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PART II

BUILDING AND DEVELOPMENT REGULATIONS*

Chapter 47

BUILDINGS AND BUILDING REGULATIONS†

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***Editor's note**—Chs. 47, 49, 51, 54 of the Code of Ordinances has been included in this Community Development Code as Part II at the request of the city. All history notes and other citations have been left in tact to maintain the ordinance history of said chapter. See the Code Comparative Table contained in the code volume for previous ordinance history.

†State law references—Licensing of construction industry, F.S. ch. 489; building construction standards, F.S. ch. 553; state minimum building codes, F.S. § 553.70 et seq.

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ARTICLE I. IN GENERAL

Sec. 47.001. Stop work orders.

Upon notice from the building official, work on any building, structure or electrical, gas, mechanical or plumbing system that is being done contrary to the provisions of the standard codes adopted in this chapter or in a dangerous or unsafe manner or without proper permits shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, his agent or the person doing the work and shall state the conditions under which work may be resumed. Where an emergency exists, the building official shall not be required to give a written notice prior to stopping the work.

(Ord. No. 5767-95, § 1, 3-16-95)

Note—Replaces Standard Code Section 103.3.

Sec. 47.002. Revocation of permits.

(1) *Misrepresentation of application or change in circumstances.* The building official may revoke a permit or approval, issued under the provisions of the standard codes adopted in this chapter in case there has been any false statement, change in circumstances or misrepresentation as to material fact in the application or plans on which the permit or approval was based.

(2) *Violation of code provisions.* The building official may revoke a permit upon determination that the construction, erection, alteration, repair, moving, demolition, installation or replacement of the building, structure or electrical, gas, mechanical or plumbing systems for which the permit was issued is in violation of, or not in conformity with, the provisions of the codes.

(Ord. No. 5767-95, § 1, 3-16-95)

Note—Replaces Standard Code Section 103.4.

Sec. 47.003. Supplementary rules and regulations.

(1) The building official is authorized to promulgate rules and regulations not in conflict with this chapter or the standard codes adopted in this chapter for the purposes of providing for standards, plan specifications, practical resolution of conflicting provisions, and the application and supplementation of the provisions of the codes.

The rules and regulations promulgated by the building official shall have the same force and effect and shall be enforced the same as the provisions of such codes.

(2) If the provisions of the codes are not adequate to completely prescribe the manner of construction or the design or construction procedure of any structure, the structure, design or procedure shall be made or accomplished according to specific rules, regulations, plans or specifications therefor set out by the building official.

(Ord. No. 5767-95, § 1, 3-16-95)

Sec. 47.004. Exception to coastal construction zone; floodproofing certification.

(1) Within the landward 50 feet of Zone 2 and all of Zone 3, as such zones are established under Chapter 39, the Coastal Construction Code of the Standard Building Code adopted in this chapter, the building official shall have the power to grant exceptions for nonresidential structures, as stated within section 3906.4 of the Coastal Construction Code.

(2) The floodproofing shall be a minimum one foot above base flood elevation and certification of the floodproofing method used must be filed with the building official prior to the issuance of a certificate of occupancy. Certification shall be by a professional engineer or architect.

(Ord. No. 5767-95, § 1, 3-16-95)

Sec. 47.005. Minimum floor elevation.

(1) The minimum floor elevation for new buildings or additions to existing buildings shall be:

- (a) One foot above the crown of the pavement abutting the building site for the lowest floor, and six inches for all floors not considered the lowest floor as defined by section 51.03, City Code of Ordinances;
- (b) Set by the city engineer for new developments or unusual building sites; or
- (c) Set by the flood insurance rate maps.

(2) The building official is hereby designated and authorized to enforce this requirement.

(Ord. No. 5767-95, § 1, 3-16-95)

Sec. 47.006. Restoration of electrical service to flooded structures.

(1) This section shall apply to all structures that receive electrical service from a licensed public utility or any other source, in order to prevent the creation of unsafe or hazardous conditions through the continuation or restoration of electrical service to a structure that has sustained flooding or high water intrusion.

(2) Any structure located within the boundaries of the city that has sustained water intrusion with the result that such water intrusion has covered electrical appliances, outlets, connections and similar devices shall have the power service to such structure terminated. Such power shall not be resupplied to the structure until such time as the electrical system within the structure is certified as being safe for operation and use.

