

CODE OF ORDINANCES CITY OF COCOA BEACH, FLORIDA  
CHAPTER 6 - BUILDINGS  
ARTICLE I. - BUILDING CODE

Sec. 6-4. - Administration.

- (a) *Building department.* The Florida Building Code shall be administered and enforced through the building department and the person in charge shall be known as the building official.
- (1) *Building official qualifications.* The building official shall be licensed as a building code administrator by the State of Florida. The building official shall be hired or contracted by the city manager or his designee. If the building official is an employee of the city, he shall not be removed from office or employment except for cause and after opportunity has been given to be heard on specific charges before the city commission.
  - (2) *Employee qualifications.* The building official, with the approval of the applicable governing authority, may hire or contract such number of officers, inspectors, plans examiners, assistants and other employees or firms as shall be authorized from time to time. A person or firm shall not be appointed or hired or contracted as inspector or plans examiner unless the person performing the work as inspector or plans examiner meets the qualifications for licensure as an inspector or plans examiner in the appropriate trade as established by the State of Florida.
  - (3) *Records.* The building official shall keep, or cause to be kept, a record of the business of the department. The records of the department shall be open to public inspection.
  - (4) *Liability.* Any officer or employee, or member of the board of adjustment or the special magistrate/code enforcement board, charged with the enforcement of this code, acting for the applicable governing authority in the discharge of his or her duties, shall not thereby render himself personally liable, and is hereby relieved from all personal liability, for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties. Any suit brought against any officer or employee or member because of such act performed by him in the enforcement of any provisions of this code shall be defended by the city 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.
- (b) *Powers and duties of the building department and building official.*
- (1) *General.* The building official is hereby authorized and directed to enforce the provisions of this code. The building official shall have the authority to render interpretations of the adopted codes and to adopt policies and procedures in order to clarify the application of their provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of the adopted codes, and shall not have the effect of waiving requirements specifically provided for in the codes.
  - (2) *Right of entry.* Whenever necessary to make an inspection to enforce any of the provisions of this or the adopted codes, or whenever the building official has reasonable cause to believe that there exists in any building or upon any premises any condition or code violation which makes such building, structure, premises, electrical, gas, mechanical or plumbing systems unsafe, dangerous or hazardous, the building official may enter such building, structure or premises at all reasonable times to inspect the same or to perform any duty imposed upon the building official by this or the adopted codes. If such building or premises are occupied, he shall first present proper credentials and request entry. If such building, structure, or premises are unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of such and request entry. If entry is refused, the building official shall have recourse to every remedy provided by law to secure entry.

When the building official shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other persons having charge, care or control of any building, structure, or premises shall fail or neglect, after proper request is

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made as herein provided, to promptly permit entry therein by the building official for the purpose of inspection and examination pursuant to this or the adopted codes.

- (3) *Stop work orders.* Upon notice from the building official, work on any building, structure, electrical, gas, mechanical or plumbing system that is being done contrary to the provisions of this or the adopted codes or in a dangerous or unsafe manner, shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to his agent, or to the person doing the work, and shall state the conditions under which work may be resumed. Where an emergency exists, the building official shall not be required to give a written notice prior to stopping the work.
  - (4) *Revocation of permits.* The building official is authorized to suspend or revoke a permit issued under the provisions of this code wherever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any provisions of this code.
  - (5) *Misrepresentation of application.* The building official may revoke a permit or approval, issued under the provisions of this or the adopted codes, in case there has been any false statement or misrepresentation as to the material fact in the application or plans on which the permit or approval was based.
  - (6) *Violation of code provisions.* The building official may revoke a permit upon determination by the building official that the construction, erection, alteration, repair, moving, demolition, installation, or replacement of the building, structure, electrical, gas, mechanical or plumbing systems for which the permit was issued is in violation of, or not in conformity with, the provisions of this or adopted codes.
  - (7) *Unsafe buildings or systems.* All buildings, structures, electrical, gas, mechanical or plumbing systems which are unsafe, unsanitary, or do not provide adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use, constitute a hazard to safety or health, are considered unsafe buildings or service systems. All such unsafe buildings, structures or service systems are hereby declared illegal and shall be abated by repair and rehabilitation or by demolition in accordance with the provisions of Article VII "Procedures for Abatement of Unsafe and Dangerous Buildings" of this chapter.
  - (8) *Requirements not covered by code.* Any requirements necessary for the strength, stability or proper operation of an existing or proposed building, structure, electrical, gas, mechanical or plumbing system, or for the public safety, health and general welfare, not specifically covered by this or the other technical codes, shall be determined by the building official.
- (c) *Permits.*
- (1) *Permit and permit fee required.* It shall be unlawful for any person, firm or corporation to construct, erect, alter, repair, enlarge, move, or demolish any building or structure; or to erect, install, enlarge, alter, repair, remove, correct, or replace any electrical, gas, mechanical or plumbing system, or cause any such work to be done within the City of Cocoa Beach without first making application and obtaining a permit therefore from the building department, and upon payment of fees as adopted herein.
  - (2) *Limitations.* Except as otherwise provided in this chapter, an application for a permit for any proposed work shall be deemed to have been abandoned, and shall expire by limitation and become null and void six (6) months after the date of filing for the permit, or plan approval, whichever is later unless before then a permit has been issued. One (1) extension of time for a period of not more than ninety (90) days may be allowed by the building official for the application, provided the extension is requested in writing and justifiable cause is demonstrated.
  - (3) *Drawings and specifications additional data.* In addition to the submittals required by the Florida Building Code, the building official shall be allowed to require details, computations,

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stress diagrams, and other data necessary to describe the construction or installation and the basis of calculations.

