

ORDINANCE NO. 1383

AN ORDINANCE OF THE CITY OF PANAMA CITY BEACH, FLORIDA, AMENDING AND READOPTING CHAPTER 8 OF THE CITY'S CODE OF ORDINANCES RELATING TO BUILDINGS AND BUILDING REGULATIONS; PROVIDING GENERAL REGULATIONS APPLICABLE TO ALL CONSTRUCTION; PROVIDING FOR INSPECTIONS, PLANS REVIEW AND THE POWERS OF THE INSPECTIONS DEPARTMENT; PROVIDING FOR AN EXAMINING BOARD, ITS MEMBERS, DUTIES AND POWERS TO ISSUE, REVOKE OR SUSPEND CERTIFICATES OF COMPETENCY; PROVIDING FOR THE ISSUANCE OF CERTIFICATES OF COMPETENCY TO CONTRACTORS, SETTING FORTH THE REQUIREMENTS FOR OBTAINING AND RENEWING SUCH CERTIFICATES; GENERALLY PROVIDING FOR THE ESTABLISHMENT OF FEES BY THE CITY COUNCIL; ADOPTING A BUILDING VALUATION TABLE PUBLISHED BY THE INTERNATIONAL CODE COUNCIL FOR ESTABLISHING PERMIT FEES WHERE NECESSARY; ADOPTING THE FLORIDA BUILDING CODE AND CERTAIN LOCAL TECHNICAL AMENDMENTS RELATED TO FLOODPLAIN MANAGEMENT; ADOPTING THE NATIONAL 8, 2015L ELECTRIC CODE, THE STANDARD PLUMBING CODE, THE STANDARD GAS CODE, THE STANDARD MECHANICAL CODE, THE AMERICAN FOREST AND PAPER ASSOCIATION WOOD FRAME CONSTRUCTION MANUAL; REPEALING THE STANDARD AMUSEMENT DEVICE CODE, THE STANDARD FOR EXISTING HIGH RISE BUILDINGS, THE STANDARD FOR PROSCENIUM CURTAINS, AND THE STANDARD UNSAFE BUILDING ABATEMENT CODE; PROVIDING DEFINITIONS AND REGULATIONS FOR COASTAL CONSTRUCTION; PROVIDING REQUIREMENTS FOR THE RELOCATION OF BUILDINGS; PROVIDING A FISCAL IMPACT STATEMENT; REPEALING THE CITY'S 800 MHZ ORDINANCE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING AN IMMEDIATELY EFFECTIVE DATE.

WHEREAS, the Legislature of the State of Florida has, in Chapter 166 , Florida Statutes, conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, the City has had building regulations in effect since its first code in 1978, which are amended from time to time, and for which a substantial evaluation and update was last undertaken in 2006; and

WHEREAS, in the last two years, staff has undertaken to review, reorganize and update Chapter 8, which efforts have overlapped with staff's preparation of new floodplain management regulations and the identification of certain provisions more

appropriately adopted as local technical amendments to the Florida Building Code adopted by the City; and

WHEREAS, the City of Panama City Beach participates in the National Flood Insurance Program, and on April 8, 2016, adopted Ordinance 1368 which repealed existing floodplain management regulations and adopted floodplain management regulations modeled after FEMA's model ordinance dated January 15, 2013, and

WHEREAS, as a result of the City's adoption of Ordinance 1368, certain, more stringent elevation requirements desired by the City were repealed, and the City wishes to re-adopt those more stringent elevation requirements as local technical amendments to the Florida Building Code; and

WHEREAS, as a result of the City's adoption of Ordinance 1368, the City Council adopted a requirement to increase the minimum elevation requirement, to require accumulation of costs of improvements and repairs of buildings, based on issued building permits, over a 10- year period, to require buildings that sustain repetitive flood damage over a 10-year period to be included in the definition of "substantial damage," and to limit access to enclosed areas below elevated buildings for buildings and structures in flood hazard areas prior to July 1, 2010, and would like to format that requirement to coordinate with the Florida Building Code; and

WHEREAS, section 553.73(5), Florida Statutes, allows adoption of local technical amendments to the *Florida Building Code* to implement the National Flood Insurance Program; and

WHEREAS, the Panama City Beach City Council has reviewed and considered these proposed changes to Chapter 8 generally and the local technical amendments to the Florida Building Code specifically, at a properly noticed public hearing conducted on April 28, 2016, and determines the local technical amendments to the Florida Building Code are necessary to preserve the City's ability to apply more stringent flood management regulations desired by the City, but are no more stringent than necessary, are not discriminatory against materials, products or construction techniques of demonstrated capabilities, and do not introduce new subjects not already addressed in the Florida Building Code; and

WHEREAS, all conditions required for the enactment of an ordinance to amend the City's Code of Ordinances have been met; and

WHEREAS, all conditions required for the enactment of an ordinance to adopt local technical amendments to the Florida Building Code have been met.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PANAMA CITY BEACH:

SECTION 1. From and after the effective date of this ordinance, Chapter 8 of the Code of Ordinances of the City of Panama City Beach, related to Buildings and Building Regulations is hereby repealed in its entirety.

SECTION 2. From and after the effective date of this ordinance Chapter 8 of the Code of Ordinances of the City of Panama City Beach, related to Buildings and Building Regulations is hereby established to read as follows (new text **bold and underlined**, deleted text ~~struckthrough~~):

Chapter 8 BUILDINGS AND BUILDING REGULATIONS*

ARTICLE I. IN GENERAL.

- Sec. 8-1. Liability of city, city personnel.**
- Sec. 8-2. Construction; materials; safety devices.**
- Sec. 8-3 Off-site construction staging area.**
- Sec. 8-4 Construction equipment; mufflers required**
- Sec. 8-5 Off-site discharge prohibited.**
- Sec. 8-6 Construction site management; site plan required; fencing.**
- Secs. 8-7—8-25 Reserved.**

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- Sec. 8-26. Created; jurisdiction.**
- Sec. 8-27. Personnel.**
- Sec. 8-28. Functions generally.**
- Sec. 8-29. Inspections.**
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- Sec. 8-46. Created.**
- Sec. 8-47. Members.**
- Sec. 8-48. Chairman; secretary; quorum.**
- Sec. 8-49. Meetings.**
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- Sec. 8-51. Powers and duties.
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- Sec. 8-71 Definitions.
- Sec. 8-72 Engaging in work without certificate of competency prohibited.
- Sec. 8-73 Exemption from certification requirements for homeowners.
- Sec. 8-74 Requirements for obtaining certificate of competency.
- Sec. 8-75.1 Certification examination, building, general or residential contractor.
- Sec. 8-75.2. Certification examination--Sign contractor.
- Sec. 8-75.3. Certification examination--Specialty contractor.
- Sec. 8-75.4. Certification examination--electrician.
- Sec. 8-75.5. Certification examination--plumber.
- Sec. 8-75.6. Certification examination—gas fitter.
- Sec. 8-75.7. Certification examination—air conditioning mechanic.
- Sec. 8-76. Expiration and Renewal of Certificate of Competency.
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- Sec. 8-78. Misrepresentations; allowing fraudulent use of name.
- Secs. 8-79—8-99 Reserved.

ARTICLE VI—FEES

- Sec. 8-100 Fees.
- Sec. 8-101. Fee for obtaining permit after work commenced.
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- Sec. 8-103. Conflict between chapter provisions and technical code provisions.
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- Secs. 8-105--8-114. Reserved.

ARTICLE VII--BUILDING CODE REGULATIONS

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- Sec. 8-115. Adoption of Florida Building Code.
- Sec. 8.115-1. Adoption of local Technical Amendments to the Florida Building Code, Residential
- Sec. 8.115-2. Adoption of local Technical Amendments to the Florida Building Code, Building
- Sec. 8.115-3. Adoption of local Technical Amendments to the Florida Building Code, Existing Building
- Sec. 8-116. Adoption of National Electrical Code.
- Sec. 8-117. Adoption of Standard Plumbing Code.
- Sec. 8-118. Adoption of Standard Gas Code.
- Sec. 8-119. Adoption of Standard Mechanical Code.
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DIVISION 2. COASTAL CONSTRUCTION CODE

- Sec. 8-130. Title.
- Sec. 8-131. General.
- Sec. 8-132. Scope.
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- Sec. 8-134. Coastal construction requirements.
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DIVISION 3. BUILDING RELOCATION CODE

Sec. 8-150. Moving buildings or other structures--Permit requirements.

Sec. 8-151. Relocation Requirements.

Sec. 8-152. Compliance by moved buildings.

Sec. 8-153. Enforcement.

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ARTICLE VIII--XVI. RESERVED.

ARTICLE I. IN GENERAL

Sec. 8-1. Liability of city, city personnel.

(a) This chapter shall not be construed as imposing upon the city any liability or responsibility for damages to any person injured by any defect in any work done by its citizens pursuant to the Florida Building Code, the National Electrical Code, the Florida Model Energy Efficiency Code for Building Construction, the Florida Plumbing Code, the Florida Gas Code, the Florida Mechanical Code, or any other similar technical code adopted by the city. Neither the city nor any official or employee thereof shall be held as assuming any such liability or responsibility by reason of any inspection authorized thereunder or by reason of any certificate of approval issued under the terms of this chapter.

(b) Any city officer or employee or member of any board created by this chapter, charged with enforcement of the provisions of this chapter, acting in the discharge of his duties shall not thereby render himself personally liable therefor and he is relieved from all personal liability from any damage that may accrue to person or property as a result of any act required or permitted in the discharge of his duties. Any suit brought against any officer or employee because of this chapter shall be defended by the city until final determination of the proceedings.

Sec. 8-2. Construction; materials; safety devices.

It shall be unlawful to leave any material while building or repairing any house, or doing other work, in such a condition as to endanger persons or vehicles in passing along any street, alley or public way, and without keeping a suitable light on same at night at such points thereon as may be easily seen to warn the public of danger.

Sec. 8-3. Off-site construction staging area.

Any person who uses an area off-premises from the premises under construction as a staging area for that construction and who must cross a road, street or highway to get from the staging area to the premises under construction must obtain a permit allowing such activity from the chief building official of the City before such activity may commence. A permit fee of \$50.00 must be paid by the person obtaining a permit hereunder.

Sec. 8-4. Construction equipment; mufflers required.

All motorized equipment used in connection with or in preparation for the erection, excavation, demolition, alteration or repair of any building, that in the course of its normal operation creates continuous noise for fifteen (15) minutes consecutively, or for thirty (30) minutes cumulatively within sixteen (16) hours shall be muffled to the maximum extent possible without unreasonably interfering with equipment mobility or utility.

Sec. 8-5. Off-site discharge prohibited.

It shall be unlawful for any person to permit the discharge of pump water off-site, where such discharge contains suspended solids measuring in size greater than 180 microns (80 U.S. sieve).

Sec. 8-6. Construction site management; site plan required; fencing.

(a) Site plan required. No development order or permit for site work or for the construction of horizontal improvements, vertical buildings or other structures shall be issued without the applicant having furnished in the application therefore a construction site plan (i) illustrating the provision and placement of each of the following elements on or proximate to the construction site and (ii) approved by the City Manager or his designee as complying with this section, meeting the goals and objectives of this section and demonstrating compliance with other applicable law:

- (1) Construction trailer;
- (2) Portable, enclosed, chemical toilet;
- (3) Dumpster;
- (4) Ingress and egress points;
- (5) Site perimeter/property boundary;
- (6) All fencing, including the specifications for the fencing required by this section;
- (7) Adjacent rights-of-way and major intersections if within one hundred (100) feet of property line;
- (8) Materials and equipment lay-down or staging area;
- (9) Footprint of building and rebar yard;
- (10) Employee parking area; and
- (11) Delivery area.

The City Manager's decision may be appealed by the applicant directly to the City Council who shall determine the matter in a quasi-judicial hearing between the applicant and the City Manager who shall represent the public interests advanced by this section. Written notice of appeal specifying the reasons therefore and the relief sought must be delivered to the City Clerk within five (5) days after receipt of the City Manager's decision. The hearing shall be held as soon as practicable thereafter.

(b) Modification Permitted. The site plan required by this part may be modified following issuance of the building permit upon payment of a fee in such amount as may from time to time be established and amended by resolution of the City Council reasonably reflecting the cost to review and approve.

(c) Fencing of Active Construction Sites Along Scenic Corridors. In order to minimize the effects of construction on pedestrians and drivers along Scenic Corridors, as that term is defined in Section 1.07.02 of the City's Land Development Code, every holder of a development order or building permit for a project located on a parcel of land lying in whole or in part within any Scenic Corridor shall provide fencing or landscaping, or a combination of both, for the duration of ongoing, permitted construction meeting the composition and maintenance standards, and the performance standards, of this sub-section:

(1) Composition and Maintenance Standards:

(i) The fencing or landscaping required by this part shall be a minimum of six feet high. Fencing shall be of solid face construction affixed to the ground so as to prevent such fencing from becoming airborne, or alternatively constructed in a manner and of material which the City Manager or his designee determines to be at least as opaque, weather resistant and permanent as the foregoing. Landscaping shall be sufficiently mature and dense so as to be the functional equivalent of a six-foot high, solid face fence.

