

ORDINANCE NO. 10

AN ORDINANCE REGULATING THE CONSTRUCTION, ALTERATION, REPAIR AND MOVING OF BUILDINGS WITHIN THE TOWN OF MEXICO BEACH, FLORIDA; PROVIDING FOR PERMITS AND FEES THEREOF; PROVIDING FOR PENALTIES FOR VIOLATION THEREOF; AND PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.

BE IT ORDAINED BY THE PEOPLE OF THE TOWN OF MEXICO BEACH:

I. TITLE AND SCOPE

SECTION 1. TITLE-- This ordinance shall be known and cited as "The Building Code of the Town of Mexico Beach, Florida".

SECTION 2. CODE REMEDIAL-- This code is hereby declared to be remedial, and shall be construed to secure the beneficial interests and purposes thereof-- which are public safety, health and general welfare--through structural strength, stability, sanitation, adequate light and ventilation, and safety to life and property from fire and other hazards incident to the construction, alteration, repair, removal, demolition, use and occupancy of buildings, structures, or premises.

SECTION 3. SCOPE--

(a) The provisions of this code shall apply to the construction, alteration, repair, equipment, use and occupancy, location, maintenance, removal and demolition, of every building or structure or any appurtenances connected or attached to such buildings or structures.

(b) No provision of this code shall be held to deprive any federal or state agency, or any municipal authority having jurisdiction, or any power or authority, which it had on the effective date of this act or of any remedy then existing for the enforcement of its orders, nor shall it deprive any individual or corporation of its legal rights as provided by law.

SECTION 4. MAINTENANCE-- All buildings or structures, both existing and new, and all parts thereof, shall be maintained in a safe and sanitary condition. All devices or safeguards which are required by this code in a building when erected, altered, or repaired, shall be maintained in good working order. The owner, or his designed agent, shall be responsible for the maintenance of buildings and structures.

II. ORGANIZATION

SECTION 1. BUILDING INSPECTOR-- The office of Building Inspector is hereby created. The Building Inspector shall be appointed by the Mayor with the consent of a majority of the City Commission. He is hereby charged with the Administration and enforcement of this code. The Building Inspector may be a member of the Town Council or any employee of the City.

SECTION 2. RECORDS-- The Building Inspector shall keep, or cause to be kept, a record of the business of the department. The records of the department shall be open to public inspection.

III. POWERS AND DUTIES OF BUILDING INSPECTOR

SECTION 1. RIGHT OF ENTRY-- The Building Inspector shall enforce the provisions of this code, and he may enter any building, structure or premises in the City to perform any duty imposed upon him by this code.

SECTION 2. STOP WORK ORDERS-- Upon notice from the Building Inspector that work on any building or structure is being done contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall be immediately stopped. 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, no written notice shall be required to be given by the Building Inspector.

SECTION 3. REVOCATION OF PERMITS-- The Building Inspector may revoke a permit issued under the provisions of this Ordinance in case there has been any false statement or misrepresentation as to a material fact in the application or plans on which the permit is based.

SECTION 4. UNSAFE BUILDINGS-- All buildings or structures which are unsafe, unsanitary, or not provided with adequate egress, or which constitutes a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety, or health by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment, are severally in contemplation of this section, unsafe buildings. All such unsafe buildings are hereby declared illegal and shall be abated by repair and rehabilitation or by demolition in accordance with the following procedure:

(a) Whenever the Building Inspector shall find any building or structure or portion thereof to be unsafe, as defined in this section, he shall, in accordance with established procedure for legal notices, give the owner, agent or person in control of such building or structure written notice stating the defects thereof. This notice shall require the owner within a stated time either to complete specified repairs or improvements, or to demolish and remove the building or structure thereof.

(b) If necessary, such notice shall also require the building, structure or portion thereof to be vacated forthwith and not be reoccupied until the specified repairs and improvements are completed, inspected and approved by the Building Inspector. The Building Inspector shall cause to be posted at each entrance to such building a notice: "This Building is Unsafe and its Use or Occupancy has been Prohibited by the Building Inspector." Such notice shall remain posted until the required repairs are made or demolition is completed. It shall be unlawful for any

person, firm or corporation or their agents or other servants, to remove such notice without written permission of the Building Inspector, or for any person to enter the building except for the purpose of making the required repairs or of demolishing same.

