

## ARTICLE IV. TECHNICAL CODES

### DIVISION 1. GENERALLY

#### Sec. 42-291. Adoption.

The following subsections are incorporated into this chapter by reference:

The Standard Housing Code, 1997 edition.

(LDC § 1.07.03(A)--(F), (K), (L); Ord. No. 93-10, § 1, 6-7-1993)

**State law references:** Authority to adopt building and other technical codes by reference, F.S. § 125.01(1)(i); adoption of building code, F.S. § 125.56; state mandated technical codes, F.S. §§ 553.19, 553.73.

#### Sec. 42-292. Manufactured buildings.

All manufactured buildings installed in the county must contain an insignia of approval issued by the department of community affairs. Any and all revisions to any or all codes contained in this division by the state department of community affairs, board of building codes and standards, shall become effective immediately upon revision notification from the department of community affairs.

(LDC § 1.07.03(G))

**State law references:** Factory built housing, F.S. § 553.35 et seq.

#### Sec. 42-293. Wind speed requirements.

(a) Pursuant to the requirements of the Florida Building Code, a wind speed line is hereby created in the county, to be located as follows:

Commencing at the intersection of Dark Island Road and Highway 361, and thence run southeasterly along highway 361 to the point of intersection with the south line of Section 4, Township 9, Range 9; thence run east along the south section line of Sections 4, 3, 2, and 1 to the Southwest corner of Section 6, Township 9, Range 10; thence run east along the south section lines of Sections 6 and 5, to a point where the Steinhatchee River intersects the south line of Section 5, Township 9, Range 10.

(b) For the purpose of regulating building construction standards, as required by the Florida Building Code, the wind speed requirements for the county are hereby established as follows:

The wind speed requirement for all portions of the county lying south of the wind speed line created in this section shall be 120 miles per hour, and the wind speed requirements for all portions of the county, lying north of the wind speed line created in this section shall be 110 miles per hour.

(Ord. No. 2002-1, §§ 1, 2, 4-1-2002)

**Editor's note:** A map of the wind speed line referenced in subsection (a) of this section is on file in the county offices.

Secs. 42-294--42-315. Reserved.

## DIVISION 2. FIRE SAFETY STANDARDS\*

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**\*Cross references:** Fire prevention and protection, ch. 34.

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Sec. 42-316. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Factory manufactured building* means a closed structure, building assembly or system of subassemblies, which may include structural, electrical, plumbing, heating, ventilating or other service systems manufactured in manufacturing facilities for installation or erection, with or without other specified components, as a finished building or as part of a finished building, which shall include, but not be limited to, residential, commercial, institutional, storage and industrial structures. This definition excludes mobile homes as they are considered a residential dwelling unit. Manufactured building may also mean, at the option of the manufacturer, any building of open construction made or assembled in manufacturing facilities away from the building site for installation, or assembly and installation on the building site. Such factory manufactured buildings shall have been approved by the state department of community affairs.

*Fire safety inspector* means an individual officially assigned the duties of conducting fire safety inspections of buildings and facilities on a recurring or regular basis on behalf of the county.

(Ord. No. 87-9, § 4, 12-15-1987)

**Cross references:** Definitions generally, § 1-2.

Sec. 42-317. Penalty.

The violation of any provision of this division shall be punished as provided in section 1-12.

(Ord. No. 87-9, § 10, 12-15-1987)

Sec. 42-318. Exemptions.

(a) The plan review procedure set forth in this division shall not apply to factory manufactured buildings as such buildings are regulated by the state department of community affairs.

(b) One-family or two-family detached residential dwelling units, including mobile homes, are not subject to plan review by the local fire safety inspector.

(Ord. No. 87-9, § 3, 12-15-1987)

Sec. 42-319. Issuance of permits.

No enforcing agency may issue any permit for construction, erection, alteration, repair or demolition until the local building code inspector, in conjunction with the county fire safety inspector, has reviewed the plans and specifications for such proposal and both officials have found the plans to be in compliance with the county building code and the applicable fire safety standards as adopted in this division. Any building or structure which is not subject to a fire safety code and any building or structure which is exempt from the local building permit process shall not be required to have its plans reviewed by the local officials. Industrial construction on sites where design, construction and fire safety are supervised by appropriate design and inspection professionals and which contain adequate in-house fire departments and rescue squads is exempt, subject to local government option, from review of plans and inspections, providing that owners certify that applicable codes and standards have been met and supply appropriate approved drawings to local building and fire safety inspectors. The enforcing agency shall issue a permit to construct, erect, alter, repair or demolish any building when the plans and specifications for such proposal comply with the provisions of the county building code and the applicable fire safety standards as determined in accordance with this division.

(Ord. No. 87-9, § 2, 12-15-1987)

Sec. 42-320. Minimum fire safety standards.

(a) The county adopts the following as minimum fire safety standards:

(1) The National Fire Protection Association (NFPA) Pamphlet 1, 1987 edition, and appendices A, B, D, E, F, G, J and K, or the most recent revision of such pamphlet and appendices thereto.

(2) The National Fire Protection Association (NFPA) 101, Life Safety Code, 1985 edition, and appendices A, B, C, D, F and G, or the most recent revision thereto.

(b) In addition to the minimum fire standards adopted in subsection (a) of this section, the county may establish alternative requirements to those requirements which are set forth under the minimum fire safety standards on a case-by-case basis, in order to meet special situations arising from historic, geographic or unusual conditions, if the alternative requirements result in a level of protection to life, safety or property equal to or greater than the applicable minimum fire safety standards. For the purpose of this subsection, the term "historic" means that the building or structure is listed on the National Register of Historic Places of the United States Department of the Interior.

