children whether in a building, or upon an unoccupied lot. This includes, but is not limited to, any abandoned wells, shafts, basements, swimming pools, or excavations; abandoned refrigerators and abandoned, dismantled or wrecked motor vehicles or parts thereof; any structurally unsound fences or structures; or any lumber, trash, fences, debris or vegetation which may prove a hazard for inquisitive minors.
- (3) Whatever is dangerous to human life or is detrimental to health, as determined by the building official or the chief of the fire department, ~~or the chief's designee.~~
- (4) Overcrowding a room with occupants.
- (5) Insufficient ventilation or illumination.
- (6) Inadequate or unsanitary sewage or plumbing facilities.
- (7) Uncleanliness, as determined by the building official.
- (8) Any place or premises which have been used on more than two (2) occasions as the site of the unlawful sale or delivery of controlled substances.
- (9) A condition likely to harbor rats, vermin or other similar creatures constituting a health hazard.
- (10) A condition which causes appreciable harm or material detriment to the aesthetic and/or property values of surrounding property.
- (11) Dead, decayed, diseased or hazardous trees, weeds and other vegetation.
- (12) Unsecured openings, including broken window glass, in a vacant building which invites trespassers and malicious mischief.
- (13) Land, the topography, geology or configuration of which whether in natural state or as a result of grading operations, excavation or fill, causes erosion, subsidence or surface water drainage problems of such magnitude as to be injurious or potentially injurious to adjacent properties or to the public health, safety and welfare.
- (14) Any building or premises declared to be a nuisance by the mayor or the city council.
- (15) Any items stored openly exposed to the elements.

(Ord. No. 8-94, § 5, 2-10-94; Ord. No. 15-11, § 1, 7-21-11)

Sec. 14-3-4. - Penalties.

- (a) Any person, firm or corporation who shall violate any of the provisions of this code for which no specific penalty has been provided or who shall fail, neglect or refuse to comply with any order of the building official or, the chief of the fire department ~~or their designated representative~~ or who shall willfully aid or assist in the violation of the provisions of the code, shall be subject to penalties specified by the code enforcement board established in Title XIII, or provided in Title I, section 1-1-8, Penalty for Violations.
- (b) The imposition of one penalty for any violation shall not excuse the violation or permit it to continue.
- (c) The application of the above penalties shall not be held to prevent the enforced removal of prohibited conditions.

(Ord. No. 8-94, § 4, 2-10-94)