

ORDINANCE NO. 93-37

FILED
93 SEP -2 4 12 53
MANATEE COUNTY FLORIDA

FILED FOR RECORD
R.B. SHORE
CLERK OF CIRCUIT COURT
MANATEE CO. FLORIDA
SEP 7 3 33 PM '93

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA ADOPTING THE MANATEE COUNTY MECHANICAL CODE; REPEALING THE EXISTING MANATEE COUNTY MECHANICAL CODE, ORDINANCE 90-38; PROVIDING FOR PERIODIC REVIEW THEREOF; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the Board of County Commissioners of Manatee County, Florida, previously adopted Ordinance 90-38 adopting the 1988 Edition of the Standard Mechanical Code with 1989 and 1990 revisions, as well as certain local amendments thereto, as the Manatee County Mechanical Code; and

WHEREAS, the Board of County Commissioners of Manatee County, Florida, pursuant to Chapter 125.56, Florida Statutes (1992), has held a public hearing to consider the adoption of the revised Mechanical Code, with local amendments; and

WHEREAS, the Board of County Commissioners, pursuant to Chapter 553.73, Florida Statutes (1992), has held a public hearing to consider adoption of regulations more stringent than those provided in the Standard Mechanical Codes; and

WHEREAS, the Board of County Commissioners determines that local conditions justify more stringent requirements than those specified in certain areas of the 1991 Edition, of the Standard Mechanical Code; and

WHEREAS, the Board of County Commissioners of Manatee County, Florida, desires to adopt the 1991 Edition of the Standard Mechanical Code, and local amendments as set forth herein as the Manatee County Mechanical Code, as the adoption of such Code would be in the best interest of Manatee County in order to protect the health, safety and welfare of its residents.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Manatee County, Florida, as follows:

93-37

Mechanical Code

1. That a new Mechanical Code for Manatee County, Florida, is hereby adopted, consisting of the 1991 Edition of the Standard Mechanical Code, and all appendices except Appendix "B", copyrighted by the Southern Building Code Congress International, Inc. except as amended in the manner provided in Exhibit "A", attached hereto and incorporated by reference herein.

2. That a copy of the aforesaid code and amendments thereto shall be kept with the Clerk of the Circuit Court in and for Manatee County, Florida.

3. Ordinance 90-38, as amended, shall remain in effect until such time as certificates of occupancy have been given for permits issued prior to the effective date of this Ordinance or such permits have expired or otherwise terminated.

4. That the Board of County Commissioners of Manatee County, Florida, directs the Building Official to bring forward, in a timely manner, for adoption, the most recent edition of the Standard Mechanical Code, approved as a State of Florida minimum mechanical code, together with appropriate local amendments.

Representatives of the appropriate trades will be notified and requested to comment on subject code.

5. If any part, section, subsection, or other portion of this Ordinance, or any application thereof to any person or circumstance is declared to be void, unconstitutional or invalid for any reason, such part, section, subsection, or other portion shall be severable, and the remaining provisions of this Ordinance, and all applications thereof not having been declared void, unconstitutional or invalid, shall remain in full force and effect.

6. This Ordinance shall become effective on the 8th day of September, 1993 and shall apply to all projects for which permits

for Mechanical construction have not been issued on the effective date hereof.

ADOPTED, WITH A QUORUM PRESENT AND VOTING, this 23rd day of August, 1993.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

BY [Signature] [Signature]
Chairman Date

ATTEST: R. B. SHORE
Clerk of the Circuit Court

[Signature]

EXHIBIT "A"

MANATEE COUNTY MECHANICAL CODE

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1. The following words shall have the definitions as set forth below:

- a. The phrase "Manatee County" shall be substituted for the words "city" or "municipality";
- b. The phrase "County Authority" shall be substituted for the phrase "Municipal Authority";
- c. The phrase "County Attorney" shall be substituted for the term "Department of Law";
- d. The phrase "Construction Codes Board of Appeal" shall be substituted for the term "Board of Adjustments and Appeals";
- e. The phrase "Building Division of the Planning, Permitting and Inspections Department" shall be substituted for the term "Building Department"; and
- f. The term or title "Housing Official" shall be synonymous with the term or title "Building Official".
- g. The term or title "Building Official" shall be substituted for the term or title "Mechanical Official".

2. Section 101.4 shall be amended to read in its entirety as follows:

101.4 Planning, Permitting and Inspections Department. There is hereby established a department to be called the Planning, Permitting and Inspections Department and the person in charge shall be known as the Director. Under the auspices of the Director there is hereby established a division to be called the Building Division and the person in charge shall be known as the Building Official.

