

Chapter 5.5 - BUILDING AND BUILDING REGULATIONS

Footnotes:

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Editor's note— At the county's request Ord. No. 03-15, §§ 1—16, adopted Aug. 19, 2003 which pertains to building codes was included, the ordinance did not specify manner of codification, hence inclusion of these provisions as Ch. 5.5, §§ 5.5-31—5.5-46 was at the discretion of the editor.

ARTICLE I. - IN GENERAL

Secs. 5.5-1—5.5-30. - Reserved.

ARTICLE II. - BUILDING CODE

Footnotes:

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Editor's note— Ord. No. 05-28, § 11, adopted Sept. 20, 2005, repealed former Ord. No. 03-15, adopted Aug. 19, 2003, and Ord. No. 03-18, adopted Sept. 16, 2003, from which former §§ 5.5-31—5.5-46 were derived. Ord. No. 05-28, §§ 1—10, enacted new provisions pertaining to similar subject matter designated by the editor as §§ 5.5-31—5.5-40.

Sec. 5.5-31. - Adoption of codes.

- (a) *(FBC 101.5) Adoption of code.* As of the effective date [October 1, 2005] of this article, the 2017 Florida Building Code shall govern the design construction, alteration, modification, repair, or demolition of public or private buildings, structures, or facilities in Marion County.
- (b) *(FBC 101.6) Automatic update of code.* Sixty (60) days after adoption of supplements, amendments, or revisions to the codes specified herein, this article shall be deemed automatically amended to include such supplements, amendments, or revisions, without necessity of amending this article, it being the intent of the board to require compliance with the most current provisions of said codes. Nothing herein shall be construed to require construction for which a permit has already been issued to comply with such supplements, amendments, or revisions unless such supplement, amendment or revision specifically states that it is intended to apply to construction in progress.
- (c) *(FBC 116) Unsafe structures and equipment.* As of the effective date of this article, this code, as the same may be amended from time to time, shall govern the abatement of unsafe buildings and equipment except the following provisions are deleted or amended:
 - (1) Section 116.1 of the code shall read as follows:

Unsafe building abatement. 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 the Marion County Code.

(FBC 116.2) Authority. The building official shall inspect or cause to be inspected any building, structure or portion thereof which is or may be unsafe. The building official or his authorized representative may enter any building, structure or premises at all reasonable time to make an inspection or enforce any of the provisions of this code.

When entering a building, structure or premise that is occupied, the building official shall first identify himself, present proper credentials and request entry. If the building, structure or premise is unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge of the building and demand entry. If entry is refused, the building official or his authorized representative shall have recourse to every remedy provided by law, including an inspection warrant, to secure entry.

After the building official has inspected or caused to be inspected a building, structure, or portion thereof is unsafe, he shall initiate proceedings to cause the abatement of the unsafe condition by repair, vacation or demolition or combination thereof.

(FBC 116.3) Notice. The building official shall prepare and issue a notice of unsafe building directed to the owner of records of the building or structure. The notice shall contain, but not be limited to, the following information:

1. The street address and legal description of the building, structure or premise.
2. A statement indicating the building or structure has been declared unsafe by the building official, and a detailed report documenting the conditions determined to have rendered the building or structure unsafe under the provisions of this code.
3. A statement advising that if the following required actions as determined by the building official is not commenced within or completed by the time specified, the building will be ordered vacated and posted to prevent further occupancy until the work is completed and the building official may cause the work to be done and all costs incurred charged against the property or the owner of record.
 - a. If the building or structure is to be repaired, the notice shall require that all necessary permits be secured and the work commenced within 60 days and continued to completion within such time as the building official determines. The notice shall also indicate the degree to which the repairs must comply with the provisions of the Florida Building Code.
 - b. If the building or structure is to be vacated, the notice shall indicate the time within which vacation is to be completed.
 - c. If the building or structure is to be demolished, the notice shall require that the premises be vacated within 60 days, that all required permits for demolition be secured and completed within such time as determined reasonable by the building official.
4. A statement that the Building Official has the authority to authorize disconnection of utility service to any structure where necessary to eliminate an immediate hazard to life or property or when such utility connection was made without proper authorization.
5. A statement advising that any person having any legal interest in the property may appeal the notice by the building official to the Marion County Code Enforcement Board; and that such appeal shall be in writing with the building official within 30 days from the date of the notice and that failure to appeal in the time specified may constitute a waiver of all rights to an administrative hearing. If an appeal is not

timely filed, the building official shall issue a notice that the building official's determination of an unsafe building shall become final, and repairs or demolition will be commenced 30 days from the date of this notice.

6. A statement advising it shall be unlawful for any person, firm, corporation, or other entity, or any agent thereof, to remove, deface or destroy the Notice of Unsafe Building and Notice of Violation without permission, or for any person to enter or otherwise occupy the building except for the purpose of making the required repairs or demolishing the building or structure based on applicable permitting and approvals by the building official.

(FBC 116.4) Lien. Whenever a building or structure is repaired or demolished in accordance with the provisions of this code, and the costs of such repair or demolition is borne by the County, the cost of such repair or demolition, including all related administrative, advertising, and notice, shall be charged against the land on which the building or structure existed as a lien or may be recovered in a suit at law against the owner. Any lien shall bear interest from the date of filing at the interest rate in effect on that date as set by the Chief Financial Officer pursuant to Florida Statutes 55.03 and such interest rate shall be adjusted annually on January 1 of each year and shall remain a lien coequal with that of county ad valorem taxes and superior to all other liens, titles, and claims until paid.

(FBC 116.5) Requirements not covered by code. Any requirements necessary for the strength, stability or proper operation of an existing or proposed building, structure, electrical, gas, mechanical or plumbing system, or for the public safety, health and general welfare, not specifically covered by this or the other technical codes, shall be determined by the building official.

(Ord. No. 05-28, § 1, 9-20-2005; Ord. No. 18-25, § 1, 11-6-2018; Ord. No. 20-21, § 1, 7-21-2020)

Sec. 5.5-32. - Designation of building department and building official.

- (a) *(FBC 103.1) [F.S. 468.604]* There is hereby established a department to be called the building safety department and the person in charge shall be known as the building official. The Marion County Building Official is responsible for interpreting and enforcing the Florida Building Code and this article. An officer or employee of the department shall not be financially interested in the furnishing of labor, material, or appliances for the construction, alteration, or maintenance of a building, structure, service, system, or in the making of plans or of specifications thereof, unless he is the owner of such. Such officer or employee shall not engage in any other work which is inconsistent with his duties or conflict with the interest of the department.
- (b) *(FBC 103.2) [F.S. 468.609] Employee qualifications.*
 - (1) Building official qualifications. The building official shall be licensed as a building code administrator by the State of Florida.
 - (2) Employee qualifications. A person shall not be appointed or hired as an inspector or plans examiner unless that person meets the qualifications for licensure as an inspector or plans examiner, in the appropriate trade as established by the State of Florida.
- (c) *(FBC 104.2.1) Public right-of-way.* A permit shall not be given by the building official for the construction of any building, or for the alteration of any building where said building is to be changed and such change will affect the exterior walls, bays, balconies, or other appendages or projections fronting on any street, alley or public lane, or for the placing on any lot or premises of any building or structure removed from another lot or premises, unless the applicant has made application for right of way permits from the authority having jurisdiction over the street, alley or public lane.

