



MEMORANDUM

Office of the City Attorney

Legistar Nos. 002130/002132

Phone: 334-5011/Fax 334-2229
Box 46

TO: Mayor and City Commission

DATE: February 25, 2002
~~February 11, 2002~~
~~FIRST READING~~

FROM: City Attorney

SECOND READING

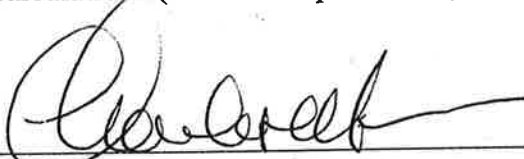
SUBJECT: Ordinance No. 0-02-04

An ordinance of the City of Gainesville, Florida, amending Chapter 6 of the Code of Ordinances of the City of Gainesville relating to Buildings and Building Regulations; adopting the Administration Chapter of the 2001 Florida Building Code, with amendments thereto, including adoption of a wind speed line; repealing other technical codes and redundant provisions; providing directions to the codifier; providing a severability clause; providing a repealing clause; providing for penalties; and providing an effective date.

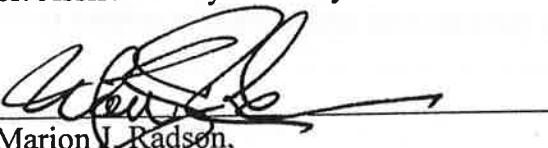
Recommendation: The City Commission adopt the proposed ordinance.

At its meeting of November 26, 2001, the City Commission approved the City Manager's recommendation to authorize the City Attorney to prepare and the Clerk of the Commission to advertise an ordinance: (1) adopting an amended version of the Administration Chapter of the Florida Building Code for use in enforcing the Florida Building Code and 2) amending Chapter 6 of the Code of Ordinances to establish I-75 as the dividing line for 100 MPH and 110 MPH structural wind calculations (the "wind speed line"). The attached ordinance accomplishes this.

Prepared by:


Charles L. Hauck,
Sr. Assistant City Attorney

Approved and
Submitted by:


Marion J. Radson,
City Attorney

PASSED ON FIRST READING BY A VOTE OF 4-0.

D R A F T

2-1-02

ORDINANCE NO. _____
0-02-04

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An ordinance of the City of Gainesville, Florida, amending Chapter 6 of the Code of Ordinances of the City of Gainesville relating to Buildings and Building Regulations; adopting the Administration Chapter of the 2001 Florida Building Code, with amendments thereto, including adoption of a wind speed line; repealing other technical codes and redundant provisions; providing directions to the codifier; providing a severability clause; providing a repealing clause; providing for penalties; and providing an effective date.

14 **WHEREAS**, at least 10 days notice has been given once by publication in a newspaper of
15 general circulation notifying the public of this proposed ordinance and of a Public Hearing in the
16 Auditorium of City Hall in the City of Gainesville; and

17 **WHEREAS**, a Public Hearing was held pursuant to the published notice described at
18 which hearing the parties in interest and all others had an opportunity to be and were, in fact,
19 heard;

20 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**
21 **CITY OF GAINESVILLE, FLORIDA:**

22 **Section 1.** Section 6-2 of the Code of Ordinances of the City of Gainesville is hereby
23 amended to read as follows:

24 Sec. 6.2. Violations.

25 Except as otherwise provided in ~~this chapter~~ the Code of Ordinances, any person violating any of
26 the provisions of this chapter, including the technical codes, shall be subject to the penalties of
27 section 1-9.

28

29 **Section 2.** Section 6-3 of the Code of Ordinances of the City of Gainesville is hereby

CODE: Words ~~stricken~~ are deletions; words underlined are additions.

1 amended to read as follows:

2 Sec. 6-3. ~~Standard Administrative~~ Code Chapter adopted.

3
4 (a) Chapter 1, Administration, of the ~~Standard~~ Florida Building Code, 1997 2001 Edition, as
5 ~~published by the Southern Building Code Congress International, Inc., excluding sections 101.1~~
6 ~~and 101.2, is hereby adopted as the Standard Administrative Code developed by the Florida~~
7 Building Commission is hereby adopted for use with the ~~codes adopted in sections 6-16, 6-98, 6-~~
8 ~~121 and 6-138, Florida Building Code and this Chapter 6 of the City of Gainesville Code of~~
9 Ordinances, and from the date upon which this section shall take effect, the provisions thereof,
10 except as changed or altered in this article, shall be controlling within the corporate limits of the
11 city.

12
13 (b) The ~~1997 a~~ Administrative ~~code~~ Chapter adopted above is hereby amended (the
14 succeeding section numbers in this section refer to the ~~Standard Building Code, 1997 Edition~~
15 Chapter 1 Administration, as published by the ~~Southern Building Code Congress International,~~
16 ~~Inc.~~ contained in the Florida Building Code, 2001 Edition, unless otherwise indicated).

