



TOWN COUNCIL AGENDA REGULAR MEETING

MONDAY

DECEMBER 18, 2023 – 6:00 P.M.

TOWN COUNCIL CHAMBERS

4300 S. ATLANTIC AVENUE, PONCE INLET, FL

SUNSHINE LAW NOTICE FOR BOARD MEMBERS – Notice is hereby provided that one or more members of the Town’s various boards may attend and speak at this meeting.

A complete copy of the materials for this agenda is available at Town Hall.

1. CALL TO ORDER.
2. PLEDGE OF ALLEGIANCE.
3. ROLL CALL.

NOTE: Citizens who wish to speak during Public Participation about any subject that is not on the meeting agenda should fill out the Citizen Participation Request form and submit it to the Town Clerk prior to the start of the meeting.

4. ADDITIONS, CORRECTIONS OR DELETIONS TO THE AGENDA.
5. PROCLAMATIONS, PRESENTATIONS, AND AWARDS:
 - A. Presentation of Riverside Conservancy’s shoreline restoration project. – *Kelli McGee*
 - B. Presentation of American Flood Coalition Leadership Award – *Kate Wesner, Florida Director*
 - C. Recognition of Ponce Inlet Christmas Parade Volunteer Event Coordinators.
 - D. Certificates of Appreciation – Ponce Preserve “Invasive Plant Pullers”.
 - E. Certificate of Appreciation – Cathy Harvey for the “Check on Your Neighbor” Program.
 - F. Certificates of Appreciation – 60th Anniversary Committee members.

6. CONSENT AGENDA - *Items on the consent agenda are defined as routine in nature that do not warrant detailed discussion or individual action by the Council; therefore, all items remaining on the consent agenda shall be approved and adopted by a single motion, second and vote by the Town Council. Items on the consent agenda are not subject to discussion. **Any member of the Town Council may remove any item from the consent agenda simply by verbal request at the Town Council meeting.** Removing an item from the consent agenda does not require a motion, second or a vote; it would simply be a unilateral request of an individual Council member and this item would then be added as the last item under New Business. As with all agenda items, the public will have the opportunity to comment prior to a motion being*

placed on the floor and their comment(s) may persuade Council to remove the item from the Consent Agenda and place under New Business for discussion.

- A. Approval of the Town Council Regular meeting minutes – November 16, 2023.
 - B. Approval of the Town Council Special meeting minutes – November 29, 2023.
 - C. Authorizing an extension of the 2022-23 Halifax Humane Society contract with the Town through June 30, 2024.
7. OLD/NEW BUSINESS ITEMS PREFERRED AT THE BEGINNING OF THE MEETING:
- A. Appointments to the Code Enforcement Board.
 - B. Appointments to the Cultural Services, Historic Preservation, & Tree Advisory Board.
 - C. Appointments to the Essential Services Advisory Board.
8. PUBLIC HEARINGS / QUASI-JUDICIAL MATTERS: *Certain ordinances, resolutions, special exceptions, variances, and permits are Quasi-Judicial items. Members of Council must disclose any ex-parte communications concerning any items on this portion of the agenda prior to voting.*
9. PUBLIC HEARINGS / NON-QUASI-JUDICIAL MATTERS:
- A. Ord. 2023-06 – 2nd reading – Adopting the 2023 FL Building Code; and adopting the Building Official’s Association of Florida’s Model Administrative Code (2023) with additions from the Town of Ponce Inlet.
10. CITIZENS’ PARTICIPATION - *The Town of Ponce Inlet encourages engagement by citizens via a variety of means. This is an opportunity for our citizens to talk to us collectively on any subject that is not identified on the meeting agenda. The Town’s Rules for Conducting Town Council meetings are set forth in Resolution 2021-11 and include the following guidelines:*
- *Citizens are provided with **5 minutes** at each meeting to speak on one or more issues that are not otherwise placed on the meeting agenda.*
 - *Please introduce yourself with your name and address clearly for the record.*
 - *Share with us your thoughts, ideas, and opinions; we want to hear them.*
 - *Under our rules, all questions and comments are directed to the Mayor.*
- While some questions may be able to be addressed at this meeting, others may require research or more information than we have readily available from our staff, so we may have to defer the response to you until we have that information. Also, depending on the type of issue, we may place the matter on a properly noticed subsequent meeting agenda. As a Council, we welcome the opportunity to hear from you and hope you will speak with us not only during Citizen Participation but outside of these meetings. We understand the formal nature of this meeting, but rest assured, we want to hear from you, we want to address your concerns, and we are appreciative of your involvement.*

11. ORDINANCES (FIRST READING) AND RESOLUTIONS:

A. Resolution 2023-17 – Amending sewer service rates and water/sewer impact fees to account for increases by the City of Port Orange.

12. OLD BUSINESS: None.

13. NEW BUSINESS:

A. Updated Town Council Goals List.

B. Organizational discussion for Rules of Order and conducting Town Council meetings.

14. FROM THE TOWN COUNCIL:

A. Vice-Mayor Smith, Seat #5

B. Councilmember Villanella, Seat #4

C. Councilmember White, Seat #3

D. Councilmember Milano, Seat #2

E. Mayor Paritsky, Seat #1

15. FROM THE TOWN MANAGER.

16. FROM THE TOWN ATTORNEY.

17. CITIZENS' PARTICIPATION - *The Town of Ponce Inlet encourages engagement by citizens via a variety of means. This is another opportunity for our citizens to talk to us collectively for **2 minutes** before closure of this meeting regarding reports provided by the Town Council, Town Manager, or Town Attorney in items 14-16 (only) of the meeting agenda.*

19. ADJOURNMENT.

Next Town Council Meeting date:

- Thursday, January 18th, 2024, 6:00 p.m.

*If a person decides to appeal any decision made by the Town Council with respect to any matter considered at a meeting or hearing, he/she will need a record of the proceedings and that for such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Persons who require accommodation in order to attend this meeting should contact the Ponce Inlet Town Hall at 236-2150 **at least 48 hours prior to the meeting** in order to request such assistance.*



Meeting Date: 12/18/2023

Agenda Item: 5

Report to Town Council

Topic: Proclamations, Presentations, and Awards.

Summary:

- A. Presentation of Riverside Conservancy's shoreline restoration project.
- B. Presentation of America Flood Coalition Leadership Award.
- C. Recognition of Ponce Inlet Christmas Parade Volunteer Event Coordinators.
- D. Certificates of Appreciation – Ponce Preserve “Invasive Plant Pullers”.
- E. Certificate of Appreciation – Cathy Harvey for the “Check on Your Neighbor” Program.
- F. Certificates of Appreciation – 60th Anniversary Committee members.

Suggested motion: None required.

Requested by: Ms. Cherbano, Town Clerk
Mayor Paritsky

Approved by: Mr. Disher, Town Manager



In heartfelt appreciation to:

Cherise Wintz

For your dedication and enthusiasm to bringing holiday cheer to our community.

Ponce Inlet Christmas Parade
Volunteer Event Coordinator

2023

Presented this 18th day of December 2023



In heartfelt appreciation to:

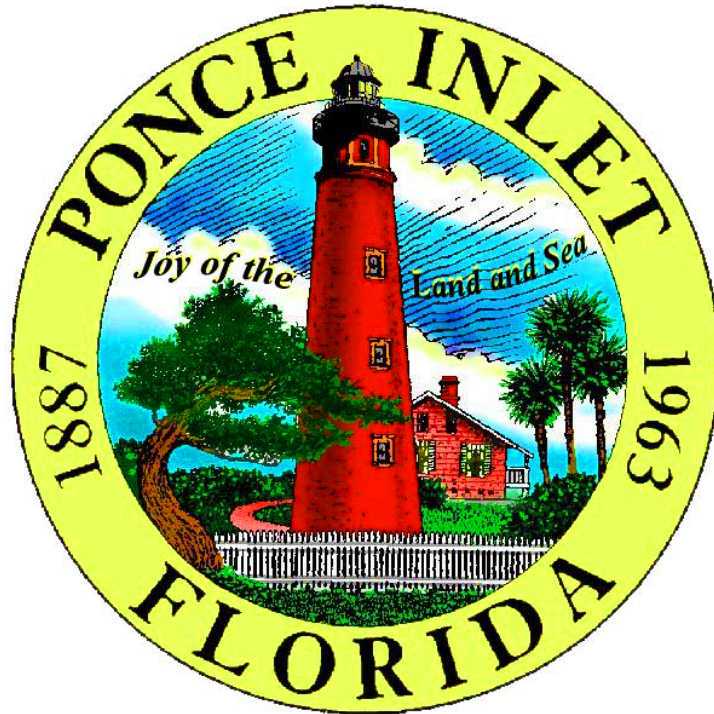
Mark Oebbecke

For your dedication and enthusiasm to bringing holiday cheer to our community.

Ponce Inlet Christmas Parade
Volunteer Event Coordinator

2023

Presented this 18th day of December 2023



In grateful appreciation to:

Barbara Davis

In recognition of your leadership, service,
and enduring commitment to protecting the
town's ecosystem and native plants.

2023

Presented this 18th day of December 2023

Certificate of Appreciation

from

The Town of Ponce Inlet

Is presented to:

Lori Allen

For your dedication and hard work removing exotic and invasive plants
to restore the ecological health of Ponce Preserve.

September 2023 – December 2023

Dated this 18th day of December, 2023



Lois A. Paritsky, Mayor

Certificate of Appreciation

from

The Town of Ponce Inlet

Is presented to:

Elizabeth Caswell

For your dedication and hard work removing exotic and invasive plants
to restore the ecological health of Ponce Preserve.

September 2023 – December 2023

Dated this 18th day of December, 2023


Lois A. Paritsky, Mayor

Certificate of Appreciation

from

The Town of Ponce Inlet

Is presented to:

Ed Davis

For your dedication and hard work removing exotic and invasive plants
to restore the ecological health of Ponce Preserve.

September 2023 – December 2023

Dated this 18th day of December, 2023



Lois A. Paritsky, Mayor

Certificate of Appreciation

from

The Town of Ponce Inlet

Is presented to:

Mary Lou Fillingame

For your dedication and hard work removing exotic and invasive plants
to restore the ecological health of Ponce Preserve.

September 2023 – December 2023

Dated this 18th day of December, 2023



Lois A. Paritsky, Mayor

Certificate of Appreciation

from

The Town of Ponce Inlet

Is presented to:

Joan Hines

For your dedication and hard work removing exotic and invasive plants
to restore the ecological health of Ponce Preserve.

September 2023 – December 2023

Dated this 18th day of December, 2023


Lois A. Paritsky, Mayor

Certificate of Appreciation

from

The Town of Ponce Inlet

Is presented to:

Debbie Keese

For your dedication and hard work removing exotic and invasive plants
to restore the ecological health of Ponce Preserve.

September 2023 – December 2023

Dated this 18th day of December, 2023



Lois A. Paritsky, Mayor

Certificate of Appreciation

from

The Town of Ponce Inlet

Is presented to:

Michael Lang

For your dedication and hard work removing exotic and invasive plants
to restore the ecological health of Ponce Preserve.

September 2023 – December 2023

Dated this 18th day of December, 2023



Lois A. Paritsky, Mayor

Certificate of Appreciation

from

The Town of Ponce Inlet

Is presented to:

Kevin Nichols

For your dedication and hard work removing exotic and invasive plants
to restore the ecological health of Ponce Preserve.

September 2023 – December 2023

Dated this 18th day of December, 2023



Lois A. Paritsky, Mayor

Certificate of Appreciation

from

The Town of Ponce Inlet

Is presented to:

Lisa Sixma

For your dedication and hard work removing exotic and invasive plants
to restore the ecological health of Ponce Preserve.

September 2023 – December 2023

Dated this 18th day of December, 2023



Lois A. Paritsky, Mayor

Certificate of Appreciation

from

The Town of Ponce Inlet

Is presented to:

Amy Spies

For your dedication and hard work removing exotic and invasive plants
to restore the ecological health of Ponce Preserve.

September 2023 – December 2023

Dated this 18th day of December, 2023



Lois A. Paritsky, Mayor

Certificate of Appreciation

from

The Town of Ponce Inlet

Is presented to:

Karen H. Strickland

For your dedication and hard work removing exotic and invasive plants
to restore the ecological health of Ponce Preserve.

September 2023 – December 2023

Dated this 18th day of December, 2023



Lois A. Paritsky, Mayor

Certificate of Appreciation

from

The Town of Ponce Inlet


Is presented to:

Jane White

For your dedication and hard work removing exotic and invasive plants
to restore the ecological health of Ponce Preserve.

September 2023 – December 2023

Dated this 18th day of December, 2023



Lois A. Paritsky, Mayor

Certificate of Appreciation

from

The Town of Ponce Inlet

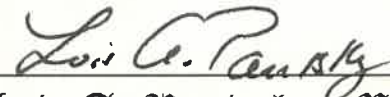
Is presented to:

Skip White

For your dedication and hard work removing exotic and invasive plants
to restore the ecological health of Ponce Preserve.

September 2023 – December 2023

Dated this 18th day of December, 2023



Lois A. Paritsky, Mayor

Certificate of Appreciation

from

The Town of Ponce Inlet

Is presented to:

Lynn Willits

For your dedication and hard work removing exotic and invasive plants
to restore the ecological health of Ponce Preserve.

September 2023 – December 2023

Dated this 18th day of December, 2023



Lois A. Paritsky, Mayor

Certificate of Appreciation

from

The Town of Ponce Inlet

Is presented to:

Sande Habali

For your dedication and hard work removing exotic and invasive plants
to restore the ecological health of Ponce Preserve.

September 2023 – December 2023

Dated this 18th day of December, 2023



Lois A. Paritsky, Mayor

Certificate of Appreciation

from

The Town of Ponce Inlet

Is presented to:

Judi Van Horn

For your dedication and hard work removing exotic and invasive plants
to restore the ecological health of Ponce Preserve.

September 2023 – December 2023

Dated this 18th day of December, 2023



Lois A. Paritsky, Mayor

Certificate of Appreciation

from

The Town of Ponce Inlet

Is presented to:

Lisa DiNicolo

For your dedication and hard work removing exotic and invasive plants
to restore the ecological health of Ponce Preserve.

September 2023 – December 2023

Dated this 18th day of December, 2023


Lois A. Paritsky, Mayor

Certificate of Appreciation

from

The Town of Ponce Inlet

Is presented to:

Amy Legare

For your dedication and hard work removing exotic and invasive plants
to restore the ecological health of Ponce Preserve.

September 2023 – December 2023

Dated this 18th day of December, 2023



Lois A. Paritsky, Mayor

Certificate of Appreciation

from

The Town of Ponce Inlet
Is Presented to

Cathy Harvey

In recognition of your contribution to the

“Check on Your Neighbor” Program

Dated this 18th day of December, 2023



Lois A. Paritsky, Mayor

Certificate of Appreciation

from

The Town of Ponce Inlet

Is Presented to

Mindy Ash

In recognition of your dedication, enthusiasm, and hard work to help plan and organize
the 60th Anniversary Celebration for the Town of Ponce Inlet

June 2023 – September 2023

Dated this 18th day of December, 2023



Lois A. Paritsky, Mayor

Certificate of Appreciation

from

The Town of Ponce Inlet

Is Presented to

Barbara Davis

In recognition of your dedication, enthusiasm, and hard work to help plan and organize
the 60th Anniversary Celebration for the Town of Ponce Inlet

June 2023 – September 2023

Dated this 18th day of December, 2023


Lois A. Paritsky, Mayor

Certificate of Appreciation

from

The Town of Ponce Inlet

Is Presented to

Liz Finch

In recognition of your dedication, enthusiasm, and hard work to help plan and organize
the 60th Anniversary Celebration for the Town of Ponce Inlet

June 2023 – September 2023

Dated this 18th day of December, 2023



Lois A. Paritsky, Mayor

Certificate of Appreciation

from

The Town of Ponce Inlet

Is Presented to

Stephanie Gjessing

In recognition of your dedication, enthusiasm, and hard work to help plan and organize
the 60th Anniversary Celebration for the Town of Ponce Inlet

June 2023 – September 2023

Dated this 18th day of December, 2023



Lois A. Paritsky, Mayor

Certificate of Appreciation

from

The Town of Ponce Inlet

Is Presented to

Michele Glazier

In recognition of your dedication, enthusiasm, and hard work to help plan and organize
the 60th Anniversary Celebration for the Town of Ponce Inlet

June 2023 – September 2023

Dated this 18th day of December, 2023


Lois A. Paritsky, Mayor

Certificate of Appreciation

from

The Town of Ponce Inlet

Is Presented to

Tara Lamb

In recognition of your dedication, enthusiasm, and hard work to help plan and organize
the 60th Anniversary Celebration for the Town of Ponce Inlet

June 2023 – September 2023

Dated this 18th day of December, 2023

Lois A. Paritsky

Lois A. Paritsky, Mayor

Certificate of Appreciation

from

The Town of Ponce Inlet

Is Presented to

Ami Pierce

In recognition of your dedication, enthusiasm, and hard work to help plan and organize
the 60th Anniversary Celebration for the Town of Ponce Inlet

June 2023 – September 2023

Dated this 18th day of December, 2023


Lois A. Paritsky, Mayor



Meeting Date: 12/18/2023

Agenda Item: 6

Report to Town Council

Topic: Consent Agenda

- A. Approval of the Town Council Regular meeting minutes – November 16, 2023.
- B. Approval of the Town Council Special meeting minutes – November 29, 2023.
- C. Authorizing extension of the 2022-23 Halifax Humane Society contract with the Town through June 30, 2024.

Summary: See attached

Suggested motion:

To approve the Consent agenda as presented.

Requested by: Ms. Cherbano, Town Clerk

Approved by: Mr. Disher, Town Manager



Town of Ponce Inlet
Town Council
Regular Meeting Minutes
November 16, 2023

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1. CALL TO ORDER: Pursuant to proper notice, Mayor Paritsky called the meeting to order at 6:00 p.m. in the Council Chambers at 4300 South Atlantic Avenue, Ponce Inlet, Florida.

2. PLEDGE OF ALLEGIANCE: Mayor Paritsky led the Pledge of Allegiance. Mayor Paritsky then reviewed the protocol for filling out the Citizens' Participation request forms for agenda item #11.

- 3. ROLL CALL:**
- Town Council:**
 - Mayor Paritsky, Seat #1
 - Councilmember Milano, Seat #2
 - Councilmember Caswell, Seat #3
 - Councilmember Villanella, Seat #4
 - Vice Mayor Smith, Seat #5

Mayor Paritsky recognized Volusia County Council Member Matt Reinhart and Daytona Beach Shores Mayor Nancy Miller as being present.

- Staff Members Present:**
- Mr. Baker, Chief Building Official
 - Ms. Cherbano, Town Clerk
 - Mr. Disher, Town Manager
 - Ms. Gjessing, Permit Technician
 - Chief Glazier, Police Department
 - Mr. Griffith, Public Works Director
 - Ms. Hugler, Fire Department Office Manager
 - Ms. Pierce, Building Department Office Manager
 - Chief Scales, Public Safety Director
 - Attorney Smith, Town Attorney
 - Ms. Stewart, Assistant Deputy Clerk

