

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: Authorization to advertise and schedule a Public Hearing for the revisions to Chapter 40 of the Seminole County Code

DEPARTMENT: Planning & Development **DIVISION:** Building & Fire division

AUTHORIZED BY: Dan Matthys **CONTACT:** Tom Helle **EXT.** 7338

Agenda Date <u>12/20/05</u> Regular <input type="checkbox"/> Consent <input checked="" type="checkbox"/> Work Session <input type="checkbox"/> Briefing <input type="checkbox"/>
Public Hearing – 1:30 <input type="checkbox"/> Public Hearing – 7:00 <input type="checkbox"/>

MOTION/RECOMMENDATION:

Authorize staff to advertise a public hearing to adopt revisions to Chapter 40 of the Seminole County Code.

BACKGROUND:

When the Florida Building Code became effective on March 01, 2002, it voided all local construction codes. In addition, certain administrative sections of the previous Standard Building Code were not included in the new Florida Building Code in order to allow individual jurisdictions to structure the day to day administration of their division.

The proposed ordinance revises Chapter 40 of the Seminole County Code and will do the following:

- Delete all sections that are covered in the Florida Building Code.
- Establish an administration section to provide guidelines for the day to day operations of the Building Division and replace the present administration chapter contained in the previously adopted '97 Standard Building Code,
- Authorize the Contractor Examiners Boards to impose monetary fines to contractors found in violation of the Florida Building Code in accordance with Florida Statutes.
- Defer all appeals of Contractor Examiner Boards decisions to the appropriate State board/commission; e.g. Building Code Appeals will be referred to the Florida Building Commission, and Licensing discipline Appeals will be referred to the State Construction Industry Licensing Boards.
- Provide additional definitions that will aid staff in the administration of the Division.

Reviewed by: <u>11-14-05</u>
Co Atty: <u>8 Oct 14</u>
DFS: _____
Other: _____
DCM: _____
CM: _____
File No. <u>cpdb01</u>

STAFF RECOMMENDATION :

Staff recommends that the Board authorize staff to advertise a public hearing to adopt revisions to Chapter 40 of the Seminole County Code, and schedule said hearing for January 10, 2006 at 1:30p.m.

Attachments:

Proposed Ordinance

AN ORDINANCE AMENDING CHAPTER 40, SEMINOLE COUNTY CODE; ACKNOWLEDGING PREEMPTION OF LOCAL BUILDING CODES BY THE FLORIDA BUILDING CODE; REMOVING PROVISIONS THAT CONFLICT WITH THE FLORIDA BUILDING CODE; ADDING DEFINITIONS AND RULES OF CONSTRUCTION; AMENDING APPEAL PROCESS; AMENDING CERTIFICATION PROCESS AND CERTIFICATION REQUIREMENTS; ADDING QUALIFICATIONS FOR BUILDING DIVISION PERSONNEL; AMENDING FEE REQUIREMENTS; PROVIDING WAIVERS OF LIABILITY; INCORPORATING THE STANDARD UNSAFE BUILDING CODE; LISTING RIGHTS, POWERS AND DUTIES OF THE BUILDING OFFICIAL; DECLARING UNSAFE BUILDINGS ILLEGAL; PROVIDING FOR STOP WORK ORDERS; PROVIDING GUIDELINES FOR PERMITTING, INSPECTIONS AND TESTS; PROVIDING FOR CERTIFICATE OF OCCUPANCY; REQUIRING CLEAN UP OF SITE DEBRIS; REQUIRING LICENSING; PROVIDING RESTRICTIONS ON PLUMBERS; PROVIDING FOR VIOLATIONS AND PENALTIES; REMOVING SWIMMING POOL AND SCREEN ENCLOSURE PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the State of Florida adopted the Florida Building Code on March 1, 2002 pursuant to Chapter 2001-372, Laws of Florida; and

WHEREAS, pursuant to Section 553.73, Florida Statutes, the Florida Building Code has been deemed to supercede local building codes and to be adopted for statewide use without any implementing action by local governments; and

WHEREAS, numerous provisions of the Florida Building Code conflict with and restate provisions of pre-existing building codes of Seminole County as set forth in Chapter 40, Seminole County Code; and

WHEREAS, such conflicting regulations may lead to confusion in interpretation of local building codes; and

WHEREAS, significant involvement has been achieved relative to the proposed changes to the County's Codes as set forth in this Ordinance; and

WHEREAS, the Board of County Commissioners of Seminole County hereby finds that this Ordinance is consistent with the objectives, goals and policies of the Seminole County Comprehensive Plan; and

WHEREAS, the Seminole County Home Rule Charter requires that an Economic Impact Statement be prepared to address the potential fiscal impacts and economic costs of this Ordinance upon the public and taxpayers of Seminole County and such Economic Impact Statement has been prepared and has been made available for public review and copying prior to the enactment of this Ordinance in accordance with the provisions of the Seminole County Home Rule Charter,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA, AS FOLLOWS:

Section 1. The table of contents to Chapter 40 is hereby amended as follows:

Chapter 40

BUILDING AND CONSTRUCTION

Part 1	IN GENERAL, §§ 40.1 - 40.15
Part 2	BOARDS, §§ 40.16 - 40.25
<u>Part 2</u>	<u>CONTRACTOR LICENSING, §§ 40.16 - 40.50</u>
Part 3	Contractors, §§ 40.26 - 40.50
<u>Part 3</u>	<u>BUILDING DIVISION, §§ 40.51 - 40.64</u>
Part 4	BUILDING CODE, §§ 40.51 - 40.60
<u>Part 4</u>	<u>PERMITTING, §§ 40.65 - 40.84</u>

- ~~Part 5 ELECTRICAL CODE, §§ 40.61 - 40.95~~
- Part 5 INSPECTIONS, §§ 40.85 - 40.99
- ~~Part 6 MECHANICAL CODE, §§ 40.96 - 40.110~~
- Part 6 MOBILE HOMES AND TRAVEL TRAILERS, §§ 40.100 - 40.109
- ~~Part 7 MOBILE HOMES AND TRAVEL TRAILERS, §§ 40.111 - 40.125~~
- Part 7 SWIMMING POOLS, §§ 40.110 - 40.175
- ~~Part 8 PLUMBING CODE, §§ 40.126 - 40.135~~
- Part 8 WELLS AND PUMPS, §§ 40.176 - 40.220
- ~~Part 9 SWIMMING POOLS, §§ 40.136 - 40.175~~
- ~~Part 9 SEMINOLE COUNTY ENERGY EFFICIENCY BUILDING CODE,
§§ 40.221-40.230~~
- ~~Part 10 WELLS AND PUMPS, §§ 40.176 - §§ 40.220~~
- Part 10 STREET SIGNS, §§ 40.231 - 40.240
- ~~Part 11 SEMINOLE COUNTY ENERGY EFFICIENCY BUILDING CODE,
§§ 40.221 - 40.230~~
- Part 11 HOUSING CODE, §§ 40.241 - 40.260
- ~~Part 12 STREET SIGNS, §§ 40.231 - §§ 40.240~~
- Part 12 AFFORDABLE HOUSING ASSISTANCE PROGRAM, §§ 40.261-
40.280
- ~~Part 13 HOUSING CODE, §§ 40.241 - §§ 40.260~~
- ~~Part 14 AFFORDABLE HOUSING ASSISTANCE PROGRAM, §§ 40.261 -
§§ 40.261 - §§ 40.280~~

Section 2. The title to Part I of Chapter 40, entitled "In General", shall not be renumbered or amended.

Section 3. Section 40.1 is hereby created as follows (the existing Section 40.1 has been renumbered by this Ordinance):

Sec. 40.1 The Florida Building Code. In accordance with Chapter 553, Florida Statutes, as of March 1, 2002, there is hereby

adopted and incorporated by reference herein the Florida Building Code, as amended. In the event of a conflict between any provisions of Chapter 40 of this Code and the Florida Building Code, the Florida Building Code shall govern.

Section 4. Existing Section 40.1, entitled "Definitions", is hereby renumbered as Section 40.2 and amended as follows (existing Section 40.2, entitled "Building division established", has been renumbered by this Ordinance):

Sec. ~~40.1~~ 40.2 Definitions. As used in this Chapter and unless the context requires otherwise, the following terms shall mean as follows:

Abandon or abandonment: (1) Termination of a construction project by a contractor without just cause or proper notification to the owner including the reason for termination. (2) Failure of a contractor to perform work without just cause for ninety (90) days. (3) Failure to obtain an approved inspection within one hundred eighty (180) days from the previous approved inspection.

Apprentice electrician: A helper or assistant to a journeyman electrician who is not qualified to work on electrical construction alone.

Apprentice plumber: A helper or assistant to a journeyman or master plumber who is not qualified to work on plumbing construction without supervision.

Building (verb): The removal, disassembly, repair, replacement, installation or assembly of the building, structure, building system or building components in whole or parts thereof.

Building component: An element or assembly of elements integral to or part of a building.

Building contractor: A contractor, general contractor, building contractor or residential building contractor all as defined by Section 489.105(3), Florida Statutes.

Building shell: The structural components that completely enclose a building, including, but not limited to, the foundation, structural frame, floor slabs, exterior walls and roof system.

Building system: A functionally related group of elements, components and/or equipment, such as the electrical, plumbing and mechanical systems of a building.

Certificate of competency: A written statement issued by the State of Florida evidencing that a specified person is qualified to engage in contracting, subcontracting or other specific construction trade.

Certificate of occupancy (C.O.): A written statement issued by the County evidencing that a structure satisfies all County construction requirements and may be occupied.

Certified contractor: Any contractor who possesses a certificate of competency issued by the State of Florida.

Change of occupancy: A change from one code occupancy classification or sub-classification to a different one.

Demolition: The act of razing, dismantling or removal of a building or structure, or portion thereof, to the ground level.

Electrical construction: All work and materials used in installing, maintaining, extending and/or connecting a system of

electrical wiring for light, heat or power and appurtenances, apparatus or equipment used in connection therewith; provided, however, that this definition shall not include work and materials outside the scope and purview of those standards set forth in Section 40.61.