17
18 ~~Sections 101.4.1 through 101.4.2, Applicability, are hereby amended to read as follows:~~

19
20 ~~101.4.1 General. Where, in any specific case, different sections of this code specify~~
21 ~~different materials, methods of construction or other requirements, the most restrictive~~
22 ~~shall govern. Where there is a conflict between a general requirement and a specific~~
23 ~~requirement, the specific requirement shall be applicable.~~

24
25 ~~101.4.2 Building. The provisions of the Standard Building Code, as amended by~~
26 ~~ordinance, shall apply to the construction, alteration, repair, equipment, use and~~
27 ~~occupancy, location, maintenance, removal and demolition, of every building or structure~~
28 ~~or any appurtenances connected or attached to such buildings or structures.~~

29
30 Section 101.4.3 is deleted in its entirety.

31

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D R A F T

2-1-02

1 Sections 101.4.4 through 101.4.6 are amended to read as follows:

2
3 ~~101.4.4 Gas. The provisions of the Standard Gas Code, as amended by ordinance, shall~~
4 ~~apply to the installation of consumer's gas piping, gas appliances and related accessories~~
5 ~~as covered in this code. These requirements apply to gas piping systems extending from~~
6 ~~the point of delivery to the inlet connections of appliances, and the installation and~~
7 ~~operation of residential and commercial gas appliances and related accessories.~~

8
9 ~~101.4.5 Mechanical. The provisions of the Standard Mechanical Code, as amended by~~
10 ~~ordinance, shall apply to the installation of mechanical systems, including alterations,~~
11 ~~repairs, replacement, equipment, appliances, fixtures, fittings and/or appurtenances,~~
12 ~~including ventilating, heating, cooling, air conditioning and refrigeration systems,~~
13 ~~incinerators and other energy related systems.~~

14
15 ~~101.4.6 Plumbing. The provisions of the Standard Plumbing Code, as amended by~~
16 ~~ordinance, shall apply to every plumbing installation, including alterations, repairs,~~
17 ~~replacement, equipment, appliances, fixtures, fittings and appurtenances, and when~~
18 ~~connected to a water or sewage system.~~

19
20 Section 2.2, Employee qualifications, is deleted in its entirety.

21
22 ~~Section 104.1.1, When Required, is hereby amended to read as follows:~~

23
24 ~~Any owner, authorized agent or contractor who desires to construct, enlarge, alter, repair,~~
25 ~~move, demolish or change the occupancy of a building or structure, or to erect, install,~~
26 ~~enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or~~
27 ~~plumbing system, the installation of which is regulated by the technical codes, or to cause~~
28 ~~any such work to be done, shall first make application to the building official and obtain~~
29 ~~the required permit for the work.~~

30
31 ~~(a) Exception: Permits shall not be required for the following mechanical work:~~

32 ~~1. Any portable heating appliance;~~

33
34 ~~2. Any portable ventilation equipment;~~

35
36 ~~Sec. 6-3. Standard Administrative Code adopted.~~

37
38 ~~3. Any portable cooling unit;~~

39
40 ~~4. Any steam, hot or chilled water piping within any heating or cooling~~
41 ~~equipment regulated by the Standard Mechanical Code;~~

42
43 ~~5. Replacement of any part which does not alter its approval or make it~~
44 ~~unsafe;~~
45

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6. ~~Any portable evaporative cooler;~~

7. ~~Any self-contained refrigeration system containing ten pounds (4.54 kg) or less of refrigerant and actuated by motors of one horsepower (746 W) or less.~~

~~(b) Exception: Permits shall not be required for the following work:~~

1. ~~Pre-engineered and premanufactured structures of 100 square feet or less only in single family residential and residential conservation zoning districts; and~~

2. ~~Individual doll houses, play houses, animal houses and greenhouses that are neither to be used for human habitation, i.e., a place of permanent or temporary residence, nor storage as a principal use.~~

~~Section 104.7.4, Schedule of Permit Fees, shall be amended to read as follows:~~

~~On all buildings, structures, electrical, plumbing, mechanical or gas systems or alterations requiring a permit, as set forth in section 104, a fee for each permit shall be paid by the person to whom the permit is issued, as required at the time of filing an application in accordance with the schedule set out in Appendix A of the Code of Ordinances, City of Gainesville, Florida.~~

~~Permit fees shall be refunded in accordance with the following:~~

(1) ~~If the permit was issued due to an error of the city building inspection department, a full refund will be granted.~~

(2) ~~If a permit cannot be legally issued because of zoning or code noncompliance, a full refund will be granted.~~

(3) ~~If the permit has been issued and no work has commenced, a refund of 50 percent of the permit fee may be granted.~~

