

Volusia County, Florida - Code of Ordinances

Chapter 22 – Buildings and Building Regulations

(Current Supplement Version; Companion to the 2004 Florida Building Code)

Chapter 22 - BUILDINGS AND BUILDING REGULATIONS^[1]

Footnotes:

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Editor's note—Ord. No. 2005-14, § 1, adopted Oct. 6, 2005, repealed the former ch. 22, arts. I, II, and IX, and enacted a new ch. 22, arts. I—III, renumbered by the editor as set out herein. The former arts. I, II, and IX pertained to similar subject matter. For a complete derivation of the former arts. I, II, and IX, see the comparative table at the back of volume II of this Code.

Cross reference— Fire prevention and protection, ch. 54; historic preservation, ch. 62; wells, pumping facilities and irrigation systems, § 74-31 et seq.; utilities, ch. 122; land development code, app. A; zoning, app. B.

State Law reference— Powers of chartered counties, Fla. Const. art. VIII, § 1(g).

ARTICLE I. - IN GENERAL

Sec. 22-1. - Fees and penalty for violation of chapter.

- (a) *Fees*: Fees for permits and other related charges relating to this chapter shall be set by resolution of the county council.
 - (b) *Penalty*: Violations of this chapter are punishable as provided in section 1-7 of this Code.
- (Ord. No. 2005-14, § 1, 10-6-05)

Sec. 22-2. - Local supplement to the Florida Building Code, administration.

SECTION 101 GENERAL

101.1 Title. These regulations shall be known as the Volusia County Administrative Section of the Florida Building Code, hereinafter referred to as "this Code."

101.2 Scope. The provisions of this Code shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures, as follows:

1. *Detached one-and two-family dwellings and multiple single-family dwellings* (town houses) not more than three stories above grade plane in height with a separate means of egress and their accessory structures shall comply with The Florida Building Code, Residential.
2. *Existing buildings undergoing repair*, alterations or additions and change of occupancy shall comply with Chapter 34 of this Code. For construction sites in existing residential areas, the contractor and / or owner shall be responsible for clean up, securing the structure and safe storage of the material on site at all times. All construction material shall be stored within the boundaries of the property.
3. *Unsafe dilapidated structures* shall be governed by the Volusia County Unsafe Dilapidated Structure Ordinance 2000-20 [sections 58-80 et seq.], and violations of subsections A and B below shall result in application of the remedies contained in that ordinance.
 - A. *Vacant buildings.* No vacant building may be boarded up for a period of time exceeding 90 days unless granted a waiver by the Building Official based upon public health, safety, and welfare. All vacant buildings or buildings permitted to be boarded up shall be maintained; all boards used to enclose the building shall be neatly fitted within window and door openings and shall be painted to blend in with the rest of the building.
 - B.

Fire Damaged Structures. Fire-damaged structures shall be secured within 48 hours after the fire incident, and a permit for repair/reconstruction shall be applied for within 90 days after the fire incident. Upon determination by the Building Official that a written report, from a structural engineer registered in the State of Florida, on the integrity of the structure is necessary, such report shall be submitted before permits will be issued.

4. *Tent structures* erected for a period of 7 calendar days or less and which enclose an area of 100 square feet or less, which (I) otherwise comply with law; (II) do not block access to buildings or violate zoning setbacks, and (III) are not used to expand or conduct a commercial business, do not require a permit.
5. *Temporary Storm Protection:* Any structure may be temporarily boarded up 14 days prior to projected landfall of any named storm or weather system. Temporary protection must be removed within 14 days after the storm threat has passed.

101.2.1 Appendices to the Florida Building Code. Provisions contained in the appendices to the Florida Building Code shall not apply unless specifically adopted by Volusia County.

101.2.1.1 There are hereby adopted the following Appendices:

1. Existing Building Code:
Appendix B: Standard for Rehabilitation, The Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings
Appendix D: Type of Construction
2. Fuel Gas Code:
Appendix A: Sizing and Capacities of Gas Piping
Appendix B: Sizing of Venting Systems Serving Appliances Equipped With Draft Hoods, Category I Appliances, and Appliances Listed for Use With Type B Vents
3. Plumbing Code:
Appendix B: Rates of Rainfall For Various Cities
Appendix C: Gray Water Recycling Systems
Appendix D: Degree Day Design Temperatures
Appendix E: Sizing of Water Piping System
4. Residential Code:
Appendix A: (IFGS): Sizing and Capacities of Gas Piping
Appendix B: Sizing of Venting Systems Serving Appliances Equipped With Draft Hoods, Category I Appliances, and Appliances Listed for Use With Type B Vents
Appendix C: (IFGS): Exit Terminals of Mechanical Draft and Direct-Vent Venting Systems

101.3 Intent. The purpose of this Code is to establish the minimum requirements to safeguard the public health, safety and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment and to provide safety to fire fighters and emergency responders during emergency operations.

101.3.1 Quality control. Quality control of materials and workmanship is not within the purview of this Code except as it relates to the purposes stated herein.

101.3.2 Permitting and inspection. The permitting or inspection of any building, system or plan by Volusia County, under the requirements of this Code, shall not be construed in any court as a warranty of the physical condition of any building, system or plan or of their adequacy. Volusia County shall not be liable in tort for damages or hazardous or illegal condition or inadequacy in any building, system or plan, nor for any failure of any component of such, which may occur regardless of inspection or permitting. Further, no Building Activity employee shall be liable in tort for damages from such conditions, in accordance with Section 768.28(9) (a), Florida Statutes, as may be amended from time to time.

101.4 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 set out in this subsection 101.4, and the definitions set out in subsection 101.5, shall not be applied to any other section of this chapter which expressly excludes such construction or definition, or where the subject matter or content of such section would be inconsistent with these subsections.

101.4.1 Generally. All provisions, terms, phrases and expressions contained in this division shall be liberally construed in order that the true intent and meaning thereof may be fully carried out. Terms used in this division, unless otherwise specifically provided, shall have the meanings prescribed by the Building Code statutes of this state for the same terms.

101.4.2 Text. In case of any difference of meaning or implication between the text herein and any figure, the text shall control.

101.4.3 Delegation of authority. Whenever a provision appears requiring the chief 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.

101.4.4 Interpretation. Interpretations of this chapter shall be made by the Building Official.

101.4.5 Construction Hours of Operation. Construction and Demolition: It is hereby authorized to operate or cause the operation of any tools used in construction, drilling, repair, alteration or demolition work between the hours of 7:00 a.m. and 7:00 p.m. on weekdays, and between 10:00 a.m. and 6:00 p.m. on weekends or holidays and shall not be within 50 yards of any residential area, except for emergency work by public service utilities or by special permit approved by the county.

101.5 Words Defined. The definitions set out here shall be solely applied to this chapter.

Abandon or Abandonment.

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

previous approved inspection.

Appraised value.

- (1) One hundred and twenty (120) percent of the assessed value of the structure as indicated by the County Property Appraiser's Office; or
- (2) The value as indicated in a certified appraisal from a certified appraiser.

Assessed value. The value of real property and improvements thereon, as established by the County Property Appraiser.

Authorized agent. A person specifically authorized by the contractor of record to obtain permits on his behalf.

Basic Wind Speed Line. The basic wind speed line for Volusia County shall be as established by the wind speed contour map attached to, and made part of, this chapter.

Board. Volusia County Contractor Licensing & Construction Appeals Board, unless otherwise specifically stated.

Boarded up. Placement of covering over all accessible openings, preventing access to the interior of the structure.

Building (verb): The removal, disassembly, repair, replacement, installation or assembly of a building, structure, building system or building components in whole or in part.

Building component. An element or assembly of elements integral to or part of a building.

Building Official. The Director of the Volusia County Building Activity or his designee.

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.

Building system. A functionally related group of elements, components and/or equipment, such as the electrical, plumbing and mechanical systems of a building.

Certificate of occupancy (C.O.). A document issued by Volusia County, evidencing that a building satisfies the requirements of Volusia County for the occupancy of a building.

Change of occupancy. A change from one Building Code occupancy classification or sub classification to another.

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

Cumulative construction cost. The sum total of costs associated with any construction work done to a building or structure, either at one time or at different times within a specified period of time.

Demolition. The act of razing, dismantling or removing a building or structure, or portion thereof, to the ground level.

FCILB. The Florida Construction Industry Licensing Board.

Imminent Danger.

- (1) Structurally unsound condition of a structure, or portion thereof, likely to cause physical injury to a person entering the structure;
- (2) 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
- (3) A condition of the property 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 persons in the vicinity.

Inspection warrant. A court order authorizing the Building Official or his designee to perform an inspection of property named in the warrant.

Intensification of use. An increase in capacity or number of units of a residential or commercial building.

Interior finish. The preparation of interior spaces of a commercial building for occupancy thereof.

Market value shall have the meaning set forth in floodplain regulations of this Code.

Month. A calendar month.

Permit (noun). A document issued by Volusia County authorizing performance of a specific activity regulated by this chapter.

Permit card or placard. A document issued by Volusia County evidencing the issuance of a permit and recording of inspections.

Remodeling. Work which changes the original size, configuration or material of the components of a building.

Residential building. Any one- or two-family building or accessory structure thereto.

Roofing (verb). The installation of roof coverings.

Shall. The word "shall" is mandatory and takes precedence over "may".

Site preparation: The physical preparation of a site for foundation work, including but not limited to: site clearing, excavation, de-watering, pile placement and soil testing activities.

Spa. Any constructed or prefabricated pool containing water jets.

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.

Structural component. Any part of a system, building or structure, load bearing or non-load bearing, which is integral to the structural integrity thereof, including but not limited to walls, partitions, columns, beams and girders.

Structural work or alteration.

- (1) The installation or assembling of new structural components into a system, building or structure; or
- (2) Any change, repair or replacement of any existing structural component of a system, building or structure.

Substantial completion. That point at which construction work has been sufficiently completed, in accordance with the applicable county, state and federal codes, so that a structure can be occupied or a project can be utilized for the use for which it was intended.

Unsafe buildings or systems. Any building, structure, or electrical, gas, mechanical or plumbing system that:

- (1) does not provide adequate egress, or which constitutes a fire hazard;
- (2) is otherwise dangerous to human life; or
- (3) in relation to existing use, constitutes a hazard to safety or health.

Value. Job cost.

Written or in writing. Any representation of words letters or figures whether by printing or otherwise.

Year. A calendar year, unless a fiscal year is indicated.

101.5.1 Conflict in definitions. 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.

101.6 Referenced codes. The other codes listed in Sections 101.6.1 through 101.6.8 and referenced elsewhere in this Code shall be considered part of the requirements of this Code, to the prescribed extent of each such reference.

101.6.1 Electrical. The provisions of Chapter 27 of "The Florida Building Code, Building" shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.

101.6.2 Gas. The provisions of "The Florida Building Code, Fuel Gas" shall apply to gas piping systems, extending from the point of delivery to the inlet connections of appliances and related accessories, and to the installation and operation of residential and commercial gas appliances and related accessories.

101.6.3 Mechanical. The provisions of "The Florida Building Code, Mechanical" shall apply to the installation, alteration, repair and replacement of mechanical systems, including equipment, appliances, fixtures, fittings and/or appurtenances, including ventilating, heating, cooling, air-conditioning and refrigeration systems, incinerators and other energy-related systems.

101.6.4 Plumbing. The provisions of "The Florida Building Code, Plumbing" shall apply to the installation, alteration, repair and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, where connected to a water or sewage system, and all aspects of a medical gas system.

101.6.5 Reserved.

101.6.6 Fire prevention. The provisions of "The Florida Fire Prevention Code" shall apply to:

- (1) matters related to fire prevention affecting or relating to structures, processes and premises;
- (2) protection from hazards of fire or explosion arising from the storage, handling or use of structures, materials or devices;
- (3) conditions hazardous to life, property or public welfare in the occupancy of structures or premises; and
- (4) the construction, extension, repair, alteration or removal from operation of fire suppression and alarm systems, or fire hazards, in structures or on premises.

101.6.7 Energy. The provisions of Chapter 13 of "The Florida Building Code, Building" shall apply to all matters governing the design and construction of buildings for energy efficiency.

101.6.8 Accessibility. The provisions of Chapter 11 of "The Florida Building Code, Building" shall apply to all matters governing accessibility.

SECTION 102 APPLICABILITY

102.1 General. Where, in any specific case, different sections of this Code specify different materials, methods of construction or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

102.1.1 Enforcement. Neither The Florida Building Code nor this Code shall apply to, and no code enforcement action shall be brought with respect to, zoning requirements, land use requirements and owner specifications or programmatic requirements which do not pertain to and govern the design, construction, erection, alteration, modification, repair or demolition of public or private buildings, structures or facilities, or to programmatic requirements that do not pertain to enforcement of the Florida Building Code or this Code. Additionally, a local code enforcement agency may not administer or enforce "The Florida Building Code, Building," to prevent the siting of any publicly owned facility, including, but not limited to correctional facilities, juvenile justice facilities, or state universities, community colleges, or public education facilities, as provided by law.

102.2 Building. The provisions of the Florida Building Code and this Code shall apply to the construction, erection, alteration, modification, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every public and private building, structure or facility or floating residential structure, or any appurtenances connected or attached to such buildings, structures or facilities. Additions, alterations, repairs and changes of use or occupancy group in all buildings and structures shall comply with the provisions provided in Chapter 34 of this Code. The

following buildings, structures and facilities are exempt from the Florida Building Code and this Code as provided by law, and any further exemptions shall be as determined by the legislature and provided by law:

- (a) Building and structures specifically regulated and preempted by the federal government.
- (b) Railroads and ancillary facilities associated with the railroad.
- (c) Nonresidential farm buildings on farms.
- (d) Temporary buildings or sheds used exclusively for construction purposes.
- (e) Mobile or modular structures used as temporary offices, except that the provisions of Part V (Section 553.501-553.513, Florida Statutes) relating to accessibility by persons with disabilities shall apply and permits shall be required for structural support and tie down, electric supply and all utility connections to such mobile or modular structures.
- (f) Those structures or facilities of electric utilities, as defined in Section 366.02, Florida Statutes, which are directly involved in the generation, transmission, or distribution of electricity.
- (g) Temporary sets, assemblies, or structures used in commercial motion picture or television production, or any sound-recording equipment used in such production, on or off the premises.
- (h) Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this paragraph, the term "chickee" means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other nonwood features.

102.2.1 State facilities. In addition to the requirements of Section 553.79 and 553.80, Florida Statutes, facilities subject to the provisions of Chapter 395, Florida Statutes, and Part II of Chapter 400, Florida Statutes, shall have facility plans reviewed and construction surveyed by the state agency authorized to do so under the requirements of Chapter 395, Florida Statutes, and Part II of Chapter 400, Florida Statutes, and the certification requirements of the federal government.

102.2.2 Moved buildings. Buildings or structures for residential uses, moved into or within a county or municipality, shall not be required to be brought into compliance with the state minimum building code in force at the time the building or structure is moved, provided:

- 1. The building or structure is structurally sound, meets the wind speed requirements of the new location and is in occupiable condition for its intended use;
- 2. The occupancy use classification for the building or structure is not changed as a result of the move;
- 3. The building or structure is not substantially remodeled;
- 4. Current fire code requirements for ingress and egress are met;
- 5. Electrical, gas and plumbing systems meet the codes in force at the time of construction and are operational and safe for reconnection; and
- 6. Foundation plans are sealed by a professional engineer or architect licensed to practice in this state, if required by applicable Florida Statutes for all residential buildings or structures of the same residential occupancy class.

102.2.3 Remodeled moved buildings. The Building Official shall apply the same standard to a moved residential building or structure as that applied to the remodeling of any comparable residential building or structure, to determine whether the moved structure is substantially remodeled. The cost of the foundation on which the moved building or structure is placed shall not be included in the cost of remodeling for purposes of determining whether a moved building or structure has been substantially remodeled.

102.2.4 DCA/DFS jurisdiction and authority. This section does not apply to the jurisdiction and authority of the Department of Agriculture and Consumer Services to inspect amusement rides, or the Department of Financial Services to inspect state-owned buildings and boilers.

