

Chapter 5

BUILDING CODE*

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***Editor's note**—Ord. No. 2009-27, § 2, adopted Feb. 19, 2009, repealed Ch. 5 in its entirety, and § 3 of said ordinance enacted provisions designated as a new Ch. 5 to read as herein set out. See also the Code Comparative Table for a detailed analysis of inclusion.

Related law reference—Dangerous and unsafe buildings, Art. VI.

Cross references—Precaution against injury to children by contractors, § 1-23; art in public places, Ch. 4; code enforcement board, Ch. 9; fire prevention and protection, Ch. 11; landscaping, tree removal and site clearing, Ch. 13; affordable housing, sustainability, and concurrency management system, Ch. 17.5; concurrency management system, § 17.5-41 et seq.; property maintenance and structural standards, Ch. 19; signs, § 19-96 et seq.; stormwater management, Ch. 21; streets and sidewalks, Ch. 22; temporary structures used by nonprofit organizations, § 22-171 et seq.; moving buildings, § 22-191 et seq.; subdivision procedures, § 27-153.1 et seq.; utilities, Ch. 26; water, § 26-66 et seq.; sanitary sewers, § 26-116 et seq.; zoning and land development, Ch. 27.

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SECTION 5-101. GENERAL

5-101.1. Scope and title.

The provisions of this chapter shall govern the administration and enforcement of the Florida Building Code. This chapter shall be known and may be cited as the "City of Tampa Building Code."

(Ord. No. 2009-27, § 3, 2-19-09)

5-101.2. Scope.

The provisions of this code shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures.

Exceptions:

1. Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three (3) stories above grade plane in height with separate means of egress and their accessory structures shall comply with the Florida Building Code, Residential.
2. Existing buildings undergoing repair, alterations or additions and change of occupancy shall comply with Chapter 34 of this code.

5-101.2.1. Appendices. To be enforced, the appendices included in the technical codes must be adopted by a local governmental jurisdiction for use in that jurisdiction.

5-101.2.2. This chapter is intended to be consistent with the Tampa Comprehensive Plan.

5-101.2.3. Construction work in the public right-of-way that is not associated with construction work on private property is not covered by this chapter.

(Ord. No. 2009-27, § 3, 2-19-09)

5-101.3. Intent.

The purpose of this code is to establish the minimum requirements to safeguard the public health, safety and general welfare through struc-

tural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment and to provide safety to firefighters and emergency responders during emergency operations.

5-101.3.1. Quality control. Quality control of materials and workmanship is not within the purview of this code except as it relates to the purposes stated herein.

5-101.3.2. Permitting and inspection. The inspection or permitting of any building, system or plan by the building official, under the requirements of this code, shall not be construed in any court as a warranty of the physical condition of such building, system or plan or their adequacy. Neither the building department nor any employee thereof shall be liable in tort for damages for any defect or hazardous or illegal condition or inadequacy in such building, system or plan, nor for any failure of any component of such, which may occur subsequent to such inspection or permitting.

5-101.4. Referenced codes. The other codes listed in Sections 101.4.1 through 101.4.9 and referenced elsewhere in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference.

5-101.4.1. Electrical. The provisions of Chapter 27 of the Florida Building Code, Building shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.

5-101.4.2. Gas. The provisions of the Florida Building Code, Fuel Gas, and NFPA-58 LP-gas code shall apply to the installation of gas piping and tank installations from the point of delivery, gas appliances and related accessories as covered in this code. These requirements apply to gas piping systems extending from the point of delivery to the inlet connections of appliances and the installation and operation of residential and commercial gas appliances and related accessories.

5-101.4.3. Mechanical. The provisions of the Florida Building Code, Mechanical shall apply to the installation, alterations, repairs and replacement

of mechanical systems, including equipment, appliances, fixtures, fittings and/or appurtenances, including ventilating, heating, cooling, air-conditioning and refrigeration systems, incinerators and other energy-related systems.

5-101.4.4. Plumbing. The provisions of the Florida Building Code, Plumbing shall apply to the installation, alteration, repair and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system.

5-101.4.5. Fire prevention. For provisions related to fire prevention, refer to the Florida Fire Prevention Code. The Florida Fire Prevention Code shall apply to matters affecting or relating to structures, processes and premises from the hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices; from conditions hazardous to life, property or public welfare in the occupancy of structures or premises; and from the construction, extension, repair, alteration or removal of fire suppression and alarm systems or fire hazards in the structure or on the premises from occupancy or operation.

5-101.4.6. Energy. The provisions of Chapter 13 of the Florida Building Code, Building shall apply to all matters governing the design and construction of buildings for energy efficiency.

5-101.4.7. Accessibility. For provisions related to accessibility, refer to Chapter 11 of the Florida Building Code, Building.

5-101.4.8. Manufactured buildings. For additional administrative and special code requirements, see Section 428, Florida Building Code, Building, and Rule 9B-1 F.A. (Ord. No. 2009-27, § 3, 2-19-09)

SECTION 5-102. APPLICABILITY

5-102.1 General.

Where, in any specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern. Where there is a conflict

between a general requirement and a specific requirement, the specific requirement shall be applicable.

5-102.1.1. The Florida Building Code does not apply to, and no code enforcement action shall be brought with respect to, zoning requirements, land use requirements and owner specifications or programmatic requirements which do not pertain to and govern the design, construction, erection, alteration, modification, repair or demolition of public or private buildings, structures or facilities or to programmatic requirements that do not pertain to enforcement of the Florida Building Code. Additionally, a local code enforcement agency may not administer or enforce the Florida Building Code, Building to prevent the siting of any publicly owned facility, including, but not limited to, correctional facilities, juvenile justice facilities, or state universities, community colleges, or public education facilities, as provided by law. (Ord. No. 2009-27, § 3, 2-19-09)

5-102.2. Building.

The provisions of the Florida Building Code shall apply to the construction, erection, alteration, modification, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every public and private building, structure or facility or floating residential structure, or any appurtenances connected or attached to such buildings, structures or facilities. Additions, alterations, repairs and changes of use or occupancy group in all buildings and structures shall comply with the provisions provided in Chapter 34 of the Florida Building Code. However, this section does not apply to the manufacture of mobile homes as defined by federal law.

The following buildings, structures, and facilities are exempt from the Florida Building Code as provided by law, and any future exemptions shall be as determined by the legislature and provided by law:

- (a) Building and structures specifically regulated and preempted by the federal government.
- (b) Railroads and ancillary facilities associated with the railroad.

- (c) Non residential farm buildings on farms.
 - (d) Temporary buildings or sheds used exclusively for construction purposes.
 - (e) Mobile homes used as temporary offices, except that the provisions of part V (F.S. §§ 553.501-553.513) relating to accessibility by persons with disabilities and permits shall be required for structural support and tie down, electric supply and all other such utility connections to shall apply to such mobile homes.
 - (f) Those structures or facilities of electric utilities as defined in F.S. § 366.02, which are directly involved in the generation, transmission, or distribution of electricity.
 - (g) Temporary sets, assemblies, or structures used in commercial motion picture or television production, or any sound-recording equipment used in such production, on or off the premises.
 - (h) Chickees constructed by the Miccosukee Tribe of the Indians of Florida of the Seminole Tribe of Florida. As used in this paragraph, the term "chickee" means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other non-wood features.
2. The occupancy use classification for the building or structure is not changed as a result of the move;
 3. The building is not substantially remodeled;
 4. Current fire code requirements for ingress and egress are met;
 5. Electrical, gas and plumbing systems meet the codes in force at the time of construction and are operational and safe for reconnection; and
 6. Foundation plans are sealed by a professional engineer or architect licensed to practice in this state, if required by the Florida Building Code, Building for all residential buildings or structures of the same occupancy class.

5-102.2.1. In addition to the requirements of F.S. §§ 553.79 and 553.80, facilities subject to the provisions of F.S. Ch. 395, and Part II, F.S. Ch. 400, shall have facility plans reviewed and construction surveyed by the state agency authorized to do so under the requirements of F.S. Ch. 395, Part II of F.S. Ch. 400, and the certification requirements of the Federal Government.

5-102.2.2. Residential buildings or structures moved into or within the City of Tampa shall not be required to be brought into compliance with the state minimum building code in force at the time the building or structure is moved, provided:

1. The building or structure is structurally sound and in occupiable condition for its intended use;

5-102.2.3. The building official shall apply the same standard to a moved residential building or structure as that applied to the remodeling of any comparable residential building or structure to determine whether the moved structure is substantially remodeled. The cost of the foundation on which the moved building or structure is placed shall not be included in the cost of remodeling for purposes of determining whether a moved building or structure has been substantially remodeled. For the purposes of this chapter, moved existing buildings remain existing buildings.

5-102.2.4. This section does not apply to the jurisdiction and authority of the Department of Agriculture and Consumer Services to inspect amusement rides or the Department of Financial Services to inspect state-owned buildings and boilers.

5-102.2.5. Each enforcement district shall be governed by a board, the composition of which shall be determined by the affected localities. At its own option, each enforcement district or local enforcement agency may promulgate rules granting to the owner of a single-family residence one (1) or more exemptions from the Florida Building Code relating to:

1. Addition, alteration or repair performed by the property owner upon his or her own property, provided any addition or

alteration shall not exceed one thousand (1,000) square feet or the square footage of the primary structure, whichever is less.

2. Addition, alteration or repairs by a non-owner within a specific cost limitation set by rule, provided the total cost shall not exceed five thousand dollars (\$5,000.00) within any twelve-month period.
3. Building and inspection fees. Each code exemption, as defined in this section, shall be certified to the local board ten (10) days prior to implementation and shall be effective only in the territorial jurisdiction of the enforcement district or local enforcement agency implementing it.

5-102.2.6. This section does not apply to swings and other playground equipment accessory to a one- or two-family dwelling. *Exception:* Electrical service to such playground equipment shall be in accordance with Chapter 27 of this code. (Ord. No. 2009-27, § 3, 2-19-09)

5-102.3. Application of references.

References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code. (Ord. No. 2009-27, § 3, 2-19-09)

5-102.4. Referenced codes and standards.

The codes and standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and referenced codes and standards, the provisions of this code shall apply. (Ord. No. 2009-27, § 3, 2-19-09)

5-102.5. Reserved.

5-102.6. Existing buildings—General.

5-102.6.1. Existing Structures. The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change, except as specifically covered in this code, or the Florida Fire Prevention

Code, or as is deemed necessary by the building official for the general safety and welfare of the occupants and the public. (Ord. No. 2009-27, § 3, 2-19-09)

5-102.7. Relocation of manufactured buildings.

1. Relocation of an existing manufactured building does not constitute an alteration.

2. A relocated building shall comply with wind speed requirements of the new location, using the appropriate wind speed map. If the existing building was manufactured in compliance with the Standard Building Code (prior to March 1, 2002), the wind speed map of the Standard Building Code shall be applicable. If the existing building was manufactured in compliance with the Florida Building Code (after March 1, 2002), the wind speed map of the Florida Building Code shall be applicable.

(Ord. No. 2009-27, § 3, 2-19-09)

5-102.8. Rules of construction.

The rules set out in this section shall be observed, unless such construction is inconsistent with the manifest intent of this chapter. The rules of construction and definitions set out here shall not be applied to any section of this chapter which contains any express provisions excluding such construction, or where the subject matter or content of such section would be inconsistent with this section.

5-102.8.1. General provisions. All provisions, terms, phrases and expressions contained in this chapter shall be liberally construed in order that the true intent and meaning of the administration of the jurisdiction may be fully carried out. Terms used in this division, unless otherwise specifically provided, shall have the meanings prescribed by the statutes of this state for the same terms.

5-102.8.2. Text. In case of any difference of meaning or implication between the text of this division and any figure, the text shall control.

5-102.8.3. Delegation of authority. Whenever a provision appears requiring the building official or some other officer or employee to do some act or perform some duty, it is to be construed to

authorize the building official or other officer to designate, delegate, and authorize professional level subordinates to perform the required act or duty unless the terms of the provision or section specify otherwise.

5-102.8.4. Month. The word "month" shall mean a calendar month.

5-102.8.5. Shall, may. The word "shall" is mandatory; "may" is permissive. The word "shall" takes precedence over "may."

5-102.8.6. Written or in writing. The term "written" or "in writing" shall be construed to include any representation of words, letters or figures whether by printing or otherwise.

5-102.8.7. Year. The word "year" shall mean a calendar year, unless a fiscal year is indicated.

5-102.8.8. Interpretation. Interpretations of this chapter shall be made by the building official. (Ord. No. 2009-27, § 3, 2-19-09)

5-102.9. Definitions.

Abandon or abandonment. (1) Termination of a construction project by a contractor without just cause or proper notification to the owner including the reason for termination or (2) failure of a contractor to perform work without just cause for ninety (90) days.

Appraised value. For the purpose of this section, appraised value is defined as either (1) one hundred twenty (120) percent of the assessed value of the structure as indicated by the Hillsborough County Property Appraiser's Office or (2) the value as indicated in a certified appraisal from a certified appraiser.

Assessed value. The value of real property and improvements thereon as established by the Hillsborough County Property Appraiser.

Authorized agent. A person specifically authorized by the holder of a certificate of competency to obtain permits in his stead.

Basic wind speed line. The basic wind speed line for the City of Tampa shall be as established by the wind speed contour map attached hereto, and made part of, this chapter. For areas landward of the one hundred twenty (120) MPH wind speed

line, a non-site specific design may be done using a wind velocity of one hundred twenty (120) MPH for the design of the main wind force resisting systems, cladding, and glazing.

Board. The appropriate Hillsborough County Board of Adjustment, Appeals and Examiners, unless otherwise specifically stated.

Building component. An element or assembly of elements integral to or part of a building.

Building shell. The structural components that completely enclose a building, including, but not limited to, the foundation, structural frame, floor slabs, exterior walls and roof system.

Building system. A functionally related group of elements, components and/or equipment, such as the electrical, plumbing and mechanical systems of a building.

Certification. The act or process of obtaining a certificate of competency from the state or municipality through the review of the applicant's experience and financial responsibility as well as successful passage of an examination.

Certificate of completion (C. of C.). An official document evidencing that a building, structure, or building system satisfies the requirements of the jurisdiction for the completion of the building, structure and/or building system.

Certificate of occupancy (C.O.). An official document evidencing that a building satisfies the requirements of the city for the occupancy of a building.

Certificate of temporary occupancy (TCO). An official document evidencing that a building satisfies the requirements of the city for the temporary occupancy of a building for a specified period.

Change of occupancy. A change from one (1) Florida Building Code occupancy classification or subclassification to another.

Change of use shall have the same meaning as provided for in Chapter 27, City of Tampa Code of Ordinances.

City. The City of Tampa.

Commercial building. Any building, structure, improvement or accessory thereto, other than a one- or two-family dwelling.

Construction services division. Division within the planning and development department is charged with enforcing the Code.

Demolition. The act of razing, dismantling or removal of a building or structure, or portion thereof, to the ground level.

Department. The planning and development department (PDD).

Director. The director of the department of GMDS.

Examination. An exam prepared, proctored and graded by H.L. Block and Associates, Inc. unless otherwise implied in context or specifically stated otherwise.

FCILB. The Florida Construction Industry Licensing Board.

Imminent danger. Structurally unsound conditions of a structure or portion thereof that is likely to cause physical injury to a person entering the structure; or due to structurally unsound conditions, any portion of the structure is likely to fall, be carried by the wind, or otherwise detach or move, and in doing so cause physical injury or damage to a person on the property or to a person or property nearby; or the condition of the property is such that it harbors or is inhabited by pests, vermin, or organisms injurious to human health, the presence of which constitutes an immediate hazard to people in the vicinity.

Inspection warrant. A court order authorizing the building official or his designee to perform an inspection of a particular property named in the warrant.

Intensification of use. An increase in capacity or number of units of a residential or commercial building.

Interior finish. The preparation of interior spaces of a commercial building for the first occupancy thereof.

Inter-local agreement. The inter-local agreement between Hillsborough County and the City of Tampa dated February 15, 1988, as amended, for

administration of certificates of competency for the construction trades, enforcement of this chapter and penalizing unlicensed contractor activity.

License. A City of Tampa occupational license.

Licensed contractor. A contractor certified by the State of Florida or Hillsborough County, who has satisfied the requirements to be actively engaged in contracting, and has registered with Hillsborough County and the City of Tampa.

Market value. As defined in section 5-111.3 of this chapter.

Official. The Mayor of the City of Tampa or his or her designee.

Owner's agent. A person, firm or entity authorized in writing by the owner to act for or in place of the owner.

Permit. An official document authorizing performance of a specific activity regulated by this chapter.

Permit card or placard. A document issued by the City of Tampa evidencing the issuance of a permit.

Remodeling. Work which changes the original size, location or material of the components of a building.

Residential building. Any one- or two-family building or accessory.

Roofing. The installation of roof coverings.

Screen enclosure. A building or part thereof, in whole or in part self-supporting, and having walls of insect screening with or without removable vinyl or acrylic wind break panels and a roof of insect screening, plastic, aluminum or similar lightweight material.

Spa. Any constructed or prefabricated pool containing water jets.

Specialty contractor. A contractor whose services do not fall within the categories specified in F.S. § 489.105(3), as amended.

Start of construction:

Site: The physical clearing of the site in preparation for foundation work including, but not limited to, site clearing, excavation, dewatering, pilings and soil testing activities.

Building: The removal, disassembly, repair, replacement, installation or assembly of the building, structure, building system or building components in whole or parts thereof.

Stop work order: An order by the building official, or his designee, which requires the immediate cessation of all work and work activities described in the order.

Structure: That which is built or constructed.

Structural component: Any part of a system, building or structure, load bearing or non-load bearing, which is integral to the structural integrity thereof, including but not limited to walls, partitions, columns, beams and girders.

Structural work or alteration: The installation or assembling of new structural components into a system, building or structure. Also, any change, repair or replacement of any existing structural component of a system, building or structure.

Substantial completion: Where the construction work has been sufficiently completed in accordance with the applicable city, state and federal codes, so that the owner can occupy or utilize the project for the use for which it is intended.

Value: Job cost.

(Ord. No. 2009-27, § 3, 2-19-09; Ord. No. 2011-41, § 1, 3-17-2011; Ord. No. 2012-120, § 1, 11-1-2012)

5-102.10. Words not defined.

5-102.10.1. Words not defined herein shall have the meaning stated in the Florida Building Code or other nationally recognized codes, or other documents, manuals or standards adopted elsewhere in this chapter. Words not defined in those documents shall have the meaning stated in the Webster's Ninth New Collegiate Dictionary, as revised.

5-102.10.2. In case of a conflict in definitions or codes, the appropriate definition (or code) to be applied shall be the one (1) applicable to the trade

in question. In case of a conflict between different parts of this chapter, conflicts within the same code, or conflicts between codes, the more stringent requirements shall be applicable.