(4) ~~All refunds shall be authorized by the building official or designee.~~

~~Section 108.1, Appointment, is hereby amended to read as follows:~~

~~Any reference in the Standard Building Code, the Standard Plumbing Code, the Standard Gas Code or the Standard Mechanical Code to the construction board of adjustment and appeals shall be read to refer to the board of adjustment described in Chapter 30, Article X, of the Code of Ordinances, City of Gainesville, Florida.~~

~~Section 108.2, Membership and Terms, is hereby deleted in its entirety.~~

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1
2 ~~Section 108.5, Procedures of the Board, is hereby deleted in its entirety.~~

3
4 ~~Section 110, Violations and Penalties, is hereby amended to read as follows:~~

5
6 ~~Any person, firm, corporation or agent who shall violate a provision of this Code, or fail to~~
7 ~~comply therewith, or with any of the requirements thereof, or who shall erect, construct, alter,~~
8 ~~install, demolish or move any structure, electrical, gas, mechanical or plumbing system, in~~
9 ~~violation of a detailed statement or drawing submitted and permitted thereunder, shall be subject~~
10 ~~to penalties as provided in section 6-2 or 2-387 of the Code of Ordinances, City of Gainesville,~~
11 ~~Florida.~~

12
13 Section 101.3.3 is hereby created and added to read as follows:

14
15 101.3.3 Permitting and inspection. The inspection or permitting of any building, system
16 or plan by the jurisdiction under the requirements of this code shall not be construed in
17 any court as a warranty of the physical condition of such building, system or plan or their
18 adequacy. Neither the jurisdiction nor any employee thereof shall be liable in tort for
19 damages for any defect or hazardous or illegal condition or inadequacy in such building,
20 system or plan, nor for any failure of any component of such, which may occur
21 subsequent to such inspection or permitting, unless the employee or jurisdiction is found
22 to have acted in bad faith or with malicious purpose in a manner exhibiting wanton and
23 willful disregard of the safety, health and welfare of the public.

24
25 Section 101.4.13 is hereby created and added to read as follows:

26
27 Section 101.4.13 Wind Line. I-75 is hereby established as the physical landmark of the
28 wind speed line for the City of Gainesville. All structures constructed East of the
29 established line shall be designed for 100 MPH. All structures constructed West of the
30 line shall be designed for 110 MPH. Interpolation shall be allowed.

31
32 Section 102 is hereby created and added to read as follows:

33
34 Section 102. Building Inspection Department

35
36 102.1 Establishment. There is hereby established a department to be called the Building
37 Inspection Department and the person in charge shall be known as the Building Official.

38
39 102.2 Records. The Building Official shall keep, or cause to be kept, a record of the
40 business of the department. The records of the department shall be open to public
41 inspection as required by law.

42
43 Sections 103.1 through 103.6 are hereby created and added to read as follows:

44
45 103.1 General. The building official is hereby authorized and directed to enforce the
46 provisions of this code. The building official shall have the authority to render

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interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code, and shall not have the effect of waiving requirements specifically provided for in this code.

103.2 Right of entry

103.2.1 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, the building official shall first present proper credentials and request entry. If such building, structure, or premises are unoccupied, the building official shall first make a reasonable effort to locate the owner or other persons having charge or control of such and request entry. If entry is refused, the building official shall have recourse to every remedy provided by law to secure entry.

103.2.2 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.

103.3 Stop work orders. Upon notice from the building official, work on any building, structure, electrical, gas, mechanical or plumbing system that is being done contrary to the provisions of this code or in a dangerous or unsafe manner, shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to his agent, or to the person doing the work, and shall state the conditions under which work may be resumed. Where an emergency exists, the building official shall not be required to give a written notice prior to stopping the work.

103.4 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.

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

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1 103.4.2 Violation of code provisions. The building official may revoke a permit
2 upon determination by the building official that the construction, erection,
3 alteration, repair, moving, demolition, installation, or replacement of the building,
4 structure, electrical, gas, mechanical or plumbing systems for which the permit
5 was issued is in violation of, or not in conformity with, the provisions of this
6 code.

7
8 103.5 Unsafe buildings or systems. All buildings, structures, electrical, gas, mechanical
9 or plumbing systems which are unsafe, unsanitary, or do not provide adequate egress, or
10 which constitute a fire hazard, or are otherwise dangerous to human life, or which in
11 relation to existing use, constitute a hazard to safety or health, are considered unsafe
12 buildings or service systems. All such unsafe buildings, structures or service systems are
13 hereby declared illegal and shall be abated by repair and rehabilitation or by demolition in
14 accordance with the provisions of the Code of Ordinances.

15
16 103.6 Requirements not covered by code. Any requirements necessary for the strength,
17 stability or proper operation of any existing or proposed building, structure, electrical,
18 gas, mechanical or plumbing system, or for the public safety, health and general welfare,
19 not specifically covered by this or other technical codes, shall be determined by the
20 building official.