(ii) No fence or landscaping required by this section may be constructed or situated within the public right-of-way so as to obstruct the field of view or way of travel for drivers or pedestrians.

(iii) Fences must be repaired and at all times maintained intact around the entire perimeter of the site in a neat, orderly, clean and sound condition. Landscaping must be kept in a neat dense and healthy condition.

(2) Performance Standards:

(i) Certain construction matters. Trash receptacles, portable toilet facilities, and the staging or lay-down area for construction equipment and materials shall be fenced or placed, or both, on the construction site so as to be not visible by a pedestrian standing within the vehicular right-of-way of any Scenic Corridor.

(ii) Construction sites generally. The entire perimeter of all construction sites and support areas shall be fenced, or screened with landscaping, or a combination of both, so as to prevent spill-over of construction activity, including dust, dirt and debris, onto a public right of way or adjacent property, and to reasonably screen construction and construction activity from the view of a pedestrian standing within the vehicular right-of-way of any Scenic Corridor. Notwithstanding the foregoing, the areas which have been

designated as points of access pursuant to Section 4.04.01 of the City's Land Development Code are exempt from this requirement.

(d) Fencing and Landscaping of Inactive Construction Sites along Scenic Corridors. Whenever the construction referred to in sub-section (c) above shall essentially stop for a period of forty-five (45) days or more regardless of minor or non-substantial work, the owner and if different the holder of an unexpired, related development order or building permit, severally, shall provide perimeter security fencing, landscaping and sand fencing as required by this sub-section until such construction shall resume in an ordinary and active manner.

(1) Where vertical improvement, material, equipment or any other thing exists on the site and is of sufficient size to permit a person to enter or hide within or behind any such improvement, equipment, material or other thing, then all such things shall be completely enclosed by a single chain link fence at least six (6) feet high with open links, metal posts no more than ten (10) feet apart with metal top rails connecting all posts which shall be placed the entire length of the site's perimeter. Every gate shall be securely locked at all times.

(2) A landscaping buffer area shall be required along any property line abutting a Scenic Corridor. The buffer is measured to the side property lines and extends twenty-five (25) feet from the property line abutting the Scenic Corridor. The landscaping buffer area shall contain one shrub per twenty-five (25) square feet of landscaping buffer area. Shrubbery shall be dispersed evenly across the width of the property. In all cases, the selection, planting, and maintenance of shrubbery shall be controlled by the design principles and standards set forth in Section 4.06.00 of the City's Land Development Code.

(3) In all cases, where sand is blown from the site onto any adjacent vehicular or pedestrian right of way, a silt or sand fence no less than twenty-four (24) inches high shall be installed as needed to prevent such blown sand in the future. For purposes of this section, a silt or sand fence shall be defined as a temporary sediment barrier made of woven, synthetic filtration fabric supported by steel or wood posts.

(4) All such fences and landscaping must be repaired and at all times maintained intact and in a neat, orderly, clean and sound condition.

(e) Violation. It shall be unlawful for any owner of a construction site or any person, firm or corporation holding a current or expired development order or building permit, or serving as a general contractor in connection therewith, or any controlling officer, agent or employee thereof, to either:

(1) Place or permit the placement of any of the elements listed in subsection (a) in a location other than as shown on the current site plan, or

(2) Fail to provide and maintain intact and in a neat, orderly, clean, sound and healthy condition the fencing or landscaping required by this section or any fencing required by the City's Land Development Code or any law or regulation.

(f) The provisions of this section are cumulative. Nothing herein shall be construed to permit any activity or condition which would constitute a public or private nuisance or be contrary to any law or legal duty. Notwithstanding the installation of the fencing required by this section, a premises may still be in violation of other provisions of law.

(g) Penalty. The provisions of this section may be enforced by the Building Inspector, the Code Enforcement Officer, or any law enforcement officer. Any person determined to have willfully failed to comply with any provision of this section shall be guilty of an offence punishable as provided in Section 1-12 of the City Code. Each day that such a violation or failure shall continue shall constitute a separate offense. This penalty is in addition to any other remedy available to the City.

Secs. 8-7--8-25. Reserved.

ARTICLE II. INSPECTIONS DEPARTMENT

Sec. 8-26. Created; jurisdiction.

There is hereby created an inspections department which shall have jurisdiction and control over the construction, alteration, repair, equipment, use, occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached thereto within the corporate limits of the city.

Sec. 8-27. Personnel.

- (a) The inspections department shall consist of the following personnel:
- (1) The chief building official, who shall be the head of the inspections department, shall have a general knowledge of the construction industry, shall be responsible for the administration of the department, including all duties attendant thereto, shall report to the Building and Planning Director, and otherwise directly to the city manager, and may also be an inspector;
 - (2) The following inspectors, any one (1) or more of which offices may be held by the same person:
 - a. A general building inspector;
 - b. A chief electrical inspector;
 - c. A fire prevention officer, who shall be the chief officer of the fire department or a member of the fire department duly appointed as the fire prevention officer who has successfully completed or passed all competency standards of the fire department for the position;
 - d. A gas inspector;
 - e. A health officer who may be appointed by the city manager, which manager may alternately designate an existing city employee as health officer;
 - f. A mechanical inspector;
 - g. A plumbing inspector; and
 - h. Such other personnel as may be necessary for the performance of the department's duties.
 - (b) Except as specifically provided otherwise, inspectors and their assistants shall be licensed have received in accordance with this chapter 468, Florida Statutes, a ~~certificate of competency~~ in the activity or trade which they are to inspect.
 - (c) All inspectors and assistant inspectors shall be appointed by the city manager or by such other person who may be authorized to make the appointment. All appointments shall be in accordance with the policies established by the city for fulfillment of any such positions and all applicable legal requirements.
 - (d) It shall be unlawful for the chief building official or an inspector or any assistant inspector either directly to indirectly to engage in any business subject to the jurisdiction of this chapter.
 - (e) All inspectors and assistant inspectors duly appointed as of the effective date of August 7, 1982, are hereby confirmed as the inspectors of the inspection department.

Sec. 8-28. Functions generally.

The provisions of this chapter shall be enforced by the inspectors within the inspection department who are qualified and duly appointed to such positions. In addition to the management of the other affairs of the inspection department, the inspectors shall direct, undertake or supervise the performance of the following duties:

- (1) Enforcement of the provisions of this chapter;
- (2) Inspection of all buildings and structures within the city;
- (3) Issuance of permits and collections of the proscribed fees therefore in accordance with this chapter;
- (4) Reporting to their superiors or the appropriate board having jurisdiction of the subject matter any evidence which may come within their knowledge of any violation of any of the provisions of this chapter by any person.
- (5) Passing on all plans submitted;
- (6) Requiring such changes or alterations as are deemed necessary to eliminate any existing hazardous condition when the same is dangerous to life or property and prohibiting the use of building or structures until such hazards are removed;
- (7) Keeping complete records of all permits issued and inspections made and other official work performed under the provisions of the law;
- (8) Carrying out and performing such additional powers and duties as shall be proscribed by this chapter or this Code; and
- (9) Giving and grading the homeowners' examination required by section 8-35.

Sec. 8-29. Inspections.

Inspectors or their duly authorized assistants or representatives shall have the right during any reasonable hour, to enter into or upon any building, lot or premises in the discharge of their official duties

for the purpose of making any inspection or test as might be required to insure compliance with this chapter. When necessary, the chief inspector or his duly authorized assistant or representative may institute appropriate proceedings to obtain an inspection warrant.

Sec. 8-30. Stop work orders or disconnection of service.

The chief building official or his duly authorized assistant or representative shall have the authority to stop any work, to disconnect any service to prevent use of any structure or service or component part of any building where the construction of the structure or any component thereof fails to conform with the provisions of this Code, the Florida Building Code and any other applicable law, until the violations being committed are corrected.

Sec. 8-31. Plans Review Code.

(1) This section shall be known as the "Plans Review Code of Panama City Beach, Florida" and may be cited as such.

(2) As used in this section, "multi-story building" means any building which is greater than three (3) stories or fifty (50) feet in height.

(3) Plans Review Requirements:

(a) Plans for all multi-story or commercial buildings shall be submitted to the Building Department in duplicate triplicate, and the City shall, at the applicant's expense, submit one (1) set of plans to either the International Code council (ICC) or the Bay County Building Department, at the City's election, for formal plan review and comment.

(b) Plans review fees shall be paid to the Building Official at the time of plan submittal, in an amount which is calculated as follows:

(i) For review of commercial plans, one half of the building permit fee established by resolution of the City Council.

(ii) For review of residential plans, twenty five dollars (\$25.00).

Plan review fees are in addition to the building permit fee.

(c) In addition to all other applicable fees, the applicant shall pay to the City the estimated cost of ICC or Bay County review and postage prior to the City forwarding the plans to ICC or Bay County for review at the time of plan submittal. In the event actual costs are less, the difference shall be refunded to the applicant. In the event the actual costs are more, the applicant shall pay the difference to the City. No building permit or other development order may be issued to the applicant until the entire, final cost is paid.

(d) (e) The Building Department will review the applicant's plan upon receipt of ICC's or Bay County's plan review comments. The applicant or its representative shall be given a reasonable opportunity to respond to the ICC's or Bay County's comments. The Building Department shall take into consideration comments by ICC or Bay County and any responses thereto by the applicant, but the final decision or plan approval shall be made by the Building Department.

Sec. 8-32. Permit required.

(a) Except as otherwise provided in this Code of Ordinances or Section 105.2 of the Florida Building Code, no person shall undertake to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, or to cause any such work to be done, without obtaining the required permit from the building official.

(b) Exceptions. No wiring, devices or equipment for the transmission, distribution or utilization of electrical energy for light, heat or power within or on any building or structure in the City shall be installed, nor shall any alteration, repair or addition be made in any such existing wiring, devices or equipment without first securing a permit therefor from the chief electrical inspector; provided, however, that:

(1) No permit shall be required for minor repairs, such as repairing flush and snap switches, replacing fuses, changing lamp sockets and receptacles, taping joints and repairing drop cords.

(2) No permit shall be required for the installation of wiring, devices or equipment for telephone, telegraph, district messenger or tele-autograph systems or any signaling systems when installed by a

public utility, subject to regulation as such by the State Public Service Commission or any agency of the federal government.

(3) No permit shall be required for the installation of electric wiring, devices or equipment in any building the major portion of which is occupied by a public utility corporation operating under a franchise from the City to transmit and sell or use electrical energy; provided, however, that any such wiring, devices or equipment are for the use of the corporation in its operation as a public utility; provided, however, that permits shall be required for installations in public utility buildings to which the general public has regular access. Federal, state, county and city governments shall be classified as a public utility under this section.

Sec. 8-33. Permit application.

(a) An application for the permit required by the provisions of this division, describing the work to be done, shall be made in writing to the building official by the person undertaking the work and the permit, when issued, shall be to such applicant. The person making application for the permit shall, when required by the building official, file with him complete plans and specifications for the work to be performed, showing all details as may be necessary to determine whether the work as described will be in conformity with the requirements of this article.

(b) The permit, when issued, shall be for the work described in the application and no deviation shall be made from the installation so described without approval of the building official. Applicants for permits shall show the name of the occupant or name of the property owner, the name of the contractor who is to do the work, the exact location of the premises by number of block, lot and house or other good and sufficient description, a clear description of the work to be done and the number of fixtures, circuits and other apparatus.

(c) The person making application for a permit on any building that has been moved or relocated or has a change of occupancy or reoccupied after vacated shall verify that the building is structurally sound before a permit is issued for the building.

Sec. 8-34. Persons eligible to obtain permits.

A permit required by the provisions of this Chapter shall be issued only to licensed contractors, and to homeowners who meet the requirements of Section 8-73.

Sec. 8-35. Examination of applicants for homeowner's permits.

Examination of applicants for homeowner's permits shall be undertaken held by the building official inspector or his assistant.

Sec. 8-36. Duration of permits.

Permits issued under this part shall be invalid if work is not started within sixty (60) days after date of issue and shall be invalid if work has once begun and then stopped for a period of six (6) months.

Sec. 8-37. Notice when work ready for inspection; inspection.

(a) When work for which a permit has been obtained is ready for inspection, notice stating the location of the work and the name of the owner shall be given to the chief building inspector or his duly authorized representatives at his office by the contractor or homeowner serving as his own contractor to whom the permit was issued ~~or by the homeowner doing the electrical installation.~~

(b) Notice to inspect work must be in the office of the chief building inspector, for morning inspections, before 4:00 p.m. the preceding day and for afternoon inspections, before 12:00 noon the same day. A period of forty-eight (48) hours, exclusive of Saturdays, Sundays and holidays, may be required in which to make inspection and report.

(c) As soon as possible after receiving notice that work is ready for inspection, the chief building inspector or his duly authorized representatives will inspect and test the work in a manner necessary to satisfy the inspector that the work has been installed in a proper and workmanlike manner and in accordance with the provisions of this article.

