

BCC Mtg. Date: December 12, 2017

EFFECTIVE DATE: December 19, 2017

**ORDINANCE NO. 2017-22**

**AN ORDINANCE OF ORANGE COUNTY, FLORIDA,  
AMENDING CHAPTER 9 ("BUILDING AND  
CONSTRUCTION REGULATIONS") OF THE ORANGE  
COUNTY CODE BY AMENDING CERTAIN PROVISIONS  
OF ARTICLE II ("BUILDING CODE") AND ADOPTING  
THE FLORIDA BUILDING CODE, 6<sup>TH</sup> EDITION (2017);  
AND PROVIDING AN EFFECTIVE DATE.**

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF  
ORANGE COUNTY, FLORIDA:**

*Section 1. Amendments; In General.* Chapter 9 ("Building and Construction Regulations") of the Orange County Code is amended as set forth in Sections 2 and 3 below, with additions being shown as underlined and deletions being shown as ~~struck through~~:

*Section 2. Amendments to Chapter 9, Article II (Building Code"), Division 1.* Chapter 9, Article II, Division 1 ("Building") is amended as follows:

**Sec. 9-33. Florida Building Code, Building, adopted.**

(a) *Adopted.* Subject to the administrative and technical amendments set forth in subsection (b) below, the Florida Building Code, Building, 6<sup>th</sup> Edition, as it may be amended from time to time (the "Code"), shall be the governing law relative to building standards in Orange County, Florida ("Orange County"). Floodplain provisions shall be governed and enforced in accordance with the Code and Chapter 19 ("Floodplain Management") of the Orange County Code. In the case of any apparent conflict between the floodplain regulations set forth in this chapter and those in Chapter 19, the more restrictive provisions shall control.

(b) *Amendments.* The Code is hereby amended as follows:

A. *Subsection 101.3.1* is hereby created to read as follows:

101.3.1. Permitting and inspection. The permitting or inspection of any building system or plan by Orange

County under the requirements of this Code shall not be construed as a warranty of the physical condition of such building, system, or plan or of their adequacy. Neither Orange County 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.

B. *Subsections 102.2.7 and 102.5* are hereby created to read as follows:

102.2.7. Mobile/ manufactured home repair and remodeling. As defined in Section 320.01(2), Florida Statutes (2016), work performed on mobile / manufactured homes shall be subject to the following guidelines:

(1) Additions including, but not limited to, add-a-rooms, roof-overs, and porches shall be free standing and self-supporting with only the flashing attached to the main unit unless the added unit has been designed to be married to the existing unit. All additions shall be constructed in compliance with state and locally adopted building codes.

(2) Anchoring of additions shall be in compliance with requirements for similar type construction.

(3) Repair or remodeling of a mobile/manufactured home shall require the use of material and design equivalent to the original construction. Structure shall include, but not be limited to, roof system, walls, floor system, windows, and exterior doors of the mobile/manufactured home.

(4) Electrical repair and replacements shall require the use of material and design equivalent to the original construction.

(5) Plumbing repairs and replacements shall require the use of material and design equivalent to the original construction.

(6) Alternatively, work performed on mobile/manufactured homes may be performed in accordance with the Florida Building Code.

102.5. Partial Invalidity. If any section, subsection, sentence, clause, or phrase of this Code is for any

reason held to be invalid and/or unconstitutional, such finding shall not affect the validity of the remaining portions of this Code.

C. *Section 103* is hereby created to read as follows:

Section 103. Division of Building Safety.

103.1. Establishment. There is hereby created a division to be called the Division of Building Safety (the "Division").

103.2. Employee qualifications.

103.2.1. Building official qualifications. The building official shall be licensed as a Building Code Administrator by the State of Florida. The building official shall be appointed by the County Mayor or his/her designee.

103.2.2. Employee qualifications. A person shall not be appointed or 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.

