

Sponsored by: Janke
Introduction Date: November 25, 2003
Public Hearing Dates: December 9, 2003
December 23, 2003
Enactment date: December 23, 2003

**CITY OF MARATHON, FLORIDA
ORDINANCE 2003-25**

**AN ORDINANCE OF THE CITY OF MARATHON, FLORIDA,
AMENDING CHAPTER 6 OF THE CITY CODE REGARDING
BUILDINGS AND CONSTRUCTION**

WHEREAS, on January 9, 2001, by Ordinance No. 01-01-01, the City of Marathon, adopted the Monroe County Code as it existed on November 30, 1999, as the City's Code (the "City Code") until such time as such provisions were superseded, modified, or repealed by action of the City Council;

WHEREAS, the Florida Legislature amended Section 553.73, Florida Statutes to require the adoption of a new standard building code,

WHEREAS, the City Council wishes to lessen the burden on the permitting public, and otherwise streamline the procedures of the Building Department,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF MARATHON, FLORIDA, AS FOLLOWS:

Section 1. A new Chapter 6 of the City Code is hereby adopted which shall read as follows:

**CHAPTER 6
BUILDINGS AND CONSTRUCTION
ARTICLE 1. BUILDINGS
DIVISION 1. GENERALLY**

Section 6- . Adoption of Applicable Codes.

(a) The Florida Building Code, as adopted and amended by the Florida Building Commission is hereby adopted as the City's building code as if fully set forth herein.

(b) All major structures in the City (except for mobile homes) shall be designed pursuant to the wind design requirements of ASCE Standard 7, as set forth in the Florida Building Code, using a basic wind speed of 150 mph.

(c) The 1985 Edition of the Standard Unsafe Building Abatement Code as amended, except for Chapters 4 and 5 and Section 105, developed and promulgated by the Southern Building Code Congress International, Inc. is hereby adopted by reference as if fully set forth herein.

(d) The Florida Fire Prevention Code, as set forth in Chapter 69A-60, Florida Administrative Code, as amended, is hereby adopted as the Fire Safety Code for the City.

(e) All special laws in conflict with this Article are hereby repealed to the extent of such conflict.

Section 6- . Delegation.

The City Council may delegate by resolution some or all of the functions under this Chapter.

Section 6- . Building Fees.

The City may adopt by resolution a schedule of building permits fees.

Section 6- . Address Numbers.

All buildings shall have street and address numbers prominently displayed on the exterior of the building in a manner so as to be clearly visible from the street to which the numbers refer.

DIVISION 2. PERMIT REQUIREMENTS AND FEES

Section 6- . Building Permits Required.

(a) A building permit shall be required for the following work:

(1) Site preparation permits, which involve land clearing, the placement of fill, commercial demolition, blasting, excavation, or the storage of materials. Provided that no site preparation permit shall be issued except in conjunction with the establishment of a use or structure allowed in the zoning district where the site is located except that a site preparation permit may be issued to clear invasive exotic vegetation without the establishment of a use or structure.

(2) Signs, fences, the tie-downs of habitable structures, excavation, land clearing, blasting, placement of fill, electrical work regardless of value, mechanical work regardless of value, plumbing work regardless of value, and any work involving life safety regardless of value.

(3) Any work subject to flood plain management requirements.

