

PROPOSED
ORDINANCE NO. 09-21

REVISED

ORDINANCE NO. _____

AN ORDINANCE
TO BE ENTITLED:

AN ORDINANCE AMENDING CHAPTER 14-2 OF THE
CODE OF THE CITY OF PENSACOLA, FLORIDA,
AMENDING BUILDING CONSTRUCTION STANDARDS;
PROVIDING FOR SEVERABILITY; REPEALING CLAUSE;
AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY OF PENSACOLA, FLORIDA:

SECTION 1. Chapter 14-2 of the Code of the City of Pensacola, Florida, is hereby amended to read as follows:

CHAPTER 14-2. - BUILDING CONSTRUCTION STANDARDS

ARTICLE 1. - IN GENERAL

Sec. 14-2-1. - Purpose.

The purpose of this chapter is to comply with F.S. chs. 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.

Sec. 14-2-2. - 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, except those which are specifically exempted by state or federal statutes or state administrative rules.

Sec. 14-2-3. - State minimum building construction standards adopted.

The building construction standards, specified in F.S. ch. 553, the Florida Administrative Codes applicable thereto, the Florida Building Code, and all editions and revisions thereto as may be adopted by the state 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. The administrative chapter of the Florida Building Code, as adopted and amended herein, shall apply to this Code.

ARTICLE II. - DEPARTMENT OF INSPECTION SERVICES

Sec. 14-2-21. - Department of inspection services established; director; powers and duties.

- (a) There shall be an inspection services function within the administrative service of the city, the head of which shall serve at the pleasure of the mayor and also serve in the capacity of building code administrator, also referred to as the building official as defined in the state 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; 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.

Sec. 14-2-22. - 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 state statutes, the Administrative Codes of Florida, or 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 state statutes, and the technical codes and laws of the city.

- (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 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 and applicable state 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 state statutes. Such citations shall be processed in accordance with F.S. § 489.127 and title XIII of this Code.

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

Sec. 14-2-41. - Authority.

- (a) There is hereby established a construction board of adjustment and appeals (CBAA).
- (b) The construction board of adjustment and appeals established herein shall have jurisdiction over all technical codes, including the Florida Building Code, the National Electrical Code, and the International Property Maintenance Code, but excepting the life safety and fire prevention codes, adopted hereafter.
- (c) 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.
- (d) The owner of a building, structure or service system, or his or her 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.
- (e) 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.
- (f) Notice of appeals to the construction board of adjustments and appeals shall be in writing and filed within 15 calendar days after the decision is rendered by the building official. Appeals shall be in a form acceptable to the CBAA.
- (g) 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 7-10-4.

Sec. 14-2-42. - Membership; organization.

- (a) The seven members of the city construction board of adjustment and appeals shall be individuals with knowledge and experience in the technical codes and shall include one registered architect, one registered engineer, one general or building contractor, one electrical contractor, one plumbing and gas contractor, one mechanical contractor and one member at large from the public. The two alternates shall be one

member at large from the construction industry and one 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 as follows:
 - (1) Two members appointed for a term of one year each.
 - (2) Three members appointed for a term of two years each.
 - (3) Two members appointed for a term of three 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 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 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 chairperson and a vice-chairperson, whose terms shall be for one year. A member may be reelected as chairperson or vice-chairperson as long as remaining a member of the board. The chairperson and vice-chairperson 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 of three successive meetings without cause and without prior approval of the chairperson, 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 or her appointed representative shall serve as the secretary to the CBAA.

Sec. 14-2-43. - 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.