Electrical contractor: ~~A natural person qualified under the terms and provisions of this Chapter~~ who holds a master electrician's certificate of competency and who is engaged in the business of electrical construction and possesses the experience ~~and technical knowledge to plan, lay out and supervise the installation of electrical wiring, apparatus or equipment for light, heat or power,~~ or ~~in the alternative,~~ a partnership, corporation, business trust or other legal entity operating under a master electrician's certificate of competency issued for its use and benefit in the name of a master electrician.

Electrician: A person qualified under the terms and provisions of this Chapter who is engaged in the trade or business of electrical construction.

FCILB: The Florida Construction Industry Licensing Board.

Imminent Danger: (1) A structurally unsound condition of a structure which could cause physical injury to persons or property; or (2) a structurally unsound condition of a structure which could cause a portion of the structure to detach or move and create potential for physical injury to persons or property; or (3) a structural condition which harbors or is inhabited by pests, vermin, or organisms injurious to human health.

Journeyman electrician: A person qualified under the terms and provisions of this Chapter who possesses the training, and technical knowledge to install electrical wiring, apparatus, or equipment for light, heat or power and who is capable of ~~doing~~ performing electrical work under the supervision of a master electrician.

Licensed contractor: A contractor certified by the State of Florida or the local jurisdiction who has satisfied all state or local requirements to be actively engaged in contracting.

Maintenance electrician: A journeyman electrician who is regularly employed by only one person to maintain and make minor repairs to the electric wiring, apparatus, and equipment, which is installed, contained, and used upon the premises or within buildings owned, occupied, or controlled by the person for whom he is a full-time employee.

Maintenance plumber: A person who is qualified as a journeyman plumber but who is regularly employed to maintain and make only minor repairs to the plumbing, piping, apparatus, and equipment which is installed, contained, and used upon the premises or in a building owned, occupied or controlled by the person who employs him full time.

Mechanical contractor: A person who is a Class A air conditioning contractor, or a Class B air conditioning contractor or a Class C air conditioning contractor or a mechanical contractor, all as defined in Chapter 489, Florida Statutes, Section ~~468.102~~ as amended.

Permit: A written statement issued by the County authorizing performance of a specific activity regulated by this Code.

Plumbing contractor: A ~~natural~~ person engaging in the business of plumbing contracting who holds a current master plumber's certificate of competency or state certification, or in the alternative a partnership, corporation, business trust or other legal entity operating under a current master plumber's certificate of competency or state certification issued for its use and benefit in the name of another.

Pump installer: Any person engaged in the business of installing or repairing pumps and pumping equipment.

Remodeling: Work which changes the original size, configuration or materials of a structure.

Specialty contractor: A contractor whose scope of work and responsibility is limited to a particular phase of construction and whose scope is limited to a subset of the activities as described in Chapter 489, Florida Statutes.

Stop work order: An order by the Building Official, or his designee, which requires the immediate cessation of all work and activities described in the order.

Structural component: Any part of a system, building or structure, load bearing or non-load bearing, which is integral to the structural integrity thereof, including but not limited to walls, partitions, columns, beams and girders.

Structural work or alteration: The installation or assembling of new structural components into a system, building or structure;

or any change, repair or replacement of any existing structural component of a system, building or structure.

Swimming pool contractor: A person who is a commercial pool contractor, or a residential pool contractor, all as defined in Section 489.105, Florida Statutes, ~~Section 489.105~~ as amended.

Well drilling/pump installation or repair contractor: Any person who constructs, repairs, alters a well or acts as a pump installation contractor.

Such contractors shall be further divided into four (4) classes as follows:

(1) Class A: Those who are qualified as a deep/shallow well contractor and as a pump installation or repair contractor.

(2) Class B: Those who are qualified only as shallow well contractor and a pump installation or repair contractor.

(3) Class C: Those who are qualified only as a pump installation or repair contractor.

(4) Class D: Those who are qualified only for core boring or test hole drilling.

Section 5. Existing Section 40.9, entitled "Appeals and variances", is hereby renumbered as Section 40.3 and amended as follows (existing Section 40.3, entitled Position of building official established", has been renumbered by this Ordinance):

Sec. 40.3 Appeals ~~and variances~~.

(a) Any person who may be aggrieved by any Code decision or interpretation ruling of by the Building Official ~~or the Building~~

~~Division including by way of illustration and not limitation, rulings or orders concerning permits and certificates of competency, shall have the right to request, by written notice, an appeal to be heard by the appropriate contractor licensing board created herein. Such an appeal must be requested in writing, include the fee to appeal, if any, and be submitted to the Building Official filed within thirty (30) days of the rendering of the subject decision or interpretation, regardless of when such decision or interpretation is reduced to writing. said ruling or order, a hearing to be held within thirty (30) days of said request in order to resolve the dispute.~~

At such appeal ~~a hearing~~, all interested persons shall have the right to appear, be represented by counsel, and present evidence ~~and cross examine witnesses~~; all witnesses who testify at such a hearing shall be under oath.

The contractor licensing board ~~hearing the appeal~~ shall submit copies of its decisions on appeal rendered pursuant to this section ~~all of its orders and decisions on appeal to the Board of County Commissioners~~ Florida Building Commission within ten (10) days after ~~their rendition~~ issuance in accordance with Section 553.77(1)(H), Florida Statutes, as amended.

(b) The Building Official may bring violations of this Chapter, Chapter 489, Florida Statutes, or other applicable Florida Statutes or violations of the Code to the appropriate contractor licensing board.

Any person aggrieved or otherwise adversely affected by the decision of the contractor licensing board any decision of such a said board rendered pursuant to this section may appeal said decision or request a variance from this Chapter by filing a notice of appeal or request for a variance in writing with both the board created herein and the Board of County Commissioners within thirty ~~(30)~~ days after the entry of such decision to the Florida Building Commission or the Florida Construction Industry Licensing Board in accordance with Sections 553.77(h) or 489.131(7)(d), Florida Statutes, as appropriate.

~~After a hearing on the matter, the Board of County Commissioners may affirm or reverse the decision in whole or in part or, to prevent manifest injustice, upon a showing of genuine hardship, vary the provisions of this Chapter.~~

~~(c) Any person aggrieved by any decision of the Board of County Commissioners made pursuant to this Section may, within thirty (30) days of the entry of such order, seek appellate relief from said decision in the Circuit Court.~~

Section 6. Existing Section 40.4, entitled "Separate permits required", shall not be renumbered or amended; (existing Section 40.5, entitled "Permit fees generally"; Section 40.6, entitled "Use of Fees" and Section 40.7, entitled "Compliance with zoning requirements", have been renumbered by this Ordinance)

Section 7. Existing Section 40.8, entitled "Authority to enter buildings", is hereby renumbered as Section 40.7 and existing

reserved Sections 40.10 through 40.15 are hereby amended as follows:

~~Secs. 40.10 — 40.15 Reserved.~~

Secs. 40.9 - 40.15 Reserved.

Section 8. The title to Part 2 is hereby amended as follows:

Chapter 40 - Building and Construction

PART 2 BOARDS CONTRACTOR LICENSING

Section 9. Existing Section 40.16, entitled "Generally", through Section 40.17, entitled "Officers, records, etc.", shall not be renumbered or amended.

Section 10. Section 40.18 is hereby amended as follows:

Sec. 40.18 Powers and duties generally. In addition to any other powers and duties, a board created herein shall have the power and/or duty to:

(a) Recommend to the Board of County Commissioners application forms for examinations, ~~certificates of competency,~~ permits, permit cards, stationery, records, notices of violation, and such other documents as it deems necessary for the conduct of its business.

~~(b) Examine and pass upon the qualifications of all persons who are required by this Chapter to be examined before they engage in the business for which they desire a certificate of competency.~~

~~(c) Determine whether an applicant has passed an examination graded and proctored by it, or by an examining group or organization approved by the Board of County Commissioners, or by a~~

~~political subdivision of the State which grants reciprocity to a county contractor's certificate of competency and is approved by the Board of County Commissioners.~~

~~(d)~~ (b) Give notices of hearings and eConduct hearings upon charges of violations of the appropriate provisions of this Chapter by any person in accordance with law. The board shall have the authority to sanction violators by written or verbal reprimand, fines and/or revocation of the right to pull permits in Seminole County for a specified period of time.

~~(e)~~ ~~Suspend or revoke the certificate of competency of any contractor found by the board to have violated any of the appropriate provisions of this Chapter.~~

~~(f)~~ ~~Satisfy itself as to the character and integrity of each applicant for a required certificate of competency for which it may require such pertinent information as it deems necessary.~~

~~(g)~~ (c) Make rules and bylaws which are not in conflict with the provisions of this Chapter or any resolution of the Board of County Commissioners, or any applicable general or special law of the State that may be needed in performing its duties.

Section 11. Existing Reserved Sections 40.19 through 40.25 are hereby deleted as follows.

~~Secs. 40.19 - 40.25 Reserved.~~

Section 12. The title to Part 3 is hereby deleted as follows:

~~Chapter 40 Building and Construction~~

~~PART 3 CONTRACTORS~~

Section 13. Existing Section 40.26 is hereby renumbered as Section 40.19 and amended as follows:

Secs. ~~40.26~~ 40.19 State of Florida Certification required.

(a) Building.

(1) It is unlawful for any person to engage in the business or act in the capacity of a building contractor without current and appropriate ~~state~~ certification issued by the State. Partnerships, corporations, business trusts or other legal entities may engage in such business if:

(A) At least one supervisory member or ~~supervisery~~ employee of said entity holds current and appropriate State certification and ~~be~~ acts as the qualifying agent in accordance with Section 489.119, Florida Statutes, ~~in the category of the business conducted,~~ and

(B) That member ~~shall have~~ has the authority to and does directly supervise, ~~and shall actually and directly supervise all construction of said category covered by Part 4 of all building construction as described in this Chapter.~~

(b) Electrical.