- (b) A building permit shall not be required for the following type of work:
- (1) All new construction and remodeling work, excluding structural modifications (i.e. any change to a building or structure involving the supporting framework, electrical wiring, plumbing piping, mechanical equipment, fences, and changes to a building footprint, except as set forth in subsection (a)(1), (2), and (3)), if the fair market value of the construction or work is less than two thousand five hundred dollars (\$2,500); interior remodeling if the fair market value is less than two thousand five hundred dollars (\$2,500); and residential demolition of less than one hundred (100) square feet. For the purposes of this subsection fair market value shall mean the aggregate total of all work contained in any particular project based upon the following:
 - (i) An invoice for materials which reflects an arms-length transaction or, if no invoice is available, the cost of materials calculated as if the materials were purchased pursuant to an arms-length transaction; plus
 - (ii) Labor costs calculated pursuant to the most recent edition of Means Construction Data.
 - (iii) "Voluntary labor" and/or "gift material" cannot be used to represent fair market value.
 - (2) Normal maintenance or repair work in all trades, excluding electrical, mechanical, plumbing or life safety work. Normal maintenance or repair work shall mean the repair of any existing component if the repair has the same size, capacity, and technical characteristics and does not exceed two thousand five hundred dollars (\$2,500) in the aggregate total of all work contained in any particular project, provided the repair does not require compliance with the Florida Building Code.
 - (3) All work which, in the sole discretion of the Building Official, does not involve life, health, or safety considerations.
 - (4) Political signs not requiring a permit pursuant to Section 9.5-403(d)(16) of the City Code.
 - (5) The installation of satellite television antennas that do not exceed thirty (30) inches in diameter and microwave receiving antennas that do not exceed thirty (30) inches in diameter and provided that the antenna is attached to a residential or commercial building or placed at ground level.
 - (6) Removal of ten (10) or fewer stems of exotic invasive vegetation on a developed parcel, but this exemption does not apply if the removal is a part of a larger operation undertaken in segments within any one calendar year, whether by the same or different contractors, the property owner, or if undertaken in conjunction with any construction.

(7) Carpeting and tiling of floors of single-family and duplex residences which have previously been inhabited.

(8) Painting a single-family or multi-family residence, exclusive of signage.

(c) A building permit shall include the name of the contractor who shall perform the permitted work, where the fair market value of the value of the construction or work is two thousand five hundred dollars (\$2,500) or more, with written and notarized permission of the property owner. Where the permitted work is to be performed by a contractor other than the contractor already named on the permit, the new contractor, prior to commencing work, must be properly licensed and insured to perform that work, and must sign on to the permit at the Building Department.

Section 6- . Certificates of Competency.

It shall be unlawful for any person or firm to engage in the business or act in the capacity of a contractor, subcontractor, master, journeyman or maintenance personnel, as hereinafter defined, anywhere within the City of Marathon without a current valid certificate of competency issued by either Monroe County or by the State of Florida.

Section 6- . Application Procedures for Permits.

(a) Permit Ready, but Not Paid For and Not Picked Up and Has a Valid Allocation Award in Accordance With the Dwelling Unit Allocation Ordinance or other building permit allocation system adopted by the City in the future.

(1) The Building Department office shall notify the permit applicant that the permit is ready to be issued (the "ready permit") and must be picked up within sixty (60) days after notification.

(2) Notification shall be by certified mail to the name and address given by the applicant on the application. Proof of mailing to the correct name and address as listed on the application shall be considered correct and shall constitute adequate notice to the applicant that the applicant has not picked up the ready permit within sixty (60) days from the date of mailing, then both the application and ready permit shall automatically expire. The application fee and total permit fee already paid shall not be refunded. Upon expiration, any further activity shall require a new application, along with all appropriate deposit fees and any other application review, as well as a valid allocation award in accordance with the Dwelling Unit Allocation Ordinance or other building permit allocation system adopted by the City in the future.

(b) Permit Paid For and Picked Up but Work Not Started and Has a Valid Allocation Award in Accordance With the Dwelling Unit Allocation Ordinance or other building permit allocation system adopted by the City in the future.

(1) After the new permit has been paid for and picked up in a timely fashion (see subsection (c) above), the permit holder must await approval to proceed from the Florida Department of Community Affairs (or reach the effective date of the permit) and then must commence the work, with approved inspections pursuant to the permit requirements, or by means of an approved temporary electric inspection.

(2) In the event that the work outlined on in the permit has not begun within one hundred eighty (180) days from the date the permit was issued, the permit shall automatically expire. The application fee and total permit fee already paid shall not be refunded. Upon expiration, any further activity shall require a new application along with all appropriate deposits and any other application review fees, as well as a valid allocation award in accordance with the Dwelling Unit Allocation Ordinance or other building permit allocation system adopted by the City in the future.

