

**CHAPTER 18. CONSTRUCTION - SAFETY STANDARDS.**

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## **CHAPTER 18. CONSTRUCTION - SAFETY STANDARDS.**

### **ARTICLE 1. GENERAL.**

#### **SEC. 18.1.1. PURPOSE.**

In order to protect the public health, safety and welfare of the residents of the City, the construction related safety standards/codes and Florida Statutes listed below, as published by the International Code Congress, Inc. and the National Electrical Code are adopted by reference and made a part of these Land Development Regulations.

#### **SEC. 18.1.2. STANDARDS.**

The construction/safety standards/codes hereby adopted by the City include the following:

- 18.1.2.1. State Building Code, subsequent revisions;
- 18.1.2.2. State Plumbing Code, subsequent revisions;
- 18.1.2.3. State Gas Code, subsequent revisions;
- 18.1.2.4. State Mechanical Code, subsequent revisions;
- 18.1.2.5. Florida Fire Prevention Code, subsequent revisions;
- 18.1.2.6. State Swimming Pool Code, subsequent revisions;
- 18.1.2.7. Standard Unsafe Building Abatement Code, 1985 edition;
- 18.1.2.8. State Existing Building Code, subsequent revisions;
- 18.1.2.9. National Electrical Code, 2008 edition and subsequent revisions;
- 18.1.2.10 International Property Maintenance Code, 2006 edition;

#### **SEC. 18.1.3. CROSS-REFERENCES**

All current references contained in the existing Auburndale Code of Ordinances which cross-reference Chapters 7, 10, 14, 17, 20.5 and 25 are hereby cross-referenced to the applicable Chapters of the Land Development Regulations.

## ARTICLE 2. APPEALS

The Board of Adjustments shall serve as the Board of Adjustment and Appeals for all of the applicable City construction safety codes.

## ARTICLE 3. AMENDMENTS

### **SEC. 18.3.1. GENERAL**

- 18.3.1.1. **COMPETENCY EXAMINATIONS BY BOARD.** In addition to any other provisions in the Code dealing with the recognition of certificates of competency for the different construction trades, the City does hereby enter into a membership of the Municipal Board of Examiners Inc. of Polk County, hereafter referred to as the board or board of examiners for the express purpose of allowing the board to handle competency examinations for the certification of construction trades of plumbing, electrical, mechanical and building construction and for the issuance of certificates of competency for those who engage in general contracting within the City.
- 18.3.1.2. **TESTING METHODS.** The Municipal Board of Examiners Inc. of Polk County may use any recognized tested agency or testing method that is available.
- 18.3.1.4. **CERTIFICATE OF COMPETENCY PREREQUISITE TO ISSUANCE OF OCCUPATIONAL LICENSE.** No occupational license shall be issued to any person for the purpose of engaging in or working at or carrying on the business of general contracting unless such person is in possession of a proper and valid certificate of competency as required under this Chapter. If through an inadvertence or error, an occupational license should be so issued, the City Clerk shall immediately revoke same.
- 18.3.1.5. **BOARD TO USE RESOLUTION.** The Municipal Board of Examiners Inc. of Polk County subject to further approval of the Commission, shall also use as its guidelines and standards the resolution on file in the City Clerk's office which is hereby incorporated by reference as part of this Chapter.
- 18.3.1.6. **BUILDING OFFICIAL; OFFICE CREATED; APPOINTMENT; QUALIFICATIONS.**
- 18.3.1.6.1. There is hereby established within the Community Development Department a section to be titled "Construction Services" which shall be under the charge of a person designated by the Administrative Official, such person to be hereinafter referred to as the "Building Official."
- 18.3.1.6.2. The Building Official may appoint such other officers, inspectors, assistants and other employees as shall be authorized by the Administrative Official.

18.3.1.6.3. The persons appointed as inspectors of building systems shall, meet the applicable minimum requirements of Chapter 468.609, Florida Statutes.