3. Section 101.4.1 shall be amended to read in its entirety as follows:

101.4.1 Building Official Qualifications. The Building Official shall meet or exceed the requirements as set forth by the Manatee County Office of Human Resources, and, the provisions of Florida State Statutes, Chapters 468 and 553. The Building Official shall have at least ten (10) years experience or equivalent, as an architect, engineer, inspector, contractor, or superintendent of construction, or any combination thereof, and for five (5) years of which he/she shall have been in responsible charge of work. He/She shall not be removed from office except in accordance with the Manatee County Personnel Policy.

4. Section 101.4.2 shall be amended to read in its entirety as follows:

101.4.2 Chief Inspector Qualifications. The Chief Inspector shall meet or exceed the requirements as set forth by the Manatee County Office of Human Resources. The Building Official may designate as shall be authorized, the Chief Inspector to administer the provisions of the Building, Electrical, Mechanical, Plumbing and Gas Codes. He/She shall have at least ten (10) years experience, or equivalent, as an

architect, engineer, inspector, contractor, or superintendent of construction, or any combination thereof, for five (5) years of which he/she shall have been in responsible charge of work. A person appointed as Chief Inspector shall also meet all other conditions and requirements established by Manatee County and Florida State Statutes, Chapters 468 and 553.

5. A new Section 101.4.2.1 shall be added to read in its entirety as follows:

101.4.2.1 Senior Inspector Qualifications. Senior Inspectors shall meet or exceed the requirements as set forth by the Manatee County Office of Human Resources. The Building Official may designate as shall be authorized from time to time, Senior Inspectors to administer the provisions of the Building, Electrical, Mechanical, Plumbing and Gas Codes. They shall have at least the years experience set forth in Florida State Statutes, Chapter 553, but no less than ten (10) years experience or equivalent, as an architect, engineer, inspector, contractor, superintendent or foreman, or any combination of these, for five (5) years of which shall have been in responsible charge of the work. Certification through a recognized certification program may be submitted for a portion of the training and experience requirements as set forth by the Manatee County Personnel Policy. A person appointed as Senior Inspector shall also meet all other conditions and requirements established by Manatee County and Florida State Statutes, Chapters 468 and 553.

6. Section 101.4.3 shall be amended to read in its entirety as follows:

101.4.3 Inspector Qualifications. A person shall not be appointed as inspector of construction who has not had at least five (5) years experience as a construction inspector, engineer, architect, or as a superintendent, foreman or competent mechanic in charge of construction in the appropriate trade. A person appointed as inspector shall also meet all other conditions and requirements established by Manatee County and Florida State Statutes, Chapters 468 and 553.

7. Section 101.4.4 shall be amended to read in its entirety as follows:

101.4.4 Deputy Building Official Qualifications. The Deputy Building Official, under the direction of the Building Official, shall administer the provisions of the Building, Electrical, Mechanical, Plumbing and Gas Codes. The Deputy Building Official shall meet or exceed the requirements as set forth by the Manatee County Office of Human Resources, and the provisions of Florida State Statutes, Chapters 468 and 553. The Deputy Building Official shall have at least ten (10) years experience or equivalent, as an architect, engineer, inspector, contractor, or superintendent of construction, or any combination thereof, for five (5) years of which he/she shall have been in responsible charge of work. He/She shall, during the absence or disability of the Building Official, exercise all the powers of the Building Official. He/She shall not be removed from office except in accordance with the Manatee County Personnel Policy.

8. Section 101.4.6 shall be amended to read in its entirety as follows:

101.4.6 Records. The Planning, Permitting and Inspections Department's Director shall keep, or cause to be kept, a record of the business of the department. The records shall be maintained and made available for public inspection in accordance with the laws of Florida.

9. **Section 101.4.7 shall be amended to read in its entirety as follows:**

101.4.7 Liability. Any County employee, as defined in Section 2-2-201 of the Manatee County Code of Laws, shall be covered in accordance with the provisions of the Manatee County Self-Insurance Ordinance, as set forth in Section 2-2 of the Code of Laws.

10. **Section 101.4.8 shall be amended to read in its entirety as follows:**

101.4.8 Reports. The Planning, Permitting and Inspections Director shall annually submit a report covering the work of the Building Division during the preceding year. He/She shall incorporate in said report a summary of the decisions of the Construction Codes Board of Appeals, and the Code Enforcement Board.