- 4. INAUGURATION:**
- A. Administer Oath of Office**

Ms. Cherbano administered the Oaths of Office to Mayor Paritsky, Seat 1, accompanied by Howard Paritsky; Councilmember White, Seat 3, accompanied by Jane White; and Councilmember Smith, Seat 5, accompanied by Evelyn Swarthout.

~~~ Break for Refreshments ~~~

46 **B. Reconvene Council meeting.** The meeting was reconvened at 6:19 pm; the roll  
47 was called with all members of Council present.

48  
49 **ROLL CALL:**

50 **Town Council:**

51 Mayor Paritsky, Seat #1  
52 Councilmember Milano, Seat #2  
53 Councilmember White, Seat #3  
54 Councilmember Villanella, Seat #4  
55 Vice Mayor Smith, Seat #5  
56

57 **C. Appointment of Vice-Mayor.** Councilmember Milano nominated Gary Smith to  
58 serve as Vice-Mayor; seconded by Councilmember Villanella. The motion passed 5-0, consensus.  
59

60 **D. Appointment of Council representatives for interlocal organizations:**

61  
62 1. Primary and Alternate representatives at the County Roundtable of Elected  
63 Officials.

64  
65 2. Primary and Alternate representatives to the River-to-Sea Transportation  
66 Planning Organization.

67  
68 3. Representative to the First Step Shelter, Inc. Board of Directors – *any*  
69 *change requires confirmation by the City of Daytona Beach Commission.*

70  
71 Mayor Paritsky moved to re-appoint herself as Primary Representative and appoint  
72 Councilmember Villanella as Alternate Representative to the County Roundtable of Elected  
73 Officials; to appoint Councilmember White as Primary Representative and Vice Mayor Smith as  
74 Alternate Representative to the River-to-Sea Transportation Planning Organization Board; and to  
75 re-appoint Councilmember Milano as Representative to the First Step Shelter; seconded by  
76 Councilmember Villanella. The motion PASSED 5-0, consensus.  
77

78 **5. ADDITIONS, CORRECTIONS, OR DELETIONS TO THE AGENDA.** – Mr. Disher  
79 requested to add Item 6-D, Certificates of Appreciation; and Item 14-A, a request to change the  
80 December Council meeting date.

81  
82 Mayor Paritsky moved to approve the agenda as modified; seconded by Councilmember  
83 Villanella. The motion PASSED 5-0, consensus.  
84

85 **6. PROCLAMATIONS, PRESENTATIONS, AND AWARDS:**

86  
87 **A. Presentation of plaque to Ms. Caswell for her service on the Town Council.** –  
88 Mayor Paritsky noted that Ms. Caswell was first appointed to serve on the Town Council in the  
89 seat vacated by former Vice-Mayor Mary Hoss, and then was elected in August 2021. She served  
90 from April 15, 2021 through November 16, 2023. Mayor Paritsky presented Ms. Caswell with a  
91 plaque for her service.



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**B. Presentation of Volusia County’s beach restoration activities – Jessica Fentress, Coastal Division Director.** – Ms. Fentress provided a PowerPoint presentation of Volusia County’s beach recovery plans, including Ponce Inlet. So far, over 4.3 miles of sand-filled TrapBags have been installed across 300 properties countywide; the county is required to remove any remaining TrapBags they install by March 2025. The project is fully funded through grants and there will be no additional cost to the residents of Ponce Inlet. As part of the Army Corps of Engineers (ACE) project, easements are required from property owners on the Atlantic Ocean in Ponce Inlet between Lighthouse Point Park and the Oceanview beach approach, a total of 52 properties. She said it is critical that the county receives an easement from each property owner because the entire project will be at risk if any are missing. Ponce Inlet Town Hall and Volusia County Beach Safety Headquarters at 515 S Atlantic Avenue are drop-off locations for easements, and complimentary notary and witness services will also be provided. She noted that only the authorized agent listed on Sunbiz can sign the easement for a condominium association. Certified letters will be sent to each oceanfront property owner, or condominium association, next week that will include the needed easements for the property and notification of owner’s rights. The county’s deadline to transmit the easements to the ACE is February 29, 2024. More information is available at [www.volusia.org/sandprojects](http://www.volusia.org/sandprojects).

Councilmember White asked how close this project will be to the bottom of someone’s sand dune or the bottom of sand fencing that is already in place. Ms. Fentress explained that it varies by the property; they are asking for the toe-of-dune, or eastern extent of the seawall to the mean high-water line. Owners who provide easements to the ACE will receive sand as compensation at the end of the project. Councilmember Milano commented that his homeowner’s association has 31 townhomes but only six are full-time residents; he asked if easements are expected from all 31 owners or just one from the HOA. Ms. Fentress explained one from the HOA or other communal organization that is authorized on Sunbiz. Mayor Paritsky opened public comment. Mr. Steve Field, 6 Mar Azul, stated his HOA has a walkover to the beach and asked if they need to sign an easement. Ms. Fentress noted she could not speak to him until after the certified letters have been issued. Mr. Field commented that the jetty is in trouble; water has eroded the west side and there is concern the cement will fall in the ocean. Ms. Fentress explained the jetty is owned by the Army Corps of Engineers; Volusia County is a local sponsor. The county is doing a study to extend the jetty fishing deck 400-feet west. Mayor Paritsky closed public comment.

**C. Mayor’s report of Proclamations.** – Mayor Paritsky reported that she presented a proclamation at an event on Friday recognizing Caroline Marks’s accomplishment winning the 2023 World Surf League Championship; her parents live in Ponce Inlet. She represents the US on the global stage as a member of the USA Surfing Team.

**D. Certificates of Appreciation** – Mayor Paritsky presented Certificates of Appreciation to Skip White for his service on the Planning Board; to Mark Oebbecke for his service on the River-to-Sea TPO’s Bicycle Pedestrian Advisory Committee (BPAC); and to Wayne Josvai for his service on the River-to-Sea TPO’s Citizen’s Advisory Committee (CAC).

**7. CONSENT AGENDA:** Mayor Paritsky asked if there was any item Council would like to remove from the consent agenda; hearing none, she closed public comments.

**A. Town Council regular meeting minutes – October 19, 2023.**

- 138 B. Annual Accounting Report from Citizens for Ponce Inlet.  
139 C. Approval of “Piggyback” Contract with Sweeping Corp of America for the Phase  
140 II stormwater system cleaning project.  
141 D. Approval of Facilitated Self-Assessment Manual proposal from Center for Public  
142 Safety Excellence.  
143 E. Request to change the date of the August 2024 Town Council regular meeting to  
144 August 22, 2024.  
145

146 Mayor Paritsky moved to approve the Consent Agenda as presented; seconded by Councilmember  
147 Milano. The motion PASSED 5-0, consensus.  
148

149 **8. OLD/NEW BUSINESS ITEMS PREFERRED AT THE BEGINNING OF THE**  
150 **MEETING:**  
151

- 152 A. **Request for use of Town property and co-sponsorship of Operation Changing**  
153 **Lives 5K race** – Chief Scales explained the ordinance and criteria for special event co-sponsorship  
154 have changed since Operation Changing Lives last held their 5K race in Ponce Inlet in 2019 and  
155 no longer qualifies under the new ordinance; however, they are allowed a written request before  
156 the Council for use of Town properties. They are requesting use of the pavilion at no charge and  
157 closure of the boat ramp and trailer parking to accommodate the runners.  
158

159 Councilmember Milano moved to approve the request for use of Town property of Operation  
160 Changing Lives 5K race; seconded by Councilmember White. The motion PASSED 5-0, consensus.  
161

162 **9. PUBLIC HEARINGS / QUASI-JUDICIAL MATTERS:** None.  
163

164 **10. PUBLIC HEARINGS / NON-QUASI-JUDICIAL MATTERS:**  
165

- 166 A. **Second reading and adoption of Ordinance 2023-05, creating additional**  
167 **Alternate Seats for the Essential Services Advisory Board** - Attorney Smith read the ordinance  
168 by title only. **AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PONCE**  
169 **INLET, FLORIDA, AMENDING CHAPTER 2, ARTICLE IV, DIVISION 3 OF THE**  
170 **TOWN’S CODE OF ORDINANCES TO CREATE A CORRESPONDING ALTERNATE**  
171 **SEAT FOR EACH REGULAR SEAT OF THE ESSENTIAL SERVICES ADVISORY**  
172 **BOARD; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION, AND AN**  
173 **EFFECTIVE DATE.**  
174

175 Councilmember Villanella moved to adopt on second reading, Ordinance 2023-05 as presented;  
176 seconded by Councilmember Milano. The motion PASSED 5-0, with the following vote:  
177 Councilmember Villanella – yes; Councilmember Milano – yes; Mayor Paritsky – yes  
178 Councilmember White – yes; Vice-Mayor Smith – yes.  
179

- 180 **11. CITIZENS’ PARTICIPATION:** Mayor Paritsky opened citizens’ participation: Daytona  
181 Beach Shores Mayor Nancy Miller, 168 Key Colony Court, Daytona Beach Shores, stated she is  
182 the 1<sup>st</sup> Vice President of the Volusia League of Cities and on behalf of the League, thanked Mayor  
183 Paritsky for her service as Vice Chair of the Volusia County Roundtable of Elected Officials. She  
184 said that as the past Chair of the League of Cities Advocacy Committee, Mayor Paritsky is a



185 shining example of carrying out advocacy and mentoring to our county, and that Ponce Inlet has a  
186 true gem with this stellar Mayor.

187  
188 Mr. Robert Bullard, 4802 S. Peninsula Drive, stated he spoke to Volusia County Council Member  
189 Matt Reinhart, Ms. Fentress, and Ms. Minchew this evening after Ms. Fentress’s presentation and  
190 they agreed that it would be a good idea to include something from the Town, signed by Mayor  
191 Paritsky, that supports the County’s sand renourishment project to be included with the County’s  
192 certified letter; however, it would need to be approved tonight. Attorney Smith explained the  
193 Council could authorize a letter to go along with the County’s letter if they so choose.

194  
195 Vice Mayor Smith moved to approve a letter of support from the Town to be included with the  
196 certified letter from Volusia County to Ponce Inlet beachfront property owners; seconded by  
197 Councilmember Villanella. The motion PASSED 5-0, consensus.

198  
199 Mayor Paritsky closed public comment.

200  
201 **12. ORDINANCES (FIRST READING) AND RESOLUTIONS:**

202  
203 **A. Ordinance 2023-06.** Attorney Smith read the ordinance into the record by title  
204 only. **AN ORDINANCE OF THE TOWN OF PONCE INLET, FLORIDA, AMENDING**  
205 **CHAPTER 18 OF THE PONCE INLET CODE OF ORDINANCES RELATING TO**  
206 **PERMITTING AND CONSTRUCTION REQUIREMENTS; ADOPTING THE FLORIDA**  
207 **BUILDING CODE, 8<sup>th</sup> EDITION (2023) TOGETHER WITH CERTAIN APPENDICES**  
208 **THERETO; ADOPTING THE 2021 INTERNATIONAL PROPERTY MAINTENANCE**  
209 **CODE; ADOPTING THE MOST RECENT EDITION OF THE NFPA 70 NATIONAL**  
210 **ELECTRICAL CODE (NEC); ADOPTING THE BUILDING OFFICIALS ASSOCIATION**  
211 **OF FLORIDA’S MODEL ADMINISTRATIVE CODE (2023) TOGETHER WITH**  
212 **CERTAIN ADDITIONS THERETO; PROVIDING DIRECTIONS TO THE TOWN**  
213 **MANAGER; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY;**  
214 **PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.** – Mr. Disher  
215 explained that every three years, the Florida Building Commission adopts a new version of the  
216 Florida Building Code which local governments are then required to adopt by reference; this is  
217 also an opportunity to adopt any other codes that may need to be updated and look at the Town’s  
218 ordinances to see if any improvements are needed. He reviewed the changes to the ordinances and  
219 the building code. A new proposed requirement is that beachfront properties must also post their  
220 street address on the beachside of the property for emergency calls, etc. Proposed amendments  
221 also include a change to how the allowable construction hours and days are presented in the Code,  
222 replacing the sentences with a table, similar to how it is already posted on the Town’s website. A  
223 new state law regarding condominium milestone inspections that applies to buildings three stories  
224 and up has been added to the administrative section (Chapter 1) of the Florida Building Code which  
225 will also be locally adopted with this ordinance. Councilmember White asked if a property owner  
226 of a beach walkover would be allowed to affix the address to the walkover. Mr. Disher explained  
227 yes; any type of permanent structure where the address can easily be seen. Councilmember White  
228 referred to the changes to the hours of construction work and that his concern is weekends; he  
229 noted after hours violations can be reported on the Town’s website. However, a resident reported  
230 a violation on a Sunday, the police department arrived and spoke with the construction workers,

231 the officers left but the construction work continued. He asked if the Police Department is aware  
232 they potentially become Code Enforcement on weekends. Mr. Disher confirmed that has been  
233 conveyed to the Police Department and they have the power to shut down a jobsite. Vice Mayor  
234 Smith referred to the new state condominium inspection laws and asked who is monitoring those  
235 inspections, who is responsible for the enforcement, how much is the Town's responsibility, and  
236 who conducts the final inspection. Mr. Disher stated he believes it is a shared responsibility, but  
237 the Town is empowered as the local enforcement agency. Mr. Baker further explained that if it is  
238 a restoration of a condo building, the engineer of record must conduct the inspection by state law.  
239 The Town requires a minimum monthly inspection report once construction begins, which he  
240 reviews. The Town is not allowed to conduct inspections on condo restoration projects but does  
241 review the plans and issues the permits. The engineer will provide a letter of acceptance before the  
242 Town will close-out a permit. Councilmember Milano asked what the plan is to provide the  
243 beachfront property owners information regarding the requirement to put their address on their  
244 property; his community has 31 townhomes and asked if they need to install 31 signs. Mr. Disher  
245 explained the community association could install one sign with a range of addresses. Mayor  
246 Paritsky opened public comment. Mr. Robert Bullard, 4802 S. Peninsula Drive, stated he read the  
247 statute and commented that it is very confusing; it does not comment on what the engineer must  
248 do as it relates to the Florida Building Code but has been adopted to be included in the building  
249 code. He asked if our Police Department has the authority to enforce an obvious sanitation issue  
250 such as raw sewage and noted that should be something the Town should consider. Mayor Paritsky  
251 closed public comment.

252  
253 Councilmember Villanella moved to approve Ordinance 2023-06 as presented; seconded by  
254 Councilmember Milano. The motion PASSED, 5-0, with the following vote: Councilmember  
255 Villanella – yes; Councilmember Milano – yes; Mayor Paritsky – yes; Councilmember White –  
256 yes; Vice-Mayor Smith – yes.

257  
258 **13. OLD BUSINESS:** None.

259  
260 **14. NEW BUSINESS:**

261  
262 **A. Request to change the December Town Council meeting** – Mr. Disher explained  
263 this item is by request from Councilmember Villanella; he provided the Council with dates that  
264 it *cannot* be moved to including the Planning Board meeting on December 19<sup>th</sup>, Volusia League  
265 of Cities dinner on December 14<sup>th</sup>, and the Cultural Services Board meeting on December 4<sup>th</sup>.

266  
267 Councilmember Villanella moved to change the December Town Council meeting date to Monday,  
268 December 18, 2023; seconded by Councilmember Milano. The motion PASSED, 5-0, consensus.

269  
270 **15. FROM THE TOWN COUNCIL:**

271  
272 **A. Vice-Mayor Smith, Seat 5** – Wished everyone to have a great Thanksgiving.

273  
274 **B. Councilmember Villanella, Seat #4** – Thanked the Ponce Inlet Veteran's  
275 Association for the Veteran's Day presentation last week. He announced Mr. Tom Bahleda has  
276 expressed interest in joining the River-to-Sea Transportation Organization's Bicycle Pedestrian



277 Advisory Committee (BPAC). Mr. Bahleda, 4670 Harbour Village, stated he has an active interest  
278 in the trails within Volusia County, and rides frequently. Mr. Disher explained that staff will draft  
279 a letter from the new River to Sea TPO’s Council representative appointing Mr. Bahleda.  
280

281 **C. Councilmember White, Seat #3** – Thanked his Ponce Inlet family that supported  
282 him throughout the election process and stated he is committed to working closely with the Mayor,  
283 his fellow Councilmembers, Town Manager, and staff.  
284

285 **D. Councilmember Milano, Seat #2** – Wished everyone a safe and happy  
286 Thanksgiving. He agreed that the Veteran’s Day presentation was very well done. He provided the  
287 latest report on the First Step Shelter, noting that 72 people were brought in last month for a total  
288 of 1,072 from December 2019 to October 2023. They have served 222,233 meals as of Monday  
289 and have a 90% success rate regarding housing. A total of 552 residents have completed the  
290 program and 379 of those have been able to receive some type of Social Security disability; 307  
291 have found full-time employment. One out of 10 people that entered the shelter from 2019 through  
292 2022 were veterans; that number is now one in nine. He reminded everyone of the 386-help line;  
293 someone will come out from the Sheriff’s Department with a counselor and speak with the person  
294 needing help.  
295

296 **E. Mayor Paritsky, Seat #1** – She welcomed Councilmember White; his work on the  
297 Planning Board has given him a strong foundation in our Land Use and Development Codes. He  
298 is familiar with staff here in Ponce Inlet and at the County level and has been proactive on issues  
299 regarding Surfside, Charter Review and many other items. He will be an asset to this Council and  
300 to our Town and she thanked him for serving.  
301

302 Mayor Paritsky stated she is seeking consensus as to whether the Council wishes to have a  
303 discussion item on the December agenda for an “organizational” review of Council meetings to  
304 include the day of the week of the meeting, start time, and agenda order for certain items such as  
305 citizen participation. The Council may decide that no changes are needed or consider some changes  
306 on a trial basis. By placing it on the December agenda, the Council can give the residents, as well  
307 as the Council, a chance to be heard on this issue. Another item for consideration is a Town Hall  
308 meeting early next year; this past January the Council held a Town Hall meeting during which the  
309 State of the Town Address was provided. Should the Council wish to do so next year, we need a  
310 consensus for that as well as an agreement on a date and time. Last year, the meeting was held on  
311 a weekday night; we could consider repeating that or hold it on a Saturday morning.  
312 Councilmember Villanella commented that a Saturday may provide a larger turnout and asked if  
313 it would be possible to conduct a quick survey through C4PI as to a preference. Mayor Paritsky  
314 replied that one was done previously with approximately 60% of respondents preferring evening  
315 with the thought of having some at night and one on a Saturday. She asked staff to provide the  
316 Council with some possible dates in January.  
317

318 Mayor Paritsky provided two legislative updates; the first involves the Live Local Act, regarding  
319 affordable housing that strips local governments not only of much of their land use review powers,  
320 but also imposes the burden of the cost of infrastructure for that housing on the residents. The city  
321 of DeBary, via their City Manager, Mr. Carmen Rosamunda, is spearheading the advocacy efforts;  
322 he will be in Tallahassee this week to address the issue with Senate President Kathleen Passidomo.

323 Of the seven recommended changes, she is proud to share that our Town Manager, Mr. Mike  
324 Disher, contributed two of them. The second legislative update is on sovereign immunity; Senator  
325 Brodeur filed another such bill again yesterday, SB 472, which includes increases in the amounts  
326 per claim. Details are forthcoming. Senator Brodeur is also the Chair of the Appropriations  
327 Committee on Agriculture, Environment, and General Government; she contacted him today to  
328 schedule a meeting to discuss the Town’s request for \$1 million for our septic-to-sewer project.  
329 She will also have an opportunity to speak with him again about the Town’s concerns regarding  
330 the Sovereign Immunity bill. She announced that Ms. Katherine Hurst Miller, who was the featured  
331 speaker at the Coffee, Cake, and Condo Law event, was just appointed by Governor DeSantis to  
332 fill a judicial vacancy on the 7<sup>th</sup> Circuit Court in Volusia County. She expressed her gratitude for  
333 the opportunity to represent the Town again for another two years as Mayor; she looks forward to  
334 working with the Council and staff to provide the highest level of services and quality of life for  
335 this community. She wished everyone a happy and healthy Thanksgiving and looks forward to  
336 seeing everyone at the Town’s holiday events this December.

337  
338 **15. FROM THE TOWN MANAGER** – Mr. Disher stated the Council authorized staff to sign  
339 easements Volusia County to install sand TrapBags at Ponce Preserve; those have been submitted  
340 and the bags are ready to be installed. Staff is working with FPL to install additional streetlights  
341 on parts of S. Peninsula Drive and to trim trees away from existing lights. He, Chief Glazier and  
342 the owners of the North Turn Restaurant have had several conversations with Volusia County  
343 Traffic Engineering regarding the safety of the crosswalk there. Previously, the county was  
344 adamant about not installing crosswalks in front of private businesses as it would set a precedent;  
345 however, this is a safety issue that needs to be addressed. The Council authorized staff to pursue  
346 foreclosure on non-homesteaded properties for code enforcement liens; eight letters have been sent  
347 with a response deadline of January 15, 2024; if payment has not been received, the Town will  
348 begin official foreclosure proceedings. Each case would go back before the Code Enforcement  
349 Board as a separate hearing, then to the Council for a decision to pursue. He announced Town  
350 offices will be closed on Thanksgiving and the Friday after with trash collection on Friday. He  
351 announced the new Deputy Fire Chief, Joe Landreville, will be starting work on Monday,  
352 November 20, 2023; and a Director of Planning and Development, Mr. Darren Lear, has been  
353 selected and will be ratified at a special Council meeting on Wednesday, November 29, 2023 at  
354 9:00 am.

355  
356 **16. FROM THE TOWN ATTORNEY** – Attorney Smith had nothing further.

357  
358 **17. PUBLIC PARTICIPATION (on items 14 – 16 only)** – Mayor Paritsky opened public  
359 participation. Mr. Mark Oebbecke, 4758 S. Peninsula Drive, announced the Tree Lighting event  
360 will be held December 1, 2023, which is also the start of the Christmas Tree Festival through  
361 December 2, 2023 at the Ponce Inlet Community Center. December 2, 2023 is Breakfast with  
362 Santa from 9:00 am to noon at the community center followed at 2:00 pm by the Christmas Parade  
363 which is completely booked. On December 20, 2024 the community center will host Family Night  
364 at the Movies, featuring the movie “Elf”; pizza, popcorn and beverages will be provided for free.  
365 Mayor Paritsky closed public comment.

366  
367 **18. ADJOURNMENT** – With no further business, Mayor Paritsky adjourned the meeting at  
368 7:57 PM.

369  
370  
371  
372  
373  
374  
375

Respectfully submitted by:

*Draft*

Kim Cherbano, CMC / Town Clerk

Prepared by: Debbie Stewart, Assistant Deputy Clerk

DRAFT





Town of Ponce Inlet  
Town Council  
Special Meeting Minutes  
November 29, 2023

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**1. CALL TO ORDER:** Pursuant to proper notice, Mayor Paritsky called the meeting to order at 9:00 a.m. in the Council Chambers at 4300 South Atlantic Avenue, Ponce Inlet, Florida.

**2. PLEDGE OF ALLEGIANCE:** Mayor Paritsky led the Pledge of Allegiance.

- 3. ROLL CALL:**  
**Town Council:**  
 Mayor Paritsky, Seat #1  
 Councilmember Milano, Seat #2  
 Councilmember White, Seat #3  
 Councilmember Villanella, Seat #4  
 Vice-Mayor Smith, Seat #5

- Staff Members Present:**  
 Mr. Baker, Chief Building Official  
 Ms. Cherbano, Town Clerk  
 Mr. Disher, Town Manager  
 Mr. Griffith, Public Works Director  
 Ms. Pierce, Planning & Development Office Manager  
 Ms. Rippey, Senior Planner  
 Chief Scales, Fire Chief/Public Safety Director  
 Ms. Stewart, Assistant Deputy Clerk

**4. Ratification of employment offer for Planning & Development Director position.** Mr. Disher reviewed Mr. Darren Lear’s experience and accomplishments with the City of Edgewater and discussed the interview process leading to his offer of employment. Ms. Cherbano explained the extensive hiring process for the position of Planning & Development Director. Mr. Lear thanked the Council and stated that he has been in Volusia County since New Years Day, 1996. Mayor Paritsky thanked Mr. Lear for applying, and staff for their efforts; she opened the discussion to Council for further comments. Councilmember White commended Mr. Lear for his accomplishments in Edgewater and discussed his history with the Planning Board; Councilmember Villanella complimented Mr. Lear on his background with Edgewater and commented on Edgewater’s recent growth; Vice-Mayor Smith stated that the caliber of experience that comes to Ponce Inlet continues to amaze him and welcomed Mr. Lear.

Mayor Paritsky opened public comment; hearing none, she closed public comment.

Mayor Paritsky moved to approve the offer of employment extended to Darren Lear for the position of Planning & Development Director; seconded by Councilmember Milano. The motion PASSED

43 5-0, with the following vote: Mayor Paritsky – yes; Councilmember Milano – yes; Councilmember  
44 White – yes; Councilmember Villanella – yes; Vice-Mayor Smith – yes.

45  
46 **5. ADJOURNMENT** – With no further business, Mayor Paritsky adjourned the meeting at  
47 9:10 AM.

48  
49 Respectfully submitted by:

50  
51 Draft

52 Kim Cherbano, CMC / Town Clerk  
53 Prepared by: Stephanie Gjessing, Administrative Assistant

54  
55 Attachment(s): None.

DRAFT



**MEMORANDUM**

**PONCE INLET POLICE DEPARTMENT – OFFICE OF THE POLICE CHIEF**

*THE TOWN OF PONCE INLET STAFF SHALL BE PROFESSIONAL, CARING, AND  
FAIR IN DELIVERING COMMUNITY EXCELLENCE WHILE ENSURING PONCE  
INLET CITIZENS OBTAIN THE GREATEST VALUE FOR THEIR TAX DOLLAR.*

**TO:** Michael E. Disher, AICP / Town Manager  
**FROM:** Jeff Glazier / Police Chief  
**DATE:** December 5, 2023  
**SUBJECT:** Staff Report / Extension of Halifax Humane Society Contract

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Meeting Date: December 18, 2023

