

ORDINANCE NO. 765

**AN ORDINANCE PROVIDING FOR THE AMENDMENT OF
CHAPTER FIVE, ARTICLE ONE OF THE DEFUNIAK SPRINGS
MUNICIPAL CODE ENTITLED BUILDINGS, ADOPTING
CODES BY REFERENCE, CORRECTING TITLES AND
PROVIDING FOR AN EFFECTIVE DATE.**

Be it ordained by the City Council of the City of DeFuniak Springs, Florida, that Chapter Five, Article One Entitled In General of the DeFuniak Springs Municipal Code be amended as follows.

ARTICLE I. IN GENERAL

Sec. 5-1. Building Code References adopted.

- (a) The following specific codes and subsequent amendments thereto are hereby adopted by reference and are to be considered the minimum standards with which compliance is required for construction of any improvements in the City of DeFuniak Springs, Florida.
1. The Building Code shall be the Florida Building Code – Building, 2004 edition, including the appendix.
 2. The Residential Code shall be the Florida Building Code – Residential, 2004 edition.
 3. The Existing Building Code shall be the Florida Building Code – Existing Building, 2004 edition.
 4. The Accessibility Code shall be Chapter II of the Florida Building Code – Building, 2004 edition.
 5. The Energy Efficiency Code shall be Chapter 13 of the Florida Building Code – Building, 2004 edition.
 6. The Electrical Code shall be the National Electric Code, 2005 edition.
 7. The Plumbing Code shall be the Florida Building Code – Plumbing, 2004 edition.
 8. The Mechanical Code shall be the Florida Building Code – Mechanical, 2004 edition.
 9. The Gas Code shall be the Florida Building Code – Fuel Gas, 2004 edition.
 10. The Swimming Pool Code shall be Chapter 4, Section 424 of the Florida Building Code – Building, 2004 edition.
 11. The Irrigation and Lawn Sprinkler Code shall be the Florida Building Code – Plumbing, 2004 edition.
 12. The / Fire / Life / Safety Code shall be the Florida Fire Prevention Code, 2004 edition.
- (b) One (1) copy of such codes are on file in the office of the Building Official.
- (c) It shall be unlawful for any person to violate any of the provisions of such publications.
- (d) All construction within the city shall be governed by the above referenced codes and any amendments thereto and shall be enforced by the City Building Official.

Sec. 5-2. Appeals.

- (a) Procedure. Any person aggrieved by a decision of the city made pursuant to the provisions of this chapter shall have a right to appeal such decision to the City Council by filing a request for a hearing before the council with the City Building Official within ten (10) days after notice of the decision aggrieved of. Upon receipt of such a request by the City Building Official, the City Manager shall place the matter on the agenda of the next regular meeting of the City Council and at such meeting the council shall consider such appeal. At such meeting the appellant shall be afforded due process. At the close of the hearing the council may affirm, reverse or modify the decision appealed from. The decision of the council shall be final.
- (b) Delegation of responsibility. The City Council may delegate responsibility for hearing appeals pursuant to the provisions of subsection (a) to such board as it deems proper. In the event of such a delegation, appeals to such board shall be filed with such board within ten (10) days after the decision aggrieved of, and such board shall afford the person requesting the appeal a hearing affording due process.
- (c) Board of adjustments and appeals. There is hereby created a board of adjustments and appeals which shall consist of the members of the City Council, provided, however, that the City Council may appoint a board of adjustments and appeals with such membership as it deems appropriate.

Sec. 5-3. Permits

- (a) Required. Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the Building Official and obtain the required permit.
- (b) Permitting and inspection. The inspection or permitting of any building or plan under the requirements of this Code shall not be construed in any court as a warranty of the physical condition of such building or the adequacy of such plan. The City of DeFuniak Springs nor any employee thereof shall be liable in tort for damages for any defect or hazardous or illegal condition or inadequacy in such building or plan, or for any failure of any component of such building, which may occur subsequent to such inspection or permitting.
- (c) Fees. On all buildings, structures or alterations requiring a building permit, a fee shall be paid as required at the time of filing application in accordance with the resolution setting forth building permit fees adopted by the City Council. (Ref. Resolution 2006-02)

Sec. 5-4. Building Official.

- (a) The office of the Building Official is hereby created. The Building Official shall be appointed by the City Manager and be under the City Manager's general control.
- (b) To be eligible for appointment, the Building Official shall be generally informed of the quality and strength of building materials; on the prevailing methods of building constructions; on good practice in fire prevention; on the accepted requirements of safe facilities, and on the proper installation of plumbing, electric wiring, elevators and other installations for the safety, comfort, and convenience of occupants. He shall be in good health physically, capable of making the necessary examinations and inspection of buildings during the course of construction. He shall be certified as a building code administrator by the Department of Business and Professional Regulation, Florida Building Code Administrators and Inspectors Board pursuant to F.S. 468.607. He shall not have any interest whatsoever, directly or indirectly, in the sale or manufacture of any material, process or device entering into or used in or in connection with building construction.
- (c) The Building Official shall receive applications required in this city's building code, issue permits and furnish the prescribed certificates. He shall examine premises for which permits have been issued and shall make necessary inspections to see that the provisions of law are complied with and that

construction is prosecuted safely. He shall administrate, supervise, direct, enforce, or perform the permitting and inspection of construction, alteration, repair, remodeling, or demolition of structures and the installation of building systems. He shall, when directed by the City Council, or when the interest of the city so requires, make investigations in connection with matters referred to in this city's building code and render written reports on the same. For the purpose of enforcing compliance with law, to remove illegal or unsafe conditions, to secure the necessary safeguards during construction, or to require exit facilities in existing buildings and structures, he shall issue such notices or orders as may be necessary.

- (d) The Building Official shall keep careful and comprehensive records of applications; of permits issued or certificates issued; of inspections made; of reports rendered, and of notices or orders issued. He shall retain on file copies of all papers in connection with building permits for the life of the structure for commercial structures and (15) fifteen years for residential structures pursuant to F.S. 553. All such records shall be open to public inspection at reasonable hours but shall not be removed from the office of the Building Official.

Secs. 5-5 – 5.14. Reserved.

This ordinance shall become effective immediately upon its adoption.

ADOPTED THIS 25th DAY OF February, 2008.

CITY OF DEFUNIAK SPRINGS, FLORIDA

By: C. Harold Fajardo
Mayor

ATTEST:

Vanessa Mitchell
Deputy City Clerk