21
22 Section 104.1.1, is hereby amended to read as follows:

23
24 104.1.1 When required. Any owner, authorized agent, or contractor who desires to
25 construct, enlarge, alter, repair, move, demolish, or change the occupancy or occupant
26 content of a building or structure, or any outside area being used as part of the building's
27 designated occupancy (single or mixed) or to erect, install, enlarge, alter, repair, remove,
28 convert or replace any electrical, gas, mechanical or plumbing system, the installation of
29 which is regulated by the technical codes, or to cause any such work to be done, shall first
30 make application to the building official and obtain the required permit for the work.

31
32 Exceptions:

- 33
34 1. Permits shall not be required for the following mechanical work.
35 1.1 Any portable heating appliance;
36 1.2 any portable ventilation equipment;
37 1.3 any portable cooling unit;
38 1.4 any steam, hot or chilled water piping within any heating or cooling
39 equipment regulated by this code.
40 1.5 replacement of any part which does not alter its approval or make it
41 unsafe;
42 1.6 any portable evaporative cooler;
43 1.7 any self-contained refrigeration system containing 10 lb (4.54 kg) or less
44 of refrigerant and actuated by motors of 1 horsepower (746 W) or less; and
45 1.8 the installation, replacement, removal, or metering of any load
46 management control device.

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- 2. Permits shall not be required for the following work.
 - 2.1 Pre-engineered and pre-manufactured structures of 100 square feet or less only in single family residential and residential conservation zoning districts; and
 - 2.2 Individual doll houses, play houses, animal or bird houses that are neither to be used for human habitation, i.e., a place of permanent or temporary residence, nor storage as a principal use.

Section 104.1.6, is hereby amended to read as follows.

104.1.6 Time Limitations. Except as otherwise provided, an application for a permit for any proposed work shall be deemed to have been abandoned, and shall expire by limitation and become null and void 6 months after the date of filing for the permit, unless before then a permit has been issued. One or more extensions of time for periods of not more than 90 days each may be allowed by the building official for the application, provided the extension is requested in writing and justifiable cause is demonstrated.

Section 104.2.1.2 is hereby created and added to read as follows:

104.2.1.2 Additional data. The building official shall be allowed to require details, computations, stress diagrams, and other data necessary to describe the construction or installation and basis of calculations.

Section 104.2.4 is hereby amended to read as follows:

104.2.4 Site drawings. Drawings shall show the location of the proposed building or structure and of every existing building or structure on the site or lot. The building official shall be permitted to require a boundary line survey prepared by a qualified surveyor.

Section 104.2.5 is hereby created and added to read as follows.

104.2.5 Hazardous occupancies. The building official may require the following:

- 1. General site plan. A general site plan drawn at a legible scale which shall include, but not be limited to, the location of all buildings, exterior storage facilities, permanent access ways, evacuation routes, parking lots, internal roads, chemical loading areas, equipment cleaning areas, storm and sanitary sewer accesses, emergency equipment and adjacent property uses. The exterior storage areas shall be identified with the hazard classes and the maximum quantities per hazard class of hazardous materials stored.
- 2. Building floor plan. A building floor plan drawn to a legible scale, which shall include, but not be limited to, all hazardous materials storage facilities within the building and shall indicate rooms, doorways, corridors, exits, fire rated assemblies with their hourly rating, location of liquid tight rooms, and evacuation routes.

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1 Each hazardous materials storage facility shall be identified on the plan with the
2 hazard classes and quantity range per hazard class of the hazardous materials
3 stored.

4
5 Section 104.5 is hereby amended to read as follows.

6
7 104.5.1 Permit intent. A permit issued shall be construed to be a license to proceed with
8 the work and not as authority to violate, cancel, alter or set aside any of the provisions of
9 the technical codes, nor shall issuance of a permit prevent the building official from
10 thereafter requiring a correction of errors in plans, construction, or violations of this code.
11 Except as provided below, Every permit issued shall become invalid unless the work
12 authorized by such permit is commenced within 6 months after its issuance, or if the work
13 authorized by such permit is suspended or abandoned for a period of 6 months after the
14 time the work is commenced. Failure to obtain an approved inspection within 180 days
15 of the previous approved inspection shall constitute suspension or abandonment. One or
16 more extensions of time, for periods not more than 180 days each, may be allowed by the
17 building official for the permit, provided the extension is requested in writing and
18 justifiable cause is demonstrated prior to the expiration date. The building official shall
19 record the extension of time granted.

20
21 Section 104.5.1.2 is hereby amended to read as follows:

22
23 104.5.1.2 If a new permit is not obtained within 180 days from the date the initial permit
24 became null and void, was revoked, or abandoned, the building official is authorized to
25 require that any work which has been commenced or completed be removed from the
26 building site. Alternately, a new permit may be issued on application, providing the work
27 in place and required to complete the structure meets all applicable regulations in effect at
28 the time the initial permit became null and void, was revoked, or abandoned, and any
29 regulations which may have become effective between the date of expiration and the date
30 of issuance of the new permit.