(Ord. No. 87-9, § 5, 12-15-1987)

#### Sec. 42-321. Application of minimum standards.

(a) The new building or structure provisions enumerated within the fire safety codes adopted in section 42-320 shall apply only to buildings or structures for which the building permit is issued on or after January 1, 1988. The existing building or structure provisions enumerated within the fire safety codes adopted pursuant to section 42-320 shall apply to buildings or structures for which the building permit was issued or the building or structure was constructed prior to January 1, 1988.

(b) With regard to existing buildings, the state legislature recognized that it is not always practical to apply any or all of the provisions of the minimum fire safety codes and that physical limitations may require disproportionate effort or expense with little increase in life safety. Prior to applying the minimum fire safety codes to any existing building, the local fire safety inspector shall determine that a threat to life, safety and property exists. If a threat to life, safety or property exists, the fire safety inspector shall apply the applicable fire safety codes for existing buildings to the extent practical to assure a reasonable degree of life safety and safety of property, or the fire safety inspector shall fashion a reasonable alternative which affords an equivalent degree of life safety and safety of property. The decision of the local fire inspector may be appealed to the local code administrative board.

(Ord. No. 87-9, § 6, 12-15-1987)

#### Sec. 42-322. Employment of fire safety inspector; establishment of fees.

(a) The county shall employ or contract with a person who has met all of the requirements for employment as a fire safety inspector as promulgated by the state fire marshal. The fire safety inspector must conduct all fire safety inspections that are required by law. The county may establish a schedule of fees related to the inspections required by this division and for related administrative expenses.

(b) The county fire safety inspector shall, at any reasonable hour, inspect any and all buildings and structures subject to this division. The authority to inspect shall extend to all equipment, vehicles and chemicals which are located within the premises of any such building or structure.

(Ord. No. 87-9, § 7, 12-15-1987)

#### Sec. 42-323. Building and fire safety code administrative board.

There is established a county building and fire safety code administrative board to be made up of five members appointed by the board of county commissioners for terms of three years. The initial term of the county building and fire safety code administrative board shall be two members to serve two-year terms and three members to serve three-year terms. Members may be subject to reappointment. The county building and fire safety code administrative board shall be responsible for hearing and considering appeals from the decisions made by the local fire safety inspector or local building code official when such appeal relates to fire safety. The county building and fire safety code administrative board shall have the authority to fully adopt the decisions of the county building official and/or the county fire safety inspector, to reverse in full the decision of the county building authority and/or the county fire safety inspector or accept, in part, the decisions made by the county building authority and/or the county fire safety inspector.

(1) If the decision of the county fire safety inspector and the local building official is to apply the provisions of either the applicable minimum building code or the applicable minimum fire safety codes, the county building and fire safety code administrative board may not alter the decision unless the county building and fire safety code administrative board determines that the application of such code is not reasonable. If the decision of the local fire safety inspector and the local building official is to adopt an alternative to the codes, the local building and fire safety code administrative board shall give due regard to the decision rendered by the local officials and may modify that decision if the county building and fire safety code administrative board adopts a better alternative, taking into consideration all relevant circumstances. In any case in which the local building and fire safety code administrative board adopts alternatives to the decision rendered by the local fire safety inspector and the local building official, such alternatives shall provide an equivalent degree of life safety and an equivalent method of construction as to the decision rendered by the local officials.

(2) If the local building official and the local fire safety inspector are unable to agree on a resolution to the conflict between the building code and the fire safety codes, the local building

and fire safety code administrative board shall resolve the conflict in favor of the code which offers the greatest degree of life safety alternatives which would provide an equivalent degree of life safety and equivalent method of construction.

(3) The local building and fire safety code administrative board shall, to the greatest extent possible, be composed of members with expertise in building construction and fire safety standards.

(4) All decisions of the local building official and local fire safety inspector and all decisions of the building and fire safety code administrative board shall be in writing, and shall be binding upon all persons, but shall not limit the authority of the state fire marshal pursuant to F.S. § 633.161.

(Ord. No. 87-9, § 8, 12-15-1987)

**Cross references:** Boards, commissions and authorities, § 2-126 et seq.

Sec. 42-324. Abatement of dangerous situation.

(a) The local fire safety inspector shall have the authority to summarily abate any condition that is in violation of any provision of this division and that presents an immediate fire hazard to life and property.

(b) Whenever the local fire safety inspector shall find violations of this division, a written notice shall be issued to confirm such findings. Every notice shall set forth a time limit for compliance. Such time limit shall be correlated to the degree of hazard created by the violation and availability of means of abatement.

(c) The local fire safety inspector shall issue a written notice whenever it is found that a certain provision of this division shall be applied to existing conditions.

(d) An order or notice issued pursuant to this division shall be served upon the owner, operator, occupant or other person responsible for the condition or violation, either by personal service, mail or by delivering it to, and leaving it with, some person of responsibility upon the premises. For unattended or abandoned locations, a copy of such order or notice shall be posted on the premises in a conspicuous place at or near the entrance to such premises and the order or notice shall be mailed by registered or certified mail, with return receipt requested, to the last known address of the owner and/or occupant.

(e) The local fire safety inspector shall have the authority to revoke, suspend or deny the granting of any permit, approval or certificate required by this division for noncompliance with the provisions of such a permit, approval, certificate or failure to meet the provisions of this division for the issuance of such permit, certificate or approval.

(f) The fire safety inspector shall keep a record of all fire prevention inspections, including the date of such inspections, and a summary of any violations found to exist, the date of the service of notices and a memorandum of the final disposition of all violations.

(Ord. No. 87-9, § 9, 12-15-1987)

Secs. 42-325--42-355. Reserved.