(3) The certification shall be by a licensed electrical contractor, who shall provide a report to the building official.

(4) The owner of the structure, the owner's agent or tenant shall engage the services of a licensed electrical contractor to inspect the electrical outlets, connections, appliances and system of the structure to determine that the system, its improvements and appliances are in proper operating condition and safe to receive electricity. Such certification shall be in writing and executed by the inspecting electrical contractor.

(5) Upon receipt and verification of the certificate, the building official shall notify the public utility that the structure has been certified as safe to receive electricity.

(Ord. No. 5767-95, § 1, 3-16-95)

Sec. 47.007. Threshold buildings.

Any building classified as a threshold building under the provisions of F.S. § 553.79, referred to in this section as the statute, shall, with regard to the issuance of building permits, special inspections during construction, and the issuance of certificates of occupancy, be subject to the following procedure:

(1) The owner of any proposed building classified as a threshold building shall engage a special inspector to conduct all inspections required by the statute.

(2) Prior to the issuance of a building permit, the special inspector shall perform structural inspections pursuant to a structural inspection plan prepared by the engineer or architect of record, and shall inspect shoring and reshoring for conformance with the shoring and reshoring plans submitted to the city, and shall furnish to the building services division an affidavit attesting that such inspections have been satisfactorily completed. The affidavit shall include the name and state certification number of the special inspector.

(3) Throughout the course of construction the special inspector shall submit to the building services division a weekly report listing all structural elements put in place during the previous week for which inspection is required under the statute. The report shall state that the placement of all such structural elements was observed by the special inspector and found to comply with plans and codes. The report shall bear the signature of the special inspector and shall be due not later than Wednesday following the week covered by the report. A failure to file the weekly report by 4:00 p.m. on Friday following the week covered by the report shall be considered due cause for the building official to order construction stopped until all necessary reports have been filed.

(4) Upon completion of construction of the threshold building, and prior to the issue of a certificate of occupancy, the special inspector and the contractor shall file with the building official affidavits attesting that all requirements of the statute have been complied with.

(Ord. No. 5767-95, § 1, 3-16-95)

Sec. 47.008. Identification and lettering of trucks and vehicles.

It shall be unlawful to operate, park, stand or use upon any public street any truck or other vehicle used for commercial purposes, to transport workmen, tools, equipment or materials for contracting or subcontracting work, unless the vehicle is designated by lettering of three inches

minimum size on both sides of the vehicle, indicating the name and address of the corporation, firm or person operating the same.
(Ord. No. 5767-95, § 1, 3-16-95)

ARTICLE II. BUILDING/FLOOD BOARD OF ADJUSTMENT AND APPEALS*

Sec. 47.031. Created; membership; terms.

(1) There is hereby established the building/flood board of adjustment and appeals, which shall consist of five members. The members of the board shall be appointed by the city manager.

(2) Members of the board shall be persons with knowledge and experience with the technical codes adopted in this chapter, such as design professionals, contractors or building industry representatives.

(3) A board member shall not act in a case in which the member has a personal or financial interest.

(4) The term of office of a board member shall be four years. Vacancies shall be filled for an unexpired term by appointment by the city manager. Continued absence of any member from required meetings of the board shall, at the discretion of the city manager, render any such member subject to removal from office.
(Ord. No. 5767-95, § 1, 3-16-95)

Sec. 47.032. Quorum; voting; secretary.

(1) A simple majority of the building/flood board of adjustment and appeals shall constitute a quorum. In varying any provision of the technical codes adopted in this chapter, the affirmative vote of the majority present, but not less than three affirmative votes, shall be required. In modifying a decision of the building official, not less than four affirmative votes, but not less than a majority of the board, shall be required.

(2) The building official shall act as secretary of the board and shall make a detailed record of all of its proceedings, which shall set forth the

*Note—Replaces Standard Code Section 108.

reasons for its decision, the vote of each member, the absence of a member and any failure of a member to vote.
(Ord. No. 5767-95, § 1, 3-16-95)

Sec. 47.033. Powers.