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The Ponce Inlet Police Department wishes to extend the current contract with the Halifax Humane Society (HHS) through June 30, 2024. HHS has agreed to this extension while discussions take place with surrounding municipalities concerning certain proposed fee increases. Extending the current contract will maintain the fees as they are today during this time. The Ponce Inlet Police Department has an excellent working relationship with HHS and this extension will ensure services are uninterrupted until a new agreement is in place.



**AGREEMENT FOR SERVICES BETWEEN  
Halifax Humane Society, Inc.  
AND  
Town of Ponce Inlet**

**This Services Agreement ("Agreement")** is hereby entered into by and between the **Halifax Humane Society, Inc.**, a Florida non-profit corporation, with its principal address at 2364 LPGA Boulevard, Daytona Beach, Florida 32124 ("**Humane Society**"), and the **Town of Ponce Inlet**, a Florida Municipal corporation. ("**Impounding Agency**").

**WHEREAS**, in order to enforce the ordinances of the Impounding Agency and the laws of the State of Florida, the Impounding Agency desires to deliver animals to the Humane Society for the humane impoundment and humane disposition of said animals; and

**WHEREAS**, the Humane Society is organized for the purpose, among others, of preventing cruelty to animals and is interested in assuring that impounded animals are sheltered in a humane manner and those which must be euthanized, be so euthanized in a humane manner.

**NOW, THEREFORE**, for and in consideration of the mutual covenants, conditions and provisions herein contained, it is expressly agreed and understood as follows:

1. **TERM:** This Agreement will take effect on the 1st day of October 2022, and will remain in full force and effect for an initial twelve (12) month period ending on midnight between September 30, 2023 and October 1, 2023. The parties shall have the option to enter into extended contract negotiations if they so desire.
2. **ANIMAL SHELTER, RETURN TO FIELD, AND TRAP, NEUTER, AND RETURN:**
  - (a) The Humane Society will maintain and operate an animal shelter ("**Shelter**") in a manner adequate for the confinement, remedial treatment, and, if necessary, disposal of stray dogs, cats, or other animals, which may be delivered to the Humane Society from within the jurisdictional limits of the Impounding Agency, and the Humane Society will furnish, at its sole expense, all supervision, labor, animal food, tools, supplies and other things necessary for the satisfactory performance of the services herein agreed to be provided. Remedial care will be provided for injured animals during operating hours when there is a staff veterinarian available, at the Humane Society's sole expense. The Shelter will be operated at 2364 West LPGA Blvd., Daytona Beach, Florida.
  - (b) The Humane Society will provide means to accept all stray dogs and other domesticated animals delivered to the Shelter by the Impounding Agency's law enforcement personnel, Animal Control Officers, or other designated officers appointed by the Impounding Agency for this purpose. The Humane Society will provide alternative options of Return to Field (RTF) for unsterilized community cats following national animal welfare organization recommendations for the most

humane practices with addressing cat overpopulation. The Humane Society will accept wild animals and livestock only if it has the ability and facilities to impound and control these animals, and the decision to accept or reject such animals will be solely within the discretion of the Humane Society. The Humane Society will require all persons who drop off injured or stray animals to the Shelter during the Shelter's normal operating hours to give their names, telephone number, current home and post office addresses, and identify the place where the animals involved were located or picked up.

- (c) When the Impounding Agency delivers an animal to the Shelter for impoundment and such animal bears information indicating ownership of the animal, the Impounding Agency representative shall use its best efforts to attempt to return the animal to its rightful owner, when safe for the animal to do so. The Impounding Agency representative shall also provide to Halifax all owner/guardian contact information gathered and documented attempts of contact for the owner/guardian. An administrative fee of \$35 will be assessed for every animal found to have identification by means of collar with information, tag or microchip that the owner/guardian has not been attempted to contact and provided documentation of such. Regardless of the foregoing, any animal suspected of being infected with rabies or which has bitten or otherwise exposed any person to rabies, shall not be released to its owner until after such animal has been impounded for the required quarantine timeframe and the Volusia County Health Department, through its authorized representatives, has expressly approved, in writing, any such release.
- (d) When a stray domestic animal is delivered to the Shelter and is not suspected of having rabies or has not bitten or otherwise exposed any person to rabies, the Humane Society will impound the animal at the Impounding Agency's expense for a period of three (3) calendar days (unless the cat is referred to the Return to Field (RTF) program as described below). There will be a 24-hour only holding period for dogs under 6 months of age when 2 or more are impounded together and no holding period for cats under the age of 6 months provided there is no owner identification. If the owner has not retrieved the animal within the designated holding period, the Humane Society will thereafter, at its own expense, provide for the adoption or humane disposal of the animal in accordance with its routine methods and procedures.
- (e) When a stray cat is delivered to the Shelter and is not suspected of having rabies or has not bitten or otherwise exposed any person to rabies, the Humane Society will determine the eligibility of the animal for the RTF Program. After consultation, the Humane Society will decide whether the cat will be referred for impoundment or RTF and notify the Impounding Agency. The Impounding Agency representative will expressly inform the Humane Society if a cat is brought in as part of the Trap, Neuter, and Return Program (TNR) or Return to Field (RTF). The Humane Society will

only perform feline sterilization services for cats brought to the Humane Society by an Animal Control Officer (ACO) or other Impounding Agency designated representative. Cats brought to the Humane Society by any other person will not be eligible for reimbursement by the Impounding Agency. Fees for this service are listed in 3(b) under RTF/TNR Cats. The Impounding Agency will only be responsible for services or procedures that are requested and expressly included in this agreement. The Impounding Agency will not pay for any other service or procedure. The RTF/TNR Program requires the following:

- i. The Humane Society and the Impounding Agency shall mutually agree on the day(s) of the week that the Impounding Agency will bring cats to the designated Humane Society facility. Said schedule shall be subject to change by mutual agreement of the parties. The Impounding Agency shall at a minimum have one day reserved each week at a designated Humane Society facility to bring in cats for sterilization.
- ii. Surgeries may be completed at either:

Halifax Humane Society 2364 West LPGA Boulevard Daytona Beach, FL 32124

Or

HHS Redinger Clinic 600 Mason Ave #150 Daytona Beach, FL 32117

Hereafter Humane Society shall refer to both the location on LPGA Blvd. and Mason Ave.

- iii. All regular sterilizations are the same price for neuters and spays (males and females). Each surgery includes complimentary ear tipping, FVRCP and rabies vaccines, and anesthesia for a cost of \$45. Ear tipping must be completed according to Alley Cat Allies recommendations by removing at least 3/8 of an inch from the top of the left ear.
- iv. If the Impounding Agency presents a cat for sterilization and the Humane Society finds the cat has already been sterilized, the Humane Society will provide anesthesia, ear tipping, FVRCP and rabies vaccine at the normal sterilization surgery cost of \$45.
- v. The Humane Society recognizes that the Impounding agency may not have a licensed veterinarian on staff and would not have the ability to determine whether an animal should be euthanized. Therefore, upon presentation of a cat, the Humane Society, at its sole discretion, will determine if the cat is healthy enough to survive surgery and whether or not it should be euthanized. The cost for euthanasia is \$45.



- vi. All cats being returned to the Impounding Agency staff from the Humane Society will have their ear tipped as described above. No exceptions. If a cat is returned to the Impounding Agency staff without an ear tip, or with an ear tip of less than 3/8 of an inch from the top of the left ear, the Impounding Agency cat will be returned to the Humane Society for the procedure without any additional charge to the Impounding agency.
- vii. No procedures other than those listed in this document will be paid for by the Impounding agency. The Impounding agency will only reimburse for procedures that have been documented and provided to the Impounding agency. The Humane Society must provide at least the following information in order to receive reimbursement for each cat:
  - Invoice number
  - Visit Date
  - Billing Date
  - Animal Name and/or Number
  - Services provided
  - Cost for each service provided
  - Total cost
- viii. The Humane Society will combine and send all invoices to the Impounding Agency, monthly.
- ix. Animal Control Officers will notify the Humane Society staff at the LPGA location whether a feline brought there is not eligible for RTF due to being confiscated, seized or under quarantine.
- x. The Humane Society will only release RTF cats to the Impounding Agency Animal Control Officer unless Impounding Agency provides permission for a 3<sup>rd</sup> party release in writing from the agency's authority.

**3. BILLING & PAYMENT:**

- (a) The Humane Society shall bill the Impounding Agency pursuant to Paragraph 3(b), as applicable, for:
  - (i) each dog or cat, domesticated animal, injured animal, deceased animal, livestock animal, wild animal, or quarantined/confiscated animal delivered to the Shelter by either the Impounding Agency's designated personnel, Law Enforcement, or Animal Control Officers;
  - (ii) each stray dog or cat, domesticated animal, injured animal, deceased animal, livestock animal or wild animal emanating from within the jurisdictional limits of the Impounding Agency and delivered to the Shelter by a private citizen. Owner surrendered animals will only be accepted via Impounding Agency with prior

Supervisor approval from Halifax Humane Society and fees for this service are listed in 3(b) under Owner Surrender – via ACO. Owner requested surrenders in the field should be referred to Halifax Humane Society directly; and

(iii) each dog or cat, domesticated animal, injured animal, or deceased animal picked up at the request of the Impounding Agency by the a member of the public within jurisdictional limits of the Impounding Agency.

(b) In consideration of the agreements and undertakings to be performed by the Humane Society, the Impounding Agency agrees to pay the following applicable fee(s) per animal to the Humane Society on a monthly basis, in arrears:

| <b>Type of Animal</b>                                                                                                           | <b>Fee</b>                                                                                      |
|---------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------|
| <b>Dog or cat (if the cat is not eligible for RTF/TNR program)</b>                                                              |                                                                                                 |
| Stray Sheltering (up to 3 days)                                                                                                 | \$120                                                                                           |
| Administrative Fee - failure to reunite/contact known owners                                                                    | \$35                                                                                            |
| <b>Owner Surrender via Animal Control Officer</b>                                                                               | \$120                                                                                           |
| <b>Other small domesticated pets</b>                                                                                            | \$100                                                                                           |
| <b>Livestock/Wildlife</b>                                                                                                       | \$150                                                                                           |
| <b>Wild animal - (Euthanasia)</b>                                                                                               | \$55.00                                                                                         |
| <b>Deceased on arrival - (Disposal)</b>                                                                                         | \$25.00                                                                                         |
| <b>Quarantined animal (e.g., Rabies)</b>                                                                                        | \$100 fee plus \$30 per additional day<br>Quarantine period determined by Florida State Statute |
| <b>Confiscated animals – Due to police custody, hospitalization, owner deceased, subject to eviction, or pending court case</b> | \$120 fee (Includes up to 3 days of impoundment) \$21 for each additional day of impoundment    |
| <b>Fees for RTF/TNR cats</b>                                                                                                    |                                                                                                 |
| <b>Sterilization Surgery</b>                                                                                                    | \$45                                                                                            |
| Complimentary ear tipping, FVRCP, Rabies Vaccines                                                                               |                                                                                                 |
| <b>Anesthesia Fee</b>                                                                                                           | \$45                                                                                            |
| No surgery performed, ear tipping, FVRCP vaccine, rabies vaccine                                                                |                                                                                                 |
| <b>Euthanasia</b>                                                                                                               | \$45                                                                                            |
| Veterinarian determined that patient cannot undergo surgery due to illness/disease                                              |                                                                                                 |
| <b>Fees for Additional Services</b>                                                                                             | Staff Support: \$25.00 per hr.                                                                  |
| <b>Forensic calls and staff assistance</b>                                                                                      | Veterinarian Support: \$125.00 per hr.                                                          |

(c) Payment must be made to the Humane Society within forty-five (45) days of the date of a proper invoice, as required by the Florida Local Government Prompt Payment Act (Part VII, Chapter 218, Florida Statutes) (the "Prompt Payment Act"). As provided by the Prompt Payment Act, any payment that is not made by the Impounding agency within such time period shall bear interest from thirty (30) days

after the due date at a rate of one percent (1%) per month on the unpaid balance until paid in full. If the Impounding agency has a dispute about a charge on its invoice, it must contact the Humane Society's Director of Administrative Services at 386-274-4703, extension 315, within fifteen (15) days of the date of the invoice.

- (d) The Humane Society will submit to the Impounding Agency, with its monthly invoice, a list of all pick up addresses of stray animals charged to the Impounding Agency account for animals that were not impounded by an Impounding Agency's designated personnel, the names and addresses of all persons claiming any stray animals that are dropped off at the Shelter during normal operating hours. After hours animal drop off not permitted.
- (e) The Humane Society will use good faith efforts to try to collect from the animal's owner costs for which the Impounding Agency is otherwise liable hereunder. In the event an owner pays any fees or charges to reclaim its animal, the Impounding Agency shall be credited half any such fees or charges are paid.

**4. RABIES QUARANTINE:** The Humane Society will provide space for the confinement, observation and care of any stray animal suspected of rabies, or any stray animal which has bitten or otherwise exposed any person to rabies for a period of the state determined time for quarantine and will accept, care for, and dispose of any such animal delivered to the Shelter. The Humane Society will notify the Volusia County Health Department of any rabies specimen animal that dies during the quarantine period, and will allow the Volusia County Health Department the opportunity to take custody of the remains of any such animal that becomes ill or dies while under confinement for such reasons. The Impounding Agency shall pay the applicable charges for quarantine service pursuant to Section 3(b) of this Agreement.

**5. CONFISCATED ANIMALS:** The Humane Society will agree to accept confiscated animals as strays or accept said animals as "confiscated" only when the provisions of Section 828.073, Florida Statutes are satisfied (*i.e.*, pursuant to a Court order after petition and hearing). The Impounding Agency shall be responsible for all charges and expenses incurred in confiscating an animal pursuant to § 828.073, Fla. Stat. The appropriate paperwork must be submitted by the seizing agent to the Humane Society within three (3) business days of impounding the confiscated animal. Failure to comply with this requirement will result in "confiscated" animals being deemed "stray" animals, at which point care of the animal will be charged to the Impounding Agency at the default "stray" rates provided in Section 3(b) of this Agreement. The Impounding Agency agrees to indemnify the Humane Society for any and all claims that may arise as a result of the Impounding Agency decision to submit the animal as a stray.

**6. DANGEROUS DOG LAW:** Pursuant to Sections 767.12 and 767.13, Florida Statutes, it will be the sole responsibility of the Impounding Agency's animal control authority to determine whether a dog is dangerous and to submit to the Humane Society the necessary paperwork as required by the applicable statutes. If quarantine is necessary, a dog quarantined pursuant to Sections 767.12 and 767.13, Florida Statutes, may be quarantined for ten (10)



business days at a bona fide boarding kennel or veterinarian's office of the seizing agent's or owner's choice. Otherwise, the Humane Society will quarantine all dogs that the Impounding Agency animal control authority determines to be dangerous for a maximum of ten (10) business days. The Impounding Agency shall pay the applicable charges for such service pursuant to Section 3(b) of this Agreement. If the owner of the dog is unknown by the end of the quarantine period, the Impounding Agency may request that euthanasia be performed by the Humane Society when it is the Impounding Agency's belief that the dog poses a threat to public safety. The Impounding Agency agrees to indemnify the Humane Society for any and all claims that may arise as a result of the Impounding Agency decision to submit the animal under the Dangerous Dog Law.

**7. CONFISCATED ANIMALS - OWNER OF ANIMAL IS IN CUSTODY / DECEASED / HOSPITALIZED:** All animals whose owners are in police custody, deceased or hospitalized may be placed in a bona fide boarding kennel or veterinary clinic at the owner's expense. The Humane Society will accept any such animals that are seized or taken by the Impounding Agency. The Impounding Agency agrees to provide next of kin, emergency contact or any other guardian information to Halifax within 3 days of impoundment. Failure to do so by the Impounding Agency will forfeit any hold on the animal other than the mandatory 3 day holding period for stray animals. The Impounding agency shall pay the applicable charges for such service (*i.e.*, "Confiscated Animal") pursuant to Section 3(b) of this Agreement. The Impounding Agency agrees to indemnify the Humane Society for any and all claims that may arise as a result of the Impounding Agency's decision to submit the animal as Confiscated/Owner of Animal in Custody/Deceased/Hospitalized.

**8. CONFISCATED ANIMALS DUE TO OWNER EVICTION:** Animals seized by the Impounding Agency as a result of an owner eviction will be held by the Humane Society for 5 days. The Impounding Agency agrees to leave notice of impoundment at the eviction location listing the whereabouts and descriptions of animal confiscated. Impounding agency's representative will provide proof of such notice, inform of agency report or photograph of notice on the dwelling with address or writ of possession displayed. If not reclaimed by the owner, all charges accrued pursuant to Section 3(b) will be paid by the Impounding Agency.

If the Impounding Agency chooses not to have the Humane Society hold the animal for the entire reclamation period referenced above, the Impounding Agency may submit the animal to the Humane Society as a "stray," in which case the animal will be held for three (3) days prior to disposition. The Impounding Agency agrees to indemnify the Humane Society for any and all claims that may arise as a result of the Impounding Agency's decision to submit the animal as a "stray". The Impounding agency shall pay the applicable charges for such service pursuant to Section 3(b) of this Agreement.

**9. REMEDY IN THE EVENT OF BREACH:** In the event that the Impounding Agency fails to make timely payment to the Humane Society for services rendered pursuant to this Agreement, the Humane Society, in its sole discretion, may elect to terminate this Agreement and cease

providing services to the Impounding Agency. If the Humane Society exercises this option, it will provide the Impounding Agency with thirty (30) days written notice of its decision to terminate the Agreement. The Impounding Agency will remain responsible for payment for all services rendered by the Humane Society prior to and during the thirty (30) day notice period. Upon expiration of the thirty (30) day notice period, the Humane Society will no longer provide any services to the Impounding Agency.

10. **WAIVER OF BREACH:** The waiver by the Humane Society or the Impounding Agency of any breach or violation of this Agreement will not operate as or be construed to be a waiver of any subsequent breach of this Agreement.

11. **SOVEREIGN IMMUNITY:** The Impounding Agency expressly retains all rights, benefits, and immunities of sovereign immunity in accordance with §768.28, Florida Statutes. Notwithstanding anything set forth in any section of the Agreement to the contrary, nothing in the Agreement shall be deemed as a waiver of immunity or limits of liability of the Impounding Agency beyond any statutory limited waiver of immunity or limits of liability which may have been adopted by the Florida Legislature or may be adopted by the Florida Legislature, and the cap on the amount and liability of the Impounding Agency for damages, regardless of the number or nature of claims in tort, equity, or contract, shall not exceed the dollar amount set by the legislature for tort. Nothing in this Agreement shall inure to the benefit of any third party for the purpose of allowing any claim against the Impounding Agency, which would otherwise be barred under the Doctrine of Sovereign Immunity or by operation of law.

12. **PUBLIC RECORDS:** Pursuant to section 119.0701 (2)(a), Florida Statutes, the Impounding Agency is required to provide the Humane Society with this statement and establish the following requirements as contractual obligations pursuant to the Agreement:

**IF THE HUMANE SOCIETY HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO THE HUMANE SOCIETY'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS AGREEMENT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS AT (386) 236-2150, 4300 South Atlantic Ave., Ponce Inlet, Florida 32127.**

By entering into this Agreement, the Humane Society acknowledges and agrees that some records maintained, generated, received, or kept in connection with, or related to the performance of services provided under, this Agreement are public records subject to the public records disclosure requirements of section 119.07(1), Florida Statutes, and Article I, section 24 of the Florida Constitution. Pursuant to section 119.0701, Florida Statutes, any contractor entering into a contract for services with the Impounding Agency, including the Humane Society, is required to comply with the following with respect to the applicable public records:

- a) Keep and maintain public records required by the Impounding Agency to perform the services and work provided pursuant to this Agreement.

- b) Upon request from the Impounding Agency's custodian of public records, provide the Impounding Agency with a copy of the requested records or allow the records to be inspected or copied within a reasonable time at a cost that does not exceed the cost provided in Chapter 119, Florida Statutes, or as otherwise provided by law.
- c) Ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law for the duration of the contract term and following completion of the contract if the contractor does not transfer the records to the Impounding Agency.
- d) Upon completion of the contract, transfer, at no cost, to the Impounding Agency all public records in the possession of the contractor or keep and maintain public records required by the Impounding Agency to perform the service. If the contractor transfers all public records to the Impounding Agency upon completion of the contract, the contractor shall destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. If the contractor keeps and maintains public records upon completion of the contract, the contractor shall meet all applicable requirements for retaining public records. All records stored electronically must be provided to the Impounding Agency, upon request from the Impounding Agency's custodian of public records, in a format that is compatible with the information technology systems of the Impounding Agency.
- e) Requests to inspect or copy public records relating to the Impounding Agency's contract for services must be made directly to the Impounding Agency. If contractor receives any such request, contractor shall instruct the requestor to contact the Impounding Agency. If the Impounding Agency does not possess the records requested, the Impounding Agency shall immediately notify the contractor of such request, and the contractor must provide the records to the Impounding Agency or otherwise allow the records to be inspected or copied within a reasonable time.