(c) The owner, agent or person in control shall have the right, except in cases of emergency, to appeal from the decision of the Building Inspector, as provided hereinafter, and to appear before the City Commission at a specified time and place to show cause why he should not comply with said notice.

(d) In case the owner, agent, or person in control cannot be found within the stated time limit, or, if such owner, agent or person in control shall fail, neglect or refuse to comply with notice to repair, rehabilitate, or to demolish and remove said building or structure or portion thereof, the Building Inspector, after having ascertained the cost, shall cause such building or structure or portion thereof, to be demolished, secured, or required to remain vacant.

(e) The decision of the Building Inspector shall be final in cases of emergency, which in his opinion, involve imminent danger to human life or health. He shall promptly cause such buildings, structure or portion thereof to be made safe, or removed. For this purpose he may at once enter such structure or land on which it stands, or abutting land or structures, with such assistance and at such cost as he may deem necessary. He may vacate adjacent structures and protect the public by appropriate fence or such other means as may be necessary, and for this purpose may close a public or private way.

(f) Costs incurred under sub-paragraphs (d) and (e) shall be charged to the owner of the premises involved and shall be collected in the manner provided by law.

IV. BUILDING PERMIT

SECTION 1. FORM-- Application for a building permit shall be filed by the Owner or his agent with the Building Inspector upon a form provided for the purpose and giving such information as the Building Inspector shall require. Such application shall be accompanied by a complete set of plans and specifications including plot plans, foundation plans, floor plans, elevations (end and side) and wall plans, showing the relationship of the proposed building to abutting property lines and buildings. If, in the opinion of the Building Inspector, the character of the work is sufficiently described in the application, he may waive the filing of plans provided the cost of such work does not exceed two thousand dollars (\$2,000.00).

SECTION 2. ISSUANCE OF PERMIT-- If the Building Inspector finds that the proposed building will comply in every respect with this code and the laws of the State of Florida, he shall issue a building permit therefor, and shall write "approved" on the set of plans and specifications submitted to him. After issuance of the building permit, the plans and specifications shall not be altered in any material way unless such change is approved by the Building Inspector as conforming to this code.

SECTION 3.--LAPSE OF PERMIT-- A building permit shall become void unless operations are commenced within 60 days from date thereof unless such time is extended by the Building Inspector.

SECTION 4. INSPECTION-- The Building Inspector shall be notified by the holder of the permit, and the Building Inspector shall inspect the building:

1. When the trenches are excavated and reinforcing steel is in place.
2. When the structural frame is complete, and the building is "dried in" and plumbing and electrical work is "roughed in".
3. When the building is completed.

Provided, however, that any person who does not have a licensed contractor supervising the construction of a building shall be required to have two inspections in addition to the inspections hereinabove provided, for which the owner of said building shall pay the City the sum of \$5.00 for each additional inspection. The Building Inspector shall make these inspections to determine that the owner of said building is complying with the provisions of this code and may make such inspections at his discretion during the construction of said building.

SECTION 5. CHANGE IN USE-- No change in the type of use of any structure shall be made without first applying for a building permit. Upon application for such permit, the Building Inspector shall inspect the structure and he shall issue such permit only if the building complies with the provisions of this code and the laws of the State of Florida for the new use or if proposed alterations will result in such compliance. A change in the type of use shall be interpreted to mean a new use of an existing structure which will change its classification from Group I to Group II as described in Sections 1 and 2 in Part XII of this code or a use which will increase the design loading requirements as found in Section 1 of Part XIII.

A permit may be issued for a change in type of use even though not complying completely with the above provisions if such occupancy change is determined by the City Commission to be less hazardous from the standpoint of life and fire risk than the existing use.