(d) Section 104.1 is hereby created and added to read as follows:

(104.1) General. 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. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code, and shall not have the effect of waiving requirements specifically provided for in this code.

(Ord. No. 05-28, § 2, 9-20-2005; Ord. No. 18-25, § 1, 11-6-2018)

Sec. 5.5-33. - Application for permits.

- (a) *(FBC 109.3) Building permit valuations.* When, in the opinion of the building official, the evaluation of building, alteration, structure, electrical, gas, mechanical or plumbing systems appears to be underestimated on the application, the permit shall be denied, unless the applicant can show detailed estimates to meet the approval of the building official. Permit valuations shall include total cost, such as electrical, gas, mechanical, plumbing equipment and other systems, including materials and labor. The permit valuation may be calculated using the *Latest Building Valuation Data* published by the International Code Conference or other applicable model code organization, at the option of the building official.
- (b) *(FBC 105.3) Application forms.* The application for any permits required by the Florida Building Code shall be made to the Marion County Building Official on forms to be provided by the building official. No person, firm, or corporation shall allow the use of its name to obtain a permit, except, however, a certified or registered building contractor or registered business organization may authorize or designate persons to apply for permits by filing with the building official a written, notarized statement indicating the relationship of the named persons to the contractor or organization and is authorized to procure permits and sign required documents in the name of said contractor or organization and indicating the competency number of the contractor or registered business organization. An agent of a contractor may not sign a contractor certification of compliance with wind resistance provisions of the code form.
- (c) *(FBC 105.3.2) Permitting privileges.* In the event a permit has expired or any inspection or other fees are delinquent, or in the event a contractor fails to obtain any necessary inspections before a permit expires, the building official is authorized to refuse to issue any new permits to such contractor. One or more extensions of time, for periods not more than ninety (90) days each, may be allowed for the permit. The extension shall be requested in writing and justifiable cause demonstrated. Extensions shall be in writing by the building official.
- (d) *(FBC 105.6.1) Revocation of permits.* The building official is authorized to suspend or revoke a permit issued under the provisions of this code whenever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of, or not in conformity with any ordinance or regulation or any provisions of this code.
- (e) *(FBC 105.4.1.5) Warranty disclaimer.* The inspection or permitting of any building, system or plan by the jurisdiction under the requirements of this code shall not be construed in any court as a warranty of the physical condition of such building, system or plan or their adequacy.
- (f) *(FBC 105.4.1.6) Rules of construction.* The rules set out in this section shall be observed, unless such construction is inconsistent with the manifest intent of this chapter. The rules of construction and definitions set out here shall not be applied to any section of this chapter which contains any express provisions excluding such construction, or where the subject matter or content of such section would be inconsistent with this section.

Generally. The provisions of this article shall be liberally construed in order to effectively carry out the purposes of this article. Terms used in this article, unless otherwise specifically provided, shall have the meanings prescribed by the statutes of this state for the same terms.

- (2) *Text.* In case of any difference of meaning or implication between the text of this division and any figure or illustration, the text shall control.
- (3) *Delegation of authority.* Whenever a provision appears requiring the building official or some other officer or employee to do some act or perform some duty, it is to be construed to authorize the building official or other officer to designate, delegate and authorize professional level subordinates to perform the required act or duty unless the terms of the provision or section specify otherwise.
- (g) *(FBC 102.2.5) Work Exempt from Permit.* Each enforcement district shall at its own option, adopt rules granting to the owner of a single-family residence one or more exemptions from the Florida Building Code. To qualify for the exemption, the owner shall be required to submit a Request for Permitting Exemption Form with a copy of the contract, if applicable, to the Building Safety Department when the costs exceed \$2,500 and the appropriate fee is paid. Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or the Florida Building Code. The following rules have been established for unincorporated Marion County based upon Section 102.2.5 of the Florida Building Code:
 - (a) Repairs performed by the property owner upon his or her own property are exempt from permitting.
 - (b) Addition, alteration, or repairs by a nonowner provided the total cost shall not exceed \$5,000 within any 12-month period. Permits are required for the following:
 - i. Residential inground/above ground pools
 - ii. Demolition including mobile home removal
 - iii. Gas-natural or propane other than like for like water heater replacements
 - iv. Irrigation system up to the back flow device
 - v. Residential Electric other than like for like water heater replacements, repair of outlets up to 25 amps, repair of switches up to 25 amps, repair of lights or fans of up to 25 amps, low voltage wiring and security alarms
 - vi. HVAC change out over \$2,500 (materials and labor)
 - vii. FL DCA Pre-fabricated sheds over 160 sq. ft.
 - viii. Any structural beam changes
 - (c) *Building and inspection fees.* Inspection fees for water heater replacement are not required.

However, the exemptions under sub-paragraphs (a), (b), and (c) do not apply to single-family residences that are located in mapped flood hazard areas, as defined in the code, unless the building official has determined that the work, which is otherwise exempt, does not constitute a substantial improvement, including the repair of substantial damage, of such single-family residences.

(h) *(FBC 201.4) Words not defined.*

- (1) Words not defined herein shall have the meaning stated in the Florida Statutes or other nationally recognized codes, or other documents, manuals or standards adopted elsewhere in this article.

(2)

In case of a conflict in definitions or codes, the appropriate definition (or code) to be applied shall be the one applicable to the trade in question. In case of a conflict between different parts of this code; conflicts within the same code; or conflicts between codes; the more stringent requirements shall apply.

(i) *(FBC 202) Words Defined.*

(1) *Abandon or abandonment.*

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

(2) *Addition.* An extension or increase in floor area, number of stories or height of a building or structure.

(3) *Approved.* Acceptable to the Building Official.

(4) *Alteration.* Any construction or renovation to an existing structure other than repair or addition.

(5) *Assessed value.* The value of real property and improvements thereon as established by the county property appraiser.

(6) *Authorized agent.* A person specifically authorized by the holder of a certificate of competency to obtain permits in his stead.

(7) *Board.* License review board, unless otherwise specifically stated.

(8) *Building component.* An element or assembly of elements integral to or part of a building.

(9) *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.

(10) *Building system.* A functionally related group of elements, components and equipment, such as the electrical, plumbing and mechanical systems of a building.

(11) *Certification.* The act or process of obtaining a certificate of competency from the county through the review of the applicant's experience and financial responsibility as well as successful passage of an examination.

(12) *Certificate of competency (certificate).* An official document evidencing that a person is qualified to engage in the business of contracting, subcontracting or the work of a specific trade.

(13) *Certificate of experience.* An official document evidencing that an applicant has satisfied the work experience requirements for a certificate of competency.

(14) *Certificate of occupancy (C.O.).* An official document evidencing that a building satisfies the requirements of the jurisdiction for the occupancy of a building.

(15) *Certified contractor.* Any contractor who possesses a certificate of competency issued by the Department of Professional Regulation of the State of Florida.

(16) *Change of occupancy.* A change from one building code occupancy classification or subclassification to another.

(17) *Code enforcement officer.* Any authorized agent or employee of the County whose duty it is to ensure code compliance including license and permitting investigators.

(18) *Commercial building.* Any building, structure, improvement or accessory thereto, other than a one- or two-family dwelling.