The Humane Society acknowledges that failure to provide the applicable public records to the Impounding Agency within a reasonable time may be subject to penalties under section 119.10, Florida Statutes. The Humane Society further agrees not to release any records that are statutorily confidential or otherwise exempt from disclosure without first receiving prior written authorization from the Impounding Agency. Humane Society shall indemnify, defend, and hold the Impounding Agency harmless for and against any and all claims, damage awards, and causes of action arising from Humane Society's failure to comply with the applicable public records disclosure requirements of section 119.07(1), Florida Statutes, or by Humane Society's failure to maintain any applicable public records that are exempt or confidential and exempt from the public records disclosure requirements, including, but not limited to, any third party claims or awards for attorney's fees and costs arising therefrom. Humane Society authorizes Impounding Agency to seek declaratory, injunctive, or other appropriate relief against Humane Society from a Circuit Court in Volusia County on an expedited basis to enforce the requirements of this section.



13. **MEDIATION:** Any dispute arising from this Agreement, including, but not limited to, disputes over fees for services, will be mediated prior to a lawsuit being filed. Mediation will occur within sixty (60) days of written request by either party to mediate unless agreed to otherwise. The written request must be delivered in accordance with the provisions of Paragraph 19, below, of this Agreement. The cost of the mediator's fee will be borne equally by the parties.

14. **ATTORNEY'S FEES:** Both parties agree to bear the cost of their own attorneys' fees with respect to any disputes, lawsuits, or claims arising under this Agreement, except unless otherwise specifically allowed elsewhere in this Agreement or in the event of an action to recover amounts due under Part VII, Chapter 218, Florida Statutes, in which case, the court shall award court costs and reasonable attorney's fees, including fees incurred through appeal, to the prevailing party.

15. **GOVERNING LAW AND VENUE:** The parties further agree that this Agreement will be governed by the laws of the State of Florida and that venue for any and all suits arising out of or otherwise attributable to this Agreement will lie exclusively in the courts of Volusia County, Florida, unless the matter at issue is solely cognizable in federal court, in which case, venue shall be in the Middle District of Florida, Orlando Division.

16. **SEVERABILITY:** If any provision of this Agreement or any part of any provision of this Agreement is found to be invalid by a court of competent jurisdiction, such will not affect the validity of any other provision, or part thereof, of this Agreement.

17. **ENTIRE AGREEMENT:** This Agreement constitutes the entire and final understanding and agreement with respect to the subject matter hereof and supersedes all prior or contemporaneous negotiations, promises, covenants, agreements, or representations concerning all matters directly or indirectly, collaterally related to the subject matter of this Agreement.

18. **AMENDMENTS:** This Agreement cannot be amended or modified except by writing executed by both of the parties hereto or their respective administrators, trustees, personal representatives, and successors.

19. **NOTICES:** Any written notice required to be given under this Agreement is to be mailed by registered or certified mail, postage prepaid, to the party's business address or any other address designated for that purpose by written notice and sent to the attention of the Impounding Agency Manager with respect to the Impounding Agency and to the attention of the CEO with respect to the Humane Society.

IN WITNESS WHEREOF, the Humane Society and the Impounding agency have executed this Agreement for Services between Halifax Humane Society Inc. and the Town of Ponce Inlet, effective on the date and year as set forth above.

**HALIFAX HUMANE SOCIETY, INC.**

By: *Pam Clayton*  
Name: Pam Clayton  
Title: Chief Executive Officer  
Date: 9/2/2022

**TOWN OF PONCE INLET**

By: *L Paritsky*  
Name: Lois Paritsky  
Title: Mayor  
Date: 9/27/22

ATTEST:

By: *Christina Sutherin*  
Name: Christina Sutherin  
Title: Chief Operating Officer  
Date: 9/2/2022

ATTEST:

By: *Jeanne Witt*  
Name: Jeanne Witt  
Title: Town Manager  
Date: 9/27/22





**Meeting Date:** 12/18/2023

**Agenda Item:** 7-A

## **Report to Town Council**

**Topic:** Appointments to the Code Enforcement Board.

**Summary:** See attached staff report and supporting documents.

**Suggested motion:** As determined by Council.

**Requested by:** Ms. Stewart, Assistant Deputy Clerk

**Approved by:** Mr. Disher, Town Manager





## MEMORANDUM

### Town of Ponce Inlet / Office of the Town Clerk

*The Town of Ponce Inlet staff shall be professional, caring, and fair in delivering community excellence while ensuring Ponce Inlet citizens obtain the greatest value for their tax dollar.*

To: Michael E. Disher, Town Manager  
From: Debbie Stewart, Assistant Deputy Clerk  
Through: Kim Cherbano, Town Clerk  
Date: December 6, 2023  
Subject: Appointments & Re-appointments to the Code Enforcement Board

---

**MEETING DATE:** December 18, 2023

---

The Code Enforcement Board consists of seven seats: five (5) Regular seats with staggered three-year terms and two (2) Alternate seats each with one-year terms. On December 31, 2023, the terms for Regular Seat 3, currently held by Peter Finch and Alternate Seat 1, currently held by Rick Fuess will expire; Alternate Seat 2 is currently vacant. Each of these current members has expressed interest in continuing to serve on this Board.

All applicants are compliant with the standards established by Resolution 2013-02.

Suggested motion:

- At Council's discretion.

Attachment(s):

1. 2032 Board member attendance matrix

/ds



TOWN OF PONCE INLET

# CODE ENFORCEMENT BOARD

## MEMBER ATTENDANCE LOG – 2023

| NAME                                   | Rolling Year Ends | January | February | March | April | May | June | July | August | September | October | November | December | Number of Meetings | Total Absences |
|----------------------------------------|-------------------|---------|----------|-------|-------|-----|------|------|--------|-----------|---------|----------|----------|--------------------|----------------|
| Richards, Elena; Seat 1                |                   | P       | P        | P     | P     | P   |      | P    |        | A         | P       |          |          | 7                  | 1              |
| VanValkenburgh, David, Seat 2          | ---               | P       | P        | P     | P     | P   |      | P    |        | P         | P       |          |          | 8                  | 0              |
| Finch, Pete; Seat 3                    | ---               | P       | P        | P     | P     | P   |      | P    |        | P         | P       |          |          | 8                  | 0              |
| Michel, John; Seat 4                   | ---               | P       | P        | P     | P     | P   | C    | P    | C      | P         | P       | C        | C        | 8                  | 0              |
| Cannon, Kathy; Seat 5                  | 7/2024            | P       | P        | P     | P     | P   |      | A    |        | P         | P       |          |          | 7                  | 1              |
| Fuess, Rick; Alternate 1               | ---               | P       | P        | P     | P     | P   |      | P    |        | P         | P       |          |          | 8                  | 0              |
| Young, Joseph, Alternate 2 appt 3/2023 | ---               | ---     | ---      | ---   | P     | P   |      | P    |        | P         | P       |          |          | 5                  | 0              |

**Legend:**

**P** – Present

**A** – Absent

**LOA** – Leave of Absence

**C<sup>1</sup>** = Cancelled

**R** = Resigned

Information submitted by:

\_\_\_\_\_  
Debbie Stewart, Assistant Deputy Clerk

December 6, 2023

Date

**REMOVAL FROM OFFICE – per FS Chapter 162.05(3)e:** *If a member fails to attend two of three successive meetings without cause and without prior approval of the Chair, the seat will be declared vacant, and the Council shall be notified. Per Town Resolution 2013-02, if a member has either three consecutive absences or five total absences within one rolling year (from regular meetings), that member shall be automatically removed from the Board.*



**Meeting Date:** 12/18/2023

**Agenda Item:** 7-B

## **Report to Town Council**

**Topic:** Appointments to the Cultural Services Board.

**Summary:** Please see the attached staff report.

**Suggested motion:** At Council's discretion.

**Requested by:** Ms. Stewart, Assistant Deputy Clerk

**Approved by:** Mr. Disher, Town Manager



## MEMORANDUM

### Town of Ponce Inlet / Office of the Town Clerk

*The Town of Ponce Inlet staff shall be professional, caring, and fair in delivering community excellence while ensuring Ponce Inlet citizens obtain the greatest value for their tax dollar.*

To: Michael E. Disher, Town Manager  
 From: Debbie Stewart, Assistant Deputy Clerk  
 Through: Kim Cherbano, Town Clerk  
 Date: December 7, 2023  
 Subject: Appointments & Re-appointments to the Cultural Services Board

---

**MEETING DATE:** December 18, 2023

---

The Cultural Services, Historic Preservation, and Tree Advisory Board consists of seven seats: five (5) Regular seats (three-year terms) and two (2) Alternate seats (one-year terms). On December 31, 2023, the terms for Regular Seat 1, currently held by Elvira LaBarre, Regular Seat 3, currently held by Les Shaffer, Alternate Seat 1, currently held by Jair Kessler, and Alternate Seat 2, will expire.

Ms. LaBarre, Mr. Shaffer, and Ms. Kessler have each expressed interest in continuing to serve on this Board and are compliant with the attendance standards established by Resolution 2013-02.

Mr. Thomas Patton has applied for appointment to the vacant Alternate Seat #2 for this Board; he has received the board member training materials and attended a previous Cultural Service Board meeting. His and voter status has been confirmed and he has met Council's requirements of eligibility for board appointment.

*Suggested motion:*

- At Council's discretion.

Attachment(s):

1. 2023 Board member attendance matrix

/ds





TOWN OF PONCE INLET

# CULTURAL SERVICES, HISTORIC PRESERVATION, & TREE ADVISORY BOARD

## MEMBER ATTENDANCE LOG – 2023

| NAME                      | Rolling Year Ends | January | February | March | April | May | June | July | August | September | October | November | December | Number of Meetings | Total Absences |   |   |   |
|---------------------------|-------------------|---------|----------|-------|-------|-----|------|------|--------|-----------|---------|----------|----------|--------------------|----------------|---|---|---|
| LaBarre, Elviria; Seat 1  |                   | P       | C        | P     | C     | C   | P    | C    | P      | C         | C       | C        | P        | 5                  | 0              |   |   |   |
| Keese, Debbie; Seat 2     |                   | P       |          | P     |       |     | P    |      | P      |           |         |          | P        | P                  | P              | 5 | 0 |   |
| Shaffer, Les; Seat 3      |                   | P       |          | P     |       |     | P    |      | P      |           |         |          | P        | P                  | P              | 5 | 0 |   |
| Finch, Liz; Seat 4        | ---               | P       |          | P     |       |     | P    |      | P      |           |         |          | P        | P                  | P              | 5 | 0 |   |
| Bell, Stacey; Seat 5      | 3/2/2024          | P       |          | A     |       |     | P    |      | P      |           |         |          | P        | P                  | P              | A | 3 | 2 |
| Jair Kessler; Alternate 1 | 8/7/2024          | P       |          | P     |       |     | P    |      | P      |           |         |          | P        | P                  | A              | P | 4 | 1 |

**Legend:**

P – Present

A – Absent

LOA – Leave of Absence

C<sup>1</sup> = Cancelled; no new agenda items

C<sup>2</sup> = Cancelled; Other

R = Resigned

**Note(s):**

Information submitted by:

\_\_\_\_\_  
Debbie Stewart, Assistant Deputy Clerk

December 6, 2023

Date

**REMOVAL FROM OFFICE:** *Per Town Resolution 2013-02, if a member has either three consecutive absences or five total absences within one rolling year (from regular meetings), that member shall be automatically removed from the Board.*



Town of Ponce Inlet  
 4300 South Atlantic Avenue  
 Ponce Inlet, FL 32127  
 (386) 236-2180

## Application for Appointment to CULTURAL SERVICES, HISTORIC PRESERVATION, AND TREE ADVISORY BOARD

*Please note that all information provided becomes a public record upon receipt.*

Each member of the Board shall be a qualified elector of the Town of Ponce Inlet and preference for appointment will be given to full-time residents per Section 2-91(g) of the Town's Code of Ordinances. Board meetings are held each month, as necessary, in the Town Council Chambers at 4300 South Atlantic Avenue in Ponce Inlet.

Name: Thomas Patton

Address: 4681 South Atlantic Avenue

Daytime Telephone: 386 290 3472 Cell: 386 290 3472

E-mail address: met 2h2h2h2h@gmail.com

Residency:  Full-time  Part-time  
 (If part-time, please indicate the number of months you are usually in Ponce Inlet each year): \_\_\_\_\_

The duties of the Cultural Services, Historic Preservation, and Tree Preservation Advisory Board are explained in Article 6.2.3 of the Town's Land Use and Development Code.

Indicate if you have any experience and/or education in any of the following fields:

- |                                                |                                                 |                                             |
|------------------------------------------------|-------------------------------------------------|---------------------------------------------|
| <input type="checkbox"/> Archaeology           | <input type="checkbox"/> Historic Preservation  | <input type="checkbox"/> Parks & Recreation |
| <input type="checkbox"/> Architecture          | <input type="checkbox"/> History                | <input type="checkbox"/> Tree Preservation  |
| <input type="checkbox"/> Environmental Science | <input type="checkbox"/> Landscape Architecture |                                             |

If yes, please explain: \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Do you have any training and/or experience in Parliamentary Procedure, Sunshine Law, and Quasi-Judicial proceedings? Yes If so, please describe: was previously

on this board  
 \_\_\_\_\_  
 \_\_\_\_\_

Have you reviewed the Boardmember Training Information handouts and video regarding Parliamentary Procedure, Sunshine Law, and Quasi-Judicial proceedings? Yes If so, please provide the date of review: 11-3-2023

Please provide additional information and/or interests you feel may be helpful when considering your application for board appointment: \_\_\_\_\_

**MEETING ATTENDANCE REQUIREMENT:** Those seeking appointment to the Cultural Services, Historic Preservation, and Tree Preservation Advisory Board must have attended a meeting of the board *prior* to application submittal.

Please indicate meeting date attended: Several

*I hereby affirm that I am a resident and qualified elector of the Town of Ponce Inlet and that the information provided on this application is true and accurate.*

Thomas Patton  
Signature of Applicant

11-3-2023  
Date

**STAFF USE ONLY**

Application received by: \_\_\_\_\_ Date: \_\_\_\_\_

Proof of residency verified:  FL Driver's License  Other: \_\_\_\_\_

Voter Registration verified? Date: \_\_\_\_\_

Membership or Meeting Attendance verified:  YES Board name: \_\_\_\_\_

Date of Council meeting: \_\_\_\_\_ Letter sent: \_\_\_\_\_

Appointment **APPROVED**

Appointment **DENIED**



**Meeting Date:** 12/18/2023

**Agenda Item:** 7-C

## **Report to Town Council**

**Topic:** Appointments to the Essential Services Advisory Board.

**Summary:** See attached staff report and supporting documents.

**Suggested motion:** As determined by Council.

**Requested by:** Ms. Stewart, Assistant Deputy Clerk

**Approved by:** Mr. Disher, Town Manager





## MEMORANDUM

### Town of Ponce Inlet / Office of the Town Clerk

*The Town of Ponce Inlet staff shall be professional, caring, and fair in delivering community excellence while ensuring Ponce Inlet citizens obtain the greatest value for their tax dollar.*

To: Michael E. Disher, Town Manager  
From: Debbie Stewart, Assistant Deputy Clerk  
Through: Kim Cherbano, Town Clerk  
Date: December 6, 2023  
Subject: Appointments & Re-appointments to the Essential Services Advisory Board

---

**MEETING DATE:** December 18, 2023

---

The Essential Services Advisory Board (ESAB) consists of 10 seats: five (5) Regular seats (with three-year terms) and five (5) Alternate seats (with one-year terms). On December 31, 2023, the terms for Regular Seat 1, currently held by Ken Cox (Law Enforcement), Regular Seat 3, currently held by Christopher Pulver (Engineering), Alternate Seat 1, currently held by Chip Witt (Law Enforcement) and Alternate Seat 2, currently held by Jim Sustr (Fire-Rescue & EMS) will expire. Membership to this Board requires very specific disciplines.

Each applicant's residency and voter status has been confirmed and have met Council's requirements of eligibility for board appointment. The Alternate seats for Engineering, CPA/Financial, and Public Relations, Outreach or Human Resources are currently vacant.

*Suggested motion:*

- At Council's discretion.

Attachment(s):

1. 2023 Board member attendance matrix

/ds



TOWN OF PONCE INLET

# Essential Services Advisory Board

## MEMBER ATTENDANCE LOG – 2023

| NAME                                 | Rolling Year Ends | January 10 <sup>th</sup> | March 2 <sup>nd</sup> | August 10 <sup>th</sup> | November 2 <sup>nd</sup> | Number of Meetings | Total Absences |
|--------------------------------------|-------------------|--------------------------|-----------------------|-------------------------|--------------------------|--------------------|----------------|
| Ken Cox, Seat #1 (Chair)             | 12/2023           | P                        | P                     | P                       | P                        | <b>4</b>           | 0              |
| Ryan McConaughey, Seat #2            | 12/2025           | P                        | P                     | P                       | P                        |                    | 0              |
| Christopher Pulver, Seat #3          | 12/2023           | A                        | P                     | P                       | P                        |                    | 1              |
| Amy Wurst, Seat #4                   | 12/2025           | --                       | --                    | --                      | P                        |                    | 0              |
| Margo Valerien, Seat #5 (Vice Chair) | 12/2024           | P                        | P                     | P                       | P                        |                    | 0              |
| Chip Witt, Alternate #1              | 12/2023           | P                        | P                     | P                       | P                        |                    | 0              |
| Jim Sustr, Alternate #2              | 12/2023           | P                        | P                     | P                       | P                        |                    | 0              |

**Legend:**    **P** – Present                      **A** – Absent                      **LOA** – Leave of Absence                      **C<sup>1</sup>** = Cancelled                      **R** = Resigned

Note(s): Ms. Wurst was appointed October 16, 2023.

Information submitted by:

Debbie Stewart

Debbie Stewart, Assistant Deputy Clerk

12/06/2023

Date

---

**REMOVAL FROM OFFICE** – Per Town Resolution 2013-02, if a member has either three consecutive absences or five total absences within one rolling year (from regular meetings), that member shall be automatically removed from the Board.



**Meeting Date:** 12/18/2023

**Agenda Item:** 9-A

## **Report to Town Council**

**Topic:** Second reading and adoption of Ordinance 2023-06, adopting the 2023 FL Building Code; and adopting the Building Official's Association of Florida's Model Administrative Code (2023) with additions from Ponce Inlet.

**Summary:** This Ordinance is being presented to Council for second reading and adoption. The ordinance has been revised to include the revisions discussed at the November Council meeting.

**Suggested motion:**

To approve and adopt Ordinance 2023-06 as presented.

**Requested by:** Mr. Baker, Chief Building Official

**Approved by:** Mr. Disher, Town Manager



## MEMORANDUM

### PLANNING AND DEVELOPMENT DEPARTMENT BUILDING AND CODE ENFORCEMENT DIVISION

*The Town of Ponce Inlet staff shall be professional, caring and fair in delivering community excellence while ensuring Ponce Inlet citizens obtain the greatest value for their tax dollar.*

To: Michael E Disher, AICP, Town Manager  
From: Robert Baker, Chief Building Official/Certified Floodplain Manager  
Date: December 8, 2023  
Subject: Ordinance 2023-06 – Updating Code of Ordinances Chapter 18 – Buildings and Building Regulations; adopting the Florida Building Code, 8<sup>th</sup> Edition (2023) and certain appendices thereto; adopting the NFPA 70 National Electrical Code; adopting the 2021 International Property Maintenance Code; and adopting the BOAF’s Model Administrative Code (2023) with local additions thereto

---

**MEETING DATE:** December 18, 2023

---

1 *UPDATE: This report has been updated to reflect amendments to Exhibit “A,” Code of*  
2 *Ordinances Section 18-4, requiring posting of addresses on beachfront properties, as discussed at*  
3 *the November 18, 2023 Town Council meeting. It also corrects references to “threshold” buildings*  
4 *subject to milestone inspections with, “condominium and co-op buildings of 3+ stories.”*  
5

#### 6 **INTRODUCTION**

7 The Planning & Development Department is proposing amendments to Code of Ordinances  
8 Chapter 18 concerning building permit and construction regulations. The proposed changes are  
9 intended to clarify regulations and to update various codes that the Town has adopted by reference,  
10 including the 2023 edition of the Florida Building Code, the 2023 Building Officials Association  
11 of Florida (BOAF) Model Administrative Code, the National Electrical Code, and the 2021  
12 International Property Maintenance Code. Most notably, the Model Administrative Code now  
13 includes milestone inspection procedures for condominium and co-op buildings of 3+ stories,  
14 pursuant to F.S. § 553.899. Proposed changes to the Code of Ordinances and to the 2023 Model  
15 Administrative Code are discussed separately in this report.  
16

#### 17 **BACKGROUND**

18 Pursuant to §553.76, Florida Statutes, the Florida Building Commission has adopted the “Florida  
19 Building Code, 8<sup>th</sup> Edition (2023).” Builders must comply with the Building Code and local  
20 governments must follow the Building Code when issuing permits and inspecting new  
21 construction. The Florida Building Commission updates the Florida Building Code every three  
22 years, and local governments are required to adopt the latest version by reference. Section  
23 553.73(4)(a), Florida Statutes also allows local governments to adopt additional administrative  
24 standards regarding Chapter 1 of the Florida Building Code. When local governments adopt an  
25 administrative chapter to the Building Code, it becomes Chapter 1 of the Florida Building Code



26 for that local government. The local government is then required to transmit its local amendments  
27 to the administrative code to the Florida Building Commission within 30 days after enactment, per  
28 F.S. § 553.73(4)(a).

29  
30 Local governments primarily use the Model Administrative Code published by the Building  
31 Officials Association of Florida (BOAF) as a guide when adopting their administrative chapters to  
32 the Building Code and then make additions or changes BOAF Model Administrative Code to fit  
33 the needs of the community. When the Florida Building Commission amends the Building Code,  
34 the BOAF updates the Model Code to reflect the changes in the amended Building Code. The latest  
35 version of the Model Code includes procedures for milestone inspections of condominium and co-  
36 op buildings of 3+ stories, as adopted by the Florida Legislature in 2022.

37  
38 **DISCUSSION**

39 Following is an explanation of the amendments to Chapter 18 of the Code of Ordinances and  
40 changes to the Model Administrative Code adopted by the Town.

41  
42 **Code of Ordinances Amendments**

43 Chapter 18 – Buildings and Building Regulations – governs the permitting and construction  
44 process under the authority of the Florida Building Code and other codes adopted by reference. It  
45 also contains reference to property maintenance regulations relied upon for Code Enforcement  
46 purposes. The proposed changes to this chapter are located in **Exhibit “A”** of Ordinance 2023-06,  
47 and are described as follows:

48  
49 **Article I – In General**

- 50 • Section 18-3. – *Submission of surveys*. Removes the mandatory form board survey  
51 requirement for pools and spas. The majority of pool decks these days are formed out of  
52 semi-pervious brick or concrete pavers, which can be easily removed or relocated to meet  
53 setback requirements upon final inspection. A form board survey unnecessarily adds time  
54 and expense to such projects.
  
- 55 • Sec. 18-4. – *Posting of address numbers*. Adds a requirement for beach front properties to  
56 post address numbers that face the beach. This is being done in conjunction with the other  
57 beachside jurisdictions in Volusia County to improve emergency response. Having address  
58 numbers facing the beach is necessary in situations where emergency responders need to  
59 access a property from the beach. The ordinance includes a 120-day compliance deadline  
60 from the date of adoption. Staff will send out the letters to all beachfront property owners  
61 after 2<sup>nd</sup> reading.

62 The requirement does not specify what the numbers and addresses must be made of, only  
63 that they be 12 inches high, of a contrasting color from the background, mounted on a  
64 vertical surface, and visible from the beach. The most cost-effective option is using stencils  
65 and paint. The Eastwinds condominium has done this recently on its own, as shown in the  
66 picture below.



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- Sec. 18-5. – *Florida Building Code adopted.* Updates references to and officially adopts the Florida Building Code, 8<sup>th</sup> Edition (2023) and related appendices.
- Sec. 18-7. – *Restrictions on building and construction operations on Saturdays, Sundays and holidays.* The language governing the days and hours of allowable and prohibited construction activities is being transposed into a table for easier reading and understanding. The Department already posts a similar table on its webpage. No changes are being proposed to the hours, days, or activities themselves.

