

**CITY OF MARCO ISLAND
ORDINANCE NO. 01 - 36**

AN ORDINANCE TO ESTABLISH THE NEW CITY OF MARCO ISLAND ADMINISTRATIVE CONSTRUCTION CODE, WITH SAID ADMINISTRATIVE CONSTRUCTION CODE ACTING AS THE ADMINISTRATIVE CHAPTER (CHAPTER 1) OF THE FLORIDA BUILDING CODE, AS REFERENCED AND ADOPTED BY THE CITY OF MARCO ISLAND; DELETING ORDINANCE 98-17 IN ITS ENTIRETY; PROVIDING FOR INCORPORATION, CONFLICT AND SEVERABILITY; PROVIDING FOR PENALTIES, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Article VIII of the State Constitution and Chapter 166 of the Florida Statutes provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal services, and may exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, Section 553.73(4)(a), Florida Statutes, authorizes Florida municipalities to make local amendments to its building codes provided they are not less stringent than the State minimum codes; and,

WHEREAS, the City of Marco Island desires to provide for a single ordinance for the administration of the new Florida Building Code, enforced by the City of Marco Island.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF MARCO ISLAND, FLORIDA:

SECTION 1: Florida Building Code – Chapter 1, Administration

(a) Adoption. There is hereby adopted by reference, Chapter 1, Administration, of the Florida Building Code, 2001 edition, as the administrative provisions of the Florida building code enforced by the City of Marco Island.

(b) Admendment. That Chapter 1, Administration of the Florida Building Code, 2001 edition, is adopted in this section and is hereby amended by local amendment to read as follows:

Chapter 1, Section 101.1, entitled " Scope", has been deleted in its entirety and replaced with the following:

101.1. The purpose of this Ordinance is to establish and adopt a single ordinance uniformly addressing the non-technical and administrative requirements for the Florida Building Code, 2001 edition, the National Electric Code, 1997 editions, adopted Fire/Life Safety Codes, and all other adopted technical codes and ordinances not superseded by the Florida Building Code.

Chapter 1, Section 101.2, entitled "Title", has been deleted in its entirety and replaced with the following:

101.2. The following shall constitute and be known and cited as the Marco Island Administrative Construction Code ("ACC") hereinafter referred to as the "ACC".

Chapter 1, is hereby amended by adding new Section 101.3.3, entitled "Permitting and Inspection" to read as follows:

101.3.3 Permitting and Inspection. The permitting or inspection of any building, system or plan by the City of Marco Island, under the requirements of this Code, shall not be construed in any court or otherwise as a warranty of the physical condition or adequacy of any such building, system or plan. The City and employees thereof shall not be liable in tort or otherwise for damages for any defect or hazardous or illegal condition or inadequacy in any such building, system or plan, nor for any failure of any component of such, which may occur before, during or subsequent to any such inspection or permitting.

Chapter 1, is hereby amended by adding new Section 101.4.9.1, entitled "Fire", to read as follows:

101.4.9.1. The provisions of the National Fire Code shall apply to the construction, alteration, repair, equipment, use, occupancy, location and maintenance of every building or structure, or any appurtenances connected with or attached to such buildings or structures. Further, the Fire Codes shall apply to the installation of mechanical and fire protection systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and/or appurtenances, including ventilating, heating, cooling, air conditioning and incinerators, and fire related systems or installations.

Chapter 1, is hereby amended by adding new Section 101.4.9.2, entitled "Maintenance", to read as follows:

101.4.9.2. All building, structures, electrical, gas, mechanical, plumbing, and fire protection systems, 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 the technical Codes when constructed, altered, or repaired, shall be maintained in good working order. The owner, or owner's designated agent, shall be responsible for the maintenance of buildings, structures, electrical, gas, mechanical, fire and plumbing and all other applicable systems.

Chapter 1, is hereby amended by adding new Section 102.1, entitled "Restrictions on Employees", to read as follows:

102.1. An employee connected with the enforcement of this code, except one whose only connection is as a member of the board established by this Code, shall not be financially interested in the furnishing of labor, material or appliances for the construction, alteration, or maintenance of a building, structure, service, system, or in the making of plans or of specifications thereof, unless he is the owner of such. No such employee shall engage in any other work that is inconsistent with his duties or is in conflict with the interests of the department.