18.3.1.6.4. During the temporary absence or disability of the Building Official, the Administrative Official shall designate an acting Building Official and said designee shall be certifiable under Chapter 468.609, Florida Statutes.

18.3.1.6.5. The Building Official 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.

18.3.1.7. **INTERFERENCE WITH INSPECTOR PROHIBITED.** It shall be unlawful for any person to hinder or interfere with the Building Official or Inspector in the discharge of their duties under the provisions of this Code.

18.3.1.8. **HOUSE NUMBERS; OWNER TO ATTACH; CITY TO PERFORM ON FAILURE OF OWNER: COSTS TO BE ASSESSED AGAINST PROPERTY.**

18.3.1.8.1. All owners, occupants or agents owning property within the City are hereby required to place or cause to be placed, the proper address numbers upon all structures requiring an address identification, as shall be designated by the City, at the owner's, occupant's or agent's expense.

18.3.1.8.2. Such address numbers shall be on a contrasting background, of at least 3 inches in height, for residential structures, 6" in height for multifamily and commercial properties, and no script is allowed.

18.3.1.8.3. Such address numbers and/or letters shall be placed on all structures over the main entrance area, or in the area designated by the Building Inspector, before or at the time of final inspection.

18.3.1.8.4. In case the owner, occupant or agent fails to place or cause to be placed on structure such address numbers as shall be designated by the City, and pay for the same, then the City shall cause such address numbers to be placed on the structure at the owner's, occupant's or agent's expense.

18.3.1.8.5. Such expense shall be charged to the property and shall become a lien and obligation upon such property collectible as any other lien or obligation to the City.

## **SEC. 18.3.2 CONTRACTOR QUALIFICATIONS AND REQUIREMENTS.**

18.3.2.1 **General.** Any person, firm or corporation acting as a contractor, as defined in Section 202 of this Code, within the City shall establish their competency and qualifications and be registered with the building department.

18.3.2.2 **Exceptions.** Owners of property, building or improving accessory structures, or single-family detached or two-family semidetached dwellings on such property for the occupancy or use of such owners and not for sale, or building or improving commercial buildings at a cost not to exceed \$75,000.00 on such property for the occupancy or use of such owners and not offered for sale or lease. In an action brought under this act, proof of the sale or lease, or offering for sale or lease, of more than one such structure by the owner/builder within one year after completion of same is presumptive evidence that the construction was undertaken for purposes of sale or lease.

18.3.2.3. **Competency.** Competence shall be established by presenting a copy of the information required in either items 1 or 2 below:

1. A current Florida State Contractor's Certification; or
2. A current Florida State Contractor's Registration along with a competency certificate from the examining board.

18.3.2.4 **Examining Board.** The term "examining board" shall be interpreted to mean the Municipal Board of Examiners Inc. of Polk County, or such other board or agency as the Auburndale City Commission may designate from time to time as being acceptable to them for the purpose of certifying competency to perform work under this code. The examining board shall issue a certificate of competency to each applicant who shall qualify by passing an examination given by said board for the class of building contractor.

18.3.2.5 **Occupational License.** Before any person, firm or corporation shall act as a contractor, they shall obtain an occupational license for the type and classification of contracting performed, as required by law.

18.3.2.6 **Registration of contractors.**

No person, firm or corporation contracting for the performance of work shall be issued a City of Auburndale building permit until evidence is submitted that the following minimum provisions have been met and registration is accomplished on a form prescribed by the Construction Services Section, accompanied by an annual registration fee established by resolution of the City Commissioners:

- (1) Post with the clerk of the City a surety bond in the sum of \$5,000.00 conditioned upon compliance with the provisions of the law and all rules, regulations and ordinances adopted by the Auburndale City Commission.