31
32 Section 104.5.1.4 is hereby amended to read as follows:

33
34 104.5.1.4 The fee for renewal, re-issuance and extension of a permit shall be set forth by
35 the administrative authority in Appendix A to the City of Gainesville Code of
36 Ordinances.

37
38 104.5.1.5 Except as provided in this section, permits issued for the demolition of a
39 structure shall expire sixty (60) days from the date of issuance. In the case of a permit
40 issued for demolition of a structure that has a currently pending notice of violation or
41 order to repair or demolish the structure issued under Section 16-25 or Section 16-26 of
42 the City of Gainesville Code of Ordinances or an outstanding order of the Code
43 Enforcement Board requiring such, the permit shall expire 14 days from the date of
44 issuance. For a justifiable cause, one (1) extension of time for a period not exceeding
45 thirty (30) days may be allowed. Such request shall be submitted in writing to the
46 building official prior to the expiration of the demolition permit.

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1 Section 104.6.2 is hereby amended to read as follows.

2
3 104.6.2 Work commencing before permit issuance. Any person who commences any
4 work on a building, structure, electrical, gas, mechanical or plumbing system before
5 obtaining the building official's approval or the necessary permits shall be subject to a
6 penalty of 100 percent of the usual permit fee in addition to the required permit fees or as
7 provided by Appendix A of the City of Gainesville Code of Ordinances. This provision
8 shall not apply to emergency work when delay would clearly have placed life or property
9 in imminent danger. But in all such causes the required permit(s) must be obtained
10 within three (3) business days and any unreasonable delay in obtaining those permit(s)
11 shall result in the charge of a double fee. The payment of a double fee shall not preclude
12 or be deemed a substitute for prosecution for commencing work without first obtaining a
13 permit nor preclude the imposition of any other remedy or penalty provided by law. The
14 building official may grant extensions of time or waive fees when justifiable cause has
15 been demonstrated in writing.

16
17 Section 104.6.4 is hereby amended to read as follows.

18
19 104.6.4 Schedule of Permit Fees. On all buildings, structures, electrical, plumbing,
20 mechanical and gas systems or alterations requiring a permit, a fee for each permit shall
21 be paid as required at the time of filing application, in accordance with the schedule as
22 established by ~~the applicable governing authority~~ Appendix A to the City of Gainesville
23 Code of Ordinances.

24
25 Section 104.6.5 is hereby created and added to read as follows.

26
27 104.6.5 Building permit valuations. If, in the opinion of the building official, the
28 valuation of building, alteration, structure, electrical, gas, mechanical or plumbing
29 systems appears to be underestimated on the application, permit shall be denied, unless
30 the applicant can show detailed estimates to meet the approval of the building official.
31 Permit valuations shall include total cost, such as electrical, gas, mechanical, plumbing
32 equipment and other systems, including materials and labor. The permit valuation may
33 be calculated using the latest Building Valuation Data published by the Southern Building
34 Code Congress International or other applicable model code organization, at the option of
35 the building official.

36
37 Sections 105.1 through 105.3 are hereby created and added to read as follows:

38
39 105.1 Existing building inspections. Before issuing a permit, the building official may
40 examine or cause to be examined any building, electrical, gas, mechanical, or plumbing
41 systems for which an application has been received for a permit to enlarge, alter, repair,
42 move demolish, install, or change the occupancy. The building official shall inspect all
43 buildings, structures, electrical, gas, mechanical and plumbing systems, from time to
44 time, during and upon completion of the work for which a permit was issued. The
45 building official shall make a record of every such examination and inspection and of all
46 violations of the technical codes.

105.2 Manufacturers and fabricators. When deemed necessary by the building official, the building official 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.

105.3 Inspection service. The building official may make, or cause to be made, the inspections required by Section 105. 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 Chapter 468, Florida Statutes.

Section 105.6 is amended by adding a new subsection entitled "Site Debris" to read as follows:

Site Debris

1. The contractor and/or owner of any active or inactive construction project shall be responsible for the cleanup and removal of all construction debris or any other miscellaneous discarded articles prior to receiving final inspection approval. Construction job sites must be kept clean, such that accumulation of construction debris must not remain on the property for a period of time exceeding 14 days.
2. All debris shall be kept in such a manner as to prevent it from being spread by any means.

Section 106.1.2 is hereby amended to read as follows.

106.1.2 Issuing Certificate of Occupancy. Upon 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 after verification that all other permits have received an approved final inspection where applicable, 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.

Section 107.1 is hereby created and added to read as follows.

107.1 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.

CODE: Words ~~stricken~~ are deletions; words underlined are additions.