SECTION 6. FEES -- Before receiving a building permit for a Group I or Group II building as hereinafter defined, the owner or his agent shall pay the City Clerk the following fees:

1. One-(\$1.00) dollar for work the valuation of which is \$1500.00 or less.
2. Two (\$2.00) dollars for work the valuation of which is more than \$1500.00 but less than \$3,000.00.
3. One (\$1.00) dollar for each additional \$1,000.00 or fraction thereof of total valuation.

4. Five (\$5.00) dollars for moving a building.

The City, County and State or United States shall be exempt from paying fees for a building permit.

V. CONTRACTORS LICENSE AND BOND REQUIRED

SECTION 1. REGISTRATION AND BOND-- It shall be the duty of every contractor or builder, who shall make contracts for the erection or construction or repair of buildings for which a permit is required, in the City, and every contractor or builder making such contracts and subletting the same, or any part thereof, to pay a license tax as provided in the general ordinance license, and to register his name in a book provided for that purpose, with the City Clerk, giving full name, residence and place of business; and it shall be the further duty of every such person to give good and sufficient bond in the sum of \$1,500.00, to be approved by the city attorney, conditioned to conform to the building regulations, the regulations of this section, and other ordinances of the city in reference to buildings.

SECTION 2.-- Any person who acts in the capacity of a builder or contractor in the construction of a building located on property in which he has an interest and who is not a licensed contractor or who does not have a licensed contractor in a supervisory capacity in the construction of said building, and who shall effect a sale of said building during construction or at any time within six months after the completion of same, shall be required to procure a license as provided in the general license ordinance when and if he commences the construction of another building within said city during the period of one year after he has effected a sale or a contract of sale for said property.

VI. APPROVAL OF NEW MATERIALS AND ALTERATIONS

SECTION 1. NEW MATERIALS-- New Materials, systems of construction, and devices may be approved by the Building Inspector when they are determined to be the equal of those required in this code. The Building Inspector shall be guided in such approval by the results of tests conducted by testing laboratories such as the U.S. Bureau of Standards, the Underwriters' Laboratories, Inc., or by any other testing agency deemed by the Building Inspector to be competent to conduct the respective tests.

VII. MOVING BUILDINGS

SECTION 1.-- It shall be unlawful for any person, firm or corporation to move any building or buildings within the Town of Mexico Beach, Florida, or to move any building or buildings from outside the City limits of the city into the city limits of Mexico Beach without first having obtained a written permit from the Building Inspector. The applicant shall provide the Building Inspector with detailed plans and specifications of the improvements planned upon said building, which plans and specifications shall reveal that the building as improved will meet the requirements of this code, and a cost estimate of same, and shall further provide a bond with two good and sufficient sureties, or a bond issued by a surety company in an amount sufficient to guarantee completion and making of the proposed improvements in accordance with the plans and specifications submitted, and within the time limit agreed upon between the applicant and the Building Inspector.

SECTION 2.-- No building shall be removed from one lot to another or from part of a lot to another of the same within the corporate limits of the Town of Mexico Beach or into or out of the city limits of said city until the moving contractor shall have made provision for the Building Inspector or a member of the police department to accompany same at all times when said structure or house is being moved and is in the public streets.

SECTION 3.-- No building shall be removed from one lot to another or from part of a lot to another of the same within the corporate limits of the city or into or out of the city unless the owner or moving contractor or owner shall have made provision for the Building Inspector or a member of the police department to accompany same at all times when said structure or house is being moved and is in the public streets.

SECTION 4.-- No building shall be removed from one lot to another or from part of a lot to another of the same within the corporate limits of the city or into or out of the city unless the owner or moving contractor shall file with the Building Inspector a written statement setting forth the lot from which the same is to be removed and the lot upon which it is to be located, together with a detailed statement of the streets, alleys, passageways on and over which the building is to be moved, together with a bond with a surety company or having two good and sufficient sureties in an amount of not less than \$1,000.00 to be posted with the City Clerk of the Town of Mexico Beach to indemnify said City against any damage to streets, alleys or passageways as well as to any private property whatsoever during the progress of the building or structure while it is in the process of being moved.

