

FORT WALTON BEACH CODE

**CHAPTER 3
BUILDINGS, CONSTRUCTION & FIRE CODES**

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CHAPTER 3 BUILDINGS, CONSTRUCTION & FIRE CODES

3.00 GENERAL

3.00.01 Purpose:

The purpose of this chapter is to comply with chapters 489, 553 and 633, F.S., and to provide rules and regulations to improve public safety by promoting the control and abatement of fire hazards; providing uniform minimum standards, regulations and requirements for safe and stable design, methods of construction, installation and uses of materials in electrical wiring, plumbing, including irrigation systems, natural and liquefied petroleum gas piping, mechanical systems or equipment and providing for assurance of the qualifications and competency of those persons installing and inspecting the same; regulating the use of structures, premises, and open areas; establishing the responsibilities and procedures for construction, unsafe building and minimum housing code enforcement; and setting forth standards for compliance and achievement of these objectives to afford reasonable protection for public safety, health, and general welfare.

3.00.02 Application:

This chapter and all of the technical codes adopted by reference shall apply to all existing structures, to all new structures and to all alterations to any new or existing structure, both private and public, located within the corporate limits of the City of Fort Walton Beach, except those which are specifically exempted by state or federal statutes or state administrative rules.

3.01 BUILDING CODE

3.01.01 Florida Building Code Incorporated by Reference

The current Florida Building Code, as adopted by rule of the Florida Building Commission as required by state statute, with its six main volumes of Building, Plumbing, Mechanical, Fuel Gas, Existing Building, Residential, and excluding the Test Protocols volume, as amended from time to time, is hereby adopted and incorporated into this chapter and code of ordinances by reference. The Florida Building Code is remedial and shall be construed to secure the public safety, health and general welfare through structural strength, stability, sanitation, adequate light and ventilation, and safety to life and property from fire and other hazards attributed to the built environment, including alteration, repair, removal, demolition, use and occupancy of buildings, structures or premises, and by regulating the installation and maintenance of all electrical, gas, mechanical and plumbing systems, which may be referred to as service systems.

3.01.02 Administration

- a. **Chapter 1, FBC Applies.** Chapter 1 of the Florida Building Code (abbreviated in this chapter as “F.B.C.”) shall be used for the administration of this chapter and the Florida Building Code, except as modified in this chapter.
- b. **Delegation of Authority.** The building official is hereby authorized and directed to enforce the provisions of this chapter and the F.B.C. The building official shall have the authority to render interpretations of this chapter and the F.B.C. and to adopt policies and procedures to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance

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with the intent and purpose of this chapter and the F.B.C., and shall not have the effect of waiving requirements specifically provided for in this code.

- c. **Applications and Permits.** The building official shall receive applications, review construction documents and issue permits for the erection, alteration, demolition, and moving of buildings and structures, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this chapter and the F.B.C.
- d. **Revocation of Permits.** The building official is authorized to suspend or revoke a permit issued under the provisions of this code whenever the permit is issued in error or on the basis of incorrect, inaccurate, incomplete information, or misrepresentation as to any material fact in the application, or in violation of any ordinance or regulation or any provisions of this chapter or the F.B.C.

The building official may revoke a permit upon determination by the building official that the construction, erection, alteration, repair, moving, demolition, installation, or replacement of the building, structure, electrical, gas, mechanical or plumbing systems for which the permit was issued is in violation of, or not in conformity with, the provisions of this chapter or the F.B.C.

- e. **Notices and Orders.** The building official shall issue all necessary notices or orders to ensure compliance with this chapter and the F.B.C.
- f. **Inspections.** The building official, or a designee which may include any competent and properly licensed or certified individual or agency, shall make all of the required inspections. Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The building official is authorized to engage such experts to render an opinion as necessary to report upon unusual technical issues that arise.
- g. **Liability.** Pursuant to Florida law, the building official or a designee, any member of the board of adjustment or employee who is delegated the enforcement of this chapter and the F.B.C., while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this chapter and the F.B.C., or other pertinent law or ordinance, shall not thereby be rendered liable personally and is hereby relieved from personal liability for any damage or cost in any action accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by legal representative of the jurisdiction until the final termination of the proceedings.
- h. **Requirements not Provided in the F.B.C.** Any requirements necessary for the strength, stability or proper operation of an existing or proposed building, structure, electrical, gas, mechanical or plumbing system, or for the public safety, health and general welfare, not specifically covered by this or the other technical codes, shall be determined by the building official.