5-102.10.3. All other terms, phrases, etc. defined in Chapter 27.

(Ord. No. 2009-27, § 3, 2-19-09; Ord. No. 2012-120, § 2, 11-1-2012)

5-102.11. Administrative authority.

The provisions of this chapter shall be administered and enforced by the Growth Management and Development Services Department. The official may designate his authorized representatives to hold the titles of building official, plumbing official, electrical official, mechanical official, and gas official. The official and his designees shall have the power, duty and responsibility to administer, enforce and investigate fully the provisions of this chapter and shall be deemed to be officers under section 1-14, City of Tampa Code, for the purpose of enforcing the provisions of this chapter.

(Ord. No. 2009-27, § 3, 2-19-09)

5-102.12. Delegation of administrative authority.

Refer to Chapter 1, section 1-14 City of Tampa Code.

(Ord. No. 2009-27, § 3, 2-19-09)

5-102.13. Severability.

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

(Ord. No. 2009-27, § 3, 2-19-09)

SECTION 5-103. DEPARTMENT OF BUILDING SAFETY**5-103.1. Establishment.**

There is hereby established a department to be called the Department of Building Safety within the Construction Services Division and a person shall be designated as the building official. The

building official shall have the authority to appoint deputy building officials whom shall have powers as delegated by the building official. (Ord. No. 2009-27, § 3, 2-19-09)

5-103.2. Employee qualifications.

5-103.2.1. Building official qualifications. The building official shall be licensed as a Building Code Administrator by the State of Florida, Department of Business and Professional Regulation, Building Code Administrators and Inspectors Board. The building official shall be hired by the applicable governing authority and shall not be removed from office except for cause after full opportunity has been given to be heard on specific charges before such applicable governing authority.

5-103.2.2. Employee qualifications. The building official, with the approval of the applicable governing authority, may hire such employees as shall be authorized from time to time. A person shall not be hired as inspector or plans examiner unless that person meets the qualifications for licensure as an inspector or plans examiner, in the appropriate trade as established by the State of Florida.

(Ord. No. 2009-27, § 3, 2-19-09)

SECTION 5-104. DUTIES AND POWERS OF BUILDING OFFICIAL

5-104.1. General.

5-104.1.1. The building official is hereby authorized and directed to enforce the provisions of this code. The building official is further authorized to render interpretations of this code, which are consistent with its spirit and purpose.

Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code, and shall not have the effect of waiving requirements specifically provided for in this code.

5-104.1.2. Any action to be taken by the building official pursuant to this chapter in regard to the enforcement of any section hereof shall be considered cumulative and in addition to penalties and other remedies provided elsewhere. The powers and duties of the building official shall include,

but not be limited to, the investigation of contractors, complaints, code violations, and the enforcement of the provisions of this chapter as they pertain thereto.

5-104.1.3. When the building official has reasonable or probable grounds to believe that any person not certified or registered by the department or the appropriate regulatory board has violated any provision of this chapter or any statute that relates to the practice of construction, or any rule adopted pursuant thereto, the building official may issue and deliver to such person a notice to cease and desist from such violation. In addition, the building official may issue and deliver a notice to cease and desist to any person who assists the unlicensed practice of contracting. For the purpose of enforcing a cease and desist order, the building official may file a proceeding in the name of the city seeking issuance of an injunction or a writ of mandamus against any person who violates any provisions of such order.

5-104.1.4. In addition to or in lieu of any remedy provided in subsection 5-104.1.3 of this section, the building official may seek the imposition of civil penalties through the board and/or circuit court for any of the violations enumerated in subsection 5-104.1.3.

5-104.1.5. For the purpose of any investigation or proceeding conducted by the building official, the building official shall have the power to administer oaths, take depositions, issue subpoenas which shall be supported by affidavit and compel the attendance of witnesses and the production of books, papers, documents and other evidence. The building official shall exercise this power on his own initiative or whenever requested by a code enforcement board, or the Hillsborough County Board of Adjustment, Appeals and Examiners. Challenges to and enforcement of, the subpoenas and orders shall be handled as provided in the City of Tampa Code.

(Ord. No. 2009-27, § 3, 2-19-09)

5-104.2. Applications and permits.

The building official shall receive applications, review construction documents and issue permits for the erection, and alteration, demolition and

moving of buildings and structures, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code.

5-104.2.1. Revocation of permits. The building official is authorized to suspend or revoke a permit issued under the provisions of this code whenever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information,

or in violation of any ordinance or regulation or any provisions of this code. For the requirements of this section, see section 5-106.9.2.

5-104.2.2. Misrepresentation of application. The building official may revoke a permit or approval, issued under the provisions of this code, in case there has been any false statement or misrepresentation as to the material fact in the application or plans on which the permit or approval was based.

5-104.2.3. Violation of code provisions. The building official may revoke a permit upon determination by the building official that the construction, erection, alteration, repair, moving, demolition, installation, or replacement of the building, structure, electrical, gas, mechanical or plumbing systems for which the permit was issued is in violation of, or not in conformity with, the provisions of this code.

(Ord. No. 2009-27, § 3, 2-19-09)

5-104.3. Notices and orders.

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

5-104.3.1. Authority. Whenever the building official finds any work regulated by this code being performed in a manner either contrary to the provisions of this code or dangerous or unsafe, the building official, or duly designated deputy building official is authorized to issue a stop work order, in accordance with the provisions of section 5-114 of this chapter.

5-104.3.2. Issuance. The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited work will be permitted to resume.

5-104.3.3. Unlawful continuance. Any person who shall continue any work after having been served with a stop work order, except such work as that

person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.

(Ord. No. 2009-27, § 3, 2-19-09)

5-104.4. Inspections.

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

(Ord. No. 2009-27, § 3, 2-19-09)

5-104.5. Identification.

The building official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

(Ord. No. 2009-27, § 3, 2-19-09)

5-104.6. Right of entry.

5-104.6.1. Inspections. Whenever necessary to make an inspection to enforce any of the provisions of this code, or whenever the building official has reasonable cause to believe that there exists in any building or upon any premises any condition or code violation which makes such building, structure, premises, electrical, gas, mechanical or plumbing systems unsafe, dangerous or hazardous, the building official may enter such building, structure or premises at all reasonable times to inspect the same or to perform any duty imposed upon the building official by this code. If such building or premises are occupied, he shall first present proper credentials and request entry. If such building, structure, or premises are unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of such and request entry. If entry is refused, the building official shall have recourse to every remedy provided by law to secure entry.

5-104.6.1.1. Whoever opposes, obstructs or resists the official or other person authorized by

the building official in the discharge of his duties as provided in this chapter, upon conviction, shall be subject to punishment as provided in section 1-6, City of Tampa Code. Refusal by an owner or occupant to allow such entry may constitute reasonable grounds for seeking a court order or inspection warrant authorizing entry.

5-104.6.2. Warrants. When the building official shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other persons having charge, care or control of any building, structure, or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the building official for the purpose of inspection and examination pursuant to this code.

5-104.6.2.1. Immunity. The building official shall have the right of entry upon real property and shall be immune from civil or criminal prosecution for trespass upon real property while in the discharge of his duties of enforcing the provisions of this chapter. The same immunity shall inure to his authorized agents, assistants, employees and contractors employed on behalf of the city in connection with such enforcement.

(Ord. No. 2009-27, § 3, 2-19-09)

5-104.7. Department records.

The building official shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained in the official records for the period required for retention of public records. The records of the department shall be open to public inspection.

(Ord. No. 2009-27, § 3, 2-19-09)

5-104.8. Liability.

The building official, member of the board of appeals or employee charged with the enforcement of this code, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be ren-

dered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by legal representative of the jurisdiction until the final termination of the proceedings. The building official or any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of this code.

(Ord. No. 2009-27, § 3, 2-19-09)

5-104.9. Approved materials and equipment.

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

5-104.9.1. Used materials and equipment. The use of used materials which meet the requirements of this code for new materials is permitted. Used equipment and devices shall not be reused unless approved by the building official.

(Ord. No. 2009-27, § 3, 2-19-09)

5-104.10. Reserved.

5-104.11. Alternative materials, design, and methods of construction and equipment.

The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the building official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety. When alternate life safety systems are designed, the "SFPE Engineering Guide to Performance-Based Fire Protection Analysis and Design of

Buildings", or other methods approved by the building official may be used. The building official shall require that sufficient evidence or proof be submitted to substantiate any claim made regarding the alternative.

5-104.11.1. Research reports. Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from approved sources.

5-104.11.2. Tests. Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the building official shall have the authority to require tests as evidence of compliance to be made at no expense to the jurisdiction. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the building official shall approve the testing procedures. Tests shall be performed by an approved agency. Reports of such tests shall be retained by the building official for the period required for retention of public records.

5-104.11.3. Accessibility. Alternate designs and technologies for providing access to and usability of a facility for persons with disabilities shall be in accordance with Section 11-2.2, Florida Building Code.

5-104.11.4. Product approval. For products not covered under the statewide product evaluation and approval system, the building official may require tests or test reports as proof of compliance. Required tests are to be made at the expense of the owner, or his agent, by an approved testing laboratory or other approved agency.

5-104.11.5. Emergency orders. Upon notice from the building official, work on any system that is being done contrary to the provisions of this chapter, or in a dangerous or unsafe manner, shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, his agent or the person doing the work, or posted at the job site, and shall state the conditions under which work may be resumed. Where an

emergency exists, verbal notice by the building official shall be sufficient to require the stoppage of work.

(Ord. No. 2009-27, § 3, 2-19-09)

5-104.12. Requirements not covered by code.

Any requirements necessary for the strength, stability or proper operation of an existing or proposed building, structure, electrical, gas, mechanical or plumbing system, or for the public safety, health and general welfare, not specifically covered by this chapter or the other technical codes, shall be determined by the building official. (Ord. No. 2009-27, § 3, 2-19-09)

5-104.13. Unsafe buildings, conditions, work and non-conforming structures.

5-104.13.1. Any building or structure which is unsafe, unsanitary, does not provide adequate egress, constitutes a fire hazard, is otherwise dangerous to human life or, in relation to existing use, constitutes a health or safety hazard, is considered an unsafe building. Any such unsafe building is hereby prohibited and shall be abated by repair and rehabilitation or by demolition in accordance with the provisions of the City of Tampa Code.

5-104.13.2. If it shall come within the ascertainment of the building official that any building, structure, building system, building component or work regulated by this chapter within any premises within the city is dangerous, unsafe, unsanitary, a menace to life, health or property, or is in violation of this chapter, the building official may institute an investigation. If the building official determines that such condition(s) do exist(s), the building official shall order and serve written notice to, any person, agent, owner or occupant using or maintaining any such condition, or who is responsible for the maintenance thereof, to discontinue the use or maintenance thereof, or to repair, replace, alter, change, remove, demolish or otherwise correct the same as may be considered necessary for the protection of life, health and property. Such written notice shall state precisely which building component(s) or work is (are) in violation of this section, the reasons for the violation and the time prescribed

for the correction of the violation. If such order is not complied with in the time prescribed in the written notice, the building official may notify the appropriate utility company(s) serving such premises to disconnect the same from its service lines and the building official may institute an action or proceeding in the appropriate court to prevent, restrain, abate or otherwise correct such condition(s).

5-104.13.3. If the building official shall find any building, structure, building system, building component or work upon or within any premises so dangerous as to place persons or property in imminent danger of injury or damage, so that an emergency is created, the building official shall forthwith order such work to cease, disconnect such component from the service lines or order the appropriate utility company(s) serving such premises to disconnect the same from its service lines or both. The owner, agent, occupant or person responsible for the maintenance thereof shall have the right of appeal in accordance with this chapter, but the dependency of any such appeal shall not stay or supersede the action of the official. It shall be unlawful for any person to reconnect such building system or component until the same has been made safe and written authorization has been obtained from the building official or until his action has been reversed by Hillsborough County Board of Adjustment, Appeals and Examiners, in accordance with the provisions of the inter-local agreement and applicable law.

(Ord. No. 2009-27, § 3, 2-19-09)

SECTION 5-105. PERMITS

5-105.1 When required.

Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any required impact-resistant coverings, electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work

to be done, or to do any site related work shall first make application to the building official and obtain the required permit.

1. Permit requirements for signs may be found in Chapter 20.5, City of Tampa Code.
2. Permit exemptions are found in section 5-105.2.
3. Permit requirements for temporary structures are found in section 5-107.

5-105.1.1. Annual facility permit. In lieu of an individual permit for each alteration to an existing electrical, gas, mechanical, plumbing or interior nonstructural office system(s), the building official is authorized to issue an annual permit for any occupancy to facilitate routine or emergency repair, refurbishing, minor renovations of service systems or manufacturing equipment installations/relocations. The building official shall be notified of major changes and shall retain the right to make inspections at the facility site as deemed necessary. A facility service permit shall be assessed an annual fee and shall be valid for one (1) year from date of issuance. A separate permit shall be obtained for each facility and for each construction trade, as applicable. The permit application shall contain a general description of the parameters of work intended to be performed during the year.

5-105.1.2. Annual permit records. The person to whom an annual permit is issued shall keep a detailed record of alterations made under such annual permit. The building official shall have access to such records at all times or such records shall be filed with the building official as designated.

5-105.1.3. Food permit. As per F.S. § 500.12, a food permit from the Department of Agriculture and Consumer Services is required of any person who operates a food establishment or retail store. (Ord. No. 2009-27, § 3, 2-19-09)

5-105.2. Work exempt from permits.

Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in viola-

tion of the provisions of this code. As provided for herein, the following shall be exempt from the permit requirements of this code:

1. *Building.*

- (a) Permits are not required if exempted by federal or State of Florida law.
- (b) Floor covering (carpet, vinyl, tile etc.), painting, wallpapering, cabinetwork, furnishings, decorations, shelving and gutters do not require a building permit regardless of the cost of the work.
- (c) Preliminary site investigation such as test borings, test pilings, well points, and soil sampling activities do not require a permit.
- (d) Placement of construction trailers on the jobsite once site plans have been approved.
- (e) The installation of new roof covering, or the recovering, re-roofing or repairing of an existing roof covering, either of which is five hundred (500) square feet or less.
- (f) The application of stucco or siding provided such application covers an area not in excess of five hundred (500) square feet.
- (g) The construction of any residential storage shed or the installation of any manufactured residential storage shed which has a gross floor area of one hundred fifty (150) square feet or less, intended for the type of storage associated with a residential building.
- (h) Maintenance work and minor electrical work performed by a maintenance supervisor regularly employed by an owner, occupant or tenant of a commercial building.

2. *Gas.*

- (a) Portable heating appliance.
- (b) Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

3. *Plumbing.*

- (a) The repair of leaks, unstopping of sewers or waste pipes, repairing faucets or valves or cleaning of a septic tank where such work is located within the property lines, or for the stopping of leaks in drains, soil waste or vent pipe; provided, that should any trap, drain pipe, soil waste or vent pipe be or become defective and it becomes necessary to remove and replace the same with new materials in any part or parts, the same shall be considered as new work.
- (b) The clearing of stoppage, or the repairing of leaks in pipes, valves or fixtures, when such repairs do not involve or require the replacement of fixtures.

4. *Mechanical.*

- (a) Any portable heating appliance;
- (b) Any portable ventilation equipment;
- (c) Any portable cooling unit;
- (d) Any steam, hot or chilled water piping within any heating or cooling equipment regulated by this code;
- (e) Replacement of any part which does not alter its approval or make it unsafe;
- (f) Any portable evaporative cooler;
- (g) Any self-contained refrigeration system containing ten (10) lb. (4.54 kg) or less of refrigerant and actuated by motors of one (1) horsepower (746 W) or less; and
- (h) The installation, replacement, removal, or metering of any load management control device.

5-105.2.1. Emergency repairs. Where equipment requirements and repairs must be performed in an emergency situation, the permit application shall be submitted within the next working business day to the building official.

5-105.2.2. Minor repairs. Ordinary minor repairs or installation of replacement parts may be made

with the prior approval of the building official without a permit, provided the repairs do not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load-bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; additionally, ordinary minor repairs shall not include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring systems or mechanical equipment or other work affecting public health or general safety, and such repairs shall not violate any of the provisions of the technical codes.

5-105.2.3. Public service agencies. Reserved.
(Ord. No. 2009-27, § 3, 2-19-09)

5-105.3. Application for a permit.

To obtain a permit, the applicant shall first file an application therefore in writing on a form furnished by the building department for that purpose. Permit application forms shall be in the format prescribed by a local administrative board, if applicable, and must comply with the requirements of F.S. § 713.135(6) and (7). The city may require plans, specifications or drawings and such other information as it may deem necessary and pertinent, prior to the granting of a permit. Each application shall be inscribed with the date of application, and the code in effect as of that date. For a building permit for which an application is submitted prior to the effective date of the latest edition of the Florida Building Code, the state minimum building code in effect in the permitting jurisdiction on the date of the application governs the permitted work for the life of the permit and any extension granted to the permit.

5-105.3.1. Action on application. The building official shall examine or cause to be examined applications for permits and amendments thereto within a reasonable time after filing. If the application or the construction documents do not conform to the requirements of pertinent laws, the building official shall reject such application in writing, stating the reasons therefore. If the building official is satisfied that the proposed work

conforms to the requirements of this code and laws and ordinances applicable thereto, the building official shall issue a permit therefore as soon as practicable. When authorized through contractual agreement with school board, in acting on applications for permits, the building official shall give first priority to any applications for the construction of, or addition or renovation to, any school or educational facility.

5-105.3.1.1. If a state university, state community college, or public school district elects to use a local government's code enforcement offices, fees charged by counties and municipalities for enforcement of the Florida Building Code on buildings, structures, and facilities of state universities, state colleges, and public school districts shall not be more than the actual labor and administrative costs incurred for plans review and inspections to ensure compliance with the code.

5-105.3.1.2. No permit may be issued for any building construction, erection, alteration, modification, repair, or addition unless the applicant for such permit provides to the building department which issues the permit any of the following documents which apply to the construction for which the permit is to be issued. These drawings shall be prepared by or under the direction of an engineer registered under F.S. Ch. 471, or an architect registered under F.S. Ch. 481, as indicated in this section:

1. Electrical documents for any new building or addition that requires an aggregate service capacity of six hundred (600) amperes (two hundred forty (240) volts) or more on a residential electrical system or eight hundred (800) amperes (two hundred forty (240) volts) on a commercial or industrial electrical system and which costs more than fifty thousand dollars (\$50,000.00).
2. Plumbing documents for any new building or addition that requires a plumbing system with more than two hundred fifty (250) fixture units or which costs more than fifty thousand dollars (\$50,000.00).
3. Fire sprinkler documents for any new building or addition that includes a fire

sprinkler system that contains fifty (50) or more sprinkler heads. A Contractor I, Contractor II, or Contractor IV, certified under F.S. § 633.521, may design a fire sprinkler system of forty-nine (49) or fewer heads and may design the alteration of an existing fire sprinkler system if the alteration consists of the relocation, addition or deletion of not more than forty-nine (49) heads, notwithstanding the size of the existing fire sprinkler system.