102.2.5 Reserved.

102.2.6 Playground Equipment. This section does not apply to swings and other playground equipment accessory to a one-or two-family dwelling; excepting that electrical service to such playground equipment shall comply with Chapter 27 of this Code.

102.3 Application of references. References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this Code.

102.4 Referenced codes and standards. The codes and standards referenced in this Code shall be considered part of the requirements of this Code to the prescribed extent of each such reference. Where conflicts occur between provisions of this Code and referenced codes and standards, the provisions of this Code shall apply.

102.5 Reserved.

102.6 Existing structures. The legal occupancy of any structure existing on the date of adoption of this Code shall be permitted to continue without change, except as is specifically covered in this Code, or the Florida Fire Prevention Code, or as is deemed necessary by the Building Official for the general safety and welfare of the occupants and the public.

102.7 Relocation of manufactured buildings.

- (1) Relocation of an existing manufactured building does not constitute an alteration.
- (2) A relocated manufactured building shall comply with wind speed requirements of the new location, using the appropriate wind speed map. If the existing building was manufactured in compliance with the Standard Building Code (prior to March 1, 2002), the wind speed map of the Standard Building Code shall be applicable. If the existing building was manufactured in compliance with the Florida Building Code (after March 1, 2002), the wind speed map of the Florida Building Code shall be applicable.

SECTION 103 BUILDING ACTIVITY

103.1 Establishment. An activity to be called the Building Activity is hereby established. The person in charge shall be known as the Building Official. All code officials employed by the activity shall be certified in accordance with Chapter 468, Part XII, Florida Statutes.

103.2 Employee qualifications

103.2.1 Building Official. The Building Official shall have a minimum of ten years combined experience as an architect, engineer, construction code official, contractor or construction superintendent, including a minimum of five years experience in supervisory positions and shall be certified as a building official or building code administrator by the State of Florida.

103.2.2 Chief Plans Examiner. The Building Official may designate a Chief Plans Examiner to administer the provisions of the Building, Electrical, Gas, Mechanical, and Plumbing Codes. The Chief Plans Examiner shall have the qualifications set forth in 103.2.1. The Chief Plans Examiner shall be certified through the State of Florida for the appropriate trades.

103.2.3 Chief Inspector Supervisor. The Building Official may designate a Chief Inspector Supervisor to administer the provisions of the Building, Electrical, Gas, Mechanical, and Plumbing Codes. The Chief Inspector Supervisor shall have the qualifications set forth in 103.2.1. The Chief Inspector Supervisor shall be certified through the State of Florida for the appropriate trades.

103.2.4 Plans Examiners and Inspectors. The Building Official may appoint or hire such number of officers, plans examiners, inspectors, assistants and other employees as shall be authorized. A plans examiner or inspector of construction shall have a minimum of five years experience as a building inspector, engineer, architect, or as a superintendent, foreman, or competent mechanic in charge of construction, in the corresponding trade. Plans examiners and inspectors shall be certified through the State of Florida for the appropriate trades.

103.2.5 Deputy Building Official. The Building Official may designate as a deputy, an employee within the Building Activity who shall, during the absence or disability of the Building Official, exercise all the powers of the Building Official. The Deputy Building Official shall have the qualifications set forth in 103.2.1.

103.3 Restrictions on employees. An officer or employee connected with the Building Activity, except one whose only connection is as a member of the board established by this Code, shall not be financially interested (except as a property owner) in the furnishing of labor, material, or appliances for the construction, alteration, or maintenance of a building, structure, service, or system; or in the making of plans or specifications thereof, within areas under the jurisdiction of Volusia County which are inconsistent with his duties or which conflict with the interests of the Building Activity.

103.4 Records. The Building Official or his designee shall keep a record of the business of the Building Activity. The records of the Building Activity shall be open to public inspection.

103.5 Liability. Officers and employees of the Building Activity and members of the Contractor Licensing & Construction Appeals Board, charged with the enforcement of this Code and acting for Volusia County in the discharge of their duties, shall not thereby render themselves personally liable and are hereby relieved from all personal liability for any damage that may occur to persons or property as a result of any act required or permitted in the discharge of their duties. Any suit brought against any officer, employee or member in connection with such act shall be defended by the County's Legal department until the final termination of the proceedings, unless such person is found to have acted in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard for the safety, health, and welfare of the public.

SECTION 104 DUTIES AND POWERS OF THE BUILDING OFFICIAL

104.1 General. The Building Official is hereby authorized and directed to enforce the provisions of this Code. The Building Official shall render interpretations of this Code and adopt policies and procedures to clarify the application of its provisions. Such interpretations, policies and procedures shall comply with the intent and purpose of this Code, and shall not waive requirements specifically provided in this Code.

104.2 Right of entry

104.2.1 First attempt. Whenever necessary to make an inspection pursuant to this Code, or whenever the Building Official has reasonable cause to believe that there exists any condition or code violation which makes any building, structure, or premises, including electrical, gas, mechanical or plumbing systems, unsafe, dangerous or hazardous, the Building Official may enter such building, structure or premises, at any reasonable time, to inspect the same or to perform any duty imposed by this Code. If such building, structure or premises are occupied, the inspector shall first present credentials and request entry; if unoccupied, a reasonable effort to locate the owner or contractor of record to request entry shall be made. If entry is refused, the Building Official shall have recourse to every remedy provided by law to secure entry.

104.2.2 Inspection warrant. Upon presentation with a duly-executed inspection warrant or other remedy provided by law, no owner, occupant or other person having charge, care or control of any building, structure, or premises shall fail or neglect to promptly permit entry therein for the purpose of inspection and examination pursuant to this Code.

104.3 Stop work orders. Upon written notice from the Building Official, work on any building, structure, or premises, including electrical, gas, mechanical or plumbing systems, that is contrary to the provisions of this Code or is being conducted in a dangerous or unsafe manner, shall immediately cease. Such notice shall be posted upon the building, structure or premises involved or given to the property owner or to his agent, or to the contractor of record, and shall state the conditions under which work may be resumed. When an emergency situation or dangerous condition exists, written notice shall not be required prior to stopping work.

104.4 Suspension or Revocation of permits. The Building Official may suspend or revoke any permit issued:

- (1) in error, or on the basis of incorrect, inaccurate or incomplete information, or in violation of or not in conformity with any ordinance, regulation or provision of this Code;
- (2) in connection with submission of any false or misleading statement, or any material misrepresentation within the application or plans;

104.5 Unsafe buildings or systems. All unsafe buildings, structures or service systems are hereby declared in violation of this Code and shall be abated by repair and rehabilitation, or by demolition in accordance with the provisions of the Volusia County Unsafe Dilapidated Structure Ordinance 2000-20.

104.6 Requirements not covered by code. Any requirement reasonably determined by the Building Official to be appropriate to the strength, stability, safety or proper operation of any existing or proposed building or structure, including electrical, gas, mechanical or plumbing systems, or necessary for public safety, health and general welfare, which is not specifically covered by this Code or by other technical codes in force in Volusia County, shall be required by this subsection.

104.7, 104.8 Reserved.

104.9 Approved materials and equipment. Materials, equipment and devices approved by the Building Official shall be constructed and installed in accordance with such approval.

104.9.1 Used materials and equipment. The use of used materials, which meet the requirements of this Code for new materials, is allowed. Used equipment and devices shall not be reused unless approved by the Building Official.

104.10 Reserved.

104.11 Alternative materials, design and methods of construction and equipment. The provisions of this Code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this Code, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the Building Official finds that the proposed design is satisfactory and complies with the intent of the provisions of this Code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this Code in quality, strength, effectiveness, fire resistance, durability and safety. When alternate life safety systems are designed, the SFPE Engineering Guide to Performance-Based Fire Protection Analysis and Design of Buildings, or other methods approved by the Building Official may be used. The Building Official shall require that sufficient evidence or proof be submitted to substantiate any claim made regarding the alternative.

104.11.1 Research reports. Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this Code, shall consist of valid research reports from approved sources.

104.11.2 Tests. Whenever there is insufficient evidence of compliance with the provisions of this Code, or evidence that a material or method does not conform to the requirements of this Code, or to substantiate claims for alternative materials or methods, the Building Official shall have the authority to require tests as evidence of compliance, to be made at no expense to Volusia County. Test methods shall be as specified in this Code or by other recognized test standards. In the absence of recognized and accepted test methods, the Building Official shall approve the testing procedures. Tests shall be performed by an approved agency. Reports of such tests shall be retained by the Building Official for the period required for retention of public records.

104.11.3 Accessibility. Alternative designs and technologies for providing access to and usability of a facility for persons with disabilities shall be in accordance with Section 11-2.2 of the 2004 Florida Building Code.

SECTION 105 PERMITS

105.1 Required. Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this Code, or to cause any such work to be done, shall first make application to the Building Official and obtain the required permit.

105.1.1 Annual facility permit. In lieu of an individual permit for each alteration to an existing electrical, gas, mechanical, plumbing or interior nonstructural office system(s), the Building Official is authorized to issue an annual permit for any occupancy to facilitate routine or emergency service, repair, refurbishing, minor renovations of service systems or manufacturing equipment installations/relocations. The Building Official shall be notified of major changes and shall retain the right to make inspections at the facility site as he deems necessary. An annual facility permit shall be assessed with an annual fee and shall be valid for one year from date of issuance. A separate permit shall be obtained for each facility and for each construction trade, as applicable. The permit application shall contain a general description of the parameters of work intended to be performed during the year.

105.1.2 Annual permit records. The person to whom an annual permit is issued shall keep a detailed record of alterations made under such annual permit. The Building Official shall have access to such records at all times or such records shall be filed with the Building Official as designated.

105.1.3 Food permit. As per Section 500.12, Florida Statutes, a food permit from the Department of Agriculture and Consumer Services is required of any person who operates a food establishment or retail food store.

105.2 Work exempt from permit. 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. Permits shall not be required for the following:

Gas:

1. Portable heating appliance.
2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

Mechanical:

1. Portable heating appliance.
2. Portable ventilation equipment.
3. Portable cooling unit.
4. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this Code.
5. Replacement of any part which does not alter its approval or make it unsafe.
6. Portable evaporative cooler.
7. Self-contained refrigeration system containing 10 pounds (4.54kg) or less of refrigerant and actuated by motors of 1 horsepower (746 W) or less.
8. The installation, replacement, removal or metering of any load management control device.

Plumbing:

1. The stopping of leaks in drains, water, soil, waste or vent pipe provided, however, that if any concealed trap, drain pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this Code.
- 2.

The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

105.2.1 Emergency repairs. Where equipment replacements and repairs must be performed in an emergency situation, the permit application shall be submitted within the next working business day to the Building Official, including the work address, nature of emergency and scope of work.

105.2.2 Minor repairs. Ordinary minor repairs may be made with the approval of the Building Official without a permit, provided the repairs do not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load-bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; additionally, ordinary minor repairs shall not include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring systems or mechanical equipment or other work affecting public health or general safety, and such repairs shall not violate any of the provisions of the technical codes.

105.2.3 Reserved.

105.3 Application for permit. To obtain a permit, the applicant shall first file an application therefore in writing on a form furnished by the Building Activity for that purpose. Permit application forms shall comply with the requirements of this Code and F.S. § 713.135(5) and (6). Each application shall be inscribed with the date of application, and the code in effect as of that date. For a building permit for which an application is submitted prior to the effective date of the latest edition of the Florida Building Code, the state minimum building code in effect in Volusia County on the date of the application governs the permitted work, for the life of the permit and any extension granted to the permit.

105.3.1 Action on application. The Building Official shall examine or cause to be examined applications for permits and amendments thereto within a reasonable time after filing. If the application or the construction documents do not conform to the requirements of pertinent laws, the Building Official shall reject such application in writing, stating the reasons therefore. If the Building Official is satisfied that the proposed work conforms to the requirements of this Code and laws and ordinances applicable thereto, the Building Official shall issue a permit therefore as soon as practicable. When authorized through contractual agreement with a school board, in acting on applications for permits, the Building Official shall give first priority to any applications for the construction of, or addition or renovation to, any school or educational facility.

105.3.1.1 State or School District use of services. If a state university, state community college or public school district elects to use a local government's code enforcement offices, fees charged by counties and municipalities for enforcement of the Florida Building Code on buildings, structures, and facilities of state universities, state colleges, and public school districts shall not be more than the actual labor and administrative costs incurred for plans review and inspections to ensure compliance with the code.

105.3.1.2 Required permit documentation. No permit may be issued for any building construction, erection, alteration, modification, repair, or addition unless the applicant for such permit provides to the Building Official any of the following documents which apply to the construction for which the permit is to be issued and which shall be prepared by or under the direction of an engineer registered under Chapter 471, Florida Statutes:

1. Electrical documents for any new building or addition which requires an aggregate service capacity of 600 amperes (240 volts) or more on a residential electrical system or 800 amperes (240 volts) or more on a commercial or industrial electrical system and which costs more than \$50,000.
2. Plumbing documents for any new building or addition which requires a plumbing system with more than 250 fixture units or which costs more than \$50,000.
3. Fire sprinkler documents for any new building or addition, or for a fire sprinkler system containing 50 or more sprinkler heads. A Contractor I, Contractor II, or Contractor IV, certified under F.S. § 633.521, may design a fire sprinkler system of 49 or fewer heads and may design the alteration of an existing fire sprinkler system if the alteration consists of the relocation, addition or deletion of not more than 49 heads, notwithstanding the size of the existing fire sprinkler system.
4. Heating, ventilation, and air-conditioning documents for any new building or addition which requires more than a 15-ton-per-system capacity which is designed to accommodate 100 or more persons or for which the system costs more than \$50,000. This paragraph does not include any document for the replacement or repair of an existing system in which the work does not require altering a structural part of the building or for work on a residential one, two, three or four-family structure. An air-conditioning system may be designed by an installing air-conditioning contractor certified under Chapter 489, Florida Statutes, to serve any building or addition which is designed to accommodate fewer than 100 persons and requires an air-conditioning system with a value of \$50,000 or less; and when a 15-ton-per system or less is designed for a singular space of a building and each 15-ton system or less has an independent duct system. Systems not complying with the above require design documents that are to be sealed by a professional engineer. The limiting criteria of 100 persons and \$50,000 apply to the building occupancy load and the cost for the total air-conditioning system of the building.

Example 1: When a space has two 10-ton systems with each having an independent duct system, the contractor may design these two systems since each unit (system) is less than 15 tons.

Example 2: Consider a small single-story office building which consists of six individual offices where each office has a single three-ton package air conditioning heat pump. The six heat pumps are connected to a single water cooling tower. The cost of the entire heating, ventilation and air-conditioning work is \$47,000 and the office building accommodates fewer than 100 persons. Because the six mechanical units are connected to a common water tower this is considered to be an 18-ton system. It therefore could not be designed by a mechanical or air conditioning contractor.

5.

Any specialized mechanical, electrical, or plumbing document for any new building or addition which includes a medical gas, oxygen, steam, vacuum, toxic air filtration, halon, or fire detection and alarm system which costs more than \$5,000. Documents requiring an engineer seal by this part shall not be valid unless a professional engineer who possesses a valid certificate of registration has signed, dated, and stamped such document as provided in Section 471.025, Florida Statutes.

105.3.2 Time limitation of application. An application for a permit for any proposed work shall be deemed to have been abandoned, becoming null and void 180 days after the date of filing, 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 additional periods not exceeding 90 days each. The extension shall be requested in writing prior to the abandonment date and justifiable cause demonstrated.

105.3.3 Additional requirements. An enforcing authority may not issue a building permit for any building construction, erection, alteration, modification, repair or addition unless the permit either includes on its face or there is attached to the permit the following statement: "NOTICE: In addition to the requirements of this permit, there may be additional restrictions applicable to this property that may be found in the public records of this county, and there may be additional permits required from other governmental entities such as water management districts, state agencies, or federal agencies."

105.3.4 Permit issuance. A building permit for a single-family residential dwelling must be issued within 30 working days of application therefore unless unusual circumstances require a longer time for processing the application or unless the permit application fails to satisfy the Florida Building Code, this Code or Volusia County's other applicable laws or ordinances.

105.3.5 Identification of minimum premium policy. Except as otherwise provided in Chapter 440, Florida Statutes, Workers' Compensation, every employer shall, as a condition to receiving a building permit, show proof that it has secured compensation for its employees as provided in Section 440.10 and 440.38, Florida Statutes.