3.01.03 Building Permit Required

Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any required impact-resistant coverings, electrical, gas, mechanical or plumbing system, or alter, improve, change, enlarge or repair any parking area, stormwater management system, or infrastructure, or any other installation of which is regulated by this chapter, the F.B.C., or the land

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development code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

3.01.04 Exceptions

Ordinary minor repairs may be made with the approval of the building official without a permit. Minor repairs may include but are not limited to:

- a. painting and the replacement of nonstructural flooring;
- b. repairing flush and snap switches, replacing fuses, changing lamp sockets and receptacles, taping joints and repairing drop cords; for the installation of wiring, devices or equipment for telephone, telegraph, district messenger or tele-autograph systems or any signaling system (other than a commercial radio system) operating at 50 volts or less, when installed by a public utility subject to regulation as such by the Florida Public Service Commission or an agency of the United States;
- c. repairing or replacing any fixture;
- d. service conducted to maintain the system, including minor part replacement on any piece of the system; or
- e. repairing or replacing any plumbing fixture.

3.01.05 Penalty for Commencement Prior to Permitting

Any person who commences any work on a building, site, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits, or any individual who acquires a permit issued in error for either incorrect or false information provided on the application shall be subject to a fee as set forth in the Comprehensive Fee Schedule

Emergency repairs (e.g. over weekends or holidays) may be made without subsequent penalty as long as the required permit is applied for on the first working day following the day the emergency repairs are made. The building official will determine the validity of the emergency in administering this provision.

The building official may deny any permit application which is requested by a person who has violated the provisions of this section three times or more.

3.01.06 Permit Fees

Permit application requests shall be accompanied by fees and charges as may be established by the city council by resolution in the comprehensive fee schedule for proper filing and processing.

3.01.07 Fees for Checking Plans

A fee for checking a plan shall be paid to the engineering services department at the time of submitting a plan and specifications. Such fee shall be equal to one-half of the building permit fee. Such plan-checking fee is in addition to the building permit fee and shall be considered nonrefundable.

3.01.08 Fee for Re-issuance

The permit holder must pay the entire permit fee to have reissued any building permit that has expired, but shall not pay a plan check fee unless new plans are submitted for review.

3.01.09 Fee for Sewer & Water Connections Required

In those instances where the issuance of a permit for connecting to city sewer and water is required, the fee (including connection or impact fees) for connecting to the sewer and water system of the city shall be collected at the same time the fee is collected for the building permit.

3.01.10 Refund of Fees

A refund of permit fees may be made to the permit holder under the following conditions: the permit is still valid and in effect and the project is cancelled and a written notice of project cancellation is filed with the building official and a written request for refund is filed with the building official not more than fourteen (14) calendar days from the date of cancellation. When no work under the permit has commenced, a refund may be made of the full permit fee. When any portion of the work has commenced under the permit, no refund shall be made. Refunds shall be made for duplicate permits issued for the same work.

3.01.11 Specific Elevation Required

No building permit shall be issued for construction of a commercial building in the city unless the elevation of the floor of such building, as shown on the submitted plans, is at least 12 inches above the higher of the elevation of the surface of the center of the street or of the curb of the street abutting or adjacent to such property where the building is to be constructed. When, in the opinion of the building official or the city engineer, by examination of the plans submitted, a dwelling unit requires the same elevation requirements as stated for commercial buildings, the official will make such elevation requirements a condition of the issuance of the building permit.

3.01.12 Transfer of Permit

A permit holder may transfer a permit, whether or not work under the permit has commenced, upon filing of the following information with the building official: a written, notarized request from the new permit holder for the transfer of the permit; a written, notarized statement from the original permit holder agreeing to the transfer of the permit; along with the appropriate fees for transferring the permit. Upon issuance of a transferred permit, the new permit holder shall assume full responsibility for the project and continuation of the permit.

In the event the contractor of record ceases to serve as the contractor on the project, and the aforementioned transfer of permit does not occur, the owner or the contractor must provide the building official written notice as soon as possible. Upon receipt of such notice, the engineering services department will perform a final inspection under this permit and close it out. Before construction can continue, a properly qualified person must obtain a new permit.

3.01.13 Threshold Buildings

Any threshold building submitted for plan review may at the discretion of the building official be required to have a third party plan review service. The cost for review by the outside plan review service will be in addition to the plan review fees charged by the building department and will be borne by the

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applicant.

3.01.14 Survey of Building Foundations Required

- a. **Survey Required.** The permit holder shall submit to the building official, within 21 calendar days of the foundation inspection, an as-built survey map depicting the foundation, pilings or similar element of the building that identifies the location of the outer walls of the building or addition as installed and the location of such foundation or pilings, precisely dimensioned in relation to each and every relevant property line of the property upon which a structure is being constructed and any other foundation or building on the site.