Chapter 1, is hereby amended by adding new Section 102.2, entitled "Records", to read as follows:

102.2. The Building Official shall keep, or cause to be kept, a record of the business of the department. Except as may be otherwise specified by Florida Statutes, including the Public Records Law, all records of the department shall be open to public inspection.

Chapter 1, is hereby amended by adding new Section 102.3, entitled "Liability", to read as follows:

102.3. No City employee nor any member of the Board of Adjustments and Appeals, charged with the enforcement of this Code or any technical Code, acting for the applicable governing authority in the discharge of such duties, shall thereby render himself personally liable, and is 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 suite brought against any employee or member because of such act performed by him in the enforcement of any provision of this Code or any of the technical Code, shall be defended by the City Attorney until the final termination of the proceedings.

Chapter 1, is hereby amended by adding new Section 102.4, entitled "Reports", to read as follows:

102.4. The Building Official shall submit annually a report covering the work of the preceding year. He may incorporate in said report a summary of the decisions of the Board of Adjustments and Appeals during said year.

Chapter 1, is hereby amended by adding new Section 103.8, entitled "Right of Entry", to read as follows:

103.8. Whenever necessary to make an inspection to enforce any of the provisions of this Code or the technical Codes, or whenever the Building Official has reasonable cause to believe that there exists in any building or upon any premises any condition or code violation which makes such building, structure, premises, electrical, gas, mechanical, plumbing or fire systems 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, provide that if such building or premises is occupied, he shall first present proper credentials and request entry. If such building, structure, or premises is unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of such and request entry. If entry is refused, the Building Official shall have recourse to every means provided by law to secure entry.

103.8.1. When the Building Official shall have first obtained a proper inspection warrant or other means provided by law to secure entry, no owner or occupant or any other persons having charge, care or control of any building, structure, or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the Building Official for the purpose of inspection and examination pursuant to this Code.

Chapter 1, is hereby amended by adding new Section 103.9, entitled "Stop work orders", to read as follows:

103.9. Whenever a life, health or safety issue is present or any work is being done in violation of the provisions of this section or in variance with the terms of any permit issued for such work, the Building Official may order all work on the job stopped until such violation or variance is eliminated and any work or installation made in violation of this section is corrected. Such stop order, if oral, shall be followed by a written stop order within 24 hours (excluding Saturday, Sunday or holidays). It shall be unlawful to do or perform any work in violation of such stop order, except as may be necessary to prevent injury or damage to persons or property.

Chapter 1, is hereby amended by adding new Section 103.10, entitled "Revocation of Permits", and new subsections 103.10.1. and 103.10.2 to read as follows:

103.10. Revocation of Permits

103.10.1. Misrepresentation of Application. The Building Official may revoke a permit or approval, issued under the provisions of this Code or the technical Codes in case there has been any false statement or on which the permit or approval are based.

103.10.2. Violation of Code Provisions. The Building Official may revoke a permit upon determination by the Building Official that the construction, erection, alteration, repair, moving, demolition, installation or replacement of the building, structure, electrical, gas, mechanical, plumbing or fire systems for which the permit was issued is in violation of, or not in conformity with, any provision of this Code or the technical Codes.

Chapter 1, is hereby amended by adding new Section 103.11, entitled "Safety", and new subsections 103.11.1. and 103.11.2 to read as follows:

103.11. Safety

103.11 Unsafe Buildings or Systems. All buildings, structures, electrical, gas, mechanical or plumbing systems which are unsafe, unsanitary, or do not provide adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing uses, constitutes 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.

103.11.2. Physical Safety. Where pool construction commences prior to occupancy certification of a one or two family dwelling unit on the same property, the fence or enclosure required shall be in place at the time of final building inspection. The final pool inspection shall be satisfactorily completed prior to issuance of the dwelling unit's Certificate of Occupancy.

Where pool construction is commenced after occupancy certification of a one or two family dwelling unit on the same property, the fence or enclosure required shall be in place prior to filling of the pool unless during the period commencing with filling of the pool and ending with completion of the required fence or enclosure, temporary fencing or an approved substitute shall be in place. Failure to call for a final pool inspection within thirty (30) days of filling the pool shall result in an inspection rejection.