- (19) *Cumulative construction cost.* The sum total of costs associated with any construction work done to a building or structure either at one (1) time or at different times within a specified period of time.
- (20) *Demolition.* The act of razing, dismantling or removal of a building or structure, or portion thereof, to the ground level.
- (21) *Examination.* An exam prepared, proctored and graded by a recognized testing agency unless otherwise implied in context or specifically stated otherwise.
- (22) *Farm.* For the purpose of qualifying for exemption from the provisions of the Florida Building Code per FBC 104 (c), farm means the land, buildings, buildings, support facilities, machinery, and other appurtenances used in the production of farm or aquaculture products.
- (23) *Farm product.* Any plant, as defined in S-581-011, or animal useful to humans and includes, but is not limited to, a product derived therefrom.
- (24) *FCILB.* The Florida Construction Industry Licensing Board.
- (25) *Imminent danger.* Structurally unsound conditions of a structure, or portion thereof, that is likely to cause physical injury to a person entering the structure: or, due to structurally unsound conditions, any portion of the structure is likely to fall, be carried by the wind, or otherwise detach or move, and in doing so cause physical injury or damage to a person on the property or to a person or property nearby: or, the condition of the property is such that it harbors or is inhabited by pests, vermin, or organisms injurious to human health, the presence of which constitutes an immediate hazard to people in the vicinity.
- (26) *Inspection warrant.* A court order authorizing the official or his designee to perform an inspection of a particular property named in the warrant.
- (27) *Intensification of use.* An increase in capacity or number of units of a residential or commercial building.
- (28) *Interior finish.* The preparation of interior spaces of a commercial building for the first occupancy thereof.
- (29) *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.
- (30) *Owner's agent.* A person, firm or entity authorized in writing by the owner to act for or in place of the owner.
- (31) *Permit.* An official document authorizing performance of a specific activity regulated by this chapter.
- (32) *Permit card or placard.* A document issued by the jurisdiction evidencing the issuance of a permit and recording of inspections.
- (33) *Registered contractor.* A contractor who has registered with the Department of Professional Regulation of the State of Florida pursuant to fulfilling the competency requirements of the local jurisdiction.
- (34) *Remodeling.* Work which changes the original size, configuration or material of the components of a building.
- (35) *Repair.* The reconstruction, renewal or replacement of any part of an existing building for the purpose of its maintenance or to correct damage.
- (36) *Residential building.* Any one- or two-family building or accessory structure.
- (37) *Roofing.* The installation of roof coverings.
- (38) *Shall, may.* The word "shall" is mandatory; "may" is permissive. The word "shall" takes precedence over "may".
- (39) *Spa.* Any constructed or prefabricated pool containing water jets.
- (40)

Specialty contractor. A contractor whose services do not fall within the categories specified in F.S. § 489.105(3), as amended.

- (41) *Start of construction:*
 - a. *Site.* The physical clearing of the site in preparation for foundation work including, but not limited to, site clearing, excavation, de-watering, and pilings.
 - b. *Building.* The removal, disassembly, repair, replacement, installation or assembly of the building, structure, building system or building components in whole or parts thereof.
- (42) *Stop work order.* An order by the building official, or his designee, which requires the immediate cessation of all work and work activities described in the order.
- (43) *Structural component.* Any part of a system, building or structure, load bearing or non-load-bearing, which is integral to the structural integrity, therefore, including but not limited to walls, partitions, columns, beams and girders.
- (44) *Structural work or alteration.* The installation or assembling of new structural components into a system, building or structure. Also, any change, repair or replacement of any existing structural component of a system, building or structure.
- (45) *Substantial completion.* Where the construction work has been sufficiently completed in accordance with the applicable city, state and federal codes, so that the owner can occupy or utilize the project for the use for which it is intended.
- (46) *Value.* Job cost.
- (47) *Year.* The word "year" shall mean a calendar year unless a fiscal year is indicated.
- (j) *(FBC 105.4.1.7) Expiration of demolition permits.* Permits issued for the demolition of a structure shall expire sixty (60) days from the date of issuance. For a justifiable cause, one (1) extension of time for a period not exceeding thirty (30) days may be allowed. Such request shall be in writing to the building official.
- (k) *(FBC 105.4.1.8) Crawl space requirements.*
 - (1) Prior to the issuance of a certificate of occupancy, all structures having a crawl space shall have the crawl space enclosed on all sides in accordance with this article.
 - (2) The enclosure material shall constitute a visual screen and be designed and installed to provide continuous ventilation, to be securely fastened in place so as to prevent animals from accessing the under floor of the structure, and to cover the intervening space between the perimeter walls of the structure and grade level below. The enclosure material shall be constructed of a tested and approved durable material such as aluminum, pressure-treated wood, masonry, vinyl or other material normally used to enclose the crawl space of structures. The enclosure material shall be installed in accordance with the manufacturer's instructions, if available. If manufacturer's instructions are not available, then the material shall be installed in accordance with the current building code.
 - (3) The crawl space shall be provided with access openings and proper ventilation as specified in the Florida Building Code. Ventilation shall not be less than one (1) square foot for each one hundred fifty (150) square feet of crawl space, or by design, whichever is greater. All ventilation openings shall be protected with a mesh or perforation not larger than one-half inch. Crawl spaces shall provide for drainage to prevent water or moisture from accumulating in such spaces.
 - (4) Replacement or new enclosure material shall meet the same standards as set forth above.

- (l) *(FBC 105.4.1.9) Finished floor elevation.* All habitable structures shall have a minimum finished floor elevation eight (8) inches above finished grade and graded away from the structure for storm water runoff. Exception: porches, patios, carports, garages, screen rooms may be four (4) inches above finish grade. In areas outside of flood hazard areas as specified in Marion County Land Development Code, this provision may be waived by the building official upon department review of documentation or site inspection demonstrating adequate site drainage.
- (m) *(FBC 105.4.1.10) Individual stormwater drainage plan.* At the time of permit application, an individual stormwater drainage plan must be submitted for all new structures or additions to existing structures. The individual stormwater drainage plan must show compliance with either the master drainage plan for the entire development, or when no master stormwater drainage plan is on file, accepted stormwater design criteria as detailed in the Marion County Land Development Code. In any case, the individual drainage plan must show how excess storm water runoff, not absorbed or stored on site, will be carried to an acceptable storm water retention area, when such a feature is available, or existing drainage ditch.
- (n) *(FBC 105.4.1.11) Stormwater runoff during construction.* All stormwater runoff increase during construction and following must be kept on site or directed to swales, ditches or piping to approved drainage areas. Erosion control shall be used to prevent uncontrolled runoff from the site.
- (o) The Florida Building Code, Residential is hereby amended by the following technical amendments.

R322.2.1 Elevation requirements.

1. Buildings and structures in flood hazard areas not designated as Coastal A Zones shall have the lowest floors elevated to or above the base flood elevation plus 1 foot or the design flood elevation, whichever is higher.
2. Buildings and structures in flood hazard areas designated as Coastal A Zones shall have the lowest floors elevated to or above the base flood elevation plus 1 foot (305 mm), or to the design flood elevation, whichever is higher.
3. In areas of shallow flooding (AO Zones), buildings and structures shall have the lowest floor (including basement) elevated at least as high above the highest adjacent grade as the depth number specified in feet on the FIRM plus 1 foot, or at least 3 feet if a depth number is not specified.
4. Basement floors that are below grade on all sides shall be elevated to or above the base flood elevation plus 1 foot or the design flood elevation, whichever is higher.