ARTICLE IV. - CONTRACTOR CERTIFICATION

Sec. 14-2-61. - 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 F.S. ch. 489 or applicable county regulations without having first obtained a contractor certificate of competency (license) in the appropriate category from the state construction industry licensing board (CILB), the state electrical contractor's licensing board (ECLB), the county contractor competency board, the county board of electrical examiners, or the county board of plumbing examiners, except that any person or business entity possessing a city contractor's certificate of competency (license) which was current and valid on or before September 12, 2002, 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 7-10-3. Each business entity engaging in the business of contracting in the city must have a full-time person who holds either a state certification, or a county or city certification which has been registered with the state, unless exempted from registration by applicable state law, designated as the qualifying agent for that business entity.
- (b) Contractor's certificates of competency issued by the county pursuant to County Ordinance No. 90-4, County Ordinance No. 94-18, 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 county contractor competency board, county board of electrical examiners, the county board of plumbing examiners, the state construction industry licensing board, or the state 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, including, but not limited to, section 1-1-8, section 14-4-4 or F.S. §§ 775.082, 775.083, and 775.084.
- (d) Acceptance of county certificates of competency and the requirement herein that individuals or businesses contracting within the city comply with county ordinances shall in no way alter or preclude the necessity for complying with the other requirements of this Code.

Sec. 14-2-62. - 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 or~~ a county gas contractor certificate issued by the department of agriculture and consumer services or is certified by the state as a plumbing contractor or the person or business entity employs a full-time person who qualifies the business by holding either a city or a 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 liquified petroleum gas shall hold a liquified petroleum gas installation contractor certificate, issued by the department of agriculture and consumer services, and be licensed in accordance with state 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 article, the city shall no longer issue gas installers certificates of competency. Those persons holding current city certificates of competency as of the date of adoption of this article 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 7-10-3. 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 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 county ordinance establishing such certificate. Holders of county competency certificates contracting within the city shall be subject to the appeals and complaints hearing procedure of the county board of plumbing examiners regarding all work done within the city.
- (d) Acceptance of county certificates of competency and the requirement herein that individuals or businesses contracting within the city comply with 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, including, but not limited to, section 1-1-8, section 14-4-4, or F.S. §§ 775.082, 775.083, and 775.084.

Sec. 14-2-63. - 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 or~~ a county plumbing contractor certificate currently registered with the state or is certified by the state 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 article, the city shall no longer issue plumbing 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 plumbing systems or fixtures and renew their certificate biennially, as required by section 7-10-3. 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 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 county ordinance establishing such certificate. Holders of county competency certificates contracting within the city shall be subject to the appeals and complaints hearing procedure of the county board of plumbing examiners regarding all work done within the city.
- (d) Acceptance of county certificates of competency and the requirement herein that individuals or businesses contracting within the city comply with 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, including, but not limited to, section 1-1-8, section 14-4-4, or F.S. §§ 775.082, 775.083, and 775.084.

Sec. 14-2-64. - 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 or a~~ county irrigation/sprinkler system installer certificate, master plumber certificate or plumbing contractor certificate currently registered with the state or is certified by the state 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 article, the city 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 7-10-3. 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 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 county ordinance establishing

such certificate. Holders of county competency certificates contracting within the city shall be subject to the appeals and complaints hearing procedure of the county board of plumbing examiners regarding all work done within the city.

- (d) Acceptance of county certificates of competency and the requirement herein that individuals or businesses contracting within the city comply with 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, including, but not limited to, section 1-1-8, section 14-4-4, or F.S. §§ 775-082, 775.083, and 775.084.

Sec. 14-2-65. - 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 county board of electrical examiners and who has been tested and certified as such by the county board of electrical examiners, ~~or the holder of a city 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 county board of electrical examiners and who has been tested and certified, as such, by the county board of electrical examiners, ~~or the holder of a city certificate of competency which was current and valid upon the adoption of this chapter.~~
- (c) Upon the date of adoption of this article, the city shall no longer issue journeyman electrician or master electrician certificates of competency. Those persons holding current city certificates of competency, as of the date of adoption of this article, 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 7-10-3. City certificate holders shall be subject to regulation and discipline by the 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 county board of electrical examiners. Pursuant to section 14-2-61 journeymen and master electricians licensed by the county board of electrical examiners shall be authorized to conduct work as defined in this section.