4. Architectural plans and specifications for any multi-family building or buildings intended for public use including schools and auditoriums pursuant to F.S. § 481.229 and F.S. § 113.45 and any other type of building costing twenty-five thousand dollars (\$25,000.00) or more.
5. Heating, ventilation and air-conditioning documents for any new building or addition which requires more than a fifteen-ton-per-system capacity which is designed to accommodate one hundred (100) or more persons or for which the system costs more than fifty thousand dollars (\$50,000.00). This paragraph does not include any document for the replacement or repair of an existing system in which the work does not require altering a structural part of the building or for work on a residential one-family, two-family, three-family or four-family structure. An air-conditioning system may be designed by an installing air-conditioning contractor certified under F.S. Ch. 489, to serve any building or addition which is designed to accommodate fewer than one hundred (100) persons and requires an air-conditioning system with value of fifty thousand dollars (\$50,000.00) or less; and when a fifteen-ton-per-system or less is designed for a singular space of a building and each fifteen-ton system or less has an independent duct system. Systems not complying with the above require design documents that are to be sealed by a professional engineer.

Example 1: When a space has two (2) ten-ton systems with each having an in-

dependent duct system, the contractor may design these two (2) systems since each system is less than fifteen (15) tons.

Example 2: Consider a small single-story office building which consists of six (6) individual offices where each office has a single three-ton package air conditioning heat pump. The six (6) heat pumps are connected to a single water-cooling tower. The cost of the entire heating, ventilation and air conditioning work is forty-seven thousand dollars (\$47,000.00) and the office building accommodates fewer than one hundred (100) persons.

Note: It was further clarified by the Commission that the limiting criteria of one hundred (100) persons and fifty thousand dollars (\$50,000.00) apply to the building occupancy load and the cost of the total air-conditioning system of the building.

6. Any specialized mechanical, electrical, or plumbing document for any new building or addition which includes a medical gas, oxygen, steam, vacuum, toxic air filtration, halon, or fire detection and alarm system which costs more than five thousand dollars (\$5,000.00). Documents requiring an engineer seal by this part shall not be valid unless a professional engineer who possesses a valid certificate of registration has signed, dated, and stamped such document as provided in F.S. § 471.025.
7. Certification by contractors authorized under the provisions of F.S. § 489.115(4)(b)2, shall be considered equivalent to sealed plans and specifications by a person licensed under F.S. Ch. 471, or F.S. Ch. 481, by local enforcement agencies for plans review for permitting purposes relating to compliance with the wind resistance provisions of the code or alternate methodologies approved by the Florida Building Commission for one- and two-family dwellings. Local enforcement agencies may rely upon such certification by contractors that the plans and specifications submitted conform to the requirements of the code

for wind resistance. Upon good cause shown, local government code enforcement agencies may accept or reject plans sealed by persons licensed under F.S. Chs. 471, 481, or 489.

5-105.3.2. Time limitation of application. As of May 7, 2009, an application for a permit for any proposed work shall be deemed to have been abandoned, becoming null and void one (1) year after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the building official is authorized to grant one (1) extension of time for an additional, one (1) year, if the extension request is submitted to the official or his designee prior to the one-year time frame. The extension shall be requested in writing prior to the abandonment date and justifiable cause demonstrated. The time limitations on applications and any allowable extension requests, set forth in this subsection shall be valid for two (2) years and after May 7, 2011, these time limitations on applications and any allowable extension request shall be limited to one hundred eighty (180) days.

5-105.3.3. An enforcing authority may not issue a building permit for any building construction, erection, alteration, modification, repair or addition unless the permit either includes on its face or there is attached to the permit the following statement: "NOTICE: In addition to the requirements of this permit, there may be additional restrictions applicable to this property that may be found in the public records of this county, and there may be additional permits required from other governmental entities such as water management districts, state agencies, or federal agencies."

5-105.3.4. A building permit for a single-family residential dwelling must be issued within thirty (30) working days of application unless unusual circumstances require a longer time for processing the application or unless the permit application fails to satisfy the Florida Building Code or the enforcing agency's laws or ordinances.

5-105.3.5. Identification of minimum premium policy. Except as otherwise provided in Chapter 440, Workers' Compensation, every employer shall, as a condition to receiving a building permit,

show proof that it has secured compensation for its employees as provided in F.S. §§ 440.10 and 440.38.

5-105.3.6. Asbestos removal. Moving, removal or disposal of asbestos-containing materials on a residential building where the owner occupies the building, the building is not for sale or lease, and the work is performed according to the owner-builder limitations provided in this paragraph. To qualify for exemption under this paragraph, an owner must personally appear and sign the building permit application. The permitting agency shall provide the person with a disclosure statement in substantially the following form:

Disclosure Statement

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

5-105.3.7. Public right-of-way. A permit shall not be given by the building official for the construction of any building, or for the alteration of any building where said building is to be changed and such change will affect the exterior walls, bays, balconies, or other appendages or projections fronting on any street, alley or public lane, or for the placing on any lot or premises of any building or

structure removed from another lot or premises, unless the applicant has made application for right-of-way permits from the authority having jurisdiction over the street, alley or public lane. (Ord. No. 2009-27, § 3, 2-19-09; Ord. No. 2009-69, § 1, 5-7-09)

5-105.4. Conditions of the permit.

5-105.4.1. Permit intent. A permit issued shall be construed to be a license to proceed with the work and not an authority to violate, cancel, alter, or set aside any of the provisions of the technical codes, nor shall issuance of a permit prevent the building official from thereafter requiring a correction of errors in plans, construction, or violations of this code.

5-105.4.1.1. Every permit issued shall become invalid unless the work authorized by the permit is commenced within one hundred eighty (180) days after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of one hundred eighty (180) days after the time the work is commenced.

5-105.4.1.1.1. As of May 7, 2009, the building official, with any appropriate and necessary conditions, is authorized to grant up to two (2) extensions of time for each valid permit, of one hundred eighty (180) days each for a total extension of up to one (1) year, provided the extension request is submitted in writing prior to the deadline, justifiable cause is demonstrated and the jobsite is maintained in an appropriate condition in accordance with 5-106.9. The allowable time for extensions set forth in this subsection shall be valid for two (2) years and after May 7, 2011, the building official shall only have the authority to grant one (1) extension of time for each valid permit for a total extension of one hundred eighty (180) days.

5-105.4.1.2. If work has commenced and the permit is revoked, becomes null and void, or expires because of a lack of progress or abandonment, a new permit covering the proposed construction shall be obtained before proceeding with the work.

5-105.4.1.3. If a new permit is not obtained within one hundred eighty (180) days from the date the initial permit became invalid, null and void, was revoked or expired, the building official is authorized to require that any work which has been commenced or completed be removed from the building site. Alternately, a new permit may be issued on application, providing the work in place and the work required to complete the structure meets all applicable regulations in effect at the time the initial permit became invalid, null and void, was revoked or expired, and that the work complies with any regulations which may have become effective between the date of expiration and the date of issuance of the new permit.

5-105.4.1.4. Work shall be considered to be in active progress when the permit has received an approved inspection within one hundred eighty (180) days. This provision shall not be applicable in case of civil commotion or strike or when the building work is halted due directly to judicial injunction, order or similar process.

5-105.4.1.5. The fee for renewal, re-issuance and extension of a permit shall be set forth in the general fee schedule.

5-105.4.1.6. Temporary permits.

5-105.4.1.6.1. Special event power pole permits issued for a special event power pole shall expire at the conclusion of the special event.

5-105.4.2. The building department may not issue a building permit for any building construction, erection, alteration, modification, repair or addition unless the permit either includes on its face or there is attached to the permit the following statement: "NOTICE: In addition to the requirements of this permit, there may be additional restrictions applicable to this property that may be found in the public records of this county, and there may be additional permits required from other governmental entities such as water management districts, state agencies or federal agencies."

5-105.4.3. A building permit for a single-family residential dwelling must be issued within thirty

(30) working days of application therefore unless unusual circumstances require a longer time for processing the application or unless the permit application fails to satisfy the Florida Building Code or the City of Tampa's laws or ordinances. Priority processing of approvals shall be given for development orders or permits for affordable housing projects.

5-105.4.4. The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the building official from requiring the correction of errors in the construction documents and other data. The building official is also authorized to prevent occupancy or use of a structure where in violation of this code or of any other ordinances of this jurisdiction.

5-105.4.5. Work authorized.

5-105.4.5.1. A building, electrical, gas, mechanical or plumbing permit shall carry with it the right to construct or install the work, provided the same is shown on the drawings and set forth in the specifications filed with the application for the permit. Where these are not shown on the drawings and covered by the specifications submitted with the application, separate permits shall be required.

5-105.4.5.1.1. Authority to obtain permit. On projects requiring more than one (1) permit, the primary contractor shall obtain the subcontractor(s) permit(s) as an authorized agent for the subcontractor(s), as defined in section 5-102.9 of this chapter. The primary contractor is responsible for making sure the designated subcontractor(s) performs the work and immediately notifying the city if a previously designated subcontractor(s) is changed on the construction project.

5-105.4.5.2. A permit shall carry with it the right to do the work:

1. Described on the permit;

2. Described on the plans related to the permit;
3. Incidental to the permitted work, for which a separate permit or additional permit fee is not required.

5-105.4.5.3. A foundation permit shall not allow any under-slab plumbing, mechanical, or electrical work associated with the building shell design, nor shall it allow the pouring of any slabs-on-grade, prior to the issuance of the building shell permit, unless otherwise allowed by the building official or his designee.

5-105.4.5.4. A permit shall entitle the permittee to install and maintain on the site during construction, derricks, hosts, cranes, temporary elevators, temporary fencing an office or shed and any other necessary equipment directly related to the construction activity. A site-clearing permit allows test piles, pressure grouting, soil borings, decorating, and other site preparatory activities in preparation for foundation work.

5-105.4.5.5. Exclusivity. Building permits do not allow the permittee to do the work for which another permit is required.

(Ord. No. 2009-27, § 3, 2-19-09; Ord. No. 2009-69, § 2, 5-7-09)

5-105.5. Owner permits.

5-105.5.1. The building official shall have the authority to set standards for the issuance of permits to owners. The owner/applicant, by applying for a permit, acknowledges his responsibility to have the requisite knowledge to perform the work described to meet the requirements of this chapter.

5-105.5.2. A building, electrical, plumbing or mechanical permit may be issued to any person who is a bona fide owner of real property on which:

1. A one- or two-family dwelling exists or is to be constructed for his own use and in which he resides or intends to immediately reside, or
2. A commercial building whose total construction cost is less than seventy-five thousand dollars (\$75,000.00) and whose

occupancy and use is for the owner and not offered for sale or lease, under the following conditions:

- (a) Such owner shall furnish satisfactory evidence to the building official that he has sufficient practical knowledge to perform such work.
- (b) The owner may hire laborers to assist him with the work, provided he complies with the Florida Statutes regarding worker's compensation, insurance and payroll taxes. If a temporary labor-pool contractor is used, it is the owner's responsibility to ensure that the proper coverage, as outlined above, is provided.
- (c) Not more than one (1) such permit shall be issued to the same person in any twelve-month period.
- (d) To qualify for exemption under this subsection, an owner must personally appear and sign the building permit application.
- (e) The building department shall provide the person with a disclosure statement in substantially the following form:

Disclosure Statement

State law requires construction to be done by licensed contractors. You have applied for a permit under an exemption to that law. The exemption allows you, as the owner of your property, to act as your own contractor with certain restrictions even though you do not have a license. You must provide direct, onsite supervision of the construction yourself. You may build or improve a one-family or two-family residence or a farm outbuilding. You may also build or improve a commercial building, provided your costs do not exceed seventy-five thousand dollars (\$75,000.00). The building or residence must be for your own use or occupancy. It may not be built or substantially improved for sale or lease. If you sell or lease a

building you have built or substantially improved yourself within one year after the construction is complete, the law will presume that you built or substantially improved it for sale or lease, which is a violation of this exemption. You may not hire an unlicensed person to act as your contractor or to supervise people working on your building. It is your responsibility to make sure that people employed by you have licenses required by state law and by county or municipal licensing ordinances. You may not delegate the responsibility for supervising work to a licensed contractor who is not licensed to perform the work being done. Any person working on your building who is not licensed must work under your direct supervision and must be employed by you, which means that you must deduct FICA and with holding tax and provide workers' compensation for that employee, all as prescribed by law. Your construction must comply with all applicable laws, ordinances, building codes, and zoning regulations.

5-105.5.3. A homeowner may obtain any of the above permits in 5-105.5.2, for a partially completed residential structure provided the structure has received a certificate of completion for the work that has already been completed.

(Ord. No. 2009-27, § 3, 2-19-09)

5-105.6. Permit disposition.

5-105.6.1. Permits shall remain in effect until one (1) of the following occurs:

5-105.6.1.1. Final inspection and approval.

5-105.6.1.2. Revocation or suspension.

5-105.6.1.2.1. All permits issued under this chapter may be revoked or suspended by the city at any stage of the work upon the following grounds:

- a. The permit was issued by mistake of law or fact.

- b. The permit is for work that violates the provisions of this chapter.
- c. The permit was issued upon a false statement or misrepresentation by the applicant.
- d. The permit violates any ordinance of the city, or any state or federal law, rule, or regulation.
- e. The work is not being performed in accordance with the provisions of this chapter.
- f. The certificate of competency upon which said permit was issued has become invalid by reason of expiration, suspension, revocation, suspension of permitting privileges, or otherwise.
- g. The work is not being performed under the supervision of the holder of the certificate upon which the same was issued.
- h. The work is not being done in accordance with the terms of the permit, plans, or the application upon which the same was issued.
- i. Payment of the permit fee was not collected, due to insufficient funds.

5-105.6.1.2.2. The city shall issue and serve upon the permittee written notice of such revocation or suspension and the grounds therefore, and it shall be unlawful for the permittee or any other person with knowledge of such revocation or suspension to continue such work thereafter, unless said permit is reinstated by the building official or a new permit is issued.

5-105.6.1.3. Cancellation.

5-105.6.1.3.1. Permits may be cancelled upon request by the permit holder. Such request shall be in writing to the building official.

5-105.6.1.3.2. Permits may be cancelled by the building official for administrative reasons. Such administrative reasons shall

include, but are not limited to, the issuance of duplicate or subsequent permits, or permits issued in error.

5-105.6.2. Non-transferability. Permits shall not be transferred from one (1) contractor to another contractor, and the issuance of a permit for certain work shall not preclude the issuance of a subsequent permit for the same work or for the completion of the work.

(Ord. No. 2009-27, § 3, 2-19-09)

5-105.7. Refusal to issue permit.

5-105.7.1. If the application for a permit and the accompanying contract documents describing the work do not conform to the requirements of the technical codes or other pertinent laws or ordinances, the building official shall not issue a permit, but shall return the contract documents to the applicant with his refusal to issue such permit. Such refusal shall, when requested, be in writing and shall contain the reason for refusal.

5-105.7.2. A permit may not be issued to any contractor or homeowner who:

1. Has allowed a previous permit to expire without obtaining a final inspection; or
2. Has previous permits greater than six (6) months old with outstanding code violations.

5-105.7.3. Identification of minimum premium policy. Except as otherwise provided in Chapter 440, Workers Compensation, every employer shall, as a condition to receiving a building permit, show proof that it has secured workers compensation insurance coverage for its employees as provided in F.S. §§ 440.10 and 440.38.

(Ord. No. 2009-27, § 3, 2-19-09)

5-105.8. Placement of permit and plans.

Work requiring a permit shall not commence until the permit holder or his agent posts the permit card and approved building/site plans and inspection placard in a conspicuous place on the premises. The permit, building/site plans and inspection placard shall be protected from the weather and located in such position as to allow access by the building official or representative to conveniently review the plans and make the re-

quired entries thereon. This permit card, approved building/site plans and inspection placard shall be maintained in such position by the permit holder until the certificate of occupancy or completion is issued by the building official. (Ord. No. 2009-27, § 3, 2-19-09)

5-105.9. Notice of commencement.

As per F.S. § 713.135, when any person applies for a building permit, the authority issuing such permit shall print on the face of each permit card in no less than 18-point, capitalized, boldfaced type: "WARNING TO OWNER: YOUR FAILURE TO RECORD A NOTICE OF COMMENCEMENT MAY RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY. IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN ATTORNEY BEFORE RECORDING YOUR NOTICE OF COMMENCEMENT." (Ord. No. 2009-27, § 3, 2-19-09)

5-105.10. Asbestos.

The enforcing agency shall require each building permit for the demolition or renovation of an existing structure to contain an asbestos notification statement which indicates the owner's or operator's responsibility to comply with the provisions of F.S. § 469.003 and to notify the Department of Environmental Protection of her or his intentions to remove asbestos, when applicable, in accordance with state and federal law. (Ord. No. 2009-27, § 3, 2-19-09)

5-105.11. Certificate of preventative treatment for the protection of termites.

A weather-resistant jobsite posting board shall be provided to receive duplicate treatment certificates as each required protective treatment is completed, providing a copy for the person the permit is issued to and another copy for the building permit files. The treatment certificate shall provide the product used, identify of the applicator, time and date of the treatment, site location, area treated, chemical used, percent concentration and number of gallons used, to establish a verifiable record of protective treatment. If the soil chemical barrier method for

termite prevention is used, final exterior treatment shall be completed prior to final building approval. (Ord. No. 2009-27, § 3, 2-19-09)

5-105.12. Notice of termite protection.

A permanent sign which identifies the termite treatment provider and need for re-inspection and treatment contract renewal shall be provided. The sign shall be posted near the water heater or electric panel. (Ord. No. 2009-27, § 3, 2-19-09)

5-105.13. Work starting before permit issuance.

Upon approval of the building official, the scope of work delineated in the building permit application and plans may be started prior to the final approval and issuance of the permit provided any work completed is entirely at risk of the permit applicant and the work is not covered up and does not proceed past the first required inspection. Inspections of the work shall not be performed until a valid permit is obtained. (Ord. No. 2009-27, § 3, 2-19-09)

5-105.14. Phased permit approval.

After submittal of the appropriate construction documents, the building official is authorized to issue a permit for the construction of foundations or any other part of a building or structure before the construction documents for the whole building or structure have been submitted. The holder of such permit for the foundation or other parts of a building or structure shall proceed at the holder's own risk with the building operation and without assurance that a permit for the entire structure will be granted. Corrections may be required to meet the requirements of the technical codes. (Ord. No. 2009-27, § 3, 2-19-09)

5-105.15. Permit issued on the basis of an affidavit.