- (4) *Additional information required prior to issuance of permit.* Prior to issuance of any building permit, the building official shall be allowed to require information to ensure conformance with other city or other agency regulations, including but not limited to:
- (i) Zoning review and approval.
  - (ii) Submittal of a sealed boundary survey noting property boundaries and the location of any improvements on the land.
  - (iii) Right of way utilization permits, driveway permits or approval from the city engineer verifying that public improvements to support proposed development on the land.
  - (iv) Site development plan approval.
  - (v) Subdivision approval.
- (d) *Conditions of the permit.*
- (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. Every permit issued shall become invalid unless the work authorized by such permit is commenced within six (6) months after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of six (6) months after the time the work is commenced. Failure to obtain an approved inspection within one hundred eighty (180) days of the previous approved inspection shall constitute suspension or abandonment. One (1) or more extensions of time, for periods not more than one hundred eighty (180) days each, may be allowed by the building official for the permit, provided the extension is requested in writing and justifiable cause is demonstrated prior to the expiration date. The building official shall record the extension of time granted.
  - (2) *[Expiration of permit; extension.]* Permits issued for the demolition of a structure shall expire sixty (60) days from the date of issuance. For a justifiable cause, one (1) extension of time for a period not exceeding thirty (30) days may be allowed. Such request shall be in writing to the building official.
  - (3) *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 or additional permit fee as adopted herein. This provision shall not apply to emergency work when said work is authorized by the building official. In all such emergency cases the required permit(s) must be obtained within three (3) business days and any unreasonable delay in obtaining those permit(s) shall result in a penalty or additional permit fee as adopted herein. The payment of additional permit fee for commencing work without a permit shall not preclude or be deemed a substitute for prosecution for commencing work without first obtaining a permit. The building official may grant extensions of time when justifiable cause has been demonstrated in writing,
- (e) *Inspections.*
- (1) *Existing building inspections.* Before issuing a permit, the building official may examine or cause to be examined any building, electrical, gas, mechanical, or plumbing systems for which an application has been received for a permit to enlarge, alter, repair, move, demolish, install, or change the occupancy. He shall inspect all buildings, structures, electrical, gas, mechanical and plumbing systems, from time to time, during and upon completion of the work for which a permit was issued. He shall make a record of every such examination and inspection and of all violations of the technical codes.

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- (2) *Manufacturers and fabricators.* When deemed necessary by the building official, he shall make, or cause to be made, an inspection of materials or assemblies at the point of manufacture or fabrication. A record shall be made of every such examination and inspection and of all violations of the technical codes.
  - (3) *Inspection service.* The building official may make, or cause to be made, inspections required by the adopted building code. He or she may accept reports of department inspectors, independent inspectors or of recognized inspection services, provided that after investigation he/she 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 the architect or engineer performing building code inspections in a manner specified by the building official. The building official shall ensure that all persons making such inspections shall be certified in accordance to Chapter 468 Florida Statutes.
  - (4) *Additional inspections as required.* When deemed necessary by the building official, he shall make, or cause to be made, additional inspections, technical reports, or certifications beyond those required by the adopted building code.
  - (5) *Final inspection required.* No building, use, or improvement is deemed complete or authorized for use until receiving final inspection approval by the building official.
  - (6) *Responsibility for notice of inspections.* It shall be the responsibility of the permit holder to request any and all minimum inspections required by the building code. All issued permits require at a minimum a final inspection. A final inspection must be requested within seven (7) calendar days from the date of completion of the work specified on the permit.
  - (7) *Threshold inspectors.* For any project that requires a threshold inspector pursuant to Chapter 553.79, Florida Statutes, the building official shall have the sole and discretionary authority to accept or authorize such threshold inspector. Such authority includes requiring any duly authorized representative of the threshold inspector to meet the licensure, qualifications and reliability requirements of the building official.
- (f) *Site debris and site condition.*
- (1) The contractor and/or owner of any active or inactive construction project shall be responsible for the clean up and removal of all construction debris or any other miscellaneous discarded articles prior to receiving final inspection approval. Construction job sites must be kept clean, such that accumulation of construction debris must not remain on the property for a period of time exceeding fourteen (14) days.
  - (2) All debris shall be kept in such a manner as to prevent it from being spread by any means.
- (g) *Certificates.*
- (1) *Certificates of occupancy required.* No building presently under construction, or hereinafter erected, altered or enlarged, shall be used or occupied in whole or in part until a certificate of occupancy shall have been issued by the building official, certifying that the building and occupancy are in accordance with the provisions of the adopted building code and all other ordinances and laws applicable thereto.
  - (2) *Site improvement acceptance.* When deemed necessary to ensure compliance with other city codes or regulations, the building official shall require a statement under the seal of professional engineer, licensed by the State of Florida, of record for the project certifying that, based on a final inspection made by such engineer, the site construction has been done in accordance with the approved site plan on file with the city and that all site construction has been in compliance with applicable city codes and regulations. The building official may also require statements of acceptance of any site improvement from other city departments or agencies having jurisdiction.

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- (3) *Other certificates.* The building official is authorized to issue other certificates as specified in the adopted building code or as may be required by other city codes or regulations.
- (4) *Grounds for revocation; effect.* The building official shall have the authority to revoke a certificate of occupancy for any building which is occupied, in whole, or in part, for any use not authorized or which is changed in occupancy to a classification where such occupancy does not comply with the building code and all other ordinances and law applicable thereto, or for any building where the live loads imposed on any floor or the number of persons permitted to assemble therein or thereon exceed those authorized in said certificate.
- (h) *Tests.* 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.
- (i) *Appeals and interpretations.* Any appeal of a decision or interpretation made by the building official in administering or enforcing this chapter or the adopted building code, shall be processed in accordance with procedures for such appeals as set forth in the city's land development code.

(Ord. No. 1323, § 2, 12-6-2001)