(d) In cases of large or complicated installations, the work may be inspected and tested in sections at the option of the chief building inspector or his duly authorized representatives.

Sec. 8-38. Plumbing to be installed before wiring inspected.

All plumbing and other piping or tube work must be in place before the electrical wiring is inspected and no such wiring will be considered as complete until all such plumbing or piping is in place.

Sec. 8-39. Concealing wiring before inspection prohibited.

It shall be unlawful to conceal any electrical wiring or equipment until same has been inspected and a notice of approval posted as required in Section 8-40.

Sec. 8-40. Notice of approval or disapproval.

Upon making an inspection of any electrical wiring or equipment, when same is found to have been installed in a satisfactory manner, and in accordance with the provisions of this Article, the inspector shall place a notice or certificate at a service switch or other suitable place, stating that the electrical work has been inspected and found to be in accordance with the rules, as prescribed, and the provisions of this Article. If same is found to be not in accordance with the provisions of this Article, the electrical inspector shall post a notice or certificate stating that this wiring does not conform to this Article, has been condemned, and shall not be covered or connected until approved by the electrical inspector or his authorized representative.

Sec. 8-41. Inspector authorized to uncover concealed work.

If any work or part thereof is covered before being inspected, tested and approved, it shall be uncovered upon the order of the building inspector.

Sec. 8-42. Final Certificate upon of completion inspection.

(a) After the entire completion of the work covered by the permit, a notice shall be given by the licensed contractor or the person to whom the permit was issued to the chief building inspector or his duly authorized representatives for a final inspection, and if the inspector finds that the work has been satisfactorily done, he shall issue a final certificate of inspection completion or certificate of occupancy, as appropriate. The certificate does not relieve the person to whom the permit was issued of his responsibility for any defective work which may have escaped the notice of the inspector.

(b) Removal or defacing of inspection certificates shall be prohibited.

Sec. 8-43. Appeals generally.

(a) Any interested party may appeal the interpretation or application of the applicable code section on which the decision of the inspector or the City Manager is based to the Planning Board upon the filing, within thirty (30) days after service of the inspector's or city manager's notice and order, of an application to the inspector setting forth the grounds for the appeal. The Planning Board shall not grant variances from the decision of the inspector or the City Manager. Upon receipt of the notice of appeal, the inspector shall forthwith transmit a copy of the notice of appeal, together with all related documents of his department, to the Planning Board. Within ten (10) days after the filing of a notice of appeal, the Planning Board shall schedule a date for the hearing thereof and give notice of the date for the hearing to the interested parties in a manner as would afford them not less than ten (10) days notice. Under no circumstances shall the board establish a hearing date beyond sixty (60) days from the filing of the notice of appeal.

(b) All appeal proceedings shall be public and notice thereof published in a newspaper of general circulation with the city at least ten (10) days prior to the date of the hearing. The findings of the Planning Board shall be encompassed in a resolution stating with particularity the grounds for the board's decision.

(c) All such appeals shall be pursuant to the procedures specified in Section 10.13.00 of the City of Panama City Beach Land Development Code, as amended from time to time. In the event of an irreconcilable conflict between the procedures specified in this Section and in said Section 10.13.00, this Section shall control.

(d) An interested party, having exhausted his administrative remedies before the Planning Board, shall be entitled to seek review of the decision of the Planning Board by certiorari in the Circuit Court, Fourteenth Judicial Circuit, in and for Bay County, Florida.

Sec. 8-44—8-45. Reserved.

ARTICLE III. EXAMINING BOARD

Sec. 8-46. Created.

There is hereby created the examining board of the city.

Sec. 8-47. Members.

(a) The examining board of the City of Panama City Beach, Florida, shall consist of seven (7) members, as follows:

(1) A master electrician who is engaged in the profession and who holds a valid master electrician's certificate in the city;

(2) A master gas fitter who is engaged in the profession and who holds a valid master gas fitter's certificate in the city;

(3) A master air conditioning mechanic who is engaged in the profession and who holds a valid master air conditioning mechanic's certificate in the city;

(4) A master plumber who is engaged in the profession and who holds a master plumber's certificate in the city;

(5) Two members from the field of general construction; and

(6) A qualified elector in the city, preferably not from the field of general construction or any profession regulated by this chapter.

(b) The board shall be appointed by the City Council as outlined below:

(1) The first and second members above shall be appointed for a term of three (3) years for the first term;

(2) The third and fourth members above shall be appointed for a term of two (2) years for the first term; and

(3) The fifth, sixth and seventh members above shall be appointed for a term of one (1) year for the first term.

(c) Terms shall expire and new appointments shall be effective on July 22, provided that all members shall serve until their successors are duly qualified and appointed. After the first term, all members shall be appointed for a term of three (3) years.

Sec. 8-48. Chairman; secretary; quorum.

The senior member of the board shall act as chairman. The city manager, or his designated representative, shall serve as secretary to the board. Any four (4) members shall constitute a quorum with an elected chairman pro tem in the absence of the regular chairman.

Sec. 8-49. Meetings.

Regular meetings of the examining board shall be held at the George C. Cowgill Annex at least once each month at such times as the board may by rule, from time to time, establish. Special meetings of the board may be called by the chairman or three (3) members of the board at other times and places.

Sec. 8-50. Records.

The examining board shall keep in the office of the inspection department a record for each trade or profession in which shall be recorded the names and addresses of each applicant for a certificate, the date of filing application, the final action of the board upon each application, the date of such action, whether the granting of a certificate was made with or without examination, date and action of the board in revocation or suspension proceedings, and the signatures of the members of the board participating in any action.

Sec. 8-51. Powers and duties.

The powers and duties of the examining board shall include the following:

- (1) To prescribe forms for applications for examinations, certificates of competency, permits, stationery, records, notices of violation and such other documents as it shall deem necessary for the conduct of its business;
- (2) To prepare, conduct and grade or designate written examinations of applicants for certificates of competency;
- (3) To prepare or designate a basic written examination of homeowner applicants for permits under section 8-35, and to establish a passing score of such examinations;
- (4) To give notices of hearings and conduct hearings upon charges of violation of the provisions of this chapter by any person subject to the provisions of this chapter;
- (5) To discipline any contractor, journeyman or other person found by the board to have violated any of the provisions of this chapter;
- (6) To hear the appeal of any persons who may be aggrieved by any ruling or order of the chief building official or any inspector. Notice of appeal shall be filed with the secretary to the board within thirty (30) days after the ruling or order from which the appeal is taken. The board shall as soon as may be practicable conduct a hearing at which the city official and the aggrieved party shall be entitled to present evidence and cross-examine witnesses. All testimony shall be under oath and shall be electronically recorded. Either party may be represented by an attorney-at-law. The aggrieved party shall carry the burden of establishing by greater weight of the evidence that the ruling and order of the chief building official or any inspector was arbitrary, unauthorized, or otherwise unfounded. The hearing need not **be** conducted in accordance with the formal rules relating to evidence and witnesses but fundamental due process shall be observed and govern the proceedings. Any relevant evidence shall be admitted if the board finds it competent and reliable. The board of examiners shall make findings of fact based on evidence of record. Based upon this fact finding determination, the board of examiners shall approve, reverse or modify the decision of the building official or inspector. The aggrieved party shall be entitled to have the final decision of the board reviewed by certiorari in the Circuit Court for Bay County, Florida, upon the filing of an appropriate pleading.
- (7) To satisfy itself as to character and integrity of each applicant for a certificate of competency, by requiring such pertinent information as it may deem necessary; and
- (8) To enforce provisions of this chapter wherever required or authorized.
- (9) The examining board shall constitute and sit ex officio as circumstances may require, as the board of construction examiners, the board of electrical examiners, the board of plumbing examiners, the board of gas examiners, or the board of air conditioning examiners, and as such shall follow the uniform procedures specified in sections 8-46 through 8-53.**

Sec. 8-52. Revocation, suspension of certificates of competency.

- (a) The board of examiners shall suspend or revoke any contractor's, master's, or journeyman's certificate of competency, if one (1) or more of the following grounds shall exist:
 - (1) Misrepresentation of any material fact in the application for a certificate or for a permit;
 - (2) Performance of work in a negligent, incompetent or unworkmanlike manner;
 - (3) Contracting in a name other than registered with the general building inspector;
 - (4) Abandonment of any contract for the performance of work without legal grounds;
 - (5) Diversion of property or funds received pursuant to contract for work;
 - (6) Departure from the plans and specifications of any contract for work or accompanying application for permit without the consent of the party for whom the work is being performed;
 - (7) Misrepresenting the requirements of this article regulating work in order to obtain or increase the scope of the work in any contract of construction work;
 - (8) Failing to report to the general building inspector or his assistants or attempting to conceal the violation of any provision of this article;
 - (9) Failing to report to the general building inspector or his assistants or attempting to conceal the violation of any provision of this article by any contractor;
 - (10) Pledging or loaning his certificate to any person when not actively associated with that person in the performance of the work authorized by the certificate;

- (11) Default in payment either for labor or materials resulting in a lien being placed against a piece of property in question and the lien remaining unsatisfied for a period of sixty (60) days or more; or
- (12) Default in payment either for labor or materials resulting in a judgment being obtained or filed against the building, general or residential contractor and the judgment remaining unsatisfied for a period of sixty (60) days or more.
- (13) Violation of any applicable provision of Section 489.129 Florida Statutes (~~2015 2003~~).
- (14) Violation of any applicable provision of Section 455.227 Florida Statutes (~~2015-2003~~).
- (b) Any contractor, master or journeyman who shall violate, or assist in violating, any of the provisions of this article, may, upon conviction thereof, have his certificate of competency suspended for not less than (30) days for the first offense, and for repeated offenses, may have his certificate of competency suspended for a longer period than thirty (30) days or have the same canceled or revoked by the board of examiners upon the recommendation of the building official.
- (c) Any time the building official or his assistants shall ascertain any of the grounds for revocation or suspension may exist or there is filed with the board of examiners the complaint of any person alleging the existence of any such grounds, it shall be his or their duty to make a full, fact-gathering investigation and file with the board of examiners a written report thereof, together with a statement as to the existence of probable cause for suspension or revocation, and if the board ascertains that such probable cause exists, the board shall conduct a hearing thereon, after notice.
- (d) At any time the report of the building official or his assistants shall show the existence of probable cause for suspension or revocation, the building official or his assistants shall serve upon the alleged violator a notice of the alleged grounds for suspension or revocation and the time, date and place of a hearing before the board thereupon. The notice shall be served not less than ten (10) nor more than thirty (30) days prior to such hearing. The alleged violator shall have the right to appear at the hearing, be represented by counsel, produce evidence and cross-examine witnesses. A record shall be kept of the hearing.
- (e) Each case before the examining board shall be presented by the building official or his designee. The hearing need not be conducted in accordance with the formal rules relating to evidence and witnesses but fundamental due process shall govern the proceedings. Any relevant evidence shall be admitted if the board finds it competent and reliable, regardless of the existence of any common law or statutory rule to the contrary. The board may take testimony from the general building inspector and the alleged violator. Each party shall have the right to call and examine witnesses, to introduce exhibits; to cross-examine opposing witnesses on any matter relevant to the issues; to impeach any witness; and rebut the evidence against him.
- (f) The board shall make findings of facts based on evidence of record. The fact-finding determination of the board shall be limited to whether the violation alleged did occur, and if so, whether the person named in the notice is responsible for that violation. If, after the hearing, the board of examiners shall determine that one (1) or more of the noticed grounds for suspension or revocation exist, it shall enter a written order signed by the chairman suspending or revoking the certificate of competency of the violator. Such order shall, at a minimum, contain the following:
- (1) A clear statement of the violations charged;
 - (2) A clear statement of the factual basis for the charges;
 - (3) Evidence that the violator was given notice of the charges, and of an opportunity to appear and present evidence and testimony regarding the charges;
 - (4) Findings of fact made by the board of examiners;
 - (5) Conclusions of law which demonstrate that the facts alleged constitute violations of Sections 489.129 or 455.227 Florida Statutes (~~2015-2003~~) or of this ordinance.
 - (6) A statement of the penalty imposed against the violator's certificate of competency.
 - (7) A recommendation to the Construction Industry Licensing Board for action to be taken against the state registration.
 - (8) A clear statement informing the violator of the right to appeal the action against his or her certificate of competency, and of the right of the violator to challenge the recommendation to the Construction Industry Licensing Board.

(g) Any order suspending or revoking a certificate of competency may also assess against such violator the reasonable investigative and legal costs for the prosecution of the violation which shall bear interest at the rate provided for judgments in the circuit court and may be enforced as provided by law.

(h) A copy of such order shall be forwarded to the Construction Industry Licensing Board.

(i) After such a revocation, a new certificate of competency may not be issued to any such violator for a period of up to one (1) year, at the discretion of the board of examiners.

(j) After such a revocation, a new certificate of competency shall be issued only after the applicant passes the required examination and all investigative and legal costs assessed against the violator plus interest are paid in full.