Exception: Enclosed areas below the design flood elevation, including basements whose floors are not below grade on all sides, shall meet the requirements of Section R322.2.2.

R322.2.2 Enclosed areas below design flood elevation. Enclosed areas, including crawl spaces, that are below the design flood elevation shall:

1. Be used solely for parking of vehicles, building access or storage. The interior portion of such enclosed areas shall not be partitioned or finished into separate rooms except for stairwells, ramps, and elevators, unless a partition is required by the fire code. The limitation on partitions does not apply to load bearing walls interior to perimeter wall (crawl space) foundations. Access to enclosed areas shall be the minimum necessary to allow for the parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the building (stairway or elevator).

Remainder unchanged

(p) The Florida Building Code, Building is hereby amended by the following technical amendments:

1612.4.1 Additional requirements for enclosed areas. In addition to the requirements of ASCE 24, enclosed areas below the design flood elevation shall not be partitioned or finished into separate rooms except for stairwells, ramps, and elevators.

(Ord. No. 05-28, § 3, 9-20-2005; Ord. No. 09-23, § 1, 8-4-2009; Ord. No. 17-08, § 3(Exh. A), 4-11-2017; Ord. No. 18-25, § 1, 11-6-2018; Ord. No. 20-21, § 1, 7-21-2020)

Sec. 5.5-34. - Construction documents.

- (a) *(FBC 107.1.2) Additional data.* The building official shall be allowed to require details, compensations, stress diagrams, and other data necessary to describe the construction or installation and the basis of calculations.
- (b) *(FBC 107.1.2.1) Site drawings.* The building official may require a boundary line survey prepared by a qualified surveyor whenever the boundary lines cannot be readily determined in the field.
- (c) *(FBC 107.1.3) Hazardous occupancies.* The building official may require the following:
 - (1) *General site plan.* A general site plan drawn at a legible scale which shall include, but not be limited to, the location of all buildings, exterior storage facilities, permanent access ways, evacuation routes, parking lots, internal roads, chemical loading areas, equipment cleaning areas, storm and sanitary sewer accesses, emergency equipment and adjacent property uses. The exterior storage areas shall be identified with the hazard classes and the maximum quantities per hazard class of hazardous materials stored.
 - (2) *Building floor plan.* A building floor plan drawn to a legible scale, which shall include, but not be limited to, all hazardous materials storage facilities within the building and shall indicate rooms, doorways, corridors, exits, fire rated assemblies with their hourly rating, location of liquid tight rooms, and evacuation routes. Each hazardous materials storage facility shall be identified on the plan with the hazard classes and quantity range per hazard class of the hazardous materials stored.
- (d) *(FBC 107.1.4) Additional data for manufactured/mobile homes.* Permit applications for manufactured/mobile homes shall include:
 - (1) Site requirements:
 - a. Setback/separation (property lines, well, and other structures);
 - b. Location of septic tanks (if applicable);
 - c. Location and size of driveway apron.
 - (2) Structural:
 - a. Wind zone data plate location;
 - b. Floor plan;
 - c. Anchoring;
 - d. Blocking;
 - e. Location of longitudinal anchors;
 - f. Soil density test results and location (penetrometer test 6 locations);
 - g. Crawl space skirting plan showing size of ventilation and access;
 - h. Used mobile home inspection standards form when applicable.

(Ord. No. 05-28, § 4, 9-20-2005; Ord. No. 18-25, § 1, 11-6-2018)

Sec. 5.5-35. - Fees and penalties.

- (a) *(FBC 109.2) Fee schedule.* The board of county commissioners is authorized to establish, by resolution, fees and penalties for the administration and enforcement of the Florida Building Code and this ordinance.
- (b) *(FBC 109.4) Work commencing before permit issuance.* This provision shall not apply to emergency work when delay would clearly have placed life or property in imminent danger. But in all such cases the required permit must be obtained within three (3) business days and any unreasonable delay in obtaining those permit shall result in the charge of a double fee. The payment of a double fee shall not preclude or be deemed a substitute for prosecution for commencing work without first obtaining a permit. The building official may grant extensions of time or waive fees when justifiable cause has been demonstrated in writing.
- (c) *Refunds or reduction of building permit fees.* The building official may grant a full refund, partial refund or reduction of a building permit fee when justifiable cause has been demonstrated in writing. No permitting, plan review or administrative costs already incurred shall be refunded or reduced. Any and all requests for refunds shall be made within one year of payment of the initial fees.

(Ord. No. 05-28, § 5, 9-20-2005; Ord. No. 18-25, § 1, 11-6-2018; Ord. No. 20-21, § 1, 7-21-2020)

Sec. 5.5-36. - Inspections.

- (a) *(FBC 110.1.1) Manufacturers and fabricators.* When deemed necessary by the building official, he shall make, or cause to be made, an inspection of materials or assemblies at the point of manufacture or fabrication. A record shall be made of every such examination and inspection and of all violations of the technical codes.
- (b) *(FBC 110.3) Building inspections.* The following inspections shall be added to those inspections listed under the Florida Building Code.
 - (1) *Slab inspection:* To be made after the reinforcement is in place, all concealed conduit, piping, ducts and vents are installed and the electrical, plumbing and mechanical work is complete. Slab shall not be poured until all required inspections have been made and passed. In addition, when the structure served is below the flood elevation of the serving utility sewer system pumping station, a backflow valve shall be installed on the exterior sewer line prior to the building sewer entering the structure.
 - (2) *Insulation inspection:* To be made after the framing inspection is approved and the insulation is in place.
 - (3) *Foundation survey:* A foundation survey prepared and certified by a registered surveyor shall be required for all new construction prior to approval of the framing inspection. The survey shall certify placement of the building on the site, illustrate all surrounding setback dimensions and shall be available at the job site for review by the building inspector. In lieu of providing a survey, the contractor may elect to uncover all property line markers and string-up all property lines in preparation for inspection.
 - (4) *Driveway and right-of-way apron requirements which abut a paved road:*
 - a. Right-of-way aprons from the edge of the road to the property line shall conform to engineering department and land development code requirements and shall be reviewed and inspected by the office of the county engineer.
 - b. The remainder of the driveway shall continue from the apron, or curb and gutter, including those in a private road subdivision, to the home. The driveway shall be a minimum of ten (10) feet wide four-inch thick formed and poured concrete, or six-inch thick compacted lime rock base with one and one-fourth-

inch asphalt surface.

