

ORDINANCE NO. 108

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF GOLF, FLORIDA, AMENDING THE "LOCAL AMENDMENTS TO CHAPTER 1. ADMINISTRATION. OF THE FLORIDA BUILDING CODE" ADOPTED BY ORDINANCE NO. 96 BY REPEALING SECTIONS 105.3.2, 105.4.1.1., 105.4.1.3, AND 105.4.1.4 AND READOPTING THEM AS AMENDED ALONG WITH THREE ENTIRELY NEW SUB-SECTIONS AT CURRENT SECTION 105.5. EXPIRATION. RESERVED. WHICH SHALL BE NEWLY ENTITLED "EXPIRATION"; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE AND AUTHORITY TO CODIFY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Village Council of the Village of Golf adopted Ordinance No. 96 on April 18, 2012 to adopt its local administrative amendments to Chapter 1. Administration of the Florida Building Code; and

WHEREAS, Chapter 553, *Florida Statutes*, was adopted by the Florida Legislature to provide a mechanism for the uniform adoption, updating, amendment, interpretation and enforcement of a state building code, called the *Florida Building Code*; and

WHEREAS, section 553.73(4)(a), *Florida Statutes*, allows adoption of local administrative amendments to the *Florida Building Code*; and

WHEREAS, the Village Council has determined that it is in the public interest to adopt the proposed amendments to the local administrative regulations to assist the Village in implementing the provisions of the *Florida Building Code*; and

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF GOLF, FLORIDA, THAT:

Section 1: The foregoing whereas clauses are incorporated herein by reference and made a part hereof.

Section 2: The Local Amendments to Chapter 1. Administration. of the Florida Building Code. as adopted by Ordinance No. 96 on April 18, 2012, is hereby amended by the following administrative amendments to the *Florida Building Code, Building*.

See EXHIBIT A attached hereto and made a part hereof.

Section 3: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

Section 4: Should any Section or provision of this Ordinance or any portion thereof, any paragraph, sentence or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof as a whole or any part thereof other than the part to be declared invalid.

Section 5: Specific authority is hereby given to codify this Ordinance.

Section 6: This Ordinance shall take effect immediately upon second reading and final passage.

FIRST READING this 17th day of December 2014.

SECOND AND FINAL READING this 21st day of January, 2015.

VILLAGE OF GOLF

Aye	Nay
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☒ Aye ☐ Nay

Aye Nay

✓
Aye / Nay

✓
Aye Nay

Mayor Thomas E. Lynch

Vice Mayor J Marshall Duane, III.

Councilmember Michael E. Botos

Councilmember Robert C. Buchanan

Councilmember Winstone Windle

ATTEST:


Donn M. Lynn, Village Clerk

(SEAL)

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY.



Bradley W. Biggs, Village Attorney

EXHIBIT "A"

LOCAL AMENDMENTS TO CHAPTER 1. ADMINISTRATION. OF THE FLORIDA BUILDING CODE

REGARDING: PERMIT TIME FRAMES; EXTENSIONS; PENALTIES.

105.3.2 Time limitation of application. An application for a permit for any proposed work shall be deemed to have been abandoned and invalid, six months after the date of filing, or for any six month period of abandonment or suspension during the application process, unless such application has been pursued in good faith or a permit has been issued; except that the building official is authorized to grant one or more extensions of time for an additional periods not exceeding three months. each. Any extension for an application shall be requested in writing prior to the abandonment date and justifiable cause demonstrated. Abandoned applications shall be subject to destruction in accordance with state law. The fee for renewal, re-issuance, and extension of a permit application shall be set forth by the administrative authority. There may be fees or requirements from other government agencies for permit application extensions and renewals.

105.4.1.1 If work has commenced and the permit is revoked, becomes null and void or expires because of lack of progress, because it has gone beyond the maximum time allowed pursuant to Sec.105.5.1 or because of abandonment, then a new permit, or revalidation of the original permit, covering the proposed construction shall be obtained before proceeding with the work. If no additional permit time extension is allowed by the Village under Sec. 105 regulations, then that permit shall become null and void and work under that permit that has already been commenced is subject to removal as provided by Sec. 105.4.1.2.

105.4.1.3 Work shall be considered to be in active progress when the permit has received an approved inspection within six months. This provision shall not be applicable in case of civil commotion or strike or when the building work is halted due directly to judicial injunction, order or similar process, or due to action by an environmental or archeological agency having jurisdiction. The building official is authorized to grant, in writing, a one-time or more extensions of time, for a periods of not more than ninety (90) days 3 months each. The extension shall be requested in writing and justifiable cause demonstrated, at least two (2) weeks prior to expiration. If such application for extension is not acted upon by the Building Official within two (2) weeks, such application shall be deemed to be denied. Such denial of an application for extension of a building permit in whole or part may be appealed to the Village Council within ten (10) days of the effective date of denial. Such timely

appeal of a denial of an application for permit time extension will stay the expiration of such permit until the Village Council has considered it and acted upon it.

105.4.1.4 The fee for renewal, reissuance, and extension of a permit shall be set forth by the Village Council. There may be fees or requirements from other government agencies for permit extensions and renewals. Notwithstanding the normal fees for renewal, reissuance or extension of a permit, any second or subsequent permit time extension approved by Village Council shall cause the applicant to incur additional fees and costs of two (2x) times the original permit fee; and should the applicant fail to timely complete the project by the extension date so granted, a penalty in the amount of two hundred (\$200.00) dollars per day shall automatically accrue and shall continue to accrue each day until completion. Such daily penalty amount accrued must be paid prior to the issuance of a certificate of occupancy, unless waived or reduced, in whole or part, by the Village Council after a written request for such consideration by the applicant has been received.

105.5 Expiration. Reserved

105.5.1 Subject also to both 105.4.1 above and the regulations set forth at **Sec. 10.03. Construction Period.** of the Village of Golf Land Development Code, a building permit issued for major construction activity shall be valid for twenty-four (24) months, beginning from the date set forth in **Sec. 10.03.** for the start of major construction activity of the year that the permit is issued.

105.5.2 Appeals for extension denials by the Building Official pursuant to 105.4.1.3 above, requests for additional ninety (90) day extensions beyond the granted one-time extension by the Building Official or requests for permit time extensions for periods longer than ninety (90) days that must have been received not later than thirty (30) days) prior to the permit expiration date, will be considered and acted upon by the Town Council as soon as the appeal or request for longer extension time periods can reasonably be placed on Council agenda for consideration and action. The Village Council for good cause shown may direct the Building Official to issue a permit extension not to exceed six (6) months from its original date of expiration, which extension may be conditioned on protections appropriate for the best interests of the Village, its residents, or their health, safety or general welfare. Such Village Council decision shall be considered final.

105.5.3. Upon expiration of all or any portion of any building permit, all related Village development permit approvals concerning the building project shall simultaneously expire.