Participation in Volusia County's Contractor Licensing program satisfies this requirement.

105.3.6 Asbestos removal by Property Owner. An owner-builder exemption is permitted for moving, removal or disposal of asbestos-containing materials on a residential building where the owner occupies the building, the building is not for sale or lease, and the work is performed according to the owner-builder limitations provided in the Disclosure Statement below. To qualify for exemption under this paragraph, an owner must personally appear and sign the building permit application. The permitting agency shall provide the person with a disclosure statement in substantially the following form:

Disclosure Statement: State law requires asbestos abatement to be done by licensed contractors. You have applied for a permit under an exemption to that law. The exemption allows you, as the owner of your property, to act as your own asbestos abatement contractor even though you do not have a license. You must supervise the construction yourself. You may move, remove or dispose of asbestos-containing materials on a residential building where you occupy the building and the building is not for sale or lease, or the building is a farm outbuilding on your property. If you sell or lease such building within one year after the

asbestos abatement is complete, the law will presume that you intended to sell or lease the property at the time the work was done, which is a violation of this exemption. You may not hire an unlicensed person as your contractor. Your work must be done according to all local, state and federal laws and regulations which apply to asbestos abatement projects. It is your responsibility to make sure that people employed by you have licenses required by state law and by county or municipal licensing ordinances.

105.3.7 Special foundation permit. When application for permit to erect or enlarge a building has been filed the Building Official may, at his discretion, issue a special permit for the foundation only. The holder of such a permit shall proceed at his own risk, without assurance that a permit for the remainder of the work, will be granted or that corrections will not be required to meet provisions of the technical codes.

105.3.8 Public right-of-way. A permit shall not be given for the construction of any building, or for alteration of any building where 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.

105.3.9 Temporary toilet facilities for workers. Suitable temporary toilet facilities in accordance with normal industry standards shall be provided and maintained in a sanitary condition for the use of workers during construction. Such facilities shall be (I) regularly cleaned (II) must be provided in a well-ventilated location (III) shall be placed at least 15 feet from the side property line of the lot on which it is located (IV) may not be placed in the public right-of-way and (V) shall be provided on site prior to the first inspection.

105.4 Conditions of the permit.

105.4.1 Permit intent. A permit issued shall be construed to be a license to proceed with the work and not as authority to violate, cancel, alter or set aside any of the provisions of the technical codes, nor shall issuance of a permit prevent the Building Official from thereafter requiring a correction of errors in plans, construction or violations of this Code.

- (1) Except as provided below, every permit issued shall become invalid unless the work authorized by such permit is commenced within six months after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of six months after the time the work is commenced; failure to obtain an approved inspection within 180 days of the previous approved inspection shall constitute suspension or abandonment.
- (2) Every pool permit issued shall become invalid unless the work authorized by such permit is commenced within three months after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of three months after the time the work is commenced; failure to obtain an approved inspection within 90 days of the previous approved inspection shall constitute suspension or abandonment.
- (3) With respect to commercial or multifamily building projects, construction activity which has commenced under a valid building permit shall proceed without stoppages of work exceeding ninety (90) days. The licensed contractor and/or property owner shall maintain

all construction sites in a safe condition, shall minimize unsafe conditions and unsightly appearance at the site, and shall provide fencing or other protective barriers whenever work ceases for a period longer than 7 days.

- (4) Upon written request and justifiable cause, the Building Official may grant one or more extensions of time, for periods less than 180 days each, and in the case of swimming pools not more than 30 days each.
- (5) Permits issued for the demolition of a structure shall expire sixty (60) days from the date of issuance. Upon written request and justifiable cause, the Building Official may grant one extension of time not exceeding 30 days.
- (6) Justifiable cause for extension of time shall include, but not be limited to, the following circumstances when beyond the control of the permit holder:
 - (a) Acts of God and natural disasters
 - (b) Material shortages
 - (c) Interruptions due to strikes or other employee job actions
 - (d) Fire, explosion, or some similar catastrophe
 - (e) Financial reversals of a temporary nature, and
 - (f) Other situations beyond the control of the permit holder.

105.4.1.1 New permit required. If work has commenced and the permit is revoked, becomes null and void, or expires, a new permit covering the proposed construction shall be obtained before proceeding with the work.

105.4.1.2 Removal of unauthorized work. If a new permit is not obtained within 180 days from the date the initial permit became revoked, null and void or expired, the Building Official is authorized to require that any work which has been commenced or completed be removed from the building site. Alternately, a new permit may be issued on application, providing, the work in place and required to complete the structure meets all applicable regulations in effect at the time the initial permit became revoked, null and void or expired and any regulations which may have become effective between the date of expiration and the date of issuance of the new permit.

105.4.1.3 Work progress. Work shall be considered to be in active progress when the permit has received an approved inspection within 180 days. 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.

105.4.1.4 Renewal, reissuance and extension fees. The fee for renewal, reissuance and extension of a permit shall be set by the Volusia County Council.

105.5, 105.6 Reserved.

105.7 Placement of permit. Prior to commencing work, the permit holder or his agent shall post the permit card and all required documents at a conspicuous location on the premises, protected from weather and in such a manner that inspectors may conveniently make required entries thereon. Such posting shall remain in place until the Certificate of Occupancy or Completion is issued.

105.8 Notice of commencement. As per Section 713.135, Florida Statutes, all building permits issued by Volusia County, shall be printed on the face of each permit card in no less than 18-point, capitalized, boldfaced type: "WARNING TO OWNER: YOUR FAILURE TO RECORD A NOTICE OF COMMENCEMENT MAY RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY. IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN ATTORNEY BEFORE RECORDING YOUR NOTICE OF COMMENCEMENT."

105.9 Asbestos. The enforcing agency shall require each building permit for the demolition or renovation of an existing structure to contain an asbestos notification statement which indicates the owner's or operator's responsibility to comply with the provisions of F.S. § 469.003, and to notify the Department of Environmental Protection of his or her intentions to remove asbestos, when applicable, in accordance with state and federal law.

105.10 Certificate of protective treatment for prevention of termites. A weather-resistant job-site posting board shall be provided to receive duplicate treatment certificates as each required protective treatment is completed, providing a copy for the person the permit is issued to and another copy for the building permit files. The treatment certificate shall provide the product used, identity of the applicator, time and date of the treatment, site location, area treated, chemical used, percent concentration and number of gallons used, to establish a verifiable record of protective treatment. If the soil chemical barrier method for termite prevention is used, final exterior treatment shall be completed prior to final building approval.

105.11 Notice of termite protection. A permanent sign which identifies the termite treatment provider and need for re-inspection and treatment contract renewal shall be provided. The sign shall be posted near the water heater or electric panel.

105.12 Work starting before permit issuance. Upon approval of the Building Official, the scope of work delineated in the building permit application and plan may be started prior to the final approval and issuance of the permit, provided any work completed is entirely at risk of the permit applicant and the work does not proceed past the first required inspection.

105.13 Phased permit approval. After submittal of the appropriate construction documents, the Building Official is authorized to issue a permit for the construction of foundations or any other part of a building or structure before the construction documents for the whole building or structure have been submitted. The holder of such permit for the foundation or other parts of a building or structure shall proceed with the building operation at his own risk and without assurance that a permit for the entire structure will be granted. Corrections may be required to meet the requirements of the technical codes.

105.14 Permit issued on basis of an affidavit. Whenever a permit is issued in reliance upon an affidavit or whenever the work to be covered by a permit involves installation under conditions which, in the opinion of the Building Official, are hazardous or complex, the Building Official shall require that the architect or engineer who signed the affidavit or prepared the drawings or computations shall supervise such work. In addition, that architect or engineer shall be responsible for conformity to the permit, provide copies of inspection reports as inspections are performed, and upon completion make and file with the Building Official a written affidavit that the work has been done in conformity to the reviewed plans and with the structural provisions of the technical codes. In the event such architect or

engineer is not available, the owner shall employ in his stead a competent person or agency whose qualifications are reasonably acceptable to the Building Official. The Building Official shall ensure that any person conducting plans review is qualified as a plans examiner under F.S. ch. 468, pt. XII, and that any person conducting inspections is qualified as a building inspector under F.S. ch. 468, pt. III.

SECTION 106 CONSTRUCTION DOCUMENTS

106.1 Submittal documents. Construction documents, special inspection and structural observation programs, and other data shall be submitted in one or more sets with each application for a permit. The construction documents shall be prepared by a design professional where required by the statutes. Where special conditions exist, the Building Official is authorized to require additional construction documents to be prepared by a design professional; excepting, the Building Official may waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that review of construction documents is not necessary to obtain compliance with this Code. If the design professional is an architect or engineer legally registered under the laws of this state regulating the practice of architecture as provided for in Chapter 481, Florida Statutes, Part I, or engineering as provided for in Chapter 471 Florida Statutes, and in 61G15 Florida Administrative Code, then he or she shall affix his or her official seal, original signature and date to said drawings, specifications and accompanying data as required by Florida Statutes. If the design professional is a landscape architect registered under the laws of this state regulating the practice of landscape architecture as provided for in Chapter 481, Florida Statutes, Part II, then he or she shall affix his or her seal, original signature and date to said drawings, specifications and accompanying data as defined in Section 481.303(6) (a) (b) (c) (d), FS and in 61G1 Florida Administrative Code.

106.1.1 Information on construction documents. Construction documents shall be dimensioned and drawn upon suitable material. Electronic media documents are permitted to be submitted when approved by the Building Official. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this Code and relevant laws, ordinances, rules and regulations, as determined by the Building Official (see also Section 106.3.5).

106.1.1.1 Fire protection system shop drawings. Shop drawings for the fire protection system(s) shall be submitted to indicate conformance with this Code and the construction documents and shall be approved prior to the start of system installation. Shop drawings shall contain all information as required by the referenced installation standards in Chapter 9.

106.1.1.2 Roof assembly construction documents. For roof assemblies required by code, the construction documents shall illustrate, describe, and delineate the type of roofing system, materials, fastening requirements, flashing requirements and wind resistance rating that are required to be installed. Product evaluation and installation shall indicate compliance with the wind criteria required for the specific site, or a statement by an architect or engineer for the specific site must be submitted with the construction documents.

106.1.2 Additional data. The Building Official may require submission of details, computations, stress diagrams, and other data necessary to explain the construction or installation and the basis of calculations. All drawings, specifications and accompanying data required shall be prepared by an architect or engineer and shall be affixed with his or her official seal, signature and date as required by state law.

106.1.3 Quality of building plans. Building plans shall be drawn to a minimum 1/8 inch scale upon substantial paper, or other acceptable medium. The Building Official may establish, through departmental policy, standards for plans and specifications, to provide conformity with its record retention program, including minimum size, shape, contrast, clarity, or other factors related to records management.

106.1.4 Hazardous occupancies. The Building Official may require the following for hazardous occupancies:

1. *General site plan.* A general site plan drawn to 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 to be stored.
2. *Building floor plan.* A building floor plan drawn to a legible scale, not including but limited to all hazardous materials storage facilities within the building and indicating 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.

106.2 Reserved.

106.3 Examination of documents. The Building Official shall examine or cause to be examined the accompanying construction documents and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of this Code and other pertinent laws or ordinances with the exception of the following:

- (1) Building plans approved pursuant to Section 553.77(6), Florida Statutes, and state-approved manufactured buildings, except for provisions of this Code relating to erection, assembly or construction at the site. Erection, assembly (including utility crossover connections) and construction at the site are not exempt from this Code.
- (2) Industrial construction on sites where design, construction and fire safety are supervised by licensed design and inspection professionals and which contain adequate in-house fire departments and rescue squads subject to approval of the Building Official where the appropriate licensed design and inspection professionals certify that applicable codes and standards have been met, and supply appropriate approved drawings to local building and fire-safety inspectors.

106.3.1 Approval of construction documents. When the Building Official issues a permit, the construction documents shall be approved, in writing or by stamp, as "Reviewed for Code Compliance." One set of construction documents so reviewed shall be retained by the Building Official. The other set shall be returned to the applicant, shall be kept at the site of work and shall be open to inspection by the Building Official or a duly authorized representative.

106.3.2 Previous approvals. This Code shall not require changes in the construction documents, construction or designated occupancy of a structure for which a lawful permit has been heretofore issued or otherwise lawfully authorized, and the construction of which has been pursued in good faith within 180 days after the effective date of this Code and has not been abandoned or revoked.

106.3.3 Reserved.

106.3.4 Reserved.

106.3.4.1 Reserved.

106.3.4.2 Reserved.

106.3.4.3 Plan certification by contractors. Certifications by contractors authorized under the provisions of Section 489.115(4)(b), Florida Statutes, shall be considered equivalent to sealed plans and specifications by a person licensed under Chapter 471, Florida Statutes, or Chapter 481 Florida Statutes, for plans review for permitting purposes, relating to compliance with the wind resistance provisions of the code or alternate methodologies approved by the Florida Building Commission for one-and two-family dwellings. The Building Official may rely upon such certification by contractors that the plans and specifications submitted conform to the requirements of the code for wind resistance. Nevertheless upon good cause shown, the Building Official may accept or reject plans sealed by persons licensed under Chapters 471, 481 or 489, Florida Statutes.

106.3.5 Minimum plan review criteria for buildings. The examination of the documents by the Building Official shall include the following minimum criteria and documents: a floor plan; site plan; foundation plan; floor/roof framing plan or truss layout; and all exterior elevations:

Commercial Buildings:

Building

1. Site requirements shall include:
 - Parking
 - Fire access
 - Vehicle loading
 - Driving/turning radius
 - Fire hydrant/water supply/post indicator valve (PIV)
 - Set back/separation (assumed property lines)
 - Location of specific tanks, water lines and sewer lines

2. Occupancy group and special occupancy requirements shall be determined.
3. Minimum type of construction shall be determined (see Table 503).
4. Fire-resistant construction requirements shall include the following components:
 - Fire-resistant separations
 - Fire-resistant protection for type of construction
 - Protection of openings and penetrations of rated walls
 - Fire blocking and draftstopping and calculated fire resistance
5. Fire suppression systems shall include:
 - Early warning smoke evacuation systems
 - Schematic fire sprinklers
 - Standpipes
 - Pre-engineered systems
 - Riser diagram
6. Life safety systems shall be determined and shall include the following requirements:
 - Occupant load and egress capacities
 - Early warning
 - Smoke control
 - Stair pressurization
 - Systems schematic
7. Occupancy load/egress requirements shall include:
 - Occupancy load
 - Gross
 - Net
 - Means of egress
 - Exit access
 - Exit
 - Exit discharge
 - Stairs construction / geometry and protection
 - Doors
 - Emergency lighting and exit signs
 - Specific occupancy requirements

Construction requirements

Horizontal exits/exit passageways

8. Structural requirements shall include:

Soil conditions/analysis

Termite protection

Design loads

Wind requirements

Building envelope

Structural calculations (if required)

Foundation

Wall systems

Floor systems

Roof systems

Threshold inspection plan

Stair systems

9. Materials shall be reviewed and shall at a minimum include the following:

Wood

Steel

Aluminum

Concrete

Plastic

Glass

Masonry

Gypsum board and plaster

Insulating (mechanical)

Roofing

Insulation

10. Accessibility requirements shall include the following:

Site requirements

Accessible route

Vertical accessibility

Toilet and bathing facilities

Drinking fountains

Equipment

Special occupancy requirements

Fair housing requirements

11. Interior requirements shall include the following:
 - Interior finishes (flame spread/smoke development)
 - Light and ventilation
 - Sanitation
12. Special systems shall include:
 - Elevators
 - Escalators
 - Lifts
13. Swimming pools shall include:
 - Barrier requirements
 - Spas
 - Wading pools

Electrical

1. Electrical:
 - Wiring
 - Services
 - Feeders and branch circuits
 - Overcurrent protection
 - Grounding
 - Wiring methods and materials
 - GFCIs
2. Equipment
3. Special occupancies
4. Emergency systems
5. Communication systems
6. Low voltage
7. Load calculations

Plumbing

1. Minimum plumbing facilities
2. Fixture requirements
3. Water supply piping
4. Sanitary drainage
5. Water heaters
6. Vents
7. Roof drainage
8. Back flow prevention
9. Irrigation
10. Location of water supply line
11. Grease traps
12. Environmental requirements
13. Plumbing riser

Mechanical

1. Energy calculations
2. Exhaust systems:
 - Clothes dryer exhaust
 - Kitchen equipment exhaust
 - Specialty exhaust systems
3. Equipment
4. Equipment location
5. Make-up air
6. Roof-mounted equipment
7. Duct systems
8. Ventilation
9. Combustion air
10. Chimneys, fireplaces and vents
11. Appliances
12. Boilers
13. Refrigeration
14. Bathroom ventilation
15. Laboratory

Gas

1. Gas piping
2. Venting
3. Combustion air

4. Chimneys and vents
5. Appliances
6. Type of gas
7. Fireplaces
8. LP tank location
9. Riser diagram/shutoffs

Demolition

1. Asbestos removal
2. Rodent control. In order to control spread of infestation by rodents, the Building Official may require proof, including certification by a state certified pest control operator stating the building is free of infestation by rodents, that a building proposed to be demolished is free of rodents.