- (5) *Stormwater drainage plan compliance:* Each residential site shall be inspected for compliance with the individual stormwater drainage plan in conjunction with other structural inspections. Each commercial site shall be inspected for compliance with the individual stormwater drainage plan separately in conjunction with other inspections required by the Marion County Transportation Department.
- (c) *(FBC 110.3.13) Site debris.*
- (1) 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 must not remain on the property for a period of time exceeding fourteen (14) days.
 - (2) All debris shall be kept in such a manner as to prevent it from being spread by any means.
- (d) *(FBC 110.5.1) Right of entry.*
- (1) Whenever necessary to make an inspection to enforce any of the provisions of this code, or whenever the building official has reasonable cause to believe that there exists in any building or upon any premises any condition or code violation which makes such building, structure, premises, electrical, gas, mechanical or plumbing systems unsafe, dangerous or hazardous, the building official may enter such building, structure or premises at all reasonable times to inspect the same or to perform any duty imposed upon the building official by this code. If such building or premises are occupied, he shall first present proper credentials and request entry. If such building, structure, or premises are unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of such and request entry. If entry is refused, the building official shall have recourse to every remedy provided by law to secure entry.
 - (2) When the building official shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other persons having charge, care or control of any building, structure, or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the building official for the purpose of inspection and examination pursuant to this code.
- (e) *(FBC 110.6.1) Permit extension.* Failure to obtain an approved inspection within one hundred eighty (180) days of permit issuance or a previous approved inspection shall constitute suspension or abandonment. One (1) or more extensions of time, for periods not more than ninety (90) days each, may be allowed by the building official for the permit, provided the extension is requested in writing and justifiable cause is demonstrated prior to the expiration date. The building official shall record the extension of time granted.
- (f) *(FBC 110.9) Inspection service.* The building official may make, or cause to be made, the inspections required by Section 105 of the Florida Building Code. He may accept reports of inspectors of recognized and approved inspection services, provided that after investigation he is satisfied as to their qualifications and reliability. A certificate called for by any provision of the technical codes shall not be based on such reports unless the same are in writing and certified by a responsible officer of such service.
- (g) *(FBC 110.10) Existing building inspections.* Before issuing a permit, the building official may examine, or cause to be examined, any building, electrical, gas, mechanical, or plumbing systems for which an application has been received for a permit to enlarge, alter, repair, move, demolish, install, or change of occupancy.

(h)

(FBC 111.2.1) Certificate of occupancy. The building official is authorized to withhold the issuance of a certificate of occupancy for any structure if the requirements of the site plan approved by the development review committee (DRC) have not been completed, and any final holds placed on the permit by county departments are cleared. Additionally, a certificate of occupancy shall not be issued where a habitable structure, whether residential or commercial, is not connected to the serving utility water and/or sewer service, or served by an approved well and/or septic system.

(Ord. No. 05-28, § 6, 9-20-2005; Ord. No. 07-01, § 1, 1-23-2007; Ord. No. 18-25, § 1, 11-6-2018)

Sec. 5.5-37. - Service utilities.

(FBC 112.2) Preliminary power release. Approval for the connecting of electrical service may be granted, at the discretion of the building official, for testing and construction purposes, provided a letter from the contractor or the owner of the premises is supplied to the Marion County Building Department stating that it is understood that this electrical service is temporary and the premises cannot be occupied and that permanent electrical service cannot be authorized until a certificate of occupancy or completion has been issued.

(Ord. No. 05-28, § 7, 9-20-2005; Ord. No. 18-25, § 1, 11-6-2018)

Sec. 5.5-38. - Tests.

(FBC 104.11.2 and 1703) Tests. For products not covered under the statewide product evaluation and approval system, the building official may require tests or test reports as proof of compliance. Required tests are to be made at the expense of the owner, or his agent, by an approved testing laboratory or other approved agency.

(Ord. No. 05-28, § 8, 9-20-2005; Ord. No. 18-25, § 1, 11-6-2018)

Sec. 5.5-39. - Wind loads.

(FBC 1609.1.1) For purposes of compliance with Section 1609 of the Florida Building Code, the following shall be the wind load criteria for Marion County, however, in no case shall the wind load be below one hundred twenty (120) mph (risk category of buildings and other structures are contained in Table 1604.5):

- (1) Figure 1609.3(1) Ultimate Design Wind Speeds, for Risk Category II Buildings and Other Structures.
- (2) Figure 1609.3(2) Ultimate Design Wind Speeds, for Risk Category III and IV Buildings and Other Structures.
- (3) Figure 1609.3(3) Ultimate Design Wind Speeds, for Risk Category I Buildings and Other Structures.

(Ord. No. 05-28, § 9, 9-20-2005; Ord. No. 18-25, § 1, 11-6-2018)

Sec. 5.5-40. - Specific requirements for residential structures in areas with R-1 zoning classifications.

(FBC 105.16) Notwithstanding anything to the contrary, the following requirements shall apply to all residential structures in R-1 zoning classifications:

- (1) Foundations meeting local adopted building codes shall be stem wall, monolithic slab or pier construction. All crawl spaces shall be fully enclosed with stucco, brick or masonry with proper ventilation and access openings.
- (2) All entry steps meeting local adopted building codes on the exterior of homes shall be of concrete construction.
- (3)

The minimum dimension of the end wall shall be not less than twenty-four (24) feet, with the total square footage of conditioned space not less than one thousand (1,000) square feet. The square footage requirement does not include garages, carports, porches, utility rooms, screen rooms, etc.

(4) When a garage or carport is installed it shall be required to have the minimum dimensions of ten (10) feet × twenty (20) feet for a single and twenty (20) feet × twenty (20) feet for a double. Carports shall be attached to the home whereas garages may be detached. Both carports and garages shall be constructed of the same material as the home.

(5) The minimum pitch of the main roof shall be 4/12 .

(Ord. No. 05-28, § 10, 9-20-2005; Ord. No. 18-25, § 1, 11-6-2018)

Secs. 5.5-41—5.5-60. - Reserved.

ARTICLE III. - LICENSING OF CONTRACTORS

Sec. 5.5-61. - Licenses generally.

Definitions. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. For purposes of this article, the term "contractor" shall mean either a "Contractor" as defined in F.S. §§ 489.105(3) or 489.505, or an individual who is registered pursuant to this chapter. In the event of any question regarding particular types of work, the common practice in the industry shall prevail.

(1) *Concrete contractor* means a contractor whose services are limited to concrete work, including formwork, placement of steel reinforcement, batching, mixing, delivery, placing, finishing, and curing.

(2) *Masonry contractor* means a contractor whose services are limited to the selection, cutting and laying of brick, stone, and masonry products. This includes structural glass brick or block, insulated concrete units, and the placement of reinforcing steel, including concrete forming and placing incorporated into the masonry work.

(3) *Carpentry contractor* means a contractor whose services are limited to light and heavy carpentry, rough framing, trusses, sheathing, metal framing, paneling, trim, cabinetry, doors, windows, stairs, and incidental hardware.

(4) *Aluminum contractor* means a contractor whose services are limited to fabrication installation, repair, alteration, extension and erection of aluminum carports, utility rooms, screen rooms, pool enclosures, vinyl rooms, soffit and siding, and other aluminum installation. Aluminum contractors may perform the above described work for residential use only. Aluminum contractors are not authorized to perform electrical, mechanical, plumbing or roofing work (except for aluminum roofs) and shall subcontract all such work. Aluminum contractor is divided into two (2) classes as follows:

a. Aluminum A is authorized to perform limited concrete work incidental to these structures for footings and slabs.

b. Aluminum B is not authorized to perform any foundation or slab work incidental to the construction being performed.