103.3. Restrictions on employees. Officers or employees connected with the Division, except one whose only connection is as a member of a board established by this Code, shall not be financially interested: (i) in the furnishing of labor, material, or appliances for the construction, alteration, or maintenance of a building, structure, service, or system; or (ii) in the making of plans, or of specifications thereof, within the jurisdiction of the Division, unless they are the owners of such. Said officers or employees shall not engage in any other work which is inconsistent with their duties or which conflicts with the interest of the Division.

D. *Section 104* is hereby amended by creation and addition of the following subsections, as follows:

104.1. General. The building official is hereby authorized and directed to enforce the provisions of this Code; however, for purposes of enforcing any floodplain management regulation contained herein, the building official may coordinate with the Orange County Public Works Department in

carrying out the aforementioned duty. The building official shall have the authority to render 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. Any requirements necessary: (i) for the strength, stability, or proper operation of an existing or proposed building or structure or of an electrical, gas, mechanical, or plumbing system; or (ii) for the public safety, health, and general welfare, not specifically covered by this Code, shall be determined by the building official.

#### 104.2. Applications and permits.

##### 104.2.1. Misrepresentation in application.

The building official may revoke a permit or approval issued under the provisions of this Code where there has been any false statement or misrepresentation regarding any material fact in the application or plans on which the permit or approval was based.

##### 104.2.2. Revocation of permits.

The building official is authorized to reasonably suspend or revoke a permit issued under the provisions of this Code wherever 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.

##### 104.2.3. Violation of Code provision.

The building official may revoke a permit upon determination that the construction, erection, alteration, repair, moving, demolition, installation, or replacement of the building, structure, or electrical, gas, mechanical, or plumbing system for which the permit was issued is in violation of, or not in conformity with, any provision of this Code.

#### 104.6. Right of entry.

##### 104.6.1. 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 of Code violation which makes such building, structure, or premises or electrical, gas, mechanical, or plumbing system 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 is occupied, s/he shall first present proper credentials and request entry. If such building, structure, or premises is unoccupied, s/he shall first make a reasonable effort to locate the owner or other person(s) 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.

104.6.2. When the building official has obtained a proper inspection warrant or other remedy provided by law to secure entry, an owner or occupant or any other person(s) having charge, care, or control of any building, structure, or premises shall, after proper request is made as herein provided, promptly permit entry therein by the building official for the purpose of inspection and examination pursuant to this Code.

104.7. Records. The building official shall keep, or cause to be kept, a record of the business of the Division. The records of the Division shall be open to reasonable public inspection, subject to exemptions under the law.

104.8. Liability. Officers or employees or members of a board created by this Code who are charged with the enforcement of this Code, acting for the BCC in the discharge of their duties, shall not thereby render themselves personally liable, and are hereby relieved from all personal liability, for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of such duties. Any suit brought against any officer or employee or board member because of any such act shall be defended by Orange County until the final termination of the proceedings.

104.10.1. Flood hazard area. Floodplain provisions shall be governed and enforced in accordance with the Code and Chapter 19 ("Floodplain Management") of the Orange County Code. In the case of any apparent conflict between the floodplain regulations set forth in this chapter and those in Chapter 19, Orange County Code, the more restrictive provisions shall control.

E. *Subsection 105.1.5* is hereby created to read as follows:

105.1.5. Public right-of-way. A permit shall not be given by the building official (i) for construction or alteration of any building which is to be changed, if such change will affect the exterior walls, bays, balconies, or other appendages

or projections fronting any street, alley, or public lane, or (ii) 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 permitting from the authority having jurisdiction over any such street, alley, or public lane.

F. *Subsection 105.4* is hereby deleted and recreated to read as follows:

105.4 Conditions of the permit. 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 deny a permit or prevent occupancy or use of a structure where in violation of this code or of any other ordinances of this jurisdiction.