- (2) Furnish proof that public liability insurance is maintained with a company authorized to do business in Florida, with a minimum limits as required by the State of Florida for the classification of license held but in no case less than \$25,000.00 for one person and \$50,000.00 for more than one person in any one incident, and property damage insurance with minimum limits of \$10,000.00 for any one incident.
- (3) Furnish proof that the requirements of the Worker's Compensation Law of the State of Florida have been met.
- (4) Furnish evidence of statutory compliance if a fictitious name is used.
- (5) Furnish a copy of a current corporate charter if the business is incorporated.
- (6) Furnish a copy of a current occupational license.
- (7) Furnish proof of competency as required in Section 108.1.
- (8) A fee in the amount of \$15.00 has been paid for the registration service.

18.3.2.7 **Conditions of Registration.** It is the contractor's responsibility to accomplish annual registration by the first day of October of each year. At all other times during the year, he shall be charged an additional \$5.00 fee to restore his registration if the City must contact him regarding registration requirements not being kept current in the contractor's file.

#### 18.3.2.8 **Illegal Work.**

##### 18.3.2.8.1 *Allowing the use of name registration, license or bond.*

No person, as an individual or as a qualifying agent of a business entity doing business as a contractor under the provisions of this Code shall allow his name, registration, license or bond to be used by another to obtain permit except as provided in Chapter 489, Florida Statutes. Upon finding such circumstances, the Building Official may revoke the permit or approval issued on such basis.

18.3.2.8.2 **Failure To Correct Code Violation.** Any person, firm or corporation engaged in the business as a contractor, as defined in this code, whose work does not conform with the provisions of this Code shall, on notice from the Building Official, make necessary changes or corrections at once so as to conform to this Code. If work has not been so changed within 14 calendar days after notice by the Building Official, the Building Official may then refuse to issue further permits until such work has been corrected to fully comply with the provisions of this Code.

18.3.2.8.3 **Continuous violations.** The Building Official may appear before the Board of Adjustments and request that registration of a contractor be suspended or revoked because of continued violations. When the request for suspension or revocation of such registration is to be considered at any meeting, the person to whom the registration has been issued shall have at least 10 calendar days' notice in writing of the time and place of such meeting, together with a statement of the grounds upon which it is proposed to be heard.

## **SEC. 18.3.3. SPECIALTY CONTRACTOR QUALIFICATIONS AND REQUIREMENTS.**

Specialty contractors shall meet the registration requirements herein set forth.

### **18.3.3.1. *Limitations on Scope of Work--Roofing Contractors.***

18.3.3.1.1. Roofing contractors shall be allowed to install, maintain, repair, alter, fabricate, extend or design, when not prohibited by law, and use materials and items used in the installation, maintenance, extension and alteration of all kinds of roofing and waterproofing.

18.3.3.1.2. Such contractor shall not perform, or contract to be performed by others, any work as set forth by state law or City ordinance as the exclusive work of a building, plumbing, electrical, mechanical or other contractors defined and classified therein.

### **18.3.3.2. *Limitation on Scope of Work--House Moving Contractors.***

18.3.3.2.1 House moving contractors shall be allowed to rejoin sections of a structure and do foundation work at the new location, but such work shall not include additions to the building.

18.3.3.2.2 The new foundation shall be properly permitted prior to relocating a structure.

18.3.3.2.3 Such contractor shall not perform, or contract to be performed by others, any work as set forth by state law or City ordinance as the exclusive work of a building, plumbing, electrical, mechanical or other contractors defined and classified therein.

### **18.3.3.3 *Registration of Specialty Contractors.***

18.3.3.3.1 No person, firm or corporation contracting for the performance of work under this code shall be issued a permit until the following registration requirements have been met:

- (1) The submission of a completed application form.
- (2) Provide a \$5,000.00 surety bond.

- (3) Furnish proof of liability insurance, minimum limits of \$25,000.00/\$50,000.00 bodily injury and \$10,000.00 property damage.
- (4) Furnish proof of compliance with Florida's Workman's Compensation Law.
- (5) Furnish evidence of compliance with fictitious name recording if applicable.
- (6) Furnish copy of a corporate charter if the business is incorporated.
- (7) Pay the registration fee as established by resolution of the City Commission. Registration is renewable on the first day of October each year.
- (8) A fee in the amount of \$15.00 shall be paid to the City for the registration service.