For waterfront properties, the mean high water line and required view corridors shall be clearly indicated on the drawing. The flood zone and finished floor elevation shall also be shown. The survey shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by a registered land surveyor or professional engineer.

- b. **Review of Survey.** The building official shall have seven business days to review the survey, any supplemental drawings and certification provided for by this section, and shall approve the survey, supplemental drawing(s) and certification if all requirements have been met.
- c. **Permit Holder's Liability.** Any work commenced within the 28 calendar day period from the date of the submission of the required as-built foundation survey, which is required by this section, shall be at the permit holder's risk. Any deficiencies or encroachments detected by the building official's review shall be corrected by the permit holder forthwith and prior to further progressive work being permitted to proceed. Failure to submit the survey, supplemental drawing and certification required by this section, or failure to make such corrections, shall be cause to issue a stop work order for the project. No vertical inspections shall be performed by the building official until the as-built foundation survey has been submitted and approved.
- d. **Waiver of Survey Requirement.** The building official may waive the as-built foundation survey or certification for minor construction on single-family residential property involving an addition or accessory building or structure if:
 1. the location of the property line can be readily ascertained; and
 2. it can be readily and unquestionably determined that the new construction is within the required building setbacks.

3.01.15 Enforcement of Provisions

Any licensed individual or company who violates the provisions of this chapter or the F.B.C. may be subject to review and subsequent action by the Okaloosa County Construction Licensing board. In addition, any property owner who violates the provisions of this chapter or the F.B.C. may be subject to Code Enforcement Board action.

3.02 ELECTRICAL CODE

3.02.01 Electrical Meter Placement

All electrical meter placement must be verified by the local utility company.

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3.02.02 Tampering Prohibited

Tampering with meters or with conductors carrying unmetered current and the unauthorized breaking of utility company seals are prohibited. New service or existing service that has been altered or repaired shall not be connected until the local utility company has received an authorized inspection certificate.

3.02.03 Marinas

All new installations of upland electrical services at marinas shall be underground.

3.03 PLUMBING CODE

3.03.01. Excavations and Obstructions.

No person shall excavate or obstruct any public or private street, alley, sidewalk or other thoroughfare for the purpose of installing plumbing, sewer or drainage work. All excavations in public ways in the city shall be made by the city or a licensed underground utility contractor, unless otherwise approved by the city engineer.

3.03.02 Septic Tank and Field Lines

No major repair or increase in size shall be made to an existing septic tank, nor shall a field line be increased when the city's sanitary sewer system is available. Existing septic tank users are required to be connected to the city's central sanitary sewer system within one year of notice by the city of the availability of service.

3.03.03 Independent Systems

The drainage and plumbing system of each new building and of each new work installed in an existing building shall be separate from and independent of that of any other building. Every building shall have an independent connection with a public or private sewer when such sewer is available, except that a building of single ownership located on a single lot or building site may have one sewer.

3.03.04 Laterals; Laying of Pipes

Laterals from the building must be connected to the "Y" branch in the main sewer adjoining each building site, where taken off the existing sewer or lateral as close to the street curb as possible. Sewer pipe from the curb line to the main line sewer shall be not less than four inch pipe. No part of such pipe shall be laid less than 36 inches from the top of such pipe to the top of the established or existing street grade, when possible. Where such pipe cannot be covered at all points by 24 inches of earth, such pipe shall be extra heavy cast iron or ductile iron pipe.

3.03.05 Sand and Oil Interceptors Required

- a Any business establishment, established after September 24, 1991, which repairs or washes vehicles, equipment, or boats or where either vehicles, equipment, boats, or repair work areas are spray cleaned prior to or during the repair process, shall provide and maintain both a sand interceptor and oil separator to receive all residue from maintenance areas.
- b. No such establishment shall dump any foreign matter, grease or excess oil in any sand trap interceptor. Such establishments shall keep all interceptors in a clean condition in order to prevent

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such foreign matter from entering the city sanitary sewerage system.

- c. The building official may inspect the premises of such establishments every six (6) months or as necessary to determine if sand interceptors and oil separators are being kept in proper condition.

3.03.06. Grease Interceptors.

All commercial grease interceptors shall be pumped dry and cleaned of grease and residue a minimum of once every six (6) calendar months. Where necessary, more frequent cleaning of these grease interceptors shall be required as deemed necessary by either the city engineer or a designee. The operator of the business utilizing the grease interceptor shall certify as to the pumping and cleaning of the grease interceptors as required, but not later than every six (6) calendar months, and shall furnish a copy of the certificate to the city engineer or a designee upon request. No person shall pour grease into storm sewers.