Whenever a permit is issued in reliance upon an affidavit or whenever the work to be covered by a permit involves installation under conditions which, in the opinion of the building official, are hazardous or complex, the building official shall

require that the architect or engineer who signed the affidavit or prepared the drawings or computations, supervise such work. In addition, the architect or engineer shall be responsible for conformity to the permit, provide copies of inspection reports as inspections are performed, and upon completion make and file with the building official a written affidavit that the work has been done in conformity to the reviewed plans and with the structural provisions of the technical codes. In the event such architect or engineer is not available, the owner shall employ in his stead a competent person or agency whose qualifications are reviewed by the building official. The building official shall ensure that any person conducting plans review is qualified as a plans examiner under Part XII, F.S. Ch. 468, and that any person conducting inspections is qualified as a building inspector under Part XII, F.S. Ch. 468. (Ord. No. 2009-27, § 3, 2-19-09)

SECTION 5-106. CONSTRUCTION DOCUMENTS

5-106.1 Submittal documents.

Construction documents, a statement of special inspections and other data shall be submitted in two (2) or more sets with each application for a permit. The construction documents shall be prepared by a design professional where required by the statutes. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a design professional. If the design professional is an architect or engineer legally registered under the laws of this state regulating the practice of architecture as provided for in F.S. Ch. 481, Part I, or engineering as provided for in F.S. Ch. 471, and 61G15 Florida Administrative Code, then he or she shall affix his or her official seal, original signature and date to said drawings, specifications and accompanying data, as required by Florida Statute. If the design professional is a landscape architect registered under the laws of this state regulating the practice of landscape architecture as provided for in F.S. Ch. 481, Part II, and 61G1 Florida Administrative Code, then he or she shall affix his or her seal, original

signature and date to said drawings, specifications and accompanying data as defined in F.S. § 481.303(6)(a)(b)(c)(d).

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

5-106.1.1. Information on construction documents. Construction documents shall be dimensioned and drawn upon suitable material. Electronic media documents are permitted to be submitted when approved by the building official. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations, as determined by the building official (see also section 5-106.3.5). Such drawings and specifications shall contain information, in the form of notes or otherwise, as to the quality of materials, where quality is essential to conformity with the technical codes. Such information shall be specific, and the technical codes shall not be cited as a whole or in part, nor shall the term "legal" or its equivalent be used as a substitute for specific information. All information, drawings, specifications and accompanying data shall bear the name and signature of the person responsible for the design.

5-106.1.1.1. Fire protection system shop drawings. Shop drawings for the fire protection system(s) shall be submitted to indicate conformance with this code and the construction documents and shall be approved prior to the start of system installation. Shop drawings shall contain all information as required by the referenced installation standards in Chapter 9.

5-106.1.1.2. For roof assemblies required by the code, the construction documents shall illustrate, describe, and delineate the type of roofing system, materials, fastening requirements, flashing requirements and wind resistance rating that are required to be installed. Product evaluation and installation shall indicate com-

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

5-106.1.2. Means of egress. The construction documents shall show in sufficient detail the location, construction, size and character of all portions of the means of egress in compliance with the provisions of this code. In other than occupancies in groups R-2, R-3, and I-1, the construction documents shall designate the number of occupants to be accommodated on every floor, and in all rooms and spaces.

5-106.1.3. Exterior wall envelope. Reserved.
(Ord. No. 2009-27, § 3, 2-19-09)

5-106.2. Reserved.

5-106.3. Examination of documents.

The building official shall examine or cause to be examined each application for a permit and the accompanying documents, consisting of drawings, specifications, computations and additional data, and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of the technical codes and all other pertinent laws or ordinances.

Exceptions:

1. Building plans approved pursuant to F.S. § 553.77(5), and state- approved manufactured buildings are exempt from the City of Tampa plan review process except for provisions of the code relating to erection, assembly or construction at the site. Erection, assembly and (including utility cross-over connections construction at the site are subject to local permitting and inspections.
2. Industrial construction on sites where design, construction and fire safety are supervised by appropriate licensed design and inspection professionals and which contain adequate in-house fire departments and rescue squads is exempt, subject to local government option approval of the building official, from review of plans and inspections, providing owners

the appropriate licensed design and inspection professionals certify that applicable codes and standards have been met and supply appropriate approved drawings to local building and fire-safety inspectors.

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

5-106.3.1. Approval of construction documents. When the building official issues a permit, the construction documents shall be approved, in writing or by stamp, as "Reviewed for Code Compliance." One (1) set of construction documents so reviewed shall be retained by the building official. The other set shall be returned to the applicant, shall be kept at the site of work and shall be open to inspection by the building official or a duly authorized representative.

5-106.3.2. Previous approvals. This code shall not require changes in the construction documents, construction or designated occupancy of a structure for which a lawful permit has been heretofore issued or otherwise lawfully authorized, and the construction of which has been pursued in good faith within one hundred eighty (180) days after the effective date of this code and has not been abandoned.

5-106.3.3. Reserved.

5-106.3.4. Design professional in responsible charge. Reserved.

5-106.3.4.1. General. Reserved.

5-106.3.4.2. Deferred submittals. Reserved.

5-106.3.5. Minimum plan review criteria for buildings. The examination of the documents by the building official shall include the following minimum criteria and documents: a floor plan, site plan, foundation plan, floor/roof framing plan or truss layout and all exterior elevations. All site and building plans shall be drawn to scale on minimum size plan sheets of eighteen (18) inches

by twenty-four (24) inches. Exceptions may be granted on a case by case basis by the building official or his designee.

Commercial Buildings:

Building

1. Site requirements
 - Parking layout
 - Fire access
 - Vehicle loading
 - Driving/turning radius
 - Fire hydrant/water supply/post indicator valve (PIV)
 - Zoning requirements
 - Setback/separation (assumed property lines)
 - Buffer requirements
 - Site utilities
 - Location of specific tanks, water lines and sewer lines
 - Stormwater requirements
 - Drainage layout (ponds, outfall, elevations, etc.)
 - Landscape requirements
 - Trees and plants
 - Landscape buffers
 - Green space requirements
 - Solid waste
 - Dumpster location
2. Occupancy group and special occupancy requirements shall be determined.
3. Minimum type of construction shall be determined (Table 500, Florida Building Code)
4. Fire resistant construction requirements shall include the following components:
 - Fire resistant separations
 - Fire resistant protection for type of construction
 - Protection of openings and penetrations of rated walls
 - Fire blocking and draftstopping
5. Fire suppression systems shall include:
 - Early warning
 - Smoke evacuation systems schematic
 - Fire sprinklers
 - Standpipes
 - Pre-engineered systems
 - Riser diagram
6. Life safety systems shall be determined by the building official and shall include the following requirements:
 - Occupant load and egress capacities
 - Smoke control
 - Stair pressurization
 - Systems schematic
7. Occupancy load/egress requirements shall include:
 - Occupancy load
 - Gross
 - Net
 - Means of egress
 - Exit access
 - Exit
 - Exit discharge
 - Stairs construction/geometry and protection
 - Doors
 - Emergency lighting and exit signs
 - Specific occupancy requirements
 - Construction requirements
 - Horizontal exits/exit passageways
8. Structural requirements shall include:
 - Soil conditions/analysis
 - Termite protection
 - Design loads
 - Wind requirements
 - Building envelope
 - Structural calculations (if required)
 - Foundation

- Wall systems
- Floor systems
- Roof systems
- Threshold inspection plan
- Stair systems
- 9. Materials shall be reviewed and shall at a minimum include the following:
 - Wood
 - Steel
 - Aluminum
 - Concrete
 - Plastic
 - Glass
 - Masonry
 - Gypsum board and plaster
 - Insulating (mechanical)
 - Roofing
 - Insulation
- 10. Accessibility requirements shall include the following:
 - Site requirements
 - Accessible route
 - Vertical accessibility
 - Toilet and bathing facilities
 - Drinking fountains
 - Equipment
 - Special occupancy requirements
 - Fair housing requirements
- 11. Interior requirements shall include the following:
 - Interior finishes (flame spread/smoke develop)
 - Light and ventilation
 - Sanitation
- 12. Special systems
 - Elevators
 - Escalators
 - Lifts

- 13. Swimming pools
 - Barrier requirements
 - Spas
 - Wading pools

Electrical

- 1. Electrical
 - Wiring
 - Services
 - Feeders and branch circuits
 - Overcurrent protection
 - Grounding
 - Wiring methods and materials
 - GFCI's
- 2. Equipment
- 3. Special occupancies
- 4. Emergency systems
- 5. Communication systems
- 6. Low-voltage
- 7. Load calculations

Plumbing

- 1. Minimum plumbing facilities
- 2. Fixture requirements
- 3. Water supply piping
- 4. Sanitary drainage
- 5. Water heaters
- 6. Vents
- 7. Roof drainage
- 8. Back flow prevention
- 9. Irrigation
- 10. Location of water supply line
- 11. Grease traps
- 12. Environmental requirements
- 13. Plumbing riser

Mechanical

- 1. Energy calculations

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

Gas

- 1. Gas piping
- 2. Venting
- 3. Combustion air
- 4. Chimneys and vents
- 5. Appliances
- 6. Type of gas
- 7. Fireplaces
- 8. LP tank location
- 9. Riser diagram/shut-offs

Demolition

- 1. Asbestos removal

Residential (One- and Two-Family) Buildings:

- 1. Site requirements
 - Buffer requirements
 - Site utilities
 - Location of specific tanks, water lines and sewer lines

- Stormwater requirements
 - Drainage layout (ponds, outfall, elevations, etc.)
- Landscape requirements
 - Trees and plants
 - Landscape buffers
 - Green space requirements

- 2. Fire resistant construction (if required)
- 3. Fire
- 4. Smoke detector locations
- 5. Egress
 - Egress window size and location
 - Stairs construction requirements
- 6. Structural requirements shall include:
 - Termite protection
 - Design loads
 - Wind requirements
 - Wall section from foundation through roof, including assembly and materials
 - Connector tables
 - Foundation
 - Floor systems
 - Roof systems
 - Structural calculations (if required)
- 7. Accessibility requirements:
 - Show/identify accessible bath

Manufactured/Mobile Homes:

- 1. Site requirements
 - Setback/separation (assumed property lines)
 - Location of septic tanks
- 2. Structural
 - Wind zone
 - Anchoring
 - Blocking
- 3. Plumbing
 - List potable water source and meter size (if applicable)

- 4. Mechanical
 - Exhaust systems
 - Clothes dryer exhaust
 - Kitchen equipment exhaust
- 5. Electrical
 - Exterior disconnect location

5-106.3.5.1. Exemptions. Plan examination by the building official shall not be required for the following work:

- 1. Replacing existing equipment such as mechanical units, water heaters, etc.
- 2. Re-roofs.
- 3. Minor electrical, plumbing and mechanical repairs.
- 4. Annual maintenance permits.
- 5. Prototype plans, except for local site adaptations, siding, foundations and/or modifications or for structures that require waiver.
- 6. Manufactured building plans except for foundation plans and modifications to an existing building.

(Ord. No. 2009-27, § 3, 2-19-09)

5-106.4. Amended construction documents.

Work shall be installed in accordance with the approved construction documents, and any changes made during construction that are not in compliance with the approved construction documents shall be resubmitted for approval as an amended set of construction documents.

(Ord. No. 2009-27, § 3, 2-19-09)

5-106.5. Retention of construction documents.

One (1) set of approved construction documents shall be retained by the building official for a period of not less than one hundred eighty (180) days from date of completion of the permitted work, or as required by Florida Statutes.

(Ord. No. 2009-27, § 3, 2-19-09)

5-106.6. Affidavits.

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

(Ord. No. 2009-27, § 3, 2-19-09)

5-106.7, 5-106.8. Reserved.

5-106.9. Post-permit requirements.

5-106.9.1. Permit holder's responsibility.

- 1. It shall be the permit holder's responsibility to notify the City if the scope of work changes.
- 2. During construction, no change or deviation from the approved plans shall be

made until such revisions have been submitted, reviewed, and approved by the building official. The appropriate fee(s) shall be paid, and a new permit shall be obtained.

3. It shall be the permit holder's responsibility to proceed with the permitted work in a manner that protects and prevents damage to adjacent property or public right-of-way. Failure to do so shall constitute a violation of this chapter.
4. It shall be the permit holder's responsibility to maintain the job site in a safe manner; not allow the excessive accumulation of trash and debris on the site, which can be considered unsafe and a nuisance; and provide safe and adequate passage on the site to allow the required inspections.
5. Construction debris, garbage, or trash shall not be buried on the job site, or anywhere within the city, except at landfills or incinerators designated by the city's department of sanitation.
6. It shall be the permit holder's responsibility to expeditiously proceed with the permitted work, to correct, rectify, or otherwise remedy, in a timely manner, any code violation associated with the work authorized by the permit issuance.

5-106.9.2. Construction site debris. The contractor and/or owner of any active or inactive construction project shall be responsible for the clean up and removal of all construction debris or any other miscellaneous discarded articles throughout the construction process and prior to receiving final inspection approval. Construction job sites must be free of excessive accumulation of construction debris must not remain on the property for a period of time exceeding fourteen (14) days. All debris shall be kept in an approved construction debris container so as to prevent it from being spread by any means.

5-106.9.3. Failure to be found in compliance during any requested inspection may result in a

reinspection and associated fee and/or a penalty fee for each violation of the technical codes observed.

(Ord. No. 2009-27, § 3, 2-19-09)

SECTION 5-107. TEMPORARY STRUCTURES AND USES

5-107.1. General.

The building official is authorized to issue a permit for temporary structures and temporary uses that are not constructed within a governmental right-of-way. Such permits shall be limited as to time of service, but shall not be permitted for more than one hundred eighty (180) days. The building official is authorized to grant extensions for demonstrated cause.

(Ord. No. 2009-27, § 3, 2-19-09)

5-107.2. Conformance.

Temporary structures and uses shall conform to the structural strength, fire safety, means of egress, accessibility, light, ventilation and sanitary requirements of this code as necessary to ensure the public health, safety and general welfare.

(Ord. No. 2009-27, § 3, 2-19-09)

5-107.3. Temporary power.

The building official is authorized to give permission to temporarily supply and use power in part of an electric installation before such installation has been fully completed and the final certificate of completion has been issued. The part covered by the temporary certificate shall comply with the requirements specified for temporary lighting, heat or power in the Chapter 27 of the Florida Building Code, Building.

(Ord. No. 2009-27, § 3, 2-19-09)

5-107.4. Termination of approval.

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

(Ord. No. 2009-27, § 3, 2-19-09)

SECTION 5-108. FEES

5-108.1. Prescribed fees.

A permit shall not be issued until the fees authorized under F.S. § 553.80, as stated in [section] 5-108.5 have been paid. Nor shall an amendment to a permit be released until the additional fee, if any, due to an increase in the estimated cost of the building, structure, electrical, plumbing, mechanical or gas systems, has been paid.

(Ord. No. 2009-27, § 3, 2-19-09)

5-108.2. Schedule of permit fees.

On buildings, structures, electrical, gas, mechanical, and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the fee schedule established in sections 5-108.5 and 5-108.6.

(Ord. No. 2009-27, § 3, 2-19-09)

5-108.3. Reserved.

5-108.4. Work commencing before permit issuance.

Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the building official's approval or the necessary permits shall be subject to a penalty of one hundred (100) percent of the usual permit fee in addition to the required permit fees as provided in the general fee schedule. The payment of such fees shall not relieve any persons from fully complying with the requirements of this code in the execution of the work nor from any other penalties prescribed by this code. This provision shall not apply to emergency work when delay would clearly have placed life or property in imminent danger. But in all such cases the required permit(s) must be obtained within three (3) business days and any unreasonable delay in obtaining those permit(s) shall result in the charge of a one hundred (100) percent penalty in accordance with the general fee schedule. The payment of a penalty fee shall not preclude or be deemed a substitute for prosecution for commencing work without first obtaining a permit.

Exceptions:

1. Where extenuating circumstances are justified, the official may allow an extension of time in excess of the three (3) business days for the permit to be obtained.
2. For just cause and in cases involving extreme circumstances and unusual hardship, the official may waive the one hundred (100) percent penalty.

(Ord. No. 2009-27, § 3, 2-19-09)

5-108.5. Schedule of permit fees.

5-108.5.1. On all buildings, structures, electrical, plumbing, mechanical and gas systems or alterations requiring a permit, a fee for each permit shall be paid as required at the time of filing application, in accordance with the schedule as established by resolution by the city council and as authorized under F.S. § 553.80.

5-108.5.2. If a state university, state community college, or public school district elects to use a local government's code enforcement offices, fees charged by counties and municipalities for enforcement of the Florida Building Code on buildings, structures, and facilities of state universities, state colleges, and public school districts shall not be more than the actual labor and administrative costs incurred for plans review and inspections to ensure compliance with the code.

(Ord. No. 2009-27, § 3, 2-19-09)

5-108.6. Types of fees.

Enumerated fees may be charged for permits, administrative functions, documents, and special actions, as determined by the building official. A permit shall not be issued until the prescribed fees have been paid, except as otherwise provided. Where permits are issued for foundation and building shall, the entire fee shall be paid prior to the issuance of the foundation permit.

(Ord. No. 2009-27, § 3, 2-19-09)

SECTION 5-109. INSPECTIONS

5-109.1. General.

Construction or work for which a permit is required shall be subject to inspection by the

building official and such construction or work shall remain accessible and exposed for inspection purposes until approved. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid. It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the building official nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection

5-109.1.1. Manufacturers and fabricators. When deemed necessary by the building official, he shall make, or cause to be made, an inspection of materials or assemblies at the point of manufacture or fabrication. A record shall be made of every such examination and inspection and of all violations of the technical codes.

5-109.1.2. Inspection service. The building official may make, or cause to be made, the inspections required by 109. He or she may accept reports of department inspectors, independent inspectors or of recognized inspection services, provided that after investigation he/she is satisfied as to their licensure, qualifications and reliability. A certificate required by any provision of this code shall not be based on such reports unless the same are recorded by the building code inspector or the architect or engineer performing building code inspections in a manner specified by the building official. The building official shall ensure that all persons making such inspections shall be certified in accordance to F.S. Ch. 468.

(Ord. No. 2009-27, § 3, 2-19-09)

5-109.2. Preliminary inspection.

Before issuing a permit, the building official is authorized to examine or cause to be examined buildings, structures and sites for which an application has been filed.

(Ord. No. 2009-27, § 3, 2-19-09)

5-109.3. Required inspections.

The building official, upon notification from the permit holder or his agent, shall make the follow-

ing inspections, and such other inspections as deemed necessary and shall either release that portion of the construction or shall notify the permit holder or his agent of any violations which must be corrected in order to comply with the technical codes. The building official shall determine the timing and sequencing of when inspections occur and what elements are inspected at each inspection.