Residential (one-and two-family) Buildings shall include:

1. Site requirements
Set back/separation (assumed property lines)
Location of septic tanks
2. Fire-resistant construction (if required)
3. Fire
4. Smoke detector locations
5. Egress
Egress window size and location stairs construction requirements
6. Structural requirements shall include:
Wall section from foundation through roof, including assembly and materials
connector tables wind requirements structural calculations (if required)
7. Accessibility requirements: show/identify accessible bath

Manufactured/Mobile Homes

1. Site requirements
setback/separation (assumed property lines)
location of septic tanks (if applicable)
2. Structural
wind zone
anchoring
blocking
3. Plumbing
List potable water source and meter size (if applicable)

4. Mechanical
Exhaust systems

clothes dryer exhaust

kitchen equipment exhaust
5. Electrical

exterior disconnect location

106.3.6 Exemptions. Plans examination by the Building Official shall not be required for the following work:

1. Replacing existing equipment such as mechanical units, water heaters, etc.
2. Re-roofs — shingle to shingle with no structural change
3. Minor electrical, plumbing and mechanical repairs
4. Annual maintenance permits
5. Prototype plans, excepting:
local site adaptations, siding, foundations and/or modifications; and
structures that require waiver.
6. Manufactured buildings plan except for foundations and modifications of buildings on site.

106.4 Amended construction documents. Work shall be installed in accordance with the approved construction documents, and any changes made during construction that are not in compliance with the approved construction documents shall be resubmitted for approval as an amended set of construction documents.

106.5 Retention of construction documents. One set of approved construction documents shall be retained by the Building Official as required by Florida Statutes.

106.6 Affidavits. The Building Official may accept a sworn affidavit from a registered architect or engineer stating that the plans submitted conform to the technical codes. For buildings and structures, the affidavit shall state that the plans conform to the laws as to egress, type of construction and general arrangement and, if accompanied by drawings, show the structural design and that the plans and design conform to the requirements of the technical codes as to strength, stresses, strains, loads and stability. The Building Official may without any examination or inspection accept such affidavit, provided the architect or engineer who made such affidavit agrees to submit to the Building Official copies of inspection reports as inspections are performed and upon completion of the structure, electrical, gas, mechanical or plumbing systems a certification that the structure, electrical, gas, mechanical or plumbing system has been erected in accordance with the requirements of the technical codes. Where the Building Official relies upon such affidavit, the architect or engineer shall assume full responsibility for compliance with all provisions of the technical codes and other pertinent laws or ordinances. The Building Official shall ensure that any person conducting plans review is qualified as a plans examiner under Part XII of Chapter 468, Florida Statutes, and that any person conducting inspections is qualified as a building inspector under Part XII of Chapter 468, Florida Statutes.

SECTION 107 TEMPORARY STRUCTURES AND USES

107.1 General. The Building Official is authorized to issue a permit for temporary structures and temporary uses. Such permits shall be limited as to time of service, but shall not be permitted for more than 180 days. The Building Official is authorized to grant extensions for demonstrated cause.

107.2 Conformance. Temporary structures and uses shall conform to the structural strength, fire safety, means of egress, accessibility, light, ventilation and sanitary requirements of this Code as necessary to ensure the public health, safety and general welfare.

107.3 Temporary power. The Building Official is authorized to give permission to temporarily supply and use power in part of an electric installation before such installation has been fully completed and the final certificate of completion has been issued. The part covered by the temporary certificate shall comply with the requirements specified for temporary lighting, heat or power in Chapter 27 of "The Florida Building Code, Building."

107.4 Termination of approval. The Building Official is authorized to terminate such permit for a temporary structure or use and to order the temporary structure or use to be discontinued.

SECTION 108 FEES

108.1 Prescribed fees. A permit shall not be issued until fees authorized under Section 553.80, Florida Statutes, have been paid and no amendment to a permit shall be released until any additional fee due to an increase in the estimated cost of the building, structure, electrical, plumbing, mechanical or gas systems, has been paid.

108.2 Schedule of permit fees. On buildings, structures, electrical, gas, mechanical, and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the schedule as established by the applicable governing authority.

108.2.1 Types of fees enumerated. Fees may be charged for:

- Permits;
- Plans examination;
- Re-inspections;
- Variance requests;
- Administrative appeals;
- Violations; or
- As otherwise established by ordinance or resolution.

108.2.2 Building permit valuation. The Building Official may deny to issue a permit if the claimed valuation of building, alteration, structure, electrical, gas, mechanical or plumbing systems appears to be underestimated on the application, unless the applicant can show detailed estimates, and/or bona fide signed contracts (excluding land value) to the reasonable satisfaction of the Building Official. For permitting purposes, valuation of buildings and systems shall include total replacement value including structural, electric, plumbing, mechanical, interior finish, normal site

work (excavation and backfill for buildings), architectural and design fees, marketing costs, overhead and profit; excluding only land value. Valuation references may include the latest published data of national construction cost analysis services (Marshall-Swift, Means, etc.) with regional adjustments for location as published annually by the International Code Congress.

108.3 Reserved.

108.4 Work commencing before permit issuance. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the Building Official's approval or the necessary permits shall be subject to a penalty of 100 percent of the usual permit fee in addition to the required permit fees or, such greater sum as may be provided by ordinance. This provision shall not apply to emergency work when delay would clearly have placed life or property in imminent danger, so long as the required permit(s) are obtained within one business day; any unreasonable delay in obtaining those permit(s) shall result in the charge of a double fee and other penalties provided for commencing work without obtaining a permit. The Building Official may grant extensions of time or waive fees when justifiable cause has been demonstrated in writing.

108.5 Reserved.

108.6 Reserved.

SECTION 109 INSPECTIONS

109.1 General. Construction or work for which a permit is required shall be subject to inspection by the Building Official and such construction or work shall remain accessible and exposed for inspection purposes until approved. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this Code or of other ordinances of Volusia County. Inspections presuming to give authority to violate or cancel the provisions of this Code or of other ordinances of Volusia County shall not be valid. It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. 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. Neither the Building Official nor Volusia County shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

109.1.1 Existing building inspections. Before issuing a permit, the Building Official may examine or cause to be examined any building, structure, electrical, gas, mechanical, or plumbing systems for which an application has been received for a permit to enlarge, alter, repair, move, demolish, install, or for a change in occupancy. After permit issuance, such systems may be inspected, from time to time, during and upon completion of the work for which a permit was issued; a record may be made of any such examination and inspection and of any violations of technical codes.

109.1.2 Manufacturers and fabricators. When deemed necessary by the Building Official, an inspection of materials or assemblies at the point of manufacture or fabrication may be made along with a record of any such examination and inspection and of any violations of technical codes.

109.1.3 Inspection service. The Building Official may make, or cause to be made, Section 109 inspections and may accept reports of department inspectors, independent inspectors or of recognized inspection services, provided that after investigation he is satisfied as to their licensure,

qualifications and reliability. A certificate required by any provision of this Code shall not be based on such reports unless the same are recorded by the building code inspector, or by the architect or engineer performing building code inspections in a manner specified by the Building Official. All persons making such inspections shall be certified in accordance with Chapter 468, Florida Statutes.

109.2 Preliminary inspection. Before issuing a permit, the Building Official is authorized to examine or cause to be examined buildings, structures and sites for which an application has been filed.

109.3 Required inspections. The Building Official, upon notification from the permit holder or his agent, shall make the following inspections, and such other inspections as deemed necessary, and shall either release that portion of the construction or shall notify the permit holder or his agent of any violations which must be corrected in order to comply with the technical codes. The Building Official shall determine the timing and sequencing of inspections and which elements will be inspected.

Building

1. *Foundation inspection.* To be made after trenches are excavated and forms erected and shall at a minimum include the following building components:
 - Stem-wall
 - Monolithic slab-on-grade
 - Piling/pile caps
 - Footers/grade beams
 - 1.1. *Slab Inspection:* Slab shall not be poured until the reinforcement is in place, all concealed conduit, piping, ducts and vents are installed and the electrical, plumbing and mechanical work is complete and all required inspections have been made and passed. A foundation/form board survey prepared and certified by a registered surveyor is required for all new construction prior to approval of the slab 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 uncover all property line markers and string-up all property lines in preparation for inspection.
2. *Framing inspection.* To be made after the roof, all framing, fire-blocking and bracing is in place, all concealing wiring, all pipes, chimneys, ducts and vents are complete and shall at a minimum include the following building components:
 - Window/door framing and installation
 - Vertical cells/columns
 - Lintel/tie beams
 - Framing/trusses/bracing/connectors (including truss layout & engineered drawings)
 - Draft stopping/fire blocking
 - Curtain wall framing

- Energy insulation

- Accessibility.

2.1. *Insulation inspection.* To be made after the framing inspection is approved and the insulation is in place.

2.2. *Gypsum board nailing inspection.*

3. *Sheathing inspection.* To be made either as part of a dry-in inspection or done separately at the request of the contractor after all roof and wall sheathing and fasteners are complete and shall at a minimum include the following building components:

- Roof sheathing

- Wall sheathing

- Sheathing fasteners

- Roof/wall dry-in.

- Window/door buck attachment

NOTE: Sheathing fasteners installed and found to be missing the structural member (shiners) shall be removed and properly reinstalled prior to installation of the dry-in material.

4. *Roofing inspection.* To be made as two inspections for tile, shingle or similar roof coverings or as one inspection for all other roof coverings, and shall at a minimum include the following building components:

- Dry-in

- Insulation

- Roof coverings (including in progress)

- Flashing

5. *Final inspection.* To be made after the building is completed and ready for occupancy. The contractor and/or owner of any active or inactive construction project shall clean up and remove all construction debris or other discarded articles prior to receiving final inspection approval.

6. *Swimming pool inspection.* First inspection to be made after excavation and installation of reinforcing steel, bonding and main drain and prior to placing of concrete shell and shall include underground electric inspection, underground plumbing inspection including a pressure test and deck inspection prior to installation of the deck material (with forms, deck drains, and any reinforcement) in place.

Final inspection to be made when the swimming pool is complete and all required enclosure requirements are in place. In order to pass final inspection and receive a certificate of completion, a residential swimming pool must meet the requirements relating to pool safety features as described in Section 424.2.17.

7.

Demolition inspections. First inspection to be made after all utility connections have been disconnected and secured in such manner that no unsafe or unsanitary conditions shall exist during or after demolition operations. Final inspection to be made after all demolition work is completed.

8. *Manufactured building inspections.* The Building Activity shall inspect: construction of foundations; connecting buildings to foundations; installation of parts identified on plans as site-installed items; joining the modules, including utility crossovers; utility connections from the building to utility lines on site; and any other work done on site which requires compliance with the Florida Building Code. Additional inspections may be required for public educational facilities (see Section 423.27.20).

Electrical

1. *Underground inspection.* (including bonding and ground) To be made after trenches or ditches are excavated, conduit or cable installed, and before any backfill is put in place.
2. *Rough-in inspection.* To be made after the roof, framing, fire-blocking and bracing is in place and prior to the installation of wall or ceiling membranes.
3. *Final inspection.* To be made after the building is complete, all required electrical fixtures are in place and properly connected or protected, and the structure is ready for occupancy.
4. *Temporary power inspection.* To be made after temporary power pole is in place and properly supported.
5. *Replacement electrical service inspection.* To be made after all electrical work is complete and prior to energizing the electrical service.

Plumbing

1. *Underground inspection.* (Including pressure test for potable water piping and head test for sanitary piping). To be made after trenches or ditches are excavated, piping installed, and before any backfill is put in place.
2. *Rough-in inspection.* To be made after the roof, framing, fire-blocking and bracing is in place and all soil, waste and vent piping is complete, and prior to the installation of wall or ceiling membranes. Additional inspections may include top out, tub sets, sewer and water service inspections.
3. *Final inspection.* To be made after the building is complete, all plumbing fixtures are in place and properly connected, and the structure is ready for occupancy.

Note: See Section P312 of "The Florida Building Code, Plumbing" for required tests.

Mechanical

1. *Underground inspection.* To be made after trenches or ditches are excavated, underground duct and fuel piping installed, and before any backfill is put in place.
2. *Rough-in inspection.* To be made after the roof, framing, fire blocking and bracing are in place and all ducting, and other concealed components are complete, and prior to the installation of wall or ceiling membranes.
3. *Final inspection.* To be made after the building is complete, the mechanical system is in place and properly connected, and the structure is ready for occupancy.

Gas

1. *Rough piping inspection.* To be made after all new piping authorized by the permit has been installed, and before any such piping has been covered or concealed or any fixtures or gas appliances have been connected.
2. *Final piping inspection.* To be made after all piping authorized by the permit has been installed and after all portions which are to be concealed by plastering or otherwise have been so concealed, and before any fixtures or gas appliances have been connected. This inspection shall include a pressure test.
3. *Final inspection.* To be made on all new gas work authorized by the permit and such portions of existing systems as may be affected by new work or any changes, to ensure compliance with all the requirements of this Code and to assure that the installation and construction of the gas system is in accordance with reviewed plans.

Site Debris

1. Construction job sites shall be kept clean, and construction debris shall not remain on the property for a time period exceeding 14 days.
2. All debris shall be maintained so as to prevent it from being spread by any means.

109.3.1 Reserved.

109.3.2 Reserved.

109.3.3 Reinforcing steel and structural frames. Reinforcing steel or structural frame work of any part of any building or structure shall not be covered or concealed without first obtaining a release from the Building Official.

109.3.4 Termites. Building components and building surroundings required to be protected from termite damage in accordance with Section 1503.6, Section 2304.13 or Section 2304.11.6, specifically required to be inspected for termites in accordance with Section 2114, or required to have chemical soil treatment in accordance with Section 1816 shall not be covered or concealed until the release from the Building Official has been received.

109.3.5 Shoring. For threshold buildings, shoring and associated formwork or false work shall be designed and inspected by a Florida licensed professional engineer, employed by the permit holder or subcontractor, prior to any required mandatory inspections by the threshold building inspector.

109.3.6 Threshold building.

109.3.6.1 Special Inspector Requirements. A special inspector shall perform structural inspections on a threshold building pursuant to a structural inspection plan prepared by the engineer or architect of record. The structural inspection plan must be submitted to the Building Official prior to the issuance of a building permit for the construction of a threshold building. The purpose of the structural inspection plans is to provide specific inspection procedures and schedules so that the building can be adequately inspected for compliance with the permitted documents.

109.3.6.2 Additional inspections of reclassified buildings. The special inspector shall inspect the shoring and reshoring for conformance to the shoring and reshoring plans submitted to the Building Official. A fee simple title owner of a building which does not meet the minimum size, height, occupancy, occupancy classification or number-of-stories criteria which would result in classification as a threshold building under Section 553.71(7) Florida Statutes, may designate such building as a threshold building, subject to more than the minimum number of inspections required by "The Florida Building Code, Building."

109.3.6.3 Responsibility and Licensure. The fee owner of a threshold building shall select and pay all costs of employing a special inspector, but the special inspector shall be responsible to the Building Official. The inspector shall be a person certified, licensed or registered under Chapter 471, Florida Statutes, as an engineer or under Chapter 481, Florida Statutes, as an architect.