(5)

Irrigation contractor means either a state licensed plumbing contractor or a contractor who has the knowledge of the installation, repair, and maintenance of irrigation systems, including excavation, trenching, boring, backfilling, grading, and those electrical control panels and apparatus that are an integral part of the irrigation system. Unless otherwise subject to continuing education requirements required by state licensure, irrigation contractors are required to complete a minimum of eight (8) professional development hours or continuing education units in Florida Friendly Landscaping Practices from a continuing education organization approved by the county before each succeeding license renewal. Compliance with this requirement will be confirmed at the time of license renewal, or by an approved audit procedure.

- (6) *Garage door contractor* means a contractor who has the knowledge to install, maintain, and repair garage doors. Garage door contractors are not authorized to perform electrical, and shall subcontract such work.
- (7) *Siding, windows and doors contractor* means a contractor who has the knowledge of siding, window and door installation including vinyl, wood or aluminum siding, soffit, fascia, gutters and all types of windows and doors. This includes the work necessary to prepare or repair the substrate to accomplish proper installation. Does not include any structural alterations.
- (8) *Demolition contractor* means a contractor who is qualified to demolish and remove structures over fifty (50) feet in height.
- (9) *Landscape contractor* means either a landscape architect, a professional engineer or a contractor who has the knowledge of the landscaping profession; the ability to read and interpret landscape plans; properly install various sizes and types of plants, palms, trees or turf grass; may perform installation of mulch, soil stabilization materials, or hardscape materials associated with landscape projects or tree guying and bracing, or corrective pruning actions (including root manipulation). Unless otherwise subject to continuing education requirements required by state licensure, landscape contractors are required to complete a minimum of eight (8) professional development hours or continuing education units in Florida Friendly Landscaping Practices from a continuing education organization approved by the county before each succeeding license renewal. Compliance with this requirement will be confirmed at the time of license renewal, or by an approved audit procedure.

(Ord. No. 09-23, § 2, 8-4-2009; Ord. No. 18-25, § 1, 11-6-2018)

Sec. 5.5-62. - Contractor registration.

Every contractor doing business in Marion County shall register with the county building official and demonstrate competency in accordance with the provisions of this article.

- (1) If a contractor proposes to engage in business as a partnership, corporation, business trust, or other legal entity, the contractor shall register with the building official the name of the partnership and its partners, or the name of the corporation and its officers and directors, and furnish evidence of statutory compliance if a fictitious name is used. Such registration shall show that the contractor is legally qualified to act for the business organization in all matters connected with its contracting business; and that he will be responsible for supervision of all construction undertaken by such business organization. At least one principal member of the business organization shall be qualified as a contractor in the trade in which the organization engages in order for the business to be registered with the county. A person qualifying an organization may not simultaneously qualify another organization. If the qualified member of the business ceases to be affiliated with such business organization, he shall inform the building official within thirty (30) days thereafter, and the business organization shall have a period of sixty (60) days from the date of termination within which the

business organization will be permitted to continue work on all jobs under construction. Should any information on file with the building official change or become incorrect, the contractor shall promptly notify the building official. It is the intent of this article that the burden be placed upon each contractor to keep the information on file with the building official complete, accurate and up-to-date. Failure to do so may result in suspension of work in progress by the building official until the correct information is provided.

- (2) The building official shall investigate all timely filed applications and make a recommendation to the license review board (LRB). The LRB shall, upon determining that the applicant meets the requirements of this article, instruct the building official to issue a certificate of competency in the trade or specialty applied for. The board's findings and determinations shall be in written form. If the applicant is not present at the time of the determination, and the applicant is rejected by the board, a copy of the board's written decision shall be furnished to applicant by certified mail, return receipt requested. Any interested party may appeal the LRB's decision to the board of county commissioners by filing a written notice of appeal with the building official within ten (10) days after the applicant's receipt of the written determination. The building official shall schedule the matter on the next available agenda of the board of county commissioners and provide notice of the date thereof to all interested parties. The board of county commissioners may affirm or reverse the decision of the LRB.
- (3) When a certificate holder (state certified contractor) desires to engage in contracting in the county, as a prerequisite therefore, he or she shall be required only to exhibit to the local building official in charge of the issuance of licenses and building permits, evidence of holding a current state certificate, liability insurance and workers compensation coverage and building permit required of other persons.
- (4) Specialty trades that may contract for and obtain permits are the following: aluminum "A" and "B", demolition, irrigation, garage door, siding, windows, and door concrete, masonry, and carpentry.
- (5) Permit requirements: It may be a violation of this part for any contractor to engage in contracting without being listed on the building permit duly issued for the project. Violation of this provision shall be punishable by citation.

(Ord. No. 09-23, § 2, 8-4-2009)

Sec. 5.5-63. - Examination and certification of contractors.

- (a) All persons desiring to engage in the business of contracting and to enter into contracts to perform work as a registered general, building, residential building, sheet metal, solar heater installation, mechanical, roofing, electrical, plumbing, residential pool or commercial pool, underground utility and excavation air condition "A" or air condition "B", or gypsum drywall specialty, specialty structure, and marine specialty are required to establish their competency pursuant to F.S. ch. 489, or, by maintaining a valid certificate of competency issued by the county building department prior to the effective date of this article, or by obtaining a county certificate of competency through reciprocity. Applicants must pass the competency examinations, one in the technical trade, and one in the business and law.

All persons desiring to engage in the business of and entering into contracts to perform work as an aluminum "A" and "B", concrete, masonry, carpentry, demolition, garage door, irrigation, or siding, windows and door contractor are required to establish their competency by meeting experience requirements as defined in F.S. ch. 489, and by successfully passing the required examinations for such trade administered by a testing agency approved by the county. A score of seventy-five (75) percent is the minimum passing grade. Applicants must pass the competency examinations, one in the technical trade, and one in business and law.

All persons other than a landscape architect or a professional engineer desiring to engage in the business of and entering into contracts to perform work as a landscape contractor are required to establish their competency by successfully passing the business and law examination administered by a testing agency approved by the county; effective six (6) months after the effective date of this ordinance. A score of seventy-five (75) percent is the minimum passing grade.

- (b) Any person who desires to take the examination shall apply in writing to the building department. The applicant shall be entitled to take the examination when the LRB, upon review of the application, determines that the applicant:
 - (1) Is eighteen (18) years of age;
 - (2) Is of good moral character; and
 - (3) Meets all other eligibility requirements.
- (c) The LRB may refuse to certify an applicant for failure to satisfy the requirement of good moral character only if:
 - (1) There is a substantial connection between the lack of good moral character of the applicant and the professional responsibilities of the applicable category of contractor applied for; and
 - (2) The finding by the board of lack of good moral character is supported by clear and convincing evidence.
 - (3) When an applicant is found to be unqualified for a certificate because of a lack of good moral character, the board shall furnish the applicant a statement containing the findings of the board, a complete record of the evidence upon which the determination was based, and a notice of the rights of the applicant to a rehearing and appeal.
- (d) A certificate of competency in the trade tested shall be issued upon passing the competency examination and proof of insurance as specified herein. Certificates must be renewed upon payment of a renewal fee established by resolution of the board of county commissioners. Failure to renew a certificate shall automatically place the certificate in an inactive status. Each certificate shall be renewed for a period of two (2) years.
- (e) The county building official is authorized to issue a letter of reciprocity advising other jurisdictions of the class(es) of competency that a contractor possesses.
- (f) The applicant must show proof of insurance showing liability coverage in the minimum amount of fifty thousand dollars (\$50,000.00) per occurrence for property damage, and one hundred thousand dollars (\$100,000.00) per occurrence for personal injury. The insurance certificate must show Marion County as the certificate holder and must contain the licensee's name, a DBA if applicable and the licensee's Marion County Competency Card number or the state certified contractor number. The applicant must show proof of workers' compensation insurance or present a valid exemption form.
- (g) *Inactive status.*
 - (1) A contractor may request that his certificate be placed in an inactive status by making application to the building official and by paying any applicable fees.
 - (2) A certificate which has been inactive for less than two (2) years may be renewed upon payment of the renewal fee, plus a late renewal fee per year of inactivity.
 - (3) A certificate which is delinquent or has been inactive for more than two (2) years may be reactivated upon application to the building official and payment of the applicable fee. The contractor shall demonstrate compliance with continuing education requirements as a condition of reactivating a certificate. The continuing education requirements for reactivating a certificate shall be seven (7) classroom hours for each