The building/flood board of adjustment and appeals shall have the power to hear appeals from decisions and interpretations of the building official and to grant variances from the provisions of the technical codes adopted in this chapter and from the provisions of the flood protection ordinance of the city. The board shall have the power to hear appeals from decisions of the building official relating to unsafe buildings, structures and service systems, but the procedures for such appeals shall be as provided in the Standard Unsafe Building Abatement Code adopted in section 47.051.
(Ord. No. 5767-95, § 1, 3-16-95)

Sec. 47.034. Procedures.

(1) *Rules and regulations.* The building/flood board of adjustment and appeals shall establish rules and regulations for its own procedure not inconsistent with the provisions of the standard codes adopted in this chapter. The board shall meet on call of the chairman. The board shall meet within 45 calendar days after notice of appeal has been received.

(2) *Decisions.* The board shall, in every case, reach a decision without unreasonable or unnecessary delay. Each decision of the board shall include the reasons for the decision. If a decision of the board reverses or modifies a refusal, order or disallowance of the building official or varies the application of any provision of this Code, the building official shall immediately take action in accordance with such decision. Every decision shall be promptly filed in writing in the office of the building official and shall be open to public inspection. A certified copy of the decision shall be sent by mail or otherwise to the appellant and a copy shall be kept in the office of the building official. Every decision of the board shall be final, subject to judicial review in the circuit court by common law certiorari. However, an aggrieved party may, within 15 days following a decision of

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the board, file an appeal with the countywide board of adjustment and appeals (CBAA) in those cases involving codes adopted for countywide application and enforcement. Final decisions of the CBAA shall be subject to judicial review in the circuit court by common law certiorari. (Ord. No. 5767-95, § 1, 3-16-95)

Sec. 47.035. Appeals and variances.

(1) *Decision of the building official.* The owner of a building, structure or service system, or his duly authorized agent, may appeal a decision of the building official to the building/flood board of adjustment and appeals whenever any one of the following conditions are claimed to exist:

- (a) The building official rejected or refused to approve the mode or manner of construction proposed to be followed or materials to be used in the installation or alteration of a building, structure or service system.
- (b) The provisions of the standard codes adopted in this chapter do not apply to this specific case.
- (c) An equally good or more desirable form of installation can be employed in any specific case.
- (d) The true intent and meaning of the codes or any of the regulations thereunder have been misconstrued or incorrectly interpreted.

(2) *Variances.* The board, when so appealed to and after a hearing, may vary the application of any provision of the standard codes adopted in this chapter to any particular case when, in its opinion, the enforcement thereof would do manifest injustice and would be contrary to the spirit and purpose of the codes or public interest, and also finds all of the following:

- (a) That special conditions and circumstances exist which are peculiar to the building, structure or service system involved and which are not applicable to others.
- (b) That the special conditions and circumstances do not result from the action or inaction of the applicant.

- (c) That granting the variance requested will not confer on the applicant any special privilege that is denied by the codes to other buildings, structures or service system.
- (d) That the variance granted is the minimum variance that will make possible the reasonable use of the building, structure or service system.
- (e) That the grant of the variance will be in harmony with the general intent and purpose of these codes and will not be detrimental to the public health, safety and general welfare.

(3) *Variance conditions.* In granting a variance, the board may prescribe a reasonable time within which the action for which the variance is required shall be commenced, completed, or both. If no time is specified, the time limit to commence shall be six months, with the building official having the authority to grant one 90-day extension without a formal hearing. Any additional extension request must be made to the board. The board may prescribe appropriate conditions and safeguards in conformity with the codes. A violation of a condition of a variance shall be deemed an ordinance violation.

(4) *Notices of appeal; requests for variances.* A notice of appeal shall be in writing and filed not more than 30 calendar days after the decision is rendered and served by the building official, or not more than ten calendar days in the case of an unsafe building, structure or service system. Appeals and variance requests shall be on a form supplied by the building official. A fee as set forth in the fee schedule shall accompany each notice of appeal and request for a variance.

(5) *Notice to property owners.* Except in cases of unsafe buildings, structures or service systems, the building official shall cause notice of an appeal or variance request to all property owners within 200 feet of subject property as identified in the application. Such notice shall be sent not later than ten calendar days before the hearing date. (Ord. No. 5767-95, § 1, 3-16-95)

ARTICLE III. STANDARD CODES*

Sec. 47.051. Adoption and enforcement.