VIII. PENALTY

SECTION 1.-- Any person, firm or corporation who violates or refuses to comply with any provision of this code shall be deemed guilty of a misdemeanor and shall be punished by a fine of not more than Three Hundred Dollars, or by imprisonment of not more than thirty days, or both such fine and imprisonment, for each provision violated. It shall be the responsibility of the offender to abate the violation and each day that such violation is permitted to exist shall constitute a separate offense.

IX. VALIDITY

SECTION 1.-- Should any section or provision of this code be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the code as a whole or any part thereof other than the part so declared to be invalid.

X. CONFLICTING ORDINANCES REPEALED

SECTION 1.-- All ordinances or parts of ordinances in conflict with the provisions of this code are hereby repealed.

XI. DEFINITIONS

SECTION 1.-- MEANING OF TERMS -- In the interpretation of this code, the following definitions shall be used:

ALTERATION means any change or addition in construction or arrangement.

~~THE~~ BUILDING means any structure constructed for the shelter of persons, animals, or property of any kind.

COURT means an unoccupied space extending to the sky from the ground or from the roof of a lower portion of a building, such space being adjacent to the building and enclosed on two or more sides by walls of the building.

DWELLING means a building or that part of a building arranged or occupied as the home or sleeping place of one or more persons.

GARAGE means a building which affords shelter to a motor vehicle using a volatile flammable liquid as fuel.

GRADE of a building means the established or finished ground elevation. This is used in determining the number of stories and height of the building.

If a building wall is built up to or within five feet of a street lot line, the grade is determined by the sidewalk elevation at the center of the length of the wall fronting on such sidewalk. If the building has two or more such walls, the grade shall be the average of the sidewalk elevations at such center points.

If the building walls are more than five feet from the street lot line, the grade shall be the average of the finished ground elevation at each wall of the building, measuring each elevation of the ground at the center point of the length of the wall.

HABITABLE ROOM means a room occupied or arranged for living, eating, or sleeping purposes, including kitchens for family units or individual households, but not including bath or toilet rooms, laundries, pantries, corridors, or recreation rooms.

HEIGHT OF BUILDING means the vertical distance from the grade of the building to the highest point in the coping of a flat roof or to the deck line of a mansard roof or to a point halfway between the eaves and the highest ridge of a barn or gable type roof.

LOADS. Live loads mean the load carried by a building or structure not including the weight of any part of the building or structure and not including any loads caused by wind, earthquake, and laterally exerted pressure of earth or other materials, liquids or gases.

Dead loads mean the actual weight of roof, walls, floors, partitions, and other permanent parts of building.

MASONRY means units of brick, stone, concrete, tile or terracotta laid in mortar and included monolithic concrete.

REPAIRS means the reconstruction or renewal of any part of a building or structure for the purpose of its maintenance. The word "repair" does not apply to any change of construction. See Alteration.

STORY means that part of a building between the upper surface of a floor and the upper surface of the floor next above except the top story which is that part included between the upper surface of the top floor and the ceiling or if there is no ceiling, the underside of the roof.

WALL means the vertical structural members of a building which encloses it, from its courts, or from its vertical fire divisions.

WALL, BEARING Bearing wall means a wall which carries dead loads other than its own weight.

WALL, FIRE, means a wall of four-hour fire-resistive construction which divides a building or separates buildings for the purpose of restricting the spread of fire and which starts at the foundation and extends continuously through all stories to and above the roof. But where the roof is fire-proof or semi-fireproof the wall shall be carried up tightly against the underside of the slab.

WALL, NON BEARING. Non-Bearing wall means a wall which supports no load other than its own weight.

WALL, PARTY. Party wall means a wall which separates two or more buildings or is built to be used jointly by separate buildings.

XII. CLASSIFICATION

SECTION 1. BUILDING COVERED. -- For the purpose of this code all structures shall be classified in one of two groups:

Group I. Those structures whose construction is completely covered by this code:

(a) RESIDENTIAL-- Buildings used as single or two family dwellings constructed of frame construction not exceeding two stories in height with or without an attic or of ordinary masonry construction not exceeding one story in height with or without an attic.

(b) COMMERCIAL-- Buildings used for stores, offices, shops, or warehouses not exceeding one story or 25 feet in height and without basements.