3.04 WIND-BORNE DEBRIS REGION

3.04.01 Wind-Borne Debris Region Established

There is hereby established a "Wind-Borne Debris Region" defined as all land within the corporate limits of the City of Fort Walton Beach. To assure proper methods for new construction or repair of existing buildings and structures, the wind borne debris region is established to provide a region where buildings constructed within said region must be either designed for internal pressures that may result inside a building when a window or door is broken or a hole is created in its walls or roof by large debris, or be designed with protected openings, pursuant to Chapter 16 of the F.B.C.

3.07 DEMOLITION OF BUILDINGS

3.07.01 Permit Required: It shall be unlawful for any person, firm or corporation to wreck or demolish any building or structure in the City of Fort Walton Beach without first securing a permit and paying the appropriate fees.

3.07.02 Application: An application for a demolition permit to wreck or demolish a building or structure within the City of Fort Walton Beach shall be in writing on forms provided by the building official. The application shall include the demolition contractor's name and address, certification or competency card number, property owner's address, location of the building or structure; legal description of the property and date the demolition is to begin.

An owner-occupier of a single family residence may demolish his or her home, garage or shed type structure without securing a business tax receipt or certificate of competency. It shall be unlawful to employ any person, firm or corporation to assist that does not first produce a current business tax receipt and house wreckers competence card. Such owner-occupier must comply with all other provisions of this section.

3.07.03 Conditions of Demolition: All sewer, gas, water, storm drainage lines and similar taps or connections shall be properly closed and disconnected as per approval from the city or appropriate utility company. All debris from the building or structure shall be removed from the site. The lot shall be graded to a smooth, even finished grade, free from building material, debris, holes and depressions. Any further excavation or clearing of the lot shall require a clearing and grubbing permit. The lot shall be graded to provide proper drainage and a stormwater retention system may be required by the city code.

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3.07.04 Exposure of Adjacent Walls: In the event walls of adjacent buildings become exposed as a result of the demolition, the newly exposed walls shall be finished in order to maintain the aesthetics and value of adjacent property, and weatherproofed to prevent deterioration of the wall.

3.07.05 Structures of Four Units or More: In the event the subject demolition or renovation involves a commercial, industrial, or government owned building, or a residential structure with more than four (4) units the Federal EPA regulations concerning asbestos abatement will apply.

3.07.06 Performance Bond Required: Prior to the issuance of a demolition permit, a performance bond shall be required to cover the cost of the work.

3.07.061 Form of Bond: The performance bond shall be in a form acceptable to the city attorney and shall cover 100 percent of the cost estimate. The cost estimate shall be established by the contract signed for the demolition and for subsequent construction if required.

3.07.062 Bond Coverage: The performance bond shall cover the following: in the event of total demolition, the cost to demolish the structure, remove all debris, grade the lot and repair adjacent buildings; and, in the event of partial demolition of a building, the cost to demolish the structure, remove all debris, grade the lot and repair adjacent buildings and construct or reconstruct the remaining portions of the building so that the exterior of any partially demolished building appears complete, finished and enclosed.

3.08 UNSAFE BUILDINGS

3.08.01 Right to Inspect: The building official shall inspect or cause to be inspected any building, structure or portion thereof, including electrical, gas, mechanical or plumbing systems which are unsafe or unsanitary or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment. After the building official has inspected or caused to be inspected a building, structure or portion thereof and has determined that such building, structure or portion thereof is unsafe, he or she shall initiate proceedings to cause the abatement of the unsafe condition by repair, rehabilitation, vacation or demolition or combination thereof.

3.08.02 Notice, Content: The building official shall prepare and issue a notice of unsafe building directed to the owner of record of the building or structure. The notice shall contain, but not be limited to, the following information.

3.08.021 Address, Legal Description: The street address and legal description of the building, structure or premise.

3.08.022 Detail of Conditions: A statement indicating the building or structure has been declared unsafe by the building official, and a detailed report documenting the conditions determined to have rendered the building or structure unsafe under the provisions of the adopted codes of the city.

3.08.023 Time to Complete Required Action: A statement advising that if the following required action as determined by the building official is not commenced within or completed by the time specified, the building will be ordered vacated and posted to prevent further occupancy until the work is completed and the building official may cause the work to be done and all costs incurred charged against the property or the owner of record.

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3.08.024 Time for Commencement: If the building or structure is to be repaired, the notice shall require that all necessary permits be secured and the work commenced within 60 days and continued to completion within such time as the building official determines.

3.08.025 Time for Vacating Structure: If the building or structure is to be vacated, the notice shall indicate the time within which vacation is to be completed.

3.08.026 Time for Demolition: If the building or structure is to be demolished, the notice shall require that the premises be vacated within 60 days, that all required permits for demolition be secured and that the demolition be completed within such time as determined reasonable by the building official.