year the certificate was inactive and in no event shall they exceed seventy (70) classroom hours for all years in which the certificate was inactive. In lieu of the classroom hours a certificate may be reactivated upon submittal of documentation to the building official of employment in the particular trade.

(h) *Journeyman.*

- (1) For the purposes of this ordinance the following definition of journeyman shall apply. In the event of any questions regarding particular types of work the common practice in the industry shall prevail.
 - a. *Journeyman electrician* means any person who possesses the necessary qualifications, training, and technical knowledge to install electrical wiring, apparatus, or equipment for light, heat, or power, under the supervision of a licensed registered or certified electrician.
 - b. *Residential journeyman electrician* means any person who possesses the necessary qualifications, training, and technical knowledge to install electrical wiring, apparatus, or equipment for light, heat, or power, in residential dwellings under three (3) stories in height with not more than four (4) dwelling units, under the supervision of a licensed registered or certified electrician.
- (2) *Examination and certification.* Certificates of competency for a journeyman electrician or residential journeyman electrician shall be issued to:
 - a. Any person who desires to take the examination shall apply in writing to the building department. The applicant shall be entitled to take the examination when the LRB, upon review of the application, determines that the applicant:
 1. Is eighteen (18) years of age;
 2. Is of good moral character; and
 3. Meets all other eligibility requirements.
 - b. Taken and passed an examination administered by a testing agency approved by the county. A score of seventy-five (75) percent is the minimum passing grade; and
 - c. Submitted satisfactory evidence that they have had a minimum of four (4) years' experience in the field for which certification is being sought. Four (4) years' experience shall be gained through working as an apprentice or helper in the appropriate trade for four (4) years, or three (3) years of education in a recognized accredited college or vocational school plus one year of manual experience in the applicable trade. Applicants for residential journeyman electrician shall submit satisfactory evidence that they have had a minimum of two (2) years' experience or education, two (2) years' experience shall be experience gained through working as an apprentice or helper in that trade for two (2) years, or one year of education in a recognized accredited college or vocational school plus one year of manual experience in the trade.
 - d. A certificate of competency in the trade tested shall be issued upon passing the competency examination. Certificates must be renewed upon payment of a renewal fee established by resolution of the board of county commissioners. Failure to renew a certificate shall automatically place the certificate in an inactive status. Each certificate shall be renewed for a period of two (2) years.

(Ord. No. 09-23, § 2, 8-4-2009; Ord. No. 18-25, § 1, 11-6-2018)

Sec. 5.5-64. - Hiring unregistered contractors.

No contractor shall hire, use, or otherwise employ any contractor required to be registered hereunder who is not registered in accordance with this article. Violation of this section may result in the building official stopping work on the project and may subject the violator to suspension or revocation proceedings before the license review board.

(Ord. No. 09-23, § 2, 8-4-2009)

Sec. 5.5-65. - License review board.

(a) *Creation.*

- (1) There is hereby created the Marion County License Review Board (the LRB).
- (2) The current members of the existing Marion County LRB created by Ordinance No. 99-6 shall constitute the members of the LRB created hereby, and shall serve the remainder of their terms. Any previous action of the LRB shall remain in full force and effect, it being the intent of the board of county commissioners to continue the existing LRB without interruption.

(b) *Composition.*

- (1) The LRB shall be composed of seven (7) members and two (2) alternates. Whenever possible, the membership shall consist of at least one general contractor and contractors from the following areas, whenever possible: building, plumbing, electrical, mechanical, aluminum, air conditioning, and roofing. At least one but no more than two (2) of the members shall be consumer representatives as defined in F.S. § 489.131.
- (2) The county building official or his designee shall be a permanent ex-officio member of the LRB and shall serve as secretary.
- (3) A member of the county attorney's office shall serve as attorney to the LRB.
- (4) All members of the LRB shall be appointed by and serve at the pleasure of the board of county commissioners. Members shall serve four-year terms.
- (5) The LRB may adopt such procedures as are necessary for the proper performance of its duties.

(c) *Procedures.*

(1) *Investigative powers.*

- a. Upon a sworn complaint of an aggrieved party or the county building official, the LRB is empowered to investigate and conduct hearings upon charges relating to the contractor's competency, performance, negligence, conduct of work in violation of codes, misrepresentation, dishonest trade practices, allowing the contractor's certificate to be used by any other person, firm or corporation, or any other matter relating to the contractor's fitness and competency.
- b. The LRB shall give notice to any contractor charged under this article by certified mail at least ten (10) days prior to the hearing at the contractor's last known address.
- c. The LRB shall hear testimony under oath, however the rules of evidence shall not be strictly applied. The LRB shall issue findings of fact and conclusions of law within a reasonable time after conclusion of the hearing.
- d. The LRB may suspend or revoke the contractors certificate of competency, issue a letter of reprimand, authorize the county building official to withhold the issuance of any building permits on the contractors license, require restitution, impose a fine not to exceed five thousand dollars (\$5,000.00) or any

combination thereof. In determining any penalty or discipline the LRB shall consider the following factors:

1. The gravity of the violation.
2. Any actions taken by the violator to correct the violation.
3. Any previous violations committed by the violator.

(2) *Interpretation of code.*

- a. Any person aggrieved by the decision of the county building official regarding an interpretation of the Florida Building Code, or this article which does not involve alternate materials or methods, has the right to file an appeal to the LRB. The appeal must be in writing and be filed within thirty (30) days after the building official's written decision.
- b. The LRB shall schedule a hearing as soon as practicable after receipt of the appeal.
- c. The hearing before the LRB shall be informal and the rules of evidence shall not be strictly applied. The LRB shall render a written decision setting forth its findings and conclusions.

(3) *Rehearings of the LRB.*

- a. Either party may petition to rehear a decision of the LRB relating to contractor discipline. Rehearings of decisions interpreting the Florida Building Code or this article are not permitted.
 1. The petition must be received by the county building department on a form provided by said department by 5:00 p.m. on the tenth calendar day after the date of the decision.
 2. The petition must specify the grounds for the rehearing.
 3. The license review board shall decide whether or not to rehear the case.
 4. The LRB shall notice the opposing party by certified mail at least ten (10) days prior to the date of the rehearing at the opposing party's last known address.
- b. The rehearing before the LRB shall be informal and the rules of evidence shall not be strictly applied. The LRB shall render a written decision setting forth its findings and conclusions.