**Article II – Building Code**

- Sec.18-31. – *Model Administrative Code adopted; local additions to the Model Administrative code adopted.* This section is amended to reflect that the Town is adopting BOAF’s Model Administrative Code (2023) with local amendments thereto as recommended by the Chief Building Official. The Model Administrative Code with the Town’s additions is attached and expressly incorporated into the Ordinance under Exhibit “B.”

**Article IX – Excavation and Grading Code**

- Sec. 18-241 – *Adopted.* Updates references to the Florida Building Code, 8<sup>th</sup> Edition (2023) and adopts the 2023 version of Appendix J, Grading.

**Article XI – Housing Code**

- Sec. 18-411 is amended to reflect the adoption of the most recent version of the International Property Maintenance Code (2021).

93 **Model Administrative Code Amendments**

94 The local amendments recommended by the Chief Building Official are summarized on  
95 **Attachment 1** of this report. The Model Administrative Code with the recommend changes from  
96 the Chief Building Official is attached to Ordinance 2023-06 as Exhibit “B.” The proposed changes  
97 are shown in the text of the Model Administrative Code by underline and strikethrough.  
98

99 The new provisions for milestone inspections of condominium and co-op buildings of 3+ stories  
100 are under Section 110.9, pages 38-41. The new language is taken almost verbatim from F.S. §  
101 553.899, which was enacted by the Florida Legislature in 2022 following the collapse of a condo  
102 building in Surfside, Florida. This issue was discussed extensively by the Ponce Inlet Planning  
103 Board and Town Council in 2021 and 2022. Since then, the Department has identified the buildings  
104 in Ponce Inlet that would be subject to the law and created a milestone inspection program. Several  
105 of these buildings have already initiated their own inspections starting in late 2021. The program  
106 will begin in earnest for all jurisdictions once the State releases its official list of affected  
107 condominium and co-op buildings sometime in 2024. The Department will need to propose new  
108 fees for this specialized type of inspection before the program commences.  
109

110 **RECOMMENDATION**

111 Staff recommends **approval** of proposed Ordinance 2023-06 updating Code of Ordinances  
112 Chapter 18 – Buildings and Building Regulations; adopting the Florida Building Code, 8<sup>th</sup> Edition  
113 (2023) and certain appendices thereto; adopting the NFPA 70 National Electrical Code; adopting  
114 the 2021 International Property Maintenance Code; and adopting the BOAF’s Model  
115 Administrative Code (2023) with local additions thereto.  
116  
117

118 \_\_\_\_\_ December 8, 2023  
119 Robert Baker, Chief Building Official/Certified Floodplain Manager Date  
120

121  
122 Attachment:

- 123 1. Summary of Local Changes to Model Administrative Code

## ATTACHMENT 1

### Summary of Local Changes to Model Administrative Code

#### Section 101 – General (pg. 3)

- Section 101.2.1 Appendices. – Updated reference to 2023 Florida Building Code; Appendix C – removed reference to Chapter 9B-52 F.A.C.
- Section 101.4.4 Property maintenance. – Updated to newest version *2021 International Property Maintenance Code*.

#### Section 102 – Applicability (pgs. 5-6)

- 102.2 Building. – Adds exemption to the Florida Building Code for “drone port,” as required by state law.
- 102.6 Existing structures. – Updated to newest version *2021 International Property Maintenance Code*.

#### Section 103 – Department of Building Safety (pg. 7)

- 103.3 Deputies. – Updated to newest version *2021 International Property Maintenance Code*.

#### Section 104 – Duties and Powers of Building Official (pgs. 7 and 9)

- Section 104.2.1 Determination of substantially improved or substantially damaged existing buildings and structures in flood hazard areas. – Added R322 of the Florida Building Code, Residential, as applicable.
- Section 104.11 Alternative materials, design and methods of construction and equipment. – Created criteria for approval of proposed alternative materials.

#### Section 105 – Permits (pgs. 11, 13-17, 20)

- Section 105.2 Work exempt from permit, Building (10). – Removed “cabinets, and vanities unless electrical or plumbing will be disconnected and/or altered from their original locations.”
- Section 105.2 Work exempt from permit, Plumbing (3). – Deleted.
- Section 105.3.1.2 – Added language regarding certain types of fire protection systems.
- Section 105.3.1.2(4) – Added Exception: Simplified permitting process for fire alarm system projects, including definitions of “component,” “contractor,” “fire alarm system project,” and “fire sprinkler system project,”; added requirements for permit application, plan submittal, permit issuance, and inspections.
- Section 105.3.1.3 Reviewing application for building. – Added new subsection incorporating changes to permit applications, reviews, and inspections consistent with recent changes to state law.
- Section 105.3.8 Contracts. – Replaced former language regarding public right of way with new restriction on requesting copies of contracts with permit applications, as now established under state law.



- Section 105.3.9 Public right of way. – Language moved to this location from Section 105.3.8 Contracts. Prevents the Building Official from issuing a building permit for certain types of work until a right-of-way permit has been issued first.
- Section 105.4.1.5 – Prevents a building enforcement agency from requiring changes to plans or specifications to a building permit after the permit has been issued, unless necessary to comply with the Florida Building Code or other applicable life/safety codes.
- Section 105.14.1 Affidavits in flood hazard areas. – Changed from an “Exception” and given its own subsection number; and added that the building official shall review and inspect flood load and flood resistance requirements for permits issued on the basis of an affidavit.

#### Section 107 – Submittal Documents (pgs. 22, 25, 28-30)

- Section 107.1 General. – Removed “in two or more sets” and added “in accordance with Florida Statute 553.79”.
- Section 107.3.4 Design professional in responsible charge. – Replaced “substitute” with “successor” and added statutory reference for requirements pertaining to design professionals.
- Section 107.3.5 Minimum plan review criteria for buildings. – Added “building envelope.”
- Section 107.3.5 Minimum plan review criteria for buildings, Commercial, Mechanical. – Added #18 “Smoke and/or Fire Dampers.”
- Section 107.3.5 Minimum plan review criteria for buildings – Residential (one-and two-family) (4). – Added “and/or carbon monoxide alarm/.”
- Section 107.3.5 Manufactured Buildings (2) Structural – Added “flood.”
- Section 107.6.2 Affidavits Provided Pursuant to Section 553.791, Florida Statutes. – Added new subsection requiring the Building Official to review any affidavit certifying compliance with the flood load and flood-resistant construction requirements of the Florida Building Code.”
- Section 107.7 – Requires the Building Official or inspector to provide plan review comments with applicable code citations to the local enforcing agency.

#### Section 110 – Inspections (pgs. 31-32, 35-36, 38-41)

- Section 110.1.2 Inspection service. – Added, language requiring inspectors to be licensed under Chapter 471 or 481 of Florida Statutes.
- Section 110.3 Required inspections, Building (1.2). – Requires foundation or form board surveys to be prepared and certified by a Florida-licensed professional surveyor and mapper, and deleted option to uncover all property line markers and string-up all property lines for inspection in lieu of providing a survey.
- Section 110.3.3 Lowest floor elevation. – Florida Building Code reference number changed from Section 1612.5 to 1612.4 and added reference to Florida Building Code Section R322.
- Section 110.3.6 Weather-exposed balcony and walking surface waterproofing. – Deleted “snow.”

- Section 110.3.8 Energy efficiency inspections – Deleted “Chapter 13.”
- Section 110.9 Mandatory Structural Inspections for condominiums and cooperative buildings. – Created new section and subsections pursuant to F.S. § 553.899, adopted in 2022 following the Surfside condo building collapse.
- Section 110.9.1 General. – Adopts legislative findings for statewide structural inspection program for aging condominium and cooperative buildings.
- Section 110.9.2 – Adds definitions of “milestone inspection” and “substantial structural deterioration.”
- Section 110.9.3 – Establishes deadlines for initial milestone inspections and subsequent inspections, and allowing deadline extensions for good cause.
- Section 110.9.4 – Requires the condominium or cooperative association to arrange and pay for the preparation of the milestone inspection report.
- Section 110.9.5 – Requires the local enforcement agency to provide written notice on the inspection requirement to the condominium or cooperative association and for the association to provide notice to its residents.
- Section 110.9.6 – Requires the Phase 1 milestone inspection to be completed within 180 days after the building owners receive notice of the inspection requirement.
- Section 110.9.7 – Establishes requirements for Phase 1 and Phase 2 milestone inspections.
- Section 110.9.8 – Creates requirements for the content of Phase 1 and Phase 2 milestone inspection reports.
- Section 110.9.9 – Requires condominium or cooperative association to provide a copy of the milestone inspection report to unit owners.
- Section 110.9.10 – Authorizes the local enforcement agency to create timelines and penalties for noncompliance.
- Section 110.9.11 – Allows local governments to create deadlines for condominium or cooperative associations to begin repairs based on a Phase 2 inspection report.

#### Section 111 – Certificate of Occupancy (pg. 41)

- Section 111.2 (6) Certificate issued. – Changed “authority having jurisdiction” to “building official”.

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**ORDINANCE 2023-06**

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**AN ORDINANCE OF THE TOWN OF PONCE INLET, FLORIDA, AMENDING CHAPTER 18 OF THE PONCE INLET CODE OF ORDINANCES RELATING TO PERMITTING AND CONSTRUCTION REQUIREMENTS; ADOPTING THE FLORIDA BUILDING CODE, 8<sup>th</sup> EDITION (2023) TOGETHER WITH CERTAIN APPENDICES THERETO; ADOPTING THE 2021 INTERNATIONAL PROPERTY MAINTNEANCE CODE; ADOPTING THE MOST RECENT EDITION OF THE NFPA 70 NATIONAL ELECTRICAL CODE (NEC); ADOPTING THE BUILDING OFFICIALS ASSOCIATION OF FLORIDA’S MODEL ADMINISTRATIVE CODE (2023) TOGETHER WITH CERTAIN ADDITIONS THERETO; PROVIDING DIRECTIONS TO THE TOWN MANAGER; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Ponce Inlet actively participates in the enforcement of regulations relevant to safe, sanitary, and habitable property maintenance and structures; 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 governments, pursuant to F.S. § 553.72(3); and

**WHEREAS**, the Florida Building Commission updates the Florida Building Code every three years, pursuant to F.S. § 553.73(7)(a); and

**WHEREAS**, the Florida Building Commission has adopted the Florida Building Code, 8<sup>th</sup> Edition (2023); and

**WHEREAS**, local governments, such as the Town of Ponce Inlet, may adopt amendments to the administrative provisions of the Florida Building Code, pursuant to F.S. § 553.73(4)(a), which are found in Chapter 1 of the Florida Building Code; and

**WHEREAS**, the Town of Ponce Inlet has determined that it is in the best interest of the health, safety, and welfare of the citizens, businesses within the Town, and patrons of such businesses, to adopt and incorporate by reference the Florida Building Code, 8<sup>th</sup> Edition (2023) as published by the Florida Building Commission; and

**WHEREAS**, the Town of Ponce Inlet has determined that it is in the best interest of the health, safety, and welfare of the citizens, businesses within the Town, and patrons of such businesses, to adopt and incorporate by reference the most recent version of the International Property Maintenance Code (2021) as published by the International Code Council; and

**WHEREAS**, the Town of Ponce Inlet has determined that it is in the best interest of the health, safety, and welfare of the citizens, businesses within the Town, and patrons of such

47 businesses, to adopt and incorporate by reference the most recent version of the NFPA 70 National  
48 Electrical Code (NEC) as published by the National Fire Prevention Association.  
49

50 **WHEREAS**, the Town of Ponce Inlet has determined that it is in the best interest of the  
51 health, safety, and welfare of the citizens and businesses within the Town, and the patrons of such  
52 businesses, to adopt and incorporate by reference the most recent version of the Model  
53 Administrative Code published by the Building Officials Association of Florida (BOAF), such  
54 Model Administrative Code being Chapter 1 of the Florida Building Code, with local additions  
55 thereto recommended by the Town’s Chief Building Official; and  
56

57 **WHEREAS**, this ordinance is enacted under the general home rule and police powers of  
58 the Town of Ponce Inlet;  
59

60 **NOW, THEREFORE, BE IT ENACTED BY THE TOWN COUNCIL OF THE**  
61 **TOWN OF PONCE INLET, FLORIDA:**  
62

63 **NOTE:** Underlined words constitute additions to the Town of Ponce Code of Ordinances,  
64 ~~strikethrough~~ constitutes deletions from the current Code of Ordinances, and asterisks (\*\*\*)  
65 indicate an omission from the existing text which is intended to remain unchanged.  
66

67 **SECTION 1.** Legislative Findings and Intent. The findings set forth in the recitals above  
68 are hereby adopted as legislative findings pertaining to this Ordinance.  
69

70 **SECTION 2.** Incorporation of Amendments. The proposed amendments to Chapter  
71 18 of the Ponce Inlet Code of Ordinances are attached to this Ordinance as **Exhibit “A,”**  
72 and are hereby incorporated into the text of this Ordinance as though fully set forth herein  
73 verbatim as the Code of Ordinances amendments, said amendments also adopting by  
74 reference the Florida Building Code, 8<sup>th</sup> Edition (2023), the 2021 International Property  
75 Maintenance Code, and the NFPA 70 National Electrical Code (NEC).  
76

77 **SECTION 3.** As reflected in Exhibit “A,” Chapter 18, Section 31 of the Town of Ponce  
78 Inlet Code of Ordinances is amended to adopt BOAF’s Model Administrative Code for the Florida  
79 Building Code, 8<sup>th</sup> Edition (2023). Pursuant to its authority under F.S. § 553.73(4)(a), and based  
80 on the recommendations of the Town’s Building Official, the Town further adopts certain  
81 additions to the BOAF’s Model Administrative Code, which are reflected in the Model  
82 Administrative Code attached to this Ordinance as **Exhibit “B,”** and which are incorporated by  
83 reference as if fully set forth herein. The Town’s additions to the BOAF Model Code are on file in  
84 the office of the town clerk.  
85

86 **SECTION 4.** Directions to the Town Manager. Pursuant to F.S. § 553.73(4)(a), within  
87 thirty (30) days of the date of adoption of this Ordinance, the Town Manager or designee shall  
88 submit a copy of this Ordinance, together with all attachments thereto and all documents adopted  
89 by reference herein, to the Florida Building Commission, c/o Ms. Marlita Peters, Code  
90 Administration TAC, 2601 Blair Stone Road, Tallahassee, FL 32399; or shall upload the  
91 Ordinance, together will all attachments thereto and all documents adopted by reference herein, to



92 the Commission by accessing and logging on to the Commission’s webpage at  
93 [www.floridabuilding.org](http://www.floridabuilding.org).

94  
95 **SECTION 5.** Codification. It is the intent of the Town Council of the Town of Ponce  
96 Inlet that the provisions of this Ordinance shall be codified. The codifier is granted broad and  
97 liberal authority in codifying the provision of this Ordinance.

98  
99 **SECTION 6.** Severability. If any section, sentence, phrase, word or portion of this  
100 Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not  
101 be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase,  
102 word or portion of this Ordinance not otherwise determined to be invalid, unlawful or  
103 unconstitutional.

104  
105 **SECTION 7.** Conflicts. All ordinances or parts of ordinances in conflict herewith are  
106 hereby repealed to the extent of such conflict.

107  
108 **SECTION 8.** Effective Date. This Ordinance shall become effective immediately upon its  
109 passage and adoption.

110  
111 It was moved by Councilmember Villanella and seconded by Councilmember Milano that  
112 said Ordinance be passed on first reading. A roll call vote of the Town Council on said motion  
113 resulted as follows:

|     |                                   |     |
|-----|-----------------------------------|-----|
| 114 | Vice-Mayor Smith, Seat #1         | YES |
| 115 | Councilmember Milano, Seat #2     | YES |
| 116 | Councilmember White, Seat #3      | YES |
| 117 | Councilmember Villanella, Seat #4 | YES |
| 118 | Mayor Paritsky, Seat #5           | YES |

119 Passed on first reading this 16<sup>th</sup> day of November 2023.

120 It was moved by \_\_\_\_\_ and seconded by \_\_\_\_\_ that said  
121 Ordinance be adopted on second reading. A roll call vote of the Town Council on said motion  
122 resulted as follows:

|     |                                   |       |
|-----|-----------------------------------|-------|
| 123 | Vice-Mayor Smith, Seat #1         | _____ |
| 124 | Councilmember Milano, Seat #2     | _____ |
| 125 | Councilmember White, Seat #3      | _____ |
| 126 | Councilmember Villanella, Seat #4 | _____ |
| 127 | Mayor Paritsky, Seat #5           | _____ |

128  
129 Passed this \_\_\_\_\_ day of \_\_\_\_\_ 2023.

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131 Town of Ponce Inlet, Florida

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Lois A. Paritsky, Mayor

ATTEST:

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Kim C. Cherbano,  
Town Clerk

**EXHIBIT “A”**

1 **AMENDMENTS TO CHAPTER 18.** Chapter 18 of the Town of Ponce Inlet Code of Ordinances, titled  
 2 BUILDINGS AND BUILDING REGULATIONS, is hereby amended in its entirety to read as follows:  
 3

4 **Chapter 18 - BUILDINGS AND BUILDING REGULATIONS**

5 **ARTICLE I. - IN GENERAL**

6 \* \* \*

7 **Sec. 18-3. – Submission of surveys.**

8 (a) *Survey required.* In order to demonstrate compliance with all town zoning and building regulations,  
 9 the applicant or contractor must provide the following, as outlined in TableChart 18-1 below:

- 10 (1) A boundary survey at the time of building permit application;
- 11 (2) A form-board survey prior to construction of permanent improvements that are not easily altered
- 12 or modified in their location, size or shape;
- 13 (3) An as-built survey prior to issuance of a certificate of occupancy or a certificate of completion;
- 14 and
- 15 (4) When building permit plans call for construction within five (5) feet of the height limitation in the
- 16 applicable zoning district, a survey of height provided prior to the issuance of a certificate of
- 17 occupancy.

18 (b) *Types of permits requiring survey submission:*

- 19 (1) New construction
- 20 (2) Building addition
- 21 (3) Swimming pools and spas
- 22 (4) Accessory buildings and structures
- 23 (5) Fences and walls
- 24 (6) Nonexempt retaining walls, per LUDC Sec. 4.3.5
- 25 (7) Parking areas and driveways

26  
 27 Table Chart 18-1:

| Type                             | Boundary survey | Form-board survey | As-built survey | Height/ elevation* |
|----------------------------------|-----------------|-------------------|-----------------|--------------------|
| New construction                 | ✓               | ✓                 | ✓               | ✓                  |
| Building addition                | ✓               | ✓                 | ✓               | ✓                  |
| Swimming pool & pool deck        | ✓               | ✗                 | ✓               |                    |
| Accessory buildings & structures | ✓               | ✓                 |                 | ✓                  |
| Fences and walls                 | ✓               |                   |                 |                    |

28 \* When building permit plans call for construction within five feet of the zoning district height limitation.

29 \* \* \*

30 **Sec. 18-4. - Posting of addresses numbers.**

31 All buildings in the town shall have their assigned address numbers properly displayed. It shall be the  
32 duty of the owners and occupants of each building to post the assigned address number on the property  
33 in the following manner:

34 (a) The address number shall be affixed to the front of the building or to a separate structure to the  
35 front of the building (such as a mailbox, post, wall, fence, etc.) in such a manner so as to be  
36 clearly visible and legible from the public or private way on which the building fronts from both  
37 directions.

38 (b) Numerals shall be Arabic and shall not be less than three inches in height and one-half inch in  
39 width.

40 (c) The numerals shall be of a contrasting color with the immediate background of the building or  
41 structure on which such numerals are affixed.

42 (d) For properties abutting the Atlantic Ocean, this requirement shall also apply to the rear of the  
43 property facing the beach so that the address is visible from the beach. In addition, all  
44 beachfront multifamily buildings and commercial buildings shall also display the street name.  
45 Alternately, address letters and/or numerals facing the beach may be affixed to any permanent  
46 seawall, fence, sign, or other vertical structure acceptable to the chief building official or  
47 designee as long as they are visible from the beach. Address letters and/or numerals required  
48 to be visible from the beach shall be a minimum of 12 inches in height. The beachfront  
49 addressing for all properties abutting the Atlantic Ocean shall be in place within 120 days of the  
50 effective date of the amending ordinance.

51 **Sec. 18-5. - Florida Building Code adopted.**

52 There is hereby adopted by the town for the purpose of establishing rules and regulations for the  
53 construction, maintenance, and repair of buildings, including permits and penalties, that certain code  
54 known as the Florida Building Code, 87<sup>th</sup> Edition (~~2023~~2020), as published by the International Code  
55 Council, Inc., as though fully set forth herein.

56 The following Florida Building Code, 87<sup>th</sup> Edition (~~2023~~2020) appendices are hereby adopted and  
57 incorporated as though fully set forth herein: "Florida Building Code – Building, Appendix J"; "Florida  
58 Building Code—Existing Building, Appendix B"; "Florida Building Code—Fuel Gas Code, Appendices A and  
59 B"; and Florida Building Code—Plumbing, Appendices B, C, D, and E."

60 Copies of the above-referenced codes and appendices are filed in the office of the town clerk.

61 \* \* \*

62 **Sec. 18-7. - Restrictions on building and construction operations on Saturdays, Sundays and holidays.**

63 Building and construction activities shall only be allowed during the days and hours listed in Table 18-  
64 2 below. All work not allowed during the days and hours listed below shall be prohibited.

65 Table 18-2



| <u>Days of the Week and Hours</u>                                                                                                                                           | <u>Allowed Work</u>                                                                                                                                                                                                                                                          | <u>Prohibited Work</u>                                                                                                                                                                                                                                                                                                  |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <u>Weekdays (M-F) that are not holidays</u><br><u>7:00 am to 6:00 pm</u>                                                                                                    | <u>Construction and building operations, including erection of principal buildings, accessory buildings, or any other structure or part thereof, and alteration or repair.</u><br><br><u>Excavating, grading, demolition, or clearing.</u>                                   |                                                                                                                                                                                                                                                                                                                         |
| <u>Saturdays</u><br><u>8:30 am to 5:00 pm</u>                                                                                                                               | <u>Construction and building operations, including erection of principal buildings, accessory buildings, or any other structure or part thereof, and alteration or repair.</u>                                                                                               | <u>Excavating, grading, demolition, or clearing.</u>                                                                                                                                                                                                                                                                    |
| <u>Sundays</u>                                                                                                                                                              | <u>Repair and maintenance work on existing single-family residences, including painting, wallpapering, carpeting, tiling, minor repairs, yard work, etc.</u><br><br><u>Emergency repairs for major structural damage caused by catastrophic event or natural phenomenon.</u> | <u>Construction and building operations, including erection of principal buildings, accessory buildings, or any other structure or part thereof, and alteration or repair.</u><br><br><u>Excavating, grading, demolition, or clearing.</u><br><br><u>Delivery and unloading of construction and building materials.</u> |
| <u>Official Holidays observed by the Town, per Section 1-2</u><br><u>8:30 am to 5:00 pm</u>                                                                                 | <u>Construction and building operations, including erection of principal buildings, accessory buildings, or any other structure or part thereof, and alteration or repair.</u>                                                                                               | <u>Excavating, grading, demolition, or clearing.</u>                                                                                                                                                                                                                                                                    |
| <u>National Holidays:</u><br><u>New Year's Day</u><br><u>Memorial Day</u><br><u>Independence Day</u><br><u>Labor Day</u><br><u>Thanksgiving Day</u><br><u>Christmas Day</u> |                                                                                                                                                                                                                                                                              | <u>Construction and building operations, including principal buildings, accessory buildings or any other structure or part thereof, and alteration or repair.</u><br><br><u>Excavating, grading, demolition, or clearing.</u>                                                                                           |