105.4.1. Permit intent. A permit issued shall be construed to be a license to proceed with the identified work and not as authority to violate, cancel, alter, or set aside any of the provisions of this Code, nor shall such issuance of a permit prevent the building official from thereafter requiring a correction of errors in plans, or construction, or of violations of this Code. Every permit issued shall become invalid (i) unless the work authorized by such permit is commenced and an approved inspection is made within six (6) months after its issuance, or (ii) if the work authorized by such permit is suspended or abandoned for a period of six (6) months after the time the work is commenced and/or an approved inspection is made. One (1) extension of time, for a period of not more than ninety (90) days, may be allowed at the sole discretion of the building official, prior to the expiration of such permit, provided the extension is requested in writing and justifiable cause is adequately demonstrated. Any extension granted shall be in writing and signed by the building official.

105.4.1.1. If permitted work has commenced and the permit is revoked, becomes null and void, or expires due to lack of progress or abandonment, a new permit covering the proposed construction must be obtained before proceeding with the work. Unless and until a new permit is issued and the attendant work is properly completed, no final inspection may be conducted and no certificate of occupancy may be issued. Additionally, at the

discretion of the building official, no new permits may be issued to the permit holder and/or the property owner for such work and/or for work elsewhere in the county until the revoked, void, or expired permit is brought into compliance, unless such lack of compliance is due to circumstances outside the reasonable control of the permit holder and/or the property owner, as applicable.

105.4.1.2. If a new permit is not obtained within 180 days from the date the initial permit became null and void, the building official is authorized to require that any work which has been commenced, up to and including completion, be removed from the building site. Alternatively, a new permit may be issued, upon application, provided that both the work already in place and the newly permitted work are in full compliance with all applicable regulations in effect at the time the initial permit became null and void and any regulations which may have become effective between the date of expiration and date of issuance of the new permit. Notwithstanding the foregoing, for any work previously in place that was inspected and approved by the county, the building official may allow compliance with the applicable regulations in effect at the time the initial permit expired, to the extent that allowing such compliance will not cause any health or safety concern.

105.4.1.3. A permit shall be considered to be in an active status so long as the permitted work has received an approved inspection within 180 days of (i) permit issuance or (ii) an approved inspection. This provision shall not be applicable in case of civil commotion or strike or when the work is halted due directly to judicial injunction, order, or similar process.

105.4.1.4. The fee for renewal, reissuance, or extension of a permit shall be set forth by the BCC.

105.4.1.5. A permit issued in connection with a violation of any Orange County Code provision, or in connection with a determination or finding by the Orange County Code Enforcement Board or Special Master, shall not be used to avoid or extend the time for compliance. Any work performed in connection with such permit must be inspected and approved by Orange County prior to issuance of any subsequent permit. If the building official finds that no actual and substantial work has been performed the official may (i) deny issuance of a new permit and/or (ii) refer or remand, as the case may be, the matter to the Code Enforcement Board or Special Master for further action pursuant to this Code and in accordance with Chapter 11, Orange County Code, as may be amended from time to time.

G. *Subsection 105.5* is hereby created to read as follows:

105.5. Expiration. The holder of any permit that has expired and not been timely brought into compliance may be precluded from receiving any other permits in Orange County; however, additional permits requested in order to bring an expired permit into compliance may be issued, and the permit holder may, at the sole discretion of the building official, be allowed to receive additional permits in Orange County.

105.5.1 The building official may administratively close expired or inactive stand-alone trade permits (not for structural work) at his or her discretion, after ten years of expiration, when no known safety hazard exists and no code violations have been identified. Any such action shall not serve as an approval of any work conducted on property subject to such permit.

105.5.2 Closing out or resolving open or expired permits shall be the responsibility of the permit applicant and/or the property owner. Failure to properly close out or resolve any open permit(s) shall be considered a violation of this chapter.

H. *Subsection 107.2.1.1* is hereby created to read as follows:

107.2.1.1. Supporting data. The building official shall be allowed to require details, computations, stress diagrams, and other data necessary to describe the construction or installation and the basis of calculations. All drawings, specifications, and accompanying data required by the building official to be prepared by an architect or engineer shall be affixed with that professional's official seal.