(1) There shall be enforced within the city, by the building official, the following standard or national codes, which are adopted by reference:

- (a) Standard Codes, published by the Southern Building Code, Congress International, Inc.:
 1. Standard Building Code, 1994 edition, including but not limited to chapter 39, the Coastal Construction Code; chapter 40, the County Wide Pool Code; and Appendix C.
 2. Standard Plumbing Code, 1994 edition, with Appendixes B, C, G, I, and J.
 3. Standard Mechanical Code, 1997 edition.

Note: All references to the Standard Gas Code in the Standard Building, Plumbing, or Mechanical Code are to be interpreted as reference to NFPA 54 or NFPA 58.

- (b) National Electrical Code, 1999 edition, published by the National Fire Protection Association.
- (c) National Fuel Gas Code, NFPA 54, 1992 edition, published by the National Fire Protection Association.
- (d) Standard for the Storage and Handling of Liquefied Petroleum Gases, NFPA 58, 1992 edition, published by the National Fire Protection Association.
- (e) Standard Unsafe Building Abatement Code, 1985 edition, published by the Southern Building Code Congress International, Inc.

(2) The codes and standards described in this section, referred to generally as the "codes," shall be the editions described in this section or later editions as may subsequently be adopted or amended by the Pinellas County Construction

*State law references—Electrical code, F.S. § 553.15 et seq.; plumbing control act, F.S. § 553.01 et seq.

Licensing Board. Except the administrative sections or provisions and such other provisions of each code as are amended and set forth in this chapter. A copy of each code and amendments shall be kept on file in the office of the city clerk. (Ord. No. 5767-95, § 1, 3-16-95; Ord. No. 6251-98, § 1, 4-16-98; Ord. No. 6443-99, § 1, 9-16-99)

Sec. 47.052. Scope.

Gas. The provisions of the National Fuel Gas Code or the Standard for Storage and Handling of Liquefied Petroleum Gas shall apply to the installation of consumer's gas piping, gas appliances and related accessories as covered in these codes. These requirements apply to gas piping systems extending from the point of delivery to the inlet connections of appliances, and the installation and operation of residential and commercial gas appliances and related accessories. (Ord. No. 5767-95, § 1, 3-16-95)

Note—Amends Standard Code Section 101.4.5.

Sec. 47.053. Radio system regulations for buildings.

Except as otherwise provided, no person shall erect, construct or modify any building or structure or any part thereof, or cause the same to be done which fails to support adequate radio coverage for City of Clearwater emergency service workers including but not limited to firefighters and police. For purposes of this section, adequate radio coverage shall include all of the following: (1) a minimum signal strength of -95 dBm available in 95 percent of the area of each floor of the building when transmitted from the closest city police or fire communications system site; (2) a minimum signal strength of -95 dBm received at the closest city police or fire communications system site when transmitted from 95 percent of the area of each floor of the building; (3) the frequency range which must be supported shall be 806 MHz to 869 MHz; and (4) a 95 percent reliability factor. The effect on radio coverage is dependent on location (distance from the radio transmitter and receiver and other buildings in the vicinity), height, projected frontal area and construction materials. If engineering studies indicate that there is a potential for reduction in radio system coverage to a level below that con-

sidered acceptable for reliable public safety communications, corrective action will be required to assure radio system coverage reliability is retained. At the minimum, a radio signal booster system (800 MHz) will be required. In extreme situation, it may be necessary to install a satellite receiver station.

The radio system regulations will be applicable at time of new construction and/or at a redevelopment threshold of 50 percent value increase if 50 percent value or more upgrading of system is required. Single-family residences, townhouses as defined in the Florida Building Code - Residential - with four or fewer stories, multiple family structures with four or fewer stories, and/or other buildings with less than 250 horizontal feet in one dimension are exempt.

The radio signal booster system shall consist of an antenna subsystem (typically mounted on the roof or another exterior structure), a bi-directional amplifier subsystem with a backup power supply mounted in a suitable location on one or more floors of the building and an in-building antenna subsystem. The specifications and design of the system will be subject to approval by the City of Clearwater Radio Communications Shop or its designee and the Development and Neighborhood Services Department prior to the issuance of a building permit.
(Ord. No. 7617-06, § 1, 4-20-06)

ARTICLE IV. PERMITS

Sec. 47.081. Application.