(c) ACCESSORY-- Private garages not exceeding one story in height of frame or ordinary masonry construction with a capacity of not more than four (4) cars; woodsheds, chicken houses, and other similar buildings accessory to those allowed in parts (a) and (b) of this section.

(d) EXCEPTIONS-- Dry-cleaning establishments, garages accommodating over four (4) cars, and places of assembly or detention shall be regulated as Group II buildings.

Buildings designated in parts (a) and (C) of this section involving a ground area in excess of 4,000 square feet or the use of structural reinforced concrete, structural steel, heavy mill construction, or roof trusses, shall be regulated as Group II Buildings, except that the incidental use of steel beams, columns, lintels and hangars and of reinforced concrete slabs shall be permitted in Group I. buildings.

Buildings designated in part (b) of this section costing in excess of \$5,000.00 shall be regulated as Group II buildings.

Group II. All structures not included in Group I shall be classified as Group II.

SECTION 2. SPECIAL PROVISIONS FOR GROUP II BUILDINGS-

All Group II buildings shall be designed by, and their construction shall be supervised by an architect or engineer registered in the State of Florida. Upon completion of a structure, such architect or engineer shall be required to make and file with the Building Inspector an affidavit stating under oath that the provisions of this code have been complied with.

Any and all applications for building permits for the erection or remodeling of any building for use as a hotel, apartment house, rooming house or restaurant must be accompanied by detailed plans and specifications and drawings which have been approved by the supervising architect of the State Hotel Commission.

XIII. STANDARDS OF DESIGN AND CONSTRUCTION

SECTION 1. The provisions of the 1965 edition of the Southern Standard Building Code, and revision of 1967, insofar as said code provides for standards of design and construction, are hereby adopted and incorporated in this ordinance by reference, three copies of which have been and are filed in the office of the Town Auditor and Clerk.

XIV. NON-CONFORMING BUILDING

SECTION 1. OLD AND DAMAGED BUILDINGS-- Any existing building within the Town which becomes damaged to an extent of 50 per cent of the replacement value as of the date of the damage, by fire, decay or otherwise, shall not be rebuilt unless the entire building when so rebuilt will conform to this code. When damage thereto is less than 50 per cent of the replacement value thereof as of the date of the damage, the structure shall not be rebuilt to an elevation higher than the highest part left standing after such damage shall have occurred, or so as to be in better state of repair or to occupy a greater space than before it was damaged. The extent of the damage that has been done to any such building by fire, decay or otherwise, shall be determined by three disinterested persons, residents of the Town of Mexico Beach, one of whom shall be selected by the owner or agent of the building, the second by the City Commission or an authorized official, and the two so chosen to select a third. The persons so chosen shall fairly and impartially estimate the damage, and report a written decision which shall be final and binding upon all persons concerned.

Whenever any building shall be found to be damaged to an extent of 50 per cent of the replacement value thereof, by fire, decay, or otherwise, notice of such finding shall be served in writing by the City Commission or an authorized official, on the owner or agent of said building, and thereafter said building shall be and the same is hereby declared, a public nuisance and shall be abated. Failure of the owner or agent of said building to remove the same within thirty (30) days after the receipt of written notice of the finding hereinabove referred to, shall be fined in a sum not exceeding Three Hundred Dollars (\$300.00). Each day the same shall be permitted to stand after the receipt of such notice in writing and the expiration of said thirty day period, shall constitute a separate offense. In case the owner after due notice fails to remove or abate the structure within sixty (60) days after service of notice, the city shall move and abate said nuisance.

The Commission shall ascertain and declare the cost of said work, and assess the same against the property upon which said building is situated. Said assessment shall be declared by resolution, and it shall be entered in the docket of city liens, and shall thereupon be and become a lien against said property, and the creation of said lien and the collection and enforcement of said cost shall be done in substantially the same manner as in the case of cost and street improvements, but irregularities or informalities in the procedure shall be disregarded.