(k) Regardless of the term of any such suspension stated in the order, the suspension shall continue until all investigative and legal costs assessed against the violator plus interest are paid in full. In the event any certificate of competency remains suspended for more than 365 days, it shall be deemed revoked and a new certificate shall be issued only after the applicant passes the required examination and all investigative and legal costs assessed against the violator plus interest are paid in full.

Sec. 8-53. Appeals.

Any person aggrieved by the action of the board of examiners in refusing to grant a certificate of competency issued pursuant hereto or in suspending or revoking any certificate of competency issued pursuant hereto, may appeal to the Construction Industry Licensing Board. Any such appeal shall be filed within sixty (60) days from the date of issuance of the examining boards' recommended penalty to the Construction Industry Licensing Board. Failure to challenge the examining board's recommended penalty within the time period set forth in this section shall constitute a waiver of the right to a hearing before the Construction Industry Licensing Board, and shall be deemed an admission of the violation.

Secs. 8-54--8-70. Reserved.

ARTICLE IV. CONTRACTORS

Sec. 8-71. Definitions.

(a) The following words and phrases, as used in this division, shall have the meanings respectively ascribed to them:

Construction business or construction work shall mean any business or work which falls within the scope of the building code adopted in section 8-115.

Contractor shall mean and include any person who in any capacity undertakes, offers to undertake, purports to have the capacity to undertake or accepts an order or contract either on a fixed sum, cost plus a percentage, a fixed fee or any combination thereof or submits a bid to construct, repair, alter, remodel, demolish, add to, subtract from or improve any building or structure, including related improvements to real estate, for others or for resale to others, including any person who, for a salary, fixed fee, wages by the day or for any other compensation, agrees with the owner, tenant, occupant or agent of any real estate to do any of the foregoing acts or to have the same done when any part of such work shall be compensation for the supervision, direction or inspection, but shall not include any persons employed by any such owner, tenant, occupant or agent to perform unskilled labor only under the direction of such owner, tenant, occupant or agent. For purposes of this Article, contractor shall not mean Electrical Contractors Plumbing Contractors, Gas Fitters; or Air Conditioning Mechanics as those contractors are defined herein.

Building contractor shall mean a contractor whose services are limited to construction of commercial buildings and single-dwelling or multiple-dwelling residential buildings, which commercial or residential buildings do not exceed three (3) stories in height, and accessory use structures in connection therewith or a contractor whose services are limited to remodeling, repair or improvement of any size building if the services do not affect the structural members of the building.

General contractor shall mean a contractor who may contract or perform for any activity requiring licensure under this part.

Residential contractor shall mean a contractor whose services are limited to construction, remodeling, repair or improvement of one-family, two-family, or three-family residences not exceeding two (2) stories in height and accessory use structures in connection therewith.

Sign contractor shall mean a contractor whose services are limited to the creation, installation or application of a non-electrical sign onto any building or structure.

Specialty contractor shall mean a contractor whose services are limited to the performance of specialized building trades and crafts which are incidental to a particular phase of construction, and whose job scope does not substantially correspond to one of the contractor categories listed in this section.

Electrical contractor shall mean and include any person who in any capacity undertakes, offers to undertake, purports to have the capacity to undertake or accepts an order or contract either on a fixed sum, cost plus a percentage, fixed fee or any combination thereof, or submits a bid to install, extend, alter, repair, maintain or remove any electrical apparatus or any device in connection therewith, including any person who, for a salary, fixed fee, wages by the day or for any other compensation, agrees with the owner, tenant, occupant or agent of any property to do any of the foregoing, or have the same done when any part of such work shall be compensation for the supervision, direction or inspection; but shall not include any persons employed by any such owner, tenant, occupant or agent to perform unskilled labor only under the direction of such owner, tenant, occupant or agent.

Journeyman electrician shall mean a person who performs the manual work of installing or repairing electrical wiring and apparatus.

Master electrician shall mean a person who assumes responsible charge and direction of other persons in the installation and repair of electrical wiring and apparatus.

Journeyman plumber shall mean a person who performs the manual work of installing plumbing.

Master plumber shall mean a person who assumes responsible charge and direction of other persons in the installation of plumbing.

Plumbing contractor shall mean and include any person who in any capacity undertakes, offers to undertake, purports to have the capacity to undertake or accepts an order or contract either on a fixed sum, cost plus a percentage, fixed fee or any combination thereof or submits a bid to install, extend, alter, repair, maintain or remove any plumbing, including any person who, for a salary, fixed fee, wages by the day or for any other compensation, agrees with the owner, tenant, occupant or agents of any property to do any of the foregoing, or have the same done when any part of such work shall be compensation for the supervision, direction or inspection; but shall not include any persons employed by any such owner, tenant, occupant or agent to perform unskilled labor only under the direction of such owner, tenant, occupant or agent.

Gas contractor shall mean and include any person who in any capacity undertakes, offers to undertake, purports to have the capacity to undertake or accepts an order or contract either on a fixed sum, cost plus a percentage, fixed fee or any combination thereof or submits a bid to install, extend, alter, repair, maintain or remove any consumer's gas piping or appliances, including any person who, for a salary, fixed fee, wages by the day or for any other compensation, agrees with the owner, tenant, occupant or agent of any property to do any of the foregoing or have the same done when any part of such work shall be compensation for the supervision, direction or inspection; but shall not include any persons employed by any such owner, tenant, occupant or agent to perform unskilled labor only under the direction of such owner, tenant, occupant or agent.

Journeyman gas fitter shall mean a person who performs the manual work of installing or repairing gas piping and appliances.

Master gas fitter shall mean a person who assumes responsible charge and direction of other persons in the installation or repair of gas piping and appliances.

Class A air conditioning contractor shall mean any person whose services are unlimited in the execution of contracts requiring the experience, knowledge and skill to install, maintain, repair, fabricate, alter, extend or design, when not prohibited by law, central air conditioning, refrigeration, heating and ventilating systems, including duct work in connection with a complete system only to the extent such duct work is performed by the contractor as is necessary to make complete an air-distribution system, boiler and unfired pressure vessel systems, and all appurtenances, apparatus or equipment used in connection therewith and to install, maintain, repair, fabricate, alter, extend or design, when not prohibited

by law, piping, insulation of pipes, vessels and ducts, pressure and process piping, pneumatic control piping, and installation of a condensate drain from an air conditioning unit to an existing safe waste or other approved disposal other than a direct connection to a sanitary system. The scope of work for any such contractor shall also include any excavation work incidental thereto, but shall not include any work such as liquefied petroleum or natural gas fuel lines within buildings, potable water lines or connections thereto, sanitary sewer lines, swimming pool piping and filters or electrical power wiring.

Class B air conditioning contractor shall mean any person whose services are limited to twenty five (25) tons of cooling and five hundred thousand (500,000) Btu of heating in any one system in the execution of contracts requiring the experience, knowledge and skill to install, maintain, repair, fabricate, alter, extend or design, when not prohibited by law, central air conditioning, refrigeration, heating and ventilating systems, including duct work in connection with a complete system only to the extent such duct work is performed by the contractor as is necessary to make complete an air-distribution system being installed under this classification, and to install, maintain, repair, fabricate, alter, extend or design, when not prohibited by law, piping, insulation of pipes, vessels and ducts, and installation of a condensate drain from an air conditioning unit to an existing safe waste or other approved disposal other than a direct connection to a sanitary system.

Class C air conditioning contractor shall mean any person whose business is limited to the servicing of air conditioning, heating or refrigeration systems, including duct alterations in connection with those systems he is servicing, and whose certification or registration, issued pursuant to this part, was valid on October 1, 1988. No person not previously registered or certified as a Class C air conditioning contractor shall be so registered or certified after October 1, 1988.

Journeyman air conditioning mechanic shall mean a person who performs the manual work of installing or repairing insulation, general sheet metal or air conditioning or refrigeration equipment.

Master air conditioning mechanic shall mean a person who assumes responsible charge and direction of other persons in the installation of mechanical equipment, or the repair of insulation, general sheet metal or air conditioning or refrigeration equipment.

Sec. 8-72. Engaging in work without certificate of competency as a building, general, residential, sign or specialty contractor prohibited.

- (a) It shall be unlawful for any person to engage in any form of construction work as a contractor without a valid certificate of competency as a building, general, residential, sign or specialty contractor.
- (b) It shall be unlawful for any person to work in the city as an electrical contractor without obtaining a valid master electrician's certificate of competency himself, or without having someone in his employ who possesses such valid certificate of competency.
- (c) It shall be unlawful for any person to work in the city as a journeyman electrician without obtaining a valid journeyman electrician's certificate of competency.
- (d) It shall be unlawful for any person to work in the city as a plumbing contractor without obtaining a valid master plumber's certificate of competency himself, or without having someone in his employ who possesses such valid certificate.
- (e) It shall be unlawful for any person to work in the city as a journeyman plumber without obtaining a valid journeyman plumber's certificate of competency.
- (f) It shall be unlawful for any person to work in the city as a gas contractor without obtaining a valid master gas fitter's certificate of competency himself, or without having someone in his employ who possesses such valid certificate.
- (g) It shall be unlawful for any person to work in the city as a journeyman gas fitter without obtaining a valid journeyman gas fitter's certificate of competency.
- (h) It shall be unlawful for any person to work in the city as an air conditioning contractor without obtaining a valid master air conditioning mechanic's certificate of competency himself, or without having someone in his employ who possesses such valid certificate.
- (i) It shall be unlawful for any person to work in the city as a journeyman air conditioning mechanic without obtaining a valid journeyman air conditioning mechanic's certificate of competency.

Sec. 8-73. Exemption from certification requirements for homeowners.

The certification requirements of this chapter shall not apply to a homeowner or prevent him from performing any work regulated by this chapter, provided the work is done by the homeowner and used exclusively by him or his family. The privilege extended to a homeowner herein does not convey any right to violate any provisions of this chapter nor shall it be construed as exempting any such homeowner from demonstrating basic knowledge of the work to be performed by successfully completing a written examination as provided in this chapter, or from obtaining a permit or paying the required fees therefor.

Sec. 8-74. Requirements for obtaining certificate of competency.

(1) No contractor shall be issued a certificate of competency by the building official until such person shall file an application therefor and:

(a) ~~(1)~~ Shall pay one (1) of the following charges:

- 1. a.** If the contractor maintains a permanent business location or branch office within the city or transacts any business in interstate commerce and is not exempted from license taxation by Art. I, § 8, U.S. Const., he shall pay the appropriate occupational license tax for his class of contractors, as set forth in section 14-29(71) plus a registration fee of Fifty dollars (\$50.00); or
- 2. b.** If the contractor is not subject to the payment of occupational license tax under subsection **(a)1. a.**, he shall pay only the registration fee of Fifty dollars (\$50.00);

(b) ~~(2)~~ Shall furnish the city with a bond which meets the requirements of section 8-77; and

(2) ~~(3)~~ With respect to a building, general or residential contractor, is or has in his employ one ~~(4)~~ of the following:

- a. A person who is a state certified building, general or residential contractor, as appropriate;
- b. A person who is a state registered building, general or residential contractor, as appropriate, and who has successfully completed the written examination for his particular field required by section 8-75.1 within four (4) years preceding the filing of the application for a Certificate of Competency; or
- c. A person who is a state registered building, general or residential contractor, as appropriate, and who has successfully completed the written examination for his particular field required by section 8-75.1 more than four (4) years preceding the filing of the application for a certificate of competency and who demonstrates to the board an acceptable level of expertise by interview or supplemental examination. In conducting such an interview or preparing such examination, the board shall consider at a minimum the following:
 - (i) The applicant's length and extent of service in the trade;
 - (ii) Whether the applicant has been continuously engaged in the trade since his examination;
 - (iii) The amount and nature of work in the trade performed by the applicant during the two (2) years immediately preceding his application; and
 - (iv) The applicant's knowledge of relevant codes, especially changes in such codes since his examination.

(3) ~~(4)~~ With respect to a sign contractor only, is or has in his employ one (1) of the following:

- a. A person who is a state registered sign contractor, if such registration is available, and who has successfully completed the written examination for his particular field required by section 8-75.2 within four (4) years preceding the filing of the application for a Certificate of Competency; or
- b. A person who has been actively engaged as a sign contractor within the City for a period of four (4) consecutive years immediately preceding **the filing of June 8, 2006**, provided the application for a Certificate of Competency is made within six (6) months after June 8, 2006. For certification under this part, applicant must provide demonstrable evidence of continuous employment as a sign contractor.

(4) ~~(5)~~ With respect to a specialty contractor only, is or has in his employ one (1) of the following:

- a. A person who is a state registered contractor in the specialty for which a Certificate of Competency is sought, if such state registration is available, and whose has successfully

- completed the written examination for his particular field required by section 8-75.3 within four (4) years preceding the filing of the application for a Certificate of Competency; or
- b. A person who has been actively engaged as a specialty contractor within the City for a period of four (4) consecutive years immediately preceding filing of an application for a certificate of competency and who demonstrates to the Board an acceptable level of expertise by interview or other examination.