The design professional shall be an architect or engineer legally registered under the laws of Florida regulating the practice of architecture or engineering and shall affix his official seal to drawings, specifications, and accompanying data for all group occupancies except R3. Group R3 buildings, regardless of size, where the work affects the structural components of a building must be designed for compliance to chapter 16, "Structural Loads," by an architect or engineer who shall affix his official seal to said drawings, specifications, and accompanying data, or shall

otherwise demonstrate compliance using alternatives approved by the Pinellas County Construction Licensing Board.

Exception: Construction less than \$10,000.00 and not affecting the structural components of the building.

(Ord. No. 5767-95, § 1, 3-16-95)

Note—Replaces Section 104.2.3.

Sec. 47.082. Moving of buildings.

When moving a building onto a lot within the city, the applicant shall provide a list of names and addresses of all property owners within 250 feet of the proposed site of the building. The building official shall mail a notice of the application to the owners of all properties situated within 250 feet of the subject property. All such notices shall be sent by mail to the last known names and addresses as indicated on the county tax roll. No permit for the moving of any building onto a site within the city limits shall be issued by the building official until the written application has been on file for a minimum period of seven days after filing of such application to allow the building official to give written notice of such application to all property owners within 250 feet of the proposed site.

(Ord. No. 5767-95, § 1, 3-16-95)

Sec. 47.083. Fees.

(1) *Prescribed.* The city will issue any permit(s) required by this Code, once all approvals are granted and all fees as required by Appendix A of this Code are paid. Any amendments to the permit will be released once they are approved and any additional fees due to such amendment as required by Appendix A are paid. **EXCEPTION:** A temporary permit may be issued for projects which do not require plan review such as roof work, water heater, change-out and air conditioning replacement by facsimile. In that event, the applicant has ten calendar days from the date the temporary permit is issued to make the proper payments and receive the regular permit. If the permit is not paid for within ten days of issuance of the temporary permit, the applicant shall pay a triple or ten times fee as described in appendix A of this Code.

(2) *Work commencing before permit issuance.* If any person commences any work on a building, structure, or electrical, plumbing, mechanical or gas system before obtaining the necessary permit, he shall be subject to a penalty as provided in appendix A to this Code.

(3) *Accounting.* The building official shall keep a permanent and accurate accounting of all permit fees and other monies collected, and the names of all persons upon whose account the fees or monies were paid, along with the date and amount thereof.

(4) *Schedule.* On all buildings, structures, and electrical, plumbing, mechanical and gas systems or alterations requiring a permit, a fee for each permit shall be paid as required at the time of filing application or issuing of permits, in accordance with the schedule in appendix A to this Code.

(5) *Building permit valuations.* If, in the opinion of the building official, the valuation of building, alteration, structure, or electrical, gas, mechanical or plumbing systems appears to be underestimated on the application, the permit shall be denied, unless the applicant can show detailed estimates to meet the approval of the building official. Permit valuations shall include total cost, such as electrical, gas, mechanical, plumbing equipment and other systems, including materials and labor.
(Ord. No. 5767-95, § 1, 3-16-95; Ord. No. 6145-97, § 1, 6-19-97)

Note—Replaces Standard Code Section 104.7.

Sec. 47.084. Demolition fencing.

In connection with demolition of one or more structures on a site with an area of one acre or larger, a continuous see-through fence of six feet in height, shall be required around the perimeter of the site to limit access to only individuals and equipment involved in the demolition work. The fence shall be set back as necessary for adequate visibility for pedestrian and vehicular traffic at street and driveway intersections. A permit is required for this temporary fencing prior to the issuance of a demolition permit. The fence shall

be erected prior to commencement of demolition and shall be removed at the completion of demolition unless otherwise authorized by the city.
(Ord. No. 6381-99, § 1, 4-15-99)

ARTICLE V. INSPECTIONS

Sec. 47.111. Required inspections.