I. Reserved.

J. *Subsection 107.2.6.1* is hereby created to read as follows:

107.2.6.1. New buildings or structures, additions to existing buildings or structures, and alterations to components which may affect the structural stability of a building or structure shall be designed by a Florida-licensed architect or engineer, in accordance with state statutes. Construction documents shall show that the design meets the applicable wind loading requirements of Section 1609 of the Florida Building



Code, Building and R301 of the Florida Building Code, Residential for any building or structure, addition, or alteration where wind load is applicable (see Section 9-34 of the Orange County Code).

K. *Subsection 109.2* is hereby deleted and recreated to read as follows:

109.2. Schedule of permit fees. On all buildings, structures, and electrical, gas, mechanical, and plumbing systems, or for alterations requiring a permit, a fee for each permit shall be paid as required in accordance with the schedule as established by the Board of County Commissioners.

L. *Subsection 109.3.1* is hereby created to read as follows:

109.3.1 Building permit valuations, Division manager. If, in the opinion of the Division manager, the valuation of any building, alteration, or structure or of any electrical, gas, mechanical, or plumbing system appears to be underestimated on the application, any corresponding permit shall be denied, unless the applicant can show detailed estimates which meet with the approval of the Division manager. Permit valuations shall include total cost including, without limitation, electrical, gas, mechanical, plumbing, equipment, and other systems, and including materials and labor. The permit valuation may be calculated using the latest Building Valuation Data published by the International Code Council, or other applicable model code organization, at the sole discretion of the Division manager.

M. *Subsection 109.4* is hereby deleted and recreated to read as follows:

109.4. Work commencing before permit issuance. Any person who commences any work on a building or structure, or electrical, gas, mechanical, or plumbing system before obtaining the building official's approval and/or the necessary permits shall be subject to a penalty equivalent to double the permit fee, or one hundred three dollars (\$103.00), whichever is greater, in addition to the required permit fees. This provision shall not apply to emergency work when delay would clearly have placed life or property in imminent danger, as long as any and all required permits are obtained within three (3) business days of commencing such work; any unreasonable delay (as determined by the building official) in obtaining such permits shall result in a penalty equivalent to double the permit fee. In any case, payment

of a penalty as described herein shall not preclude, or be deemed a substitute for, prosecution for commencing work without first obtaining a permit. The building official may grant extensions of time or waive the fees if justifiable cause (as determined by the building official) has been adequately demonstrated, in writing.

N. *Subsection 110.1.1* is hereby created to read as follows:

110.1.1. Site Debris.

(a) 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 prior to receiving final inspection approval. Construction job sites must be kept clean, such that accumulation of construction debris not contained within a storage receptacle or bin shall not remain on the property for a period of time exceeding fourteen (14) days.

(b) All debris shall be kept in such a manner as to prevent it from being spread by any means.

(c) In the event of an adverse weather or other condition or event that is reasonably anticipated to disturb or otherwise affect construction materials or equipment that are stored at a site, and/or issuance of a Level II or higher activation notice by the Orange County Office of Emergency Management, then such materials or equipment shall be timely removed or otherwise secured so as to avoid any impact to neighboring properties.

O. *Subsection 110.3, (Building), item 6,* is hereby deleted and recreated to read as follows:

6. Swimming pool inspection. First inspection to be made after excavation and installation of reinforcing steel, bonding, and main drain, prior to placing of concrete.

Second inspection to be made after the forms and reinforcement are in place and all concealed conduit, piping, and electrical bonding are installed. Slab shall not be placed until all required inspections have been approved by the county.

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.

P. *Subsection 111.1* is hereby deleted and recreated to read as follows:

111.1. Building use and occupancy. An existing building (except for a one or two-family dwelling or non-transient residential buildings) or 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 in the name of the occupant or tenant. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this Code or of any provisions under any laws including, but not limited to, the Orange County Code.

