

ORDINANCE NO. 121

AN ORDINANCE AMENDING CHAPTER 4, BUILDINGS AND BUILDING REGULATIONS, OF THE TOWN OF CINCO BAYOU CODE OF ORDINANCES; PROVIDING FOR THE SEVERABILITY OF ANY PORTION DECLARED INVALID; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE HEREOF.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CINCO BAYOU, FLORIDA:

SECTION 1. Chapter 4, Buildings and Building Regulations, of the Town of Cinco Bayou Code of Ordinances is hereby amended to read as follows:

ARTICLE I. IN GENERAL

SECTION 4-1. Building Inspection.

In accordance with the provisions of an interlocal agreement with the Board of County Commissioners, Okaloosa County, Florida, the Okaloosa County Zoning and Inspection Department performs all construction permitting and inspections in and for the Town of Cinco Bayou.

SECTION 4-2. Building Permits.

No building or other structure shall be erected, moved, added to, or structurally altered without a permit therefor, authorized by the Town and issued by the Okaloosa County Zoning and Inspection Department. No building permit shall be authorized except in conformity with the provisions of this ordinance and the Town's zoning ordinance, unless an order is received from the Town's Planning & Zoning Board granting a special exception or a variance for the proposed construction.

SECTION 4-3. Planning & Zoning Board.

Ordinance No. 112 establishes the Town's Planning & Zoning Board and their duties and responsibilities. In addition, the ordinance appoints the Mayor and Councilmembers as members of the Board.

SECTION 4-4. Permit Fees.

The building permit fees due the Town shall be as presently established or as hereafter amended by resolution of the Council. Permit fees due Okaloosa County shall be as presently established or as hereafter amended by the Board of County Commissioners, Okaloosa County.

SECTION 4-5. Application for Building Permit.

All applications for building permits shall be accompanied by plans and a survey or plot plan in duplicate drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and location on the lot of the buildings or improvements already existing if any; the location of any existing easements; and the location and dimensions of the proposed buildings or alteration. In addition, the application shall include existing and proposed use of the building and land, the number of families, housekeeping units or rental units the building is designed to accommodate and such other information as may be necessary to determine conformance with and provide for the enforcement of this ordinance. The application will be certified as correct by the Applicant and shall be sworn to or affirmed before a Notary Public. Complete plans are not required for buildings which are exempt from requiring an architect's signature & seal by Florida Statutes. Architect's affidavits are required in accordance with Florida Statutes.

SECTION 4-6. Expiration of Building Permit.

Any building permit issued pursuant to this ordinance shall become void unless the work authorized shall have been actually begun within six (6) months of the date of issuance, or, if begun and before completion, such work is suspended or abandoned for a period of sixty (60) days, or, if the work described in the building permit is not substantially complete within one (1) year. In the above cited cases, a new building permit must be obtained.

SECTION 4-7. The Town Manager/Clerk will be responsible for establishing the specific forms and procedures for complying with the requirements set forth in Section 4-2 through Section 4-5 above.

SECTIONS 4-8 - 4-10. Reserved

ARTICLE II. BUILDING CODE

SECTION 4-11. Adoption of Standard Building Code

There is hereby adopted by the Town for the purpose of establishing rules and regulations for the construction, maintenance and repair of buildings, including permits and penalties, that certain code known as the Standard Building Code, being particularly the 1985 edition as amended in 1986 and 1987, as published by the Southern Building Code Congress International, Inc. All future revisions or amendments and future editions of the Standard Building Code shall be automatically adopted hereby and incorporated herein, subject to any future ordinances enacted by the Town Council deleting, modifying or amending such future revisions and editions. The Code is hereby adopted and incorporated as fully as if set out at length herein and from the effective date of this section, the provisions contained therein shall be controlling within the limits of the Town.

SECTIONS 4-12 -4-20. Reserved

ARTICLE III. ELECTRICAL CODE

SECTION 4-21. Adoption of National Electrical Code.