3.08.027 Statement of Right to Appeal: A statement advising that any person having any legal interest in the property may appeal the notice by the building official to the board of adjustment; and that such appeal shall be in writing and shall be filed with the building official within 30 days from the date of the notice and that failure to appeal in the time specified will constitute a waiver of all rights to an administrative hearing.

3.08.03 Service, Posting of Notice: The notice and all attachments thereto shall be served upon the owner of record and posted on the property in a conspicuous location. A copy of the notice and all attachments thereto shall also be served on any person determined from the official public records to have a legal interest in the property. Failure of the building official to serve any person herein required to be served other than the owner of record shall not invalidate any proceedings hereunder nor shall it relieve any other person served from any obligation imposed on him.

3.08.031 Method of Service: The notice shall be served either personally or by certified mail, postage prepaid, return receipt requested, to each person at the address as it appears on the official public records. If the addresses are not available on any person required to be served the notice, the notice addressed to such person shall be mailed to the address of the building or structure involved in the proceedings. The failure of any person to receive notice, other than the owner of record, shall not invalidate any proceedings under this chapter. Service by certified or registered mail as herein described shall be effective on the date the notice was received as indicated on the return receipt.

3.08.032 Proof of Service: Proof of service of the notice shall be by written declaration indicating the date, time and manner in which service was made and signed by the person served on by the receipt.

3.08.033 Recording of Notice: If the notice is not complied with nor an appeal within the allotted time, the building official shall file in the office of the recorder a certificate describing the property and certifying that the building or structure is unsafe and that the owner of record has been served. This certificate shall remain on file until such time as the conditions rendering the building or structure unsafe have been abated. At such time, the building official shall file a new certificate indicating that the corrective action has been taken and the building or structure is no longer unsafe from that condition.

3.08.034 Posting of Notice to Vacate: Every notice to vacate, in addition to complying with the provisions of this part, shall be posted at each exit and entrance to the building or structure and shall state:

THIS BUILDING IS UNSAFE AND ITS OCCUPANCY HAS BEEN PROHIBITED BY THE BUILDING OFFICIAL

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3.08.035 Removal of Notice: Such notice shall remain posted until the required repairs are made or demolition is complete. It shall be unlawful for any person, firm or corporation or their agents to remove such notice without written permission of the building official, or for any person to enter the building except for the purpose of making the required repairs or of demolishing it.

3.08.04 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.

3.08.041 Repair IAW Building Code: The building shall be ordered repaired in accordance with the adopted building code or demolished at the option of the owner. In the event the building is to be repaired, an architect or engineer, registered in the State of Florida, and knowledgeable in such area of repair shall verify in writing that such repair can be made to abate the conditions rendering the building or structure unsafe.

3.08.042 Immediate Hazard: If the building or structure poses an immediate hazard to life or to the safety of the public it shall be ordered vacated immediately.

3.08.043 Rights of Building Official in Emergency: The decision of the building official shall be final in cases of emergency, which in his or her/her opinion, involve imminent danger to human life or health. The building official shall promptly cause such building, structure, electrical, gas, mechanical or plumbing systems or portion thereof to be made safe or cause its removal. For this purpose, he/she may at once enter such structure or land on which it stands, or abutting land or structures, with such assistance and at such cost as he/she may deem necessary.

3.08.044 Costs: Costs incurred under this section shall be charged to the owner of the premises involved and shall be collected in the manner provided by law.

3.08.05 Appeals: Any person entitled to service in accordance with the provisions of this chapter, may appeal any action of the building official to the board of adjustment, with the following requirements.

3.08.051 Filing: Such appeal must be filed in writing with the building official within 30 days from the date of service and must contain at least the following information: identification of the building or structure concerned by the street address or legal description; a statement identifying the legal interest of each appellant; a statement identifying the specific order or section being appealed; a statement detailing the issues on which the appellant desires to be heard; and the legal signature of all appellants and their official mailing addresses.

3.08.052 Hearing: Upon receipt of an appeal, the board shall as soon as practical fix a date, time and location for the hearing of the appeal. The hearing date shall not be more than 60 days from the date the appeal was filed with the building official. Written notice of the time and location of the hearing shall be delivered personally or mailed to each appellant at the address on the appeal by certified mail, postage prepaid and receipt requested.

3.08.053 Failure to appear: Failure of any person to appear at the hearing set in accordance with the provisions of this chapter shall constitute a waiver of his or her right to an administrative hearing on the notice.

3.08.054 Scope of Hearing: The hearing shall offer the appellant reasonable opportunity to be heard on only those specific matters or issues raised by the appellant in his or her appeal. The appellant may appear at the hearing in person or through his or her/her attorney or other designated

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representative.