#### **SEC. 18.3.4. DEFINITION OF TERMS**

**Contractor** means the person who is qualified for and responsible for the entire project contracted for and means, except as exempted in Chapter 489, Florida Statutes, the person who, for compensation, undertakes to, submits a bid to or does himself or by others construct, repair, alter, remodel, add to, subtract from or improve any building or structure, including related improvements to real estate, for others or for resale to others.

**Building contractor** means a contractor whose services are limited to the construction of commercial buildings and single-family dwelling or multiple-family dwelling residential buildings, which commercial or residential buildings do not exceed 3 stories in height, and accessory use structures in connection therewith; or a contractor whose services are limited to remodeling, repair or improvement of any size building if the services do not affect the structural members of the building.

**Building wrecker and demolition contractor** is a person, firm or corporation who is qualified to demolish, wreck or disassemble buildings or other structures or parts thereof and remove the debris therefrom in such a manner that adjoining structures and properties and parts thereof and workmen and other persons may be kept safe.

**General contractor** means a contractor whose services are unlimited as to the type of work which he may do except as provided in Chapter 489, Florida Statutes.



**House moving contractor** is any person, firm or corporation who is registered with the State of Florida Public Service Commission and is otherwise qualified to move houses and other structures in such a manner that all other properties, both public and private, and workmen and other persons may be kept safe.

**Residential contractor** is any contractor whose services are limited to construction, remodeling, repair or improvement of single-family, two-family or three-family dwellings, not exceeding 2 stories in height, and accessory use structures in connection therewith.

**Roofing contractor** is a contractor whose services are unlimited in the roofing trade, and who has the experience, knowledge and skill to install, maintain, repair, alter, extend or design, when not prohibited by law, and use materials and items used in the installation.

**Specialty contractor** is any person, firm or corporation contracting with the public, whose scope of work is limited to a specific phase of construction, and whose responsibility is likewise limited to that particular phase of construction and, thus, is exempt from the provisions of Chapter 489, Florida Statutes, unless provided otherwise in this Code.

## **SEC. 18.3.5. FIRE PREVENTION**

### **18.3.5.1. *Obstructing Fire Hydrants.***

602.5.1. - No person shall place or keep any fence, growth, trash or other material within 7 ½ feet of any fire hydrant or and obstruction that would prevent such hydrant from being immediately discernible or in any other manner hinder the fire department from gaining immediate access to a fire hydrant, regardless of distance.

### **18.3.5.2. *Key box.***

When access to or within a structure or an area is unduly difficult because of secured openings or where immediate access is necessary for lifesaving or fire fighting purposes, the chief may require a key box to be installed in an accessible location. The key box shall be a type approved by the Fire Official and shall contain keys to gain necessary access as required by the chief.

### **18.3.5.3. *Fire alarm system monitoring; fees.***

- (a) The fees for responses to false alarms transmitted by any fire alarm system is as follows:
- (1) \$100.00 for a response inside the city limits.
  - (2) \$150.00 for a response outside the city limits.

- (3) No charge for a response to one false alarm each year.
- (b) Before installation, all fire alarm equipment must be approved by the Fire Official of Auburndale. All systems must have standby D.C. power sources. Any system that proves to be unreliable must be disconnected and removed after a 30 day notice has been given to the customer.

18.3.5.4. Maintenance of Vegetative Growth. Vegetative growth, as described in Chapter 11, Article 111, Sec. 11-51(a) of the Auburndale Code of Ordinances, shall be maintained according to the following fire safety standards:

18.3.5.4.1. Vegetative growth, excluding trees, shall be required to be maintained at a height not exceeding one (1) foot within 300 feet from any occupied building and within 100 feet from any public or private right-of-way.