The permit holder or his agent shall request a final inspection upon completion of the work, and other inspections as required by the permit, in a timely manner. The building official upon request by the permit holder or his agent shall make the following minimum inspections and such other inspections as may be necessary, and shall either release that portion of the construction or shall notify the permit holder or his agent of any violations which must be corrected in order to comply with the standard codes adopted in this chapter:

- (1) *Roof.*
 - (a) *Deck.* To be made after the deck is clean, tightly fitted, sound and free of debris.
 - (b) *Dry-in inspection.* During the course of applying roofing paper.

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- (c) *Roof covering inspection.* During the course of installing roof covering material.
 - (d) *Tile inspection.* During the course of installing roof tiles, if applied.
 - (e) *Final.* After all work is completed on roof.
- (2) *Gas.*
- (a) *Underground piping inspection.* To be made after trenches or ditches are excavated, after piping or tanks are installed, and before backfill is put in place. All joints shall be open and piping shall be uncovered at least every 20 feet. Tank tie down strips shall be visible.
 - (b) *Rough-in inspection.* To be made after the roof, framing, fireblocking and bracing are in place and all gas and vent piping is complete, and prior to the installation of wall or ceiling membranes.
 - (c) *Final inspection.* To be made after the equipment and vent piping are in place and properly connected.
 - (d) *Exceptions.* When one of the following appliances has been installed, only a final inspection shall be required, provided that the installer shall have complied with the requirements for underground piping and the installer shall have furnished a notarized letter to the building official before requesting final inspection. The letter shall contain the address and permit number of the job, shall state that the piping and appliance are free of leakage, and shall be signed by the license holder or other authorized person. Any such appliance may be placed in operation prior to requesting final inspection. This exception shall be available for the installation of any one of the following:
 - 1. Water heater;
 - 2. Pool or spa heater;
 - 3. Mobile home furnace; or
 - 4. Other appliance as may be approved by the building official.
 - (e) *Testing.* Testing shall be done in accordance with Part 4 of NFPA 54 adopted by section 47.051, except that section 4.1.4 is amended to read in its entirety:
 - 4.4.4. Test of pipe for tightness.
 - a. Procedure and precautions. Before any system of consumer's gas piping is put in service, it shall be carefully tested to assure that it is gas tight. Where any part of the system is to be enclosed or concealed, this test shall precede the work of closing in. To test for tightness, the piping shall be filled with air or inert gas, but not with any other gas or liquid. In no case shall oxygen ever be used.
 - b. Method of testing. Low pressure (not in excess of 0.5 psi) gas piping shall withstand a pressure of at least 10 psi or 6 inches of mercury for not less than 10 minutes without showing any drop in pressure. Higher pressure gas piping shall withstand a pressure of at least twice the maximum pressure to which the piping will be subjected in operation, but not less than 10 psi, for not less than 10 minutes without showing any drop in pressure. Piping, regulators, valves and appliances shall not be subjected to pressures higher than their rated capacity.
 - c. Test instruments. For pressure tests, pressure shall be measured with a manometer, slope gauge, or other accurate and sensitive pressure indicating device, the scale of which is so graduated that variations in pressure may be accurately read. A bourdon tube type gauge calibrated in a maximum of quarter-pound increments shall be acceptable. There shall be a tag attached to

the gauge indicating the date, time and pressure applied to the system upon completion of the test.

- (3) *Pools and spas.*
 - (a) *Shell.* To be made when excavation and structural framework, as appropriate, are complete.
 - (b) *Deck.* To be made after electrical bonding is complete and pool plumbing is installed.
 - (c) *Final.* To be made when pool or spa is complete and ready for use.

(Ord. No. 5767-95, § 1, 3-16-95)

Note—Amends Standard Code Section 105.6.

ARTICLE VI. RESERVED

ARTICLE VII. UNSAFE BUILDINGS AND SYSTEMS

Sec. 47.161. Declared illegal; amendments to standard code.