109.3.6.4 Enforcement agency requirements. The Building Official shall require that, on every threshold building:

109.3.6.4.1 Completion documentation. The special inspector, upon completion of the building and prior to the issuance of a certificate of occupancy, file a signed and sealed statement with the Building Official in substantially the following form: "To the best of my knowledge and belief, the above described construction of all structural load-bearing components complies with the permitted documents, and the shoring and reshoring conforms to the shoring and reshoring plans submitted to the enforcement agency."

109.3.6.4.2 Alternate product approval. Any proposal to install an alternate structural product or system to which building codes apply be submitted to the Building Official for review for compliance with the codes and be made part of Volusia County's recorded set of permit documents.

109.3.6.4.3 Threshold recordkeeping. All shoring and reshoring procedures, plans and details be submitted to the Building Official for recordkeeping. Each shoring and reshoring installation shall be supervised, inspected and certified to be in compliance with the shoring documents by the contractor.

109.3.6.4.4 Certified statement required. All plans for the building which are required to be signed and sealed by the architect or engineer of record contain a statement that, to the best of the architect's or engineer's knowledge, the plans and specifications comply with the applicable minimum building codes and the applicable fire-safety standards as determined by the Building Official in accordance with this section and Chapter 633, Florida Statutes.

109.3.6.5 Contractor requirements. The Building Official may not issue a building permit for construction of any threshold building except to a licensed general contractor, as defined in Section 489.105(3)(a), Florida Statutes, or to a licensed building contractor, as defined in Section 489.105(3)(b), Florida Statutes, within the scope of his license. The named contractor to whom the building permit is issued shall have the responsibility for supervision, direction, management and control of the construction activities on the project for which the building permit was issued.

109.3.6.6 Additional inspections allowed. The Building Official may allow a special inspector to conduct the minimum structural inspection of threshold buildings required by this Code, Section 553.73, Florida Statutes, without duplicative inspection by the Building Activity. The Building Official is responsible for ensuring that any person conducting inspections is qualified as a building inspector under Part XII of Chapter 468, Florida Statutes, or certified as a special inspector under Chapter 471 or 481, Florida Statutes. Inspections of threshold buildings required by Section 553.79(5), Florida Statutes, are in addition to the minimum inspections required by this Code.

109.3.7 Reserved.

109.3.8 Reserved.

109.3.9 Reserved.

109.3.10 Reserved.

109.4 Reserved.

109.5 Inspection requests. It shall be the duty of the holder of the building permit or their duly authorized agent to notify the Building Official when work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspections of such work as are required by this Code.

109.6 Approval required. Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the Building Official. The Building Official, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or notify the permit holder or his or her agent wherein the same fails to comply with this Code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the Building Official.

SECTION 110 CERTIFICATE OF OCCUPANCY

110.1 Use and occupancy. No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the Building Official has issued a certificate of occupancy therefor as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this Code or of other ordinances of Volusia County.

110.2 Certificate issued. After the Building Official inspects the building or structure and finds no violations of the provisions of this Code or other laws that are enforced by the department of building safety, the Building Official shall issue a certificate of occupancy that contains the following:

1. The building permit number.
2. The address of the structure.
3. The name and address of the owner.
4. A description of that portion of the structure for which the certificate is issued.
- 5.

A statement that the described portion of the structure has been inspected for compliance with the requirements of this Code for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.

6. The name of the Building Official.
7. The edition of the code under which the permit was issued.
8. The use and occupancy, in accordance with the provisions of Chapter 3.
9. The type of construction as defined in Chapter 6.
10. The design occupant load.
11. If an automatic sprinkler system is provided, whether the sprinkler system is required.
12. Any special stipulations and conditions of the building permit.

110.3 Temporary occupancy. The Building Official is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, provided that such portion or portions can be occupied safely. The Building Official shall set a time period during which the temporary certificate of occupancy is valid.

110.4 Revocation. The Building Official is authorized to, in writing, suspend or revoke a certificate of occupancy or completion issued under the provisions of this Code wherever the certificate is issued in error or on the basis of incorrect information supplied, or where it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or any of the provisions of this Code.

SECTION 111 SERVICE UTILITIES

111.1 Connection of service utilities. No person shall make connections from a utility, source of energy, fuel or power to any building or system that is regulated by this Code for which a permit is required, until released by the Building Official.

111.2 Temporary connection. The Building Official shall have the authority to authorize the temporary connection of the building or system to the utility source of energy, fuel or power.

111.3 Authority to disconnect service utilities. The Building Official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this Code and the Codes referenced in case of emergency where necessary to eliminate an immediate hazard to life or property. The Building Official shall notify the serving utility, and wherever possible the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the owner or occupant of the building, structure or service system shall be notified in writing, as soon as practical thereafter.

SECTION 112 RESERVED

SECTION 113 RESERVED

SECTION 114 STOP WORK ORDER

114.1 Authority. Whenever the Building Official finds any work regulated by this Code being performed in a manner either contrary to the provisions of this Code or dangerous or unsafe, the Building Official is authorized to issue a stop work order.

114.2 Issuance. The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited work will be permitted to resume.

114.3 Unlawful continuance. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.

SECTION 115 RESERVED

SECTION 116 TESTS

116.1 Products not covered. 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.

SECTION 117 SEVERABILITY

117.1 Validity. If any section, subsection, sentence, clause or phrase of this Code is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Code.

SECTION 118 VIOLATIONS AND PENALTIES

Any person, firm, corporation or agent who shall violate any provision of this Code, or fail to comply therewith, or with any of the requirements thereof, or who shall erect, construct, alter, install, demolish or move any building, structure, electrical, gas, mechanical or plumbing system, or has erected, constructed, altered, repaired, moved or demolished a building, structure, electrical, gas, mechanical or plumbing system, in violation of a detailed statement or drawing submitted and permitted thereunder, shall be guilty of a misdemeanor of the second degree. Each such person shall be considered guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Code is committed or continued. Upon conviction of any such violation such person shall be punished within the limits as provided by law and local ordinance.

SECTION 119 APPEALS

Appeals regarding Chapter one (1) of this code shall be heard as set forth at Article 5 herein.

(Ord. No. 2005-14, § 1, 10-6-05)

Sec. 22-3. - Basic wind speed lines.

The basic wind speed lines for Risk Category 1 through Risk Category IV buildings are determined by the Florida Department of Community Affairs, Codes and Standards Division and Applied Research Associates, as published June 28, 2011 and as digital data available at the Florida Geographic Data Library. The exact location of these lines in Volusia County are hereby established using the data provided to the county by the Florida Geographic Data Library as geographic information system coordinates in decimal degrees, which were then plotted on a map of the county.

(Ord. No. 2005-14, § 1, 10-6-05; 2012-03, § I, 4-19-12)

Secs. 22-4—22-30. - Reserved.

ARTICLE II. - CONTRACTOR LICENSING AND CONSTRUCTION APPEALS BOARD

Sec. 22-31. - CLCA creation and composition.

There is hereby created a Volusia County Contractor Licensing and Construction Appeals Board to consist of 13 members, appointed by the county council who shall be electors of the county having the qualifications set forth in section 22-34 below. The county council shall appoint a board member, upon the nomination of a council member. Each district council member shall make one nomination. The at-large member and the county chair shall each make four nominations.

(Ord. No. 2005-14, § 1, 10-6-05; Ord. No. 2007-16, § I, 7-19-07)

Sec. 22-32. - Term of office.

(a) Initial appointments to the CLCA shall be as follows:

- (1) Four members appointed for a term beginning on October 21, 2007, and ending March 31, 2010, which members shall be a mechanical or HVAC contractor, a roofer, a pool contractor, and a citizen.
- (2) Five members appointed for a term beginning on October 21, 2008, and ending March 31, 2010, which members shall be an electrician, a plumber, a general contractor, residential contractor, and a citizen.
- (3) Four members appointed for a term beginning on October 21, 2009, and ending March 31, 2010, which members shall be an engineer, an architect, a fire contractor, and a citizen.

(b) After initial appointments to the CLCA, all appointments shall be for a term of two years ending March 31.

(Ord. No. 2005-14, § 1, 10-6-05; Ord. No. 2007-16, § I, 7-19-07)

Sec. 22-33. - Vacancies.

In the event of a vacancy on the CLCA, the county council shall appoint a new member to that office to serve for the remainder of the unexpired term. If any member fails to attend two of three successive CLCA meetings regardless of reason, the CLCA shall declare that member's office vacant, and the county council shall promptly appoint another individual to that vacancy. The members shall serve in accordance with ordinances, and resolutions of the county council, and may be removed by the county council without cause.

(Ord. No. 2005-14, § 1, 10-6-05; Ord. No. 2007-16, § I, 7-19-07)

Sec. 22-34. - Qualifications of members.

The CLCA shall be composed of the following:

- (1) A construction contractor qualified under article III, division 2, [section 22-111 et seq.] of this chapter.
- (2) A residential contractor qualified under article III, division 2, [section 22-111 et seq.] of this chapter.
- (3) An electrician qualified under article III, division 3, [section 22-141 et seq.] of this chapter.
- (4) A plumber qualified under article III, division 2, [section 22-111 et seq.] of this chapter.

- (5) A mechanical or HVAC contractor qualified under article III, division 2, [section 22-111 et seq.] of this chapter.
- (6) A roofing contractor qualified under article III, division 2, [section 22-111 et seq.] of this chapter.
- (7) A swimming pool contractor qualified under article III, division 2, [section 22-111 et seq.] of this chapter.
- (8) A fire contractor licensed by the state fire marshal.
- (9) An engineer registered as an engineer under the laws of the state.
- (10) An architect registered as an architect under the laws of the state.
- (11) Three citizen representatives.

No elected official, appointed state, county or municipal office holder, member of two or more other county boards or commissions, or employee of county government shall be appointed to serve on the CLCA.

(Ord. No. 2005-14, § 1, 10-6-05; Ord. No. 2007-16, § I, 7-19-07)

Sec. 22-35. - Building official.

The building official shall serve as an ex officio, nonvoting member of the CLCA and shall assist the CLCA in interpreting this chapter.

(Ord. No. 2005-14, § 1, 10-6-05)

Sec. 22-36. - Powers and duties; meetings; required vote.

- (a) The powers, authority and duties of the CLCA shall apply in the unincorporated areas of Volusia County, and in any incorporated area thereof which has executed an interlocal agreement with Volusia County conferring powers, authorities and duties on the CLCA.
- (b) The CLCA shall meet monthly and the CLCA may set a schedule of meetings for a given year. Upon request of the building official, or at such other times as he may deem necessary, the chairman of the CLCA may call a special meeting. Meetings may also be called by written notice signed by at least three members of the CLCA. Minutes shall be kept of all meetings and official actions of the CLCA, and all meetings and proceedings shall be open to the public.
- (c) The CLCA shall elect a chairman and vice-chairman at the October meeting to serve for the ensuing year, who may be elected to succeed themselves.
- (d) Five members of the CLCA shall constitute a quorum at any meeting, and a majority vote of those present shall be required to take any disciplinary action provided in this chapter or for all other official actions.
- (e) The CLCA shall promulgate rules and regulations for the conduct of its meetings and hearings and may adopt disciplinary guidelines substantially similar to those contained in Chapter 61G4-17, Florida Administrative Code.
- (f) The CLCA shall enforce the provisions of this chapter against registered or certified contractors and unlicensed contracting as provided herein and in F.S. § 489.127 and F.S. § 489.531 (6)(a).
- (g) The CLCA shall have the power to:
 - (1) Hear appeals of decisions and interpretations of the building official and consider variances of the technical codes.

- (2) Hear appeals of decisions and interpretations of the contractor licensing manager.
- (3) Subpoena alleged violators and witnesses to its hearings. Subpoenas may be served by the sheriff of the county.
- (4) Subpoena evidence to its hearings.
- (5) Take testimony under oath.
- (6) Issue orders having the force of law to command whatever steps are necessary to bring a violation into compliance.
- (7) Adopt rules for the conduct of its hearings.
- (8) Adopt a schedule of civil penalties for code violations over which it has authority.

(Ord. No. 2005-14, § 1, 10-6-05)

Sec. 22-37. - Appeals of building official decisions.

- (a) The owner of a building, structure or service system, or his duly authorized agent, may appeal a decision of the building official to the CLCA whenever any one of the following conditions are claimed to exist:
 - (1) The building official rejected or refused to approve the mode or manner of construction proposed to be followed or materials to be used in the installation or alteration of a building, structure or service system.
 - (2) The provisions of this Code do not apply to his specific case.
 - (3) An equally good or more desirable form of installation can be employed in any specific case.
 - (4) The true intent and meaning of this Code or any of the regulations therein have been misconstrued or incorrectly interpreted by the building official.
- (b) Appeals relating to provisions of the Florida Building Code, other than local amendments, may be appealed to the Florida Building Commission, pursuant to F.S. § 120.569, regarding the local government's action. Notice of administrative rights may be obtained from the building activity.
- (c) Notice of appeal shall be in writing and filed within 30 calendar days after the decision is rendered by the building official and shall be in a form acceptable to the building official.
- (d) In the case of a building, structure or service system which, in the opinion of the building official, is unsafe, unsanitary or dangerous, the building official may, in his order, limit the time for such appeals to a shorter period.

(Ord. No. 2005-14, § 1, 10-6-05)

Sec. 22-38. - Appeals of contractor licensing manager decisions.

- (a) If any person feels aggrieved at a decision of the contractor licensing manager or of the building official in refusing to grant him the right to take an examination, grant a certificate of competency or grant a building permit under this chapter, that person may appeal the decision to the CLCA within ten days after the date of the decision.
- (b) If any person feels aggrieved at a decision of the CLCA in refusing to grant him the right to take an examination, grant a certificate of competency or grant a building permit under this chapter, that person may appeal to the Volusia County Council within ten days after the date of the decision. The Volusia County Council shall have sole authority to act upon the appeal and the person aggrieved shall be informed of the decision of the county council.

(c)

An aggrieved party may appeal a final order 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 Volusia County Council. An appeal shall be filed within 30 days after execution of the order appealed.

(Ord. No. 2005-14, § 1, 10-6-05)

Sec. 22-39. - Decisions.

The CLCA shall reach a decision without unreasonable or unnecessary delay. If a decision of the CLCA reverses or modifies a refusal, order, or disallowance of the building official or contractor licensing manager or varies the application of any provision of this Code, action shall immediately be taken in accordance with such decision. Every decision shall be promptly filed in writing and shall be open to public inspection. A certified copy of the decision shall be sent by mail or otherwise to the appellant. Every decision of the CLCA shall be final, subject however to such remedy as any aggrieved party might have at law or in equity.

(Ord. No. 2005-14, § 1, 10-6-05)

Sec. 22-40. - Reserved.

Editor's note— Ord. No. 2007-16, § I, adopted July 19, 2007, deleted § 22-40, which pertained to the removal of members and was derived from Ord. No. 2005-14, § 1, adopted Oct. 6, 2005.

Sec. 22-41. - Policy and intent.

It is the policy of the County of Volusia that the purpose of regulation is to protect the public by attaining compliance with the policies established in law. Fines and other penalties are provided in order to ensure compliance; however, the collection of fines and the imposition of penalties are intended to be secondary to the primary goal of attaining compliance with this chapter.

(Ord. No. 2005-14, § 1, 10-6-05)

Sec. 22-42. - Notice of noncompliance by contractors.

- (a) Upon receiving a written or oral complaint giving reasonable cause to believe that a locally licensed or registered contractor has violated the duties and provisions of this chapter, Florida Statutes, or any adopted building code, the contractor licensing activity may initiate an investigation.
- (b) The contractor licensing activity shall issue a notice of noncompliance as its first response to a minor violation, (one which does not result in economic or physical harm to a person or adversely affect the public health, safety, or welfare or create a significant threat of such harm) of this chapter, in any instance in which it is reasonable to assume that the violator was unaware of such a law or ordinance, or was unclear as to how to comply with it.
- (c) The "notice of noncompliance" shall identify the specific provision that is being violated, provide information on how to comply with this chapter, and specify a reasonable time for the violator to comply with this chapter.
- (d) Failure to correct the violation(s) within the specified time period shall result in the institution of disciplinary proceedings pursuant to an administrative complaint.