(1) It is unlawful for any person to engage in the business or act in the capacity of a master or journeyman electrician without current and appropriate ~~state~~ certification issued by the State. Partnerships, corporations, business trusts or other legal entities may engage in such business if:

(A) At least one supervisory member or ~~supervisery~~ employee of said entity ~~shall~~ holds a current master electrician's

State certification and ~~be~~ acts as the qualifying agent in accordance with Section 489.119, Florida Statutes; and

(B) That member has the authority to and does directly supervise, ~~and shall actually and directly supervise~~ all electrical construction ~~covered by Part 5 of~~ as described in this Chapter.

(c) Mechanical.

(1) It is unlawful for any person to engage in the business or act in the capacity of a mechanical contractor without ~~the~~ appropriate and current state certification issued by the State. Partnerships, corporations, business trusts or other legal entities may engage in such business if:

(A) At least one supervisory member or ~~supervisory~~ employee of said entity ~~shall~~ holds a current State certification and ~~be~~ acts as the qualifying agent in accordance with Section 489.119, Florida Statutes, ~~in the category of the business conducted;~~ and

(B) That member ~~shall have~~ has authority to and does directly supervise, ~~and shall actually and directly supervise~~ all ~~construction of said category covered by Part 6 of~~ all mechanical construction as described in this Chapter.

(d) Plumbing.

(1) It is unlawful for any person to engage in business or act in the capacity of a master or journeyman plumber without a current and appropriate ~~state~~ certification issued by the State.

Partnerships, corporations, business trusts or other legal entities may engage in such business if:

(A) At least one supervisory member or ~~supervisory~~ employee of said entity ~~shall~~ holds a current master plumber's State certification and ~~be the~~ acts as the qualifying agent in accordance with Section 489.119, Florida Statutes; and

(B) That member ~~shall have~~ has the authority to and does directly supervise, ~~and shall actually and directly supervise all plumbing work covered by Part 8~~ and directly supervise all plumbing construction as described in this Chapter.

(e) Swimming Pools.

(1) It is unlawful for any person to engage in the business or act in the capacity of a swimming or wading pool contractor without a current and appropriate swimming pool contractor's certification issued by the State. Partnerships, corporations, business trusts or other legal entities may engage in such business if:

(A) At least one supervisory member or ~~supervisory~~ employee of said entity ~~shall~~ holds a current swimming pool contractor's State certification and ~~be~~ acts as the qualifying agent in accordance with Section 489.119, Florida Statutes ~~of the business conducted~~; and

(B) That member ~~shall have~~ has the authority to and does directly supervise ~~and shall actually and directly supervise all swimming and wading pool construction as described by~~ this Chapter.

(f) Well Drilling.

(1) It is unlawful for any person to engage in the business of or act in the capacity of a well drilling or pump installation or repair contractor without a current license issued by the State or local water management district. Partnerships, corporations, business trusts and other legal entities may engage in such business if:

(A) At least one supervisory member or ~~supervisory~~ employee of said entity ~~shall~~holds a current license in the ~~category of business conducted~~ well drilling or pump installation or repair.

(B) That member ~~shall~~has the authority to and does directly supervise ~~and shall actually and directly~~ supervise all work ~~of the category within the scope of this certificate~~ well drilling and pump installation repair or construction as described in this Chapter.

(g) Exemptions. The State certification requirement of Subsections (a) through (f) shall not apply to:

(1) Persons who are exempt by State law; ~~provided that such persons shall register with the Building Division pursuant to Section 40.33 each year; and~~

~~(2) Persons with a certificate of competency or registration issued by the Board of Building Contractor Examiners within six (6) months following the effective date of this Ordinance if the certificate or registration is maintained in accordance with Section 40.33 of this Code.~~

~~(3) A subcontractor or specialty contractor not otherwise certified whose work is limited to a specific phase of construction and whose responsibility is likewise limited to that particular phase of construction.~~

~~(4)~~ (2) Employees and subordinates of any person engaged in contracting who is certified to engage in contracting State certified contractor, if the employees or subordinates do not hold themselves out for hire or engage in contracting except as an employee of the certified contractor.

~~(5)~~ (3) An authorized employee of the United States, this State, or any municipality, county, irrigation district, reclamation district, or other municipal or political corporation or subdivision of the State, as long as the employee does not hold himself out for hire or otherwise engage in contracting except in accordance with his employment.

~~(6)~~ (4) An officer appointed by a court when he is acting within the scope of his office as defined by law or court order.

~~(7)~~ (5) Public utilities, or construction, maintenance, and development work performed by their ~~ferrees~~ agents or employees and incidental to their business.

~~(8)~~ (6) ~~The sale or installation of~~ Persons who sell or install any finished products, materials, or articles of merchandise which are not actually fabricated into, and do not become a permanent fixed part of, the structure.

~~(9)~~ (7) An owner of property making application for permit, supervising and doing the work in connection with the

construction, maintenance, repair, and alteration of an addition to a single-family or duplex residence for his own use and occupancy and not intended for sale or use by a third party.

~~(10)~~ (8) Any construction, alteration, improvement, or repair carried on within the limits of any site the title to which is in the United States, or to any construction, alteration, improvement, or repair on any project when federal law prevails.

~~(11)~~ (9) Any construction or operation incidental to the construction or repair of irrigation and drainage ditches; ~~any~~ regularly constituted irrigation districts; reclamation districts; or clearing or other work on land in rural districts for fire prevention purposes or otherwise, except when performed by a certificate holder under this Part.

~~(12)~~ (10) A registered architect, professional engineer, or residential designer acting in his professional capacity or any person exempted by the State law regulating architects and professional engineers.

~~(13)~~ (11) Any person who ~~only furnisheds~~ materials or supplies ~~without fabricating them into, or consuming~~ but does not fabricate or use them in the performance of, the work of a contractor.

Section 14. Existing Section 40.27 is hereby renumbered as Section 40.20 and subsection (d) is amended as follows:

Sec. ~~40.27~~ 40.20 Application for ~~certificate~~ license; information required.

* * * * *

(d) ~~The Seminole County Board of Building Contractor Examiners~~ appropriate Seminole County construction licensing board will not issue a license to any person to practice construction in Seminole County unless:

(1) ~~The person applying for the right to practice construction in Seminole County~~ applicant is certified by the State of Florida in the respective class he wishes to practice, if the State has certification for such class of construction; or

(2) The applicant, at the time of application, is ~~currently~~ registered in another jurisdiction in the State or possesses a certificate of competency from another jurisdiction in the State, where he has held an active license in the respective class passed a written examination administered by a recognized testing agency which is germane to the requested license and held an active license in the respective class in which he wishes to practice for a period of not less than five (5) years; or

(3) If the State does not have certification for such class of construction, and the applicant is not registered or does not possess a certificate of competency in another jurisdiction in the State, the applicant may, if available, take a written examination to be administered by a recognized testing agency selected by the appropriate County contractor licensing board regarding the subject class of construction. If the applicant passes said examination, has at least five (5) years experience in said class of construction and does not have any sanctions by the State or local governments during the five (5) years preceding the

application regarding any class of construction, the applicant may be licensed.

~~(3) A temporary license may be granted by the Board of Building Contractor Examiners if an applicant proves hardship will be posed on the applicant while waiting for State Certification, if applicant meets the requirements of the Board of Building Contractor Examiners.~~

~~(4) All those persons having a license by registration in Seminole County, upon the effective date of this subsection, will be allowed to continue practicing construction in Seminole County as long as they maintain an active license in good standing.~~

~~(c) The Seminole County Board of Mechanical Examiners will not issue a license to any person to practice mechanical construction in Seminole County unless:~~

~~(1) The person applying for the right to practice mechanical construction in Seminole County is certified by the State of Florida in the respective class he wishes to practice; or~~

~~(2) The applicant, at the time of application Seminole County, is currently registered in another jurisdiction in the State where he has held an active license in the respective class in which he wishes to practice for a period of not less than four (4) years; and~~

~~(A) The said license was obtained by written examination prepared and proctored by H. H. Block and Associates or by an examining group or board approved by the Board of Commissioners; and~~

~~_____ (B) The jurisdiction in the state where the applicant is currently registered will reciprocate with Seminole County.~~

~~_____ (3) All those persons having a license by registration in Seminole County, upon the effective date of this subsection, will be allowed to continued practicing mechanical construction in Seminole County as long as they maintain an active license in standing in Seminole County or qualify under subparagraph (2) above.~~

~~_____ (e) Notwithstanding any other provision of this Chapter, all persons having a license in Seminole County, upon the effective date of this subsection, will be allowed to continue practicing construction in Seminole County as long as they maintain an active license in good standing in Seminole County.~~

Section 15. Existing Section 40.28 is hereby deleted as follows:

~~**Sec. 40.28 Character and integrity of applicant for certificate.**~~

~~Every person applying for a certificate of competency required herein shall satisfy the issuing board of his character and integrity.~~

Section 16. Existing Section 40.29 is hereby renumbered as 40.21 and amended as follows:

~~**Sec. 40.29**~~ **40.21 License Fees.**

~~_____ (a) Persons applying for a certificate of competency are required to take the examination required herein shall pay to the Building Division the appropriate examination fee the Board of~~

~~County Commissioners shall, from time to time, establish by resolution.~~

~~(b) A person desiring an examination to be administered at other than the regularly established time shall pay the fee indicated in the resolution establishing the examination fee.~~

(e) Upon the issuance or renewal of a certificate license pursuant to the provisions of this Part, a person shall pay to the Building Division the appropriate fee established from time to time by the Board of County Commissioners by resolution.