There is hereby adopted by the town the terms and conditions set forth and embraced within the booklet entitled "1987 National Electrical Code" and the whole thereof as published by the National Fire Protection Association. All future revisions or amendments and future editions of the National Electrical Code shall be automatically adopted hereby and incorporated herein, subject to any future ordinances enacted by the Town Council deleting, modifying or amending such future revisions and editions. The Code is hereby adopted and incorporated as fully as if set out at length herein and from the effective date of this section, the provisions contained therein shall be controlling within the limits of the Town.

SECTION 4-22. Definition.

The term "electrical construction" as used in this article shall include and govern all work and materials used in installing, maintaining and extending a system of electrical wiring for light, heat, power or advertising and all appurtenances thereto and all apparatus or equipment used in conjunction therewith, inside or attached to any building or structure, lot or premises; provided, however, none of the provisions of this article shall apply to the replacement of lamps or the connection of portable devices to suitable receptacles which have been permanently installed.

SECTION 4-23. Plans and Specifications

The electrical wiring and installation of electrical apparatus or equipment for light, heat, power or advertising, within or attached to all buildings or structures, both public and private, shall be done in accordance with plans and specifications submitted to and approved by the Okaloosa County Zoning and Inspection Department.

SECTION 4-24. Permits

A permit will be required to do any electrical construction of any character, install any electrical wiring, apparatus or equipment or make any extensions or changes to existing systems of wiring for light, heat, power or advertising within the limits of the Town, excepting the repairing of damaged or broken fixtures, apparatus or equipment and the ordinary work necessary for the proper maintenance of same; provided, however, that no permit shall be required for the replacement of lamps or the connection of portable devices to suitable receptacles which have been properly installed.

SECTIONS 4-25 - 4-30. Reserved

ARTICLE IV. PLUMBING CODE

SECTION 4-31. Adoption of Standard Plumbing Code

There is hereby adopted by the Town for the purpose of establishing rules and regulations for the construction, maintenance and repair of plumbing, including permits and penalties, that certain code known as the Standard Plumbing Code, being particularly the 1985 edition as amended in 1986, as published by the Southern Building Code Congress International, Inc. All future revisions or amendments and future editions of the Standard Plumbing Code shall be automatically adopted hereby and incorporated herein, subject to any future ordinances enacted by the Town Council deleting, modifying or amending such future revisions and editions. The Code is hereby adopted and incorporated as fully as if set out at length herein and from the effective date of this section, the provisions contained therein shall be controlling within the limits of the Town.

SECTIONS 4-32 - 4-40. Reserved

ARTICLE V. MECHANICAL CODE

SECTION 4-41. Adoption of Standard Mechanical Code

There is hereby adopted by the Town that certain code known as the Standard Mechanical Code, being particularly the 1985 edition as amended in 1986, as published by the Southern Building Code Congress International, Inc. All future revisions or amendments and future editions of the Standard Mechanical Code shall be automatically adopted hereby and incorporated herein, subject to any future ordinances enacted by the Town Council deleting, modifying or amending such future revisions and editions. The Code is hereby adopted and incorporated as fully as if set out at length herein and from the effective date of this section, the provisions contained therein shall be controlling within the limits of the Town.

SECTIONS 4-41 - 4-50. Reserved

ARTICLE VI. GAS CODE

SECTION 4-51. Adoption of Standard Gas Code.

There is hereby adopted by the Town that certain code known as the Standard Gas Code, being particularly the 1985 edition as amended in 1986, as published by the Southern Building Code Congress International, Inc. All future revisions or amendments and future editions of the Standard Gas Code shall be automatically adopted hereby and incorporated herein, subject to any future ordinances enacted by the Town Council deleting, modifying or amending such future revisions and editions. The Code is hereby adopted and incorporated as fully as if set out at length herein and from the effective date of this section, the provisions contained therein shall be controlling within the limits of the Town.

