

ORDINANCE NO. 47 -2017

AN ORDINANCE OF THE CITY OF TITUSVILLE, FLORIDA, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 6 "BUILDINGS AND BUILDING REGULATIONS" SPECIFICALLY AMENDING SECTIONS 6-56 "REQUIRED, INSPECTION, APPROVAL PRIOR TO USE OR OCCUPANCY", 6-58 "QUALIFICATION FOR OBTAINING PERMITS", AND 6-68 "INSPECTIONS AND BUILDING SITE" TO ADD REQUIREMENTS RELATED TO SWIMMING POOLS; DELETING CHAPTER 18 "SWIMMING POOLS" IN ITS ENTIRETY AS DUPLICATIVE TO REQUIREMENTS OF THE FLORIDA BUILDING CODE AND LAND DEVELOPMENT REGULATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR INCORPORATION INTO THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 18 "Swimming Pools" of the City's Code of Ordinances was included in the Code of Ordinances adopted in 1963; and,

WHEREAS, the current provisions of Chapter 18 "Swimming Pools" are generally antiquated, having been superseded by the adoption of the Florida Building Code and the Land Development Regulations; and

WHEREAS, the Titusville City Council desires to eliminate antiquated, confusing and contradictory sections of the Code of Ordinance.

NOW, THEREFORE, BE IT ENACTED by the City of Titusville, Florida as follows:

Section 1. That Chapter 6, "Buildings and Building Regulations", Article III "Building Permits and Inspections Generally", Section 6-56 "Required; inspection, approval prior to use or occupancy" of the Code of Ordinances of the City of Titusville, is hereby amended to read as follows:

Sec. 6-56. - Required; inspection, approval prior to use or occupancy.

It shall be unlawful for any person to construct, alter, repair, remove or demolish or to commence the construction, alteration, repair, removal or demolition of a building, swimming pool or structure in the city without first obtaining a formal permit from the building official. It shall be unlawful for any person to occupy or use any addition, alteration, building or structure for which a building permit was issued until it has been inspected and approved by the building official.

Section 2. That Chapter 6, "Buildings and Building Regulations", Article III "Building Permits and Inspections Generally", Section 6-58 "Qualifications for obtaining permits" of the Code of Ordinances of the City of Titusville, is hereby amended to read as follows:

Sec. 6-58. - Qualification for obtaining permits.

Applications for permits shall be accepted only from contractors holding a current certificate of competency and license when required, in their respective fields and against whom no revocation or suspension is pending, except as follows:

- (1) Owners of property when acting as their own contractor and providing all material supervision themselves, when building or improving farm outbuildings or one-family or two-family residences or swimming pools, on such property for the occupancy or use of such owners and not offered for sale or lease, or building or improving commercial buildings at a cost of under seventy-five thousand dollars (\$75,000.00) on such property for the occupancy or use of such owners and not offered for sale or lease. In an action brought under this chapter, proof of the sale or lease, or offering for sale or lease, of more than one (1) such structure by the owner-builder within one (1) year after completion of one (1) such structure is prima facie evidence that the construction was undertaken for purposes of sale or lease. This subsection does not exempt any person who is employed by such owner and who acts in the capacity of a contractor. To qualify for exemption under this subsection, an owner must personally appear and sign the building permit application. The city shall provide the person with a disclosure statement in substantially the following form:

"OWNER/BUILDER DISCLOSURE STATEMENT

1. I understand that state law requires construction to be done by a licensed contractor and have applied for an owner-builder permit under an exemption from the law. The exemption specifies that I, as the owner of the property listed, may act as my own contractor with certain restrictions even though I do not have a license.
2. I understand that building permits are not required to be signed by a property owner unless he or she is responsible for the construction and is not hiring a licensed contractor to assume responsibility.
3. I understand that, as an owner-builder, I am the responsible party of record on a permit. I understand that I may protect myself from potential financial risk by hiring a licensed contractor and having the permit filed in his or her name instead of my own name. I also understand that a contractor is required by law to be licensed in Florida and to list his or her license numbers on permits and contracts.
4. I understand that I may build or improve a one-family or two-family residence or a farm outbuilding. I may also build or improve a commercial building if the costs do not exceed \$75,000. The building or residence must be for my own use or occupancy. It may not be built or substantially improved for sale or lease. If a building or residence that I have built or substantially improved myself is sold or leased within 1 year after the construction is complete, the law will presume that I built or substantially improved it for sale or lease, which violates the exemption.
5. I understand that, as the owner-builder, I must provide direct, onsite supervision of the construction.
6. I understand that I may not hire an unlicensed person to act as my contractor or to supervise persons working on my building or residence. It is my responsibility to ensure that the persons whom I employ have the licenses required by law and by county or municipal ordinance.
7. I understand that it is a frequent practice of unlicensed persons to have the property owner obtain an owner-builder permit that erroneously implies that the property owner is providing his or her own labor and materials. I, as an owner-builder, may be held liable and subjected to serious financial risk for any injuries sustained by an unlicensed person or his or her

employees while working on my property. My homeowner's insurance may not provide coverage for those injuries. I am willfully acting as an owner-builder and am aware of the limits of my insurance coverage for injuries to workers on my property.