Section 17. Existing Section 40.30 is hereby deleted as follows:

~~Sec. 40.30 Certificate examination.~~

~~(a) An applicant for an original certificate required herein shall take and pass such written examination established, given and proctored by the board created herein which has authority to issue such a certificate or by an examining or board approved by the Board of County Commissioners~~

~~(b) Any person who fails to pass the required examination for a certificate of competency shall be entitled to inspect his examination paper after it has been graded if he makes a request therefore within thirty (30) days after receipt of a notice of failure.~~

Section 19. Existing Section 40.31 is hereby deleted as follows:

~~Sec. 40.31 Experience required to a master or journeyman plumber.~~

~~(a) No person shall be allowed to take the examination for a master plumber's certificate of competency unless he furnishes the board proof sufficient to satisfy it that he has been a journeyman plumber for at least five (5) years prior to his application for the certificate.~~

~~(b) No person shall be allowed to take the examination for a journeyman plumber's certificate of competency unless he furnishes proof sufficient to the board of examiners of plumbers that he has been an apprentice plumber for at least four (4) years prior to his application for the certificate.~~

Section 19. Existing Section 40.32 is hereby deleted as follows:

~~Sec. 40.32 Reserved.~~

Section 20. Existing Section 40.33 is hereby renumbered as Section 40.22 and amended to read as follows:

~~Sec. 40.33~~ **40.22 Certificate expiration and renewal.**

(a) Certificates issued pursuant to the provisions of this Part shall expire every ~~second~~ year beginning on the dates indicated below:

<u>Class of Certificate</u>	<u>Expiration Date</u>
Building contractors	September 30, 1991
Electrical contractors and journeymen electricians	September 30, 1992
Mechanical contractors	September 30, 1991
Plumbing contractors and journeymen plumbers	September 30, 1992
Swimming pool contractors	September 30, 1991
Well drilling or pump installation or repair contractors.	September 30, 1992

(b) Any certificate of competency required herein which is not renewed within ninety (90) days after its expiration shall be void and the holder thereof shall not be issued another such certificate.

(c) Nothing in this Section shall be construed to authorize a person to operate without an appropriate and current certificate of competency or State certification.

Section 21. Existing Section 40.34 is hereby renumbered as Section 40.23 and amended as follows:

Sec. 40.34 40.23. Certificate revocation or suspension Sanctions.

(a) ~~A board created herein~~ The Seminole County contractor licensing boards shall have the power to direct restitution from a licensee locally licensed or registered contractor; and make recommendation to the Construction Industry Recovery Fund (CIRF) through the Florida Construction Industry Licensing Board (FCILB), ~~revoke or suspend~~ for revocation or suspension of a contractor's State certification; and/or withhold deny, suspend, or revoke the issuance of permits for state certified to contractors for which it is the issuing authority if its holder the contractor should:

(1) Misrepresent any material fact in the application for a certificate license or for a permit.

(2) ~~Continue performance of a building work~~ Perform construction in a negligent, incompetent or unworkmanlike manner inconsistent with general construction practices, or manufacturer's recommendations or specifications.

(3) Engage in the business or act in the capacity of a contractor ~~or certificate holder~~ without a valid occupational license.

(4) Contract in a name other than that registered with the Building Division or State of Florida.

(5) Abandon any contract for the performance of work without legal grounds to do so.

(6) Divert property or funds received pursuant to a contract for construction, alteration, repairing, remodeling, or ~~demolition~~ of any building.

(7) Depart from the plans and specifications of any contract or accompanying application for a permit without the consent of the party for whom the work is being performed.

(8) Misrepresent the requirements of this Chapter ~~regulating contracting~~ in order to obtain or increase the scope of work under any contract.

(9) Violate any provisions of this Chapter.

(10) Fail to report to the Building Division or attempt to conceal from the Building Division any violation of any provision of this Chapter by any contractor.

(11) Allow any person to do contracting work, as defined in Section 489.105(6), Florida Statutes, under a permit obtained by ~~him~~ the subject contractor when said other person is not working both under ~~his~~ the contractor's direct supervision and as one of ~~his~~ the contractor's regular employees with the exception of

licensed subcontractors as defined in Section 489.103, Florida Statutes.

~~(12) Fail to place on a contractor's service vehicle in a prominent place, the name of said contracting company at least four inches (4") in height and such contractor's registration certificate number in bold letters at least one and one half inches (1 1/2") in a sharply contrasting color as stipulated by the Department of Business and Professional Regulation. All signs to be water resistant and weatherproof.~~

(12) If a vehicle bears the name of a contractor or business organization, or any text or artwork which would lead a reasonable person to believe that the vehicle is used for contracting, the registration or certification number of the contractor or certificate of authority number of the business organization must be conspicuously and legibly displayed with the name, text, or artwork. Locally licensed contractors must also display their certificate of competency or license numbers. Nothing in this paragraph shall be construed to create a mandatory vehicle signage requirement.

(13) Violate any provisions of Chapter 489, Florida Statutes, and other applicable Florida Statutes.

(b) The Seminole County contractor licensing boards shall have the power to impose a fine of no less than \$500.00 and no more than \$5,000.00 per material violation upon determination that a contractor licensed pursuant to Chapter 489, Florida Statutes, has

committed a material violation of the Code and failed to correct the violation within a reasonable time.

~~(b)(c)~~ Except as otherwise provided, no ~~certificate of competency or right to pull issuance of permits for State certified contractors~~ may be denied, suspended or revoked without a hearing conducted after proper notice before the board ~~created herein~~ which has the power to ~~issue such a certificate or withhold deny, suspend, or revoke the issuance of permits for State certified to contractors.~~

~~(e)(d)~~ Whenever it comes to the attention of the Building Department Division that any of the grounds for denial, suspension or revocation of a certificate or the right to withhold issuance of permits may exist, or when ordered to do so by motion of the appropriate board ~~created herein~~, the Building Department Division shall make a full investigation and file with ~~such board~~ the appropriate contractor licensing board a written report thereof together with a statement as whether ~~or not~~ such grounds do exist.

~~(d)(e)~~ Whenever ~~the report of the Building Department~~ If the report of the Building Division shows the existence of grounds for denial, suspension or revocation of a certificate of competency or the right to withhold issuance of permits or there is filed with the appropriate contractor licensing board a complaint by any person alleging the existence of any such grounds, it shall be the duty of such board to conduct a hearing on whether the ~~certificate or right to pull issuance of permits in the case of state certified contractors~~ should be denied, suspended or revoked.

~~(e)~~ (f) No ~~certificate of competency suspension or revocation hearing or hearing concerning~~ hearing regarding denial, suspension, or revocation of the right to withheld issuance of permits in the case of state certified contractors shall be conducted unless the Building Department Division has served upon the alleged violator a notice containing the alleged grounds for denial, suspension or revocation or grounds for withholding of the right to issuance of permits, and the time, date and place of the hearing before the appropriate contractor licensing board. Said notice shall not be issued less than ten (10) nor more than twenty (20) days prior to said hearing.

~~(f)~~ (g) The person whose ~~certificate of competency is being suspended or revoked or state certified contractor in the case of withholding permits~~ may be denied, suspended or revoked shall have the right to appear at the required hearing and be represented by counsel, produce evidence and cross-examine all witnesses appearing against him.

~~(g)~~ (h) All witnesses who testify at the hearing ~~held to determine whether a certificate of competency should be suspended or revoked or withholding of permits in the case of state certified contractors~~ shall do so under oath.

~~(h)~~ (i) If after the required hearing a the appropriate contractor licensing board should determine that grounds for denial, suspension or revocation of a certificate of competency or withholding of the right to issuance of permits in the case of state certified instructors do exist, it shall enter a written

order signed by the chairman, reprimanding the violator, or ~~revoking or suspending his certificate~~ denying, suspending or withholding of revoking his right to issuance of permits in the case of state certified contractors.

~~(i) During the period of time during which a certificate of competency is revoked all permits shall be withheld from both the person whose certificate of competency has been revoked and from the partnership, corporation, business trust or other legal entity which has the relationship described in Section 40.26 with said individual.~~

~~(j) At the discretion of the appropriate board, no certificate of competency shall be issued to any individual for a period of up to one year after his certificate has been revoked. After revocation and at the end of said time a new certification shall be issued to such individual only after the making of a new application and following the regular certification procedure.~~

~~(k) A board which revokes, suspends or reissues a certificate shall so notify the Tax Collector.~~

Section 22. Existing Section 40.35 is hereby deleted as follows:

~~**Sec. 40.35 Records of certificates.** The Building Division shall assign to each certificate of competency issued pursuant hereto a permanent number and shall keep a register of such certificate showing said number, the class or kind of certificate held, the date and basis of any violations or complaints against him, the~~

~~certificate's expiration date, and the date of any reexamination or
requalification after expiration or revocation of such certificate.~~

Section 23. Existing Section 40.36, entitled "Occupational license," is hereby renumbered as Section 40.24.

Section 24. Existing Section 40.37 is hereby renumbered as Section 40.25 and amended as follows:

Sec. ~~40.37~~ 40.25 Lending of license, permit or name. It shall be unlawful for any person holding ~~a certificate issued pursuant hereto~~ to lend his license to another, or ~~take~~ accept a permit ~~required herein~~ in his name for the use of another, or allow the use of his name directly or indirectly for the purpose of obtaining such a permit.