11. **Section 102.5 shall be amended to read in its entirety as follows:**

102.5 UNSAFE BUILDINGS.

Due to the increasing number of, and continued existence of habitual nuisances that occur in Manatee County, all buildings, structures, electrical, gas, mechanical or plumbing systems which are unsafe, unsanitary, or do not provide adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use, constitute a hazard to safety or health, are considered unsafe buildings or service systems. All such unsafe buildings, structures or service systems are hereby declared illegal and shall be abated by repair and rehabilitation or by demolition in accordance with the provisions of Appendix "Q" of this Ordinance, as may be amended from time to time by local ordinances.

12. **Section 103.2.3 shall be amended to read in its entirety as follows:**

103.2.3 Design Professional. The design professional shall be an architect or engineer legally registered under the laws of this state regulating the practice of architecture or engineering and shall affix his official seal to said drawings, specifications and accompanying date, for the following:

1. All Group A, E, and I occupancies.
2. Buildings and structures three stories or more high.
3. Buildings and structure 5,000 sq. ft. (465 m²) or more in area.

For all other buildings and structure, the submittal shall bear the certification of the applicant that some specific state law exception permits its preparations by a person not so registered.

EXCEPTION: Group R3 buildings, regardless of size, shall require neither a registered architect or engineer, nor a certification that an architect or engineer is not required.

In addition, in accordance with the 1991 Florida State Statutes, Chapter 481.229, no person shall be required to qualify as an architect in order to make plans and specifications for, or supervise the erection, enlargement, or alteration of:

1. Any building upon any farm for the use of any farmer, regardless of the cost of the building;
2. Any one-family or two-family residence building, townhouse, or domestic outbuilding appurtenant to any one-family or two-family residence, regardless of cost; or
3. Any other type of building costing less than \$25,000, except a school, auditorium, or other building intended for public use.
4. Engineering requirements for Mechanical, Electrical and plumbing systems, shall be as stated in Chapter 471 and 489 Florida Statutes.

13. Section 103.6.1 shall be amended to read in its entirety as follows:

103.6.1 Permit Intent. A permit issued shall be construed to be a license to proceed with the work, and not as authority to violate, cancel, alter or set aside any provisions of the technical codes or the Manatee county Comprehensive Plan or the Manatee Land Development Code, nor shall issuance of a permit prevent the Building Official from thereafter requiring a correction of errors in plans, construction, or violations of said code or ordinances.

14. A new Section 103.6.1.1 shall be added to read in its entirety as follows:

103.6.1.1 Permit expiration, Extensions and Time Frames. Every permit issued shall become invalid unless a portion of the man made structure authorized by such permit is permanently affixed to the site within six (6) months after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of six (6) months after the time work is commenced. Further, every permit issued shall become invalid unless all work authorized by such permit is completed within two (2) years after the date of issuance. Completion of authorized work is defined as the obtaining of either a Certificate of Occupancy or a Certificate of Completion, as appropriate, for that permit. Extensions of time, for periods of not more than ninety (90) days each, may be allowed for the permit by the Building Official where all authorized work is more than seventy-five percent (75%) completed and the permit holder has made a good faith attempt to complete the authorized work within the time frame provided. Requests for extensions shall be in writing for active permits only and all approvals of extensions shall be in writing by the Building Official.

15. Section 103.7.2 shall be amended to read in its entirety as follows:

103.7.2 If any person commences any work on a building or structure, or any electrical, gas, mechanical, or plumbing

system, before obtaining the necessary permit, that person shall be subject to the penalties as specified in the Manatee County Fee Schedule currently in effect, and any additional conditions as required by then applicable codes and ordinances of Manatee County.

16. Section 103.7.3 shall be amended to read in its entirety as follows:

103.7.3 Accounting. The Planning, Permitting, and Inspections Department Director shall keep a permanent and accurate accounting of all permit fees and other monies collected, the names of all persons upon whose account the same was paid, along with the date and amount thereof.

17. A new Section 103.8.6.1 shall be added which shall read in its entirety as follows:

103.8.6.1 The responsibility for notifying the Building Official to make inspections, shall be upon the licensed contractor, or his agent, for which the work applies.

18. Section 105.2.1 shall be amended to read in its entirety as follows:

105.2.1 Membership. The Construction Codes Board of Appeals should consist of seven members. Such Board Members should be composed of individuals with knowledge and experience in the technical codes, such as design professionals, contractors or building industry representatives.