Building

1.1. *Foundation inspection:* To be made after trenches are excavated and forms erected and shall at a minimum include the following building components:

- Stem-wall
- Monolithic slab-on-grade
- Piling/pile caps
- Footers/grade beams
- Seawalls

1.2. *Slab inspection:* To be made after the reinforcement is in place, all concealed conduit, piping, ducts and vents are installed and the electrical, plumbing and mechanical work is complete. Slab shall not be poured until all required inspections have been made and passed.

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

1.2.2. *Flood elevation:* A copy of the flood certificate of elevation or a survey prepared and certified by a registered architect, engineer or surveyor that establishes the lowest floor shall be available for review at the job site before approval of the framing inspection for all new construction built in an "A" or "V" flood zone, in accordance with the provisions of

- 5-111.5.3.2. The elevation certificate shall be filed with the building department prior to the issuance of the certificate of occupancy.
- 1.3. *Tie beam inspection:* To be made after the masonry walls are complete and the reinforcement is in place.
 - 1.4. *Seawall inspection:* To be made after the forms, dowels, and structural steel is in place, prior to pouring concrete.
 - 2.0. *Framing inspection:* To be made after the roof, all framing, fire blocking and bracing is in place, all concealing wiring, all pipes, chimneys, ducts and vents are complete and shall at a minimum include the following building components:
 - Window/door framing installation
 - Vertical cells/columns
 - Lintel/tie beams
 - Framing/trusses/bracing/connectors (including truss layout and engineered drawings)
 - Draft stopping/fire-blocking
 - Curtain wall framing
 - Energy insulation
 - Accessibility
 - 2.1. *Insulation inspection:* To be made after the framing inspection is approved and the insulation is in place.
 - 2.2. *Fire resistant protection inspection:* To be made after the installation of fire resistant drywall, joint/penetration protection, and fireproofing materials, and prior to installation of finishes.
 - 3.0. *Sheathing/cladding inspection:* To be made either as part of a dry-in inspection or done separately at the request of the contractor after all roof and wall sheathing and fasteners are complete and shall at a minimum include the following building components:
 - Roof sheathing
 - Wall sheathing
 - Sheathing fasteners
 - Roof/wall/dry-in
 - Windows/door bucks
 - 4.0. Roofing inspection shall at a minimum include the following building components:
 - Dry-in
 - Insulation
 - Roof coverings
 - Flashings
 - 5.0. *Final inspection:* To be made after the building is completed and ready for occupancy.
 - 6.0. *Swimming pool inspection:*
 - First inspection to be made after excavation and installation of reinforcing steel, bonding and main drain and prior to placing of concrete shell.
 - Deck inspection to be made prior to installation of the deck material (with forms, deck drains, and any reinforcement in place).
 - Final inspection to be made when the swimming pool is complete and all required enclosure requirements are in place.
 - In order to pass final inspection and receive a certificate of completion, a residential swimming pool must meet the requirements relating to pool safety features as described in Section 424.2.17, Florida Building Code.
 - 7.0. *Demolition inspections:*
 - First inspection to be made after all utility connections have been disconnected and secured in such manner that no unsafe or unsanitary conditions shall exist during or after demolition operations, and the erosion control barriers and tree barricades are in place.
 - Final inspection to be made after all demolition work is completed.
 - 8.0. *Manufactured building inspections:* The building department shall inspect construction of foundations; connecting build-

ings to foundations; installation of parts identified on plans as site installed items, joining the modules, including utility cross-overs; utility connections from the building to utility lines on site; and any other work done on site which requires compliance with the Florida Building Code. Additional inspections may be required for public educational facilities (see Section 423.27.20).

- 9.0. Where impact-resistant coverings are installed to meet requirements of this code, the building official shall schedule adequate inspections of impact-resistant coverings to determine the following:
- The system indicated on the plans was installed.
 - The system is installed in accordance with the manufacturer's installation instructions and the product approval information.

Electrical

- 2.1. *Underground inspection:* To be made after trenches or ditches are excavated, conduit or cable installed, and before any backfill is put in place.
- 2.2. *Rough-in inspection:* To be made after the roof, framing, fire-blocking and bracing is in place and prior to the installation of insulation and wall or ceiling membranes.
- 2.3. *Final inspection:* To be made after the building is complete, all required utilities and electrical fixtures are in place and properly connected or protected, and the structure is ready for occupancy.

Plumbing

- 3.1. *Underground inspection:* To be made after trenches or ditches are excavated, piping installed and tested, and before any backfill is put in place.
- 3.2. *Rough-in and tub set inspection:* To be made after the roof, framing, fire-blocking and bracing is in place and all gas, water, soil, waste and vent piping is complete and tested, and prior to the installation of insulation and wall or ceiling membranes.

- 3.3. *Final inspection:* To be made after the building is complete, all required utilities and plumbing fixtures are in place and properly connected, and the structure is ready for occupancy.

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

Mechanical

- 4.1. *Underground inspection:* To be made after trenches or ditches are excavated, underground duct and fuel piping installed, and before any backfill is put in place.
- 4.2. *Rough-in inspection:* To be made after the roof, framing, fire-blocking and bracing is in place and all ducting and other concealed components are complete, and prior to the installation of insulation and wall or ceiling membranes.
- 4.3. *Final inspection:* To be made after the building is complete, the mechanical system is in place and properly connected, and the structure is ready for occupancy.

Gas (Natural)

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

Gas (Liquefied Petroleum)

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

Sitework

- 6.1. *Site preparation and clearing inspection:* To be made prior to beginning construction when tree protection and silt barriers are in place, all root and limb pruning is completed and all permitted trees are removed or relocated.
- 6.2. *Tree removal/pruning inspection:* To be made prior to the removal of any protected tree, and prior to root or limb pruning of any protected tree.
- 6.3. *Driveway apron / sidewalk preparation inspection:* To be made after subgrade in right-of-way has been compacted and forms have been installed to the required depth and dimensions.
- 6.4. *Drainage piping and structures inspection:* To be made after trenches are excavated and forms erected and shall at a minimum include the following drainage components:
 - Piping

- Culvert/headwall/mitered end sections
 - Inlet
 - Manhole
- 6.5. *Rough grading inspection:* To be made prior to the installation of landscaping and after any drainage piping, structures and features have been installed, and all fill has been placed.
 - 6.6. *Site final inspection:* To be made after all drainage, driveway/paving, tree/landscaping, solid waste dumpster enclosures and all other sitework is completed.
 - 6.7. *Erosion and sediment control inspection:* To be made prior to any scheduled or unscheduled inspection. Verify all silt barriers and other erosion control measures are in place and properly maintained such that sediment laden runoff is controlled.

5-109.3.1. Reserved.

5-109.3.2. Reserved.

5-109.3.3. *Reinforcing steel and structural frames.* Reinforcing steel or structural framework of any part of any building or structure shall not be covered or concealed without first obtaining a release from the building official.

5-109.3.3.1. *Structural steel frame certification.* Any structural steel framing that is being installed or altered shall be inspected and certified by a Florida Registered Engineer as to its' compliance with the provisions of the code and the approved plans.

5-109.3.4. *Termites.* Building components and building surroundings required to be protected from termite damage in accordance with Section 1503.6, Section 2304.13 or Section 2304.11.6, Florida Building Code—Building, specifically required to be inspected for termites in accordance with 2114, or required to have chemical soil treatment in accordance with 1816 shall not be covered or concealed until the release from the building official has been received.

5-109.3.5. *Shoring.* For threshold buildings, shoring and associated formwork or falsework shall be designed and inspected by a Florida Licensed Professional Engineer, employed by the permit

holder or subcontractor, prior to any required mandatory inspections by the threshold building inspector.

5-109.3.6. Threshold building.

5-109.3.6.1. The building department shall require a special inspector to perform structural inspections on a threshold building pursuant to a structural inspection plan prepared by the engineer or architect of record. The structural inspection plan must be submitted to the building department prior to the issuance of a building permit for the construction of a threshold building. The purpose of the structural inspection plan is to provide specific inspection procedures and schedules so that the building can be adequately inspected for compliance with the permitted documents.

5-109.3.6.2. The special inspector shall inspect the shoring and reshoring for conformance to the shoring and reshoring plans submitted to the enforcing agency. A fee simple title owner of a building which does not meet the minimum size, height, occupancy, occupancy classification or number of stories criteria which would result in classification as a threshold building under F.S. § 553.71(7), may designate such building as a threshold building, subject to more than the minimum number of inspections required by the Florida Building Code, Building.

5-109.3.6.3. The fee owner of a threshold building shall select and pay all costs of employing a special inspector, but the special inspector shall be responsible to the enforcement agency. The inspector shall be a person certified, licensed, or registered under F.S. Ch. 471 as an engineer or under F.S. Ch. 481 as an architect.

5-109.3.6.4. The building department shall require that, on every threshold building:

5-109.3.6.4.1. The special inspector, upon completion of the building and prior to the issuance of a certificate of occupancy, file a signed and sealed statement with the enforcement agency in substantially the following form: "To the best of my knowledge and belief, the above-described construction of all structural load bearing

components complies with the permitted documents, and the shoring and reshoring conforms to the shoring and reshoring plans submitted to the enforcement agency."

5-109.3.6.4.2. Any proposal to install an alternate structural product or system to which building codes apply be submitted to the building department for review for compliance with the codes and made part of the building department's recorded set of permit documents.

5-109.3.6.4.3. All shoring and reshoring procedures, plans and details shall be submitted to the building department for record keeping. Each shoring and reshoring installation shall be supervised, inspected and certified to be in compliance with the shoring documents by the contractor.

5-109.3.6.4.4. All plans for the building which are required to be signed and sealed by the architect or engineer of record contain a statement that, to the best of the architect's or engineer's knowledge, the plans and specifications comply with the applicable minimum building codes and the applicable fire-safety standards as determined by the local authority in accordance with this section and F.S. 633.

5-109.3.6.5. No enforcing agency shall issue a building permit for construction of any threshold building except to a licensed general contractor, as defined in F.S. § 489.105(3)(a), or to a licensed building contractor, as defined in F.S. § 489.105(3)(b), within the scope of his or her license. The named contractor to whom the building permit is issued shall have the responsibility for supervision, direction, management and control of the construction activities on the project for which the building permit was issued.

5-109.3.6.6. The building department may allow a special inspector to conduct the minimum structural inspection of threshold buildings required by this code, F.S. § 553.73, without duplicative inspection by the building department. The building official is responsible for

ensuring that any person conducting inspections is qualified as a building inspector under part XII of F.S. Ch. 468, or certified as a special inspector under F.S. Ch. 471 or Ch. 481. Inspections of threshold buildings required by F.S. § 553.79(5), are in addition to the minimum inspections required by this code.

5-109.3.7. Energy efficiency inspections. Reserved.

5-109.3.8. Other inspections. Reserved.

5-109.3.9. Special inspections. Reserved.

5-109.3.10. Final inspection. Reserved.
(Ord. No. 2009-27, § 3, 2-19-09)

5-109.4. Reserved.

5-109.5. Inspection requests.

It shall be the duty of the holder of the building permit or their duly authorized agent to notify the building official when work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspections of such work that are required by this code.
(Ord. No. 2009-27, § 3, 2-19-09)

5-109.6. Approval required.

Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the building official. The building official, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or notify the permit holder or his or her agent wherein the same fails to comply with this code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the building official.
(Ord. No. 2009-27, § 3, 2-19-09)

SECTION 5-110. CERTIFICATES OF OCCUPANCY AND COMPLETION/SERVICE UTILITIES

PART I. CERTIFICATES OF OCCUPANCY AND COMPLETION

5-110.1. Certificate of occupancy—General.

5-110.1.1. When required. A certificate of occupancy is required prior to the occupancy in each of the following cases:

- a. All new residential or commercial buildings or structures;
- b. All new additions to residential or commercial buildings or structures;
- c. All repair, remodeling, renovation or interior finishing of any existing residential or commercial building or structure if there has been a change in occupancy classification as defined in this chapter. The reuse of existing building, electrical, gas, mechanical or plumbing systems shall be governed by the provisions of subsection 5-102.6.2 of this chapter regarding existing buildings.

5-110.1.2. Obtaining the certificate. The owner or the owner's agent may obtain a certificate of occupancy. Prior to the issuance of a certificate of occupancy, all permits integral to the building to be occupied must have received final inspections and approval. In addition, any final approvals required by any other agencies must have been obtained. The city may require documents, including, but not limited to, tests, test reports, certificates and surveys to determine that a building has been constructed in accordance with all applicable codes. All applicable fees required by the code shall be paid prior to the issuance of a certificate of occupancy.

5-110.1.3. Certificate contents. Upon completion of a building erected in accordance with the approved plans, and after the final inspection, the building official shall issue a certificate of occupancy. The certificate shall state:

- The permit number
- Project description

- Project square footage
- Number of units
- Occupancy classification
- Construction type

(Ord. No. 2009-27, § 3, 2-19-09)

5-110.2. Certificate issued—New buildings.

5-110.2.1. Building occupancy. A new building shall not be occupied or a change made in the occupancy, nature or use of a building or part of a building until after the building official has issued a certificate of occupancy. Said certificate shall not be issued until all required electrical, gas, mechanical, plumbing and fire protection systems have been inspected for compliance with the technical codes and other applicable laws and ordinances and released by the building official. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction.

5-110.2.2. Certificates issued. Upon satisfactory completion of construction of a building or structure and installation of electrical, gas, mechanical and plumbing systems in accordance with the technical codes, reviewed plans and specifications, and after the final inspection, and payment of any outstanding fees due to the city, the building official shall issue a certificate of occupancy stating the nature of the occupancy permitted, the number of persons for each floor when limited by law, and the allowable load per square foot for each floor in accordance with the provisions of this code.

5-110.2.3. Partial occupancy. A partial certificate of occupancy may be issued for a portion or portions of a building, which may safely be occupied prior to final completion of the entire building, provided those portions meet the requirements of 5-110.1, herein.

5-110.2.4. Temporary occupancy. The building official is authorized to issue a temporary certificate of occupancy before completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely. The building official shall set a time period during which the temporary certificate of occupancy is

valid. The official must receive appropriate documentation as to the conditions for occupancy, the reason for the certificate, and is subject to the requirements of section 5-110.1, herein. Failure to comply with the conditions may result in revocation of the certificate of occupancy.

(Ord. No. 2009-27, § 3, 2-19-09)

5-110.3. Certificate of completion.

Upon satisfactory completion of construction of a building or structure and installation of electrical, gas, mechanical and plumbing systems in accordance with the technical codes, a certificate of completion may be issued. A certificate of completion is proof that a structure or system is complete and for certain types of permits is released for use and may be connected to a utility system. This certificate does not grant authority to occupy or connect a building, such as a shell building, prior to the issuance of a certificate of occupancy. Certificates of completion may be issued for the following types of projects:

(Ord. No. 2009-27, § 3, 2-19-09)

5-110.4. Certificate issued—Existing building.

5-110.4.1. Existing buildings: Any construction project involving the repair, remodeling, renovation or alteration of an existing residential or commercial building or structure, which is not part of a change of occupancy, as defined in this chapter, may be issued a certificate of completion. Upon specific request, the certificate of completion shall be issued when all permits associated with the construction project have been granted final approval and all fees have been paid.

5-110.4.2. A certificate of occupancy for any existing building may be obtained by applying to the building official and supplying the information and data necessary, to determine compliance with this chapter for the occupancy intended. Where necessary, in the opinion of the building official, two (2) sets of detailed drawings, or a general inspection, or both, may be required. When, upon examination and inspection, it is found that the

building conforms to the provisions of this chapter for such occupancy, a certificate of occupancy shall be issued.

(Ord. No. 2009-27, § 3, 2-19-09)

5-110.5. Certificate of occupancy—Revocation/suspension.

5-110.5.1. Grounds.

- a. All certificates of occupancy issued under this chapter may be revoked or suspended by the city upon the following grounds:
 1. The certificate of occupancy was issued by mistake of law or fact.
 2. The certificate of occupancy was issued upon a misrepresentation by the applicant.
 3. The certificate of occupancy is for a land use or occupancy type that violates any ordinance of the city, or state or federal law, rule or regulation.
 4. The work was not performed in accordance with the provisions of this chapter.
- b. It shall be unlawful for the owner or any other person with knowledge of such revocation or suspension to occupy the building unless said certificate of occupancy is reinstated by the official or a new certificate of occupancy is issued.
- c. If in addition to other remedies of law, order the disconnection of utility service to the building or structure.

(Ord. No. 2009-27, § 3, 2-19-09)

5-110.6. Failure to obtain certificate of occupancy.

5-110.6.1. It shall be unlawful for the owner or any other person to occupy the building or portions of the building unless a certificate of occupancy is obtained.

5-110.6.2. If occupancy should occur prior to the issuance of a certificate of occupancy, or if the owner fails to obtain a certificate of occupancy upon being served written notice, the building official may, thirty (30) days after sending notice,

in addition to other remedies of law, order the disconnection of utility service to the building, structure, or portions of a building.

(Ord. No. 2009-27, § 3, 2-19-09)

PART II. SERVICE UTILITIES

5-110.8. Connection of service utilities.

No person shall make connections from a utility, source of energy, fuel or power to any building or system that is regulated by this code for which a permit is required, until released by the building official, after payment of all required fees.

(Ord. No. 2009-27, § 3, 2-19-09)

5-110.9. Temporary connection.

The building official shall have the authority to authorize the temporary connection of the building or system to the utility source of energy, fuel or power, after testing of the equipment, or as otherwise authorized by this chapter.

(Ord. No. 2009-27, § 3, 2-19-09)

5-110.10. Authority to disconnect service utilities.

The building official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the codes referenced in case of emergency where necessary to eliminate an immediate hazard to life or property, or as otherwise authorized in this chapter. The building official shall notify the serving utility, and wherever possible the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the owner or occupant of the building, structure or service system shall be notified in writing, as soon as practical thereafter.

(Ord. No. 2009-27, § 3, 2-19-09)

SECTION 5-111. FLOOD RESISTANT CONSTRUCTION

5-111.1. Purpose.

It is the purpose of this chapter to promote the public health, safety and general welfare and to minimize public losses due to flood conditions in specific areas by provisions designed to:

5-111.1.1. Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards or which result in damaging increases in erosion or flood heights or velocities;

5-111.1.2. Require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage, at the initial construction;

5-111.1.3. Control the alteration of natural floodplains, stream channels and natural protective barriers that are involved in the accommodation of floodwaters;

5-111.1.4. Control fillings, grading, dredging and other development which may increase erosion or flood damage; and

5-111.1.5. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.
(Ord. No. 2009-27, § 3, 2-19-09)

5-111.2. Objective.

The objectives of this chapter are:

5-111.2.1. To protect human life and health;

5-111.2.2. To minimize expenditure of public money for costly flood control projects;

5-111.2.3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

5-111.2.4. To minimize prolonged business interruptions;

5-111.2.5. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;

5-111.2.6. To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas: and

5-111.2.7. To ensure that potential homebuyers are notified that property is in a flood area.
(Ord. No. 2009-27, § 3, 2-19-09)

5-111.3. Definitions.