#### **SEC. 18.3.6. SWIMMING POOLS**

18.3.6.1. Setback requirements.

No person shall install, construct or maintain a swimming pool or cause the same to be done, so that any part of the swimming pool lies within 10 feet of the boundary line of the lot or building site on which the swimming pool is located, or within 20 feet of any such boundary abutting a street right-of-way. For the purpose of this paragraph, the term "swimming pool" shall include a diving board, ladder or appurtenant structure.

18.3.6.2. Drainage into sanitary sewers prohibited.

No person shall connect any swimming pool, or cause the same to be connected to the sanitary sewer system of the City, and no person shall cause or allow the contents of any swimming pool to drain into the sanitary sewer system.

#### **SEC. 18.3.7. EXISTING BUILDING CODE.**

There are hereby adopted codified amendments to the duly adopted Standard Existing Building Code, subsequent revisions, which are described below.

#### **SEC. 18.3.8. MINIMUM MAINTENANCE REQUIREMENTS FOR COMMERCIAL BUILDINGS IN CERTAIN ZONING DISTRICTS.**

This section shall apply to all commercial buildings that are located within the following zoning districts: CN-NEIGHBORHOOD COMMERCIAL; CG-GENERAL COMMERCIAL; CH-COMMERCIAL HIGHWAY; CBD-CENTRAL BUSINESS DISTRICT; LI-LIGHT INDUSTRIAL; and RIO-RESIDENTIAL, INSTITUTIONAL AND

OFFICE. Such buildings shall be maintained in accordance with the Land Development Regulations and further, shall meet the below requirements.

18.3.8.1. *Windows, Glass, Signs, Miscellaneous.*

18.3.8.2. Every broken or missing window glass shall be repaired or replaced. It shall not be permitted to replace the glass with plywood or other non-translucent materials except on an emergency basis. Plywood may be used to secure openings on vacant buildings or portions of buildings. The plywood must be painted to blend with the structure that it is applied to and installed according to requirements of the building code. If windows are eliminated on buildings, they shall be closed in with construction that is of the same type as the construction used in the exterior wall of that building.

18.3.8.3. Display windows, entrances, signs, lighting, sun protection, awnings, porches, security grills, etc., shall be maintained and kept in good repair. Any elements that are in disrepair shall be brought into compliance by repair or removal. Awnings that are torn, badly faded, or structurally compromised shall be removed, repaired or replaced. Existing miscellaneous and non-functional elements on the building, such as empty electrical conduit, unused sign brackets, unused awning brackets, unsecured signs, etc., shall be removed and the building surface repaired or rebuilt.

18.3.8.4. *Walls, And Other Structural Elements.*

The exterior of all structures shall be maintained in good repair. This shall include the painting of wood, masonry or other building materials that are not designed to otherwise exist naturally without a weather proofing system. A structure shall be considered to be in violation of this section if more than 10% of the painted surface or weather proofing system is exposed to the elements as a result of the wear, peeling, dirt, mold, mildew, or deterioration of the material.

18.3.8.5. *Temporary Coverings.*

No temporary covering of any part of a structure may remain more than 30 days.

18.3.8.6. *Residential Uses.*

This section is not intended to apply to any existing single family detached or duplex residential uses that may legally exist in any of the above identified zoning districts. Mixed use occupancies must meet these requirements.

18.3.8.7. *Variance and Appeals.*

No variance from these requirements shall be granted. Appeals of interpretation shall be heard by the Board of Adjustment as provided for in Chapter 20 of the Land Development Regulations.

### **SEC. 18.3.9. UNSAFE BUILDING ABATEMENT CODE.**

There are hereby adopted codified amendments to the duly adopted Standard Unsafe Building Abatement Code, subsequent revisions, which are described above.