- (e) Acceptance of county certificate of competency and the requirement herein that individuals or businesses contracting within the city comply with county ordinances shall in no way alter or preclude the necessity for complying with the other requirements of this Code and failure to do so shall be punishable pursuant to the codes of the city, including, but not limited to, section 1-1-8, section 14-4-4, or F.S. §§ 775.082, 775.083, and 775.084.

Sec. 14-2-66. - Maintenance electricians.

- (a) A maintenance electrician is a person who possesses the necessary qualifications and is certified by the 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.
- (b) Upon the date of adoption of this article, the city shall no longer issue maintenance electrician 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 electrical work as permitted by this Code and renew their certificate biennially, as required by section 7-10-3. City certificate holders shall be subject to regulation and discipline by the 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 article, a person desiring to obtain a certificate of competency for a maintenance electrician, as defined in this section, must satisfy all requirements of the county board of electrical examiners. Pursuant to section 14-2-61 maintenance electricians licensed by the county board of electrical examiners shall be authorized to conduct work as defined in this section.
- (d) Acceptance of county certificate of competency and the requirement herein that individuals or businesses contracting within the city comply with county ordinances shall in no way alter or preclude the necessity for complying with the other requirements of this Code and failure to do so shall be punishable pursuant to the codes of the city, including, but not limited to, section 1-1-8, section 14-4-4, or F.S. §§ 775.082, 775.083, and 775.084.

Sec. 14-2-67. - Electrical contractors.

- (a) As of the effective date of this chapter, a person or entity desiring to engage in electrical contracting, as defined in F.S. ch. 489, part II, must satisfy all requirements of the 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 14-2-61. Those persons designated as qualifying agents shall comply with all requirements of the state statutes and administrative rules of the state electrical contractor's licensing board concerning notifications.
- (c) Upon the date of adoption of this chapter, the city shall no longer issue electrical contractor 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 electrical contracting work as permitted by this Code and renew their certificate biennially, as required by section 7-10-3. City certificate holders shall be subject to regulation and discipline by the county board of electrical examiners.
- (d) Acceptance of county certificate of competency and the requirement herein that individuals or businesses contracting within the city comply with county ordinances shall in no way alter or preclude the necessity for complying with the other requirements of this Code and failure to do so shall be punishable pursuant to the codes of the city, including, but not limited to, section 1-1-8, section 14-4-4, or F.S. §§ 775.082, 775.083, and 775.084.

Sec. 14-2-68. - 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 a county alarm system contractor certificate currently registered with the state 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 state statutes and administrative rules of the state electrical contractor licensing board concerning notifications.

Sec. 14-2-69. - 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 F.A.C. 61G4-15.003.

Sec. 14-2-70. - 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 without having been duly certified or registered as required under the provisions of state law and this Code.
- (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.

ARTICLE V. - PERMITS—CODE COMPLIANCE

Sec. 14-2-111. - Permit—Fee.

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

Sec. 14-2-112. - Permit—Term.

Every construction permit issued shall become invalid unless the work authorized by such permit is commenced within six months after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of three months after the time the work is commenced, except that ~~re-roofing permits shall be good for only three weeks and demolition permits for only 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-month period.

Sec. 14-2-113. - Permit—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. If any deviation from the original permit is made another permit covering the deviation may be required.

Sec. 14-2-114. - Damage ~~exceeding 50 percent of appraised taxable value.~~

Whenever an existing building has deteriorated, been destroyed, or damaged demolished to the extent that the structural loads are compromised as to constitute substantial structural damage, as specified by the Florida Building Code, Existing Building section, ~~cost of improvement, renovation or repair work will exceed 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.

Sec. 14-2-115. - 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, 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 or her discretion, revoke any permit issued for improvements if the person responsible fails to comply with a written stop work or correction notice.

Sec. 14-2-116. - 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 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.~~

Sec. 14-2-117. - 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 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 15 business days of receipt by the building official of the written appeal.

ARTICLE VI. - BUILDINGS

Sec. 14-2-131. - Florida Building Code—Adopted.

