

**AN ORDINANCE OF THE CITY OF ORLANDO, FLORIDA,
RELATING TO THE FLORIDA BUILDING CODE;
AMENDING ARTICLE I, CHAPTER 13, ORLANDO CITY
CODE, TO ADOPT THE FLORIDA BUILDING CODE,
FIFTH EDITION (2014), PROVIDING LOCAL
ADMINISTRATIVE AMENDMENTS TO THE FLORIDA
BUILDING CODE AND ULTIMATE DESIGN WIND
SPEEDS FOR BUILDINGS AND OTHER STRUCTURES
WITHIN THE CITY; PROVIDING FOR TRANSMITTAL
TO THE FLORIDA BUILDING COMMISSION,
SEVERABILITY, CODIFICATION, CORRECTION OF
SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.**

WHEREAS, the Florida Building Code contains or incorporates by reference all laws and rules which pertain to and govern the design, construction, erection, alteration, modification, repair, and demolition of public and private buildings, structures, and facilities (section 553.73(1)(a), Florida Statutes (2014)); and

WHEREAS, the Florida Building Code is adopted, modified, updated, interpreted, and maintained by the Florida Building Commission and enforced by authorized state and local government enforcement agencies (section 553.72(3), Florida Statutes (2014)); and

WHEREAS, the City of Orlando is a "local enforcement agency" as defined by section 553.71(5), Florida Statutes (2014); and

WHEREAS, local governments may adopt amendments to the administrative provisions of the Florida Building Code, subject to the limitations of the Florida Building Codes Act, Part IV, Chapter 553, Florida Statutes (2014) (section 553.73(4)(a), Florida Statutes (2014)); and

WHEREAS, the Florida Building Commission, by rule adopted pursuant to the Florida Administrative Procedure Act, updates the Florida Building Code every three years (section 553.73(7)(a), Florida Statutes (2014)); and

WHEREAS, the Florida Building Commission has adopted the Florida Building Code, Fifth Edition (2014), as updated by the Commission on February 26, 2015 (Rule 61G20-1.001, Florida Administrative Code); and

WHEREAS, the Florida Building Code, Fifth Edition (2014), goes into effect statewide on June 30, 2015; and

WHEREAS, the purpose of this ordinance is to incorporate the Florida Building Code into the Code of the City of Orlando, Florida (the "Orlando City Code"), and to make several amendments to the administrative provisions of the Florida Building Code; and

WHEREAS, the City Council of the City of Orlando, Florida (the "Orlando City Council"), hereby finds that this ordinance is consistent with the Florida Building Codes Act

(Part IV, Chapter 553, Florida Statutes (2014)) and will allow effective and reasonable protection for public safety, health, and general welfare for all the people of Orlando at the most reasonable cost to the consumer; and

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF ORLANDO, FLORIDA:

SECTION 1. ARTICLE I, CHAPTER 13, AMENDED. Article I, Chapter 13, Code of the City of Orlando, Florida, is hereby amended as follows:

ARTICLE I. GENERAL

Sec. 13.1. Florida Building Code Adopted.

The Florida Building Code, ~~2010 Edition~~ Fifth Edition (2014), as updated by the Florida Building Commission on ~~August 9, 2009~~ February 26, 2015, and adopted by ~~Rule 9N-1.001~~ Rule 61G20-1.001, Florida Administrative Code, is hereby adopted as the building code of the City of Orlando, Florida. The adopted version of the building code is hereby incorporated into this section as if fully set forth herein, and may be cited to as the Orlando Building Code, ~~2012 Edition~~ Fifth Edition (2014). All references to the “building code” within the Orlando City Code, and within ordinances and resolutions of Council, shall be construed as referring to the building code adopted by this section.

Sec. 13.2. Local administrative amendments.

Pursuant to section 553.73(4)(a), Florida Statutes (~~2011~~ 2014), the following local amendments are hereby adopted to the administrative provisions of the building code:

(a) *Section 104 amended.* Subsection 104.1 of the *Building* volume of the building code is hereby amended to read as follows:

104.1 *General.* The building official is hereby designated as an enforcement officer pursuant to section 30A.01, Orlando City Code, and as a code inspector for purposes of section 5.04(1), Orlando City Code.

