

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ORLANDO, FLORIDA, RELATING TO CHAPTER 9, ORLANDO CITY CODE, "BUILDING SECURITY CODE" BY AMENDING SECTIONS 9.09 AND 9.10 TO REFLECT TERMINOLOGY CHANGES REGARDING THE BUILDING AND FIRE CODES BOARD OF APPEAL AND PROVIDING FOR SEVERABILITY, CODIFICATION, CORRECTION OF SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

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

SECTION 1. CHAPTER 9, AMENDED. Chapter 9, Code of the City of Orlando, Florida, is hereby amended as follows:

Sec. 9.09. - Appeals.

Whenever the Building Official shall reject or refuse to approve the mode or manner of construction proposed to be followed, or materials to be used in the erection or alteration of a building or structure, or when it is claimed that the provisions of the Building Security Code do not apply, or that an equally good or more desirable form of construction can be employed in any specific case, or when it is claimed that the true intent and meaning of the Building Security Code or any of the regulations thereunder have been misconstrued or wrongly interpreted, the owner of such building or structure, or his duly authorized agent, may appeal from the decision of the Building Official to the ~~Building Adjustments and Appeals Board~~Building and Fire Codes Board of Appeal. Notice of appeal shall be in writing and filed within ninety (90) days after the decision is rendered by the Building Official. A fee of \$~~10.00~~100.00 shall accompany such notice of appeal.

Sec. 9.10. - Decisions of ~~Building Adjustments and Appeals Board~~Building and Fire Codes Board of Appeal.

(a) Every decision of the ~~Building Adjustments and Appeals Board~~Building and Fire Codes Board of Appeal shall be final when approved by the City Council of the City of Orlando, subject however, to such remedy as any aggrieved party might have at law or in equity. Such decision shall be in writing, and shall indicate the vote upon the decision. Every decision shall be promptly filed in the office of the ~~Building Official~~Permitting Services Division and shall be open to public inspections; a certified copy shall be sent by mail or otherwise to the appellant and a copy shall be kept posted in the City Hall lobby, or other location used within the City Hall for public notices, for two (2) weeks after filing. Notice of appeal of an adverse ruling by the ~~Building Adjustments and Appeals Board~~Building and Fire Codes Board of Appeal shall ~~be filed in writing by the appellant with the City Clerk within ten (10) days of the posting of such ruling in the City Hall lobby, or other location used within the City Hall for public notices. Hearing on such appeal shall be held at the second regular~~

~~meeting of the City Council of the City of Orlando, following filing of such notice of appeal follow the procedures as set forth in City Code Chapter 2, Article XXXII "Procedures For Quasi-Judicial Hearings."~~

(b) The ~~Building Adjustments and Appeals Board~~ Building and Fire Codes Board of Appeal shall in every case reach a decision without unreasonable or unnecessary delay.

(c) If a decision of the ~~Building Adjustments and Appeals Board~~ Building and Fire Codes Board of Appeal reverses or modifies a refusal, order, or disallowance of the Building Official, or varies the application of any provision of this Code, the Building Official shall upon approval of the City Council of the City of Orlando take action in accordance with such decision.

SECTION 2. 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 3. 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 4. 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 5. 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 T. Brown, City Clerk

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

Assistant City Attorney