(c) Permit Paid for, Picked Up and Work Started:

(1) Any valid permit, for which construction has commenced, must progress in a timely fashion. The only method by which timely valid progress of authorized work may be shown is through the Building Department's having performed and approved an inspection within one hundred eighty (180) days measured from either (1) as to the initial inspection, the date work was required to begin, or (2) as to inspections subsequent to the initial inspection, from the date of the last approved inspection. Those inspections, as amended from time to time, may include, but shall not be limited to: any auger/auger cap; piling/piling cap; grade beam/slab; columns/tie beams; slab/wood floor; roof trusses/sheathing; final roofing; A/C ductwork; total rough plumbing; total rough electrical; framing; insulation/drywall; final mechanical; final plumbing; final electrical and final building.

(2) Any permit whose progress fails to meet the "required inspection within one hundred eighty (180) days" requirement shall automatically expire; and any further activity shall require a new application, appropriate deposits and any other application review fees, and a valid allocation award in accordance with the Dwelling Unit Allocation Ordinance or other building permit allocation system adopted by the City in the future.

(3) Exception. Under no circumstances shall an inspection be performed or work progress on a building permit more than five (5) years from the date the permit issued. Building permits for a structure(s) which has received an approved framing inspection shall authorize completion of only that principal structure(s) which has received an approved framing inspection. All other development or structures shall obtain a new

permit issued in compliance with the Dwelling Unit Allocation Ordinance or other building permit allocation system adopted by the City in the future. Within two (2) years of the approved framing inspection, or five years from the date of the building permit was issued, whichever is sooner, the work must receive either an approved final exterior inspection or a certificate of occupancy; otherwise, the structure may be declared a public nuisance, and the City Manager or designee may direct the Building Official to institute proceedings as provided by law to require completion, removal, or demolition of the structure in accordance with the Standard Unsafe Building Abatement Code.

(d) **“Commencement of work or development”** as used in this Chapter means:

- (1) receipt of a building permit and first inspection approval; or
- (2) the initiation of significant site improvements such that the improvements would only permit the development authorized by the building permit of the approved project, and any other pattern of development would require extensive changes to the installed improvement.
- (3) commencement of work or development shall not consist of:
 - (i) the dividing of land into parcels;
 - (ii) demolition of a structure; or
 - (iii) deposit of refuse, solid or liquid waste, or fill on the parcel, unless the building permit is exclusively and specifically for such; or
 - (iv) the clearing of land.

(e) **“Final exterior inspection”** as used in this section means: completion of all work related to the exterior footprint of the structure, including, but not limited to, all exterior finishes, enclosures, porches, patios, screened areas, walkways, driveways, landscaping, or stormwater management. In order to obtain an approved final exterior inspection, every aspect of permitted exterior work shall be completed and approved in accordance with the permit drawings.

(f) **Variations to Time Limitations:** The City Council may grant a variance to the time limitations set forth herein upon a demonstration and finding that the enforcement of the provisions of this Section would constitute a severe and undue hardship upon the permit holder. The applicant has the burden of demonstrating that the enforcement of this Section would constitute a severe and undue hardship. Severe and undue hardship may include, but is not limited to, the following:

- (1) death or incapacity of an owner or immediate family member of the owner;

(2) destruction of the permitted improvements, of no less than fifty (50) percent of the value of the permitted improvements, by act of God or hazard (e.g. fire, windstorm, flood; or

(3) work stoppage due to bankruptcy, or bona fide financial hardship as determined by the City Manager or his designee, of an owner or construction lender or due to an order issued by a government agency, when the order did not result from the owner or builder's violation of a law, code, regulations, or conditions set forth in a permit or development order.

The relief granted by variance shall be limited to a time extension not to exceed one (1) year and shall be further limited to the minimum extension necessary to obviate the demonstrated hardship.

Section 6- . Fees and permitting requirements for work done without a permit.

(a) When any construction work is undertaken by any person, firm or corporation for any structure, as that term is defined in Chapter 9.5 of the City Code, without a building permit, where a permit is required, then the person, firm or corporation shall pay according to a fee schedule adopted by resolution of the City Council. The payment of such a fee shall neither relieve the person, firm or corporation of fully complying with all other relevant City regulations, City ordinances or state statutes nor from any penalties prescribed therein. Unless otherwise exempt under Section 6-15 of the City Code, an after-the-fact building permit shall only be issued to a state or City certified or licensed contractor. No after-the-fact permit shall be issued to an architect or engineer unless he is also a state or City certified or licensed contractor.