Unless specifically defined below, words or phases used in this article shall be interpreted so as to give them the meaning they have in common usage and to give this section its most reasonable application.

Addition (to an existing building). Any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load bearing wall other than a firewall. Any walled and roofed addition that is connected by a firewall or is separated by independent perimeter load-bearing walls is new construction.

Administrator. The federal insurance administrator, to whom the secretary of HUD has delegated the administration of the program (34FR2680-81, February 27, 1969, as amended 39FR2787, January 24, 1974).

Alteration. The physical changing of the existing floor plan of a building. This change includes building, mechanical, plumbing and electrical components.

Appeal. A request for a review of the flood damage control administrator's interpretation of any provision of this article or a request for a variance.

Appraised value. For the purposes of this section, appraised value is defined as either (1) one hundred twenty (120) percent of the assessed value of the structure as indicated by the Hillsborough County Property Appraiser's Office or (2) the value as indicated in a certified appraisal from an appraiser.

Area of shallow flooding. A designated AO or VO zone on a community's flood insurance rate map (FIRM) with base flood depths from one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

Area of special flood hazard. The land in the floodplain within a community subject to a one (1) percent or greater chance of flooding in any given year.

Base flood elevation (BFE). The elevation shown in the flood insurance study (FIS) or on the flood insurance rate map that indicates the water surface elevation resulting from a flood that has a one (1) percent chance of equaling or exceeding the one-percent probability flood elevation in any given year. For purposes of the National Flood Insurance Program, the base flood elevation is referenced above mean sea level, which is either based on the National Geodetic Vertical Datum (NGVD) of 1929 or the North American Vertical Datum of 1988.

Basement. That portion of a building having its floor subgrade (below ground level) on all sides.

Breakaway wall. A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

Building. Any structure built for support, shelter or enclosure for any occupancy or storage.

City. The City of Tampa.

Coastal high hazard area. The area subject to high velocity waters caused by, but not limited to, hurricane wave wash. The area is designated on a FIRM as Zone VI 30, VE or V.

Cost of construction. For the purpose of this section, the cost of construction can be (1) a cost breakdown that includes the contracted price charged by a contractor to the owner, or (2) the total cost as indicated by an itemized cost breakdown for labor and material for work to be done by the owner, or (3) the cost per square foot as indicated for the particular construction by the

cost valuation tables as published by the International Code Council. In (1) and (2) above, the contract or cost breakdown must be signed by all applicable parties.

Cumulative construction cost. The sum total of costs associated with any construction work done to a building or structure either at one (1) time or at different times within a specified period of time.

Design flood elevation. See Freeboard.

Development. Any manmade change to improved or unimproved real estate, including, but not limited to buildings or other structures, mining, dredging, filling grading, paving, excavating, drilling operations or permanent storage of materials.

Elevated building. A non-basement building meeting the following criteria:

A Zones: Having the top of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers), or shear wall parallel to the flow of water and adequately anchored so as not to impair the structural integrity of the, building during a flood up to the magnitude of the base flood. It also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwaters.

V Zones: Having the bottom of the lowest horizontal structural member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the flow of water and adequately anchored so as not to impair the structural integrity of the building during a flood up to the magnitude of the base flood. It also includes a building otherwise meeting the definition of "elevated building" even though the lower areas are enclosed by breakaway walls, if the breakaway walls meet the standards of this chapter for breakaway walls. Existing construction. Construction for which the "start of construction" commenced before June 18, 1980. (Ord. 2004-64, March, 2004)

Existing manufactured home park or subdivision. A park or subdivision for which the construc-

tion of facilities for servicing the lots on which the manufactured homes are to be affixed (including utilities, streets, grading and pads) is completed before December 30, 1977. (Ord. 2004-64, March, 2004)

Flood or flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters;
2. The unusual and rapid accumulation or runoff of surface waters from any source.

Flood damage control administrator. The officer of the City of Tampa responsible for the execution of this article and the delegation of responsibilities for the individual tasks contained herein.

Flood elevation determination. A determination by the administrator of the water surface elevations of the base flood, that is, the flood level that has a one (1) percent or greater chance of occurrence in any given year.

Flood hazard boundary map (FHBM). An official map of a community, issued by the federal emergency management agency, where the boundaries of the areas of special flood hazard have been defined as Zone A.

Flood insurance rate map (FIRM). An official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

Flood insurance study. The official report provided by the federal emergency management agency. The report contains flood profiles, as well as the flood boundary floodway map and the water surface elevation of the base flood.

Floodplain or flood prone area. Any land area susceptible to being inundated by water from the source (see definition of flooding).

Floodplain management regulations. Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, (such as a floodplain ordinance, grading ordinance, and erosion control ordinance), and other applications of police powers. The term describes

such state or local regulations, in any combination thereof, which provides standards for the purpose of flood damage prevention and reduction.

Floodway. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation.

Floodproofing. Any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Freeboard. The additional height that adds a factor of safety above the base-flood elevation (or flood level) for purposes of floodplain management. ("Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed. The freeboard requirement for the City of Tampa is six (6) inches.)

Floor. The top surface of an enclosed area in a building (including basement), including but not limited to, the top of the slab in concrete slab construction or the top of the wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

Functionally dependent facility. A facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, including but not limited to a docking or port facility necessary for the loading and unloading of cargo or passenger shipbuilding, ship repair or seafood processing facilities. The term does not include long term storage manufacture, sales, or service facilities.

Highest adjacent grade. The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

Historic structure. Any structure that is:

- (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (d) Individually listed on a local inventory historic places in communities with historic preservation programs that have been certified either:
 1. By an approved state program as determined by the Secretary of the Interior; or
 2. Directly by the Secretary of the Interior in states without approved programs. (Ord. 2004-64, March, 2004)

Lowest floor for an A Zone. The lowest floor of the lowest enclosed area (including basement). An unfinished floor or a floor in a flood resistant enclosure, used solely for parking of vehicles, building access or storage, in an area other than the basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this section.

Lowest floor for V Zones. The bottom of the lowest supporting horizontal member (excluding pilings or columns) which is located no lower than the base flood elevation level.

Mangrove stand. An assemblage of mangrove trees which is mostly low trees noted for a copious development of interlacing adventitious roots above the ground and which contain one (1) or more of

the following species: black mangrove (*Avicennia nitida*); red mangrove (*Rhizophora mangle*); white mangrove (*Languncularia racemosa*); and buttonwood (*Conocarpus erecta*).

Market value. For the purposes of this section, market value is defined as either (1) the appraised value of the structure before the start of the initial repair or improvement or (2) in any case involving damage, the appraised value of the structure before the occurrence of the damage.

Mean sea level. The average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this section the term is synonymous with National Geodetic Vertical Datum (NGVD).

Manufactured home. A structure, transportable in one (1) or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term also includes park trailers, travel trailers and similar transportable structures placed on a site for one hundred eighty (180) consecutive days or longer and intended to be improved property.

Manufactured home park or subdivision. A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

National Geodetic Vertical Datum (NGVD). Datum established in 1929 and used as a basis for measuring flood, ground, and structural elevations, previously referred to as sea level datum or mean sea level. The base flood elevations shown on most of the flood insurance rate maps issued by the Federal Emergency Management Agency are referenced to NGVD or, more recently, to the North American Vertical Datum.

New construction. Structures for which the "start of construction" commenced on or after June 18, 1980. (Ord. 2004-64, March, 2004)

New manufactured home park. A park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of

streets, and either final site grading or pouring of concrete pads) is completed on or December 30, 1977. (Ord. 2004-67, March, 2004)

North American Vertical Datum (NAVD). Datum used as a basis for measuring flood, ground, and structural elevations. NAVD is used in many recent flood insurance studies rather than the National Geodetic Vertical Datum.

Recreational vehicle. A vehicle which is built on a single chassis; is four hundred (400) square feet or less when measured at the largest horizontal projections; designed to be self-propelled or permanently towable by a light-duty truck; and designed primarily as temporary living quarters for recreation, camping, travel or seasonal use, and not for use as a permanent dwelling. Recreational vehicles placed on sites within any A or V Zones shall be on the site for fewer than one hundred eighty (180) consecutive days; be fully licensed and ready for highway use; or meet permit, elevation, and anchorage requirements of this chapter. A recreational vehicle is ready for highway use, it is on its wheels or jacking system, is attached to the site by quick-disconnect type utilities and security devices, and has no permanently attached additions.

Sand dunes. Naturally occurring accumulations of sand in ridges or mounds landward of the beach.

Start of construction. For other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.O. 97-348), includes substantial improvements, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, foot-

ings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

Structure. A walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank, or other manmade facilities or infrastructures.

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 fifty (50) percent of the market value of the structure before the damage occurred. Substantial damage also means repetitive loss flood-related damages sustained by a structure on two (2) separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds twenty-five (25) percent of the market value of the structure before the damage occurred (Ord. 2004-67, March, 2004)

Substantial improvements. Any reconstruction, rehabilitation, addition, or other improvement of a structure taking place within a one-year period for which the cost equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. The term includes structures that have incurred "substantial damage", regardless of the actual work performed, including repetitive loss. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or,
2. Any alteration of a "historic structure" provided that the alteration would not preclude the structure's continued designation as a "historic structure."

Variance. A grant of relief from the requirements of this chapter, which permit construction

in a manner otherwise, prohibited by this ordinance where specific enforcement would result in unnecessary hardship.

Water surface elevation. Under the National Flood Insurance Program, the height, in relation to the National Geodetic Vertical Datum of 1929, North American Vertical Datum (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

(Ord. No. 2009-27, § 3, 2-19-09)

5-111.4. General provisions.

5-111.4.1. Lands to which this article applies. this article shall apply to all areas of special flood hazard within the jurisdiction of the city.

5-111.4.2. Basis for establishing the areas of special flood hazard. The area of special flood hazard identified by the Federal Emergency Management Agency in its Hillsborough County Insurance Study with accompanying maps and other supporting data, and any revision thereto, are adopted by reference and declared to be a part of this article.

Establishment of Vertical Datum. Vertical datum is the datum as specified in the most recent Hillsborough County Flood Insurance Rate Maps and FEMA Flood Insurance Study.

5-111.4.3. Establishment of development permit. A development permit shall be required in conformance with the provisions of this article prior to the commencement of any development activities.

5-111.4.4. Compliance. No structure or land shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this section and other applicable regulations.

5-111.4.5. Abrogation and greater restrictions. This section is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions; however, where this section and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

5-111.4.6. Interpretation. In the interpretation and application of this section all provisions shall be: (1) considered as minimum requirements; (2) lib-

erally construed in favor of the city; and (3) deemed neither to limit nor repeal any other powers granted under state statutes.

5-111.4.7. Warning and disclaimer of liability. The degree of flood protection required by this section is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This section does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This section shall not create liability on the part of the city or by any officer or employee thereof for any flood damages that result from reliance on this section or any administrative decision lawfully made hereunder.

5-111.4.8. Penalties for violation. Violation of the provisions of this section or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of a variance or special exceptions, shall constitute a misdemeanor. Any person who violates this section or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than five hundred dollars (\$500.00) or imprisoned for not more than sixty (60) days, or both, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation. Further, such violation is hereby declared a nuisance and the city is hereby authorized to pursue appropriate civil remedies in connection herewith.

(Ord. No. 2009-27, § 3, 2-19-09)

5-111.5. Administration.

5-111.5.1. Designation of flood damage control administrator. There shall be a flood damage control administrator who shall be designated by the mayor and who shall be subject to removal by the mayor.

5-111.5.2. Duties and responsibilities of the flood damage control administrator. Duties of the flood damage control administrator shall include, but not be limited to:

5-111.5.2.1. Review all development permits to assure that the permit requirements of this article have been satisfied.

5-111.5.2.2. Advise permittee that additional federal or state permits may be required if specific federal or state permit requirements are known, require that copies of such permits be provided and maintained on file with the development permit.

5-111.5.2.3. Notify adjacent communities and the State of Florida Department of Community Affairs prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.

5-111.5.2.4. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

5-111.5.2.5. Verify and record the actual elevation (in relation to mean sea level) of the bottom of the lowest structural member of the lowest floor (including basement) of all new or substantially improved structures, in accordance with section 5-111.5.3.2, City of Tampa Code.

5-111.5.2.6. Verify and record the actual elevation (in relation to mean sea level) to which the new substantially improved structures have been floodproofed, in accordance with section 5-111.5.3.2, City of Tampa Code.

5-111.5.2.7. In coastal high hazard areas, certification shall be obtained from a registered professional engineer or architect that the structure is designed to be securely anchored to adequately anchored pilings or columns in order to withstand velocity waters and hurricane wave wash.

5-111.5.2.8. In coastal high hazard areas, the flood damage control administrator shall review plans for adequacy of breakaway walls in accordance with section 5-111.6.2.5, City of Tampa Code.

5-111.5.2.9. When flood proofing is utilized for a particular structure, the flood damage control administrator shall obtain certification from a registered professional engineer or architect, in accordance with section 5-111.6.2.2, City of Tampa Code.

5-111.5.2.10. Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the flood damage control administrator shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article.

5-111.5.2.11. When base flood elevation data or floodway data have not been provided in accordance with section 5-111.4.2, City of Tampa Code, then the flood damage control administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from the federal, state or other source, in order to administer the provisions of section 5-111.6, City of Tampa Code.

5-111.5.2.11.1. All records pertaining to the provisions of this article shall be maintained in the office of the flood damage control administrator and shall be open for public inspection.

5-111.5.3. Permit procedures. An application for a development permit shall be made to the flood damage control administrator on forms furnished by him or her prior to any development activities, and may include, but not be limited to, the following plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the area in question, existing or proposed structures, fill, storage of materials, drainage facilities and the location of the foregoing. Specifically, the following information is required:

5-111.5.3.1. Application stage.

5-111.5.3.1.1. Elevation in relation to mean sea level of the proposed lowest floor (including basement) of all structures.

5-111.5.3.1.2. Elevation in relation to mean sea level to which any nonresidential structure will be flood-proofed.

5-111.5.3.1.3. Certificate from a registered professional engineer or architect that the nonresidential flood-proofed structure will meet the flood proofing criteria in section 5-111.6.2.2, City of Tampa Code.

5-111.5.3.1.4. Description of the extent to which any water course will be altered or relocated as a result of proposed development.

5-111.5.3.2. Construction stage. Provide a floor elevation or flood-proofing certification after the lowest floor is completed and prior to the framing inspection or in instances where the structure is subject to the regulations applicable to coastal high hazard areas, after placement of the horizontal structural members of the lowest floor, and prior to the framing inspection. It shall be the duty of the permit holder to submit to the flood damage control administrator a certification of the elevation of the lowest floor, floodproofed elevation, or the elevation of the lowest portion of the horizontal structural members of the lowest floor, whichever is applicable, as built, in relation to the mean sea level. Said certification shall be by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When flood proofing is utilized for a particular building, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The flood damage control administrator shall review the floor elevation survey data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make said corrections required hereby shall be cause to issue a stop-work order for the project.

5-111.5.4. Flood control board and variance procedures.

5-111.5.4.1. In accordance with the inter-local agreement, the Hillsborough County Building Board of Adjustment, Appeals, and Examiners shall serve as the flood control board.

5-111.5.4.2. The flood control board shall hear and decide appeals and requests for variances from the requirements of this section and appeals when it is alleged there is an error in any requirement, decision, or determination made by the flood damage control administrator in the enforcement or administration of this section.

5-111.5.4.3. Any person aggrieved by the decision of the flood control board, or any taxpayer, may appeal such decision to the appropriate court of appropriate jurisdiction by petition for writ of certiorari.

5-111.5.4.4. Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the state inventory of historic places, without regard to the procedures set forth in the remainder of this article.

5-111.5.4.5. In passing upon applications for variances, the flood control board shall consider all technical evaluations, all relevant factors, standards specified in other parts of this article and:

5-111.5.4.5.1. The danger that materials may be swept onto other lands to the injury of others;

5-111.5.4.5.2. The danger to life and property due to flooding or erosion damage;

5-111.5.4.5.3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

5-111.5.4.5.4. The importance of the services provided by the proposed facility to the community;

5-111.5.4.5.5. The necessity of the facility to a waterfront location, in the case of a functionally dependent facility;

5-111.5.4.5.6. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

5-111.5.4.5.7. The compatibility of the proposed use with existing and anticipated development;

5-111.5.4.5.8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

5-111.5.4.5.9. The safety of access to the property in times of flood for ordinary and emergency vehicles;

5-111.5.4.5.10. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and

5-111.5.4.5.11. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

5-111.5.4.6. Upon consideration of the factors listed above, and the purposes of this section, the flood control board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this article.

5-111.5.4.7. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

5-111.5.4.8. Conditions for granting variances:

5-111.5.4.8.1. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; and in the instance of a historical building, a determination that the variance is the minimum necessary so as not to destroy the historic character and design of the building.

5-111.5.4.8.2. Variances shall only be issued upon: (i) a showing of good and

sufficient cause; (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant; and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.

5-111.5.4.8.3. Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the structure is to be built and stating that cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest, floor elevation.

5-111.5.4.8.4. The flood damage control administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

(Ord. No. 2009-27, § 3, 2-19-09)

5-111.6. Flood hazard reduction.

5-111.6.1. General standard. In all areas of special flood hazard the following provisions are required:

5-111.6.1.1. New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure;

5-111.6.1.2. Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of the over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces;

5-111.6.1.3. New construction or substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;

5-111.6.1.4. New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;

5-111.6.1.5. Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

5-111.6.1.6. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

5-111.6.1.7. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters;

5-111.6.1.8. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding; and

5-111.6.2. *Specific standards.* In all areas of special flood hazard where base flood elevation data have been provided, as set forth in sections 5-111.4.2 or 5-111.5.2.11, City of Tampa Code, the following provisions are required:

5-111.6.2.1. *Residential construction.* New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevation no lower than the design flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the equalization of flood hydrostatic forces on both sides of exterior walls and theTM unimpeded movements of floodwaters shall be provided in accordance with the standards of section 5-111.6.2.3, City of Tampa Code.

5-111.6.2.2. *Nonresidential construction.* New construction or substantial improvement of any commercial, industrial, or nonresidential structure shall have the lowest floor, including basement, elevated no lower than the level of the design flood elevation. Structures located in all

A Zones may be flood-proofed in lieu of being elevated provided that all of the following requirements are met:

1. Areas of the structure below the required elevation are water tight with walls substantially impermeable to the passage of water.
2. Structural components must have the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy.
3. A Florida registered professional engineer or architect shall certify that the standards of this subsection are satisfied.
4. Such certification shall be provided to the official as set forth in section 5-111.5.3.2, City of Tampa Code.

5-111.6.2.3. *Elevated buildings.* New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the design flood elevation shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.