XV. SANITATION AND HEALTH

SECTION 1. SANITARY FIXTURES, SEPTIC TANKS, LATRINES AND outhouses-- Every dwelling unit shall be provided with not less than one water closet, one bathtub or shower, one lavatory, and one kitchen sink, which shall be properly connected to septic tanks constructed in accordance with the plans, specifications and requirements of the Florida State Board of Health. The use of open pit latrines or outhouses is prohibited.

SECTION 2. VENTILATION AND LIGHT.-- Every habitable room shall have openings to the exterior with an area through which light may pass of not less than 10 per cent of the floor area.

Windows shall face unobstructed, uncovered, horizontal areas of at least the extent of the glass of all windows opening thereon, no dimensions of which shall be less than 5 feet.

Every bathroom or water closet compartment shall be provided with an outside window or a skylight with an area of not less than one-eighth of the floor area with not less than 45 per cent of the area openable, but in no case shall the window sash area be less than 3 square feet.

SECTION 3. HAB ITABLE ROOMS--

(a) Minimum Area-- Living rooms shall have an area of not less than 150 square feet or not less than 160 square feet when dining space is included and not less than 220 square feet when dining and cooking space is included, provided that a living-dining-kitchen combination may be reduced to not less than 210 square feet when

located in a dwelling unit having less than two bedrooms.

The area of the kitchen shall be not less than 60 square feet or not less than 90 square feet when dining space is included, provided that the area of the kitchen shall be not less than 50 square feet when located in a dwelling unit having less than two bedrooms.

The area of at least one bedroom shall be not less than 100 square feet.

The area of any other habitable rooms shall be not less than 70 square feet.

(b) Minimum height-- Habitable rooms shall have a clear height of not less than 7 feet 6 inches, provided that rooms in the half story shall have a clear height of 7 feet 6 inches, for at least one-half their area. In computing the area of rooms in half-stories, all portions less than 5 feet in height shall be disregarded.

(c) Minimum width-- Habitable rooms, except kitchens, shall be not less than 7 feet wide in every part.

(d) Rooms below Grade--No room which has less than 50 per cent of its height above the average adjoining finished grade shall be occupied as a habitable room. This section shall not be construed to prohibit a play or recreation room below grade.

XVI. PREFABRICATED CONSTRUCTION

SECTION 1. GENERAL -- Prefabricated construction shall conform to the requirements of this code, except as otherwise provided for in this chapter.

SECTION 2. STRUCTURAL DESIGN-- Where the size and spacing of framing members on materials is in conflict with, or not covered by this Code, they will be acceptable if the assembly meets the load requirement of this Code, provided they conform to the requirements as set forth for tests under Section 4 hereof.

SECTION 3. TESTS--

(a) Every manufacturer of prefabricated construction shall file with the Building Inspector, duplicate copies of a certificate from a recognized testing laboratory, which states that tests have been made on this particular type of prefabricated construction, and showing the live, dead and wind load capacities in pounds, per square foot, uniformly distributed, together with a detailed physical description of the panels tested.

(b) Panels and other elements tested for loads shall sustain, without failure, for a period of 24 hours, a super imposed load equal to $2\frac{1}{2}$ times the live load. Recovery within 24 hours, after removal of the full test load, shall be not less than seventy-five (75) per cent of the observed deflection. The measured deflection of any panel or element under full live load shall be not over one three-hundred and sixtieth ($1/360$) of the clear span.

(c) When it is definitely ascertained by the Building Inspector that the requirements of this Code have been met, a permit shall be issued. A copy of all testing laboratory certifications shall be filed as a permanent record in the office of the Building Inspector.

SECTION 4. PLYWOOD-- Plywood of Douglas Fir shall conform to U.S. Commercial Standard CS 45047. Plywood of other species, when structurally used, shall be identified as to veneer grade and glue type by an approved agency and shall meet the performance standards in U.S. Commercial Standard CS 45-45 for its type.

The effective date of this ordinance shall be as provided in the Town Charter of the Town of Mexico Beach, Florida.

INTRODUCED and first reading had the 1st day of April, A.D., 1969.

PASSED AND ADOPTED upon second reading, this 6th day of May, A.D. 1969.

ATTEST:

Mary A. Barley
TOWN CLERK

C. M. Parker
MAYOR-COUNCILMAN