19. Section 105.2.2 shall be amended to read in its entirety as follows:

105.2.2 Terms. The terms of office of the Board Members shall be staggered so no more than 1/3 of the Board is appointed or replaced in any 12 month period. Vacancies shall be filled for an unexpired term in the manner in which original appointments are required to be made. Continued absence of any member from required meetings of the Board shall, at the discretion of the applicable governing body, render any such member subject to immediate removal from office. Terms of office shall be for four (4) years, and any member whose term expires shall continue to serve until his or her successor is appointed.

20. Section 105.2.3 shall be amended to read in its entirety as follows:

105.2.3 Quorum and Voting. A simple majority of the Board shall constitute a quorum. In varying any provision of this or the technical codes, the affirmative votes of the majority present, but not less than three affirmative votes shall be required. In modifying a decision of the Building Official, not less than four affirmative votes, but not less than a majority of the Board, shall be required.

21. In Section 202, add these definitions to read as follows:

NEW CONSTRUCTION - for the purpose of this Ordinance only, construction activity for which the "start of construction" commenced on or after the effective date of this Ordinance.

22. In Section 202, these definitions shall be amended to read as follows:

FAMILY - Shall mean one (1) or more persons living together on a non-transient basis as a single, non-profit housekeeping unit in a dwelling unit, which group is comprised of:

1. A natural family of one (1) or more persons who are all related to each other by law, blood, marriage or adoption.
2. Two (2) or more persons so related (the natural family) and not more than four (4) persons who are not so related to persons in the natural family.
3. A group of not more than six (6) persons who are not so related.

TOWNHOUSE - a single family dwelling unit constructed in a row of attached units separated by property lines and with open space on at least two sides.

USABLE CRAWL SPACE - usable crawl space is one which is used for piping, wiring, or ductwork, and shall have a minimum clearance of eighteen inches (18") between the grade and the underside of structural members.

23. A new Chapter 10 shall be added which shall read in its entirety as follows:

Chapter 10

1001 Floodplain Construction Standards

The location of mechanical equipment within the limits of the 100-year floodplain shall comply with the Manatee County Floodplain Management Code, Ordinance 89-10, as amended, and the Manatee County Land Development Code, Ordinance 90-01, as amended, and other applicable regulations.

1001.1 - LOCATION

All heating, air conditioning and ventilation equipment including, but not limited to, air handlers, ducts, compressors, condensers, fans and similar equipment shall be located at or above the Base Flood Elevation (BFE) unless otherwise exempted by the Codes and Regulations of Section 1001.

24. Appendix "Q" shall be added as follows:

APPENDIX "Q"

STANDARD UNSAFE BUILDING ABATEMENT CODE

The 1985 Standard Unsafe Building Abatement Code, as amended as follows is hereby adopted as Appendix "Q" of the Manatee County Mechanical Code. " Within Appendix "Q" the following amendments and interpretations shall be incorporated."

- a. The phrase "Construction Codes Board of Appeal" shall be substituted for the term "Board of Adjustment and Appeals".

- b. Section 102.3 shall be amended to read in its entirety the same as Section 101.4.6 of the Manatee County Building Code.
- c. Section 105 shall be amended as applicable and shall be replaced with the existing format or requirements of the Construction Codes Board of Appeals.
- d. All definitions contained in Chapter 2 shall be interpreted as "Code Specific" for the Standard Unsafe Building Abatement Code only.
- e. Replace Sections 103.1.1, 103.1.2 and 103.1.3 with Sections 102.2.1 and 102.2 of the Standard Building Code.
- f. Delete Subsection 3.1 of Section 302.1.1, number 3.
- g. Delete Section 502 - Subpoenas.
- h. Add Section 702 as follows:

The owner of the real property on which an unsafe structure exists or which previously was the site of an unsafe structure shall be liable for the cost of any measures taken pursuant to the provisions of this code to abate the unsafe condition. The Building Official shall assess the cost of demolition, repair, rodent extermination, postage, publication, attorney fees, administrative costs and all other related costs, against the property owner. The assessment provided for in this section may be collected in the same manner as any lawful debt.

- 25. Appendix "R" shall be added as follows:

APPENDIX "R"

STANDARD HOUSING CODE

The 1991 Standard Housing Code, as amended as follows, is hereby adopted Appendix "R" of the Manatee County Mechanical Code. "Within Appendix "R" the following amendments and interpretations shall be incorporated."