Chapter 1, is hereby amended by adding new Section 104.1.3.5, entitled "Prohibited activities prior to permit issuance", to read as follows:

104.1.3.5. A building permit (or other written site specific work authorization such as for excavation, tree removal, well construction, approved site development plan, filling, re-vegetation, etc.) shall have been issued prior to the commencement of work at the site. Activities prohibited prior to permit issuance shall include, but are not limited to, excavation, pile driving (excluding test piling), well drilling, formwork, placement of building materials, equipment or accessory structures and disturbance or removal of protected species or habitat. Where minor clearing of underbrush can be accomplished without protected habitat or species disturbance, permitting is not required.

Where test piles are required to establish bearing capacity for design purposes of a project, prior to the issuance of a building permit, a test pile permit shall be obtained before any piles are driven. All test pilings must be driven within the footprint of the building and applicable fees shall be charged for the permit. At the time of applying for the test piling permit the contractor shall provide, a bond, letter of credit or certified check equal to 125% of the estimated cost of removing the test piling and grading the site back to the condition it was in prior to the test piling in the event construction does not commence. If the project does not proceed and the test piles need to be removed, then they shall be removed to a minimum of 2 ft. below natural grade. In any event, the test piles are only allowed to remain exposed for a maximum of six (6) months.

Chapter 1, is hereby amended by adding new Section 104.2.1.2, entitled "Additional Requirements", to read as follows:

1. Drawings to scale, minimum scale is 1/8".
2. The first sheet of the Architectural Plans shall provide an information block with the following details:
 - (a) Occupancy classification(s). If the building contains more than one (1) occupancy classification and/or tenant use areas, list each separately with the individual square footages.
 - (b) Establish the required live load for the intended use of each floor and/or mezzanine area.
 - (c) Building area (sq. ft.) for each floor and mezzanine area.
 - (d) Grade elevation of first floor __ + _____ N.G.V.D.
 - (e) Applicable Flood zone.
 - (f) Elevation of first habitable floor __ + _____ N.G.V.D.
 - (g) Height of building in feet above grade.
 - (h) Building height in stories.

- (i) Type of construction.
- (j) Designed for applicable wind load.
- (k) Parking summary for occupancy classification(s) consistent with the calculation and supporting documentation from the approved final site development plan.

3. The permit documents (drawings) shall be no larger than 24" when rolled up and no folded plans will be accepted for permit submittal.

4. The Building Official may require details, computations, stress diagrams, panel schedules, and other data necessary to describe the construction or installation and the basis of calculations.

5. Pre-manufactured Building Components.

(a) Building components designed by specialty engineers (i.e. roof trusses, floor trusses, precast floor slabs, etc.) are required to be submitted at time of permit application. Extra loading of the trusses, beams or girders with hot water heaters, air handlers, compressors or other loads not specifically considered in the specialty design will not be allowed without engineered sealed drawings acknowledging such extra loads.

(b) The specialty engineer shall acknowledge that additional loading has been considered in the design and the type of roof covering shall be designated on the truss plans.

(c) There will be no jobsite modifications of product allowed without an approved design by the specialty engineer.

(d) During the design process of roof trusses, floor trusses, or precast floor slabs, consideration must be given to the possibility that point loading (i.e. girders and columns) may dictate redesign of bearing footing. This shall be coordinated by the design professional.

(e) The design professional shall make a statement on his plan that he has considered and coordinated the truss layout plans, anchor details, uplift loads and reaction loads into his architectural plans by naming the truss manufacturer, their job number, and the date of the truss manufacturers plans on his architectural plans.

(f) Provide the truss layout plans and details by the truss manufacturer to include the profiles for all special trusses that have reaction loads over 5000# and uplift loads over 1000#. These special reaction and uplift connections shall be keyed into a schedule that coordinates with the truss layout plan by a highlighted indication on the truss layout plan for quick reference. The truss manufacturer or the design professional shall provide the recommended anchor for each special connection in the required schedule. The engineered cut sheets for all trusses shall be available at the job site prior to the required inspection.

(g) Provide an anchor bolt plan, fastener schedule and shop drawings as furnished by the steel building manufacturer.

(h) Product approval is not required, however, all exterior doors, windows, skylights, vents, etc. shall be approved at the final inspection with either a certification sticker, by an approved testing laboratory and

applied to the product by the manufacturer, or a signed and sealed document by the design professional indicating that the item is able to withstand the 140 mph wind loading requirements of Chapter 16 of the 2001 edition of the FBC.