(5) With respect to an electrical contractor only, is or has in his employ one (1) of the following:

- a. A person who is a state certified electrical contractor;
- b. A person who is a state registered electrical contractor and who has successfully completed the written examination for master electrician's certificate of competency required by section 8-75.4 within four (4) years preceding the filing of the application for a certificate of competency; or
- c. A person who is a state registered electrical contractor* and who has successfully completed the written examination required by section 8-75.4 more than four (4) years preceding the filing of the application for a certificate of competency and who demonstrates to the board an acceptable level of expertise by interview or supplemental examination. In conducting such an interview or preparing such examination, the board shall consider at a minimum the following:
 - (i) The applicant's length and extent of service in the trade;
 - (ii) Whether the applicant has been continuously engaged in the trade since his examination;
 - (iii) The amount and nature of work in the trade performed by the applicant during the two (2) years immediately preceding his application; and
 - (iv) The applicant's knowledge of relevant codes, especially changes in such codes since his examination.

(6) With respect to a plumbing contractor only, is or has in his employ one (1) of the following:

- a. A person who is a state certified plumbing contractor;
- b. A person who is a state registered plumbing contractor and who has successfully completed the written examination for master plumber's certificate of competency required by section 8-75.5 within four (4) years preceding the filing of the application for a certificate of competency; or
- c. A person who is a state registered plumbing contractor and who has successfully completed the written examination required by section 8-75.5 more than four (4) years preceding the filing of the application for a Certificate of Competency and who demonstrates to the board an acceptable level of expertise by interview or supplemental examination. In conducting such an interview or preparing such examination, the board shall consider at a minimum the following:
 - (i) The applicant's length and extent of service in the trade;
 - (ii) Whether the applicant has been continuously engaged in the trade since his examination;
 - (iii) The amount and nature of work in the trade performed by the applicant during the two (2) years immediately preceding his application; and
 - (iv) The applicant's knowledge of relevant codes, especially changes in such codes since his examination.

(7) With respect to a [gas contractor or master] gas fitter, is or has in his employ one (1) of the following:

- a. A person holding a valid state license to install liquefied petroleum gas piping and appliances, pursuant to F.S. Ch. 527;
- b. A person who has successfully completed the examination for a master gas fitter's construction certificate of competency required by section 8-75.6 within four (4) years preceding the filing of the application for a certificate of competency; or
- c. A person who has successfully completed the examination for a master gas fitter's construction certificate of competency required by section 8-75.6 more than four (4) years preceding the filing of the application for a certificate of competency and who

demonstrates to the board an acceptable level of expertise by interview or supplemental examination. In conducting such an interview or preparing such examination, the board shall consider at a minimum the following:

- (i) The applicant's length and extent of service in the trade;
- (ii) Whether the applicant has been continuously engaged in the trade since his examination;
- (iii) The amount and nature of work in the trade performed by the applicant during the two (2) years immediately preceding his application; and
- (iv) The applicant's knowledge of relevant codes, especially changes in such codes since his examination.

(8) With respect to a [master] air conditioning mechanic, is or has in his employ one (1) of the following:

- a. A person who is a state certified air conditioning contractor;
- b. A person who is a state registered air conditioning contractor* and who has successfully completed the written examination for master air conditioning mechanic required by section 8-319 within four (4) years preceding the filing of the application for a certificate of competency; or
- c. A person who is a state registered air conditioning contractor and who has successfully completed the written examination required by section 8-75.7 more than four (4) years preceding the filing of the application for a certificate of competency and who demonstrates to the board an acceptable level of expertise by interview or supplemental examination. In conducting such an interview or preparing such examination, the board shall consider at a minimum the following:
 - (i) The applicant's length and extent of service in the trade;
 - (ii) Whether the applicant has been continuously engaged in the trade since his examination;
 - (iii) The amount and nature of work in the trade performed by the applicant during the two (2) years immediately preceding his application; and
 - (iv) The applicant's knowledge of relevant codes, especially changes in such codes since his examination.

Sec. 8-75.1 Certification examination, building, general or residential contractor.

(a) A person desiring to be examined by the city for a certificate of competency as a building, general or residential contractor shall make written application to the board of construction examiners and shall pass the examination the board shall require, which examination shall demonstrate whether the applicant is qualified to work at the level for which he has applied. If the board of construction examiners designates another agency to administer this examination, the fee and schedule for that examination shall be as set by that agency.

(b) A person applying for examination for a certificate of competency as a building or general contractor must have a minimum of four (4) years' work experience in the field of construction work or two (2) years of such experience and a degree directly related to construction work from a recognized college. A person applying for examination for a certificate of competency as a residential contractor must have a minimum of two (2) years' work experience in the field of construction work or one (1) year of such experience and a degree directly related to construction work from a recognized college or university. For purposes of this subsection, work experience in the field of construction work shall be demonstrated by each applicant through presentation of letters of recommendation from his former employers, who shall themselves be certified as either building, general or residential contractors, which letters shall be acknowledged in the presence of a notary public. The work experience of each applicant shall be verified. Educational qualifications shall be evidenced by a certificate from the school or college under its seal.

Sec. 8-75.2. Certification examination--Sign contractor.

(a) A person desiring to be examined by the city for a certificate of competency as a sign contractor shall make written application to the board of construction examiners and shall pass the examination the board shall require, which examination shall demonstrate whether the applicant is qualified to work at the

level for which he has applied. If the board of construction examiners designates another agency to administer this examination, the fee and schedule therefor shall be as set by that agency.

(b) A person applying for examination for a certificate of competency as a sign contractor must have a minimum of two (2) years' work experience in sign work or one (1) year of such experience and evidence of satisfactory completion of an educational curricula in the field for which he has applied. For purposes of this subsection, work experience in the field of sign work shall be demonstrated by each applicant through presentation of letters of recommendation from his former employers, who shall themselves be certified as contractors, which letters shall be acknowledged in the presence of a notary public. The work experience of each applicant shall be verified. Educational qualifications shall be evidenced by a certificate from the school or college under its seal.

Sec. 8-75.3. Certification examination--Specialty contractor.

(a) A person desiring to be examined by the city for a certificate of competency as a specialty contractor shall make written application to the board of construction examiners and shall pass the examination the board shall require for that specialty, which examination shall demonstrate whether the applicant is qualified to work at the level for which he has applied. If the board of construction examiners designates another agency to administer this examination, the fee and schedule therefor shall be as set by that agency.

(b) A person applying for examination for a certificate of competency as a specialty contractor must have a minimum of two (2) years' work experience in the specialty or one (1) year of such experience and evidence of satisfactory completion of an educational curricula in the field for which he has applied. For purposes of this subsection, work experience in the specialty shall be demonstrated by each applicant through presentation of letters of recommendation from his former employers, who shall themselves be certified as contractors, which letters shall be acknowledged in the presence of a notary public. The work experience of each applicant shall be verified. Educational qualifications shall be evidenced by a certificate from the school or college under its seal.

Sec. 8-75.4. Certification examination--electrician.

(a) A person desiring to be examined by the city for a master or journeyman electrician's certificate of competency shall make written application to the board of electrical examiners and shall pass the examination the board shall require, which examination shall demonstrate whether the applicant is qualified to work at the level for which he has applied. If the board of electrical examiners designates another agency to administer these examinations the fees and schedule therefor shall be as set by that agency.

(b) A person applying for examination for a master electrician's certificate of competency must have had a minimum of four (4) years' work experience as a journeyman electrician or have a degree in electrical engineering from a recognized college plus two (2) years' work experience in the electrical field. For purposes of this subsection, work experience in the field of electrical work shall be demonstrated by each applicant through presentation of letters of recommendation from his former employers, who shall themselves be certified as master electricians, which letters shall be acknowledged in the presence of a notary public. The work experience of each applicant shall be verified. Educational qualifications shall be evidenced by a certificate from the school or college under its seal. A person applying for examination for a journeyman electrician's certificate of competency must have had a minimum of two (2) years' work experience in the field of electrical works, which experience shall be verified.

Sec. 8-75.5. Certification examination--plumber.

(a) A person desiring to be examined by the city for a master or journeyman plumber's certificate of competency shall make written application to the board of plumbing examiners and shall pass the written examination the board shall require, which examination shall demonstrate whether the applicant is qualified to work at the level for which he has applied. If the board of plumbing examiners designates another agency to administer these examinations, the fees and schedule therefor shall be as set by that agency.

(b) Before any person may make application for an examination for a master plumber's certificate of competency, he must have a minimum of four (4) years' work experience as a journeyman plumber, or

have a degree in plumbing from a recognized college plus two (2) years' work experience in the plumbing field. For purposes of this subsection, work experience in the field of plumbing work shall be demonstrated by each applicant through presentation of letters of recommendation from his former employers, who shall themselves be certified as master plumbers, which letters shall be acknowledged in the presence of a notary public. The work experience of each applicant shall be verified. Educational qualifications shall be evidenced by a certificate from the school or college under its seal. Before any person may make application for an examination for a journeyman plumber's certificate of competency, he must have a minimum of two (2) years' work experience in the field of plumbing work, which experience shall be verified.

Sec. 8-75.6. Certification examination—gas fitter.

(a) A person desiring to be examined by the city for a master or journeyman gas fitter's certificate of competency shall make written application to the board of gas examiners and shall pass the written examination the board shall require, which examination shall demonstrate whether the applicant is qualified to work at the level for which he has applied. If the board of gas examiners designates another agency to administer these examinations, the fees and schedules therefor shall be as set by that agency. There shall be two (2) classes of master gas fitter's certificates of competency:

(1) A master gas fitter's construction certificate of competency, which shall authorize a person to plan, lay out and supervise gas installation and construction work;

(2) A master gas fitter's construction and operating certificate of competency, which shall authorize a person to plan, lay out, supervise and manage L.P. Gas or natural gas installations.

(b) An applicant for either class of master gas fitter's certificates of competency shall have a minimum of four (4) years' work experience in the installation or management of L.P. gas or natural gas installations, whichever is appropriate to the class of gas fitter for which he seeks certification, or a degree in gas fitting from a recognized college plus two (2) years' work experience in such gas installations. For purposes of this subsection, work experience in the field of gas installations shall be demonstrated by each applicant through presentation of letters of recommendation from his former employers, who shall themselves be certified as master gas fitters, which letters shall be acknowledged in the presence of a notary public. The work experience of each applicant shall be verified. Educational qualifications shall be evidenced by a certificate from the school or college under its seal. Before any person may make application for examination for a journeyman gas fitter's certificate of competency, he must have a minimum of two (2) years' work experience in the installation and repairing of gas piping and appliances, which experience shall be verified.

Sec. 8-75.7. Certification examination—air conditioning mechanic.

(a) A person desiring to be examined by the city for a master or journeyman air conditioning mechanic's certificate of competency shall make written application to the board of air conditioning examiners and shall pass the written examination the board shall require, which examination shall demonstrate whether the applicant is qualified to work at the level for which he has applied. The examination shall be given at such time as the board shall determine. If the board of air conditioning examiners designates another agency to administer these examinations, the fees and schedule therefor shall be as set by that agency.

(b) Before any person may make application for examination for any class of a master air conditioning mechanic's certificate of competency, he must have a minimum of four (4) years' work experience as a journeyman air conditioning mechanic or have a degree in air conditioning from a recognized college, plus two (2) years' work experience in the field of air conditioning work. For purposes of this subsection, work experience in the field of air conditioning work shall be demonstrated by each applicant through presentation of letters of recommendation from his former employers, who shall themselves be certified as master air conditioning mechanics, which letter shall be acknowledged in the presence of a notary public. The work experience of each applicant shall be verified. Educational qualifications shall be evidenced by a certificate from the school or college under its seal. Before any person may make application for examination for a journeyman air conditioning mechanic's certificate of competency, he must have a minimum of two (2) years' work experience in the field of air conditioning work, which experience shall be verified.

Sec. 8-76. Expiration and Renewal of Certificate of Competency.

- (a) All certificates of competency for ~~building, general, or residential, sign or specialty contractors~~ shall expire on September 30 next following the one year anniversary of the date of issuance.
- (b) Any holder of a certificate of competency shall be entitled, during the month of September, to a renewal certificate for the next two (2) succeeding years upon payment to the building official of a renewal fee of Fifty dollars (\$50.00), of ~~Fifteen dollars (15.00)~~.
- (c) Any holder of a certificate of competency which has expired solely for failure to renew may obtain a replacement certificate at any time within two (2) years after expiration thereof upon payment to the building official of a replacement fee of Fifty dollars (\$50.00) per year of being in arrears. After two (2) years but no longer than four (4) years, any holder of a certificate which has expired solely for failure to renew may obtain at the City's discretion, a replacement certificate upon payment to the building official of a replacement fee of Fifty dollars (\$50.00) per year of being in arrears. ~~One Hundred Dollars (\$100.00)~~.

Sec. 8-77. Bond.