- a. The phrase "Construction Codes Board of Appeal" shall be substituted for the terms "Board of Adjustments and Appeals" and "Housing Board of Adjustments and Appeals".
- b. Section 102.3 shall be amended to read in its entirety the same as Section 101.4.6 of the Manatee County Building Code.
- c. Section 106 shall be amended as applicable and shall be replaced with the existing format or requirements of the Construction Codes Board of Appeals.
- d. Section 202, the definition for "Abandoned Motor Vehicle" shall be deleted.
- e. All definitions contained in Chapter 2 shall be interpreted as "Code Specific" for the Standard Housing Code only.
- f. Replace Sections 103.1 and 104 with Sections 102.2.1 and 102.2.2 of the Standard Building Code.

- 26. The Administration of this Code shall be in accordance with Chapter 1 of this Code, as well as other policies and procedures established by Manatee County.

SUPPLEMENT NO. 1

OMISSIONS AND CORRECTIONS TO MANATEE COUNTY BUILDING CODES
(ORDINANCE 93-35, ORDINANCE 93-36, ORDINANCE 93-37,
ORDINANCE 93-38 AND ORDINANCE 93-39)

Amendment To Appendix "Q"
Standard Unsafe Building Abatement Code.

ADD:

- e. Replace Sections 103.1.1, 103.1.2 and 103.1.3 with Sections 102.2.1 and 102.2 of the Standard Building Code.
- f. Delete Subsection 3.1 of Section 302.1.1, number 3.
- g. Delete Section 502 - Subpoenas.
- h. Add Section 702 as follows:

The owner of the real property on which an unsafe structure exists or which previously was the site of an unsafe structure shall be liable for the cost of any measures taken pursuant to the provisions of this code to abate the unsafe condition. The Building Official shall assess the cost of demolition, repair, rodent extermination, postage, publication, attorney fees, administrative costs and all other related costs, against the property owner. The assessment provided for in this section may be collected in the same manner as any lawful debt.

Amendment To Appendix "R"
Standard Housing Code

ADD:

- f. Replace Sections 103.1 and 104 with Sections 102.2.1 and 102.2.2 of the Standard Building Code

STATE OF FLORIDA

COUNTY OF MANATEE

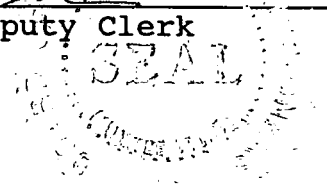
I, R. B. Shore, Clerk of Circuit Court, in and for the County of Manatee, State of Florida, do hereby certify that the foregoing is a true copy of an ORDINANCE adopted by the Board of County Commissioners of said County in session on the 23rd day of August, 1993, without attaching Appendix "Q," the Standard Unsafe Building Abatement Code, and "R," the Standard Housing Code, due to copyright laws (see attachment to Ordinance 93-35, the Standard Building Code.

ORDINANCE 93-37 AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, ADOPTING THE MANATEE COUNTY MECHANICAL CODE; REPEALING THE EXISTING MANATEE COUNTY MECHANICAL CODE, ORDINANCE 90-38; PROVIDING FOR PERIODIC REVIEW THEREOF; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

WITNESS My Hand and Official Seal this the 30th of August, 1993, in Bradenton, Florida.

R. B. Shore, Clerk of Circuit Court
Manatee County, Florida


By: Deputy Clerk





FLORIDA DEPARTMENT OF STATE

Jim Smith, Secretary of State
DIVISION OF ELECTIONS
Bureau of Administrative Code
The Elliot Building
Tallahassee, Florida 32399-0250
(904) 488-8427

FILED FOR RECORD
R.B. SHORE
CLERK CIRCUIT COURT
MANATEE COUNTY, FLORIDA

SEP 7 4 06 PM '93

September 2, 1993

Honorable R. B. "Chips" Shore
Clerk of the Circuit Court
Manatee County Courthouse
Post Office Box 1000
Bradenton, Florida 34206

Attention: Richard Ashley, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge your letter of August 30, 1993 and certified copies of Manatee County Ordinance Numbers 93-35 through 93-39, together with the Reference Books and Exhibits relating to the Building Code, Plumbing Code, Mechanical Code, Electrical Code and the Gas Code. These ordinances were received and filed in this office on September 2, 1993. (93-37)

The duplicate copies showing the filing date are being returned for your records.

Sincerely,

Liz Cloud, Chief
Bureau of Administrative Code

LC/mb

Enclosures (10)
(5 Ords. & 5 Books)