

TAB 2



516 8th Avenue West
P.O. Box 1209
Palmetto, Florida 34220-1209
Phone (941) 723-4570
Fax: (941) 723-4576
Suncom: 516-0829
E-mail: chgeneral@palmettofl.org
Web: www.palmettofl.org

**BEFORE THE CODE ENFORCEMENT BOARD
OF THE CITY OF PALMETTO, FLORIDA**

**CERTIFIED MAIL/RETURN RECEIPT REQUESTED
REGULAR MAIL**

CITY OF PALMETTO

A political subdivision of the
State of Florida

Petitioner,

vs.

Clement Flynn
154 New York Street
Palmetto, Florida 34221
Respondent

Case No. CEB 08-15

Re Violation Location: 154 New York Street
Palmetto, Florida 34221

Legal Description: UNIT 124 JET MOBILE HOME PARK SEC ONE, RESIDENTIAL
COOPERATIVE Township 34S, Range 17E, Section 14.

Parcel ID #: PI#27996.0455/4.

ADMINISTRATIVE ORDER IMPOSING LIEN

THIS MATTER came before the City of Palmetto Code Enforcement Board for Public Hearing on January 27, 2009, at 6:00 p.m., at Palmetto City Hall, after due notice to the Respondent.

FINDINGS OF FACT:

- The Code Enforcement Board of the City of Palmetto finds as a matter of fact that exterior renovations were made to the above referenced property in violation of the Florida Building Code. A Stop Work Order was issued by the City of Palmetto Building Department on March 7, 2007; however, non-permitted renovations continued after that date.

CONCLUSIONS OF LAW:

1. The Code Enforcement Board is properly convened. Notice has been given and all conditions precedent have been satisfied.
2. The Respondent has violated Palmetto Code of Ordinances, Chapter 7, Article III, Florida Building Code, Section 7-31.

ORDER


The Respondent, Clement Flynn, is found in violation of the Palmetto Code of Ordinances as noticed, and given until February 1, 2009 to comply with the Palmetto Code of Ordinances cited above by obtaining a building permit. If the aforementioned action is not taken by February 1, 2009, a fine of up to \$250.00 per day may be imposed for each day the violation continues past the date and time specified herein. The Respondent is entitled to notice and an opportunity to be heard prior to a fine being assessed. **A Public Hearing will be held on February 24, 2009, to determine if the violation has been corrected. Administrative costs incurred by the city in the prosecution of this case in the amount of \$420.00, plus any applicable recording fees, are hereby assessed. Upon recording, such costs shall constitute a lien and shall continue with interest accruing.**

A certified copy of this Administrative Order may be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors-in-interest or assigns if the violation concerns real property and the findings therein shall be binding upon the violator and, if the violation concerns real property, any subsequent purchasers, successors-in-interest or assigns.

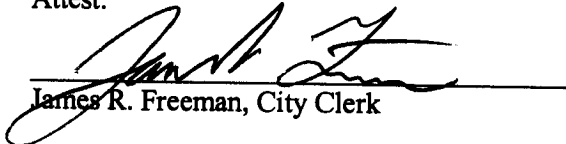
Any aggrieved party may appeal this Administrative Order to the Circuit Court in and for Manatee County. Such appeal shall not be a hearing *de novo*, but shall be limited to appellate review of the record created before the Code Enforcement Board. An appeal shall be filed within thirty (30) days of the execution of this Administrative Order

Done and ordered this 27th day of January, 2009

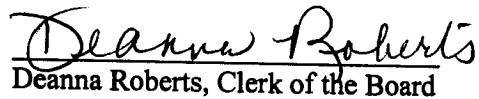
CITY OF PALMETTO
CODE ENFORCEMENT BOARD


Charles W. Leonard, Chairman

Attest:


James R. Freeman, City Clerk

I hereby certify that a true copy of the foregoing Administrative Order Imposing Lien has been furnished to the Respondent by Certified Mail/ Return Receipt Requested and by Regular Mail this 29th day of January, 2009.