- (a) Before obtaining a certificate of competency ~~as a building, general or residential contractor~~, or a renewal thereof, ~~a person~~ the applicant shall execute a bond in the sum of five thousand dollars (\$5,000.00) with a responsible surety company authorized to do business in the state, conditioned to protect the city or the owner of premises against all loss or damage occasioned by the negligence of the principal therein failing to promptly execute and protect all work done by such principal or his employees or under his direction or supervision and from all damage occasioned by or arising in any manner from any such work done by him or his employees or under his direction or supervision, which is not caused by the negligence of the city, its agent or employees and conditioned further, that the principal therein will keep and observe all provisions of this Code and other ordinances at any time enacted by the city relating in any way to construction work.
- (b) The bond required by this section shall be approved by the city ~~clerk treasurer~~ before the same becomes effective, and may be sued on by the city, and in cases of the owners of premises damaged by any such work, the owners shall be authorized to bring suit in any court of competent jurisdiction in the name of the city, for their use and benefit; provided, however, that in any action by the owners of the premises damaged, the same shall not involve the city to any expense whatsoever.
- (c) The bond required by this section shall expire on September 30 next following the one year anniversary of the date of issuance.

Sec. 8-78. Sign.

~~Every building, general and residential contractor shall display in a conspicuous place in front of each location where construction work is being done by him, a sign giving the name and address of the contractor doing the work; provided that no such sign need be displayed in the front of the place of a minor repair. No person other than a contractor shall display such a sign.~~

Sec. 8-78. Misrepresentations; allowing fraudulent use of name.

No person engaged in the construction business in the city shall allow his name to be used by any other person, directly or indirectly, either to obtain a permit, or for the construction of any work under his certificate, or shall make any misrepresentation or omission with intent to violate the purposes of this article.

Secs. 8-79—8-99 Reserved.

ARTICLE VI—FEES

Sec. 8-100 Fees.

Fees for permits shall be established by Resolution of the City Council, as amended from time to time. To the extent necessary or required to establish a total permit fee, base building valuation shall be determined by using the then current edition of the building valuation data table published by the International Code Council, or the actual costs of building construction as evidenced by executed

contracts to perform the work submitted to the Building Official. For purposes of this article, valuation shall include the total value of work, including materials and labor, for which the permit is being issued, including but not limited to electrical, gas, mechanical, plumbing equipment and permanent systems.

Sec. 8-101. Fee for obtaining permit after work commenced.

Whenever any person shall commence or proceed with any installation or construction work for which a permit is required by this chapter, without having first obtained such a permit, the person so commencing or proceeding with any such work without a permit shall take out a belated permit covering the work and pay the fees therefor at a rate double the permit fee established pursuant to Section 8-100 to be paid for a timely permit covering the work or \$100, whichever is greater. Neither anything contained in this Section, nor the act of taking out and paying fees for a belated permit, shall absolve any person of any penalty incurred for the doing of construction or installation work without a permit.

Sec. 8-102. Reinspection fee.

A fee of ~~twenty dollars (\$20.00)~~ shall be paid to the city for each reinspection made by the inspections department pursuant to the provisions of this article.

Sec. 8-103. Conflict between chapter provisions and technical code provisions.

All fees provided for in the technical codes adopted by reference in this chapter apply in lieu of the fees established herein, excepting electrical fees. Where this chapter establishes a fee not provided in any such code, then the fees adopted in this chapter shall apply; otherwise in the event of any conflict between the provisions of this chapter and any minimum standard of a technical code adopted herein by reference, this chapter shall control.

Sec. 8-104. Article supplemental.

The provisions of this article shall be supplemental to all sections of this Code and other ordinances of the city.

Secs. 8-105--8-114. Reserved.

ARTICLE VII--BUILDING CODE REGULATIONS

DIVISION 1. GENERALLY Codes and Standards Adopted.

Sec. 8-115. Adoption of Florida Building Code.

(a) The Florida Building Code, as adopted by the Florida Building Commission, is hereby adopted by reference and in full, as if set out at length herein, except as hereinafter amended, modified or deleted, as the building code of the city.

(b) The construction, alteration, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached thereto located within the corporate limits of the city, shall conform to the requirements of the building code adopted in subsection (a).

Sec. 8-115.1 Adoption of local Technical Amendments to the Florida Building Code, Residential. Florida Building Code, Existing Residential, is hereby amended as follows:

(a) R322.2.1 Elevation Requirements.

1. Buildings and structures in flood hazard areas not designated as Coastal A Zones shall have the lowest floors elevated to or above the base flood elevation plus 1 foot or the design flood elevation, whichever is higher.

2. Buildings and structures in flood hazard areas designated as Coastal A Zones shall have the lowest floors elevated to or above the base flood elevation plus 1 foot (305 mm), or to the design flood elevation, whichever is higher.

3. In areas of shallow flooding (AO Zones), buildings and structures shall have the lowest floor (including basement) elevated at least as high above the highest adjacent grade as the depth number specified in feet on the FIRM plus 1 foot, or at least 3 feet 2 feet (610 mm) if a depth number is not

specified.

4. Basement floors that are below grade on all sides shall be elevated to or above the base flood elevation plus 1 foot or the design flood elevation, whichever is higher.

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

(b) 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. 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).

(Remainder of R322.2.2 unchanged)

(c) R322.3.2 Elevation requirements.

1. All buildings and structures erected within coastal high-hazard areas shall be elevated so that the lowest portion of all structural members supporting the lowest floor, with the exception of piling, pile caps, columns, grade beams and bracing, is elevated to or above the base flood elevation plus 1 foot 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.

Exception: Walls and partitions enclosing areas below the design flood elevation shall meet the requirements of Sections R322.3.4 and R322.3.5.

(d) 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. 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. 8-115.2 Adoption of local Technical Amendments to the Florida Building Code, Building.
Florida Building Code, Building, is hereby amended as follows:

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

SUBSTANTIAL IMPROVEMENT. Any combination of repair, reconstruction, rehabilitation, addition or improvement of a building or structure taking place during a ten-year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the structure before the improvement or repair is started. For each building or structure, the ten-year period begins on the date of the first permit issued for improvement or repair of that building or structure subsequent to April 8, 2016. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either:

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

Sec. 8-115.3 Adoption of local Technical Amendments to the Florida Building Code, Existing Building. Florida Building Code, Existing Building, is hereby amended as follows:

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

SUBSTANTIAL IMPROVEMENT. Any combination of repair, reconstruction, rehabilitation, addition or improvement of a building or structure taking place during a ten-year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the structure before the improvement or repair is started. For each building or structure, the ten-year period begins on the date of the first permit issued for improvement or repair of that building or structure subsequent to April 8, 2016. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either:

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

Sec. 8-116. Adoption of National Electrical Code.

(a) The National Electrical Code, as promulgated by the National Fire Protection Association, is hereby adopted by reference and in full, as if set out at length herein, except as hereinafter amended, modified or deleted, as the electrical code of the city.

(b) It shall be expressly understood that the standards adopted in this section shall constitute the minimum requirements for all electrical construction and all materials and appliances used in connection with the installation, maintenance and operation of electrical wiring, apparatus or equipment for light, heat or power within the limits of the city.

(c) Additional provisions: An approved enclosure or wall space shall be provided by the architect or builder in all residences or buildings of any type, to be of sufficient size to install the electrical distribution and all apparatus and equipment connected therewith. All meters on residences or dwellings shall be mounted outside. Meters located outdoors shall be placed so that the center of the meter will not be more than six (6) feet nor less than four (4) feet above grade level. Commercial or industrial meters, if located indoors, shall be placed so that the meter registers will not be more than six (6) feet nor less than four (4) feet above floor. Meters shall not be located in bathrooms, toilet rooms, restaurant kitchens or stairways. Where meters are grouped together separate raceways shall be run to each main disconnect.

(d) The provisions of this Code shall be under the jurisdiction of, and enforced by, the chief electrical inspector and his assistants.

Sec. 8-117. Adoption of Standard Plumbing Code.

(a) The Plumbing Code, adopted by the Florida Building Commission, is hereby adopted by reference and in full, as if set out at length herein, except as hereinafter amended, modified or deleted, as the plumbing code of the city.

(b) The plumbing code adopted in subsection (a) contains the minimum standards for the installation and maintenance of plumbing and appurtenances thereto within the city, and any unauthorized deviations from the code are hereby prohibited.

(c) Additional provisions: The use of all outdoor closets, commonly known as privies, shall be unlawful and the owner of any house, residence, store, hotel or any other building of any kind whatsoever shall be required to forthwith remove any such outdoor closets or privies and immediately install adequate plumbing facilities in accordance with the provisions of this article.

(d) The provisions of this article shall be under the jurisdiction of, and enforced by, the plumbing inspector and his assistants.

Sec. 8-118. Adoption of Standard Gas Code.

(a) The Gas Code, as adopted by the Florida Building Commission, is hereby adopted by reference and in full, as if set out at length herein, except as hereinafter amended, modified or deleted, as the gas code of the city.

(b) The gas code adopted in subsection (a) contains the minimum standards for the installation and maintenance of gas systems and the appurtenances thereto within the city, and any unauthorized deviations from the code are hereby prohibited.

(c) The provisions of this article shall be under the jurisdiction of, and enforced by, the gas inspector.

Sec. 8-119. Adoption of Standard Mechanical Code.

(a) The Mechanical Code, as adopted by the Florida Building Commission, is hereby adopted by reference and in full, as if set out at length herein, except as hereinafter amended, modified or deleted, as the mechanical code of the city.

(b) The mechanical code adopted in subsection (a) contains the minimum standards for the installation and maintenance of air conditioning, refrigeration, heating and ventilation systems and all appurtenances thereto within the city, and any unauthorized deviations from the code are hereby prohibited.

(c) The provisions of this article shall be under the jurisdiction of, and enforced by the mechanical inspector or his assistant.

Sec. 8-120. Adoption of Standard Amusement Device Code.

~~(a) The Standard Amusement Device Code, 1997 edition, as promulgated by the Southern Building Code Congress, is hereby adopted by reference and in full, as if set out at length herein, except as amended, modified or deleted herein, as the amusement device code of the City.~~

~~(b) The code adopted in subsection (a) contains the minimum standards for amusement devices within the city, and any unauthorized deviations from the code are hereby prohibited.~~

Sec. 8-121. Adoption of Standard for Existing High Rise Buildings.

~~(a) The Standard for Existing High Rise Buildings (SSTD 3-97), 1997 edition, as promulgated by the Southern Building Code Congress, is hereby adopted in full, as if set out at length herein, except as amended, modified or deleted herein as the standard requirements for existing high rise buildings of the City.~~

~~(b) The standard adopted in subsection (a) contains the minimum standards for existing high rise buildings within the City, and any unauthorized deviations from the standards are hereby prohibited.~~

Sec. 8-122. Adoption of Standard for Proscenium Curtains.

~~(a) The Standard for Proscenium Curtains (SSTD 1-88), 1997 edition, as promulgated by the Southern Building Code Congress, is hereby adopted in full, as if set out at length herein, except as amended, modified or deleted herein as the standard requirements for proscenium curtains of the City.~~

~~(b) The standard adopted in subsection (a) contains the minimum standards for proscenium curtains within the City, and any unauthorized deviations from the standards are hereby prohibited.~~

Sec. 8-123. Adoption of American Forest and Paper Association Wood Frame Construction Manual. Standard Hurricane Resistant Residential Construction.

(a) The American Forest and Paper Association (AF&PA) Wood Frame Construction Manual (110 MPH Exposure B) Standard for Hurricane Resistant Residential Construction (SSTD 10-99), 1999 edition, as promulgated by the Southern Building Code Congress, is hereby adopted in full, as if set out at length herein, except as amended, modified or deleted herein as the standard requirements for hurricane resistant residential construction of the City.

(b) The standard adopted in subsection (a) contains the minimum standards for hurricane resistant residential construction within the City, and any unauthorized deviations from the standards are hereby prohibited.

8-124—8-129 Reserved.

DIVISION 2. COASTAL CONSTRUCTION CODE

Sec. 8-130. Title.

The provisions contained herein shall constitute the coastal construction code for construction within the coastal building zone in the City of Panama City Beach and shall be referred to as the "coastal code."

Sec. 8-131. General.

The purpose of the coastal code is to provide minimum standard for the design and construction of buildings and structures to reduce the harmful effects of hurricanes and other severe storms occurring along the coastal area of the City of Panama City Beach which fronts on the Gulf of Mexico. These standards are intended to specifically address design features which affect the structural stability of the beach, dunes and topography of adjacent properties. The coastal code is site specific to the coastal building zone as defined herein and is not applicable to other locations. In the event of a conflict between this article and other provisions of this code, the requirements resulting in the more restrictive design shall apply. No provisions in this article shall be construed to permit any construction in any area prohibited by city, county, state or federal regulation.

The storing, depositing, transferring or use of red or colored clay or sand, or any other unacceptable fill material south of the north right-of-way of Front Beach Road, South Thomas Drive and Thomas Drive, is hereby prohibited. For purposes of this Section, unacceptable fill material is fill material not having a Munsell value of 7 or above, Hue 7.5YR or 10YR or 5Y, Chroma/1 or/2 (see Munsell Soil Color Charts, Kollmorgen Instrument Corp., 1994) in a washed, dry state with a mean grain size of 0.5 mm or less, but not more than ten percent (10%) silt. A Munsell value of 6 for unwashed fill material may be deposited if the owner of the land being filled or the owner's agent can show that the value will increase to a minimum of 7 after ten washings. Notwithstanding anything herein, no fill material shall be stored, deposited, transferred or used south of the north right-of-way of Front Beach Road, South Thomas Drive and Thomas Drive unless the Engineering Department first finds in writing that the proposed fill material meets the standards of this Section. Soil amendments in the top 6" soil surface for landscaping use and stone or gravel for storm drainage exfiltration systems are exempt from this Section.