(Ord. No. 2005-14, § 1, 10-6-05)

Sec. 22-43. - Administrative complaint regarding contractors.

- (a)

Except as provided in section 22-42, if the investigation determines that there is a reasonable basis to believe a violation of this chapter has occurred, contractor licensing activity shall, unless such violation is formally or informally mediated, file an administrative complaint with the CLCA.

- (b) Upon the filing of an administrative complaint, the CLCA shall hold a public hearing to determine whether disciplinary action should be taken against the contractor and if so, to specify the disciplinary action.
- (c) Each administrative complaint shall contain the following information:
 - (1) The name and address of the alleged violator and the factual basis thereof.
 - (2) A statement of the alleged violation(s).
 - (3) A recommendation to the CLCA for action to be taken.

Copies of applicable contracts, drawings or specifications may be attached as exhibits to the administrative complaint.

- (d) After the filing of an administrative complaint, the alleged violator shall be notified that the CLCA will conduct a public hearing to investigate the allegations in the administrative complaint. Notice shall be by certified mail, return receipt requested; by hand delivery by the sheriff or other law enforcement officer or code enforcement officer/investigator, or by leaving the notice at the alleged violator's usual place of residence with someone above 15 years of age and informing such person of the contents of the notice, or by publication in accordance with F.S. § 120.60(5). The alleged violator shall be given at least ten days' written notice prior to the date of the public hearing. Said notice shall state the date, time and place of said hearing and that the alleged violator is responsible for making his own arrangements for preserving testimony given at the hearing.
- (e) Each contractor holding a license or registration from the county shall be responsible for keeping his current mailing address and telephone number/contact information on file with the contractor licensing activity which shall be responsible for timely mailing, delivering or publishing notice of hearing.
- (f) The building official shall provide such clerical and administrative personnel to the CLCA as may reasonably be required.
- (g) Cases before the CLCA shall be presented by county staff. At the hearing, the CLCA shall receive evidence and hear testimony, which shall be given under oath and shall be recorded, from county staff, the alleged violator and other witnesses. Formal rules of evidence shall not apply, but fundamental due process shall be observed and shall govern the proceedings. After receiving evidence and/or hearing testimony, the CLCA shall issue an order affording relief consistent with the powers granted in this chapter. The CLCA, county staff or the alleged violator may request a postponement or continuance of a scheduled public hearing.
- (h) The CLCA may take any of the following actions:
 - (1) Require financial restitution to a consumer for financial harm directly related to a violation of a provision of this chapter;
 - (2) Suspend permitting privileges;
 - (3) Impose suspension or revocation of any registration or certificate of competency;
 - (4) In determining the fine and penalty to be imposed, the CLCA shall be in accordance with the fine and penalty resolution adopted by Volusia County;
 - (5) Any combination thereof.

(Ord. No. 2005-14, § 1, 10-6-05)

Sec. 22-44. - Hearing by CLCA.

Any person violating the provisions of article III [section 22-81 et seq.] may be issued a citation. Upon receipt of a citation, the person shall cease work upon receipt of a citation shall either correct the violation and pay the civil penalty or, contest the citation within ten business days by requesting an administrative hearing before the CLCA.

(Ord. No. 2005-14, § 1, 10-6-05)

Sec. 22-45. - Invalid citations or corrected violations.

The CLCA may dismiss any citation upon a demonstration that the violation for which it was issued has been corrected, excepting those as to which the violation is irreparable or irreversible.

(Ord. No. 2005-14, § 1, 10-6-05)

Sec. 22-46. - Orders imposing disciplinary action; appeals.

(a) CLCA orders shall contain the following information:

- (1) A statement of the violation(s) found or adjustment granted by the CLCA;
- (2) A statement of the factual basis for the findings;
- (3) If a violation, a statement outlining the method by which the violator was given notice of the violation, and an opportunity to appear and present evidence and testimony thereon;
- (4) In the case of licensed contractors:
 - a. Findings of fact made by the CLCA;
 - b. Conclusions of law, which demonstrate that the facts alleged, constitute violations of this chapter;
 - c. A statement of the penalty and any reasonable investigative and legal costs imposed against the violator; and
 - d. A recommendation by the CLCA to the construction industry licensing board or the electrical contractors licensing board, as the case may be, for action to be taken against the state registration.
- (5) A statement informing the violator of the right to appeal the action against the license, registration or certificate of competency, and to challenge the recommendation to the construction industry licensing board or the electrical contractors licensing board, as the case may be.

(b) Any challenge to or appeal of the CLCA's recommendation to the construction industry licensing board or the electrical contractors licensing board, shall be considered to have been issued upon the date of its receipt by the CLCA.

(c) Any recommendations by the CLCA to the construction industry licensing board or the electrical contractors licensing board, as appropriate and challenges thereto or appeals thereof shall be mailed to the appropriate board.

(d) The CLCA shall submit copies of the following documents to the construction industry licensing board or the electrical contractors licensing board, as appropriate:

- (1) The administrative complaint;
- (2) Minutes or a transcript of the hearing;

- (3) Any exhibits considered by the CLCA; and
 - (4) If a challenge or appeal is filed, upon request of the construction industry licensing board, electrical contractors licensing board or the department of business and professional regulation, proof of service, or, if not perfected, proof of attempts to obtain service.
- (e) Decisions of the CLCA shall be appealed as set forth in this article.
- (Ord. No. 2005-14, § 1, 10-6-05)

Sec. 22-47. - Investigative and legal costs.

The CLCA may assess against a violator reasonable investigative and legal costs for the prosecution of the violation including the cost of any consultation with or testimony by an expert witness for prosecution of the violation.

(Ord. No. 2005-14, § 1, 10-6-05)

Sec. 22-48. - Penalties cumulative and consecutive.

Where multiple violations are found against a violator in a single hearing, penalties shall be cumulative and consecutive except for good cause shown.

(Ord. No. 2005-14, § 1, 10-6-05)

Sec. 22-49. - Exemptions.

Exemptions contained in F.S. §§ 489.103 and 489.503, shall apply to this chapter unless otherwise noted.

(Ord. No. 2005-14, § 1, 10-6-05)

Sec. 22-50. - Waiver of rights.

Any person who fails to request an administrative hearing before the CLCA within the time period set forth herein, or who fails to appear at the administrative hearing once requested, shall be deemed to have waived any right to an administrative hearing and admitted the violation, and penalties shall be imposed as set forth herein.

(Ord. No. 2005-14, § 1, 10-6-05)

Sec. 22-51. - Civil penalties.

Except with regards to unlicensed activity, the schedule of civil penalties are set forth above, the CLCA may impose civil penalties not exceeding \$1,000.00 per day for each violation. The maximum civil penalty which may be levied against Electrical Contractors shall not exceed \$500.00 per day for each violation. In determining the penalty to be imposed, the CLCA shall consider:

- (1) The gravity of the violation;
- (2) Any actions taken by the violator to correct the violation; and
- (3) Any previous violations committed by the violator.

(Ord. No. 2005-14, § 1, 10-6-05)

Sec. 22-52. - CLCA orders on unlicensed activity.

Upon written notification that a violator has 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 CLCA 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.

(Ord. No. 2005-14, § 1, 10-6-05)

Sec. 22-53. - Order constitutes lien.

A certified copy of an order imposing a civil penalty against an unlicensed 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 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 division 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 months from the filing of any such lien, which remains unpaid, the CLCA may authorize the county attorney to foreclose on the lien. No lien created pursuant to the provisions of this division may be foreclosed on real property which is a homestead under section 4, article X of the State Constitution.

(Ord. No. 2005-14, § 1, 10-6-05)

Secs. 22-54—22-80. - Reserved.

ARTICLE III. - CONTRACTORS

DIVISION 1. - GENERALLY

Sec. 22-81. - 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:

Board means the Volusia County Contractor Licensing and Construction Appeals Board.

Building code means the building code adopted by Volusia County and/or as mandated by Florida Statutes.

Building official means the Building Official of Volusia County or his duly authorized representative.

Certificate means a certificate of competency issued by the building official as provided in this chapter.

Contracting means engaging in business as a contractor except as exempted in this chapter.

Contractor means a licensee, whether or not state certified or registered, who is qualified for and authorized to obtain building permits, and who contracts to be responsible for a building project including, except as exempted in this chapter, a licensee who, for compensation, undertakes to, submits a bid to, advertises to, or does himself or by others construct, repair, alter, remodel, add to,

demolish, subcontract from or improve any building or structure, including related improvements to real estate, for others or for resale to others and whose job scope is defined in F.S. §§ 489.105(3)(a-q) and 489.505, as amended.

Electric code means the National Electric Code adopted by Volusia County as mandated by Florida Statutes.

Firm means any type of organization, including copartnership, corporation, company, limited liability company, association and individual.

Firm licensee means an individual within a firm who passes a competency examination and upon whose competency a local business tax receipt is issued.

Local business tax receipt means a local business tax receipt issued by a tax collecting entity but which does not substitute for other required licenses, registrations, or certificates and which is required in addition to any and all other applicable licenses or registrations. No local business tax receipt shall authorize any person or entity to violate any provision of this chapter.

License means official or legal permission to do a specific thing, granted in the form of a document, card, or certificate, registration, or certificate of authority or competency issued by a regulating authority, or by the department of business and professional regulation.

Local specialty contractor means a licensee who has been tested and who has met all appropriate local requirements to be qualified for and authorized to obtain building permits, and who contracts to be responsible for a project within his particular specialty including, except as exempted in this article, a licensee who, for compensation, undertakes to, submits a bid to, advertises to, or does himself or by others construct, repair, alter, remodel, add to, demolish, subcontract from or improve buildings or structures, including related improvements to real estate, for others or for resale to others and whose job scope is specifically defined in this article as one of the following specialties:

- (1) Carpentry contractor;
- (2) Garage door installer;
- (3) Hurricane protection installer;
- (4) Marine contractor;
- (5) Masonry contractor;
- (6) Prefabricated shed installer;
- (7) Siding, window and door installer;
- (8) Sign contractor (non-electrical);
- (9) Concrete contractor;
- (10) Paver contractor;
- (11) Demolition contractor;
- (12) Stucco contractor.

Mechanical code means the mechanical code adopted by Volusia County as mandated by Florida Statutes.

Owner builder means a natural person who performs and supervises work upon property owned by him in connection with the construction, maintenance, or alteration of a single-family residential structure for his private occupancy.

Plumbing code means the plumbing code adopted by Volusia County as mandated by Florida Statutes.

Responsible managing employee or official means any agent, officer or employee of a construction contractor, with authority to make administrative decisions, to hire, promote, transfer, lay off, discipline or discharge other employees, or effectively to recommend such action, or to superintend work in progress, and who is available for consultation in the technical and administrative phases of his principal's business when there is no work in progress.

Testing agency means "H.H. Block & Associates," "Experior," "Thomson Prometric" or other accredited testing agency.

Unlicensed person means any person who does not possess an unexpired document, card, registration, or certificate of authority or competency issued by a regulating authority, or by the department of business and professional regulation.

Volusia County:

- (1) Territory within Volusia County, outside the corporate limits of any city therein or within a jurisdiction having an interlocal agreement with Volusia County; or
- (2) Volusia County Council or administration of Volusia County.

(Ord. No. 2005-14, § 1, 10-6-05; Ord. No. 2007-01, § I, 2-1-07; Ord. No. 2011-01, § I, 1-6-11; Ord. No. 2012-14, § I, 8-23-12; Ord. No. 2013-20, § I, 12-12-13; Ord. No. 2015-16, § I, 10-1-15)

Sec. 22-82. - Disciplinary action.

The following acts shall constitute grounds for disciplinary action:

- (1) Obtaining or attempting to obtain a certificate of competency, or registration, by bribery or fraudulent or willful misrepresentation.
- (2) Being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, any crime in any jurisdiction which directly relates to the practice of contracting or to the ability to practice contracting, in accordance with F.S. §§ 489.105(3)(a—q) or F.S. § 489.505.
- (3) Performing any act, which assists a person or entity in engaging in any prohibited or unregistered practice of contracting, with knowledge or reasonable grounds to believe that the assisted person or entity was not properly registered.
- (4) Knowingly combining or conspiring with an unregistered person to allow his certificate of competency or registration, to be used to evade the provisions of this chapter. Whenever a certificate holder or registrant allows his certificate of competency or registration to be used by any business organizations, without said certificate holder or registrant actively participating in the operation, management, or control of said business organization, such act constitutes prima facie evidence of intent to evade the provisions of this chapter.

- (5) Acting in the capacity of a contractor under any certificate of competency or registration issued hereunder except in the name of the certificate holder or registrant as the same is set forth on the issued certificate of competency or registration, or in accordance with the personnel of the certificate holder or registrant as set forth in the application for the certificate of competency or registration, or as later changed as provided in this chapter.
- (6) Committing mismanagement or misconduct in the practice of contracting, which causes financial harm to a customer. Financial mismanagement or misconduct occurs when:
 - a. Valid liens have been recorded against the property or a contractor's customer for supplies or services ordered by the contractor for the customer's job, the contractor has received funds from the customer to pay for the supplies or services, and the contractor has not had the liens removed from the property, by payment or by bond, within 75 days after the date of such liens;
 - b. The contractor has abandoned a customer's job and the percentage of completion is less than the percentage of the total contract price paid to the contractor as of the time of abandonment, unless the contractor is entitled to retain such funds under the terms of the contract or refunds the excess funds within 30 days after the date the job is abandoned;
 - c. The contractor's job has been completed, and it is shown that the customer has had to pay more for the contracted job than the original contract price, as adjusted for subsequent change orders, unless such increase in cost was the result of circumstances beyond the control of the contractor, was the result of circumstances caused by the customer, or was otherwise permitted by the terms of the contract between the contractor and the customer;
 - d. The contractor fails, within 18 months thereof, to pay or comply with a repayment schedule of a judgment obtained against the contractor or against a business qualified by the contractor and relating to the practice of contracting.
- (7) Failing in any material respect to comply with the provisions of this chapter or violating any rule or lawful order of the CLCA.
- (8) Abandoning a construction project in which the contractor is engaged or under contract as a contractor. A project shall be presumed abandoned after 45 days if the contractor terminates the project without just cause or without proper notification including the reason for termination to the owner, or fails to perform work without just cause for 45 consecutive days.
- (9) Signing a statement, with respect to a project or contract, falsely indicating that the work is bonded or falsely indicating that payment has been made for all subcontracted work, labor, and materials which results in a financial loss to the owner, purchaser, or contractor; or a statement falsely indicating that workers' compensation and public liability insurance are provided for the job.
- (10) Committing fraud or deceit in the practice of contracting.
- (11) Committing incompetency or misconduct in the practice of contracting.
- (12) Committing gross negligence, repeated negligence, or negligence resulting in a significant danger to life or property in the practice of contracting.
- (13) Proceeding on any job without obtaining applicable growth and resource management department or applicable county or city permits and inspections.

- (14) Intimidating, threatening, coercing, or otherwise discouraging the service of a notice to owner under F.S. § 713 pt. I, or a notice to contractor under F.S. § 255 or F.S. § 713, pt. I.
- (15) Failing to satisfy, within a reasonable time, the terms of a civil judgment obtained against the licensee or the business organization qualified by the licensee, relating to the practice of the licensee's profession.
- (16) Practicing beyond the scope of a certification or registration.
- (17) Practicing on a revoked, suspended, inactive, or delinquent certificate of competency or registration.
- (18) Failing to affix a registration or certification number as required by F.S. § 489.521(7).

For the purpose of this section, construction is considered to be commenced when the contract is executed and the contractor has accepted funds from the customer or lender.

(Ord. No. 2005-14, § 1, 10-6-05)

Sec. 22-83. - Advertising.