Section 25. Existing Section 40.38 is hereby deleted as follows:

~~**Sec. 40.38 Severance of required relationship between certified individual and entity exempt from certificate.**~~

~~(a) It shall be unlawful for any partnership, corporation, business trust or other legal entity to fail to give notice to the Building Division within five (5) calendar days after the severance of the relationship required by Section 40.26 between such partnership, corporation, business trust or other legal entity and the individual to whom a certificate of competency has been issued pursuant hereto on behalf of, or for the use and benefit of, said partnership, corporation, business trust or other legal entity.~~

~~(b) The partnership, corporation, business trust or other legal entity who is exempt from the requirement of obtaining a~~

~~certificate of competency by virtue of an individual having the relationship to it described in Section 40.26 shall, if it has complied with Subsection (a), designate within thirty (30) days some other individual to take any required certificate examination, or who can exempt said partnership, business trust or other legal entity from certification.~~

~~(c) It shall be unlawful for the individual who holds a certificate of competency on behalf of, or for the use and benefit of, any partnership, corporation, business trust or other legal entity upon the severance of his connection with said partnership, corporation, business trust or other legal entity required by Section 40.26, to fail to notify the Building Division of such fact; if such an individual should fail to do so, his certificate of competency shall be revoked and he shall not be issued another for a period of one year and then only upon application and examination as for an original certificate.~~

~~(d) Upon the severance of the relationship between a certified individual and a partnership, corporation, business trust or other legal entity required by Section 40.26, and if said individual has complied with Subsection (c), the Building Division shall issue such certified individual a new certificate of competency from which the name of such partnership, corporation, business trust or other legal entity has been deleted.~~

Section 26. Existing Section 40.39 is hereby deleted as follows:

~~Sec. 40.39 Certified individual allowing himself to be falsely held out as supervisor. It shall be unlawful for any person holding a certificate issued pursuant hereto to permit his name to be used or to knowingly permit himself to be held out as the supervising officer of any partnership, corporation, business trust or other legal entity engaged in contracting unless he is actually such person and he in fact does supervise such work.~~

Section 27. Existing Section 40.40 is hereby deleted as follows:

~~Sec. 40.40 Hiring of uncertified employees.~~

~~(a) It shall be unlawful for an electrical contractor to employ a person on any job in the capacity of an electrician without such person being the holder of a current master or journeyman electrician's certificate of competency; provided, however, that nothing in this Subsection shall be held to prohibit the working of helpers or apprentices on any job of electrical construction when the work of such helpers or apprentices is performed under the personal supervision and in the immediate accompaniment of a certified electrician.~~

~~(b) It shall be unlawful for a master plumber to employ any person in the capacity of a plumber who does not have a journeyman plumber's certificate of competency; provided, however, that nothing in this Subsection shall be construed to prohibit helpers or apprentices from working under the personal supervision of a certified, master plumber.~~

Section 28. Existing Section 40.41, entitled "Allowing Apprentice Plumbers Or Helpers To Work Alone", is hereby renumbered as Section 40.26.

Section 29. Existing Section 40.42, entitled "Restriction On Maintenance Plumbers", is hereby renumbered as Section 40.27.

Section 30. Existing Section 40.43 is hereby deleted as follows:

~~**Sec. 40.43 False advertising**~~

~~It shall be unlawful for any person who is not certified or registered pursuant hereto to expose a sign indicating that he is engaged in any occupation regulated herein, or to use any other advertising pertaining thereto.~~

Section 31. Existing Reserved Sections 40.44 through 40.50 are hereby renumbered as Reserved Sections 40.28 through 40.50.

Section 32. Existing Part 4 is hereby renumbered as Part 3 and amended as follows:

Chapter 40 - Building and Construction

PART 43 ~~BUILDING CODE~~¹² BUILDING DIVISION

Section 33. Existing Section 40.51 is hereby deleted as follows; existing Section 40.52, entitled "Finish floor elevations"; Section 40.53, entitled "Slope of Driveways"; and Section 40.54 entitled "Effect of other provisions concerning

¹ Cross Reference - "Seminole County Energy Efficiency Building Code," Part 11, SCC.

² Power of County to adopt by reference building, housing related technical provisions, § 125.01(1)(i), F.S.; power of County to adopt building code, § 125.56(1), F.S.; penalty for violation of building code and permit provisions, § 125.56(5), F.S.; that County adopt building code, § 553.73, F.S.

construction in flood prone areas" shall not be renumbered or amended:

~~Sec. 40.51 Adopted.~~

~~(a) To the extent not inconsistent with this Part, there is hereby adopted for the purpose of establishing and prescribing rules and regulations for construction, alteration, repairing, remodeling, or demolition of any structure or building those certain standards known as the Standard Building Code, 1997 Edition, published by the Southern Building Code Congress International, Inc., including Appendices A, D and H and as further amended in Section 40.55.~~

~~(b) All buildings shall be constructed in accordance with the accessibility to handicapped persons provisions of Section 553.48, Florida Statutes, or its successor provisions, and implementing rules, if any.~~

~~(c) All non exempted construction shall comply with the thermal efficiency standards established by Part VII, Chapter 553, Florida Statutes, or its successor provisions, and their implementing rules, if any.~~

~~(d) Upon adoption of the Codes relating to radon buildings in accordance with the provisions of Section 553.98, Florida Statutes, all construction shall comply with such codes.~~

~~(e) All glass installation shall comply with the provisions of Part III, Chapter 553, Florida Statutes, or its successor provisions, and their implementing rules, if any.~~

~~(f) All construction shall comply with the energy conservation requirements of Part VIII, Chapter 553, Florida Statutes, or its successor provisions, and their implementing rules, if any.~~

~~(g) Where there shall exist any inconsistency between the provisions of the standards adopted by this Section and other provisions of this Part, or of any other part of this Code, or of any other ordinance or resolution promulgated pursuant thereto, the latter provisions shall prevail.~~

Section 34. Existing Section 40.2 and Section 40.3 are hereby combined and renumbered as Section 40.51, entitled "Establishment," as follows:

~~Sec. 40.2 Building division established~~ **40.51 Establishment.**

There is hereby established a Building Division for Seminole County, Florida.

~~Sec. 40.3 Position of building official established¹⁵~~ There is hereby established within the Building Division the position of building official.

Section 35. Existing Section 40.55 is hereby deleted as follows:

~~Sec. 40.55 Amendments.~~ The Standard Building Code adopted herein is hereby amended in the following respects:

~~Section 105.6 is hereby amended by adding to the end of the first paragraph, ". It shall be the permit holders responsibility to call for all required inspections and obtain inspection approval before proceeding further with any construction or occupancy."~~

~~Section 108 is hereby deleted in its entirety.~~

~~A new section 111 is hereby added: "Section 111. Appeals variances shall be made to the applicable Contractor Licensing as stipulated in Section 40.5, Seminole County Code."~~

~~Table 600 is hereby amended by the addition of the following to the notes of Table 600: "Note R. Mini storage buildings of than Type VI construction are exempt from the requirements of 600."~~

~~Section 1007.3.1 is hereby amended to add to the end of the listed exception, "In one & two family dwellings the bottom riser may vary 1/2 inch."~~

~~Chapter 11 is deleted in its entirety having been superseded by Chapter 553, Part V, Florida Statutes, Handicapped Standards, or its successor provisions as the mandatory State standards.~~

~~Section 1606 of the Standard Building Code shall be the minimum wind load criteria used for the design of all one and two dwellings. Compliance with the engineering design criteria contained in Section 1606 may be achieved by using the Building Code Congress International, Inc., Standard SSTD 10-97 Hurricane Resistant Residential Construction, the Wood Products Promotion Council High Wind Project, Guide to Wood Construction in High Wind Areas 1997 edition "the Builder's Guide", the Wood Frame Construction Manual for One and Two Family Dwellings, 1995 High Wind Edition, or the Guide to Concrete Masonry Residential Construction in High Wind Areas, the "Masonry Guide". The Builder's Guide implementation shall be limited to the construction and design of wood frame single story buildings with wind speed~~

~~design parameters of one hundred (100) and one hundred ten (110) miles hour. The Manual is limited to residential buildings of three (3) stories or less, a mean roof height not exceeding thirty three (33') and wind speed design parameters between ninety (90) and one hundred twenty (120) miles per hour. The Masonry Guide is limited to residential buildings of one (1) story with a maximum height not exceeding twenty five feet (25') and wind speed design parameters of~~

~~Application. The construction provisions contained these referenced codes shall apply as required by Part VII, Chapter 553, Florida Statutes.~~

~~Section 2405.2.1.6 is hereby deleted in its entirety.~~

Section 36. Sections 40.55 through 40.60 are hereby created as follows:

Sec. 40.55 Restrictions on Employees. An officer or employee connected with the Building Division, except one whose only connection is as a member of a board established by this Code, shall not be financially interested in the furnishing of labor, material, or appliances for the construction, alteration or maintenance of building, structure, service, system or in the making of plans or of specifications thereof, within the jurisdiction of the division, unless he is the owner of such. This officer or employee shall not engage in any other work which is inconsistent with his duties or conflict with the interest of the Division.

Sec. 40.56 General powers. The Building Official is hereby authorized and directed to enforce the provisions of this Code. The Building Official shall have the authority to render interpretations of this Code and to adopt policies and procedures in order to clarify the application of its provisions.

Sec. 40.57 Delegation of Authority. Whenever a provision of this Code requires the Building Official to perform an act or duty, it is to be construed to authorize a person to whom the Building Official has designated authority to perform the act or duty.

Sec. 40.58 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 false, incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any provisions of this Code.

Sec. 40.59 Requirements not covered by code. Any work necessary to ensure the 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 Code, may be required by the Building Official.

Sec. 40.60 Stop work orders. Upon notice from the Building Official, work on any building, structure, electrical, gas, mechanical or plumbing system that is being performed contrary to the provisions of this Code or in a dangerous or unsafe manner, shall immediately cease. Such notice shall be in writing and shall

be provided to the owner of the property, his agent or to the entity performing said 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. However, in the event of an emergency stop work order, the Building Official shall provide written notice as described herein as soon as reasonably possible after stopping the work.

Section 37. Existing reserved Sections 40.56 through 40.60

are hereby amended as follows:

~~**Secs. 40.56 — 40.60 Reserved.**~~

~~**Secs. 40.61 - 40.64 Reserved.**~~

Section 38. Existing Part 5 is hereby renumbered as Part 4 and amended as follows:

PART 54 ELECTRICAL CODE PERMITTING

ARTICLE I GENERALLY

Section 39. Existing Sections 40.61 through 40.70 are hereby deleted as follows:

~~**Sec. 40.61 — Adoption of standards.** There are hereby adopted to the extent not in conflict with the provisions of this Chapter for the purpose of establishing and prescribing rules and regulations for electrical construction, maintenance and repair, those certain standards known as:~~

~~(a) "National Electrical Code 1999, "NFPA No. 70-99, including The Florida Electrical Code, Central Florida Advisory Code Notice "M" (1999-NEC).~~

~~(b) Equipment and materials shall be listed and labeled by Underwriters Laboratories, Inc., or a similar, approved testing agency.~~

~~Secs. 40.62 - 40.70 Reserved.~~

Section 40. Section 40.65 is hereby created as follows:

Sec. 40.65 Permitting and inspection. The inspection or permitting of any building, system or plan by Seminole County pursuant to the requirements of this Code does not constitute a warranty of the physical condition of such building, system or plan or its adequacy.