Sec. 8-132. Scope.

(a) Applicability. The requirements of this coastal code shall apply to the following types of construction in the coastal building zone in the City of Panama City Beach.

(1) The new construction of, or substantial improvement to major structures, nonhabitable major structures, and minor structures as defined herein.

(2) Construction which would change or otherwise have the potential for substantial impact on coastal zones (i.e., excavation, grading, paving).

(3) Construction located partially within the coastal building zone.

(4) Reconstruction, redevelopment or repair of a damaged structure from any cause which meets the definition of substantial improvement as defined herein.

(b) Exceptions. The requirements of the coastal code shall not apply to the following:

(1) Minor work in the nature of normal beach cleaning and debris removal.

(2) Structures in existence prior to the effective date of the code, except for substantial improvements as defined herein.

(3) Construction for which a valid and unexpired building permit was issued prior to the effective date of this code.

(4) Construction extending seaward of the seasonal high-water line which is regulated by the provisions of Section 161.04, Florida Statutes (i.e., groins, jetties, moles, breakwaters, seawalls, piers, revetments, beach nourishment, inlet dredging, etc.).

- (5) Construction of non-habitable major structures as defined herein, except for the requirements of section 8-134(d).
- (6) Construction of minor structures as defined herein, except for the requirements of section 8-134(e).
- (7) Structures listed in the National Register of Historic Places or the State Inventory of Historic Places.
- (8) Construction for improvements of a major structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions.
- (c) Applications for permits. Applications for building permits for construction in the coastal building zone and on coastal barrier islands, ~~if not of normal or usual design, may~~ **shall** be required by the building official to be certified by an architect or professional engineer registered in the State of Florida. Such certifications shall state that the design plans and specifications for the construction are in compliance with the criteria established by this coastal code.

Sec. 8-133. Definitions.

The following terms are defined for general use in the coastal code:

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

Breakaway wall or frangible wall means a partition independent of supporting structural members that will withstand design wind forces, but which will fail under hydrodynamic, wave, and runup forces associated with the design storm surge. Under such conditions, the wall shall fail in a manner such that it breaks up into components which minimize the potential for damage to life or adjacent property. It shall be a characteristic of a breakaway or frangible wall that it shall have a horizontal design loading resistance of no less than ten (10) nor more than twenty (20) pounds per square foot.

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

Coastal barrier islands means geological surface features above mean high water which are completely surrounded by marine waters, that front upon the open waters of the Gulf of Mexico, ~~Atlantic Ocean, Florida Bay, or Straits of Florida~~ and are composed of quartz sands, clays, limestone, oolites, rock, coral, coquina, sediment or other material, including spoil disposal. Mainland areas which were separated from the mainland by artificial channelization for the purpose of assisting marine commerce shall not be considered coastal barrier islands.

Coastal building zone means the land area between the seasonal high-water line of the Gulf of Mexico and a line one thousand five hundred (1,500) feet landward from the coastal construction control line. For mainland areas where a coastal construction line has not been established, the coastal building zone shall be the land area seaward of the most landward velocity zone (V-zone) boundary line established by the Federal Emergency Management Agency and shown on the flood insurance rate maps. For coastal barrier islands, the land area between the seasonal high-water line and a line five thousand (5,000) feet landward from the coastal construction control line or the entire island, whichever is less. For coastal barrier islands on which no coastal construction control line has been established, the land area seaward of the most landward velocity zone (V-zone) boundary line established by the Federal Emergency Management Agency and shown on the flood insurance rate maps. All land area in the Florida Keys shall be included in the coastal building zone.

Coastal construction control line means the landward extent of that portion of the beach-dune system which is subject to severe fluctuations based upon a one hundred-year storm surge, storm waves, or other predictable weather conditions as established by the Department of Natural Resources in accordance with section 161.053, Florida Statutes.

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

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

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

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

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

Mobile home means manufactured housing which conforms to the Federal Manufactured Housing Construction and Safety Standards or the Uniform Standards Code ANSI A-119.1 pursuant to Section 320.823, Florida Statutes.

Nonhabitable major structure includes but is not limited to **pile-supported, elevated dune and beach walkover structures; beach access ramps and walkways; stairways; pile-supported elevated viewing platforms, gazebos and boardwalks;** swimming pools; parking garages; pipelines; piers; canals, lakes, ditches, drainage structures and other water retention structures; water and sewage treatment plants; electrical power plants, transmission and distribution lines, transformer pads, vaults and substations; roads, bridges, streets and highways; and underground storage tanks.

NGVD means National Geodetic Vertical Datum—a geodetic datum established by the National Ocean Service and frequently referred to as the 1929 Mean Sea Level Datum.

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

Seasonal high-water line means the line formed by the intersection of the rising shore and the elevation of one hundred fifty (150) percent of the local mean tidal range above mean high water.

State Minimum Building Code means the building code adopted by a municipality or county pursuant to the requirements of Section 553.73, Florida Statutes.

Substantial Damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent of the market value of the structure before the damage occurred. Work on structures determined to be substantially damaged is considered to be substantial improvement, regardless of the actual repair work performed.

Substantial improvement means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds a cumulative total of fifty (50) percent of the market value of the structure either:

- (1) Before the repair or improvement is started; or
- (2) If the structure has been damaged and is being restored, before the damage occurred.

For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The terms does not, however, include either any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions; or any alteration of a structure listed on the National Register of Historic Places or the State Inventory of Historic Places.

Sec. 8-134. Coastal construction requirements.

(a) General. Construction within the coastal building zone and on coastal barrier islands shall meet the requirements of this division. All structures shall be designed so as to minimize damage to life, property, and the natural environment. Assistance in determining the design parameters to minimize such damage may be found in the reference documents listed in section 8-135.

(b) Structural requirements for major structures.

(1) Design and construction. Major structures, except for mobile homes, shall be designed and constructed in accordance with the Florida Building Code using a fastest mile wind velocity of one hundred ten (110) miles per hour except the Florida Keys which shall use a fastest-mile wind velocity of one hundred fifteen (115) miles per hour. Major structures, except mobile homes, shall also comply with the applicable standards for construction found elsewhere in all other applicable building codes.

(2) Mobile homes. Mobile homes shall conform to the Federal Mobile Home Construction and Safety Standards or the Uniform Standards Code ANSI A-119.1, pursuant to Section 320.823, Florida Statutes, as well as the requirements of subsection (3) below.

(3) Elevation, flood-proofing and siting. All major structures shall be designed, constructed and located in compliance with the National Flood Insurance Regulations as found in 44 CFR Parts 59 and 60, or other applicable law, whichever is more restrictive. **All new construction and substantial improvements located seaward of the CCCL shall be elevated on pilings and columns so that the bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated at least one foot above the base flood elevation level established by FEMA, Notwithstanding the foregoing, but in addition thereto, for all habitable structures located seaward of the CCCL, the bottom of the lowest shore-parallel horizontal structural member of the lowest floor of all new construction and substantial improvements shall be elevated to the 100-year flood elevation established by the Florida Department of Environmental Protection (FDEP). For purposes of this subsection, habitable structure means structures which (i) are designed primarily for human occupancy and (ii) are potential locations for shelter from storms.**

(c) Design Conditions.

(1) Velocity pressure. Major structures, except mobile homes, shall be designed in accordance with the requirements of the Florida Building Code using a minimum **ultimate wind speed of 140 miles per hour**, fastest-mile wind velocity of one hundred ten (110) or one hundred fifteen (115) miles per hour as appropriate. All construction occurring in the Florida Keys shall use a minimum design fastest-mile wind velocity of one hundred fifteen (115) miles per hour. These minimum design pressures are as follows:

Table 1205-2A

Velocity Pressure (psf)

Building Height 60 feet or less

TABLE INSET:

Mean Roof Height

(ft) — Fastest-Mile Wind Velocity, V

(mph) —

	110	115
0-15	25	28
20	28	30
40	34	37
60	38	41

Table 1205.3A

Gust Velocity Pressure (psf)

Building Height Greater Than 60 Feet

TABLE INSET:

Fastest Mile Wind Velocity, V

(mph) Coastal Exposure

Height

(ft) —

	110	115
0-30	35	38
31-50	40	44
51-100	47	51
100-200	54	60

200-300	61	67
300-400	66	72
400-500	70	82

(2) Foundations. The elevation of the soil surface to be used in the design of foundations, calculation of pile reactions and bearing capacities shall not be greater than that which would result from the erosion reasonably anticipated as a result of design storm conditions. Foundation design and construction of a major structure shall consider all anticipated loads acting simultaneously with live and dead loads. Erosion computations for foundation design shall account for all vertical and lateral erosion and scour producing forces, including localized scour due to the presence of structural components. Foundation design and construction shall provide for adequate bearing capacity taking into consideration the type of soil present and the anticipated loss of soil above the design grade as a result of localized scour. Erosion computations are not required landward of coastal construction control lines established or updated since June 30, 1980. Upon request the Department of Natural Resources may provide information as to those areas within coastal building zones where erosion and scour of a one hundred-year storm event is applicable.

(3) Wave forces. Calculations for wave forces resulting from design storm conditions on building foundations and superstructures may be based upon the minimum criteria and methods prescribed in the Naval Facilities Engineering Command Design Manual, NAVFAC DM-26, U.S. Department of Navy; Shore Protection Manual, U.S. Department of Army Corps of Engineers; U.S. Department of the Army Coastal Engineering Research Center Technical Papers and Reports; the Technical and Design Memorandum of the Division of Beaches and Shores, Florida Department of Natural Resources; or other professionally recognized methodologies which produce equivalent design criteria. Breaking, broken and nonbreaking waves shall be considered as applicable. Design wave loading analysis shall consider vertical uplift pressures and all lateral pressures to include impact as well as dynamic loading and the harmonic intensification resulting from repetitive waves.

(4) Hydrostatic loads. Calculations for hydrostatic loads shall consider the maximum water pressure resulting from a fully peaked, breaking wave superimposed upon the design storm surge with dynamic wave set up. Both free and hydrostatic loads shall be considered. Hydrostatic loads which are confined shall be determined by using the maximum elevation to which the confined water would freely rise if unconfined. Vertical hydrostatic loads shall be considered both upward and downward on horizontal or inclined surfaces of major structures (i.e. floors, slabs, roofs, walls). Lateral hydrostatic loads shall be considered as forces acting horizontally above and below grade on vertical or geometric surfaces shall be determined by considering the separate vertical and horizontal components acting simultaneously under the distribution of the hydrostatic pressures.

(5) Hydrodynamic loads. Hydrodynamic loads shall consider the maximum water pressures resulting from the motion of the water mass associated with the design storm. Full intensity loading shall be applied on all structural surfaces above the design grade which would affect the flow velocities.

(d) Structural requirements for nonhabitable major structures. Nonhabitable major structures need not meet the specific structural requirements of subsection (b), except that they shall be designed to produce the minimum adverse impact on the beach and dune system and shall comply with all other applicable building codes. All sewage treatment and public water supply systems shall be flood-proofed to prevent infiltration of surface water anticipated under design storm conditions. Underground utilities, excluding pad transformers and vaults, shall be flood-proofed to prevent infiltration of surface water expected under design storm conditions or shall otherwise be designed to function when submerged under such storm conditions.

(e) Structural requirements for minor structures. Minor structures need not meet the specific structural requirements of subsection (b), except that they shall be designed to produce the minimum adverse impact on the beach and dune system and shall comply with all other applicable building codes.

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

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

- (1) Of substantially similar quality and convenience to the public;
- (2) Approved by the local government and approved by the Department of Natural Resources whenever improvements are involved seaward of the coastal construction control line; and
- (3) Consistent with the coastal management element of the local comprehensive plan adopted pursuant to Section 163.3178, Florida Statutes.

Sec. 8-135. Reference.

Assistance in determining the design parameters and methodologies necessary to comply with the requirements of this chapter may be obtained from:

Shore Protection Manual, U.S. Army Corps of Engineers, 4th edition.

U.S. Department of Army, Coastal Engineering Research Center's Technical Papers and Reports.

Florida Department of Natural Resources, Division of Beaches and Shores Technical and Design Memoranda.

Naval Facilities Engineering Command Design Manual, NAVFAC DM-26. U.S. Department of the Navy.

Coastal Construction Manual, Federal Emergency Management Agency, February, 1986. (Please note that the wind design section is based upon the 1982 edition of the Standard Building Code with the 1984 accumulated amendments and not the 1985 edition of the Standard Building Code with the 1986 revisions as required by Section 161.55(1)(d), Florida Statutes.)

Secs. 8-135--8-149. Reserved.