(1) All buildings, structures, or electrical, gas, mechanical or plumbing systems which are unsafe or unsanitary, or which do not provide adequate egress, or which constitute a fire hazard, or which are otherwise dangerous to human life, or which constitute a hazard to safety or health, are considered unsafe buildings, structures or service systems and are hereby declared illegal. All such unsafe building, structures or service systems shall be abated by repair and rehabilitation or by demolition in accordance with the provisions of the Standard Unsafe Building Abatement Code, adopted in section 47.051 of this Code of Ordinances, with the following amendments:

Section 105. Section 105 is amended to read in its entirety:

105. Board of adjustment and appeals. The building/flood board of adjustment and appeals shall have the authority to provide for adjustments and appeals to the Standard for Unsafe Building Abatement Code, and shall have the authority to make the final interpretation of provisions of such code. This section shall not be construed as depriving the Municipal Code

Enforcement Board of its authority to conduct hearings relating to violations of the Standard Unsafe Building Abatement Code or to carry out its powers pursuant to Division 9 of Article III of Chapter 2 of the Code of Ordinances.

Section 302.1.1, paragraph 3.1. Paragraph 3.1 of section 302.1.1 is amended to read:

3.1. If the building or structure is to be repaired or secured, the notice shall require that all necessary permits be secured and the work commenced within seven calendar days following service of notice and that the work be completed within 20 calendar days following issuance of the permit. The notice shall also indicate the degree to which the repairs must comply with the provisions of the Standard Building Code, in accordance with section 101.4 of this Standard Unsafe Building Abatement Code.

Section 302.1.1, paragraph 3.3. Paragraph 3.3 of section 302.1.1 is amended to read:

3.3. If the building or structure is to be demolished, the notice shall require that the premises be vacated within 30 calendar days following service of notice, or immediately following service of notice in the case of an occupied building or structure which constitutes an immediate hazard to life or to the safety of the occupants and the public. The notice shall also require that all required permits for demolition be secured and the work commenced within seven calendar days following service of notice, and that the demolition be completed within no longer than 20 calendar days following issuance of the permit.

Section 302.1.1, paragraph 4. Paragraph 4 of section 302.1.1 is amended to read:

4. A statement advising that any person having any legal or equitable interest in the property may appeal the notice by the building official to the building/flood board of adjustment and appeals; that such appeal shall be in writing in the form specified in section 401 of this Standard Unsafe Building Abatement Code and shall be filed with the building official within seven calendar days following service of the notice; that upon a failure to appeal in the

time specified, the notice shall constitute a final order and no additional notice shall be required or provided; and that failure to appeal in the time specified will constitute a waiver of all rights to an administrative hearing.

Section 303. Section 303 is amended to read in its entirety:

303. Standards For Compliance. The following action shall be taken by the building official when ordering the repair, vacation or demolition of an unsafe building or structure:

1. The building shall be ordered repaired in accordance with the Standard Building Code or demolished at the option of the owner.
2. If the building or structure constitutes an immediate hazard to life or to the safety of the public:
 - a. The building official shall order the building or structure vacated immediately; and
 - b. The building official shall cause the building or structure to be made safe. If the cost to repair is more than 50 percent of the value of that building or structure, the building official shall order the building or structure demolished.
3. The building or structure may be secured or boarded up for a maximum of 30 calendar days, after which time the necessary repairs or construction, alterations, removal, or demolition shall have been commenced and completed; provided, that if an appeal has been taken, the building or structure may be secured or boarded up during the pendency of the appeal and for such additional time as the reviewing board may allow.
4. The building official may extend a deadline for repairing, securing or boarding up, or demolishing a building or structure upon a showing of good cause by the owner, and upon a showing by the owner that the owner has entered into a contract with a licensed contractor to perform the necessary work. To allow the owner to be

eligible for a deadline extension, the contract shall require the necessary work to be commenced not later than 60 days following service of notice to the owner and shall require the work to be completed not later than 30 days following commencement of the work if the work consists of nonstructural repairs, or not later than 90 days following commencement of the work if the work consists of structural repairs or demolition of the building or structure. However, if the building or structure constitutes an immediate hazard to life or to the safety of the occupants and the public, the deadline to vacate the building shall not be extended, the building or structure shall be secured against entry by trespassers, and any exterior repairs necessary to remove hazards to persons outside the building or structure shall be performed to the satisfaction of the building official as a prerequisite to an extension of a deadline.