SECTIONS 4-52 - 4-60. Reserved

ARTICLE VII. SWIMMING POOL CODE

SECTION 4-61. Adoption of Standard Swimming Pool Code

There is hereby adopted by the Town that certain code known as the Standard Swimming Pool Code, being particularly the 1985 edition, as published by the Southern Building Code Congress International, Inc. All future revisions or amendments and future editions of the Standard Swimming Pool Code shall be automatically adopted hereby and incorporated herein, subject to any future ordinances enacted by the Town Council deleting, modifying or amending such future revisions and editions. The Code is hereby adopted and incorporated as fully as if set out at length herein and from the effective date of this section, the provisions contained therein shall be controlling within the limits of the Town.

SECTIONS 4-62 - 4-70. Reserved

ARTICLE VIII. UNSAFE BUILDING ABATEMENT CODE

SECTION 4-71. Adoption of Standard Unsafe Building Abatement Code

There is hereby adopted by the Town that certain code known as the Standard Unsafe Building Abatement Code, being particularly the 1985 edition, as published by the Southern Building Code Congress International, Inc. All future revisions or amendments and future editions of the Standard Building Code shall be automatically adopted hereby and incorporated herein, subject to any future ordinances enacted by the Town Council deleting, modifying or amending such future revisions and editions. The Code is hereby adopted and incorporated as fully as if set out at length herein and from the effective date of this section, the provisions contained therein shall be controlling within the limits of the Town except that the provisions of Section 4-72 herein shall be controlling in regard to Dangerous Buildings.

SECTION 4-72 - Dangerous Buildings.

(1) Dangerous Buildings Defined. All buildings or structures which have any or all of the following defects shall be deemed "dangerous buildings":

- (a) Those whose interior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle half of its base.

- (b) Those which, exclusive of the foundation, show thirty-three percent (33%) or more of damage or deterioration of the supporting member or members, or fifty percent (50%) of damage or deterioration of the non-supporting enclosing or outside walls or covering.
- (c) Those which have improperly distributed loads upon the floors or roofs or in which the same are overloaded, or which have insufficient strength to be reasonably safe for the purpose used.
- (d) Those which have been damaged by fire, wind or other causes so as to have become dangerous to life, safety, morals or the general health and welfare of the occupants or the people of the Town.
- (e) Those which have become or are so dilapidated, so decayed, unsafe, unsanitary or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation or are likely to cause sickness or disease, so as to work injury to the health, morals, safety or general welfare of those living therein.
- (f) Those having light, air and sanitation facilities which are inadequate to protect the health, morals, safety or general welfare of human beings who live or may live therein.
- (g) Those having inadequate facilities for egress in case of fire or panic or those having insufficient stairways, elevators, fire escapes or other means of communication.
- (h) Those which have parts thereof which are so attached that they may fall and injure members of the public or property.
- (i) Those which because of their condition are unsafe, unsanitary, or dangerous to the health, morals, safety or general welfare of the people of this Town.
- (j) Those buildings existing in violation of any provision of this chapter.

(2) Standards for repair, vacation or demolition. The following standards shall be followed in substance by the building inspector and the Town Council in ordering repair, vacation or demolition:

- (a) If the dangerous building can reasonably be repaired so that it will no longer exist in violation of the terms of this section it shall be ordered repaired.
- (b) If the dangerous building is in such a condition that it endangers the health, morals, safety or general welfare of its occupants, it shall be ordered to be vacated.
- (c) In any case where a dangerous building is seventy five percent (75%) damaged by fire, explosion or other casualty, or act of God, or the public enemy, or deterioration, it shall be demolished. In all cases where a dangerous building is a fire hazard existing or erected in violation of the terms of this section or any statute of this state, it shall be demolished.

(3) Nuisances. All dangerous buildings within the terms of this section are hereby declared to be public nuisances, and shall be repaired, vacated or demolished as provided herein.