| <u>Days of the Week and Hours</u> | <u>Allowed Work</u> | <u>Prohibited Work</u>                                                |
|-----------------------------------|---------------------|-----------------------------------------------------------------------|
|                                   |                     | <u>Delivery and unloading of construction and building materials.</u> |

66

67 ~~(a) Generally. Construction and building operations, including erection of principal buildings, accessory~~  
68 ~~buildings or any other structures or part thereof, alteration or repair is prohibited, except as otherwise~~  
69 ~~provided in this section, on Saturdays, Sundays and holidays as specified in section 1-2. Excavating,~~  
70 ~~grading, or demolition or clearing shall be prohibited on Saturdays, Sundays and the following national~~  
71 ~~holidays observed by the town: New Year's Day; Memorial Day; Independence Day; Labor Day;~~  
72 ~~Thanksgiving Day; and Christmas Day.~~

73 ~~(b) When permitted. Construction and building operations, including erection of principal buildings,~~  
74 ~~accessory buildings or any other structures or part thereof, excavation, grading, demolition, clearing,~~  
75 ~~alteration or repair, are permitted between the hours of 7:00 a.m. and 6:00 p.m. on weekdays that~~  
76 ~~are not holidays. Such construction and building operations are permitted between the hours of 8:30~~  
77 ~~a.m. to 5:00 p.m. on Saturdays and official holidays, as defined by section 1-2.~~

78 ~~(c) Exemption for existing single family residences. Repair and maintenance work on existing single-~~  
79 ~~family residences is permitted on weekends and holidays. Such activities include, but are not limited~~  
80 ~~to, painting, wallpapering, carpeting, tiling, minor repairs, yard work, etc.~~

81 ~~(d) Delivery and unloading of construction materials. The delivery and unloading of construction and~~  
82 ~~building materials is expressly prohibited on Sundays and national holidays.~~

83 ~~(e) Emergency repairs. Emergency repairs for major structural damage caused by catastrophic event or~~  
84 ~~natural phenomenon are permitted on weekends.~~

85 \* \* \*

86 **ARTICLE II. - BUILDING CODE**

87 **Sec. 18-31. - Model Administrative Code adopted; local additions to the Model Administrative code**  
88 **adopted.**

89 The Building Officials Association of Florida's (BOAF) Model Administrative Code (~~20232020~~) for the  
90 Florida Building Code, ~~87<sup>th</sup>~~ Edition (~~20232020~~), is hereby adopted by reference as though fully set forth in  
91 this section, with certain local additions thereto recommended by the town's building official, as  
92 authorized by F.S. § 553.73(4)(a) and as reflected in Ordinance ~~2023-062021-02~~. The Model  
93 Administrative Code, which comprises Chapter 1 of the Florida Building code, with all of the town's  
94 additions, together with this section is on file in the office of the town clerk.

95 \* \* \*

96 **ARTICLE III. - ELECTRICAL CODE**

97 **18-61. - Adopted.**

98 With the exceptions referenced below, the town hereby adopts the "NFPA 70, *National Electrical Code*  
99 (NEC)," as published by the National Fire Protection Association, and incorporates the same by reference  
100 as if fully set forth herein. Copies of the National Electric Code are on file in the office of the town clerk.

101 \* \* \*

102 **ARTICLE IX. - EXCAVATION AND GRADING CODE**

103 **Sec. 18-241. - Adopted.**

104 There is hereby adopted by the town that certain volume of the Florida Building Code, ~~87~~<sup>87</sup><sup>th</sup> Edition  
105 (~~2023~~~~2020~~) known as "Florida Building Code, Building, Appendix J, Grading" thereof, as published by the  
106 International Code Council, Inc. Copies of the subject code are filed in the office of the town clerk, and  
107 such code is hereby adopted and incorporated as fully as if set out at length in this section, and the  
108 provisions contained therein shall be controlling within the limits of the town.

109 \* \* \*

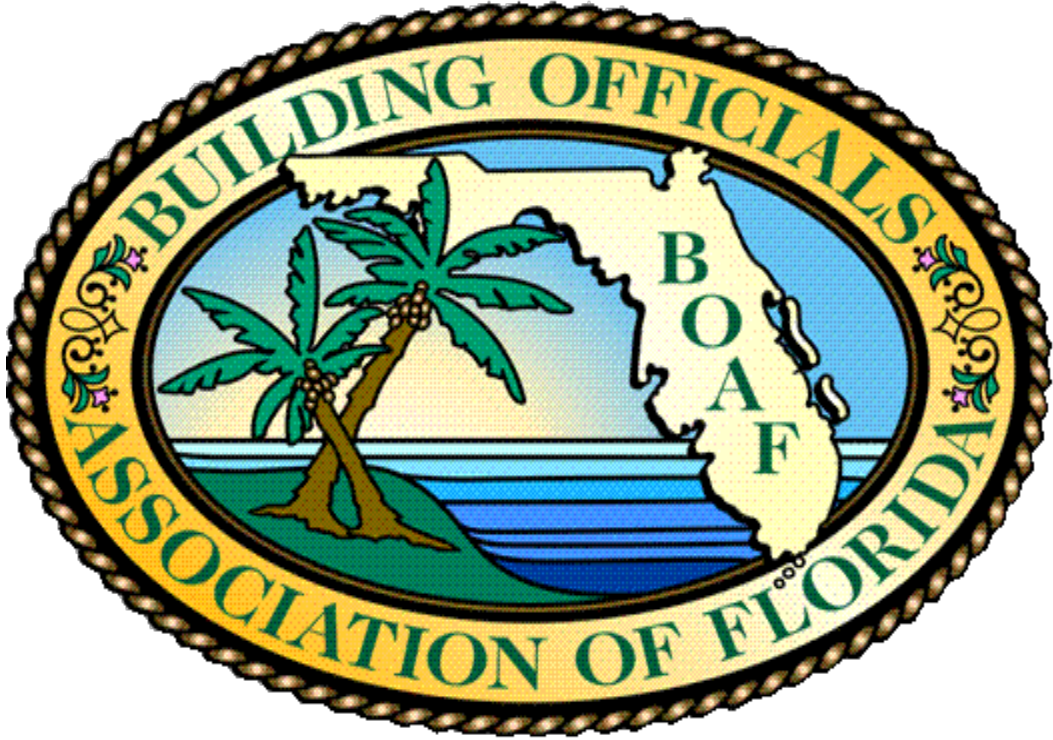
110 **ARTICLE XI. - HOUSING CODE**

111 **Sec. 18-411. - International Property Maintenance Code adopted.**

112 (a) With the exceptions referenced below, the town hereby adopts the ~~2021~~~~2018~~ Edition of the  
113 International Property Maintenance Code published by the International Code Council, Inc., and  
114 incorporates the same by reference as if fully set forth herein. Copies of the ~~2021~~~~2018~~ International  
115 Property Maintenance Code, together with this section, are on file in the office of the town clerk.

116 (b) The following sections of the ~~adopted~~ ~~2018~~ International Property Maintenance Code are hereby  
117 amended as follows:

118 \* \* \*



BOAF MODEL ADMINISTRATIVE CODE CHAPTER 1  
FOR 8<sup>th</sup> ~~7<sup>th</sup>~~ Edition (~~2020~~) (2023) FLORIDA BUILDING CODE  
WITH

**ADDITIONS FROM THE  
TOWN OF PONCE INLET**

BOAF Model Administrative Code – ~~8<sup>th</sup>~~ 7<sup>th</sup> Edition (~~2020~~) (2023)

The Building Officials Association of Florida is proud to present this model document for use by its members as a tool to facilitate the uniform and consistent application of local amendments to the administrative provisions of the Florida Building Code. Every effort has been made to present the amendments in mandatory language format. The language that is shaded represents those text revisions approved by the BOAF Board of Directors.

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**LEGEND:** Underlined words herein constitute additions made by the Town of Ponce Inlet, pursuant to § 553.73(4)(a), Florida Statutes, to the BOAF 20~~23~~17 Model Administrative Code for the Eighth ~~Seventh~~ Edition of the Florida Building Code (~~2020~~2023). ~~Strikethroughs~~ constitute deletions from the BOAF ~~2017~~ 2023 Model Administrative Code.



**CHAPTER 1**  
**SCOPE AND ADMINISTRATION**

**PART 1—SCOPE AND APPLICATION**

**SECTION 101**  
**GENERAL**

**101.1 Title.** These regulations shall be known as the *Florida Building Code*, hereinafter referred to as “this code.”

**101.2 Scope.** The provisions of this code shall apply to the construction, *alteration*, relocation, 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.

**Exceptions:**

1. Detached one- and two-family *dwelling*s and multiple single-family *dwelling*s (*townhouses*) not more than three *stories* above *grade plane* in height with a separate *means of egress* and their accessory structures not more than three stories above grade plane in height, shall comply with the *Florida Building Code, Residential*.
2. Existing buildings undergoing repair, alterations or additions and change of occupancy shall comply with Florida Building Code, Existing.

**101.2.1 Appendices.** Provisions in the appendices shall not apply unless specifically adopted.

**~~2020~~ 2023 Florida Building Code, Building**

- Appendix B - Chapter 9B-52 F.A.C. Florida Standard for Passive Radon-Resistant Construction
- Appendix C - ~~Chapter 9B-53 F.A.C.~~ Standard for Mitigation of Radon in Existing Buildings
- Appendix G - Flood-Resistant Construction

**~~2020~~ 2023 Florida Building Code, Residential**

- Appendix A - Sizing and Capacities of Gas Piping
- Appendix B - Sizing of Venting Systems Serving Appliances Equipped with Draft Hoods, Category I

**101.2.2 ~~Florida Building Code,~~ Residential cConstruction standards or practices which are not covered by Florida Building Code, Residential volume shall be in accordance with the provisions of Florida Building Code, Building.**

**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 Warranty and Liability.** The permitting, plan review or inspection of any building, system or plan by this jurisdiction, under the requirements of this code, shall not be construed in any court as a warranty of the physical condition of such building, system or plan or their adequacy. This jurisdiction shall not be liable in tort for damages or hazardous or illegal condition or inadequacy in such building, system or plan, nor for any failure of any component of such, which may occur subsequent to such inspection or permitting.

**101.4 Referenced codes.** The other codes listed in Sections 101.4.1 through 101.4.9 and referenced elsewhere in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference.

**101.4.1 Gas.** The provisions of the *Florida Building Code, Fuel Gas* shall apply to the installation of gas piping from the point of delivery, gas appliances and related accessories as covered in this code. These requirements apply to gas piping systems extending from the point of delivery to the inlet connections of appliances and the installation and operation of residential and commercial gas appliances and related accessories.

**101.4.2 Mechanical.** The provisions of the *Florida Building Code, Mechanical* shall apply to the installation, alterations, repairs 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.

**101.4.3 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, and where connected to a water or sewage system and all aspects of a medical gas system. The provisions of the *International Private Sewage Disposal Code* shall apply to private sewage disposal systems.

**101.4.4 Property maintenance.** The provisions of the ~~2018~~ 2021 *International Property Maintenance Code* shall apply to existing structures and premises; equipment and facilities; light, ventilation, space heating, sanitation, life and fire safety hazards; responsibilities of owners, operators and occupants; and occupancy of existing premises and structures.

**101.4.5 Fire prevention.** For provisions related to fire prevention, refer to the *Florida Fire Prevention Code*. The *Florida Fire Prevention Code* shall apply to matters affecting or relating to structures, processes and premises from the hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices; from conditions hazardous to life, property or public welfare in the occupancy of structures or premises; and from the construction,

extension, repair, alteration or removal of fire suppression, automatic sprinkler systems and alarm systems or fire hazards in the structure or on the premises from occupancy or operation.

**101.4.6 Energy.** The provisions of the *Florida Building Code, Energy Conservation* shall apply to all matters governing the design and construction of buildings for energy efficiency.

**101.4.7 Existing buildings.** The provisions of the *Florida Existing Building Code* shall apply to matters governing the repair, alteration, change of occupancy, addition to and relocation of existing buildings.

**101.4.8 Accessibility.** For provisions related to accessibility, refer to the *Florida Building Code, Accessibility*.

**101.4.9 Manufactured buildings.** For additional administrative and special code requirements, see Section 458, *Florida Building Code, Building*, and Rule 61-41 *Florida Administrative Code*.

## SECTION 102 APPLICABILITY

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

**102.1.1** The *Florida Building Code* does not 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*. 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* 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 the *Florida Building Code, Existing Building*. The following buildings, structures and facilities, except for those located in a Special Flood Hazard Area are exempt from the *Florida Building 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 II (Section 553.501-553.513, *Florida Statutes*) relating to accessibility by persons with disabilities shall apply to such mobile or modular structures. *Permits* shall be required for structural support and tie down, electric supply and all other such utility connections to such mobile or modular structures as required by this jurisdiction.
- (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 non-wood features.
- (i) Family mausoleums not exceeding 250 square feet (23 m<sup>2</sup>) in area which are prefabricated and assembled on site or preassembled and delivered on site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.
- (j) Temporary housing provided by the Department of Corrections to any prisoner in the state correctional system.

(k) A drone port as defined in s.330.41(2).

**102.2.1** 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** Residential buildings or structures 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 and 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 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 the *Florida Building Code*, Building for all residential buildings or structures of the same occupancy class.

**102.2.3** 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** 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 Not applicable.**

**102.2.6** This section does not apply to swings and other playground equipment accessory to a one- or two-family dwelling.

**Exception:** Electrical service to such playground equipment shall be in accordance 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 and as further regulated in Sections 102.4.1 and 102.4.2.

**102.4.1 Conflicts.** Where conflicts occur between provisions of this code and referenced codes and standards, the provisions of this code shall apply.

**102.4.2 Provisions in referenced codes and standards.** Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this code or the Florida Codes listed in Section 101.4, the provisions of this code or the Florida Codes listed in Section 101.4, as applicable, shall take precedence over the provisions in the referenced code or standard.

**102.5 Partial invalidity.** In the event that any part or provision of this code is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions.

**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, the *Florida Building Code, Existing Building, the ~~2018~~2021 International Property Maintenance Code and the Florida Fire prevention code*, or as revised by ordinance of the Town or as is deemed necessary by the building official for the general safety and welfare of the occupants and the public.

**102.6.1 Buildings not previously occupied.** A building or portion of a building that has not been previously occupied or used for its intended purpose in accordance with the laws in existence at the time of its completion shall comply with the provisions of the *Florida Building Code* or *Florida Residential Code*, as applicable, for new construction or with any current permit for such occupancy.

**102.6.2 Buildings previously occupied.** The legal occupancy of any building existing on the date of adoption of this code shall be permitted to continue without change, except as otherwise specifically provided in this code, the *Florida Fire prevention Code* or *2021 International Property Maintenance Code ~~2018~~* 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 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.
- (3) A relocated building shall comply with the flood hazard area requirements of the new location, if applicable.

**102.8 Existing mechanical equipment.** An agency or local government may not require that existing mechanical equipment located on or above the surface of a roof be installed in compliance with the requirements of the Florida Building Code except during reroofing when the equipment is being replaced or moved during reroofing and is not in compliance with the provisions of the Florida Building Code relating to roof-mounted mechanical units.

**PART 2—ADMINISTRATION AND ENFORCEMENT**

**SECTION 103  
DEPARTMENT OF BUILDING SAFETY**

**103.1 Creation of enforcement agency.** The Department of Building Safety is hereby created and the official in charge thereof shall be known as the *building official*.

**103.2 Appointment.** The *building official* shall be appointed by the chief appointing authority of the jurisdiction.

**103.3 Deputies.** In accordance with the prescribed procedures of this jurisdiction and with the

concurrence of the appointing authority, the *building official* shall have the authority to appoint a deputy *building official*, the related technical officers, inspectors, plan examiners and other employees. Such employees shall have powers as delegated by the *building official*.

For the maintenance of existing properties, see the ~~2018~~2021 *International Property Maintenance Code*

**SECTION 104  
DUTIES AND POWERS OF BUILDING OFFICIAL**

**104.1 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 this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

**104.2 Applications and permits.** The *building official* shall receive applications, review *construction documents* and issue *permits* for the erection, and *alteration*, demolition and moving of buildings and structures, inspect the premises for which such *permits* have been issued and enforce compliance with the provisions of this code.

**104.2.1 Determination of substantially improved or substantially damaged existing buildings and structures in flood hazard areas.** For applications for reconstruction, rehabilitation, *repair*, *alteration*, *addition* or other improvement of existing buildings or structures located in *flood hazard areas*, the *building official* shall determine if the proposed work constitutes substantial improvement or *repair of substantial damage*. Where the *building official* determines that the proposed work constitutes *substantial improvement* or *repair of substantial damage*, and where required by this code, the *building official* shall require the building to meet the requirements of Section 1612 or R322 of the Florida Building Code, Residential, as applicable.



**104.3 Notices and orders.** The *building official* shall issue all necessary notices or orders to ensure compliance with this code.

**104.4 Inspections.** The *building official* shall make all of the required inspections, or the *building official* shall have the authority to accept reports of inspection by *approved agencies* or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such *approved agency* or by the responsible individual. The *building official* is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

**104.5 Identification.** The *building official* shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

**104.6 Right of entry.** Where it is necessary to make an inspection to enforce the provisions of this code, or where the *building official* has reasonable cause to believe that there exists in a structure or upon a premises a condition which is contrary to or in violation of this code which makes the structure or premises unsafe, dangerous or hazardous, the *building official* is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this code, provided that if such structure or premises be occupied that credentials be presented to the occupant and entry requested. If such structure or premises is unoccupied, the *building official* shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the *building official* shall have recourse to the remedies provided by law to secure entry.

**104.7 Department records.** The *building official* shall keep official records of applications received, *permits* and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained in the official records for the period required for retention of public records per FS 119.

**104.8 Liability.** The *building official*, member of the board of appeals or employee charged with the enforcement of this code, while acting for the

jurisdiction in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be civilly or criminally rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by legal representative of the jurisdiction until the final termination of the proceedings. The *building official* or any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of this code.

**104.8.1 Legal defense.** Any suit or criminal complaint instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by legal representatives of the jurisdiction until the final termination of the proceedings. The *building official* or any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of this code.

**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 permitted. Used equipment and devices shall not be reused unless *approved* by the *building official*.

**104.10 Modifications.** Wherever there are practical difficulties involved in carrying out the provisions of this code, the *building official* shall have the authority to grant modifications for individual cases, upon application of the owner or owner's representative, provided the *building official* shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health,

accessibility, life and fire safety, or structural requirements. The details of action granting modifications shall be recorded and entered in the files of the Department of Building Safety.

**104.10.1 Flood hazard areas.** The building official shall coordinate with the floodplain administrator to review requests submitted to the building official that seek approval to modify the strict application of the flood resistant construction requirements of the Florida Building Code to determine whether such requests require the granting of a variance pursuant to Section 117.

**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 alternative meets the following: 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, not less than the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety. ~~Where the alternative material, design or method of construction is not approved, the building official shall respond in writing, stating the reasons why the alternative was not approved.~~

1. The alternate material, design or method of construction is satisfactory and complies with the intent of the provision of this code,

2. The material, method or work offered is, for the purpose intended, not less than the equivalent of that prescribed in this code as it pertains to the following:

- Quality.
- Strength.
- Effectiveness.
- Fire resistance.
- Durability.
- Safety.

Where the alternative material, design or method of construction is not approved, the *building official*

shall respond in writing, stating the reasons why the alternative was not approved.

**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 in order 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 the jurisdiction. 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.

**104.12 Requirements not covered by code.** Any requirements necessary for 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 other technical codes, shall be determined by the *building official*.

## SECTION 105 PERMITS

**105.1 Required.** Any owner or owner's 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 impact-resistant coverings, 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 or 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 deemed 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 Facility 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.** In accordance with 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 store.

**105.1.4 Public swimming pool.** The local enforcing agency may not issue a building permit to construct, develop, or modify a public swimming pool without proof of application, whether complete or incomplete, for an operating permit pursuant to Section 514.031, *Florida Statutes*. A certificate of completion or occupancy may not be issued until such operating permit is issued. The local enforcing agency shall conduct their review of the building permit application upon filing and in accordance with Chapter 553, *Florida Statutes*. The local enforcing agency may confer with the Department of Health, if necessary, but may not delay the building permit application review while awaiting comment from the Department of Health.

**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 or any other laws or ordinances of this jurisdiction, to include work in any special flood hazard area. Exemptions granted under this section do not relieve the owner or contractor from their duty to comply with applicable provisions of the Florida Building Code, and requirements of the *local floodplain management ordinance*. *Permits* shall not be required for the following:

**Building:**

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 32 square feet (3m<sup>2</sup>).
2. Decorative Handscape fences not over 3 feet (914.4 mm) high.
3. Retaining walls that are not over 2 feet in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II, or IIIA liquids.
4. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
5. Temporary motion picture, television and theater stage sets and scenery.
6. Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 24 inches (610 mm) deep, do not exceed 5,000 gallons (18,925 L) and are installed entirely above ground.
7. Swings and other playground equipment accessory to detached one- and two-family *dwellings*
8. Window *awnings* supported by an *exterior wall* that do not project more than 54 inches (1,372 mm) from the *exterior wall* and do not require additional support of Groups R-3 and U occupancies.
9. Non-fixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches (1,753 mm) in height
10. Building Interior: Repair and replacement of non-structural interior doors, trim, carpet, and other flooring, painting,

~~cabinets, and vanities unless electrical or plumbing will be disconnected and/or altered from their original locations,~~ repairs to walls and ceilings, additional attic insulation.

11. Building Exterior: Minor repair and replacement of small areas of trim and siding, fascia and soffit, broken panels of glass, replacement of window and pool enclosure screening, painting, and patching of exterior surfaces, fence repair, existing roof repair if less than 100 square foot total area during a twelve-month period, gutters and downspouts.

#### Electrical:

**Repairs and maintenance.** Repair and replacement of fixtures and appliances such as light fixtures, ceiling fans, receptacles, switches, refrigerator, range, range hood in their original location and no change to the circuit breakers in existing panels. Caution: electrical work should only be done by a qualified electrician or a person experienced with electrical systems. Improper electrical work can cause property damage, injury, and possible death.

**Radio and television transmitting stations:** The provisions of this code shall not apply to electrical equipment used for radio and television transmissions, but do apply to equipment and wiring for a power supply and the installations of towers and antennas.

**Temporary testing systems:** A *permit* shall not be required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.

#### 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 that does not alter its approval or make it unsafe.
6. Portable evaporative cooler.
7. Self-contained refrigeration system containing 10 pounds (5 kg) 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.

~~3. For single fixtures not part of the remodeling and/or alteration project: replacement of kitchen or bath sinks and faucets, toilets if location is not altered, shower heads, garbage disposal if no changes to the electrical and/or drain line and traps are made.~~

**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*.

**105.2.2. Minor repairs.** Ordinary minor repairs or installation of replacement parts may be made



with the prior approval of the *building official* without a permit, provided the repairs shall 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; nor shall ordinary repairs 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 Public service agencies.** A *permit* shall not be required for the installation, *alteration* or repair of generation, transmission, distribution or metering or other related equipment that is under the ownership and control of public service agencies by established right.