Deanna Roberts, Clerk of the Board

160 08-15 21/11/11

BUILDINGS AND BUILDING REGULATIONS

§ 7-31

Plan-checking fees: When the valuation of the proposed construction exceeds one thousand dollars (\$1,000.00) and a plan is required to be submitted, a plan-checking fee shall be paid to the building official at the time of submitting plans and specifications. Said plan-checking fee shall be equal to one-half (1/2) of the building permit fee for commercial, and one-fourth (1/4) for one- and two-family dwellings.

Miscellaneous:

Moving of any building or structure, each	\$300.00
Demolition of any building or structures, each	
Residential	50.00
Commercial	100.00
Courtesy inspections, each	40.00
Filing fees for contractors, each	25.00
Duplicate certificate of occupancy, each	25.00
Duplicate permit card, each	25.00
Permit extension, each	40.00
Re-inspection fees, each	30.00

All permit fees must be paid at the time of filing application. A nonrefundable plan review fee in the amount of twenty-five (25) percent of the total permit fee for residential and, fifty (50) percent of the total permit fee for commercial.

Fee waiver: Fees can be waived administratively for federal, state, and local units of government which are funded by ad valorem taxes. All other waiver requests shall be in accordance with applicable ordinances or resolutions adopted by the city council and established procedures.

(Ord. No. 525, § 1, 9-26-94; Ord. No. 02-01, § 1, 1-7-02)

Secs. 7-26—7-30. Reserved.

ARTICLE III. FLORIDA BUILDING CODE*



Sec. 7-31. Florida Building Code adopted by reference.

The city hereby acknowledges, adopts and incorporates within the Code of Ordinances the Florida Building Code as promulgated by the state building commission and adopted pursuant to F.S. chapter 553, part VII, which shall regulate, control and provide standards for building and construction activities including building, plumbing, electrical, mechanical and fuel gas

***Editor's note**—Ord. No. 02-01, §§ 2 and 6, amended the Code by repealing former art. III, §§ 7-31—7-35, and added a new art. III to read as herein set out. Former art. III pertained to building standards, and derived from the Code of 1975, § 7-17; Ord. No. 204, adopted February 6, 1984; Ord. No. 249, adopted October 7, 1985; Ord. No. 328, adopted September 8, 1987; Ord. No. 386, adopted November 6, 1989; Ord. No. 458, adopted August 5, 1991; Ord. No. 549, adopted October 6, 1995; and Ord. No. 625, adopted October 5, 1998.

State law reference—Minimum standards for buildings, F.S. § 553.73.

construction standards, hurricane construction standards, fairhousing guidelines, accessibility and energy efficiency standards for the city. Furthermore, as provided by state law, the applicability of the Florida Fire Prevention Code is also incorporated through its inclusion by reference in the Florida Building Code. At least one (1) copy of the Florida Building Code along with any amendments or revisions thereto as provided for by state law, shall remain on file in the office of the city clerk for public use and inspection as well as the office of the city building official. Revisions, amendments or additions to the Florida Building Code shall only be made and become effective as provided for by state statutory law.

(Ord. No. 02-01, §§ 2, 6, 1-7-02)

Secs. 7-32—7-50. Reserved.

ARTICLES IV—VI. RESERVED*

Secs. 7-51—7-150. Reserved.

ARTICLE VII. DANGEROUS AND UNSAFE BUILDINGS

Sec. 7-151. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except when the context indicates a different meaning:

Abandoned means a dilapidated, deteriorated or decayed building or structure that is vacant and unsecured.

Dilapidated, deteriorated and decayed mean structures, dwellings, dwelling units, multiple dwellings, apartments or apartment houses, including garages, sheds and similar accessory structures and fences, which by reason of inadequate maintenance, obsolescence or abandonment are unsafe, unsanitary, constitute a fire hazard or are otherwise dangerous to human life or property or are no longer adequate for the purposes for which they were originally intended. (Code 1975, § 7-36)

Cross reference—Definitions and rules of construction generally, § 1-2.