3.08.055 Stay of Notice Under Appeal: Except for a vacation order issued, enforcement of any notice issued by the building official under the provisions of this chapter shall be held in abeyance during the course of an appeal.

3.09 MOVING OF BUILDINGS

3.09.01 Permit Required: No person shall move any building or structure in excess of 600 sq. ft. in floor area, over, along or across any highway, street or alley in the city or from one lot to another within the city without first obtaining a moving permit therefore from the building official.

3.09.02 Permit Application: Any person seeking a moving permit under this chapter to move a building or structure from inside the city to a point outside the city, through the city, within the city for reinstallation at another location inside the city, or into the city from another local government's jurisdiction, shall first file an application for such permit with the building official.

3.09.03 Form of Permit Application: The application shall be made in writing, upon forms provided by the building official and shall set forth a description of the building proposed to be moved, giving the street number, construction materials, dimensions, number of rooms and the condition of the exterior and interior; a legal description of the lot from which the building is to be moved, giving the lot and block number if such lot is located in the city; the highways, streets and alleys over, along or across which the building is proposed to be moved; the proposed moving date and hours; any additional information which the building official finds necessary to a fair determination of whether a permit should be issued.

3.09.04 Permit Documentation: The following shall accompany each application under this section sufficient evidence that the building and lot from which it is to be removed are free of any liens, taxes, and city charges, and if the applicant is not the owner, a written statement or bill of sale, signed by the owner, or other sufficient evidence that he is entitled to move the building.

3.09.05 Inter-Jurisdictional Certification: If the building or structure in question is to be moved into the city from another local government's jurisdiction, then one of the following must accompany the application to move: certification from a state registered professional engineer or architect certifying that the subject building or structure complies with all provisions of all applicable building and construction codes and standards currently in effect in the city or certification from a state board of building codes and standards certified building official or building inspector representing the jurisdiction in which the building or structure was constructed, stating that the subject building or structure was constructed and inspected under the same building codes and standards of the city (or equivalent) and that the building or structure has been adequately maintained to those standards since construction.

3.09.06 Fee: The application shall be accompanied by a permit fee, which may be amended from time to time as set forth by resolution by the city council and be subject to further requirements as determined by the city manager.

3.09.07 Estimate of Expenses: Upon receipt of an application, it shall be the duty of the building official to obtain from the department of public works an estimate of the expense that will be incurred in removing and replacing electric wires, street lamps, traffic signals or pole lines belonging to the city or any other property of the city, the removal and replacement of which will be required by reason of the moving of the building through the city, together with the cost of materials necessary to be used in making such removals and replacements. Prior to issuance of the moving permit, the building official shall require of the applicant a deposit of a sum of money equal to twice the amount of the estimated

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expense.

3.09.08 Expenses for Traffic Officer: The permittee shall pay the expense of a traffic officer when such officer is necessary to accompany the movement of the building to protect the public from injury. This expense shall not be charged for the first two hours of utilization, but thereafter shall accrue at a rate to be established by resolution of the city council.

3.09.09 Cash Deposit Required: An application for a moving permit under this chapter shall be accompanied by a cash deposit in the sum of \$20,000 as an indemnity for any expense the city may sustain by reason of damage or injury to any highway, street, alley, sidewalk, fire hydrant or other property of the city, which may be caused by or be incidental to the removal of any building over, along or across any street in the city, and to indemnify the city against any claim for damages because of injury to any person or private property, and to satisfy any claim by an individual arising out of, caused by or incidental to the moving of any building over, along or across any street in the city.

3.09.10 Bond in Lieu of Cash: Any person filing a permit application may file, in lieu of the general cash deposit required, a bond, approved as to form by the city attorney and executed by a bonding or surety company authorized to do business in the state, in the amount of \$20,000, conditioned upon the assurance that this chapter and other applicable ordinances and laws will be complied with. Such bond shall run to the city for the use and benefit of any person intended to be protected thereby and shall be conditioned on the payment for any damage to public or private property and the payment for any damage or loss resulting from any malfeasance, misfeasance, nonfeasance or negligence in connection with any of the activities or conditions upon which the permit applied for is granted.

3.09.11 Insurance in Lieu of Cash: Any person filing a permit application may file, in lieu of the general cash deposit required, a liability insurance policy, issued by an insurance company authorized to do business in the state and approved as to form by the city attorney, in the same amount and providing the same protection as would be required for a bond pursuant to this chapter.

3.09.12 Permittee's Liability for Expenses: The permittee shall be liable for any expense; damage or cost in excess of deposited amounts or securities, and the city council may direct the city attorney to prosecute an action against the permittee in a court of competent jurisdiction for the recovery of such amounts.