**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 department for that purpose.

Permit application forms shall be in the format prescribed by a local administrative board, if applicable, and must comply with the requirements of Section 713.135(5) and (6), *Florida Statutes*.

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 *Florida Building Code*, the state minimum building code in effect in the permitting jurisdiction on the date of the application governs the permitted work for the life of the permit and any extension granted to the permit.

Effective October 1, 2017, a local enforcement agency shall post each type of building permit application on its website. Completed applications must be able to be submitted electronically to the appropriate building department. Accepted methods of electronic submission include, but are not limited to, e-mail submission of applications in portable document format or submission of applications

through an electronic fill-in form available on the building department's website or through a third-party submission management software. Payments, attachments, or drawings required as part of the permit application may be submitted in person in a nonelectronic format, at the discretion of the *building official*.

**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** If a state university, Florida 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** No permit may be issued for any building construction, erection, alteration, modification, repair, or addition unless the applicant for such permit provides to the enforcing agency which issues the permit 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. Plumbing documents for any new building or addition which requires a plumbing system with more than 250 fixture units or which costs more than \$125,000.
2. Fire sprinkler documents for any new building or addition which includes a fire sprinkler system which contains 50 or more sprinkler heads. Personnel as authorized by chapter 633 *Florida Statutes*, may design a fire ~~sprinkler protection~~ system of 49 or fewer ~~heads sprinklers~~; ~~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 249 or fewer sprinklers heads, and the addition of up to 49 sprinklers, as long as the cumulative total number of fire sprinklers being added, relocated or delated does not exceed 249,~~ notwithstanding the size of the existing fire sprinkler ~~system; or may design the alteration of an existing fire sprinkler system if the alteration consists of the relocation or deletion of 249 or fewer sprinklers, notwithstanding the size of existing fire sprinkler system:~~
  - a. ~~if there is no change of occupancy of the affected areas, as defined in this Code and the Florida Fire Prevention Code, and~~
  - b. ~~if there is no change in the water demand as defined in NFPA 13, "Standard for the Installation of Sprinkler Systems," and~~
  - ~~2-c. -if the occupancy hazard classification as defined in NFPA 13 is reduced or remains the same as a result of the alteration.~~
3. 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 \$125,000. 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 \$125,000 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.

**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.

**NOTE:** It was further clarified by the Commission that the limiting criteria of 100 persons and \$125,000 apply to the building occupancy load and the cost for the total air-conditioning system of the building.

4. 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.

**Exception:**

Simplified permitting process for fire alarm system projects.

(1) As used in this section, the term:

(a) "Component" means valves, fire sprinklers, escutcheons, hangers, compressors, or any other item deemed acceptable by local enforcing agency. For purposes of this paragraph, a valve does not include pressure-regulating, pressure-reducing, or pressure-control valves.

(b) "Contractor" means a person who is qualified to engage in the business of electrical or alarm system contracting pursuant to a certificate or registration issued by the department under part II of chapter 489, Florida Statutes.

(c) "Fire alarm system project" means a fire alarm system alternation of a total of 20 or fewer initiating devices and notification devises, or the installation or replacement of a fire communicator connected to an existing fire alarm control panel in an existing commercial, residential, apartment, cooperative or condominium building.

(d) "Fire sprinkler system project" means a fire protection system alternation of a total of 20 or fewer fire sprinklers in which the sprinklers are of the same K-factor and located in spaces where there is no change of hazards classification or increased system coverage area, or the installation or replacement of an equivalent fire sprinkler system component in an existing commercial, residential, apartment, cooperative, or condominium building. For purposes of this paragraph, a component is equivalent if the component has the same or better characteristics, including electrical, hydraulic, pressure losses, and required listings and spacing as the component being replaced.

(2) (a) A local enforcement agency may require a contractor, as a condition of obtaining a permit for a fire alarm system project, to submit a completed application and payment.

(b) A local enforcement agency may not require a contractor to submit plans or specifications as a condition of obtaining a permit for a fire alarm system project.

(3) A local enforcement agency must issue a permit for a fire alarm system project or fire sprinkler system project in person or electronically.

(4) A local enforcement agency must require at least one inspection of a fire alarm system project or fire sprinkler system project to ensure compliance with applicable codes and standards. If a fire alarm system project or fire sprinkler system project fails an inspection, the contractor must take corrective action as necessary to pass inspection.

4. (5) A contractor must keep a copy of the plans and specifications at the fire alarm system project worksite and make such plans and specifications available to the inspector at each inspection.

5. Electrical documents. See Florida Statutes 471.003(2)(h). Any electrical or plumbing or air-conditioning and refrigeration system meeting the following thresholds are required to be designed by a Florida Registered Engineer. The system, requires an electrical system with a value of over \$125,000; and rRequires an aggregate service capacity of over 600 amperes (240 volts) on a residential electrical system or over 800 amperes (240 volts) on a commercial or industrial electrical system.

**NOTE:** It was further clarified by the Commission that the limiting factor of 240 volt or over is required to be designed by an Engineer.

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*.

6. All public swimming pools and public bathing places defined by and regulated under Chapter 514, Florida Statutes

### **105.3.1.3 Reviewing application for building permit.**

1. When reviewing an application for a building permit, a local government may not request additional information from the applicant more than three times, unless the applicant waives such limitation in writing.
2. If a local government requests additional information from an applicant and the applicant submits the requested additional information to the local government within 30 days after receiving the request, the local government must, within 15 days after receiving such information:
  - a. Determine if the application is properly completed;
  - b. Approve the application;
  - c. Approve the application with conditions;
  - d. Deny the application; or
  - e. Advise the applicant of information, if any, that is needed to deem the application properly completed or to determine the sufficiency of the application.
3. If a local government makes a second request for additional information from the applicant and the applicant submits the requested additional information to the local government within 30 days after receiving the request, the local government must, within 10 days after receiving such information:
  - a. Determine if the application is properly completed;
  - b. Approve the application;

c. Approve the application with conditions;

d. Deny the application; or

e. Advise the applicant of information, if any, that is needed to deem the application properly completed or to determine the sufficiency of the application.

4. Before a third request for additional information may be made, the applicant must be offered an opportunity to meet with the local government to attempt to resolve outstanding issues. If a local government makes a third request for additional information from the applicant and the applicant submits the requested additional information to the local government within 30 days after receiving the request, the local government must, within 10 days after receiving such information unless the applicant waived the local government's limitation in writing, determine that the application is complete and:
  - a. Approve the application;
  - b. Approve the application with conditions; or
  - c. Deny the application.
5. If the applicant believes the request for additional information is not authorized by ordinance, rule, statute, or other legal authority, the local government, at the applicant's request, must process the application and either approve the application, approve the application with conditions, or deny the application.

**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 and justifiable cause demonstrated.

**105.3.3** 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** A building permit for a single-family residential dwelling must be issued within 30 working days of application therefor unless unusual circumstances require a longer time for processing the application or unless the permit application fails to satisfy the *Florida Building Code* or the enforcing agency’s 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*.

**105.3.6 Asbestos removal.** 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 this paragraph. 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 1 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 Applicable Code for Manufactured Buildings.** Manufacturers should be permitted to complete all buildings designed and approved prior to the effective date of a new code edition, provided a clear signed contract is in place. The contract shall provide specific data mirroring that required by an application for permit, specifically, without limitation, date of execution, building owner or dealer, and anticipated date of completion. However, the construction activity must commence within 6 months of the contract's execution. The contract is subject to verification by the Department of Business and Professional Regulation.

**105.3.8 ~~Contracts~~Public right of way.** ~~A local government may not require a contract between a builder and an owner for the issuance of a building permit or as a requirement for the submission of a building permit application. A permit shall not be given by the building official for the construction of any building, or for the alteration of any building where said building is to be changed and 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 received a right of way~~



~~permit from the authority having jurisdiction over the street, alley or public lane.~~

**105.3.9 Public right of way.** A permit shall not be given by the building official for the construction of any building, or for the alteration of any building where said building is to be changed and 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 received a right of way permit from the authority having jurisdiction over the street, alley or public lane.

**105.4 Conditions of the permit.** The issuance or granting of a *permit* shall not be construed to be a *permit* for, or an approval of, any violation of any of the provisions of this code or of any other ordinance of the jurisdiction. *Permits* presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid. The issuance of a *permit* based on *construction documents* and other data shall not prevent the *building official* from requiring the correction of errors in the *construction documents* and other data. The *building official* is also authorized to prevent occupancy or use of a structure where in violation of this code or of any other ordinances of this jurisdiction.

**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. 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.

**105.4.1.1** If work has commenced and the permit is revoked, becomes null and void, or expires because of lack of progress or abandonment, a new permit covering the

proposed construction shall be obtained before proceeding with the work.

**105.4.1.2** If a new permit is not obtained within 180 days from the date the initial permit became null and void, 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 null and void 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 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** The fee for renewal reissuance and extension of a permit shall be set forth by the resolution of the Town Council, as amended from time to time.

**105.4.1.5** After the local enforcing agency issues a permit, the local enforcing agency may not make or require any substantive changes to the plans or specifications except changes required for compliance with the Florida Building Code, the Florida Fire Prevention Code, or the Life Safety Code, or local amendments thereto. If a local agency makes or requires substantive changes to the plans or specifications after a permit is issued, the local enforcing agency must identify the specific plan features that do not comply with the applicable codes, identify the specific code chapters and sections upon which the finding is based, and provide the information to the permitholder in writing.

**105.5 Expiration.** Every *permit* issued shall become invalid unless the work on the site authorized by such *permit* is commenced within 180 days after its



issuance, or if the work authorized on the site by such *permit* is suspended or abandoned for a period of 180 days after the time the work is commenced the permit holder and property owner shall be responsible to either complete all work in accordance with the permitted plans and inspection or remove any partially completed work in a safe and code compliant manner. The *building official* is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated as determined by the *building official*. Permits issued for the demolition of a structure shall expire sixty (60) days from the date of issuance. For a justifiable cause, one or more extensions of time for a period not exceeding thirty (30) days may be allowed. Such request shall be in writing to the building official. In addition to subsections 105.4 and 105.5 of the BOAF Model Administration Code Chapter 1, all permits issued under the Florida Building Code (inclusive of all extensions) for new construction of residential and commercial projects shall be null and void two years and one day after the date of issuance and shall be deemed non-compliant. The expiration date will appear on the permit. No work shall be performed under a non-compliant permit. Any person performing work under a non-compliant permit shall be in violation of this section and may be sent a Notice of Violation to appear before the Town of Ponce Inlet Code Enforcement Board.

**105.5.1 Additional options for closing a *permit*.**

Pursuant to Section 553.79(15), Florida Statutes, a property owner, regardless of whether the property owner is the one listed on the application for the building *permit*, may close a building *permit* by complying with the following requirements:

1. The property owner may retain the original contractor listed on the permit or hire a different contractor appropriately licensed in this state to perform the work necessary to satisfy the conditions of the permit and to obtain any necessary inspection in order to close the *permit*. If a contractor other than the original contractor listed on the *permit* is hired by the property owner to close the permit, such contractor is not liable for any defects in the work performed by the original

contractor and is only liable for the work that he or she performs.

2. The property owner may assume the role of an owner- builder, in accordance with Sections 489.103(7) and 489.503(6), *Florida Statutes*.
3. If a building *permit* is expired and its requirements have been substantially completed, as determined by the local enforcement agency, the *permit* may be closed without having to obtain a new building *permit*, and the work required to close the *permit* may be done pursuant to the building code in effect at the time the local enforcement agency received the application for the *permit*, unless the contractor has sought and received approval from the local enforcement agency for an alternative material, design or method of construction.
4. A local enforcement agency may close a building *permit* 6 years after the issuance of the *permit*, even in the absence of a final inspection, if the local enforcement agency determines that no apparent safety hazard exists.

For purposes of this section, the term “close” means that the requirements of the *permit* have been satisfied.

**105.5.2** For the purposes of this subsection, a *closed permit* shall mean a *permit* for which all requirements for completion have been satisfied or a *permit* that has been administratively closed by the *building official*.

**105.5.3** For the purposes of this subsection, an *open permit* shall mean a *permit* that has not satisfied all requirements for completion as defined in 105.5.1.1.

**105.6 Denial, suspension, or revocation.** The building official is authorized to suspend or revoke a permit issued under the provisions of this code whenever 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 of the provision of this code. Whenever a permit required under this section is denied or revoked because the plan, or the construction, erection,

alteration, modification, repair, or demolition of a building, is found by the local enforcing agency to be not in compliance with the Florida Building Code, the local enforcing agency shall identify the specific plan or project features that do not comply with the applicable codes, identify the specific code chapters and sections upon which the finding is based, and provide this information to the permit applicant. If the local building code administrator or inspector finds that the plans are not in compliance with the Florida Building Code, the local building code administrator or inspector shall identify the specific plan features that do not comply with the applicable codes, identify the specific code chapters and sections upon which the finding is based, and provide this information to the local enforcing agency. The local enforcing agency shall provide this information to the permit applicant.

**105.6.1** Pursuant to Section 553.79(16), Florida Statutes, a local enforcement agency may not deny issuance of a building *permit* to; issue a notice of violation to; or fine, penalize, sanction or assess fees against an arm's-length purchaser of a property for value solely because a building *permit* applied for by a previous owner of the property was not closed. The local enforcement agency shall maintain all rights and remedies against the property owner and contractor listed on the *permit*.

**105.6.2** Pursuant to Section 553.79(16), Florida Statutes, a local enforcement agency may not deny issuance of a building *permit* to a contractor solely because the contractor is listed on other building *permits* that were not closed. A local enforcement agency has the authority to deny a new *permit* application from an applicant for other reasons.

**105.7 Placement of permit.** The building *permit* or copy shall be kept on the site of the work until the completion of the project.

**105.8 Notice of commencement.** In accordance with Section 713.135, *Florida Statutes*, when any person applies for a building permit, the authority issuing such permit shall print on the face of each permit card in no less than 14-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. A NOTICE OF COMMENCEMENT MUST BE RECORDED AND POSTED ON THE JOB SITE BEFORE THE FIRST INSPECTION. 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 Section 469.003, *Florida Statutes*, 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 reinspection 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 at the holder's own risk with the building operation 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, they 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* 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 reviewed by the *building official*. 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 III of Chapter 468, *Florida Statutes*.

**Exception: 105.145.1 Affidavits in flood hazard areas.** Permit issued on basis of an affidavit shall not extend to the flood load and flood resistance requirements of the *Florida Building Code* and the *building official shall review and inspect those requirements*.

**105.15 Opening protection.** When any activity requiring a building permit that is applied for on or after July 1, 2008, and for which the estimated cost is \$50,000 or more for a site built single-family

detached residential structure that is located in the wind borne debris region as defined in this Code and that has an insured value of \$750,000 or more, or, if the site built single-family detached residential structure is uninsured or for which documentation of insured value is not presented, has a just valuation for the structure for purposes of ad valorem taxation of \$750,000 or more; opening protections as required within this Code or *Florida Building Code, Residential* for new construction shall be provided.

**Exception:** Where defined wind-borne debris regions have not changed, single-family residential structures permitted subject to the *Florida Building Code* are not required to comply with this section.

**105.16 Inspection of existing residential building not impacted by construction.**

- (a) A local enforcing agency, and any local building code administrator, inspector, or other official or entity, may not require as a condition of issuance of a one- or two-family residential building permit the inspection of any portion of a building, structure, or real property that is not directly impacted by the construction, erection, alteration, modification, repair, or demolition of the building, structure, or real property for which the permit is sought.
- (b) This subsection does not apply to a building permit sought for:
  - 1. A substantial improvement as defined in Section 161.54, *Florida Statutes* or as defined in the *Florida Building Code*.
  - 2. A change of occupancy as defined in the *Florida Building Code*.
  - 3. A conversion from residential to nonresidential or mixed use pursuant to Section 553.507(2)(a), *Florida Statutes* or as defined in the *Florida Building Code*.
  - 4. A historic building as defined in the *Florida Building Code*.
- (c) This subsection does not prohibit a local enforcing agency, or any local building code administrator, inspector, or other official or entity, from:

1. Citing any violation inadvertently observed in plain view during the ordinary course of an inspection conducted in accordance with the prohibition in paragraph (a).
2. Inspecting a physically nonadjacent portion of a building, structure, or real property that is directly impacted by the construction, erection, alteration, modification, repair, or demolition of the building, structure, or real property for which the permit is sought in accordance with the prohibition in paragraph (a).
3. Inspecting any portion of a building, structure, or real property for which the owner or other person having control of the building, structure, or real property has voluntarily consented to the inspection of that portion of the building, structure, or real property in accordance with the prohibition in paragraph (a).
4. Inspecting any portion of a building, structure, or real property pursuant to an inspection warrant issued in accordance with Sections 933.20-933.30, *Florida Statutes*.

**105.17 Streamlined low-voltage alarm system installation permitting.**

(1) As used in this section, the term:

- (a) "Contractor" means a person who is qualified to engage in the business of electrical or alarm system contracting pursuant to a certificate or registration issued by the department under part II of chapter 489, *Florida Statutes*.
- (b) "Low-voltage alarm system project" means a project related to the installation, maintenance, inspection, replacement, or service of a new or existing alarm system, as defined in Section 489.505, *Florida Statutes*, that is hardwired and operating at low voltage, as defined in the National Electrical Code Standard 70, and ancillary components or equipment attached to such a system, including, but not limited to, home-automation equipment, thermostats, and video cameras.
- (c) "Low-voltage electric fence" means an

alarm system, as defined in s. 489.505, that consists of a fence structure and an energizer powered by a commercial storage battery not exceeding 12 volts which produces an electric charge upon contact with the fence structure.

- (d) "Wireless alarm system" means a burglar alarm system or smoke detector that is not hardwired.
- (2) Notwithstanding any provision of this Code, this section applies to all low-voltage alarm system projects for which a permit is required by a local enforcement agency. However, a permit is not required to install, maintain, inspect, replace, or service a wireless alarm system, including any ancillary components or equipment attached to the system.
- (3) A low-voltage electric fence must meet all of the following requirements to be permitted as a low-voltage alarm system project and no further *permit* shall be required for the low-voltage alarm system project other than as provided in this section:
  - (a) The electric charge produced by the fence upon contact must not exceed energizer characteristics set forth in paragraph 22.108 and depicted in Figure 102 of International Electrotechnical Commission Standard No. 60335-2-76, Current Edition.
  - (b) A nonelectric fence or wall must completely enclose the low-voltage electric fence. The low-voltage electric fence may be up to 2 feet higher than the perimeter nonelectric fence or wall.
  - (c) The low-voltage electric fence must be identified using warning signs attached to the fence at intervals of not more than 60 feet.
- (4) This section does not apply to the installation or replacement of a fire alarm if a plan review is required.
- (5) A local enforcement agency shall make uniform basic permit labels available for purchase by a contractor to be used for the installation or replacement of a new or existing alarm system at a cost as indicated in Section 553.793, *Florida Statutes*. The local enforcement agency may not



require the payment of any additional fees, charges, or expenses associated with the installation or replacement of a new or existing alarm.

- (a) A local enforcement agency may not require a contractor, as a condition of purchasing a label, to submit information other than identification information of the licensee and proof of registration or certification as a contractor.