1 Section 3. Section 6-16 of the Code of Ordinances of the City of Gainesville is hereby
2 repealed.

3 ~~Sec. 6-16. Standard Building Code Adopted.~~

4
5 (a) ~~There is hereby adopted for the purpose of regulating the construction, alteration,~~
6 ~~repair, equipment, use and occupancy, location, maintenance, removal and demolition of~~
7 ~~every building or structure or any appurtenance connected or attached to such buildings or~~
8 ~~structures, that certain building code known as the Standard Building Code, 1997 Edition,~~
9 ~~including Appendices A and D; including the engineering design criteria contained in~~
10 ~~section 1606, and excluding Chapter 11, "Accessibility for People with Physical~~
11 ~~Disabilities", as published by the Southern Building Code Congress International, Inc.,~~
12 ~~incorporated as fully as if set out at length herein, and, from the date on which this section~~
13 ~~shall take effect, the provisions thereof, except as changed or altered in this article, shall~~
14 ~~be controlling within the corporate limits of the city.~~

15
16 (b) ~~The 1997 building code adopted above is hereby amended (the succeeding section~~
17 ~~numbers in this section refer to the Standard Building Code, 1997 Edition, as published~~
18 ~~by the Southern Building Code Congress International, Inc., unless otherwise indicated).~~

19
20 ~~Chapter 1, excluding section 101.2, Title, is hereby deleted.~~

21
22 ~~Section 705.2.3, Shaft Enclosure Construction, shall not be applicable to an elevator when~~
23 ~~installation of such elevator is in full compliance with the State of Florida Elevator Code.~~

24
25 ~~Sections 3204.1 through 3204.3, Marquees, Canopies or Fixed Awnings, are hereby amended to~~
26 ~~read as follows:~~

27
28 (1) ~~Awnings, marquees and canopies shall be entirely supported from the building to~~
29 ~~which they are attached, but they may have nonsupport type poles attached to the framing.~~

30
31 (2) ~~All combustible materials used in the construction of canopies, awnings or marquees~~
32 ~~shall be initially treated with a flame-retardant chemical. All support structures and~~
33 ~~framing for canvas canopies and awnings shall be made of noncombustible materials. All~~
34 ~~glazing surfaces in marquees, canopies and awnings shall be of wired glass.~~

35
36 (3) ~~Marquees, canopies and awnings, except those made of canvas, shall be permitted the~~
37 ~~full width of a building front and the full depth of any building with a corner location.~~

38
39 (4) ~~Awnings or canopies of canvas material shall not be located closer than two feet to a~~
40 ~~mutual firewall, except where there exists a noncombustible firebreak at the firewall,~~
41 ~~which shall extend at least 12 inches above and two inches below the canopy or awning.~~

42
43 (5) ~~The bottom edge of an awning, canopy or marquee shall be a minimum of eight feet~~
44 ~~above any sidewalk or pedestrian walkway. If a sign is hung from or attached to or~~

erected upon such awning, canopy or marquee, the sign must be in compliance with the requirements and limitations of the sign regulations in Chapter 30, Article IX, Division 1 of the Code of Ordinances, City of Gainesville, Florida, both as to construction and placement. Except for awnings on windows of stories above the ground level story, the bottom edge of any awning, canopy or marquee shall be no more than 12 feet above any sidewalk or pedestrian walkway immediately below; provided, however, that the board of adjustment may by special exception authorize an increase of up to an additional three feet of clearance, for a total maximum clearance of no more than 15 feet, in order to achieve uniformity where adjacent existing awnings, canopies or marquees are located at heights differing from that otherwise permitted by this subsection.

(6) Notwithstanding any other provision of the Code of Ordinances, City of Gainesville, Florida, no awning, canopy or marquee shall extend over or occupy more than two-thirds of the width of any sidewalk, measured from the building. The overall height of any fixed awning or canopy not made of cloth, and of any marquee, shall not exceed four feet, measured between the highest and lowest points of the awning, canopy or marquee.

(7) Marquees and noncloth canopies and awnings shall be constructed with a roof live load of not less than 40 pounds per square foot.

(8) No awning, canopy or marquee may under any circumstances extend over or occupy publicly owned right of way without a permit issued by the city manager or his/her designee. The city manager or his/her designee is authorized to issue permits for the construction and maintenance of awnings, canopies or marquees to extend over publicly owned right of way only under the conditions provided in this section, which permits shall not be valid for more than 10 years. The permits may be issued only in the area zoned central city district.

(9) All awnings, marquees and canopies shall be maintained so as to be safe and intact. Any such fixed awning, marquee or canopy presenting a safety hazard or being so dilapidated as to create a nuisance shall be removed or replaced on request of the city.