Section 41. Existing Section 40.5 is hereby renumbered as Section 40.66 and amended as follows:

Sec. 40.5 40.66 Permit fees generally. The Board of County Commissioners shall from time to time establish by resolution such building permit fees, mechanical permit fees, ~~mobile home tie down inspection fees, plumbing permit fees, well drilling or pump installation or repair permit fees,~~ and such other fees as shall be equitable and necessary to carry out the intent of this Chapter.

Section 42. Section 40.67 is hereby created as follows:

Sec. 40.67 Types of Fees Enumerated. Fees may be charged for, but not limited to, the following:

- (a) Permits;
- (b) Plan examination;
- (c) Certificates of competency (including fees for applications, examinations, renewal, late renewal, and reciprocity);

(d) Inspections;

(e) Administrative fees (including fees for investigative and legal costs incurred in the context of certain disciplinary cases heard by the Board);

(f) Administrative appeals;

(g) Violations; and

(h) Other fees as established by local ordinance.

Section 43. Existing Sections 40.71 through 40.72 are hereby deleted as follows:

~~**Sec. 40.71 Permit generally.**~~

~~(a) It shall be unlawful for any person to do any electrical work on any building without a permit issued by the Building Division; provided, however, that this Section shall not apply to work done by employees of public utility companies as provided for in Subsection 40.26(b); or the repair of damaged apparatus or equipment and ordinary work necessary for its maintenance of the same; or service calls involving no wiring or installation of equipment or fixtures.~~

~~(b) Electrical permits shall be issued only to a person who holds the proper electrician's certificate of competency for the work sought to be done, or his duly authorized agent, or to a person who is the bona fide owner of a single family dwelling in which resides or intends to immediately and permanently reside and who builds no more than one house every two (2) years, and who proof of ownership, and does all electrical work himself, except that he may hire one unskilled laborer to assist him under~~

~~direction and supervision; provided, however, that this shall be interpreted only to authorize such bona fide owner to do such electrical work on his own premises.~~

~~**Sec. 40.72 Application for permit, and plans and specifications.**~~

~~(a) An application for an electrical permit shall be submitted on forms provided by the electrical section and shall be accompanied by a description sufficient to clearly define the intended work and a complete set of plans, specifications, schedules as are necessary to describe the work to be done.~~

~~(b) The Building Official or his delegate shall examine plans and specifications filed with him for approval, and shall approve them only if they are in compliance with the provisions of this Article.~~

~~(c) It shall be unlawful for any person to do any work for which he has obtained an electrical permit except in compliance with the plans and specifications that he has submitted to the electrical section and which are approved by the Building Official or his delegate.~~

Section 44. Existing Section 40.73 is hereby renumbered as Section 40.68 and amended as follows:

Sec. 40.68 Payment of permit fees. ~~Persons desiring electrical permits~~ Prior to issuance or renewal of a certificate, a person shall pay to the Building Division the appropriate fee established from time to time by the Board of County Commissioners by resolution.

Section 45. Existing Section 40.6, entitled "Use of fees", is hereby renumbered as Section 40.69.

Section 46. Section 40.70 is hereby created as follows:

Sec. 40.70 Permit valuations. Permit valuations may be required as set forth by resolution of the Board of County Commissioners. The Building Official may deny a permit if the applicant has submitted an under-valuation of the work or materials.

Section 47. Existing Sections 40.74 through 40.79 are hereby deleted as follows:

~~**Sec. 40.74** **Scope and effect permit or approval of plans.**~~

~~(a) The issuance of an electrical permit or the approval of electrical plans and specifications shall not be deemed or construed to be a permit for or an approval of any violation of any of the provisions of this Article. No permit presuming to give authority to violate or cancel the provisions of this Article shall be valid, except so far as the work or use which it authorizes is lawful.~~

~~(b) The issuance of a permit upon plans and specifications shall not prevent the electrical section from thereafter requiring the correction of errors in such plans and specifications, nor from prohibiting the starting or continuance of work thereunder when in violation of law.~~

~~**Sec. 40.75** **Permit expiration; renewal, transfer, etc.**~~

~~(a) Every electrical permit shall expire by limitation and become null and void if the work authorized thereby is not commenced within ninety (90) days from the date of such permit or~~

~~if the work is suspended or abandoned for a period of ninety (90) days at any time after it is commenced, except for delays occasioned by acts of God or other causes beyond the holder's control, and before work is commenced or completed, a new permit shall be obtained by payment of the fees for the work to be done for an original permit. Extensions of an electrical permit of up to sixty (60) days each may be granted in writing upon request of the contractor at the discretion of the Building Division.~~

~~(b) An electrical permit shall be nontransferable and the issuance of a permit for certain work shall not preclude the issuance of a subsequent permit for the same work.~~

~~Sec. 40.76 Permit revocation.~~

~~(a) All electrical permits shall be revocable by the Building Official at any stage of the work if:~~

~~(1) It was issued by mistake of law or fact.~~

~~(2) It is for work which violates the provisions of this Part.~~

~~(3) It was issued upon misrepresentations by the applicant.~~

~~(4) The work violates any ordinance.~~

~~(5) The work is not be performed in accordance with the provisions of this Part.~~

~~(6) The certificate of competency upon which it was issued has become invalid by reason of expiration or otherwise been suspended or revoked.~~

~~(7) The work is not being performed under supervision of the holder of the certificate of competency upon which it was issued.~~

~~(b) The Building Official shall issue and serve upon the electrical permittee a written notice of any permit revocation the grounds therefor, and it shall be unlawful for the permittee or any other person with knowledge of such revocation to continue such work thereafter until said permit is reinstated or a new permit is issued.~~

~~**Sec. 40.77 Inspections.**~~

~~(a) The person performing any electrical work for which an electrical permit has been issued shall notify the Building upon the completion of the work.~~

~~(b) The Building Division shall make an initial inspection of each electrical system for which a permit has been issued within a reasonable time after notification by the person performing the work that said work has been completed and leave a proper notice of said inspection at the service switch of the premises inspected or in another suitable place.~~

~~(c) After notice of compliance following a required electrical inspection or reinspection, the person doing the shall complete the final work and then make a request for a inspection. If the Building Division upon final inspection shall find said work not in compliance with the provisions of this Article, the Building Division shall notify the person doing the work, specifying in what particulars said work fails to comply. Said person doing the work~~

~~shall make the same conform to such requirements and request a reinspection.~~

~~(d) It shall be unlawful for any person, prior to inspection and final approval by the Building Division to:~~

~~(1) Lath, seal, or in any manner conceal any electrical wiring or equipment.~~

~~(2) Cover or fill any switch or outlet box plaster, cement, or other materials.~~

~~(3) Use any electrical current in or through any wiring, apparatus or fixtures for light, heat, or power in any building or structure.~~

~~(4) Connect a distribution system with any installation of wiring, apparatus or fixtures in or on any building if such person is furnishing electric current for light, heat or power.~~

~~(e) If the Building Division, after an inspection, should find that any electrical work is not in compliance with the provisions of this Article, then the person doing said work shall do everything necessary to bring said work into compliance with this Article and shall then notify the Building Division of such fact.~~

~~(f) If electrical wiring, apparatus or fixtures covered by an electrical permit are found by the Building Division to conform to the provisions of this Article, the Building Division shall issue a final certificate of inspection certifying that said wiring, apparatus or fixtures have been inspected and comply with this Article.~~

~~Sec. 40.78 Temporary connections for nonresidential sites.~~

~~On nonresidential sites the Building Division may, before a final electrical certificate of inspection is issued, give temporary authorization to connect and furnish electric current to any wiring, apparatus or fixture for a period not exceeding thirty (30) days, if such wiring, apparatus or fixture is in such condition that the current may safely be connected therewith and there exists a necessity for such use.~~

~~Sec. 40.79 Multiple commercial meters.~~

~~(a) Single commercial tenant areas shall be permitted a single meter only for each tenant area occupied by a single tenant. No commercial tenant area shall be permitted to install or use multiple commercial meters.~~

~~(b) In multi space/multi tenant type buildings the Building Official, or his or her designee, may approve interior area modifications utilizing existing meter bases/electrical services. Each bay/tenant space shall have an electrical shut off and a main disconnect for the building if multiple meters/services are utilized. Each bay/tenant space shall maintain its area wiring within the space served.~~

Section 48. Existing Section 40.7, entitled "Compliance with zoning requirements is hereby renumbered as Section 40.71.

Section 49. Existing reserved Sections 40.80 through 40.85 are hereby amended as follows:

~~**Secs. 40.80-40.85 Reserved.**~~

Secs. 40.72-40.84 Reserved.

Section 50. The title to Part 5 is hereby created as follows:

Chapter 40 - Building and Construction

PART 5: INSPECTIONS

Section 51. Section 40.85 is hereby created as follows:

Sec. 40.85 Existing building inspections. Before issuing a permit or certificate, the Building Official may examine or cause to be examined any building or electrical, gas, mechanical, or plumbing system for which a permit application has been received. He shall also inspect all buildings, structures, electrical, gas, mechanical and plumbing systems for which a permit has been issued during and upon completion of the work for which a permit was issued. He shall make a record of every such inspection, including any violations found therein.

Section 52. Existing Sections 40.86 through 40.95 are hereby deleted as follows:

~~Sec. 40.86 Investigation of complaints, notice to owners.~~ The Building Division shall examine all premises about which a complaint concerning an electrical system is made and shall upon evidence of the existence of an unsafe electrical condition condemn such system and notify the owner or his agent in writing to make necessary corrections in accordance with the provisions of this Part by a time certain.

