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# MEMORANDUM

Office of the City Attorney

**TO:** Mayor and City Commission

**DATE:** February 11, 2002  
FIRST READING

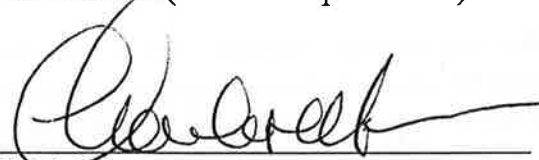
**FROM:** City Attorney


**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.

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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

# D R A F T

2-1-02

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.

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

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 tot heir 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.

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**Section 3.** Section 6-16 of the Code of Ordinances of the City of Gainesville is hereby repealed.

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

~~(a) There is hereby adopted for the purpose of regulating the construction, alteration, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenance connected or attached to such buildings or structures, that certain building code known as the Standard Building Code, 1997 Edition, including Appendices A and D; including the engineering design criteria contained in section 1606, and excluding Chapter 11, "Accessibility for People with Physical Disabilities", as published by the Southern Building Code Congress International, Inc., incorporated as fully as if set out at length herein, 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 1997 building code adopted above is hereby amended (the succeeding section numbers in this section refer to the Standard Building 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 705.2.3, Shaft Enclosure Construction, shall not be applicable to an elevator when installation of such elevator is in full compliance with the State of Florida Elevator Code.~~

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

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

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

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

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

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# D R A F T

2-1-02

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

13  
14 (6) Notwithstanding any other provision of the Code of Ordinances, City of Gainesville,  
15 Florida, no awning, canopy or marquee shall extend over or occupy more than two thirds  
16 of the width of any sidewalk, measured from the building. The overall height of any fixed  
17 awning or canopy not made of cloth, and of any marquee, shall not exceed four feet,  
18 measured between the highest and lowest points of the awning, canopy or marquee.

19  
20 (7) Marquees and noncloth canopies and awnings shall be constructed with a roof live  
21 load of not less than 40 pounds per square foot.

22  
23 (8) No awning, canopy or marquee may under any circumstances extend over or occupy  
24 publicly owned right of way without a permit issued by the city manager or his/her  
25 designee. The city manager or his/her designee is authorized to issue permits for the  
26 construction and maintenance of awnings, canopies or marquees to extend over publicly  
27 owned right of way only under the conditions provided in this section, which permits  
28 shall not be valid for more than 10 years. The permits may be issued only in the area  
29 zoned central city district.

30  
31 (9) All awnings, marquees and canopies shall be maintained so as to be safe and intact.  
32 Any such fixed awning, marquee or canopy presenting a safety hazard or being so  
33 dilapidated as to create a nuisance shall be removed or replaced on request of the city.

34  
35 Section 3204.4, Live Load, is hereby deleted.

36  
37 Section 3204.5, Movable Awnings, is hereby deleted.

38  
39 Section 3313, Moving of Buildings, is amended to read as follows:

40  
41 (1) After the filing of a written application as provided in section 3313.2, the building  
42 official shall initially determine whether the city plan board[,] development review board  
43 or the technical review committee has approved a site plan of the proposed new location  
44 which has authorized the moving of a building on said location. If the city plan board has  
45 granted such approval, the building official shall then determine the following:

46  
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# D R A F T

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

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

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

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

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

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

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

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

~~Sec. 6-34. Adoption of National Electrical Code.~~

~~The National Electrical Code, 1999 Edition, as adopted by the National Fire Protection Association, is hereby adopted and shall be taken as the rule and guide for the installation, use, maintenance and sale of all electrical wiring, apparatus, equipment and appliances in the city, and the National Electrical Code is hereby adopted in full as a part of this article as fully as if set forth in this section. All wire, apparatus and appliances installed, used, sold or offered for sale shall conform to such rules and regulations as are incorporated in the National Electrical Code, and in addition thereto shall bear the label of, or shall be listed by, the Underwriters' Laboratories, Inc., or with other standards approved by the American Standards Association. Such labeling or listing shall be prima facie evidence that the materials, apparatus or appliances~~

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# D R A F T

2-1-02

1 comply with the provisions of this article. Future editions of the National Electrical Code will  
2 become effective when approved by the adoption of an ordinance by the city commission.

3  
4  
5 **Section 4.** Section 6-59 of the Code of Ordinances of the City of Gainesville is hereby repealed.

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

8  
9 Fees for electrical permits shall be in accord with the schedule set out in Appendix A.

10  
11  
12 **Section 5.** Section 6-96 of the Code of Ordinances of the City of Gainesville is hereby repealed.

13  
14 ~~Sec. 6-96. Permit fees.~~

15  
16 Before a permit is issued for any plumbing, sewer or drainage work or installation for  
17 which a permit is required, a fee therefor shall be paid to the plumbing inspector in accordance  
18 with the schedule set out in Appendix A.

19  
20  
21  
22 **Section 6.** Section 6-98 of the Code of Ordinances of the City of Gainesville is hereby repealed.