8. I understand that I may not delegate the responsibility for supervising work to a licensed contractor who is not licensed to perform the work being done. Any person working on my building who is not licensed must work under my direct supervision and must be employed by me, which means that I must comply with laws requiring the withholding of federal income tax and social security contributions under the Federal Insurance Contributions Act (FICA) and must provide workers' compensation for the employee. I understand that my failure to follow these laws may subject me to serious financial risk.
9. I agree that, as the party legally and financially responsible for this proposed construction activity, I will abide by all applicable laws and requirements that govern owner-builders as well as employers. I also understand that the construction must comply with all applicable laws, ordinances, building codes, and zoning regulations.
10. I understand that I may obtain more information regarding my obligations as an employer from the Internal Revenue Service, the United States Small Business Administration, the Florida Department of Financial Services, and the Florida Department of Revenue. I also understand that I may contact the Florida Construction Industry Licensing Board at 850-487-1395 or <http://www.myfloridalicense.com/dbpr/pro/cilb/index.html> (Internet website address) for more information about licensed contractors.
11. I am aware of, and consent to, an owner-builder building permit applied for in my name and understands that I am the party legally and financially responsible for the proposed construction activity at the following address: _____
12. I agree to notify the City of Titusville, FL immediately of any additions, deletions, or changes to any of the information that I have provided on this disclosure.

Licensed contractors are regulated by laws designed to protect the public. If you contract with a person who does not have a license, the Construction Industry Licensing Board and Department of Business and Professional Regulation may be unable to assist you with any financial loss that you sustain as a result of a complaint. Your only remedy against an unlicensed contractor may be in civil court. It is also important for you to understand that, if an unlicensed contractor or employee of an individual or firm is injured while working on your property, you may be held liable for damages. If you obtain an owner-builder permit and wish to hire a licensed contractor, you will be responsible for verifying whether the contractor is properly licensed and the status of the contractor's workers' compensation coverage.

Owners violating the above shall be subject to a penalty and/or fines under Florida Statute 455.228 and 775.082 and may be issued a citation and/or civil penalty.

Before a building permit can be issued, this disclosure statement must be completed and signed by the property owner and returned to the local permitting agency responsible for issuing the permit. A copy of the property owner's driver license, the notarized signature of the property owner, or other type of verification acceptable to the local permitting agency is required when the permit is issued.

OWNERS SIGNATURE _____

STATE OF FLORIDA, COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ Day of _____, 20 _____ by _____

who is personally known to me, or has produced a valid _____

I _____ (Seal) Notary as to Owner or Agent W/Seal

PERMIT # _____ DATE: _____

- (2) The building official may require proof that the applicant is the owner of the property and the lessee or tenant has permission from the owner of the property upon which the construction or installation is to take place.
- (3) General, building and residential contractors may perform any work listed under specialty contractors to the point that it is included under their normal definition of work and provided that it is not plumbing, electrical or mechanical except as authorized by F.S. § 489.113(3), provided that it is a normal part of their general contract.

Section 3. That Chapter 6, "Buildings and Building Regulations", Article III "Building Permits and Inspections Generally", Section 6-68 "Inspections and Building Site" of the Code of Ordinances of the City of Titusville, is hereby amended to read as follows:

Sec. 6-68. - Inspections and building site.

- (a) All permits issued by the department shall be accompanied by a field inspection card. Plans, when required, shall include an approved field set which will be returned at the permit issuance and must be maintained on the construction site at all times during construction. A permit-posting board, as prescribed by the department, is required to be maintained on the site of all new construction and major renovation work. The posting board shall provide sufficient space for all inspection cards and provide a weather-tight container for the field copy of plans. The permit-posting board shall be securely erected on the parcel, lot or part thereof upon which the improvement is located. A duplicate inspection card shall be provided for a charge of twenty-five dollars (\$25.00).
- (b) Reinspection fees of fifty dollars (\$50.00) shall be charged when additional inspections are required due to:
 - (1) Improper/wrong address on inspection.
 - (2) Failed work.
 - (3) Additional work of the level of the previous inspection after the completion of the inspection, i.e. modifying or adding additional partitions (framing) after framing inspection approval.
 - (4) Work not substantially complete at the time of inspection as scheduled.
 - (5) Inspection hard card not posted, in accordance with subsection (a) above, at the time of inspection.
 - (6) Approved field plans not available on site for inspection.

- (7) Failure by contractor to provide access to area to be inspected including, but not limited to, multistory roofs, bond/tie beams, and access roads.
- (c) Any sidewalks broken during any construction, including swimming pools, shall be repaired to city standards prior to a request being made for a final inspection.

Section 4. That Chapter 18, "Swimming Pools", of the Code of Ordinances of the City of Titusville, is hereby deleted in its entirety as follows:

Chapter 18. Reserved

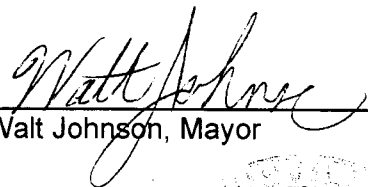
Section 5. SEVERABILITY. If any provisions of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

Section 6. REPEAL OF CONFLICTING ORDINANCES. All ordinances or parts of ordinances, and all resolutions and parts of resolutions, in conflict herewith are hereby repealed to the extent of such conflict.

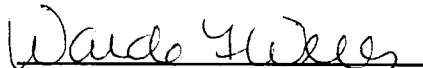
Section 7. EFFECTIVE DATE. This Ordinance shall be become in full force and effect upon adoption by the City Council in accordance with the Charter of the City of Titusville, Florida.

Section 8. INCORPORATION INTO CODE. This ordinance shall be incorporated into the City of Titusville Code of Ordinances and any section or paragraph, number or letter, and any heading may be changed or modified as necessary to effectuate the foregoing: Grammatical, typographical, and like errors may be corrected and additions, alterations, and omissions, not affecting the construction or meaning of this ordinance and the Code may be made.

PASSED AND ADOPTED this 12th day of December, 2017.


Walt Johnson, Mayor

ATTEST:


Wanda F. Wells, City Clerk