3.09.13 Duties of Permittee: Every permittee under this chapter shall move a building only over streets designated in the written permit; notify the building official, in writing, of a desired change in the moving date and hours as proposed in the application; notify the building official, in writing, of any and all damage done to property belonging to the city within 24 hours after the damage or injury has occurred; remove the building from the city streets after one-half day of such occupancy, unless an extension is granted by the city manager; remove all rubbish and materials and fill all excavations to the existing grade at the original building site so that the premises are left in safe and sanitary condition; ensure the sewer line is plugged with concrete stopper, the water shut off, and the meter reported to the city water chapter, and notify the gas, electric and other utility companies to remove their services; ensure that the building being moved conforms to all provisions of the city zoning ordinances and, if nonconforming, make the building conforming.

3.09.14 Enforcement Officials: The building official, the police department and the department of public works shall enforce and carry out the requirements of this chapter and applicable laws.

3.09.15 Duties of Officials: The building official shall inspect the building proposed to be moved and the applicant's equipment to determine whether the standards for issuance of a moving permit are met.

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The building official shall refuse to issue a moving permit if he finds that: there has not been compliance with any application, fee or deposit requirement; the building is too large to move without endangering persons or property in the city; the building is in such a state of deterioration or disrepair or is otherwise so structurally unsafe that it could not be moved without endangering persons or property in the city; the applicant's equipment is unsafe and persons and property would be endangered by its use; or for any other reason, persons or property in the city would be endangered by the moving of the building.

The building official shall obtain from the department of public works a list of designated streets over which the building may be moved. The building official shall have the list approved by the chief of police and shall reproduce the list upon the permit in writing. In making their determinations, the department of public works and the chief of police shall act to assure maximum safety to persons and property in the city and to minimize congestion and traffic hazards.

3.09.16 Condition of Original Premises: The city shall proceed to do the work necessary to leave the original premises in a safe and sanitary condition, where the permittee has not complied with the requirements of this chapter, and the cost thereof shall be charged against the general deposit.

3.10 RESERVED

3.20 FIRE CODE

3.20.01 Code Adopted: Pursuant to section 633.025, F.S. (2007), and other applicable provisions of law, the Florida Fire Prevention Code (2007) of the National Fire Protection Association, and its incorporated standards and codes as published in the National Fire Codes of the National Fire Protection Association, and all subsequent amendments thereto, is adopted. A copy of the Florida Fire Prevention Code is on file in the office of the city fire chief and the city's public library.

3.20.02 Enforcement: The fire code adopted by this chapter shall be enforced by the city's fire chief and fire marshal.

3.20.03 Appeals: Whenever the fire chief disapproves an application or refuses to grant a permit applied for, or when it is claimed that the provisions of the fire code adopted by this chapter do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the fire chief to the board of adjustment within 30 days from the date of the decision appealed. The decision of the board of adjustment upon such appeal shall be final.

3.20.13 Permit and Service Fees:

- a. *Purpose.* The purpose of this section is to establish fees for specific fire code permits as defined in NFPA 1, Uniform Fire Code, as adopted by the city, and for the establishment of fees for services performed by the fire department.
- b. *Definitions.* All terms in this section shall be defined as stated in NFPA 1, Uniform Fire Code, as adopted by the city.
- c. *Fee Required.* A fee, as set by the city council in the city's comprehensive fee schedule and amended in the future by resolution, shall be paid at the time of application for a renewable permit, an installation, removal, or alteration permit, an activity permit, hazardous materials storage permit, or any other permitting, plan review or inspection service provided by the fire department.
- d. *No Refund.* Fees are not refunded if an applicant does not receive the permit.

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- e. *Failure to Apply.* Failure to apply for necessary permits or services can result in an order from the fire marshal to obtain the required permit or service. Such an order shall be considered as application made for the required permit or service.