~~Sec. 40.87 Correction required.~~ It shall be unlawful for any person to fail to place an electrical system in a proper and safe condition as instructed by the Building Division within the time

~~fixed by the Building Division in the notice required by Section 40.86.~~

~~**Sec. 40.88 Building division to open switch or breaker and post notice upon findings.** Whenever any electrical wiring, apparatus or fixture is found by the Building Division to be unsafe or hazardous to life or property, the Building Division shall immediately open the switch or circuit breaker controlling the supply of current to such wiring, apparatus or fixture and shall post in a conspicuous place near such switch or circuit breaker a notice printed in red letters which shall be as follows:~~

~~NOTICE WIRING CONDEMNED~~

~~THE USE OF ELECTRIC CURRENT IS PROHIBITED THROUGH THIS WIRING UNTIL PROPER REPAIRS HAVE BEEN MADE AND APPROVED BY THE BUILDING DIVISION. REPAIRS SHALL BE MADE BY A CERTIFIED ELECTRICIAN AND THE BUILDING DIVISION SHALL BE NOTIFIED WHEN COMPLETED.~~

~~**Sec. 40.89 Use after posting of notice prohibited.** After the notice required by Section 40.88 is posted, it shall be unlawful for any person to close the switch or circuit breaker which has been opened by the Building Division or to use or attempt to use any current through such wiring which has been condemned until all necessary repairs have been made and approved by the Building Division.~~

~~**Sec. 40.90 Removal by county, costs.**~~

~~(a) If the owner, his agent or the person in control of any unsafe electrical wiring, installation or device cannot be found within the time limit in the notice to remove or correct it, or if~~

~~such owner, agent or person in control fails, neglects or refuses to comply with said notice, or in case of emergency involving imminent danger to human life or health, the building division, after having ascertained the cost thereof, shall cause such installation wiring or device to be removed or repaired.~~

~~(b) The costs incurred under this Section shall become a legal obligation of the owner of the premises involved and shall be collected in the manner provided by law.~~

~~**Secs. 40.91 - 40.95 Reserved.**~~

Section 53. Sections 40.86 through 40.99 are hereby created as follows:

Sec. 40.86 Site Debris.

(a) The contractor and/or owner of any active or inactive construction project shall be responsible for the clean-up and removal of all construction debris or any other miscellaneous discarded articles prior to receiving final inspection approval. Construction job sites must be kept clean, such that accumulation of construction debris shall be removed as necessary to maintain a clean site.

(b) All debris shall be kept in such a manner as to prevent its spread from the property.

Secs. 40.87 - 40.99 Reserved.

Section 54. Existing Sections 40.96 through 40.110 are hereby deleted as follows:

~~**Chapter 40 Building and Construction**~~

~~**PART 6 MECHANICAL CODE**~~

~~Sec. 40.96 Adopted.~~

~~(a) There is hereby adopted for the purpose of and prescribing rules and regulations for mechanical work consisting of the installation, extension, repair, alternation, maintenance and removal of all mechanical systems and devices those certain standards known as the Standard Mechanical Code, 1997 Edition, as published by the Southern Building Code Congress International, Inc., with the following amendment:~~

~~Section 108, Standard Mechanical Code, 1997 Edition, is hereby deleted in its entirety, appeals shall be as stipulated in Section 40.9, Seminole County Code.~~

~~(b) Where there shall exist any inconsistency the provisions of said Standard Mechanical Code and the provisions of this Part, the provisions of this Part shall prevail.~~

~~Sec. 40.97 Suspension of air conditioners, etc., in attics.~~

~~(a) The suspension of air handling units, furnaces or similar equipment in attics shall be from top chord of trusses with a properly designed hanger to support the load.~~

~~(b) All such units must have an emergency drain pan two (2) inches wider than the unit on all sides and two (2) inches in depth installed underneath it. A drain not smaller than three fourths (3/4) of an inch in depth from this pan must terminate at a readily visible point outside the building or at an approved suitable safety switch in the drain pan.~~

~~(c) A service platform not less than two (2) feet in width by six (6) feet in length shall be provided on the service side of the~~

~~equipment and shall be connected to the attic access which is at least two (2) feet in width and onehalf (½) inch in thickness.~~

~~(d) A one hundred fifteen (115) volt electrical receptacle and light shall be provided within three (3) feet of the service side of all such equipment.~~

~~(e) The installing contractor shall ascertain that framing or existing building is capable of safely carrying the operating weight of the equipment to be set.~~

~~**Secs. 40.98 -- 40.110 Reserved.**~~

Section 55. Existing Part 7 of Chapter 40, entitled "Mobile Homes and Travel Trailers", is hereby renumbered as Part 6 of Chapter 40. Existing Section 40.111, entitled "Application of part," is hereby renumbered as Section 40.100. Existing Section 40.112, entitled "Removal of certain travel trailers during hurricane watch," is hereby renumbered as Section 40.101.

Section 56. Existing Sections 40.113 through 40.115 are deleted as follows:

~~**Sec. 40.113 Installation or relocation permit.** No person responsible for the relocation and/or installation of any mobile home or travel trailer subject to the provisions of this Part shall relocate or install any mobile home or travel trailer without a written statement or permit from the zoning department indicating that the location where the mobile home or travel trailer is to be placed is properly zoned or permitted for such mobile home or travel trailer.~~

~~**Sec. 40.114 Use of equivalent materials and methods.**~~

~~(a) The Building Division may approve types of piers and methods of blocking, ground anchors, tie downs, cables or coupling other than those specified by the provisions of this Part if they are deemed to be equivalent by it; specific written approval of same shall be given by the Building Division.~~

~~(b) The provisions of this Section shall apply to, but not be limited to, those situations where any permanent cabana, addition or adjoining structure to any mobile home or travel trailer was in existence on April 24, 1972, and where the existence of such cabana, addition or adjoining structure would create an undue hardship were the provisions of this Part literally applied. In such cases the hardship exception of this Section shall be liberally construed.~~

~~Sec. 40.115 Tie downs, anchoring, etc.¹ All mobile homes and travel trailers shall be tied down and anchored in accordance with state law and regulations promulgated pursuant hereto.~~

~~¹ State law reference State regulation of mobile home tie downs.~~

Section 57. Existing Section 40.116, entitled "Person responsible for complying with part," is hereby renumbered as Section 40.102. Existing Section 40.117, entitled "Violations," is hereby renumbered as Section 40.103. Existing reserved Sections 40.118 through 40.125 are hereby amended as follows:

~~**Secs. 40.118 - 40.125 Reserved.**~~

Secs. 40.104 - 40.109 Reserved.

Section 58. Existing Part 8 of Chapter 40, Sections 40.126 through 40.135 are hereby deleted as follows:

Chapter 40 - Building and Construction

PART 8 PLUMBING CODE¹

~~Sec. 40.126 Adopted.~~

~~(a) There is hereby adopted for the purpose of and prescribing rules and regulations for plumbing work the Standard Plumbing Code, 1994 Edition, published by the Southern Building Code Congress International, Inc., with the following amendments:~~

~~Section 108, Standard Plumbing Code, 1994 Edition, is hereby deleted in its entirety, appeals shall be as stipulated in 40.9,~~

~~Seminole County Code.~~

~~Section 304.3, Standard Plumbing Code 1994 Edition, is hereby amended to read:~~

~~304.3 Pipes Through Footings or Foundation Walls~~

~~A soil pipe, waste pipe, or building drain that passes a footing or through a foundation wall shall be provided with a relieving arch, or a pipe sleeve of schedule 40 pipe shall be built into the masonry wall. Such sleeve shall be two pipe sizes greater than the pipe passing through or as may be approved in writing by the plumbing official.~~

~~The notes in Table 407, Standard Plumbing, Code 1994 Edition, are hereby amended by the addition to the list of occupancies in Note 6. the following: "Light Storage and Warehousing Areas of less than 2000 sq. ft. may utilize a unitsex bath complying with Florida Accessibility Code."~~

~~State law references Power of county to adopt by reference building, and related technical codes, Section~~

~~125.01(1)(i), F.S., power to adopt building codes generally Section 125.56(1), F.S., penalty for violation of building code and permit provisions, Section 125.56(5), F.S.~~

~~Section 613.1, Standard Plumbing Code, 1994 Edition, is hereby amended to read:~~

~~613.1 Shower Temperature Control Device~~

~~The temperature of mixed water to multiple (gang) showers shall be controlled by a master mixing valve or such showers shall be individually controlled by a scald preventative valve of the pressure balancing thermostatic or combination mixing valve type conforming to the standards listed in Table 613. The temperature of mixed water to individual showers and shower/bath combinations in all buildings shall be controlled by a scald preventative valve of the pressure balancing or thermostatic or combination mixing valve type. Handle position stops shall be adjusted in accordance with manufacturer's instructions at time of installation to a maximum mixed water outlet temperature of 120°F (48.3°C) except where structures have a water heater with a higher limit or are otherwise limited to 120°F hot water temperature.~~

~~Section 613.2, Standard Plumbing Code, 1994 Edition, is hereby deleted in its entirety.~~

~~Section 615.1, Standard Plumbing Code, 1994 Edition, is hereby amended to read:~~

~~615.1 Drinking water treatment units shall meet the requirements of NSF 42 and 53 or WQA (Water Quality Association) Standards. Units are designed to be used for the reduction of~~

~~specific contaminates from potable drinking water, such contaminates being considered as potential health hazards or affecting the aesthetic quality characteristics of potable drinking water.~~

~~Section 708.1, Standard Plumbing Code, 1994 Edition, is hereby amended to read:~~

~~708.1 Connections between drainage piping and floor outlet plumbing fixtures shall be made by means of an approved flange which is attached to the drainage piping in accordance with the provisions of this chapter. The 3 inch closet flange shall be attached to the outside diameter and not to the inside diameter of the drainage piping. The floor flange shall be set on and securely anchored to the building structure.~~

~~Section 1004.4, Standard Plumbing Code, 1994 Edition, is hereby amended to add to the last sentence:~~