Pursuant to F.S. § 553.73, and other applicable provisions of law, the building code and all subsequent editions and revisions thereto as may be adopted by the state 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 copy of the foregoing codes has been filed for more than ten days preceding passage of this chapter and is now filed in the office of the city building official.

Sec. 14-2-132. - Florida Building Code—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.

Sec. 14-2-133. - 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:

- (1) 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 three feet (914 mm), whichever is higher.
- (2) 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 three 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 three feet (914 mm), or not less than three 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 three 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.

- (3) 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).
- (4) 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 three 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.
- (5) 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 ten (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.

(6) 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).

Sec. 14-2-134. - 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 12-11.
- (b) Applications for building permits shall be accompanied by the following information and materials:
 - (1) ~~One Two 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, state statutes and the land development code contained in title XII. Such plans and specifications shall be uploaded in pdf format during the application process.
 - (2) Proof of sewer tap from Escambia County Utilities Authority, as appropriate.
 - (3) Completed, current state ~~energy thermal~~ efficiency code compliance certification forms, when applicable, pursuant to F.S. ch. 553.
 - (4) A completed product approval information form for all exterior cladding and components and all structural connectors and engineered wood products.
- (c) One digital 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 available in full-scale format, maintained at the job site at all times, and available for review by city inspectors at any time that work is in progress. A digital ~~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 roofing, 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 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, mechanical, fuel gas, and plumbing permits shall be required in accordance with the corresponding ~~electrical and plumbing~~ codes adopted herein.
- (h) A separate building permit shall be required for erecting enclosure fencing or walls.

Sec. 14-2-135. - 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.

Sec. 14-2-136. - 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 12-3 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 90 days. Extensions for periods not exceeding 30 days each may be granted in writing by the building official.
- (c) Applications for demolition permits must include written certification by the applicant that reasonable steps have been taken to provide notice to residents within a 300-foot radius of the property of the proposed demolition and the intended date upon which demolition will commence once a permit is obtained. This certification must be included in affidavit form, signed by the applicant or the property owner, also 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) After the issuance of permit, the permit holder shall be responsible for placing a sign on the property where demolition is to take place. The sign shall be a minimum of 11 inches by 17 inches in size and mounted at a minimum of four feet above the ground. The sign shall have black lettering with a contrasting white background, have block style lettering a minimum of three inches in height and shall state "NOTICE OF DEMOLITION" with a phone number for contact included. The sign shall be of a material that is durable, laminated or other weather resistant material. Also posted shall be the demolition permit or a copy thereof.
- (e) Demolition permits for structures larger than 3,000 square feet in floor area or over 35 feet in height at any point shall require a current certificate of insurance showing general liability coverage of at least \$300,000.00, per occurrence and per accident, for products and completed operations.
- (f) When required by the building official, the Florida Building Code, the International Property Maintenance Code, or city ordinance, as adopted herein, barricades and other shielding shall be used to protect adjacent property and the public; to include dust control and/or mediation. 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 guards may be required.
- (g) 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 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 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.
- (h) Debris and waste materials shall not be allowed to accumulate or be buried on the premises. Usable, recyclable byproducts of demolition, including, but not limited to, steel beams and rip-rap, may be stored only where permitted by the provisions of chapter 12-3.
- (i) Demolition work shall be conducted in compliance with the noise regulations for construction as well as applicable nuisance ordinances contained in this Code.
- (j) The owner of a building or structure or his or her 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.

Sec. 14-2-137. - 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.

Sec. 14-2-138. - Tents.

- (a) A building permit shall be required for any tent larger than 120 ~~400~~ 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 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 or she 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 percent of the parking required in title XII 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 title XII shall apply to tents which will be in place for more than 15 days.
- (g) All electrical service to a tent shall comply with the requirements of the National Electrical Code as adopted herein.

Sec. 14-2-139. - 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 building official or assignee ~~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.

ARTICLE VII. - ELECTRICITY^[1]

Sec. 14-2-161. - Short title.