***Editor's note**—Ord. No. 02-01, § 3—5, adopted January 7, 2002, amended the Code by repealing former arts. IV through VI, §§ 7-51—7-65 and 7-81—7-89, 7-111—7-116, and 7-131—7-135 respectively, in their entirety. Former art. IV pertained to electrical standards, and derived from Ord. No. 326, adopted August 17, 1987; Ord. No. 400, adopted March 19, 1990; Ord. No. 512, adopted March 21, 1994; and Ord. No. 589, adopted April 21, 1997. Art. V pertained to plumbing standards, and derived from the Code of 1975, §§ 20-16, 20-19, and 20-20; Ord. No. 201, adopted February 6, 1984; Ord. No. 250, adopted October 8, 1985; Ord. No. 385, adopted November 6, 1989; Ord. No. 458, adopted August 5, 1991; and Ord. No. 549, adopted October 6, 1995. Art. VI pertained to the mechanical code and the gas code, the Code of 1975, § 7-103; Ord. No. 202, adopted February 6, 1984; Ord. No. 252, adopted October 7, 1985; Ord. No. 384, adopted November 6, 1989; Ord. No. 458, adopted August 5, 1991; Ord. No. 549, adopted October 6, 1995; Ord. No. 625, adopted October 5, 1998.

number, shall be construed to refer to such chapter, section or provision of this code.

102.4 Referenced codes and standards. The codes and standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and referenced codes and standards, the provisions of this code shall apply.

102.5 Reserved.

102.6 Existing structures. The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change, except as is specifically covered in this code, or the *Florida Fire Prevention Code*, or as is deemed necessary by the building official for the general safety and welfare of the occupants and the public.

102.7 Relocation of manufactured buildings.

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

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

**SECTION 103
Reserved**

**SECTION 104
DUTIES AND POWERS OF BUILDING OFFICIAL**

104.1-104.8 Reserved.

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

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

104.10 Reserved.

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

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

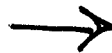
104.11.1 Research reports. Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from approved sources.

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

104.11.3 Accessibility. Alternative designs and technologies for providing access to and usability of a facility for persons with disabilities shall be in accordance with Section 11.2.2.

Florida Building Code

**SECTION 105
PERMITS**



105.1 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.

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

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

authorized to... shall not be... than advisory... decision of the... provisions of chapter 633.

(3) The commission may designate a commission member with demonstrated expertise in interpreting building plans to attend each meeting of the advisory council created in s. 553.512. The commission member may vary from meeting to meeting, shall serve on the council in a nonvoting capacity, and shall receive per diem and expenses as provided in s. 553.74(3).

(4) For educational and public information purposes, the commission shall develop and publish an informational and explanatory document which contains descriptions of the roles and responsibilities of the licensed design professional, residential designer, contractor, and local building and fire code officials. The State Fire Marshal shall be responsible for developing and specifying roles and responsibilities for fire code officials. Such document may also contain descriptions of roles and responsibilities of other participants involved in the building codes system.

(5) The commission may provide by rule for plans review and approval of prototype buildings owned by public and private entities to be replicated throughout the state. The rule must allow for review and approval of plans for prototype buildings to be performed by a public or private entity with oversight by the commission. The department may charge reasonable fees to cover the administrative costs of the program. Such approved plans or prototype buildings shall be exempt from further review required by s. 553.79(2), except changes to the prototype design, site plans, and other site-related items. As provided in s. 553.73, prototype buildings are exempt from any locally adopted amendment to any part of the Florida Building Code. Construction or erection of such prototype buildings is subject to local permitting and inspections pursuant to this part.