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**CHAPTER 3
TABLE OF HISTORICAL NOTES AND REFERENCES**

2005 Code Section	1992 Code Section	State Law References/ Other Historical Notes
		Ordinance 1565, adopted March 8, 2005, repealed 1992 Code, Article XIII Buildings and Building Regulations," in its entirety.
3.00.01		Ord. 1815 (10-27-09)
3.00.02		Ord. 1815 (10-27-09)
3.00.03		Repealed Ord. 1815 (10-27-09)
3.00.04		Repealed Ord. 1815 (10-27-09)
3.01		Ord. 1815 (10-27-09)
3.01.01		Ord. 1815 (10-27-09)
3.01.02		Ord. 1815 (10-27-09)
3.01.03		Ord. 1815 (10-27-09)
3.01.04		Ord. 1815 (10-27-09)
3.01.05		Ord. 1815 (10-27-09), Ord 1886 11 Feb 2014
3.01.06		Ord. 1815 (10-27-09)
3.01.07		Ord. 1815 (10-27-09)
3.01.08		Ord. 1815 (10-27-09)
3.01.09		Ord. 1815 (10-27-09)
3.01.10		Ord. 1815 (10-27-09)
3.01.11		Ord. 1815 (10-27-09)
3.01.12		Ord. 1815 (10-27-09)
3.01.13		Ord. 1815 (10-27-09)
3.01.14		Ord. 1815 (10-27-09)
3.01.15		Ord. 1815 (10-27-09)
3.02		Ord. 1815 (10-27-09)
3.02.01		Ord. 1815 (10-27-09)
3.02.02		Ord. 1815 (10-27-09)
3.02.03		Ord. 1815 (10-27-09)
3.02.04		Ord. 1815 (10-27-09)
3.02.05		Ord. 1815 (10-27-09)
3.02.06		Ord. 1815 (10-27-09)
3.02.07		Ord. 1815 (10-27-09)
3.02.08		Ord. 1815 (10-27-09)
3.02.09		Ord. 1815 (10-27-09)
3.02.10		Ord. 1815 (10-27-09)
3.02.11		Ord. 1815 (10-27-09)
3.02.12		Ord. 1815 (10-27-09)
3.02.13		Ord. 1719, § II, (2-13-07); Ord. 1815 (10-27-09)
3.03		Ord. 1565 (3-22-05)
3.03.01		Ord. 1815 (10-27-09)
3.03.02		Ord. 1815 (10-27-09)
3.03.03		Ord. 1815 (10-27-09)
3.03.04		Ord. 1815 (10-27-09)
3.03.05		Ord. 1815 (10-27-09)
3.03.06		Ord. 1815 (10-27-09)
3.03.07		Ord. 1815 (10-27-09)

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3.04		Ord. 1565 (3-22-05)
3.04.01		Ord. 1815 (10-27-09)
3.05		Ord. 1565 (3-22-05)
3.05.01		Ord. 1815 (10-27-09)
3.06		Ord. 1565 (3-22-05)
3.06.01		Ord. 1815 (10-27-09)
3.06.02		Ord. 1815 (10-27-09)
3.06.03		Ord. 1815 (10-27-09)
3.06.04		Ord. 1815 (10-27-09)
3.06.05		Ord. 1815 (10-27-09)
3.06.06		Ord. 1815 (10-27-09)
3.06.07		Ord. 1815 (10-27-09)
3.07		Ord. 1565 (3-22-05)
3.07.02		Ord. 1725, § III, (4-24-07)
3.08		Ord. 1565 (3-22-05)
3.09		Ord. 1565 (3-22-05)
3.10		Ord. 1565 (3-22-05); Repealed Ord. 1779, § III (9-23-08)
3.20		Ord. 1626 (3-8-05)
3.20.01	20-3201	Ord. 1626 (3-8-05); Ord. 1786 (1-13-09); Ord. 1781 (3-24-09)
3.20.02	20-3202	Ord. 1465, § 5, (11-21-01); Ord. 1781 (3-24-09)
3.20.03	20-3203	Ord. 1465, § 5, (11-21-01); Ord. 1781 (3-24-09)
3.20.04	20-3204	Ord. 1465, § 5, (11-21-01); Ord. 1781 (3-24-09)
3.20.05	20-3205	Ord. 1465, § 5, (11-21-01); Repealed Ord. 1781 (3-24-09)
3.20.06	20-3206	Ord. 1465, § 5, (11-21-01); Repealed Ord. 1781 (3-24-09)
3.20.07	20-3207	Ord. 1465, § 5, (11-21-01); Repealed Ord. 1781 (3-24-09)
	20-3208	Repealed: Ord. 1626 (3-8-05)
3.20.08	20-3209	Ord. 1465, § 5, (11-21-01); Ord. 1626 (3-8-05); Repealed Ord. 1781 (3-24-09)
3.20.09	20-3209	Ord. 1465, § 5, (11-21-01); Ord. 1626 (3-8-05); Repealed Ord. 1781 (3-24-09)
3.20.10	20-3209	Ord. 1465, § 5, (11-21-01); Ord. 1626 (3-8-05); Repealed Ord. 1781 (3-24-09)
3.20.11	20-3210	Ord. 1465, § 5, (11-21-01); Repealed Ord. 1781 (3-24-09)
3.20.12	20-3211	Ord. 1465, § 5, (11-21-01); Repealed Ord. 1781 (3-24-09)
3.20.13		Ord. 1775, § II (9-23-08)