~~Section 3204.4, Live Load, is hereby deleted.~~

~~Section 3204.5, Movable Awnings, is hereby deleted.~~

~~Section 3313, Moving of Buildings, is amended to read as follows:~~

(1) After the filing of a written application as provided in section 3313.2, the building official shall initially determine whether the city plan board[,] development review board or the technical review committee has approved a site plan of the proposed new location which has authorized the moving of a building on said location. If the city plan board has granted such approval, the building official shall then determine the following:

- 1. Whether the moving of the building is in compliance with all applicable requirements of Chapter 30, Code of Ordinances, City of Gainesville, Florida.

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1 2.— Whether adequate financial arrangements have been made to provide for the
2 completion of the move and the establishment of the building as a permanent
3 structure in the area into which it will be moved. Adequate financial arrangements
4 shall consist of a bond placed with the city in sufficient amount to cover the
5 estimated cost of the project; loan documents supporting financing of the project;
6 or a letter of credit from a recognized financial institution in sufficient amount to
7 cover the estimated cost of the project. In approving any application, the building
8 official may prescribe appropriate conditions and safeguards on the moving,
9 placement and construction of the building proposed to be moved, including time
10 limits. Violation of such conditions and safeguards shall be deemed a violation of
11 this code and punishable under section 1-9 of the Code of Ordinances, City of
12 Gainesville, Florida.

13
14 (2) Prior to the issuance of such moving permit, the person desiring to move such
15 building shall obtain the written approvals of the fire, police, public works and utilities
16 departments of the city; and the written approval of the telephone company.

17
18 (3) Any building being moved for which a permit has been granted shall not be allowed to
19 remain in or on the streets for more than 48 hours.

20
21 Section 3403.3, Historic Buildings, is amended to read as follows:

22
23 The provisions of the "Building and Fire Code Regulations for Historic Buildings," set out in
24 Appendix A to this Chapter, shall apply to buildings and facilities designated as historic
25 structures that undergo alterations or a change in occupancy.

26
27 The Florida Model Energy Efficiency Code, 1997 Edition, is hereby adopted by reference as if
28 fully set out herein.

29
30
31 **Section 4.** Section 6-34 of the Code of Ordinances of the City of Gainesville is hereby repealed.

32
33 **Sec. 6-34.** Adoption of National Electrical Code.

34
35 The National Electrical Code, 1999 Edition, as adopted by the National Fire Protection
36 Association, is hereby adopted and shall be taken as the rule and guide for the installation, use,
37 maintenance and sale of all electrical wiring, apparatus, equipment and appliances in the city, and
38 the National Electrical Code is hereby adopted in full as a part of this article as fully as if set
39 forth in this section. All wire, apparatus and appliances installed, used, sold or offered for sale
40 shall conform to such rules and regulations as are incorporated in the National Electrical Code,
41 and in addition thereto shall bear the label of, or shall be listed by, the Underwriters'
42 Laboratories, Inc., or with other standards approved by the American Standards Association.
43 Such labeling or listing shall be prima facie evidence that the materials, apparatus or appliances
44 comply with the provisions of this article. Future editions of the National Electrical Code will
45 become effective when approved by the adoption of an ordinance by the city commission.

46
CODE: Words stricken are deletions; words underlined are additions.

Section 4. Section 6-59 of the Code of Ordinances of the City of Gainesville is hereby repealed.

~~Sec. 6-59. Fees.~~

~~Fees for electrical permits shall be in accord with the schedule set out in Appendix A.~~

Section 5. Section 6-96 of the Code of Ordinances of the City of Gainesville is hereby repealed.

~~Sec. 6-96. Permit fees.~~

~~Before a permit is issued for any plumbing, sewer or drainage work or installation for which a permit is required, a fee therefor shall be paid to the plumbing inspector in accordance with the schedule set out in Appendix A.~~

Section 6. Section 6-98 of the Code of Ordinances of the City of Gainesville is hereby repealed.

~~Sec. 6-98. Standard Plumbing Code Adopted.~~

~~(a) The Standard Plumbing Code, 1994 Edition, including Appendices A, D, F and I, as published by the Southern Building Code Congress International, Inc., is hereby adopted and incorporated as fully as if set out at length in this section, and, from the date on which this section shall take effect, the provisions thereof, except as changed or altered in this article, shall be controlling within the corporate limits of the city.~~

~~(b) The 1994 plumbing code adopted above is hereby amended (the succeeding chapter and section numbers in this section refer to the Standard Plumbing Code, 1994 Edition, as published by the Southern Building Code Congress International, Inc., unless otherwise indicated).~~

~~Chapter 1, excluding section 101.2, Title, is hereby deleted.~~

~~Section 307.3, Fittings Prohibited, is hereby amended to read as follows:~~

~~No tee branch shall be used as a drainage fitting. No saddle type fitting or running threads shall be used in the drainage or vent system. No drainage or vent piping shall be drilled or tapped unless approved by the administrative authority. No fitting having a hub in the direction opposite to flow shall be used in the drainage system.~~

~~Section 1001.10, Acidproof Traps, is hereby added to read as follows:~~

~~Where a vitrified clay or other brittle ware acidproof trap is installed underground, it shall be embedded in concrete to a thickness of six inches from the bottom and sides of the trap.~~

CODE: Words ~~stricken~~ are deletions; words underlined are additions.