(4) *Reinstatement of a contractor's certificate of competency or contractor's ability to be issued building permits.*

- a. A contractor may petition the LRB to reinstate his certificate of competency or his ability to be issued building permits one year after the date of the LRB's original decision. The petition must specify the grounds for the reinstatement.
- b. The reinstatement hearing before the LRB shall be informal and the rules of evidence shall not be strictly applied. The LRB shall render a written decision setting forth its findings and conclusions.
- c. A contractor is limited to one petition for a reinstatement hearing per year.

(5) *Appeals.* LRB decisions may be appealed, by writ of certiorari, to the Circuit Court in and for Marion County, within thirty (30) days after the date of the decision. Only decisions of the LRB relating to contractor discipline shall be stayed pending the conclusion of any appeal.

(6) *Compliance review board.* When authorized by interlocal agreement, the license review board may constitute the compliance review board required by F.S. § 553.73.

(Ord. No. 09-23, § 2, 8-4-2009; Ord. No. 18-25, § 1, 11-6-2018)

Sec. 5.5-66. - Citations and violations.

- (a) *Authorization.* Marion County is hereby authorized to enforce codes and ordinances pursuant to F.S. § 489.127.

(b) *Violations.* It shall be unlawful for any person to:

- (1) Falsely hold himself or herself or a business organization out as a licensee, certificate holder or registrant.
- (2) Falsely impersonate a certificate holder or registrant.
- (3) Present as his or her own the certificate, registration, or certificate of authority of another.
- (4) Knowingly give false or forged evidence to the board or a member thereof.
- (5) Use or attempt to use a certificate, registration, or certificate of authority which has been suspended or revoked.
- (6) Engage in the business or act in the capacity of a contractor or advertise himself or herself or a business organization as available to engage in the business or act in the capacity of a contractor without being duly registered or certified or having a certificate of authority.
- (7) Operate a business organization engaged in contracting after sixty (60) days following the termination of its only qualifying agent without designating another primary qualifying agent, except as provided in F.S. § 489.1195.
- (8) Commence or perform work for which a building permit is required pursuant to F.S. ch. 553, part VII, without such building permit being in effect.
- (9) Willfully or deliberately disregard or violate any municipal or county ordinance relating to uncertified or unregistered contractors.

(c) *Enforcement.*

- (1) The county administrator may designate one or more code enforcement officers as defined in F.S. Ch. 162 to enforce the provisions of F.S. §§ 489.127(1) and 489.132(1).
- (2) A code enforcement officer may issue a citation for any violation of F.S. § 489.127(1) or F.S. § 489.132(1) whenever, based upon personal investigation, the code enforcement officer has reasonable and probable grounds to believe that such a violation has occurred.
 - a. A citation issued by a code enforcement officer shall be in a form prescribed by the county and shall state:
 1. The time and date of issuance.
 2. The name and address of the person to whom the citation is issued.
 3. The time and date of the violation.
 4. A brief description of the violation and the facts constituting reasonable cause.
 5. The name of the code enforcement officer.
 6. The procedure for the person to follow in order to pay the civil penalty or to contest the citation.
 7. The applicable civil penalty if the person elects not to contest the citation.
- (3) The act for which the citation is issued shall be ceased upon receipt of the citation; and the person charged with the violation shall elect either to correct the violation and pay the civil penalty in the manner indicated on the citation or, within ten (10) days of receipt of the citation, exclusive of weekends and legal holidays, request an administrative hearing to appeal the issuance of the citation by the code enforcement officer.
 - a. Hearings shall be held before an enforcement board or licensing board or designated special master as established by F.S. § 162.03(2), and such hearings shall be conducted pursuant to the requirements of F.S. §§ 162.07 and 162.08.

- b. Failure of a violator to appeal the decision of the code enforcement officer within the time period set forth in this section shall constitute a waiver of the violator's right to an administrative hearing. A waiver of the right to an administrative hearing shall be deemed an admission of the violation, and penalties may be imposed accordingly.
- c. If the person issued the citation, or his designated representative, shows that the citation is invalid or that the violation has been corrected prior to appearing before the enforcement board or licensing board or designated special master, the enforcement board or licensing board or designated special master shall dismiss the citation unless the violation is irreparable or irreversible.
 - 1. Each day a willful, knowing violation continues shall constitute a separate offense under the provisions of this subsection.
- d. A person cited for a violation pursuant to this subsection is deemed to be charged with a non-criminal infraction.
- e. If the enforcement or licensing board finds that a violation exists, such board may order the violator to pay a civil penalty of not less than the amount set forth on the citation but not more than fifty dollars (\$50.00) per day for each violation. In determining the amount of the penalty, the enforcement board shall consider the following factors:
 - 1. The gravity of the violation.
 - 2. Any actions taken by the violator to correct the violation.
 - 3. Any previous violations committed by the violator.
- f. Upon written notification by the code enforcement officer that a violator had not contested the citation or paid the civil penalty within the time frame allowed on the citation, or if a violation has not been corrected within the time frame set forth on the notice of violation, the enforcement or licensing board shall enter an order ordering the violator to pay the civil penalty set forth on the citation or notice of violation, and a hearing shall not be necessary for the issuance of such order.
- g. A certified copy of an order imposing a civil penalty against an uncertified contractor may be recorded in the public records and thereafter shall constitute a lien against any real or personal property owned by the violator. Upon petition to the circuit court, such order may be enforced in the same manner as a court judgment by the sheriffs of this state, including a levy against personal property; however, such order shall not be deemed to be a court judgment except for enforcement purposes. A civil penalty imposed pursuant to this part shall continue to accrue until the violator comes into compliance or until judgment is rendered in a suit to foreclose on a lien filed pursuant to this section, whichever occurs first. After three (3) months from the filing of any such lien which remains unpaid, the board of county commissioners may authorize the county attorney to foreclose on the lien. No lien created pursuant to the provision of this part may be foreclosed on real property which is a homestead under section 4, Article X of the State Constitution.
- h. This subsection does not authorize or permit a code enforcement officer to perform any function or duty of a law enforcement officer other than a function or duty that is authorized in this subsection.
- i. An aggrieved party, including Marion County, may appeal a final administrative order of an enforcement board to the circuit court. Such an appeal shall not be a hearing de novo but shall be limited to appellate review of the record created before the enforcement or licensing board. An appeal shall be filed within thirty (30) days of the execution of the order to be appealed.

- j. All notices required by this subsection shall be provided to the alleged violator by certified mail, return receipt requested; by hand delivery by the sheriff or other law enforcement officer or code enforcement officer; by leaving the notice at the violator's usual place of residence with some person of his family above fifteen (15) years of age and informing such person of the contents of the notice; or by including a hearing date within the citation.
- k. Any person who willfully refuses to sign and accept a citation issued by a code enforcement officer commits a misdemeanor of the second degree, punishable as provided in F.S. § 775.082 or F.S. § 775.083.
- l. Nothing contained herein shall prohibit Marion County from enforcing its codes or ordinances by any other means.

(Ord. No. 09-23, § 2, 8-4-2009; Ord. No. 18-25, § 1, 11-6-2018)