(b) Before any permit may be issued under this Section, the person, firm or corporation seeking the permit shall, at his own expense, provide the City Manager or designee with the following:

(1) Drawings sealed by an engineer licensed to practice in the State of Florida which certify that all work already done is in compliance with the applicable building code

(2) A certification from an engineer licensed in the State of Florida that all steel work is in compliance with the applicable building code and relevant State law and that such compliance has been verified through generally accepted engineering practice. Compliance with the engineer certification requirements of this subsection shall neither relieve the person, firm or corporation of fully complying with all other relevant City regulations, City ordinances or state statutes, nor from any penalties prescribed therein.

(c) In lieu of the above, the person, firm or corporation may remove all unpermitted work and return the site to its original condition. A demolition permit shall be required for all commercial work (regardless of value) and for residential work when the fair market value of the unpermitted work is one thousand dollars (\$1,000) or more.

(d) The City will not issue a building permit for construction work under subsections (a) or (b) of this Section, if land clearing in excess of that permissible was performed, until the requirements of Chapter 9.5 of the City Code are met.

(e) In the event the construction work is unpermissible under the City Code, the site shall be restored to its original condition. If demolition is required, a demolition permit shall be obtained for all commercial work (regardless of value) and for residential work if the fair market value of the unpermitted work is one thousand dollars (\$1,000) or more. If land clearing was performed, the site shall be restored pursuant to Chapter 9.5 of the City Code.

(f) An appeal from any administrative decision made by the Building Official in enforcing this Section shall be pursuant to Section 9.5-521 of the City Code.

Section 6- . Work concealed prior to inspection.

If any work is concealed before an inspection has been made and the work approved, the work must either be exposed, inspected and approved, or an architect's or engineer's certification that the concealed work is in conformance with the appropriate code shall be provided to the Building Official before any further work at the site may continue.

Section 6- . Inspections.

All inspections shall be made by City building inspectors unless the City Manager or designee issues an approval allowing for inspections to be conducted by professional architects or engineers. Special inspection approval must be obtained by executing and submitting to the Building Department an "Application for Special Inspections" and said approval must be obtained prior to the inspections being conducted.

Section 6- . Working through a stop work order/red tag.

Any person or entity continuing to perform work subsequent to the issuance of a stop work order or red tag shall be fined the maximum amount allowed under State law and City Ordinance or resolution by the code compliance department. In addition, there shall be automatic revocation of all development orders related to the work being done; and a mandatory, minimum six-month suspension of the permit pulling privileges of any contractor(s) performing such work.

**ARTICLE 2. LICENSING AND DISCIPLINE OF CONTRACTORS
DIVISION 1. GENERALLY**

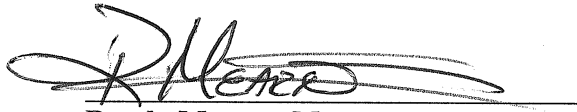
Section 6- . Applicability of Code of Monroe County.

The City of Marathon hereby adopts by reference and incorporates in the City Code Article III of the Code of Monroe County entitled "Contractors, Subcontractors, Masters, Journeyman and Maintenance Personnel" as amended.

Section 2. This Ordinance shall take effect immediately upon its adoption.

ENACTED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, this 23rd day of December 2003.

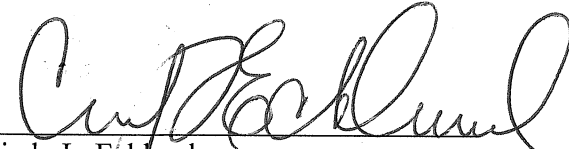
THE CITY OF MARATHON, FLORIDA



Randy Mearns, Mayor

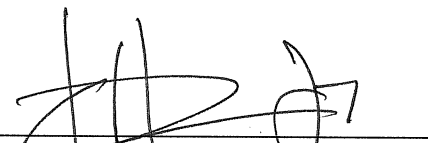
AYES: Repetto, Bartus, Pinkus, Worthington, Mearns
NOES: None
ABSENT: None
ABSTAIN: None

ATTEST:



Cindy L. Ecklund
City Clerk

**APPROVED AS TO FORM AND LEGALITY FOR THE USE
AND RELIANCE OF THE CITY OF MARATHON, FLORIDA ONLY:**



City Attorney