Section 401.1. Section 401.1 is amended to read in its entirety:

401.1. Right of Appeal—Filing.

Any person entitled to service in accordance with the provisions of chapter 3 of this Standard Unsafe Building Abatement Code may appeal any action of the building official under this code to the building/flood board of adjustment and appeals. Such appeal must be filed in writing with the building official within seven calendar days from the date of service on a form provided by the building official containing at least the following information:

1. Identification of the building or structure by street address or legal description.
2. A statement identifying the legal or equitable interest of each appellant.
3. A statement identifying the specific order of the building official or section of the code being appealed.
4. A statement detailing the issues on which the appellant desires to be heard.
5. The signature of all appellants and their mailing addresses.

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6. An application fee as determined in the fee schedule. If appellant is successful, the fee will be refunded.

Chapter 5. Chapter 5 is amended to read in its entirety:

501.1. As an alternative code enforcement remedy, the Municipal Code Enforcement Board is hereby authorized to conduct hearings relating to violations of the Standard Unsafe Building Abatement Code. In any case in which the board finds that a violation has occurred, the board may order corrective action to be taken by a date certain, which corrective action may include the repair, improvement, vacation, or demolition of the building or structure, and may otherwise carry out its powers pursuant to Division 9 of Article III of Chapter 2 of the Code of Ordinances relating to any such violations.

501.2. The hearing notice shall be served personally or mailed as required by section 302.1.3 of this Standard Unsafe Building Abatement Code at least ten calendar days prior to the hearing date.

502. Judicial review. The decision of the building/flood board of adjustment and appeals shall be subject to judicial review in the circuit court by common law certiorari.

(2) Those provisions of the Standard Unsafe Building Abatement Code not expressly amended by this section 47.161 shall continue in full force and effect.

(Ord. No. 5767-95, § 1, 3-16-95)

ARTICLE VIII. SIDEWALKS

Sec. 47.181. Sidewalks required for new construction and major alterations or additions.

(1) *Generally.* To secure safety from traffic and other similar dangers, to provide areas which can be utilized by pedestrian traffic and to promote the general welfare and safety of the public, all new developments and major alterations to structures within the city that abut a public right-of-

way shall provide a sidewalk or sidewalks constructed on, across or adjacent thereto as provided in this article.

(2) *Plan considerations.* In order to secure a building permit to erect a structure on vacant land, remodel an existing structure where such remodeling will exceed by 50 percent the assessed valuation of the property, or add an additional building or structure to land where a building or structure already exists and where the value of such additional building or structure will exceed by 50 percent the assessed valuation of the property, where a sidewalk does not exist, the building plan submitted as part of the securing the building permit shall provide for construction of a sidewalk either in an easement where the property is abutting the public right-of-way, or upon such right-of-way. The building official, when reviewing the building plans and specifications, shall coordinate with the city engineer to insure that the plans meet all city sidewalk construction specifications and shall adequately meet the alignment for desirable, convenient and safe pedestrian usage, including routes to existing schools or proposed schools.

(3) *Specifications and construction.* The design, materials, width and location of sidewalks shall be in accordance with city standards as established by the city engineer.

(4) *Schedule of completion.* Sidewalk construction shall be required to be completed at the property owner's expense before the building official may issue a certificate of occupancy for any building or structure for which sidewalks are required.

(5) *Exceptions.* The city engineer may grant an exception under one of the following conditions:

- (a) If the natural topographical conditions; existing ditches, tree location, inadequate right-of-way or other similar physical conditions peculiar to the premises exist to prevent the reasonable construction of a sidewalk, or
- (b) The property owner can demonstrate that the subject property would have the only sidewalk within 200 feet of the property on the streets which the property abuts,

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and the such sidewalk would not form a part of a route leading to a school or public park, and that the absence of a sidewalk would not create a pedestrian hazard by reason of the proximity of the property to motor vehicle traffic.

If the property owner meets either of the above exceptions, then the property owner shall pay a fee for the sidewalk to be constructed by the city at a future date as determined by the city engineer. This fee will consist of the current price for sidewalk construction as determined by the most recent contract for sidewalk construction as approved by the city commission plus ten percent for handling and record keeping.

(Ord. No. 5767-95, § 1, 3-16-95; Ord. No. 6116-97, § 1, 2-6-97)

Sec. 47.182. Reserved.

Editor's note—Ord. No. 6116-97, § 1, adopted Feb. 6, 1997, repealed § 47.182, which pertained to temporary waiver of sidewalk requirement. See the Code Comparative Table contained in the code volume.