- (a) All construction advertising shall comply with F.S. §§ 489.119(6) and 489.521(7). All advertising medium, including, but not limited to, newspapers, airwave transmissions and phone directories shall contain their contractor's appropriate state certification, registration, or certificate of competency number, and company or qualifying agent's name.
- (b) Any vehicle being utilized by a contractor or specialty contractor, as defined by this chapter, for construction-related business activities, shall be marked in a manner which clearly exhibits a valid Volusia County certificate number or State of Florida certification or registration number in a minimum of two-inch letters, together with the name of the licensed individual, the name of the entity in which the license holder is conducting business (if not conducting business as an individual) and the type of certificate held; i.e., building contractor, electrical contractor, marine contractor, etc. Employee-owned vehicles used only for transportation to and from construction sites are exempt from this requirement. Violators of this section shall be subject to penalties as set forth in F.S. §§ 489.119(6)(e), 489.533(1)(q), and Resolution No. 2000-01(8)(d), of the CLCA.
- (c) If a vehicle bears the name of a contractor or business organization, or any text or artwork which would lead a reasonable person to believe that the vehicle is used for contracting, the registration, certification or certificate of competency number must be conspicuously and legibly displayed along with the name, text, or artwork (F.S. § 489.119(6)(c)).

(Ord. No. 2005-14, § 1, 10-6-05)

Sec. 22-84. - Duration; renewal.

All certificates of competency expire on September 30 of each odd numbered year. Certificates may be renewed without penalty through December 31. Any certificate not renewed by September 30 of its expiration year shall expire. Expired certificates may be renewed only upon filing of an appeal application with the contractor licensing manager, his determination that good and sufficient cause for reinstatement exists, and payment of such penalty and renewal fees in effect at the time of reinstatement. Unless renewed, certificates shall be reissued only in accordance with this article.

(Ord. No. 2005-14, § 1, 10-6-05)

Sec. 22-85. - Fees.

Application fees and other related charges imposed pursuant to this article shall be set by resolution of the county council after public hearing thereon.

(Ord. No. 2005-14, § 1, 10-6-05)

Sec. 22-86. - Insurance.

No competency card, listing card or building permit will be issued until the applicant presents a certificate of insurance, identifying Volusia County as the certificate holder, showing proof of public liability insurance in accordance with Florida law, and evidence of workers' compensation coverage or exemption pursuant to Florida law.

(Ord. No. 2005-14, § 1, 10-6-05)

Sec. 22-87. - Owner builder exemptions from licensing requirements.

An owner builder is exempt from licensing for all trades listed in section 22-81 provided he performs the work himself or personally supervises all work not performed by licensed contractors. Any owner builder obtaining a permit under this exemption assumes all the duties and responsibilities of a contractor with regard to his residence; all work supervised by him which is required to be performed by licensed persons must be performed by licensed persons. Unlicensed persons supervised by him shall work only on an hourly basis, deducting and reporting all required taxes, FICA, and Social Security withholdings. In addition to such deductions, owner builders shall provide unlicensed persons with workers' compensation insurance as required by applicable law.

(1) *Private residences.*

- a. No more than once in any 12-month period an owner builder, may secure a building permit for, and perform and supervise work in connection with, construction of a private single-family residence for his own occupancy, or for the maintenance of, addition to, alteration of or repair of a private single-family residence for his own occupancy; provided that work done shall conform with all applicable codes and ordinances.
- b. With the construction of more than one residence by any owner builder within any 12-month period shall be deemed construction contracting not qualifying for exemption under this section. Nothing contained in this section shall prohibit an owner builder from obtaining a building permit for or performing or supervising work in connection with, his own existing single-family residence more than once during any 12-month period.
- c. Whenever a building permit to construct a single-family residence is issued to an owner builder under this exemption, no other building permit shall be issued under this exemption to that owner builder, his spouse, or any other member of his immediate family under 18 years of age for a period of 12 months following issuance of a certificate of occupancy for a residence qualifying under this exemption, unless that residence is damaged beyond repair or is taken through condemnation.

- (2) *Commercial buildings.* Owners of commercial buildings shall be entitled to the same exemptions set forth herein for private residences provided that the work involves no structural changes and no trades (electric, plumbing, mechanical and roofing) which in the interest of public safety; would require licensure and an expert knowledge of construction that

such alterations and/or repairs meet each and every requirement of the building code and other county ordinances pertaining to construction; and that each alteration and/or repair does not involve a total expenditure greater than \$5,000.00.

(Ord. No. 2005-14, § 1, 10-6-05)

Sec. 22-88. - Penalty for violation of sections 22-81—22-87.

Violations of sections 22-81—22-87 are punishable as provided in Resolution No. 2000-01, as it may be amended from time to time; and FS § 489.131(7)(a)(b)(c) and § 489.537(3)(e)(1)(2), as amended.

(Ord. No. 2005-14, § 1, 10-6-05)

Sec. 22-89. - Duties of contractor licensing manager on receiving application.

The contractor licensing manager or his duly authorized representative shall review and either accept or reject the application within ten working days of its receipt.

(Ord. No. 2005-14, § 1, 10-6-05)

Sec. 22-90. - Retest.

Applicants scoring less than 75 percent on the certificate of competency examination for any specialty license may take the examination in accordance with the following:

- (1) Except upon retest within six months of the initial examination, a new application, appropriate documentation, and all applicable fees are required.
- (2) Applicable retest fees are required if re-test is within six months of initial examination.
- (3) Applicants are responsible for scheduling all examinations with the approved testing agency.

(Ord. No. 2005-14, § 1, 10-6-05)

Sec. 22-91. - Procedure and conditions for use of tax receipt by firm.

A local business tax receipt may be issued to a firm under this chapter in accordance with the following procedure and upon the following conditions:

- (1) The individual taking the examination on behalf of any firm must be an active partner, officer or full-time salaried employee of the firm.
- (2) The application for use of a certificate by a firm shall be in the same form for individual applicants, except that said application shall include the name of the firm for which he is seeking a certificate of competency.
- (3) A local business tax receipt shall be issued to a firm in the name of the individual taking the examination (firm licensee) and shall state on its face the firm licensee and the name of the firm through which the firm licensee does business.
- (4) A local business tax receipt issued under subsection (3) above shall be valid only so long as the firm licensee remains actively associated with the firm in the capacity described in subsection (1) above.
- (5) Within five days after any firm licensee has ceased to act in the capacity described in subsection (1) above with regard to a firm, both the firm licensee and said firm shall notify contractor licensing thereof.
- (6) It shall be unlawful for any firm to utilize the local business tax receipt of its former firm

licensee after that person has ceased to act in the capacity described in subsection (1) above.

- (7) Any firm to which local business tax receipt was issued under the competency card of a firm licensee who has ceased to act in the capacity required by subsection (1) above shall, surrender such local business tax receipt to the contractor licensing manager. If the firm manager designates another firm licensee within the current year, no payment of an additional local business tax will be required.

(Ord. No. 2005-14, § 1, 10-6-05; Ord. No. 2001-07, § I, 2-1-07)

Sec. 22-92. - Appeals.

Appeals regarding this article shall be heard as set forth at article II herein.

(Ord. No. 2005-14, § 1, 10-6-05)

Secs. 22-93—22-110. - Reserved.

DIVISION 2. - CONTRACTORS GENERALLY.

Sec. 22-111. - Applicability.

This section shall apply to all construction contractors, excepting electricians and local specialty licensees.

(Ord. No. 2005-14, § 1, 10-6-05)

Sec. 22-112. - Certification by state.

- (a) As of October 1, 1981, the county no longer issued certificates of competency for construction contractors, plumbing contractors or mechanical contractors licensed under F.S. ch. 489; therefore all such contractors wishing to engage in the business of contracting must be certified by the state, pursuant to F.S. ch. 489, or its successor.
- (b) Roofing and swimming pool contractors who had been issued a county occupational license for the fiscal year 1979-1980 and who were registered by the state pursuant to F.S. ch. 489 were allowed to continue to pursue their trade for so long as they maintained their state registration. Any loss of the state registration requires such contractor to become state certified.
- (c) Aluminum Specialty Structure Contractors shall be state certified pursuant to F.S. ch. 489, and rule 61G4-15.015, Florida Administrative Code, excepting that those contractors, who, had a 1988-89 county occupational license for this trade and were registered with the state at that time, may continue to engage in the trade without becoming state certified. Any loss of the state registration requires such contractor to become state certified.

(Ord. No. 2005-14, § 1, 10-6-05)

Sec. 22-113. - Certificate of competency.

All contractors must hold a valid certificate of competency or be state certified in order to engage in their occupation.

(Ord. No. 2005-14, § 1, 10-6-05)

Sec. 22-114. - Plumbing and mechanical journeyman examination.

- (a) *Required.*

(1)

Except as provided in this section, each applicant desiring to engage in the business, or act in the capacity, of a plumbing or mechanical journeyman shall first make application for a certificate of competency, satisfy the contractor licensing manager of his character and integrity, pass a written examination prepared, proctored and graded by an approved testing agency, and receive a certificate of competency.

(2) Applications shall include:

- a. The applicant's name and address.
- b. A record of the previous experience of the applicant in the field of plumbing or mechanical contracting.
- c. Whether the applicant has ever been licensed or had a professional or vocational license refused or revoked, or has surrendered or failed to renew a license when either informal or formal complaints were made against him.

(3) All examinations for plumbing and mechanical journeyman shall consist of theoretical and practical questions to determine the applicant's familiarity with rules and regulations governing plumbing and mechanical construction as defined in the Florida Building Code and/or this article.

(4) Applicants for plumbing and mechanical journeyman shall submit satisfactory evidence that they have completed the minimum number of years of experience, or a combination of experience and education as follows:

- a. Verification of completion of the fourth year of participation in a registered apprenticeship program which includes four years' work experience under the direct supervision of a state certified or registered plumber or mechanical contractor; or
- b. Completion of two years' attendance in a registered apprenticeship program which includes two years' work experience and an additional three years' practical work experience under the direct supervision of a state certified or registered plumber or mechanical contractor; or
- c. Six years' practical work experience under the direct supervision of a state certified or registered plumber or mechanical contractor.

- (b) *Reciprocity.* An initial certificate of competency as a plumbing or mechanical journeyman shall be issued without further examination to any person who has taken and passed a written examination for such trade or occupation prepared, proctored and graded by an approved testing agency, and who holds a valid certificate of competency from a city or county and which grants reciprocity to Volusia County for such trades. To secure such a certificate, the applicant shall furnish to contractor licensing a photocopy of his current competency certificate and a letter of reciprocity from the chief administrator's office of the city or county issuing such certificate stating that the applicant has taken and passed the appropriate approved testing agency examination.

(Ord. No. 2005-14, § 1, 10-6-05; Ord. No. 2007-51, § 1, 12-6-07)

Sec. 22-115. - Minimum examination grade.

Applicants for a certificate shall be required to answer correctly a minimum of 75 percent of the questions in the examinations to pass such examinations. The building official shall issue certificates of competency to those who have passed, which certificates shall show that its holder is qualified to apply for such licenses as may be required and to engage in or work at the business of plumbing or mechanical journeyman as appropriate.

(Ord. No. 2005-14, § 1, 10-6-05)

Sec. 22-116. - Supervision of plumbing work.

A licensed master or journeyman plumber shall be present on each project when plumbing work is proceeding. For purposes of this section, the term "project" shall be defined as a single job requiring a plumbing permit excepting owner contractor exemptions herein.

(Ord. No. 2005-14, § 1, 10-6-05)

Secs. 22-117—22-140. - Reserved.

DIVISION 3. - ELECTRICAL CONTRACTORS

Sec. 22-141. - Applicability.

This section shall apply to all electrical contractors and journeymen.

(Ord. No. 2005-14, § 1, 10-6-05)

Sec. 22-142. - Certificate of competency.

All master electricians and journeymen must hold a valid certificate of competency in order to engage in electrical construction.

(Ord. No. 2005-14, § 1, 10-6-05)

Sec. 22-143. - Master and journeyman electrician examination.

(a) *Required.*

- (1) Except as provided in this section, each applicant desiring to engage in the business, or act in the capacity, of a master or journeyman electrician shall first make application for a certificate of competency, satisfy the contractor licensing manager of his character and integrity, pass a written examination prepared, proctored and graded by an approved testing agency, and receive a certificate of competency.
- (2) Applications shall include:
 - a. The applicant's name and address.
 - b. A record of the previous experience of the applicant in the field of electrical contracting.
 - c. Whether the applicant has ever been licensed or had a professional or vocational license refused or revoked, or has surrendered or failed to renew a license when either informal or formal complaints were made against him.
- (3) All examinations for journeyman electricians shall consist of theoretical and practical questions to determine the applicant's familiarity with rules and regulations governing electrical construction as defined in the National Electrical Code and/or this article.
- (4) Applicants for journeyman electrician shall submit satisfactory evidence that they have completed the minimum number of years of experience, or a combination of experience and education as follows:
 - a. Verification of completion of the fourth year of participation in a registered apprenticeship program which includes four years' work experience under the direct supervision of a state certified or registered electrical contractor; or
 - b.

Completion of two years' attendance in a registered apprenticeship program which includes two years' work experience and an additional three years' practical work experience under the direct supervision of a state certified or registered electrical contractor; or

- c. Six years' practical work experience under the direct supervision of a state certified or registered electrical contractor.

(5) The examination for master electrician may be taken only by a journeyman electrician who provides satisfactory evidence that he has successfully passed an examination for journeyman electrician, and has worked in the trade as a journeyman electrician engaged in applicable construction activities under direct supervision of a state certified or registered electrical contractor for a minimum of two years. Proof of work experience shall be in the form of a notarized letter signed by the state certified or registered electrical contractor he worked for. Such examination shall be of the same general nature as that for journeyman electrician but shall be more broad and technical in scope, and shall cover details of construction additional to those covered by the National Electrical Code or the provisions of this section, but which relate to standard practice pertaining to the qualifications of a master electrician. A separate business and law examination is also required regarding details of an administrative and business nature, which shall be prepared, proctored and graded by an approved testing agency.

- (b) *Reciprocity.* An initial certificate of competency as a master or journeyman electrician shall be issued without further examination to any person who has taken and passed a written examination for such trade or occupation (including the examination for master electricians on business and law) prepared, proctored and graded by an approved testing agency, and who holds a valid certificate of competency from a city or county which has an electrical ordinance with jurisdiction and control over installation, extending and maintaining a system of electrical wiring for light, heat, power or advertising, and all appurtenances thereto or all apparatus or equipment used in connection therewith, similar to that of Volusia County certificates of competency for such trades. To secure such a certificate, the applicant shall furnish to contractor licensing a photocopy of a current competency certificate, and a letter of reciprocity from the chief administrator's office of the city or county issuing such certificate, stating that the applicant has taken and passed the appropriate approved testing agency examinations.

(Ord. No. 2005-14, § 1, 10-6-05; Ord. No. 2007-51, § II, 12-6-07)

Sec. 22-144. - Minimum examination grade.

Applicants for a certificate shall be required to answer correctly a minimum of 75 percent of the questions in the examinations to pass such examinations. The building official shall issue certificates of competency to those who have passed, which certificates shall show that its holder is qualified to apply for such licenses as may be required and to engage in or work at the business of master or journeyman electrician as appropriate.

(Ord. No. 2005-14, § 1, 10-6-05)

Sec. 22-145. - Certificate required; supervision of work.

- (a) No person or firm shall engage in business as an electrical contractor, without having a valid certificate of competency and license issued by the county or certification by the state as defined in F.S. ch. 489.

- (b) There shall be present on each electrical project, when electrical work is proceeding, a minimum of one licensed master or journeyman electrician to three unlicensed workmen doing electrical work. For purposes of this section, the term "project" shall be defined as a single job requiring an electrical permit excepting owner contractor exemptions herein.

(Ord. No. 2005-14, § 1, 10-6-05)

Secs. 22-146—22-170. - Reserved.

DIVISION 4. - LOCAL SPECIALTY LICENSES

Sec. 22-171. - Applicability.

- (a) This section shall apply to all local specialty contractors.