### **SEC. 18.3.10. NATIONAL ELECTRIC CODE.**

All electrical construction, materials and appliances used in connection with electrical work and the operation of all electrical apparatus within the City shall conform to this code

### **SEC. 18.3.11. INSTALLATIONS BY UNLICENSED PERSONS PROHIBITED.**

It shall be unlawful for any person not a licensed electrician or under on the job direct supervision of a licensed electrician, in accordance with the provisions of this Article, to do any electrical construction or make any repairs, alterations, additions or changes to any existing system of electrical wiring, apparatus or equipment for lights, heat and power inside of or attached to any building within the City.

### **SEC. 18.3.12. TEMPORARY ELECTRIC SERVICE CONNECTION.**

A 30 day temporary electric service connection may be granted by the Building Official or his assistants if the service wiring is found to be in a safe operating condition and provided an urgent necessity for electrical current exists.

### **Sec. 18.3.13. EFFICIENT PLUMBING REQUIREMENTS**

The Florida Water Star program provides criteria specifically designed for water efficiency in Florida and the City of Auburndale. The program consists of criteria for construction/development. Florida Water Star criteria establishes criteria that includes water conservation regulations for efficient indoor plumbing fixtures and appliances, and as referenced in Chapter 10, Landscaping, Article 7 Irrigation Design Standards, adopts standards for landscape design and installation and standards for irrigation design and installation.

18.3.13.1. Contractors obtaining City of Auburndale Building Permits, for all new residential, commercial and institutional construction, no more than 60 days after the effective date of this Section, shall incorporate WaterSense plumbing fixtures (faucets, showerheads and toilets) and ENERGY STAR appliances (clothes washer and dishwasher) into said construction. All new construction shall incorporate WaterSense plumbing fixtures and ENERGY STAR appliances prior to issuance of certificate of occupancy.

18.3.13.2. In appliances where WaterSense plumbing fixtures and ENERGY STAR appliances are not available, a written request for an exception must be submitted and approved by the City of Auburndale. For exception to be

approved, a best alternative water and/or energy conservative fixture and/or appliance must be identified in the submittal.

#### **ARTICLE 4. CONTRACTORS' DISCIPLINARY BOARD.**

A Contractors' Disciplinary Board is hereby established, in cooperation with other municipalities, in accordance with Chapter 489.131(7)(a) F.S., to discipline violations as set forth in Chapter 489.129 F.S. The City shall appoint one or more members to this Board. Each appointee shall be a licensed contractor either registered or certified as a contractor with the State of Florida. The Building Official may submit to the Board the name of any contractor who violates the construction-safety standards contained in the Land Development Regulations.

## **ARTICLE 5. BUILDING VALUATION, PERMITTING, & INSPECTION**

### **SEC. 18.5.1 PROCEDURE FOR ESTABLISHING BUILDING VALUATION, REINSPECTION AND PERMIT FEES**

- 18.5.1.1 The valuation of new building construction for purposes of assessing building permit fees shall be determined by a cost per square foot figure designated using the latest "Building Valuation Data Chart" as published in Building Safety Journal by the International Code Congress with the Regional Modifier being that of Florida, or as set by the City of Auburndale City Commission.
- 18.5.1.2. The valuation of all other work to be performed within the City which requires a building or construction permit shall be provided by the applicant by contract, Notice of Commencement, or determined by the Building Official
- 18.5.1.3. All charges and fees to be imposed or collected related to all work which requires permitting shall be adopted by Resolution and located in Chapter 10 of the Administration and Procedures Manual portion of the Auburndale Land Development Regulations.
- 18.5.1.4. Refunds of any processed permit fees shall not be issued without the specific approval of the City Manager. The City shall retain from the amount of any permit fee to be refunded a charge of \$25.00 to cover administrative costs. Sub-contractor permit fees that have been processed shall not be subject to refund.
- 18.5.1.5. Any cause that requires a reinspection of any substandard work, or an extra inspection to be made, shall generate a correction notice to be issued and a reinspection fee may be charged. All fees due for any correction notices shall be paid prior to the issuance of a Certificate of Occupancy or Completion. Any inspection or reinspection requests must be received from the contractor of record for the work to be inspected no later than the close of business the day prior to the requested inspection date.