(6) The commission may produce and distribute a commentary document to accompany the Florida Building Code. The commentary must be limited in effect to providing technical assistance and must not have the effect of binding interpretations of the code document itself.

History.—s. 8, ch. 74-167; s. 4, ch. 75-85; s. 4, ch. 75-111; s. 3, ch. 77-365; s. 4, ch. 78-323; ss. 5, 8, ch. 79-152; ss. 3, 4, ch. 81-7; ss. 1, 4, ch. 82-48; s. 9, ch. 83-160; s. 2, ch. 83-285; s. 2, ch. 84-385; s. 1, ch. 86-135; s. 1, ch. 88-81; s. 9, ch. 89-139; s. 11, ch. 89-321; ss. 4, 5, 8, ch. 91-172; s. 5, ch. 91-429; s. 311, ch. 92-279; s. 55, ch. 92-326; s. 28, ch. 93-168; s. 51, ch. 95-196; ss. 45, 46, ch. 98-287; ss. 77, 78, 79, ch. 2000-141; ss. 28, 34, 35, ch. 2001-186.

553.781 Licensee accountability.—

(1) The Legislature finds that accountability for work performed by design professionals and contractors is the key to strong and consistent compliance with the Florida Building Code and, therefore, protection of the public health, safety, and welfare. The purpose of this section is to provide such accountability.

(2)(a) Upon a determination by a local jurisdiction that a licensee, certificateholder, or registrant licensed under chapter 455, chapter 471, chapter 481, or chapter 489 has committed a material violation of the Florida Building Code and failed to correct the violation within

a reasonable time, such local jurisdiction shall impose a fine of no less than \$500 and no more than \$1,000 for each material violation.

(b) If the licensee, certificateholder, or registrant disputes the violation within 30 days following notification by the local jurisdiction, the fine is abated. The local jurisdiction shall report the dispute to the Department of Business and Professional Regulation. The appropriate professional licensing board for the licensee, certificateholder, or registrant shall conduct any investigation and final disposition. If an administrative complaint is filed by the department of business and professional regulation against the certificateholder or registrant, the commission may intervene in the proceeding. Any fine imposed by the department of business and professional regulation, pursuant to a report by the local jurisdiction to the department of business and professional regulation, shall be shared equally between the board and the local jurisdiction which reported the violation.

(3) The Department of Business and Professional Regulation, as an integral part of the automated information system provided under s. 455.2286, shall establish, and local jurisdictions and state boards shall participate in, a system of reporting violations and disciplinary actions taken against licensees, certificateholders, and registrants under the Florida Building Code that have been disciplined for a violation of the Florida Building Code. Such information shall be available electronically. Any fines collected by a local jurisdiction pursuant to subsection (2) shall be used to help set up the parts of the reporting system, and any remaining moneys shall be used solely for the Florida Building Code, licensing activities under the Florida Building Code, or education and training under the Florida Building Code.

(4) Local jurisdictions shall maintain information readily accessible by the public, regarding violations and shall report such violations to the Department of Business and Professional Regulation through the reporting system provided in s. 455.2286.

For purposes of this section, a material violation is a violation that exists within a complete building, structure, or facility which may reasonably be expected to result, in physical harm to a person or property, or damage to the performance of a building or facility. Except when the fine is abated as provided in subsection (2), failure to pay the fine within 30 days shall result in a suspension of the licensee's, certificateholder's, or registrant's ability to obtain permits within the jurisdiction for such time as the fine is paid. Such suspension shall be reflected on the automated information system provided in s. 455.2286.

History.—s. 47, ch. 98-287; ss. 80, 81, ch. 2000-141; ss. 28, 34, 35, ch. 2001-186.

553.79 Permits; applications; issuance.—

(1) After the effective date of the Florida Building Code adopted as herein provided, it shall be unlawful for any person, firm, corporation, or other entity to construct, erect, alter, modify, repair, or finish any building within this state without first obtaining a permit from the local jurisdiction having jurisdiction over the building.