DIVISION 3. BUILDING RELOCATION CODE

Sec. 8-150. Moving buildings or other structures--Permit requirements.

No permit for the moving of buildings or other structures shall be issued without inclusion in the permit of location to which the building or other structure for which the permit shall be issued shall be moved within the city, which location must be within an area of the city affirmatively zoned to permit such importation of structure. No structure shall be moved into the city until area or areas of the city are so zoned.

Sec. 8-151. Relocation Requirements.

No person shall relocate or cause to be relocated any building, structure or other real estate improvements to any location within the City unless:

- (1) Those portions of the improvements to be relocated meet or exceed the standards established by all current and applicable building and safety codes of the City, as evidenced by the certification of an architect or structural engineer registered and licensed to practice in Florida;
- (2) In the event any portion of the improvements to be relocated does not meet current structural standards for internal and external loading, the improvements shall not be relocated until such standards are met, as evidenced by the certification of an architect or structural engineer registered and licensed to practice in Florida.
- (3) In the event any portion of the improvements to be relocated does not meet applicable building and safety code standards (except structural loading), the improvements shall not be relocated until the applicant shall have filed with the City plans and specifications to bring the improvements into compliance after relocation, and obtained a permit for such work as provided by law.
- (4) The applicant shall have filed with the City foundation plans and specifications for the relocated improvements, including all measures to connect the improvements to the new foundation, and obtained a permit for such work as provided by law.
- (5) The applicant shall have filed with the City a site plan, utility plan, and drainage plan for the relocated improvements which must comply with all applicable land development regulations, and obtained a permit for such work as provided by law.

(6) The applicant shall have specified the intended use of the relocated improvements which must comply with all applicable land use regulations.

(7) All other applicable provisions of law and regulation are met, the requirements of this law being cumulative and in addition to such provisions.

Sec. 8-152. Compliance by moved buildings.

(a) The chief electrical inspector shall require the electrical outlets and fixtures in all buildings or houses which are moved from place to place within the city or which are moved from without the city to a location within the city to be brought up to the requirements and specifications contained in this article for new structures, prior to the issuance of a permit for occupancy or use of the building or structure.

(b) The plumbing inspector shall require the plumbing and the fixtures in all buildings or houses which are moved from place to place within the city or which are moved from without the city to a location within the city, to be brought up to the requirements and specifications contained in this article for new structures, prior to the issuance of a permit for occupancy or use of the building or structure.

(c) The gas inspector shall require the gas fixtures in all buildings or houses which are moved from place to place within the city or which are moved from without the city to a location within the city, to be brought up to the requirements and specifications contained in this article for new structures, prior to the issuance of a permit for occupancy or use of the building or structure.

(d) The mechanical inspector shall require the air conditioning, refrigeration, heating and ventilation systems in all buildings or houses which are moved from place to place within the city or which are moved from without the city to a location within the city, to be brought up to the requirements and specifications contained in this article for new structures, prior to the issuance of a permit for occupancy or use of the building or structure.

Sec. 8-153. Enforcement.

(a) No person shall relocate or cause to be relocated any building, structure or other real estate improvements without obtaining a permit therefore from the City upon application in such form as shall be prescribed by the building inspector to facilitate compliance with this law, and paying a non-refundable application fee in the amount of \$150.00.

(b) Upon receipt of such completed application, the building inspector or his designee shall inspect the improvements prior to the relocation in order to confirm that the requisite certifications, plans, and specifications filed by the applicant comply with this law. If this and all other applicable provisions of law have been met, the relocation permit and all required building permits shall be issued at the same time.

(c) If the relocated improvements are not brought into compliance with all applicable building and safety codes such that a certificate of occupancy could be issued within ninety (90) days after relocation, then the structure shall be deemed a nuisance subject to demolition and removal as such pursuant to the procedures contained in Chapter 15 of this Code. The condition of obtaining permission to relocate a substandard improvement to a new location within the City is that such improvement will be made to conform to current, applicable building and safety standards within ninety (90) days after the relocation, failing which the City may order the work to be completed under the procedures specified in Chapter 15 of this Code, and if the work is still not completed within the time allowed the City may demolish or remove the structure at the owner's expense as specified in Chapter 15.

(d) Any person in violation of this law shall be guilty of a municipal offense punishable as provided by Section 1-12 of this Code.

8-154-8-178 169 reserved.

DIVISION IV—REGULATING COMMUNICATIONS NETWORKS IN THE CITY

Sec. 8-170. Short Title.

This law shall be known as the ~~Panama City Beach 800 Megahertz Ordinance.~~

Sec. 8-171. Definitions.

(a) — Building Permit shall mean any permit issued by the City to an owner, contractor or sub-contractor for the repair, replacement or improvement of improved or unimproved land.

(b) — Change of Use means any change of the permitted use of a premises determined by reference to the City's Land Development Code, as amended from time to time, which Change of Use as a matter of law or practicality requires an increase of fifteen percent (15%) or more in the size of the Vehicular Use Areas associated with such premises.

(c) — City Communication Network shall mean those frequencies necessary to conduct communications for law enforcement activities, for emergency medical treatment, for fire suppression, for carrying on the business of government, and for providing communication in time of hurricane and other disasters. The City's police, fire, and emergency services providers shall determine the frequency range or ranges that must be supported.

(d) — Large Scale Building means any structure intended for human occupancy which is greater than three (3) stories or fifty (50) feet in height, or which has an assembly, mercantile, business or educational classification that exceeds fifteen thousand square feet in area and an occupant content of greater than five hundred (500) persons.

(e) — New Development means construction of improvements to essentially vacant land, regardless of whether preexisting improvements have been removed from such land, that as a matter of law or practicality require one or more Vehicular Use Areas.

(f) — Redevelopment means one or more expansions or renovations to one or more existing Buildings on a premises which in the aggregate will equal or exceed an aggregate expansion equal to or exceeding thirty-five percent (35%) of the total Building square footage existing on August 27, 1998.

Sec. 8-172. Radio Support for City Communications Network required.

Buildings and structures shall not interfere with the City's Communication Network. Existing developments shall be modified to accommodate the needs of the City's communication network. No New Development, Redevelopment or Change of Use of any Large Scale Building shall be permitted unless there is contained in the application for a building permit a certification by the applicant that he will modify or enhance at his expense that building to eliminate any interference the development would create or otherwise accommodate and support the needs of the City's Communication Network.

(1) — A blueprint showing the location of the installed system and associated antenna systems which includes a view showing building access to the amplification equipment; and

(2) — Schematic drawings of the electrical, backup power, antenna system and any other associated equipment relative to the installed system including panel locations and labeling; and

(3) — A technical compliance certificate completed and signed by the installer of the radio amplification system.

Sec. 8-173 Enforcement.

(a) — Administration: The provisions of this Article shall be under the joint jurisdiction of the City's Building and Planning and Fire and Police Departments, and may be enforced by the Building Inspector, the Code Enforcement Officer, the Fire Chief or his designee, or any law enforcement officer. The Building Inspector, the Code Enforcement Officer, the Fire Chief or his designee, or any law enforcement officer shall have the right to enter onto property, after obtaining the property owner's consent or other lawful authority, to conduct field testing to be certain the required level of radio coverage is present to support the City's Communication Network.

(b) — Penalty: Any person determined to have willfully failed to comply with any provision of this Article, or who knowingly makes any false statements, representations or certification in application, record, plan or other document filed or required to be maintained pursuant to this Article, shall be guilty of an offense punishable as provided in Section 1-12 of the City Code. Each day that such a violation or failure shall continue shall constitute a separate offense. This penalty is in addition to any other remedy available to the City.

Sec. 8-174. Determination of Nuisance.

(a) — The City finds and determines that any occupation, use or maintenance of a Large Scale Building which does not support the City's Communication Network or which interferes with or causes interference

with the ability of adjacent Large Scale Buildings to support the City's Communication Network constitutes a Nuisance under City Code Section 15-17(4).

(b) — When the Building Inspector, Code Enforcement Officer, Fire Chief or any law enforcement officer verifies the existence of a nuisance, it shall be his duty to promptly prepare and submit to the city manager the notice and order required by this article. The city manager, with assistance of the city attorney, shall determine the owner of record of the real estate upon which the nuisance is located, and send a notice and order of abatement thereto.

(c) — The notice and order of the inspector shall require the installation of an in-building radio amplification system, and any other such measures as are reasonably necessary to abate the nuisance.

(d) — The required notice and order shall be in writing, signed by the inspector, with an accurate description of the nuisance and a legal description of the realty where it is located, including the street address, and shall state what the inspector orders to be done about the condition and the date within which the work ordered to be done is to be completed. The notice and order shall state that it may be appealed within thirty (30) days by written application to the inspector.

(e) — It shall be the duty of the city manager to see that the notice and order required by this section are delivered to the interested parties by personal delivery of a copy thereof to the party to be notified, by leaving a copy at his usual place of abode with some person of the family above fifteen (15) years of age and informing that person of the contents thereof, by either registered or certified United States mail with return receipt requested, or if the name of any such party or his place of resident or his post office address cannot be ascertained after diligent search or in the event a notice sent by either registered or certified mail shall be returned undelivered and the person to be notified is not residing within the city, by publishing a copy thereof once a week for two (2) consecutive weeks in a newspaper of general circulation within the city. A copy of any such notice and order shall be posted in a conspicuous place at the City Hall and upon the Large Scale Building in question.

Sec. 8-175. Extension of time to comply.

Should the interested parties, through no fault of their own, be unable to complete compliance by the date ordered in the original notice and order nor by the extension date granted pursuant to Section 8-446(a), the interested parties may petition the City Council pursuant to Section 2-19 for an extension. The City Council may grant additional extensions of up to thirty (30) days each to abate the nuisance as merited by special hardship or unusual difficulty not caused by the interested parties.

Sec. 8-176. City action on failure to comply.

If the owner or other parties in interest shall fail to comply with an order made pursuant to the provisions of this article within the time therein fixed, the city, acting through the city manager, is authorized to abate the nuisance in accordance with the order, either with city forces or by independent contractor submitting the lowest and best bid.

Sec. 8-177. Assessment of cost of abatement; lien.

(a) — Upon expiration of the thirty (30) day appeal period with no appeal having been taken, the city manager, after proceeding under this article, shall as often as may be convenient, report the action taken toward abatement of the nuisance by the city and the city council shall assess the entire cost of the action against the real property, which assessment, when made, shall constitute a lien upon the property by the city. The lien of the city shall encompass, in addition to the cost of abatement of the nuisance, all administrative, legal, postal and publication expenses as well as all other direct or indirect costs associated therewith. The lien upon the property shall be superior to all others except taxes.

(b) — The city clerk, after giving notice to the county tax collector, shall file a notice of the lien in the county's official record book showing the nature of the lien, the amount thereof and an accurate legal description of the property, including the street address. The lien shall date from the date of filing and recite the names of all persons notified or interested parties. Any such lien shall bear interest from the date at the rate of ten (10) percent per annum for individuals and fifteen (15) percent for corporate owners and shall be enforceable, if unsatisfied after the expiration of two (2) years time from the date of filing any such notice of lien, as other liens may be enforced by the city. All such recorded liens shall be included in a tax deed sale and no such deed shall be issued unless full payment of principal and interest is received.

~~Upon notice of an impending county tax deed sale, the tax collector shall request the clerk of the circuit court to collect all monies due the city for the lien, together with interest.~~

SECTION 3. From and after the effective date of this ordinance, Article III, Chapter 15 of the Code of Ordinances of the City of Panama City Beach, entitled "Standard Unsafe Building Abatement Code" is hereby REPEALED.

SECTION 4. FISCAL IMPACT STATEMENT FOR SECTION 8-115. In terms of design, plan application review, construction and inspection of buildings and structures, the cost impact as an overall average is negligible in regard to the local technical amendments because all development has been subject to the requirements of the local floodplain management ordinance adopted for participation in the National Flood Insurance Program. In terms of lower potential for flood damage, there will be continued savings and benefits to consumers.

SECTION 5. All ordinances or parts of ordinances in conflict herewith are repealed to the extent of such conflict.

SECTION 6. The appropriate officers and agents of the City are authorized and directed to codify, include and publish in electronic format the provisions of this Ordinance within the Panama City Beach Code, and unless a contrary ordinance is adopted within ninety (90) days following such publication, the codification of this Ordinance shall become the final and official record of the matters herein ordained. Section numbers may be assigned and changed whenever necessary or convenient.

SECTION 7. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, declared by the courts to be unconstitutional or invalid,

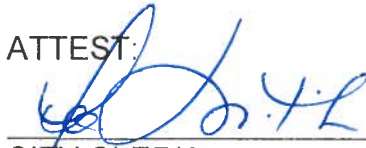
such decision shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part so declared.

SECTION 8. The local technical amendments proposed in Section 8-115 shall take effect as provided by law. The remainder of this Ordinance shall take effect immediately upon passage.

PASSED, APPROVED AND ADOPTED at the regular meeting of the City Council of the City of Panama City Beach, Florida, this 28th day of April, 2016.


MAYOR

ATTEST:

Deputy

CITY CLERK

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