(4) Duties of the Building Inspector. For the enforcement of the provisions of this article the building inspector shall:

- (a) Inspect or cause to be inspected periodically, all public buildings, commercial buildings, churches, theaters, manufacturing facilities or any other similar building for the purpose of determining whether any conditions exist which render any such place a dangerous building within the terms of Section 4-72 (1).
- (b) Inspect any building, wall or structure about which complaints are filed by any person to the effect that a building, wall or structure is or may be existing in violation of this section.
- (c) Inspect any building, wall or structure reported by the fire department or law enforcement agency as probably existing in violation of the terms of this section.
- (d) Inspect any other buildings which appear to be in violation of the terms of this section.
- (e) Notify the Town Attorney and the Town Manager/Clerk of any building found to be a dangerous building within the standards set forth in Section 4-72 (1). This notification will include the following:
 - 1. A recommendation as to whether the owner/occupant must vacate the building, make repairs or demolish such building in accordance with the terms of the notice and this section.
 - 2. A description of the building or structure deemed unsafe and a statement of the particulars which make the building or structure a dangerous building.
- (f) Report to the Town Manager/Clerk any noncompliance with the notice provided for in Sections 4-72 (5) (a).
- (g) Appear at all hearings conducted by the Town Council and testify as to the condition of dangerous buildings.

(5) Duties of the Town Attorney. The Town Attorney shall:

- (a) Upon receipt of a report of the building inspector as provided for in Section 4-72 (4) (f) notify in writing the owner, occupant, lessee, mortgagee, agent and all other persons having an interest in such buildings as shown by the land records of the clerk of the circuit court of Okaloosa County, Florida, of any building found by him to be a dangerous building within the standards set forth in Section 4-72 (1) that:
 - 1. The owner must vacate, or repair, or demolish such building in accordance with the terms of the notice and this section; or
 - 2. The occupant or lessee must vacate such building or may have it repaired in accordance with the notice and remain in possession; or
 - 3. The mortgagee, agent or other person having an interest in such building as shown by the land records of the clerk of circuit court of Okaloosa County, Florida, may at his own risk repair, vacate, or demolish such building or have such work or act done.

- (b) Set forth in the notice provided for in Section 4-72 (5) (a), a description of the building or structure deemed unsafe, a statement of the particulars which make the building or structure a dangerous building, and an order requiring the same to be put in such condition as to comply with the terms of this section within such length of time, not exceeding thirty (30) days, as is reasonable.
- (c) Appear at all hearings conducted by the Town Council in regard to dangerous buildings.
- (d) Bring suit to collect all municipal liens, assessments, or costs incurred by the Town Council in repairing, causing to be vacated, or the demolishing of dangerous buildings.
- (e) Take such other legal action as is necessary to carry out the terms and provisions of this section.
- (6) Duties of the Town Council. The Town Council shall:
 - (a) Upon receipt of a report from the Town Manager/Clerk as provided for in Section 4-72 (4)(f), give written notice to the owner, occupant, mortgagee, lessee, agent, and all other persons having an interest in such building as shown by the land records of the clerk of the circuit court of Okaloosa County, Florida, to appear before it on the date specified in the notice to show cause why the building or structure reported to be a dangerous building should not be repaired, vacated, or demolished, in accordance with the statement of particulars set forth in the building official's notice provided pursuant to Section 4-72 (4)(f).
 - (b) Hold a hearing and hear such testimony as the building inspector or the owner, occupant, mortgagee, lessee, agent and all other persons having an interest in such building as shown by the land records of the clerk of the circuit court of Okaloosa County, Florida, shall offer relative to the dangerous building.
 - (c) Make written findings of fact from the testimony offered pursuant to Section 4-72 (6)(b) as to whether or not the building in question is a dangerous building within the terms of Section 4-72 (1).
 - (d) Issue an order based upon findings of fact made pursuant to Section 4-72 (6)(c) commanding the owner, occupant, mortgagee, lessee, agent and all other persons having an interest in such building as shown by the land records of the clerk of the circuit court of Okaloosa County, Florida, to repair, vacate or demolish any building found to be a dangerous building within the terms of this section; provided, However, that any person so notified, except the owners, shall have the privilege of either vacating or repairing such dangerous building, or any person not the owner of such dangerous building but having an interest in such building as shown by the land records of Okaloosa County, Florida, may demolish such dangerous building at his own risk to prevent the acquiring of a lien by the Town against the land upon which such a dangerous building stands, as provided in Section 4-72 (6)(e).
 - (e) If the owner, occupant, mortgagee, or lessee fails to comply with the order provided for in Section 4-72 (6)(d) within thirty (30) days the Town Council shall cause such building or structure to be repaired, vacated, or demolished as the facts may warrant, under the standard provided for in Section 4-72 (2) and