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

Sec. 14-2-162. - 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 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 article 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, or his or her designated representative.
- (c) 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 14-2-41 shall apply equally to the National Electrical Code ~~Florida Building Code~~ ~~Fuel Gas~~.

~~Sec. 14-2-163. - 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.~~

Sec. 14-2-164. - 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.

- (b) Application for an electrical permits shall be made on forms provided in writing, or in electronic format, by the person, or persons 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 or her designated representative, file with the inspection services department 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 months after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of six months after the time the work is commenced. One or more extensions of time, for periods not more than 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 this 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 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 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.

Sec. 14-2-165. - 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.

ARTICLE VIII. - GAS

Sec. 14-2-191. - Short title.

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

Sec. 14-2-192. - Florida Building Code—Fuel Gas adopted.

Pursuant to F.S. § 553.73, and other applicable provisions of law, the Florida Building Code—Fuel Gas and subsequent editions and revisions thereto as may be adopted by the state 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 copy of the foregoing code has been filed for more than ten days preceding passage of this article, 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.

Sec. 14-2-193. - Amendments.

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 14-2-41 shall apply equally to the Florida Building Code—Fuel Gas.

Sec. 14-2-194. - 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.

Sec. 14-2-195. - 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.
- (b) Application for a gas permit shall be made on forms provided, in writing, by the person, or persons 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 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.

Sec. 14-2-196. - 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.

Sec. 14-2-197. - 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 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.

ARTICLE IX. - MINIMUM HOUSING

Sec. 14-2-221. - Short title.

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

Sec. 14-2-222. - International Property Maintenance Code adopted.

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 copy of the foregoing code has been filed for more than ten days preceding passage of this chapter, and is now filed in the office of the city building official.

Sec. 14-2-223. - 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 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, state residential code, state fuel gas code, state mechanical code, state 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.
- (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, state residential code, state fuel gas code, state mechanical code, state 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: 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 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 weeks to secure the building and make arrangements for a more permanent repair. Plywood covering an exterior window or door for more than 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 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 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 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 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.
- (aa) *Section 704.1. General.* Replace International Fire Code with NFPA 101.
- (bb) *Section 704.2. Smoke alarms.* Replace International Fire Code with NFPA 101.

Sec. 14-2-224. - 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.

ARTICLE X. - MECHANICAL

Sec. 14-2-241. - Short title.

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

Sec. 14-2-242. - 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 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 copy of the foregoing code has been filed for more than ten days preceding passage of this chapter, and is now filed in the office of the city building official.

Sec. 14-2-243. - 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 14-2-41 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 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.

Sec. 14-2-244. - 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 department.
- (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 department 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.

Sec. 14-2-245. - 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 a reasonable 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.

ARTICLE XI. - PLUMBING

Sec. 14-2-261. - Short title.

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

Sec. 14-2-262. - 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 stormwater 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, except those which are specifically exempted by state or federal statutes.

Sec. 14-2-263. - Florida Building Code—Plumbing adopted.

Pursuant to F.S. ch. 553, 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 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 copy of the foregoing code has been filed for more than ten days preceding passage of this article, and is now filed in the office of the building official.

Sec. 14-2-264. - 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 14-2-41 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 the county, and all new and retrofit plumbing connections shall provide for thermal expansion in the water system.

Sec. 14-2-265. - 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 city, 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 city.
- (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 persons 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, file with the inspection services department 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.

Sec. 14-2-266. - 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.

Sec. 14-2-267. - 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 to have the plumbing, ventilation or appliance installation brought into compliance with this Code.

Sec. 14-2-268. - 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 stormwater 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.

ARTICLE XII. - GREEN BUILDING CERTIFICATION

Sec. 14-2-291. - Definitions.

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

City means the City of Pensacola, Florida.

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

FGBC is the acronym for the Florida Green Building Coalition, Inc., a Internal Revenue Code 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 is the acronym for the Green Home Designation Standard of the Florida Green Building Coalition, Inc.