(b) *Section 104 amended.* Section 104 of the *Building* volume of the building code is hereby amended by adding subsection 104.12, to read as follows:

104.12 *Unsafe structures.* Buildings and other structures regulated by this code, including support systems such as plumbing, electrical, gas, and mechanical, that are unsafe or unsanitary are hereby made unlawful and shall be abated by repair or demolition by the building official pursuant to the Orlando City Code.

(c) *Section 105 amended.* Subsection 105.4.1.4 of the *Building* volume of the building code is hereby amended to read as follows:

105.4.1.4 The fee for renewal, reissuance, or extension of a permit shall be set forth by the administrative authority. The building official may extend a permit no more than eight times and each extension may not exceed 90 days. The building official may require extension applicants to make their request on a form provided for such purpose.

(d) *Section 105 amended.* Section 105 of the *Building* volume of the building code is hereby amended by adding subsection 105.16, to read as follows:

105.16 *Permit transfer.* A permit may be transferred from one holder to another, and such transfer may occur before or after work has commenced. The building official shall transfer a permit upon receipt of a written, signed, and notarized request to do so from the owner of the real property to which the permit applies, and the payment of a fee set by resolution of Council and equal to the reasonably estimated administrative cost of transferring a permit. The building official may require transfer applicants to make their request on a form provided for such purpose.

(e) *Section 109 amended.* Subsection 109.6 of the *Building* volume of the building code is hereby amended to read as follows:

109.6 **Refunds.** The building official may refund permit fees if the permit has not expired, the project is cancelled, and no work has been done under the permit. The building official may require refund applicants to make their request on a form provided for such purpose. Refunds are subject to a fee set by resolution of Council and equal to the reasonably estimated administrative cost of refunding the permit fee and of the work conducted by the building official in the issuance of the permit.

Sec. 13.3. Ultimate Design Wind Speeds.

(a) Pursuant to “Note 2,” *Figure 1609A*, of the *Building* volume of the building code, the ultimate design wind speeds for Risk Category II buildings and other structures within the City is hereby interpolated as 135 miles per hour.

(b) Pursuant to “Note 2,” *Figure 1609B*, of the *Building* volume of the building code, the ultimate design wind speeds for Risk Category III and IV buildings and other structures within the City is hereby interpolated as 145 miles per hour.

(c) Pursuant to “Note 2,” *Figure 1609C*, of the *Building* volume of the building code, the ultimate design wind speeds for Risk Category I buildings and other structures within the City is hereby interpolated as 125 miles per hour.

Secs. 13.4 – 13.15. Reserved.

SECTION 2. TRANSMITTAL. In accordance with section 553.73(4)(a), Florida Statutes (2014), this ordinance, containing local administrative amendments to the Florida Building Code, shall be transmitted to the Florida Building Commission by the City Clerk within 30 days of its enactment.

SECTION 3. SEVERABILITY. If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

SECTION 4. CODIFICATION. The City Clerk and the City Attorney shall cause the Code of the City of Orlando, Florida, to be amended as provided by Section 1 of this ordinance and may renumber, re-letter, and rearrange the codified parts of this ordinance if necessary to facilitate the finding of the law.

SECTION 5. SCRIVENER'S ERROR. The City Attorney may correct scrivener's errors found in this ordinance by filing a corrected copy of this ordinance with the City Clerk.

SECTION 6. EFFECTIVE DATE. This ordinance takes effect immediately upon final passage.

DONE, THE FIRST READING, by the City Council of the City of Orlando, Florida, at a regular meeting, this _____ day of _____, 2015.

DONE, THE PUBLIC NOTICE, in a newspaper of general circulation in the City of Orlando, Florida, by the City Clerk of the City of Orlando, Florida, this _____ day of _____, 2015.

DONE, THE SECOND READING, AND ENACTED ON FINAL PASSAGE, by an affirmative vote of a majority of a quorum present of the City Council of the City of Orlando, Florida, at a regular meeting, this _____ day of _____, 2015.

BY THE MAYOR/MAYOR PRO TEMPORE OF
THE CITY OF ORLANDO, FLORIDA:

Mayor / Mayor Pro Tempore

ATTEST, BY THE CLERK OF THE
CITY COUNCIL OF THE CITY OF
ORLANDO, FLORIDA:

Celeste Brown, City Clerk

APPROVED AS TO FORM AND LEGALITY
FOR THE USE AND RELIANCE OF THE
CITY OF ORLANDO, FLORIDA:

Assistant City Attorney