5-111.6.2.3.1. Designs for complying with this requirement must either be certified by a Florida registered professional engineer or architect or meet the following minimum criteria:

5-111.6.2.3.1.1. Provide a minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;

5-111.6.2.3.1.2. The bottom of all openings shall be no higher than one (1) foot above grade; and

5-111.6.2.3.1.3. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic entry and exit of floodwaters;

5-111.6.2.3.2. Reserved.

5-111.6.2.3.3. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator); and

5-111.6.2.3.4. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.

5-111.6.2.4. Floodways. Located within areas of special flood hazard established in section 5-111.4.2, City of Tampa Code, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters, which carry debris, potential projectiles, and has erosion potential, the following provisions shall apply:

5-111.6.2.4.1. All encroachments, including fill, new construction, substantial improvements and other developments are prohibited unless certification (with supporting technical data) by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood discharge;

5-111.6.2.4.2. If section 5-111.6.2.4.1, City of Tampa Code, is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of section 5-111.6, City of Tampa Code; and

5-111.6.2.4.3. The placement of manufactured homes is prohibited except in an existing manufactured home park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring standards of section 5-111.6.1.2, City of Tampa Code, and the elevation standards of section 5-111.6.4.5, City of Tampa Code, are met. (Ord. 2004-67, March, 2004)

5-111.6.2.5. Coastal high hazard areas (V Zones). Located within the areas of special flood hazard established in section 5-111.4.2, City of Tampa Code, are areas designated as coastal

high hazard areas. These areas have special flood hazards associated with wave wash, therefore, the following provisions shall apply:

5-111.6.2.5.1. All buildings or structures shall be located landward of the reach of the mean high tide.

5-111.6.2.5.2. All buildings or structures shall be elevated so that the bottom of the lowest supporting horizontal member (excluding pilings or columns) is located no lower than the design base flood elevation level, with all space below the lowest supporting member open so as not to impede the flow of water. Breakaway walls may be permitted and must be designed to wash away in the event of abnormal wave action and in accordance with section 5-111.6.2.5.8, City of Tampa Code.

5-111.6.2.5.3. All buildings or structures shall be securely anchored on pilings or columns.

5-111.6.2.5.4. All pilings and columns and the attached structures shall be anchored to resist flotation, collapse and lateral movement due to the effect of wind and water loads acting simultaneously on all building components. The anchoring and support system shall be designed with wind and water loading values, which equal or exceed the one hundred-year mean recurrence interval (one (1) percent annual chance of flood).

5-111.6.2.5.5. A Florida registered professional engineer or architect shall certify that the design, specifications and plans for construction are in compliance with the provisions contained in section 5-111.6.2.5.2, 5-111.6.2.5.3 and 5-111.6.2.5.4, City of Tampa Code.

5-111.6.2.5.6. There shall be no fill used as structural support. Non-compacted fill may be used around the perimeter of a building for landscaping/aesthetic purposes provided the fill will wash out from storm surge, (thereby rendering the building free of obstruction) prior to generating excessive loading forces, ramping effects, or wave deflection. The flood damage con-

trol board administrator shall approve design plans for landscaping/aesthetic fill only after the applicant has provided an analysis by an engineer, and/or soil scientist, which demonstrates that the following factors have been fully considered:

5-111.6.2.5.6.1. Particle composition of fill material does not have a tendency for excessive natural compaction;

5-111.6.2.5.6.2. Volume and distribution of fill will not cause wave deflection to adjacent properties; and

5-111.6.2.5.6.3. Slope of fill will not cause wave run-up or ramping.

5-111.6.2.5.7. There shall be no alteration of sand dunes or mangrove stands which would increase potential flood damage.

5-111.6.2.5.8. Non-supporting breakaway walls, open lattice-work, or mesh screening shall be allowed below the base flood elevation provided they are not part of the structural support of the building and are designed so as to breakaway, under abnormally high tides or wave action, without damage to the structural integrity of the building on which they are to be used and provided the following design specifications are met:

5-111.6.2.5.8.1. Design safe loading resistance of each wall shall be not less than ten (10) nor more than twenty (20) pounds per square foot; or

5-111.6.2.5.8.2. If more than twenty (20) pounds per square foot, a Florida registered professional engineer shall certify that the design wall collapse would result from a water load less than that which would occur during the base flood event, and the elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components during

the base flood event. Maximum wind and water loading values to be used in this determination shall each have one (1) percent chance of being equaled or exceeded in any given year (one hundred-year mean recurrence interval).

5-111.6.2.5.9. If breakaway walls are utilized, such enclosed space shall not be designed to be used for human habitation, but shall be designed to be used only for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises.

5-111.6.2.5.10. Prior to construction, plans for any structures that will have breakaway walls must be submitted to the flood damage control administrator for approval.

5-111.6.2.5.11. Any alteration, repair, reconstruction or improvement to a structure shall not enclose the space below the lowest floor except with break away walls as provided for in sections 5-111.6.2.5.8 and 5-111.6.2.5.9, City of Tampa Code.

5-111.6.2.5.12. The placement of manufactured homes is prohibited, except in an existing manufactured home park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring standards of section 5-111.6.1.2, City of Tampa Code, and the elevation standards of section 5-111.6.2.1, City of Tampa Code.

5-111.6.3. Standards for streams without established base flood elevations and/or floodways. Located within the areas of special flood hazard established in section 5-111.4.2, City of Tampa Code, where small streams exist but where no base flood data have been provided or where no floodways have been provided, the following provisions apply:

5-111.6.3.1. No encroachments, including fill material or structures shall be located within a distance of the stream bank equal to two (2) times the width of the stream at the top of bank or twenty (20) feet each side from top of bank,

whichever is greater, unless certification by a Florida registered professional engineer is provided demonstrating that such encroachments shall not result in any flood discharge.

5-111.6.3.2. New construction or substantial improvements of structures shall be elevated or flood-proofed to elevations established in accordance with section 5-111.5.2.11.1, City of Tampa Code.

5-111.6.4. Standards for subdivision and manufactured home parks.

5-111.6.4.1. All subdivision and manufactured home park proposals shall be consistent with the need to minimize flood damage;

5-111.6.4.2. All subdivision and manufactured home parks shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;

5-111.6.4.3. All subdivision and manufactured home parks shall have adequate drainage provided to reduce exposure to flood hazards; and

5-111.6.4.4. Base flood elevation data shall be provided for subdivision and new manufactured home park proposals and other proposed development which is greater than the lesser of fifty (50) lots or five (5) acres.

5-111.6.4.5. All manufactured homes placed in existing manufactured home parks or subdivisions shall have the following:

5-111.6.4.5.1. The lowest floor shall be at or above the design flood elevation: or

5-111.6.4.5.2. The manufactured home chassis shall be supported by reinforced piers or other suitable foundation of at least equivalent strength so that the lowest elevation is at least thirty-six (36) inches in height above the grade. The manufactured home must be securely anchored to an anchored foundation system to resist flotation, collapse and lateral movement.

5-111.6.4.6. Any manufactured home in an existing manufactured home park or subdivision that has incurred substantial damage, as defined in this chapter, as a result of a flood shall

be elevated on a permanent foundation. The lowest floor shall be at or above design flood elevation, and the manufactured home shall be securely anchored to an anchored foundation system to resist flotation, collapse, and lateral movement.

5-111.6.5. Standards for areas of shallow flooding (AO zones). Located within the areas of special flood hazard established in section 5-111.4.2 are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where clearly defined channels do not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:

5-111.6.5.1. All new construction and substantial improvements of residential structures shall have the lowest floor, including basement, elevated to the depth number specified on the flood insurance rate map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including basement shall be elevated, at least two (2) feet above the highest adjacent grade.

5-111.6.5.2. All new construction and substantial improvements, of nonresidential structures shall:

5-111.6.5.2.1. Have the lowest floor including basement, elevated to the depth number specified on the flood insurance rate map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor including basement shall be elevated at least two (2) feet above the highest adjacent grade; or

5-111.6.5.2.2. Together with attendant utility and sanitary facilities be completely flood-proofed to or above the level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

5-111.6.6. Standard for areas of special flood hazard (unnumbered A zones). The lowest floor of any new construction and substantial improvement

shall be located at a minimum of two (2) feet above the elevation of the highest adjacent grade. (Ord. No. 2009-27, § 3, 2-19-09)

SECTION 5-112. BOARD OF APPEALS

5-112.1. Staff appeal.

An owner of any building or structure to which the provisions of this chapter apply, or his duly authorized agent, who has been aggrieved by any ruling, determination, decision or order of the City of Tampa administrative staff pertaining to the interpretation of this chapter may make an appeal to the building official by filing with the building official a written notice of appeal in a form reasonably acceptable to the building official within thirty (30) calendar days after the City of Tampa renders or issues the ruling, determination, decision or order appealed from. The notice of appeal shall specify the grounds for the appeal, the relief desired and the provision of this chapter authorizing the building official to grant the requested relief. The building official shall apply a de novo standard of review and shall not be limited in his review to that information, documentation or evidence upon which the City of Tampa administrative staff based upon the ruling, determination, decision or order. (Ord. No. 2009-27, § 3, 2-19-09)

5-112.2. Building official appeal.

An owner of any building or structure to which the provisions of this chapter apply, or his duly authorized agent, who has been aggrieved by any ruling, determination, decision or order of the building official pertaining to the interpretation of this chapter may make an appeal to the board by filing with the board a written notice of appeal in a form reasonably acceptable to the board within thirty (30) calendar days after the official renders or issues the ruling, determination, decision or order appealed from. The notice of appeal shall specify the grounds for the appeal, the relief desired and the provision of this chapter authorizing the board to grant the requested relief. The board shall apply a de novo standard of review and shall not be limited in its review to that

information, documentation or evidence upon which the building official based his ruling, determination, decision or order. (Ord. No. 2009-27, § 3, 2-19-09)

5-112.3. Appeal time limitations.

In the case of a building, structure or service system, which in the opinion of the building official is unsafe, unsanitary or dangerous, the building official may limit the time for appeals pursuant to subsections 5-113.2.1 and 5-113.2.2 to a shorter period. (Ord. No. 2009-27, § 3, 2-19-09)

5-112.4. Board appeal.

Appeals of board decisions shall be made the circuit court, in accordance with section 27-373(c). (Ord. No. 2009-27, § 3, 2-19-09)

SECTION 5-113. VIOLATIONS AND PENALTIES

5-113.1. Penalties for violation of chapter.

Any person, firm, corporation or agent who shall violate a provision of this Code, or fail to comply therewith, or with any of the requirements thereof, or who shall erect, construct, alter, install, demolish or move any structure, electrical, gas, mechanical or plumbing system, or has erected, constructed, altered, repaired, moved or demolished a building, structure, electrical, gas, mechanical or plumbing system, in violation of a detailed statement or drawing submitted and permitted there under, shall be guilty of a misdemeanor of the second degree. Each such person shall be considered guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this code is committed or continued, and upon conviction of any such violation such person shall be punished within the limits and as provided by F.S. §§ 775.082 or 775.083. Also refer to Chapter 1, section 1-6, City of Tampa Code. (Ord. No. 2009-27, § 3, 2-19-09)

SECTION 5-114. STOP WORK ORDER

5-114.1. Authority.

Whenever the building official finds any work regulated by this code being performed in a manner either contrary to the provisions of this Code or dangerous or unsafe, the building official is authorized to issue a stop work order.

(Ord. No. 2009-27, § 3, 2-19-09)

5-114.2. Issuance.

The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited work will be permitted to resume.

(Ord. No. 2009-27, § 3, 2-19-09)

5-114.3. Unlawful continuance.

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

(Ord. No. 2009-27, § 3, 2-19-09)

SECTION 5-115. CONSTRUCTION PUBLIC NUISANCES/ABATEMENT

5-115.1. Authority.

The City of Tampa, acting through the building official, or his/her designee, has the authority pursuant to home rule and police powers granted under Article VIII, Section 2, of the Florida Constitution, to determine and declare the existence of (1) abandoned construction sites, (2) construction projects for which permits have lapsed or expired, and (3) buildings or structures (or parts thereof) constructed without proper permit to be unlawful and presumed at law to be public nuisances.

(Ord. No. 2014-116, § 3, 12-4-14)

5-115.2. Prohibition.

(1) Abandoned construction projects or sites declared unlawful and presumed to be public nuisance. Any construction project or construction site that has been abandoned, as the term "abandonment" is defined in section 5-102.9 of this chapter, shall be presumed a public nuisance and subject to an order to abate construction nuisance from the building official.

(2) Lapsed or revoked permits. Any building, structure or other construction project for which the building permit has lapsed, expired, or has been revoked by the building official without the possibility of renewal shall be presumed a public nuisance and subject to an order to abate construction public nuisance from the building official.

(3) Unpermitted construction. It shall be unlawful to perform any construction work without a permit in full force and effect when a permit is required by this chapter (hereafter defined as "Unpermitted Construction" for purposes of this chapter). Any buildings or structures (or portions or components thereof) erected as unpermitted construction are hereby declared public nuisances and subject to an order to abate construction public nuisance issued by the building official, as well as other remedies available under the City of Tampa Code, including but not limited to orders to vacate as unfit for human habitation.

(Ord. No. 2014-116, § 4, 12-4-14)

5-115.3. Authority of the building official to order abatement.

In addition to and not in derogation of any other power or authority of the building official granted in this chapter, the building official is hereby authorized to issue one or more orders requiring a property owner and the permit holder, in the event the permit holder's identity is different from that of the owner, to perform the following abatement action(s) within a reasonable time:

- (a) To secure an abandoned construction site or project by cleaning, fencing, or such other method as the building official should deem adequate to protect public health and welfare.

- (b) To demolish any unpermitted construction or any portion thereof.
- (c) To demolish any building or structure in whole or in part when the permit authorizing its construction has lapsed or been revoked without possibility of renewal or the construction project or site has been abandoned.

(Ord. No. 2014-116, § 5, 12-4-14)

5-115.4. Final orders; orders binding on successors.

(a) An order to abate a construction public nuisance issued by the building official shall become final and filed in the Public Records of Hillsborough County upon the expiration of thirty (30) days from the date of issuance unless prior to the expiration of that period the owner or permit holder files a written request for administrative review in conformance with the procedures set forth below. The building official may order abatement action in less than thirty (30) days when conditions require faster abatement. In that event, the building official shall set forth in the order a reasonable period in which to file a request for administrative review.

(b) A final order to abate a construction public nuisance shall be binding on any person or entity that acquires an ownership interest in the real property of any sort during the pendency of the order and any such successor in interest shall be bound by that order and required to comply therewith.

(c) If the owner of property that is subject to an order to abate a construction public nuisance that has been properly served pursuant to the provisions of this chapter sells, conveys, or otherwise transfers title or any ownership interest in the property to a third party, such owner shall:

- (1) Disclose the existence of the order to abate to the transferee;
- (2) Deliver copies of the order(s) to abate affecting the property to the transferee, together with copies of any written requests for administrative review and any notices of administrative hearing.

- (3) Disclose in writing to the transferee that as the new owner, the transferee shall be bound by the order to abate the construction public nuisance.
- (4) Notify the building official in writing of the transfer of any property interest and providing the complete identity of the transferee and a complete street address for purposes of future notices no later than three (3) days after the date of transfer.
- (5) Failure to make the foregoing disclosures shall create a rebuttable presumption of fraud on the part of the transferor.

(Ord. No. 2014-116, § 6, 12-4-14)

5-115.5. Failure to comply with orders to abate.

If the owner or permit holder fails to comply with a final order to abate a construction public nuisance within the time fixed in the order, the city, acting through the building official, may perform the necessary abatement, including but not limited to the demolition of buildings and structures (in whole or in part), site clean-up, proper disposal of debris and securing of the site, by the use of city forces or through independent contractors secured by the purchasing agent of the city, and the cost of such abatement shall be borne by the owner of the property.

(Ord. No. 2014-116, § 6, 12-4-14)

5-115.6. Emergency action.

An order to abate a construction public nuisance issued by the building official shall be final and may be acted upon immediately by the city if the building official determines that the conditions constituting the construction public nuisance, of themselves or as affected by external factors such as severe weather or fire, pose an imminent danger to human life or health. The building official shall provide an owner or permit holder such notice of the emergency order as may be reasonable under the circumstances but is not required to provide an opportunity for review prior to abatement as required by section 5-115.8 below. A post-abatement review hearing shall be

provided to an owner or permit-holder if requested in writing no later than thirty (30) days after the abatement action has been completed. (Ord. No. 2014-116, § 7, 12-4-14)

5-115.7. Contents of order/notice.

(a) An order to abate a construction public nuisance shall contain the following:

- (i) The name and address of the owner of the real property where the nuisance is located and that of the permit holder if different from the owner.
- (ii) The address and legal description of the real property on which the nuisance is located.
- (iii) A brief description of the structure, status, or condition that constitutes the construction public nuisance with citations to applicable sections of this chapter.
- (iv) A statement of the action required to abate the construction public nuisance.
- (v) The deadline for abating the construction public nuisance.
- (vi) A statement citing the administrative review provisions hereof and the time periods in which they must be exercised.
- (vii) A statement that if abatement is not accomplished within the time specified, the city may abate the construction public nuisance with its own forces or through an independent contractor and the city's costs in so doing will be borne by the owner or permit holder and become a lien on the real property where the nuisance is found if they remain unpaid after thirty (30) days from becoming due and payable.

(b) The building official shall serve an order to abate a construction public nuisance issued under section 5-115.3 by certified U.S. Mail, return receipt requested at the address appearing on the permit application. In addition, the building official may serve an order to abate by electronic mail if an e-mail address for the recipient(s) has been made available to the city's construction services center ("CSC") or by hand delivery. A copy of the

Order shall be posted at the construction site that constitutes the construction public nuisance or where that nuisance is located.

(c) Mailed notice shall be deemed complete as of the date of mailing if mailed by certified U.S. Mail, return receipt requested, to the address appearing on the permit application. (Ord. No. 2014-116, § 8, 12-4-14)

5-115.8. Review.

(1) A property owner or permit holder may challenge the findings of fact or proposed abatement action in an order to abate a construction public nuisance issued by the building official under article 5-115 of this chapter by filing a written request for review with the building official no later than fifteen (15) days from the date of the order, or in the case that an order sets a shorter deadline, no later than five (5) working days before the expiration of the deadline set out in the order. Service or delivery of a written request for administrative review shall be affected in the same manner as that provided for the service of orders under section 5-115.7(b) and shall include, at a minimum, the following information:

- (a) The case number.
- (b) The address of the property.
- (c) The name and contact information of the property owner or permit holder.
- (d) The name and contact information of attorney if one has been employed.
- (e) A short statement setting forth the factual and legal basis of the challenge.

(2) The building official shall receive and file any written request for administrative review and shall cause such requests to be referred to a City of Tampa Code Enforcement Special Magistrate (the "Special Magistrate") to schedule and notice a hearing thereon. The special magistrate's authority and scope of review for purposes of administrative review under this section shall be the same as provided in section 9-19 of the City of Tampa Code.