Additionally, until such time that permanent street identifier and wayfinding signs are installed, the contractor and/or owner shall post signage reasonably identifying streets that serve a project.

Q. *Subsection 111.2.1* is hereby created to read as follows:

111.2.1. Notwithstanding the foregoing, no certificate of occupancy or completion shall be issued unless and until all Orange County and/or other applicable agency holds have been released.

R. *Section 114* is hereby created to read as follows:

#### Section 114. Violations.

114.1 Unlawful acts. It shall be unlawful for any person, firm, company, corporation, or any other entity to erect, construct, alter, extend, repair, move, remove, demolish, or occupy any building, structure, or equipment regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this Code.

114.2 Notice of violation. The building official or a designee is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition, or occupancy of a building or structure in violation of the provisions of this code, or in violation of a permit or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and abatement of the violation.

114.3 Prosecution of violation. If the notice of violation is not complied with promptly, the building official or a designee is authorized to request that the county institute the appropriate proceeding by law or in equity to prosecute, restrain, correct, and/or abate such violation. The building official or a designee may require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

114.4 Violation; penalties. Any violation of this Code shall be subject to prosecution in accordance with the law including, but not limited to, the provisions of Section 1-9 of the Orange County Code.

S. *Section 115.2* is hereby deleted and recreated to read as follows:

115.2. 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. Where an emergency exists, as determined by the building official, the building official shall not be required to give a written notice prior to stopping the work.

T. *Section 116* is hereby created to read as follows:

Section 116. Unsafe buildings or systems. All buildings, structures, electrical, gas, mechanical, or plumbing systems (i) which are unsafe, unsanitary, or do not provide adequate egress; or (ii) which constitute a fire hazard or are otherwise dangerous to human life; or (iii) which, in relation to existing use, constitute a hazard to safety or health, are considered

unsafe buildings or service systems. All such unsafe buildings, structures, or service systems are hereby declared illegal and shall be abated by repair and rehabilitation or by demolition in accordance with the provisions of the Orange County Code or other local ordinance.

U. *Section 1612.3.1*, item 3, is hereby created to read as follows:

3. Any such submissions required by the building official shall be subject to review and approval by the Orange County Public Works Department.

V. *Subsection 1612.4* is hereby deleted and recreated to read as follows:

1612.4. Design and construction. The design and construction of buildings and structures located in flood hazard areas, including flood hazard areas subject to high-velocity wave action, shall be in accordance with Chapter 5 of ASCE 7, ASCE 24, and Chapter 19 of the Orange County Code.

W. *Section 1804.4*, item 5, is hereby created to read as follows:

5. Unless acceptable compensating storage area is provided.

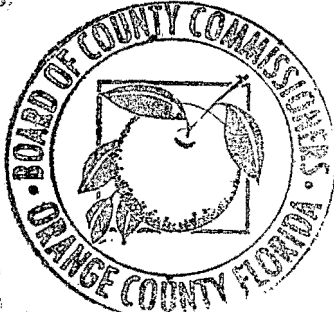
***Section 3. Amendments to Chapter 9, Article II (“Building Code”), Division 2.***

Chapter 9, Article II, Division 2 (“Residential”) is hereby amended by replacing all references to “Florida Building Code, Residential, 5<sup>th</sup> Edition (2014)” with “Florida Building Code, Residential, 6<sup>th</sup> Edition.”

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**Section 4. Effective date.** This ordinance shall become effective pursuant to general law.

ADOPTED THIS \_\_\_\_\_ DAY OF DEC 12 2017, 2017.



ORANGE COUNTY, FLORIDA  
By: Board of County Commissioners

By: Phil Dalchanda  
Teresa Jacobs, County Mayor  
tu

ATTEST: Phil Diamond, CPA, County Comptroller  
As Clerk of the Board of County Commissioners

By: Jessica Vaupel  
for Deputy Clerk