(i) Engineered drawings shall be submitted with a signature and raised seal for all miscellaneous structures such as awnings, shutters, screen enclosures, swimming pools, spas and seawalls.

Note: Job specific engineering is not required for aluminum structures that meet the specifications of approved Master Plan Design manuals. These manuals shall be signed and sealed by a Florida State Registered Engineer and be provided to the Building Department. The Master Plan service provider shall periodically update their approved client list. Only approved clients of the service are allowed to reference the Master Plan Design manual.

(j) All signs and electric light standards shall meet structural and other standards regarding sign and light pole construction, erection, electrical wiring, etc. set forth in the building code. Plans for any pole or ground sign exceeding 32 square feet in area and/or eight (8) feet in height or light pole exceeding 8 ft. in height shall be accompanied by foundation drawings signed and sealed by a licensed architect or engineer or the manufacturers recommendations as published by their representative engineer.

(k) The Florida State certified architect or engineer of record shall sign and seal all submitted documents that were prepared under his/her license for the structural and functional components of the structure. The architect or engineer of record shall also indicate their company name, his/her legal name and State of Florida license number, address and phone number in the title block.

6. A Lot Drainage Plan shall be submitted by the permittee at time of application for a building permit. Lot drainage shall comply with the approved Lot Drainage Plan at time of Certificate of Occupancy Inspection. Ground elevations shall be gradually sloped away from the building to effectively drain water away and to be managed on site through roof guttering or earth grading. No significant stormwater run-off is permitted to flow from the subject premises onto abutting properties.

7. Plans shall show that construction of the lowest finished floor meets the elevation criteria listed below or engineered properly to a site specific design and certified by an architect or engineer, when conflict exist between the FIRM elevation and others, the higher elevation shall be required;

(a) FIRM elevation – the elevation that has been established by the Flood Insurance Rate Maps (FIRM).

(b) Paved Road – a minimum of 18 inches above the crown of the nearest street or interior roadway system if finished with paving; or

(c) Graded or Unfinished Road – 24 inches above the crown if graded or otherwise unfinished; or

(d) Mean Sea Level – seven (7) feet above Mean Sea Level (MSL) based on the 1929 National Geodetic Vertical Datum (NGVD); or

(e) Water Management Design

(1) Buildings within projects which have water management routing and storage facilities designed and built for a 25-year, three (3) day storm event in accordance with South Florida Water Management District's criteria may use a finish floor elevation in accordance with the project's water management designed 100 year zero discharge elevation or the FIRM elevation, whichever is higher.

(2) Buildings which are not within projects having a water management storage facility designed and built for a 25-year, three (3) day storm event in accordance with South Florida Water Management District's criteria shall use a finish floor elevation of 18 inches above the adjacent roadway crown elevation or the FIRM elevation, whichever is higher.

8. On parcels where unusual topographic conditions exist and the above standard conditions cannot be reasonably applied, the Building Official will consider requests to decrease the finish-floor elevation. All requests will require an analysis by a Florida registered professional engineer of the 25-year, three (3) day storm event and the 100 year, three (3) day storm event, using zero discharge for the entire drainage basin in which the proposed structure is located. Reductions may be allowed on the basis of the analysis, but in no case shall the finish floor be less than the FIRM.

Note: Slabs for garages, carports, screen enclosures, etc., must be at least equal in elevation to the crown of the nearest street.

9. Building permits that require a foundation inspection or floor elevation inspection shall submit a current survey with the permit application.

10. For fire damage issues, a professional review and written report shall be submitted concerning the components to be salvaged and all structural systems shall be certified by an architect or engineer. These documents will be required before issuing a permit for reconstruction of a fire-damaged structure.

Chapter 1, is hereby amended by adding new Section 104.4.1.6, entitled "Licensed Contractor/Designated Agent", to read as follows:

104.4.1.6. All construction within the city limits shall be performed through and supervised by a licensed general contractor. A licensed contractor shall sign the application but may to designate an employee or permitting service to submit and/or receive a building permit, such designation shall be by power of attorney, and a separate power of attorney shall be required for each specific project or permit request. The power of attorney shall remain in effect for a period of one (1) year and it is the contractor's responsibility to notify the Building Department of any change in status of the designee.