shall have the cost of such repair, vacation, or demolition charged against the land on which the building existed, as a municipal lien, or cause such costs to be added to the tax certificate as an assessment, or levied as a special tax against the land upon which the building stands or did stand, or may recover such costs in a suit at law against the owner; provided, however, that in cases where such procedure is desirable, and any delay caused thereby is not dangerous to the health, morals, safety, or general welfare of the people of this Town, the Town Council may notify the Town Attorney to take legal action to force the owner to make all necessary repairs or demolish the building.

(7) Duties of the Town Manager/Clerk. The Town Manager/Clerk will:

- (a) Report to the Town Council any noncompliance with the notice provided for in Sections 4-72 (5)(a).
- (b) Place a notice on all dangerous buildings reading as follows: (Coordinate with Town Attorney notification)

"This building has been found to be a dangerous building by the building inspector. This notice is to remain on this building until it is repaired, vacated or demolished in accordance with the notice which has been given the owner, occupant, lessee, mortgagee, or agent of this building, and all other persons having an interest in said building as shown by the land records of the clerk of the circuit court of Okaloosa County, Florida. It is unlawful to remove this notice until such notice is complied with."

(8) Emergency Cases. In cases where it reasonably appears that there is immediate danger to the life or safety of any person unless a dangerous building, as defined in Section 4-72 (1) herein is immediately repaired, vacated, or demolished, the building official shall report such facts to the Town Council which shall cause the immediate repair, vacation or demolition of such dangerous building. The costs of such emergency repair, vacation or demolition of such dangerous building shall be collected in the same manner as provided in Section 4-72 (5)(e).

(9) Where Owner Absent From Town. In cases, except emergency cases, where the owner, occupant, lessee or mortgagee is absent from the Town, all notices or orders provided for herein shall be sent by registered mail to the owner, occupant, mortgagee, lessee and all other persons having an interest in such building as shown by the land records of the clerk of the circuit court of Okaloosa County, Florida, to the last known address of each, and a copy of such notice shall be posted in a conspicuous place on the dangerous building to which it relates. Such mailing and posting shall be deemed adequate service.

(10) Administrative Liability. No officer, agent, or employee of the Town, acting in good faith, shall be personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this section. Any suit brought against any officer, agent, or employee of the Town, as a result of any act required or permitted in the discharge of his duties under this section shall be defended by the Town Attorney until the final determination of the proceedings therein.

(11) Duties of the Fire and Sheriff's Departments. The employees of the fire and sheriff's departments shall make a report in writing to the building official of all buildings or structures which are, may be, or are suspected to be dangerous buildings within the terms of this section. Such reports must be delivered to the building official within twenty-four (24) hours

of the discovery of such buildings by any such employee.

(12) Violations; penalty for disregarding notices or orders.
The owner of any dangerous building who shall fail to comply with any notice or order to repair, vacate, or demolish such building given by any person authorized by this section to give such notice or order shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed five hundred dollars (\$500.00), or by up to ninety (90) days in jail, or both, for each offense. Every day that such failure to comply continues beyond the date fixed for compliance shall be considered a separate offense.