23  
24 ~~Sec. 6-98. Standard Plumbing Code Adopted.~~

25  
26 (a) ~~The Standard Plumbing Code, 1994 Edition, including Appendices A, D, F and I, as~~  
27 ~~published by the Southern Building Code Congress International, Inc., is hereby adopted~~  
28 ~~and incorporated as fully as if set out at length in this section, and, from the date on which~~  
29 ~~this section shall take effect, the provisions thereof, except as changed or altered in this~~  
30 ~~article, shall be controlling within the corporate limits of the city.~~

31  
32 (b) ~~The 1994 plumbing code adopted above is hereby amended (the succeeding chapter~~  
33 ~~and section numbers in this section refer to the Standard Plumbing Code, 1994 Edition, as~~  
34 ~~published by the Southern Building Code Congress International, Inc., unless otherwise~~  
35 ~~indicated).~~

36  
37 Chapter 1, excluding section 101.2, Title, is hereby deleted.

38  
39 Section 307.3, Fittings Prohibited, is hereby amended to read as follows:

40  
41 No tee branch shall be used as a drainage fitting. No saddle type fitting or running threads  
42 shall be used in the drainage or vent system. No drainage or vent piping shall be drilled or  
43 tapped unless approved by the administrative authority. No fitting having a hub in the  
44 direction opposite to flow shall be used in the drainage system.

45  
46 Section 1001.10, Acidproof Traps, is hereby added to read as follows:

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



# D R A F T

2-1-02

1  
2 ~~Where a vitrified clay or other brittle ware acidproof trap is installed underground, it shall~~  
3 ~~be embedded in concrete to a thickness of six inches from the bottom and sides of the~~  
4 ~~trap.~~

5  
6 Section 807.5, Swimming Pools, is hereby amended to read as follows:

7  
8 ~~No waste pipes for waste from swimming pools including pool drainage backwash from~~  
9 ~~filters, and water from scum gutter drains, shall be connected to the sanitary sewer.~~

10  
11  
12 **Section 7.** Section 6-120 of the Code of Ordinances of the City of Gainesville is hereby  
13 repealed.

14  
15 ~~Sec. 6-120. Permit and inspection fees.~~

16  
17 ~~The fees for permits and inspections required by this article shall be paid by the person to~~  
18 ~~whom the permit is issued and shall be in accordance with the schedule set out in Appendix A.~~

19  
20  
21 **Section 8.** Section 6-121 of the Code of Ordinances of the City of Gainesville is hereby  
22 repealed.

23  
24 ~~Sec. 6-121. Standard Gas Code Adopted.~~

25  
26 (a) ~~There is hereby adopted for the purpose of regulating the design, construction,~~  
27 ~~location and operation of gas installations within the city that certain code known as the~~  
28 ~~Standard Gas Code, 1997 Edition including Appendices A and E, as published by the~~  
29 ~~Southern Building Code Congress International, Inc., incorporated as fully as if set out at~~  
30 ~~length in this section, and, from the date on which this section shall take effect, the~~  
31 ~~provisions thereof, except as changed or altered in this article, shall be controlling within~~  
32 ~~the corporate limits of the city.~~

33  
34 (b) ~~The gas code adopted above is hereby amended (the succeeding chapter and section~~  
35 ~~numbers in this section refer to the Standard Gas Code, 1997 Edition, as published by the~~  
36 ~~Southern Building Code Congress International, Inc., unless otherwise indicated).~~

37  
38 Chapter 1, excluding section 101.2, Title, is hereby deleted

39  
CODE: Words ~~stricken~~ are deletions; words underlined are additions.

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**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.~~

~~(a) — There is hereby adopted for the purpose of regulating all installation, maintenance and servicing of heating, air conditioning, refrigeration and ventilation equipment or systems within the city that certain code known as the Standard Mechanical Code, 1997 Edition including Appendices A and C, 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 upon 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 mechanical code adopted above is hereby amended (the succeeding chapter and section numbers in this section refer to the Standard Mechanical 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 10.** Section 6-140 of the Code of Ordinances of the City of Gainesville is hereby repealed.

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

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

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

**D R A F T**

2-1-02

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

4  
5 **Section 13.** All ordinances or parts of ordinances in conflict herewith are to the extent of such  
6 conflict hereby repealed.

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

13  
14 **Section 15.** This ordinance shall become effective March 1, 2002.

15  
16 **PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2002.

17  
18  
19 \_\_\_\_\_  
20 **THOMAS D. BUSSING, MAYOR**

21 **ATTEST:** Approved as to form and legality

22  
23 \_\_\_\_\_  
24 **KURT M. LANNON** \_\_\_\_\_  
25 **CLERK OF THE COMMISSION** **MARION J. RADSON, CITY ATTORNEY**

26 This Ordinance passed on first reading this \_\_\_\_ day of \_\_\_\_\_, 2002.

27 This Ordinance passed on second reading this \_\_\_\_ day of \_\_\_\_\_, 2002.

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