- (b) Local specialty licenses are as follows:

- (1) *Carpentry contractor*: A person or firm qualified and certified to perform light and heavy construction, rough framing, trusses, sheathing, metal framing, paneling, trim, cabinetry, doors, windows, stairs and incidental hardware.
- (2) *Garage door installer*: A person or firm qualified and certified to install, maintain, repair, alter or extend residential or commercial garage doors, including all hardware and operating devices. Associated electrical work may not be contracted for, subcontracted for, permitted or performed by specialty license holder. All associated electrical work must be contracted for, permitted and performed by a certified or registered electrical contractor.
- (3) *Hurricane protection installer*: A person or firm qualified and certified to perform fabrication, repair, maintenance, installation, and attachment of exterior opening protection assemblies, including hurricane shutter assemblies and similar products to protect residential and commercial dwellings. A hurricane protection installer may brace existing garage doors to comply with the Florida Building Code, but shall not install new garage doors. Associated electrical work may not be contracted for, subcontracted for, permitted or performed by specialty license holder. All associated electrical work must be contracted for, permitted and performed by a certified or registered electrical contractor.
- (4) *Marine contractor*: A person or firm qualified and certified to construct, install, maintain, repair, or alter seawalls, bulkheads, docks, piers, wharfs, piles, boat lifts, davits, boathouses, and other marine structures. A marine contractor shall not be required to subcontract the installation, or repair made under warranty, of wood shingles, wood shakes, asphalt or fiberglass shingle roofing materials on a new structure of his or her own construction. Associated electrical, plumbing, and mechanical work may not be contracted for, subcontracted for, permitted or performed by specialty license holder. All associated electrical, plumbing, and mechanical work must be contracted for, permitted and performed by a certified or registered contractor.
- (5) *Masonry contractor*: A person or firm qualified and certified to select, cut install and lay brick, stone, and masonry products including structural glass brick or block and insulated concrete units, placement of reinforcing steel and any concrete forming and placing incorporated into the masonry work.
- (6)

Prefabricated shed installer: A person or firm qualified and certified to perform erection of single story metal buildings up to 500 square feet, including sitework, concrete, masonry, siding, roofing, windows and doors but not including any electrical, plumbing, gas or HVAC work. Associated electrical, plumbing, gas and HVAC work must be contracted for, permitted and performed by a certified or registered contractor.

- (7) *Siding, window and door installer:* A person or firm qualified and certified to perform siding, window and door installation, including vinyl, wood or aluminum siding, soffit, fascia, gutters and all types of windows and doors, as well as any work necessary to prepare or repair substrate to accomplish proper installation, but not including any structural alterations. All associated structural alterations must be contracted for, permitted and performed by certified or registered contractor.
- (8) *Sign contractor (nonelectrical):* A person or firm qualified and certified to perform installation, repair, maintenance and modification of non-electrical signs in accordance with the Florida Building Code. A sign specialty electrical contractor registered or certified by the State of Florida under the provisions of F.S. ch. 489 and chapter 61G6-5 of the Florida Administrative Code, is qualified to receive a certificate of competency and perform the same tasks as those of a sign contractor (non-electrical) set forth herein.
- (9) *Concrete contractor:* The scope of work of a concrete contractor shall include and be limited to the execution of contracts requiring skill, knowledge, ability and experience to install, repair, maintain, replace, pour and finish concrete driveways, sidewalks, patios and miscellaneous slabs and concrete foundations designed to accept any structure when in the design of that structure, a footer is required. This scope of work does not include the installation of pool, spa, or hot tub decks; separate licensure is required (Florida Administrative Code 61G4-15.032 (b)(e)). A person who has passed a competency examination as a concrete contractor may perform these or related tasks or may supervise persons in his employ in the execution of these tasks.
- (10) *Paver contractor:* The scope of work of a paver contractor shall include and be limited to preparing the base, providing for proper drainage, and selecting, cutting and laying pavers. A paver contractor shall not pour or finish concrete, except that which is required for the placing of the paver system. This scope of work does not include the installation of pool, spa, or hot tub decks. Separate licensure is required (Florida Administrative Code 61G4-15.032(b)(e)). A person who has passed a competency examination as a paver contractor may perform these or related tasks or may supervise persons in his employ in the execution of these tasks.
- (11) *Demolition contractor:* A demolition contractor is a contractor qualified and certified to demolish, wreck or disassemble buildings or other structures or parts thereof and remove the resulting debris in such a manner that adjoining structures, properties and workmen and other persons may be kept safe. Blasting is not included in the scope of work for this specialty license.
- (12) *Stucco contractor:* Stucco contractor means any person or firm qualified and certified by the board to perform any work to coat surfaces with a mixture of sand or other aggregate, gypsum, plaster, Portland cement or quick lime, and water, or any combination of such material so as to create a permanent surface coating. Such contractors may apply and affix

gypsum or metal lath or any other product prepared or manufactured, including the placing of metal studs and runners to which lath is to be applied, to provide key or suction bases for the support of the stucco coating.

(Ord. No. 2005-14, § 1, 10-6-05; Ord. No. 2009-09, § I, 4-16-09; Ord. No. 2011-01, § II, 1-6-11; Ord. No. 2012-14, § II, 8-23-12; Ord. No. 2015-16, § II, 10-1-15)

Sec. 22-172. - Certificate of competency.

All local specialty contractors must hold a valid certificate of competency in order to engage in their trade.

(Ord. No. 2005-14, § 1, 10-6-05)

Sec. 22-173. - Local specialty contractor examination required.

- (a) Except as provided in this section, each applicant desiring to engage in the business, or act in the capacity, of a local specialty contractor shall first make application for a certificate of competency, satisfy the contractor licensing manager of his character and integrity, pass a written examination prepared, proctored and graded by an approved testing agency, and receive a certificate of competency.
- (b) Applications shall include:
 - (1) The applicant's name and address.
 - (2) A record of the previous experience of the applicant in whatever the field of contracting they are wanting to test for.
 - (3) Whether the applicant has ever been licensed or had a professional or vocational license refused or revoked, or has surrendered or failed to renew a license when either informal or formal complaints against him were made.

(Ord. No. 2005-14, § 1, 10-6-05)

Sec. 22-174. - Sponsorship and examination required.

Any person seeking the sponsorship of Volusia County to take required examinations must have been actively engaged in performing the work of a local specialty contractor or subcontractor as his primary occupation for a period of three years immediately preceding the effective date of this section [Ordinance No. 2005-14] and must hold a valid local business tax receipt from a county or a municipality as a local specialty contractor or produce satisfactory evidence that he has had four years' experience working with a licensed local specialty contractor, a certified or registered general, building or residential contractor, or has engaged in the trade in which he is requesting licensure. A separate business and law examination is also required regarding details of an administrative and business nature, which shall be prepared, proctored and graded by an approved testing agency.

(Ord. No. 2005-14, § 1, 10-6-05; Ord. No. 2007-01, § I, 2-1-07)

Sec. 22-175. - Minimum examination grade.

Applicants for a certificate shall be required to answer correctly a minimum of 75 percent of the questions in the examinations to pass such examinations. The building official shall issue certificates of competency to those who have passed, which certificates shall show that its holder is qualified to apply for such licenses as may be required and to engage in or work at the business of a local specialty contractor as appropriate.

(Ord. No. 2005-14, § 1, 10-6-05)

Sec. 22-176. - Grandfathered license.

Any person may be eligible for a grandfathered specialty license as a stucco contractor if, within four years of the effective date of the ordinance codified herein, as amended, he or she:

- (1) Has been actively engaged in performing the work of a stucco contractor or subcontractor as defined in subsection 22-171(12); and
- (2) Can produce either a Volusia County local business tax receipt or a local business tax receipt from another jurisdiction in Florida, as a stucco contractor or subcontractor.

(Ord. No. 2005-14, § 1, 10-6-05; Ord. No. 2007-01, § I, 2-1-07; Ord. No. 2011-01, § III, 1-6-11; Ord. No. 2012-14, § III, 8-23-12; Ord. No. 2015-16, § III, 10-1-15)

Sec. 22-177. - Reciprocity.

Applicants must complete the contractor registration/listing application, provide copies of current competency card, proof of general liability insurance, and workers' compensation coverage or exemption. Insurance certificate must name Volusia County as the certificate holder. A letter of reciprocity must be sent to Volusia County from the jurisdiction where the exam was sponsored. The letter must show the examination date and score (minimum of 75 percent required), also the date and score of the business and law examination (minimum of 75 percent required).

(Ord. No. 2005-14, § 1, 10-6-05)

Sec. 22-178. - Unlawful acts.

One hundred twenty days from county council adoption, it shall be unlawful for a person or firm to engage in the business of a local specialty contractor who does not hold a valid contractor certificate of competency in that category or an appropriate state certification or registration.

(Ord. No. 2005-14, § 1, 10-6-05)

Secs. 22-179—22-200. - Reserved.

DIVISION 5. - UNLICENSED CONTRACTORS

Sec. 22-201. - Applicability.

This division shall apply in the unincorporated areas of the County of Volusia and within jurisdictions having interlocal agreements with the county or towns therein.

(Ord. No. 2005-14, § 1, 10-6-05)

Sec. 22-202. - Unlawful acts.

Violations of F.S. §§ 489.127(1), 489.13, 489.132(1), or 489.531(1) as amended shall be violations of this article.

(Ord. No. 2005-14, § 1, 10-6-05)

Sec. 22-203. - Code enforcement officer.

- (a) The code enforcement officer shall be the contractor licensing manager or his designee.
- (b) Any code enforcement officer having reasonable grounds to believe that a violation of this article has occurred may issue a citation thereon.

(Ord. No. 2005-14, § 1, 10-6-05)

Sec. 22-204. - Citation.

Citations issued by code enforcement officers shall be in the form prescribed by the contractor licensing activity and shall state:

- (1) Time and date of issuance;
- (2) Name and address of person to whom the citation is issued;
- (3) 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.

(Ord. No. 2005-14, § 1, 10-6-05)

Sec. 22-205. - Schedule of civil penalties.

The CLCA shall adopt a schedule of civil penalties to be assessed by the code enforcement officer for violations of this division regarding unlicensed activity. The maximum civil penalty shall not exceed \$500.00 per violation. Monies collected pursuant to this article shall be deposited in a separate fund to support future enforcement activities involving unlicensed activity.

(Ord. No. 2005-14, § 1, 10-6-05)

Sec. 22-206. - Each day constitutes violation.

Each day a willful, knowing violation continues shall constitute a separate offense under the provisions of this article.

(Ord. No. 2005-14, § 1, 10-6-05)

Sec. 22-207. - Noncriminal infraction.

Violations of this article are noncriminal infractions.

(Ord. No. 2005-14, § 1, 10-6-05)

Sec. 22-208. - Notices.

Notices 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 or her family above 15 years of age and informing such person of the contents of the notice; or by including a hearing date within the citation.

(Ord. No. 2005-14, § 1, 10-6-05)

Sec. 22-209. - Refusal to sign citation.

Any person who willfully refuses to sign and accept a citation issued by the code enforcement officer commits a misdemeanor of the second degree, punishable as provided in F.S. §§ 775.082 or 775.083, as amended.

(Ord. No. 2005-14, § 1, 10-6-05)

Secs. 22-210—22-700. - Reserved.

ARTICLE X. - PROPERTY NUMBERING SYSTEM^[2]

Footnotes:

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Cross reference— *Roads and bridges, ch. 94.*

Special acts reference—*Roads and bridges, ch. 222.*

Sec. 22-701. - 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:

Accessory building means a building which is clearly incidental or subordinate to and customarily utilized in connection with a principal building located on the same lot.

Building front means that area of a building which faces the public or private way pursuant to which the building is numbered.

Grid system means a series of designated north-south parallel lines intersecting a second set of east-west parallel lines within a one-square-mile area (i.e., section) as indicated on the official property numbering maps.

Numbering system means a uniform method of assigning and coordinating the addresses of buildings and properties based on a designated grid system contained in the official property numbering maps.

Occupant means any person who is occupying or leasing a building or other property for a period exceeding 30 days.

Owner means any and all persons who own the fee title to, or have an undivided interest in, any building or property which is subject to the provisions of this article.

Principal building means any structure which is designed, built or used for the support, enclosure, shelter or protection of persons, animals, chattels or property of any kind for any residential, commercial or industrial purpose.

Private way means any officially named thoroughfare used for vehicular traffic which is not included in the definition of the term "public way" and which is not maintained by the county. This term shall include, but is not limited to, roadways or driveways in apartment, condominium, commercial or industrial complexes which have been named and signed in accordance with county policy and F.S. § 316.077 (the State Uniform Traffic Law).

Public way means that area of an officially named public road or right-of-way, either paved or unpaved, which is intended for vehicular traffic, excluding service entrances or driveways.

(Ord. No. 83-2, § II, 1-20-83)

Cross reference— Definitions and rules of construction generally, § 1-2.

Sec. 22-702. - Penalty.

Violations of this article are punishable as provided in section 1-7.

(Ord. No. 83-2, § VII, 1-20-83)

Sec. 22-703. - Purpose.

This article is promulgated for the purpose of providing a uniform numbering system for the assignment of address numbers to buildings with access from officially named public and private ways in the unincorporated areas the county, in the interest of the public health, safety and general welfare of the citizens and inhabitants of the county.

(Ord. No. 83-2, § I, 1-20-83)

Sec. 22-704. - Uniform system adopted.

A uniform system of numbering buildings, as shown on the maps identified by the title "Property Numbering Maps" and filed in the office of the county planning department, is hereby adopted for use in the unincorporated areas of the county. These maps and all explanatory matter thereon and related thereto are hereby adopted, incorporated in this article by reference, and made a part of this article.

(Ord. No. 83-2, § III, 1-20-83)

Sec. 22-705. - Administration; assignment of numbers.

- (a) The county planning department shall be responsible for coordinating and maintaining the numbering system established by this article. Said department, and such other county agencies or departments as are designated by the county manager, shall issue building numbers in conformity with the uniform numbering system established in section 22-704. Should an existing building have, exhibit or be addressed by a number in conflict with the uniform numbering system, said planning department shall give notice to those owners or occupants whose building number is in conflict with the uniform numbering system. Said notice shall be delivered to the owner and occupant: (a) by the United States Postal Service; (b) by posting same in a conspicuous place on the building; or (c) by hand delivery. Said notice shall include a notification of a change of address which shall contain the new building number assigned to the building in accordance with the provisions of this article and shall direct the owner or the occupant to post the newly assigned building number on said building or property in accordance with section 22-706. The planning department shall, upon request and without charge, assign a number to each unnumbered building located in the unincorporated area of the county if a building has not been assigned a number pursuant to the uniform numbering system.
- (b) The assignment by the development coordination department and posting by the owner or occupant of the assigned number shall be a condition precedent to the issuance of a building permit for any such building.
- (c) The planning department shall duly record and keep records of all numbers assigned under this section.

(Ord. No. 83-2, § IV, 1-20-83; Ord. No. 83-7, § I, 5-19-83)

Sec. 22-706. - Posting of numbers.

All buildings in the unincorporated areas of the county shall have their assigned building numbers properly displayed, whether or not mail is delivered to such buildings or property. It shall be the duty of the owners and occupants of each building in the unincorporated areas to post the assigned building number on the property in the following manner:

- (1) The building (address) number shall be affixed to the front of the building, or to a separate structure in front of the building (such as a mailbox, post, wall, fence, etc.), in such a manner so as to be clearly visible and legible from the public or private way on which the building fronts.
- (2) Numerals shall be Arabic and shall not be less than three inches in height and one-half inch in width.
- (3) The numerals shall be of a contrasting color with the immediate background of the building or structure on which such numerals are affixed.

(Ord. No. 83-2, § V, 1-20-83)

Sec. 22-707. - Deannexed land or other property becoming part of unincorporated area.

Whenever a parcel of land, a subdivision, or any part thereof, becomes part of the unincorporated area of the county by deannexation or otherwise, it shall be the responsibility of the planning department to review the building (i.e., address) numbers of such property and determine whether such numbers, their posting, and the method of numbering for such deannexed portion conform to the designated grid system and the uniform numbering system established by this article. If the number, posting or method of numbering do not conform with the county's grid system and the uniform numbering system, the planning department, or such other county agency or department as the county council may designate, shall give notice of such nonconformance to the owners or occupants of the affected building or property. Nonconforming includes but is not limited to a number out of sequence, odd or even number on the wrong side of the street, and rural box numbers. Said notice shall be delivered: (a) by certified mail, return receipt requested; (b) by posting said notice in a conspicuous place on the building; or (c) by hand delivery. Said notice shall include a notification of a change of address which shall contain the new building number assigned to the building or property in accordance with the provisions of this article. Said notice shall further direct the owner or the occupant to post the newly assigned building number contained in the change of address on said building or property in accordance with section 22-706.

(Ord. No. 83-2, § VI, 1-20-83)