The occupant or lessee in possession who fails to comply with any notice to vacate or who fails to repair such building in accordance with any notice given as provided for in this section shall be guilty of a misdemeanor, and upon conviction thereof shall be fined an amount not to exceed five hundred dollars (\$500.00), or by up to ninety (90) days in jail, or both, for each offense. Every day that such failure to comply continues beyond the date fixed for compliance shall be considered a separate offense.

Any person removing the notice provided for in Section 4-72 (7)(b) hereof, shall be guilty of a misdemeanor and upon conviction shall be fined an amount not to exceed five hundred dollars (\$500.00), or by up to ninety (90) days in jail, or both, for each offense.

SECTIONS 4-73 - 4-80. Reserved

ARTICLE IX. DAMAGED OR DESTROYED BUILDINGS

SECTION 4-81. Compliance required.

It shall be unlawful to reconstruct, enlarge or use any damaged or destroyed building or structure in the Town except in compliance with all of the provisions of this article.

SECTION 4-82. "Buildings or structures" defined.

The term "building or structure" is hereby defined as a residential home, commercial building, warehouse, storage shed, outbuilding, carport, patio or any similar structure.

SECTION 4-83. Inspection and estimation of damages.

Upon being notified of any damage or destruction to any building or structure, the building inspector shall inspect the same and make an estimate of the damages. It shall be the affirmative duty of the sheriff's department, fire department or owner of a building or structure which becomes damaged or destroyed to immediately notify the building inspector so that he can make an inspection.

SECTION 4-84. Permit required.

It shall be unlawful to proceed with the reconstruction, enlargement or alteration of any damaged or destroyed building which has sustained, in the opinion of the building inspector, damage in excess of one thousand dollars (\$1,000.00) unless permits therefor shall have first been obtained from the building inspector. The Town Manager/Clerk shall notify the owner by certified mail in those instances where damages exceed one thousand dollars (\$1,000.00) and inform the owner of the necessity of obtaining a permit prior to reconstruction.

SECTION 4-85. Cost of permit.

Permits for reconstruction shall be obtained from the Okaloosa County Building Inspection Department with the fee to be determined by the building inspector at the time of issuance of

permit.

SECTION 4-86. Plans to be presented to the building inspector.

(a) All drawings and plans for the reconstruction, enlargement or alteration of any damaged or destroyed building or structure shall first be submitted to the building inspector for review and approval prior to being issued a permit for construction.

(b) All buildings or structures shall be reconstructed in conformity with the approved plans.

SECTION 4-87. Inspections.

The building inspector will inspect reconstruction as he deems appropriate at reasonable times to ensure that the reconstruction complies with the plans. Construction methods, techniques, materials and workmanship which fail to meet Town standards or codes shall be cause for rejection. Work must cease on any rejected efforts until the same, or cause for rejection, have been remedied to the satisfaction of the inspector.

SECTION 4-88. Violations; penalty.

Any person violating any provision of this article shall, upon conviction, be fined an amount not less than five hundred dollars (\$500.00), or by up to ninety (90) days in jail, or both, for each offense. Every day the violation is allowed to continue shall be considered a separate offense.

SECTIONS 4-89 - 4-90. Reserved.

SECTION 2. SEVERABILITY. If any word, sentence, phrase, clause, section or portion of this ordinance shall be held invalid or unconstitutional by a court of competent jurisdiction, such portion or word shall be deemed a separate and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 3. REPEAL OF CONFLICTING ORDINANCES AND RESOLUTIONS. All ordinances and resolutions of the governing body in conflict herewith are repealed.

SECTION 4. EFFECTIVE DATE. This ordinance shall become effective immediately upon its final passage and adoption.

Adopted this 5th day of ~~March~~^{April}, 1988.

APPROVED:

Charles R. Laginess
Mayor



ATTEST:

Quinn S. Borchert
Town Manager/Clerk