~~1004.4 "Grease traps shall be sized in accordance with 10 D.6, F.A.C."~~

~~(b) In the event of a conflict between said standards and any material in this Code, the provisions of this code shall prevail.~~

~~Sec. 40.127 (Repealed).~~

~~Sec. 40.128 Water conservation fixtures and appliances. Plumbing fixtures in all new construction, as well as replacement fixtures in existing construction, shall not exceed the following established flow rates and/or water usage criteria (based on water pressures at the fixture of forty (40) to fifty (50) pounds per square inch (psi):~~

Type Fixture	Flow Rate
Tank type water closets	3.5 gal./flush
Flushometer type water closets	3 gal./flush
Tank type urinals	3 gal./flush
Flushometer type urinals	3 gal./flush
Showerheads	3 gal./minute
Lavatory sink faucets	2.5 gal./minute

~~Secs. 40.129 - 40.135 Reserved.~~

Section 59. Existing Part 9 of Chapter 40, entitled "Swimming Pools", is hereby renumbered as Part 7 of Chapter 40. This Part shall not be divided into Article I, entitled "Generally" and Article II, entitled "Construction and Design Standards" and such designations shall be deleted:

Section 60. Existing Section 40.136 is hereby deleted as follows:

~~Sec. 40.136 Definitions.~~ As used in this Part, and unless the context requires otherwise, the following terms shall mean as indicated below:

~~Screen enclosure: An enclosure of which the walls and roof consist entirely of screen mesh except for minimum essential structural framework required for its support designed in accordance with the building codes of Seminole County.~~

~~Swimming pool: A facility containing or intended to contain water of a total volume greater than three thousand (3,000) and a maximum depth greater than eighteen (18) inches, whether owned and/or used by an individual citizen and his family or bona fide~~

~~guests, or whether owned and/or used by any corporation, partnership, club, cooperative house or joint tenancy of two (2) or more families or any organization of any kind whether above ground or not.~~

~~Wading pool: A facility containing or intended to contain water of a total volume not greater than three thousand (3,000) gallons, which facility is not more than two hundred fifty (250) square feet in area and is less than two (2) feet four (4) inches in depth at any point and is used only by an individual citizen and his family or bona fide guests and shall not include ownership, operation or use by any club, cooperative housing, or joint tenancy of two (2) or more families.~~

Section 61. Existing Section 40.137, entitled "Stagnant, foul, etc., waters; removal", is hereby renumbered as Section 40.110. Existing Section 40.138, entitled "Drainage", is hereby renumbered as Section 40.111. Existing Section 40.139, entitled "Maintenance of Water Purification Systems", is hereby renumbered as Section 40.112. Existing Section 40.140, entitled "Excess Noise and Lighting", is hereby renumbered as Section 40.113.

Section 62. Existing Sections 40.141 through 40.146 are hereby deleted as follows:

~~Secs. 40.141 - 40.144 Reserved.~~

~~Chapter 40 - Building and Construction~~

~~ARTICLE II - CONSTRUCTION AND DESIGN STANDARDS~~

~~Sec. 40.145 - Standard Codes Adopted.~~

~~(a) There is hereby adopted for the purpose of establishing and prescribing rules and regulations for swimming pool construction, maintenance and repair, those certain standards known as:~~

~~(1) Standard Swimming Pool Code, 1985 Edition, published by the Southern Building Code Congress International, Inc.~~

~~(2) As to commercial pools: Chapter 10D-5, Florida Administrative Code.~~

~~(3) As to residential pools: Standards for Residential Swimming Pools, National Spa and Pool Institute (November, 1987 Edition) with the exception of Chapter III, Section 3.5.3.~~

~~(b) The above referenced Codes prevail over any inconsistent provisions set forth in this Part.~~

~~Sec. 40.146 Scope and application; pool defined. Unless specifically provided otherwise, the standards set forth and adopted by the provisions of this Article shall apply to both swimming and wading pools, and the term "pool" shall mean a swimming or a wading pool.~~

Section 63. Existing Section 40.147, entitled "Temporary fencing during construction", is hereby renumbered as Section 40.115. Existing Section 40.148, entitled "Steel or aluminum structures generally", is hereby renumbered as Section 40.116. Existing Section 40.149, entitled "Concrete pools generally", is hereby renumbered as Section 40.117.

Section 64. Existing Sections 40.150 through 40.159 are hereby deleted as follows:

~~Sec. 40.150 Load-supporting capacity generally. All pool construction shall be designed to fully support all imposed live, dead and impact loads.~~

~~Sec. 40.151 Watertightness required. All completed pools shall be absolutely watertight.~~

~~Sec. 40.152 Electrical standards. All electrical lighting and wiring shall be in accordance with the electrical codes adopted by Seminole County.~~

~~Sec. 40.153 Depth when diving board present. When diving boards are provided for a swimming pool, the depth of water in the diving bowl shall be as required in the Codes forth in Section 40.145.~~

~~Sec. 40.154 Diving areas generally. The width, depth, length and other requirements for diving areas in swimming pools shall be as required in the Codes set forth in Section 40.145.~~

~~Sec. 40.155 Depth markings. In all public, commercial, and community swimming pools permanent depth markings shall be provided on both sides of the pool at the shallow end, the slope break, and diving depth, and shall be visible from inside the pool.~~

~~Sec. 40.156 Drainage pipes. P.V.C. Schedule 40, and commercial standard 272 pipes shall be used in draining pools.~~

~~Sec. 40.157 Filters. Every swimming pool shall be equipped with a filtration system designed and capable of filtering and recirculating the entire pool's volume during a twelve (12) hour period.~~

~~Sec. 40.158 Hydrostatic relief valves or underdrains. Any pool constructed in an area where groundwater is encountered shall have~~

~~a hydrostatic relief valve installed in the main sump drain that is designed to prevent flotation or shall have a suitable hydrostatic underdrain to which a pump may be properly attached.~~

~~Sec. 40.159 Heaters.~~ All pool heaters shall be so designed that the water entering the pool shall be heated to a temperature of no greater than one hundred ten (110) degrees Fahrenheit.

Section 65. Existing Section 40.160, entitled "Cross connecting water supplies", is hereby renumbered as Section 40.120. Existing Section 40.161, entitled "Prevention of polluted water from backwashing", is hereby renumbered as 40.121.

Section 66. Existing Section 40.162 is hereby deleted as follows:

~~Sec. 40.162 Screen enclosures.~~ The mesh sizes of the screen on enclosures around a pool be no smaller than 20/20 mesh per inch, nor larger than eighteen 18/14 mesh per inch.

Section 67. Existing Section 40.163, entitled "Patio decks", is hereby renumbered as Section 40.122.

Section 68. Existing Sections 40.164 through 40.165 are hereby deleted as follows:

~~Sec. 40.164 Permanent fencing.~~ All swimming pools shall be completely enclosed by a enclosure, a link type fence, or a solid wall as approved by the Building Official of a minimum height of forty eight (48) inches and a maximum height of seventy eight (78) inches; the gates of same shall be the self-closing and latching type with a latch on the inside of the gate or enclosure located at least forty six (46) inches above the ground; provided, however,

~~that these requirements shall not apply along the water side of waterfront property where the other three (3) sides are fences or fully enclosed, and such side enclosure is continued at least to the present or proposed low water control level of the water.~~

~~**Sec. 40.165 Location.**~~

~~(a) The water's edge of a pool shall not be located closer to the side property line of the lot, parcel or piece of land upon which it is located than ten (10) feet, except that on corner lots said distance shall be twenty five (25) feet from each street; no pool shall be closer to the foundation of the house than allowed in section 1301.1 of the Standard Building Code, or less than ten (10) feet from the rear property line.~~

~~(b) No pool shall be located nearer to the front line of the lot, parcel, or piece of land, than the main or principal building or residence to which it is an accessory; provided, however, that on waterfront lots, a pool shall be located not less than fifteen (15) feet from the mean high water mark.~~

~~(c) All screen enclosures in connection with a pool shall not be located closer to the side yard requirement established by the County zoning laws for the lot, parcel, or piece of land upon which it is located, or closer to the rear property line than ten (10) feet; provided, however that on waterfront property no screen enclosure shall be erected less than twenty five (25) feet from the shoreline as determined by the mean high water mark.~~

~~(d) No part of a pool structure shall intrude upon any easement.~~

~~(e) When in this Section reference is made to the mean high-water mark the mean high water mark established by the County or By the State shall be applied. In those instances where it has not been established, the County engineer shall determine the approximate natural levels in accordance with available historical data and shall advise the building official in writing of the levels to be applied for the purposes of this Section.~~

Section 69. Existing Reserved Sections 40.166 through 40.175 are hereby amended as follows:

~~**Secs. 40.166 - 40.175 Reserved.**~~

Secs. 40.123 - 40.175 Reserved.

Section 70. Existing Part 10 of Chapter 40 entitled "Wells and Pumps" is hereby renumbered as Part 8 of Chapter 40. Existing Part 11 of Chapter 40 entitled "Seminole County Energy Efficiency Building Code" is hereby renumbered as Part 9 of Chapter 40. Existing Part 12 of Chapter 40 entitled "Street Signs" is hereby renumbered as Part 10 of Chapter 40. Existing Part 13 of Chapter 40 entitled "Housing Code" is hereby renumbered as Part 11 of Chapter 40. Existing Part 14 of Chapter 40 entitled "Affordable Housing Assistance Program" is hereby renumbered as Part 12 of Chapter 40.

Section 71. Codification. It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall become and be made a part of the Seminole County Code and the word "ordinance" may be changed to "section," "article," or other appropriate word or phrase and the sections of this Ordinance may be

renumbered or relettered to accomplish such intention; providing, however, that Sections 72, 73 and 74 shall not be codified.

Section 72. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

Section 73. Effective Date. This Ordinance shall take effect upon filing a copy of this Ordinance with the Department of State by the Clerk of the Board of County Commissioners.

ENACTED this _____ day of _____, 2005.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
CARLTON D. HENLEY, Chairman

SD/gn 6/29/04, 1/17/05, 5/6/05
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