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Section 807.5, Swimming Pools, is hereby amended to read as follows:

~~No waste pipes for waste from swimming pools including pool drainage backwash from filters, and water from scum gutter drains, shall be connected to the sanitary sewer.~~

Section 7. Section 6-120 of the Code of Ordinances of the City of Gainesville is hereby repealed.

~~Sec. 6-120. Permit and inspection fees.~~

~~The fees for permits and inspections required by this article shall be paid by the person to whom the permit is issued and shall be in accordance with the schedule set out in Appendix A.~~

Section 8. Section 6-121 of the Code of Ordinances of the City of Gainesville is hereby repealed.

~~Sec. 6-121. Standard Gas Code Adopted.~~

~~(a) — There is hereby adopted for the purpose of regulating the design, construction, location and operation of gas installations within the city that certain code known as the Standard Gas Code, 1997 Edition including Appendices A and E, as published by the Southern Building Code Congress International, Inc., incorporated as fully as if set out at length in this section, and, from the date on which this section shall take effect, the provisions thereof, except as changed or altered in this article, shall be controlling within the corporate limits of the city.~~

~~(b) — The gas code adopted above is hereby amended (the succeeding chapter and section numbers in this section refer to the Standard Gas Code, 1997 Edition, as published by the Southern Building Code Congress International, Inc., unless otherwise indicated).~~

~~Chapter 1, excluding section 101.2, Title, is hereby deleted~~

Section 9. Section 6-138 of the Code of Ordinances of the City of Gainesville is hereby repealed.

~~Sec. 6-138. Standard Mechanical Code Adopted.~~

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1 (a) ~~There is hereby adopted for the purpose of regulating all installation, maintenance~~
2 ~~and servicing of heating, air conditioning, refrigeration and ventilation equipment or~~
3 ~~systems within the city that certain code known as the Standard Mechanical Code, 1997~~
4 ~~Edition including Appendices A and C, as published by the Southern Building Code~~
5 ~~Congress International, Inc., incorporated as fully as if set out at length in this section,~~
6 ~~and, from the date upon which this section shall take effect, the provisions thereof, except~~
7 ~~as changed or altered in this article, shall be controlling within the corporate limits of the~~
8 ~~city.~~

9
10 (b) ~~The mechanical code adopted above is hereby amended (the succeeding chapter and~~
11 ~~section numbers in this section refer to the Standard Mechanical Code, 1997 Edition, as~~
12 ~~published by the Southern Building Code Congress International, Inc., unless otherwise~~
13 ~~indicated).~~

14
15 Chapter 1, excluding section 101.2, Title, is hereby deleted.

16
17
18 **Section 10.** Section 6-140 of the Code of Ordinances of the City of Gainesville is hereby
19 repealed.

20
21 ~~Sec. 6-140. Permit fees.~~

22
23 ~~The permit fees under the Standard Mechanical Code shall be as set out in the fee~~
24 ~~schedule in Appendix A of this Code of Ordinances.~~

25
26 **Section 11.** It is the intention of the City Commission that the provisions of Sections 1-10 of
27 this Ordinance shall become and be made a part of the Code of Ordinances of the City of
28 Gainesville, Florida, and that the Sections and Paragraphs of this Ordinance may be renumbered
29 or relettered in order to accomplish such intentions.

30
31 **Section 12.** If any section, sentence, clause or phrase of this ordinance is held to be invalid or
32 unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect
33 the validity of the remaining portions of this ordinance.

34
CODE: Words ~~stricken~~ are deletions; words underlined are additions.

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1 **Section 13.** All ordinances or parts of ordinances in conflict herewith are to the extent of such
2 conflict hereby repealed.

3

4 **Section 14.** Any person who violates any of the provisions of this ordinance shall be deemed
5 guilty of a municipal ordinance violation and shall be subject to fine or imprisonment as provided
6 by section 1-9 of the Gainesville Code of Ordinances. Each day a violation occurs or continues,
7 regardless of whether such violation is ultimately abated or corrected, shall constitute a separate
8 offense.

9

10 **Section 15.** This ordinance shall become effective March 1, 2002.

11

12 **PASSED AND ADOPTED** this ____ day of _____, 2002.

13

14

15

THOMAS D. BUSSING, MAYOR

16

ATTEST:

17

Approved as to form and legality

18

19

KURT M. LANNON

20

CLERK OF THE COMMISSION

MARION J. RADSON, CITY ATTORNEY

21

22 This Ordinance passed on first reading this ____ day of _____, 2002.

23 This Ordinance passed on second reading this ____ day of _____, 2002.

24