(3) Except for emergency action ordered under section 5-115.6, the proper filing of a written request for administrative review with the building official shall operate to stay any abatement action by the City of Tampa until a final decision has been rendered by the special magistrate. (Ord. No. 2014-116, § 9, 12-4-14)

5-115.9. Recovery of abatement costs/liens.

(1) The owner of property and the permit holder (if different from the owner) for a construction project where a construction public nuisance has been found to exist shall be jointly and severally liable to the city for the entire cost of abatement of a construction public nuisance incurred by the city under section 5-115.5, together with such administrative costs and fees as the city may incur in connection therewith.

(a) Invoice/Debt/Right of review. The city shall invoice an owner and/or permit holder for all amounts incurred in abating a construction public nuisance within a reasonable time of the expenditure in the manner provided for orders to abate under section 5-115.7(b) hereof. Recoverable expenditures shall include but not be limited to (1) the reasonable costs of abatement when performed by city forces, (2) the actual cost of abatement when performed by a contractor, (3) clean-up and disposition costs, and (4) any administrative fees established by the city. The total amount invoiced will be due and payable upon submission and must be paid no later than thirty (30) days from the date of submission.

- (1) All invoices submitted by the city shall include a notice that a lien will be imposed on the real property if the total amount is not paid or challenged. The invoice shall also provide notice of the recipient's right to challenge the invoiced amount.
- (2) The property owner will have thirty (30) calendar days from the date of billing to challenge the invoiced amount. Any challenge will be in writing, set forth the factual basis

for the challenge to the invoiced amount with specificity, and submitted to the building official. Invoice challenges shall not be referred to a special magistrate but will be reviewed in accordance with the rules and procedures applicable to appeals from administrative action. A timely challenge of the invoice will abate the debt until the dispute is resolved (the "Abatement Period").

- (3) If the invoice amount is not successfully challenged or paid within thirty (30) calendar days of billing, or ten (10) days after an abatement period, the city shall have the right to impose a lien on the real property for the total amount due under the invoice together with accrued interest and administrative costs. A resolution confirming the total amount owed shall be recorded in the Official Records of Hillsborough County, Florida, and shall constitute notice of the lien.
- (4) Liens created under this section shall be equal in dignity to ad valorem taxes but superior to all other liens encumbering the property.
- (5) Upon recordation of a lien resolution, the total amount owed thereunder will begin incurring simple interest at the rate of six (6) percent per annum, prorated monthly.
- (6) Liens created pursuant to this section may be discharged and satisfied by paying the city the amount specified in the lien resolution, together with any interest accrued through the date of payment, the costs incurred by the city for the recordation of the resolution and any document releasing the lien, and the administrative costs incurred by the city in processing the payment and release.

(Ord. No. 2014-116, § 10, 12-4-14)

SECTION 5-116. NUMBERING OF BUILDINGS

5-116.1. Numbering of buildings; addressing of parcels.

1. All residential and nonresidential buildings in the city, located on any street or avenue within the corporate limits of the city, are required to have all such buildings numbered. Said numbers shall be plainly printed or stenciled or shall consist of numerals made from a durable material including but not limited to metal, plastic, and vinyl. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabetical letters. Numbers shall be a minimum of four (4) inches high with a minimum width of one-half ($\frac{1}{2}$) inch and shall be attached to or painted on or above the front entrance so as to be plainly and readily visible from the street or avenue on which said entrance is located. Where access is by means of a private road and that building address cannot be viewed from the public right-of-way, a monument, pole or other sign or means shall be used to identify the structure in compliance with the requirements of Chapter 20.5 City of Tampa Code. In addition, all apartments, office suites, tenant spaces, etc., shall be clearly identified at the entry of such unit.

2. All parcels which are undergoing permit review pursuant to this chapter are required to display the address of the parcel in a manner consistent with subsection 1, herein. If the parcel is vacant or the address cannot be viewed due to ongoing construction, then the address shall be visible from at least one (1) right-of-way and shall be displayed on a temporary sign structure in compliance with the requirements of Chapter 20.5 City of Tampa Code.

(Ord. No. 2009-27, § 3, 2-19-09; Ord. No. 2012-7, § 1, 1-9-12)

SECTION 5-201. INTER-LOCAL AGREEMENT/CERTIFICATION

5-201.1. Licensed contractors.

In order to promote, protect and improve the health, safety and welfare of the citizens of the City of Tampa, the board shall enforce this chap-

ter pursuant the Hillsborough County Building and Construction Code and the inter-local agreement.

5-201.1.1. The inter-local agreement, as periodically amended, is hereby made a part of this chapter by reference.

(Ord. No. 2009-27, § 3, 2-19-09)

5-201.2. Unlicensed contractors.

In order to promote, protect and improve the health, safety and welfare of the citizens of the City of Tampa, the board shall penalize unlicensed contractor activity pursuant to the Hillsborough County Building and Construction Code and the inter-local agreement, except that the board shall apply the fees established by the city council under this chapter.

(Ord. No. 2009-27, § 3, 2-19-09)

5-201.3. Certificate of competency.

An application for a certificate of competency shall comply with Hillsborough County requirements outlined in the inter-local agreement. The inter-local agreement, as periodically amended, particularly as it relates to contractor certificate issuance and renewal, is hereby made part of this chapter by reference. Certificates of competency for use within the City of Tampa shall be administered in accordance with the provisions of the inter-local agreement. The acknowledgment and acceptance of a certificate of competency through reciprocity with any participating city or county

in Florida shall be determined by Hillsborough County in accordance with the provisions of the inter-local agreement and applicable law. (Ord. No. 2009-27, § 3, 2-19-09)

SECTION 5-301. NOISE LEVEL REDUCTION

5-301.1. Noise level reduction in an APZ Zone 1.

5-301.1.1. Compliance. Compliance with the following standards shall be deemed to meet the requirements of Chapter 27-137.5, City of Tampa Code, as amended, in which an NLR twenty-five (25) db is specified.

5-301.1.2. General.

1. Brick veneer, masonry blocks or stucco exterior walls shall be constructed airtight. All joints shall be grouted or caulked airtight.
2. At the penetration of exterior walls by pipes, ducts or conduits the space between the wall and pipes, ducts or conduits shall be caulked or filled with mortar.
3. Window and/or through-the-wall ventilation units shall not be used.
4. Through-the-wall/door mail boxes shall not be used.

5-301.1.3. Exterior walls.

1. Except as provided in section 5-301.1.3(2) and (c)(3), exterior walls shall have a laboratory sound transmission class rating of at least STC-39.
2. At least one (1) surface of concrete block walls shall be plastered or painted with heavy "bridging" paint.
3. Stud walls shall be at least four (4) inches in nominal depth and shall be finished on the outside with siding-on-sheathing, stucco or brick veneer.
 - a. Interior surface of the exterior walls shall be of gypsum board or plaster at least one-half ($\frac{1}{2}$) inch thick, installed on the studs.

- b. Continuous composition board, plywood or gypsum board sheathing at least one-half ($\frac{1}{2}$) inch thick shall cover the exterior of the wall studs behind wood, or metal siding. Asphaltic or wood shake shingles are acceptable in lieu of siding.
- c. Sheathing panels shall be butted tightly and covered on the exterior with overlapping building paper. The top and bottom edges of the sheathing shall be sealed.
- d. Insulation material at least two (2) inches thick shall be installed contiguously throughout the cavity space behind the exterior sheathing and between wall studs. Insulation shall be glass fiber or mineral wool.

5-301.1.4. Windows.

1. Except as provided in section 5-301.1.4(2) through (6), windows shall have a laboratory sound transmission class rating of at least STC-28.
2. Glass shall be at least three-sixteenths ($\frac{3}{16}$) inches thick.
3. All operable windows shall be weather stripped and airtight when closed so as to conform to an air infiltration test not to exceed one-half (0.5) cubic foot per minute per foot of crack length in accordance with ASTM (American Society for Testing Materials) E-283-65-T.
4. Glass of fixed-sash windows shall be sealed in an airtight manner with a non-hardening sealant, or a soft elastomer gasket or glazing tape.
5. The perimeter of window frames shall be sealed airtight to the exterior wall construction with a sealant conforming to one (1) of the following Federal Specifications: TT-S-00227, TT-S-00230 or TT-S-00153.
6. The total area of glass in both windows and doors in sleeping spaces shall not exceed twenty (20) percent of the floor area.

5-301.1.5. Doors.

1. Except as provided in section 5-301.1.5(2) through (5), doors shall have a laboratory sound transmission class rating of at least STC-28.
2. All exterior side-hinged doors shall be solid-core wood or insulated hollow metal at least one and three-fourths (1³/₄) inches thick and shall be fully weather stripped.
3. Exterior sliding doors shall be weather stripped with an efficient airtight gasket system with performance as specified in section 5-301.1.4(3) above. The glass in the sliding doors shall be at least three-sixteenths (³/₁₆) inches thick.
4. Glass in doors shall be sealed in an airtight non-hardening sealant, or in a soft elastomer gasket or glazing tape.
5. The perimeter of door frames shall be sealed airtight to the exterior wall construction as described in section 5-301.1.4(5), above.

5-301.1.6. Roofs.

1. Except as provided in sections 5-301.1.6(2) and (3) below, combined roof and ceiling construction shall have a laboratory sound transmission class rating of at least STC-39.
2. With an attic or rafter space at least six (6) inches deep, and a ceiling below, the roof shall consist of closely butted one-half-inch composition board, plywood or gypsum board sheathing topped by roofing as required.
3. Window or dome skylights shall have a laboratory sound transmission class rating of least STC-28.

5-301.1.7. Ceilings.

1. Gypsum board or plaster ceilings at least one-half (¹/₂) inch thick shall be provided where required by section 5-301.1.6(2), above. Ceilings shall be substantially airtight, with a minimum number of penetrations.

2. Class fiber or mineral wool insulation at least two (2) inches thick shall be provided above the ceiling between joists.

5-301.1.8. Floors. Openings to any crawl spaces below the floor of the lowest occupied rooms shall not exceed two (2) percent of the floor area of the occupied rooms.

5-301.1.9. Ventilation.

1. A mechanical ventilation system shall be installed that will provide air circulation and fresh air supply in occupied rooms without the need to open any windows, doors or others openings to the exterior.
2. Gravity vent openings in attic shall not exceed code minimum in number and size.
3. If a fan is used for forced ventilation, the attic inlet and discharge openings shall be fitted with sheet metal transfer ducts of at least twenty-gauge steel, which shall be lined with one-inch thick coated glass fiber, and shall be at least five (5) feet long with one (1) ninety-degree bend.
4. All vent ducts connecting the interior space to the outdoors, excepting domestic range exhaust ducts, shall contain at least a five-foot length of internal sound absorbing duct lining, except where nonabsorbent material is required by local codes. Each duct shall be provided with a bend in the duct such that there is no direct line of sight through the duct from the venting cross section to the room-opening cross section.
5. Duct lining shall be coated glass fiber duct liner at least one (1) inch thick.
6. Fireplaces shall be provided with well-fitted dampers.

5-301.1.10. Alternate methods of construction. The provisions of this chapter are not intended to prevent the use of any material or method of construction not specifically prescribed by this chapter, provided the alternate has been approved by the building official. The alternate shall

include a certification that a twenty-five (25) db noise level reduction is achieved by the proposed method of construction.
(Ord. No. 2009-27, § 3, 2-19-09)

5-301.2. Loud noise generated by construction activity on private property near residential uses.

5-301.2.1. For purposes of this section only, "construction activity" means site preparation, site excavation, and the erection, demolition, alteration or repair of any building or structure.

5-301.2.2. The generation of any avoidable or unreasonably loud, disturbing or unnecessary noise by construction activity on private property, other than between the hours of: (1) 7:00 a.m. and 6:00 p.m. Monday through Friday; (2) 8:00 a.m. and 6:00 p.m. on Saturday; or (3) 10:00 a.m. and 6:00 p.m. on Sunday is prohibited if such construction activity is within one thousand five hundred (1,500) feet of any building or portion thereof which is actually occupied and used either a single-family or multi-family residence. For purposes of this article, "avoidable or unreasonably loud, disturbing or unnecessary noise by construction activity on private property" shall mean any noise arising from construction activity on private property which exceeds the noise limitations set forth on section 14-151 of the City of Tampa Code.

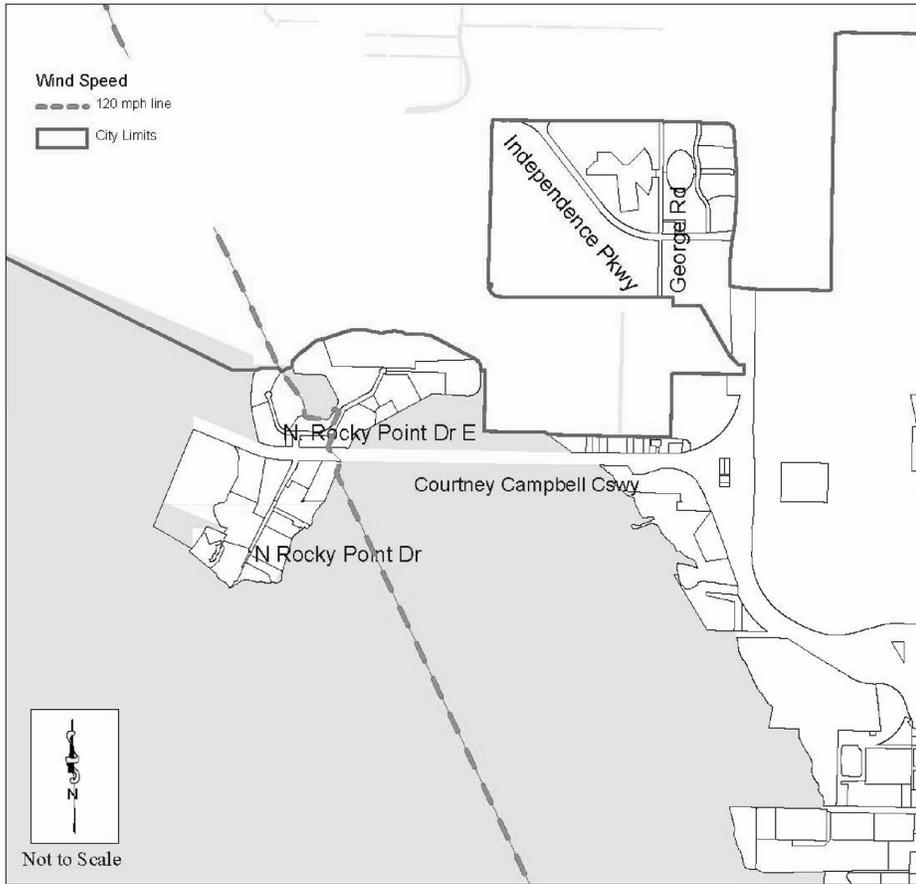
5-301.2.3. No pile drivers or jack hammers shall be operated or used in conjunction with construction activities on private property on Saturday or Sunday except between the hours of 10:00 a.m. and 6:00 p.m.

5-301.2.4. This section shall be enforced in accordance with and violations of this section shall be subject to the penalties contained in section 14-151 of the City of Tampa Code.
(Ord. No. 2009-27, § 3, 2-19-09)



City of Tampa

120 mph Wind Speed Line



Source: City of Tampa, GISCD and University of Florida, GeoPlan Center pursuant to section 1606.6, Florida Building Code.
 Prepared By: Elizabeth Abernethy, BCS Commercial Services
 Date: 18 February, 2002
 Revised By: Land Development Coordination - 07/31/05

Information represented on this map is for reference only. Every effort has been made to verify the information. However, the data is dynamic and accuracy is not guaranteed. Users are urged to report inconsistencies so updates can be made accordingly.

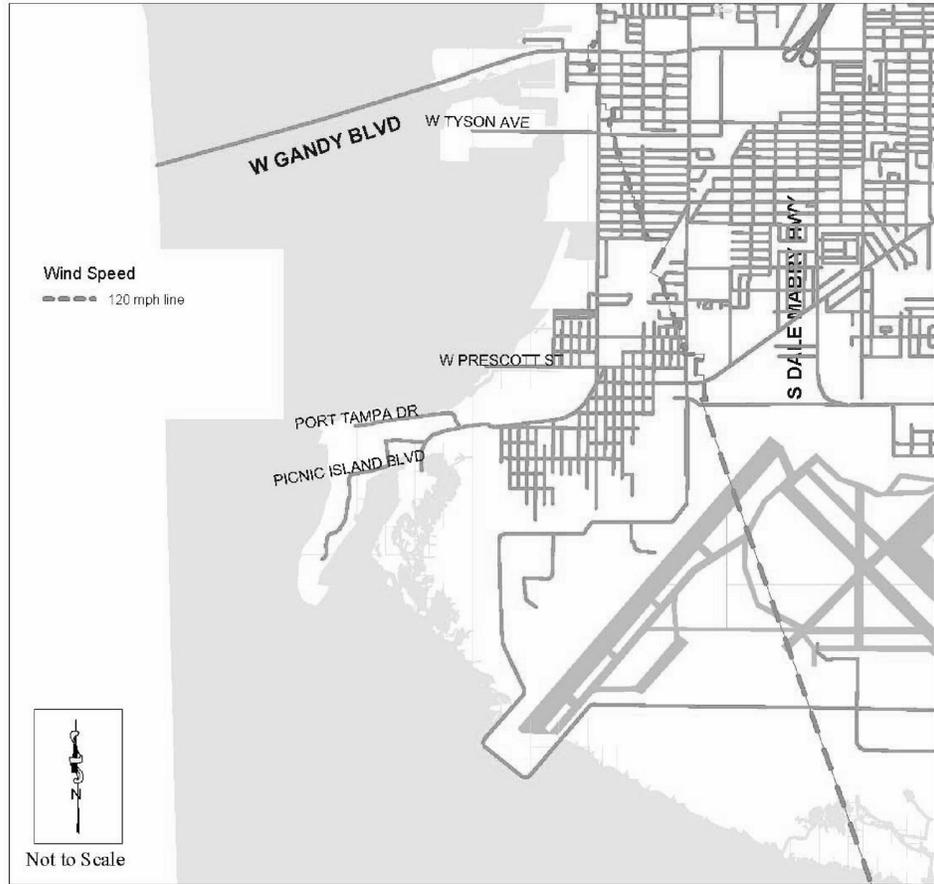
Wind Speed Map

(Ord. No. 2009-27, § 4(Exh. A), 2-19-09)



City of Tampa

120 mph Wind Speed Line



Source: City of Tampa, GISCD and University of Florida, GeoPlan Center pursuant to section 1606.6, Florida Building Code.
 Prepared By: Elizabeth Abernethy, BCS Commercial Services
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Wind Speed Map

(Ord. No. 2009-27, § 4(Exh. A), 2-19-09)