Green building is 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 means 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 means the program outlined in this article for obtaining incentives for green buildings and developments.

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

NAHB means National Association of Home Builders.

Private means property not owned by the jurisdiction.

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

Program participant means any person or entity seeking program certification for a particular project.

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

USGBC is the acronym for the United States Green Building Council, a nonprofit 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.

Sec. 14-2-292. - Purpose.

The city 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.

Sec. 14-2-293. - Participation requirements.

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

- (c) 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.

Sec. 14-2-294. - Designation of responsibility for administration and implementation.

The program shall be administered by the city which shall be responsible for:

- (1) Funding the program through annual funds budgeted and appropriated by city council;
- (2) 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;
- (3) Developing any appropriate or necessary application procedures, including, but not limited to, the program application form;
- (4) Providing an incentive award to any program participant who has successfully satisfied the requirements associated with that incentive; and
- (5) Resolving disputes that may arise from implementing the program.

Sec. 14-2-295. - Green building standards.

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

- (1) Neighborhood developments that are owned, funded, or sponsored by the city shall satisfy the requirements associated with either:
 - a. The current Green Development Designation Standard of the FGBC;
 - b. The current LEED for Neighborhood Development rating system program;
 - c. The ICC 700 National Green Building Standard; or
 - d. An equivalent program using as a standard equivalent green building certification analysis.
- (2) New residential projects that are owned, funded, or sponsored by the city shall satisfy the requirements associated with either:
 - a. The current Green Home Designation Standard of the FGBC;

- b. The current LEED for Homes®; program;
 - c. The current Hi-Rise Residential Standard of the FGBC for projects above three stories;
 - d. The ICC 700 National Green Building Standard; or
 - e. An equivalent program using as a standard equivalent green building certification analysis.
- (3) Additions and renovations of existing homes that are owned, funded, or sponsored by the city and exceed 50 percent of the just market value as listed on the county property appraisers website or from a certified appraisal shall meet requirements of either:
- a. The current Green Home Designation Standard of the FGBC;
 - b. The current LEED for Homes®; program;
 - c. The current Green Hi-Rise Residential Standard of the FGBC for projects above three stories;
 - d. The ICC 700 National Green Building Standard; or
 - e. An equivalent program using as a standard equivalent green building certification analysis.
- (4) New commercial, industrial, and institutional buildings that are owned, funded, or sponsored by the city shall satisfy all of the requirements associated with either:
- a. The current Green Commercial Building Standard of the FGBC;
 - b. The current LEED for Core and Shell program;
 - c. 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
 - d. An equivalent program using as a standard equivalent green building certification analysis.
- (5) Additions and remodeling of existing commercial, industrial, and institutional buildings that are owned, funded, or sponsored by the city and exceed 50 percent of the just market value as listed on the county property appraisers website or from a certified appraisal shall satisfy all of the requirements associated with either:

- a. The current Green Commercial Designation Standard of the FGBC;
 - b. The current LEED for Existing Buildings: Operations & Maintenance program;
 - c. The current LEED for Commercial Interiors program;
 - d. An equivalent program using as a standard equivalent green building certification analysis.
- (6) 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.

Sec. 14-2-296. - 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 14-2-295, 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 days for residential), a 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 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.

Sec. 14-2-297. - 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 14-2-295, green building standards, for a particular project.

Sec. 14-2-298. - 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).

SECTION 2. If any word, phrase, clause, paragraph, section or provision of this ordinance or the application thereof to any person or circumstance is held invalid or unconstitutional, such finding shall not affect the other provision or applications of the ordinance which can be given effect without the invalid or unconstitutional provisions or application, and to this end the provisions of this ordinance are declared severable.

SECTION 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 4. This ordinance shall take effect on the fifth business day after adoption, unless otherwise provided, pursuant to Section 4.03(d) of the City Charter of the City of Pensacola.

Adopted: _____

Approved: _____
President of City Council

Attest:

City Clerk