  - (b) A label is valid for 1 year after the date of purchase and may only be used within the jurisdiction of the local enforcement agency that issued the label. A contractor may purchase labels in bulk for one or more unspecified current or future projects.
- (6) A contractor shall post an unused uniform basic permit label in a conspicuous place on the premises of the low-voltage alarm system project site before commencing work on the project.
- (7) A contractor is not required to notify the local enforcement agency before commencing work on a low-voltage alarm system project. However, a contractor must submit a Uniform Notice of a Low-Voltage Alarm System Project as provided under subsection (7) to the local enforcement agency within 14 days after completing the project. A local enforcement agency may take disciplinary action against a contractor who fails to timely submit a Uniform Notice of a Low-Voltage Alarm System Project.
- (8) The Uniform Notice of a Low-Voltage Alarm System Project may be submitted electronically or by facsimile if all submissions are signed by the owner, tenant, contractor, or authorized representative of such persons. The Uniform Notice of a Low-Voltage Alarm System Project shall be in the format prescribed by the local enforcement agency and must comply with the requirements of Section 553.793(7), *Florida Statutes*.
- (9) A local enforcement agency may coordinate directly with the owner or customer to inspect a low-voltage alarm system project may be inspected by the local enforcement agency to ensure compliance with applicable codes and standards. If a low-voltage alarm system project

fails an inspection, the contractor must take corrective action as necessary to pass inspection.

- (10) A municipality, county, district, or other entity of local government may not adopt or maintain in effect any ordinance or rule regarding a low-voltage alarm system project that is inconsistent with this section.
- (11) A uniform basic permit label shall not be required for the subsequent maintenance, inspection, or service of an alarm system that was permitted in accordance with this section.

The provisions of this act are not intended to impose new or additional licensure requirements on persons licensed in accordance with the applicable provisions of chapter 489, *Florida Statutes*.

## SECTION 106 FLOOR AND ROOF DESIGN LOADS

**106.1 Live loads posted.** Where the live loads for which each floor or portion thereof of a commercial or industrial building is or has been designed to exceed 50 psf (2.40 kN/m<sup>2</sup>), such design live loads shall be conspicuously posted by the owner or the owner's authorized agent in that part of each *story* in which they apply, using durable signs. It shall be unlawful to remove or deface such notices.

**106.2 Issuance of certificate of occupancy.** A certificate of occupancy required by Section 111 shall not be issued until the floor load signs, required by Section 106.1, have been installed.

**106.3 Restrictions on loading.** It shall be unlawful to place, or cause or permit to be placed, on any floor or roof of a building, structure or portion thereof, a load greater than is permitted by this code.

## SECTION 107 SUBMITTAL DOCUMENTS

**107.1 General.** Submittal documents consisting of *construction documents*, statement of *special inspections*, geotechnical report and other data shall be submitted ~~in two or more sets~~ with each *permit* application in accordance with Florida Statutes 553.79. The *construction documents* shall be prepared by a *registered design professional* where required by Chapter 471, Florida Statutes & 61G15



Florida Administrative Code or Chapter 481, Florida Statutes & 61G1 Florida Administrative Code. Where special conditions exist, the *building official* is authorized to require additional *construction documents* to be prepared by a *registered design professional*.

**Exception:** The *building official* is authorized to 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.

**107.2 Construction documents.** *Construction documents* shall be in accordance with Sections 107.2.1 through 107.2.6.

**107.2.1 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*. Such drawings and specifications shall contain information, in the form of notes or otherwise, as to the quality of materials, where quality is essential to conformity with the technical codes. Such information shall be specific, and the technical codes shall not be cited as a whole or in part, nor shall the term "legal" or its equivalent be used as a substitute for specific information. All information, drawings, specifications and accompanying data shall bear the name and signature of the person responsible for the design.

**107.2.2 Fire protection system shop drawings.** Shop drawings for the *fire protection system(s)* shall be submitted to indicate conformance to 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.

**107.2.3 Means of egress.** The *construction documents* shall show in sufficient detail the location, construction, size and character of all portions of the *means of egress* including the path of the *exit discharge* to the *public way* in compliance with the provisions of this code. In other than occupancies in Groups R-2, R-3, and I-1, the *construction documents* shall designate the number of occupants to be accommodated on every floor, and in all rooms and spaces.

**107.2.4 Exterior wall envelope.** *Construction documents* for all buildings shall describe the *exterior wall envelope* in sufficient detail to determine compliance with this code. The *construction documents* shall provide details of the *exterior wall envelope* as required, including flashing, intersections with dissimilar materials, corners, end details, control joints, intersections at roof, eaves or parapets, means of drainage, water-resistant membrane and details around openings.

The *construction documents* shall include manufacturer's installation instructions that provide supporting documentation that the proposed penetration and opening details described in the *construction documents* maintain the weather resistance of the *exterior wall envelope*. The supporting documentation shall fully describe the *exterior wall* system which was tested, where applicable, as well as the test procedure used.

**107.2.5 Exterior balcony and elevated walking surfaces.** Where balcony or other elevated walking surfaces are exposed to water from direct or blowing rain, snow or irrigation, and the structural framing is protected by an impervious moisture barrier, the *construction documents* shall include details for all elements of the impervious moisture barrier system. The *construction documents* shall include manufacturer's installation instructions.

**107.2.6 Site plan.** The *construction documents* submitted with the application for *permit* shall be accompanied by a site plan showing to scale the size and location of new construction and existing structures on the site, distances from *lot lines*, the established street grades and the proposed finished grades and, as applicable, flood hazard areas,

floodways, and *design flood* elevations; and it shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot. The *building official* is authorized to waive or modify the requirement for a site plan when the application for *permit* is for *alteration* or repair or when otherwise warranted.

**107.2.6.1 Design flood elevations.** Where *design flood* elevations are not specified, they shall be established in accordance with Section 1612.3.1.

**107.2.6.2** For the purpose of inspection and record retention, site plans for a building may be maintained in the form of an electronic copy at the worksite. These plans must be open to inspection by the *building official* or a duly authorized representative, as required by the *Florida Building Code*.

**107.2.7 Structural information.** The *construction documents* shall provide the information specified in Section 1603.

**107.3 Examination of documents.** The *building official* shall examine or cause to be examined the accompanying submittal 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.

**Exceptions:**

1. Building plans approved pursuant to Section 553.77(5), *Florida Statutes*, and state-approved manufactured buildings are exempt from local codes enforcing agency plan reviews except for provisions of the code relating to erection, assembly or construction at the site. Erection, assembly and construction at the site are subject to local permitting and inspections. Photocopies of plans approved according to FAC 61-41.009, Florida Administrative Code, shall be sufficient for local permit application documents of record for the modular building portion of the permitted project.

2. Industrial construction on sites where design, construction and fire safety are supervised by appropriately licensed design and inspection professionals and which contain adequate in-house fire departments and rescue squads is exempt, subject to approval by the *building official*, from review of plans and inspections, providing 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.

**107.3.1 Approval of construction documents.** When the *building official* issues a *permit*, the *construction document* 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.

**107.3.2 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.

**107.3.3 Phased approval.** 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, provided that adequate information and detailed statements have been filed complying with pertinent requirements of this code. The holder of such *permit* for the foundation or other parts of a building or structure shall proceed at the holder’s own risk with the building operation and without assurance that a *permit* for the entire structure will be granted.

**107.3.4 Design professional in responsible charge.** Where it is required that documents be prepared by a *registered design professional*, the

*building official* shall be authorized to require the *owner* or the *owner's* authorized agent to engage and designate on the building *permit* application a *registered design professional* who shall act as the *registered design professional in responsible charge*. If the circumstances require, the *owner* or the *owner's* authorized agent shall designate a ~~substitute-successor~~ *registered design professional in responsible charge* who shall perform the duties required of the original *registered design professional in responsible charge*. The *building official* shall be notified in writing by the *owner* or the *owner's* authorized agent if the *registered design professional in responsible charge* is changed or is unable to continue to perform the duties. Successor registered design professional in responsible charge licensed under Chapter 471 Florida Statutes shall comply with Section 471.025(4) Florida Statutes and the procedure set forth in 61G15-24.001 Florida Administrative Code; or licensed under Chapter 481 Florida Statutes shall comply with Section 481.221(6) Florida Statute and the procedure set forth in 61G1-18.002 Florida Administrative Code.

The *registered design professional in responsible charge* shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building.

**107.3.4.1 Deferred submittals.** For the purposes of this section, deferred submittals are defined as those portions of the design that are not submitted at the time of the application and that are to be submitted to the *building official*.

Deferral of any submittal items shall have the prior approval of the *building official*. The *registered design professional in responsible charge* shall list the deferred submittals on the *construction documents* for review by the *building official*.

Documents for deferred submittal items shall be submitted to the *registered design professional in responsible charge* who shall review them and forward them to the *building official* with a notation indicating that the deferred submittal documents have been

reviewed and found to be in general conformance to the design of the building. The deferred submittal items shall not be installed until the deferred submittal documents have been *approved* by the *building official*.

**107.3.4.2** 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*, by local enforcement agencies 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. Local enforcement agencies may rely upon such certification by contractors that the plans and specifications submitted conform to the requirements of the code for wind resistance. Upon good cause shown, local government code enforcement agencies may accept or reject plans sealed by persons licensed under Chapters 471, 481 or 489, *Florida Statutes*.

**107.3.5 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; all fenestration and building envelope penetrations; flashing; and rough opening dimensions; and all exterior elevations:

#### **Commercial Buildings:**

##### **Building**

1. Site requirements:
  - 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
  - Flood hazard areas, flood zones, and design flood elevations
2. Occupancy group and special occupancy requirements shall be determined (with cross check with the energy code submittal).
  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 draft-stopping 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
    - Impact resistant coverings or systems
    - Structural calculations (if required)
    - Foundation
    - Flood requirements in accordance with Section 1612, including lowest floor elevations, enclosures, flood damage-resistant materials
    - 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
- Building envelope portions of the Energy Code (including calculation and mandatory requirements)
- 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 (including corresponding portion of the energy code)
  - Sanitation
- 12. Special systems:
  - Elevators
  - Escalators
  - Lifts
- 13. Swimming pools:
  - Barrier requirements
  - Spas
  - Wading pools
- 14. Location and installation details. The specific location and installation details of each fire door, fire damper, ceiling damper

and smoke damper shall be shown and properly identified on the building plans by the designer.

### **Electrical**

1. Electrical:
  - Wiring
  - Services
  - Feeders and branch circuits
  - Overcurrent protection
  - Grounding
  - Wiring methods and materials
  - GFCIs
  - Electrical portions of the Energy Code (including calculation and mandatory requirements)
2. Equipment
3. Special occupancies
4. Emergency systems
5. Communication systems
6. Low voltage
7. Load calculations
8. Design flood elevation

### **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
14. Design flood elevation
15. Water/plumbing portions of the Energy Code (including calculation and mandatory requirements)

**Mechanical**

1. Mechanical portions of the 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

16. Design flood elevation

~~16.~~17. Smoke and/or Fire Dampers

**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
10. Design flood elevation
11. Gas portions of the Energy Code (including calculation and mandatory requirements)

**Demolition**

1. Asbestos removal

**Residential (one- and two-family):**

1. Site requirements:
  - Set back/separation (assumed property lines)
  - Location of septic tanks
2. Fire-resistant construction (if required)
3. Fire
4. Smoke and/or carbon monoxide alarm/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)
  - Termite protection
  - Design loads
  - Wind requirements
  - Building envelope
  - Foundation
  - Wall systems
  - Floor systems
  - Roof systems
  - Flood hazard areas, flood zones, design flood elevations, lowest floor elevations, enclosures, equipment, and flood damage-resistant materials

7. Accessibility requirements: show/identify accessible bath
8. Impact resistant coverings or systems
9. Residential Energy Code submittal (including calculation and mandatory requirements)

**Manufactured buildings:**

1. Site requirements:
  - Setback/separation (assumed property lines)
  - Location of septic tanks (if applicable)
2. Structural:
  - Wind zone
  - Flood
  - 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

**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. Reroofs
3. Minor electrical, plumbing and mechanical repairs
4. Annual maintenance permits
5. Prototype plans:
  - Except for local site adaptations, siding, foundations and/or modifications.
  - Except for structures that require waiver.

6. Manufactured buildings plan except for foundations and modifications of buildings on site and as listed above in manufactured buildings.

**107.4 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*.

**107.5 Retention of construction documents.** One set of *approved construction documents* shall be retained by the *building official* for a period of not less than 180 days from date of completion of the permitted work, or as required by state or local laws.

**107.6 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*.

**107.6.1 Building permits issued on the basis of an affidavit.** Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 C.F.R. Parts 59 and 60), the authority granted to the *building official* to issue permits, to rely on inspections, and to accept plans and construction documents on the basis of affidavits and plans submitted pursuant to Sections 105.14 and 107.6, shall not extend to the flood load and flood resistance construction requirements of the *Florida Building Code*.

**107.6.2 Affidavits Provided Pursuant to Section 553.791, Florida Statutes.** For a building or structure in a flood hazard area, the building official shall review any affidavit certifying compliance with the flood load and flood-resistant construction requirements of the Florida Building Code.

**107.7 If the local building code administrator or inspector finds that the plans are not in compliance with the Florida Building Code, the local building code administrator or inspector shall identify the specific plan features that do not comply with the applicable codes, identify the specific code chapters and sections upon which the finds is based, and provide this information to the local enforcing agency. If the building code administrator, plans examiner, or inspector requests another local enforcing agency employee or a person contracted by the local enforcing agency to review the plans and that employee or person identifies specific plan features that do not comply with the applicable codes, the building code administrator, plans examiner, or inspector must provide this information to the local enforcing agency. The local enforcing agency shall provide this information to the permit applicant.**

## SECTION 108 TEMPORARY STRUCTURES AND USES

**108.1 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.

**108.2 Conformance.** Temporary structures and uses shall comply with the requirements in Section 3103.

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 public health, safety and general welfare.

**108.3 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 NFPA 70.

**108.4 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 109 FEES

**109.1 Payment of fees.** A *permit* shall not be valid until the fees prescribed by law have been paid, nor shall an amendment to a *permit* be released until the additional fee, if any, has been paid.

**109.2 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.

**109.2.1 Types of Fees Enumerated.** Fees may be charged for but not limited to the following:

1. Permits;
2. Plans examination;
3. Certificates of competency (including fees for applications, examinations, renewal, late renewal, and reciprocity);
4. Re-inspections;
5. Administrative fees (including fees for investigative and legal costs incurred in the context of certain disciplinary cases heard by the board);
6. Variance requests;

7. Administrative appeals;
8. Violations; and
9. Other fees as established by local resolution or ordinance.

**109.3 Building permit valuations.** The applicant for a *permit* shall provide an estimated *permit* value at time of application. *Permit* valuations shall include total value of work, including materials and labor, for which the *permit* is being issued, such as electrical, gas, mechanical, plumbing equipment and permanent systems. If, in the opinion of the *building official*, the valuation is underestimated on the application, the *permit* shall be denied, unless the applicant can show detailed estimates to meet the approval of the *building official*. Final building *permit* valuation shall be set by the *building official*.

**109.4 Work commencing before permit issuance.** Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary *permits* or without prior approval from the *building official* as permitted in Section 105.2.2 or 105.12 shall be subject to a fee established by the *building official* that shall be in addition to the required *permit* fees or as provided by local ordinance under [Code of Ordinances](#) Appendix A. This provision shall not apply to emergency work when delay would clearly have placed life or property in imminent danger. But in all such cases the required permit(s) must be applied for within three (3) business days and any unreasonable delay in obtaining those permit(s) shall result in the charge of a double fee (in addition to the permit fee). The payment of a double/penalty fee 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 or waive fees when justifiable cause has been demonstrated in writing.

**109.5 Related fees.** The payment of the fee for the construction, *alteration*, removal or demolition for work done in connection to or concurrently with the work authorized by a building *permit* shall not relieve the applicant or holder of the *permit* from the payment of other fees that are prescribed by law.

**109.6 Refunds.** The *building official* is authorized to establish a refund policy.

## SECTION 110 INSPECTIONS

**110.1 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 the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid. It shall be the duty of the *permit applicant owner* or the owner's authorized agent to cause the work to remain accessible and exposed for inspection purposes. The *building official* shall be permitted to 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 the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

**110.1.1 Manufacturers and fabricators.** When deemed necessary by the *building official*, he/she 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.

**110.1.2 Inspection service.** The *building official* may make, or cause to be made, the inspections required by Section 110. 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; [or licensed under Chapter 471 or 481 Florida Statutes](#).

**110.2 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.

**110.3 Required inspections.** The *building official* upon notification from the permit holder or his or her agent shall make the following inspections, or any other such inspection as deemed necessary and shall either release that portion of the construction or shall notify the permit holder or his or her 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 when inspections occur and what elements are inspected at each inspection.

### Building

1. Foundation inspection. To be made after trenches are excavated, any required reinforcing steel is in place, 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: Concrete slab and under-floor inspections shall be made after in-slab or under-floor reinforcing steel and building service equipment, conduit, piping accessories and other ancillary equipment items are in place, but before any concrete is placed or floor sheathing installed, including the subfloor.

1.2. A Foundation/Form Board survey prepared and certified by a ~~registered~~ Florida licensed professional surveyor ~~and mapper~~ may be required, 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 elect to uncover all~~

~~property line markers and string up all property lines in preparation for inspection.~~

1.3 ~~1.2.~~ In flood hazard areas, upon placement of the lowest floor, including basement, and prior to further vertical construction, the elevation certification required in Section 1612.5 Florida Building Code Building and R3221.1.1 Florida Building Code Residential shall be submitted to the building official.

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 the rough electrical, plumbing, heating wires, pipes and ducts are *approved* and shall at a minimum include the following building components:

- Window/door framing
- Window U-factor/SHGC as indicated on approved calculations
- Vertical cells/columns
- Lintel/tie beams
- Framing/trusses/bracing/connectors (including truss layout and engineered drawings)
- Draft stopping/fire blocking
- Curtain wall framing
- Energy insulation (Insulation R-factor as indicated on approved calculations)
- Accessibility.
- Verify rough opening dimensions are within tolerances.
- Window/door buck attachment

2.1. Insulation Inspection: To be made after the framing inspection is approved and the insulation is in place, according to approved energy calculation submittal Includes wall and ceiling insulation.



2.2. Lath and gypsum board inspection for fire-resistance-rated or shear assemblies. Lath and gypsum board inspections shall be made after lathing and gypsum board, interior and exterior, is in place, but before any plastering is applied or gypsum board joints and fasteners are taped and finished.

**Exception:** Gypsum board that is not part of a fire-resistance-rated assembly or a shear assembly.

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
- Continuous air barrier
- Exterior Siding/Cladding
- Sheathing fasteners
- Roof/wall dry-in.

**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. Exterior wall coverings. Shall at a minimum include the following building components in progress inspections:

- Exterior wall coverings and veneers
- Soffit coverings

5. Roofing inspection. Shall at a minimum be made in at least two inspections and include the following building components:

- Dry-in
- Insulation

- Roof coverings (including In Progress as necessary)
- Insulation on roof deck (according to submitted energy calculation)
- Flashing

5.1. Re-Roof sheathing inspection. An affidavit with a notarized signature of a state or locally licensed roofing contractor for the installation of additional sheathing fasteners as required by the Existing Building Code may be accepted at the discretion of the *building official*.

6. Final inspection. To be made after the building is completed and ready for occupancy.

6.1. In flood hazard areas, as part of the final inspection, a final certification of the lowest floor elevation shall be submitted to the authority having jurisdiction.

7. 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.

a. Steel reinforcement inspection

b. Underground electric inspection.

c. Underground piping inspection including a pressure test.

d. Underground electric inspection under deck area (including the equipotential bonding)

e. Underground piping inspection under deck area.

f. Deck inspection: to be made prior to installation of the deck material (with forms, deck drains, and any reinforcement in place)

g. Safety Inspection; Made prior to filling the pool with the bonding connections made, the proper drain covers installed and the final barriers installed.

h. Final pool piping.

- i. Final Electrical inspection.
- j. 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 454.2.17. of this code.

- 8. 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.

- 9. Manufactured building inspections. The building department 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 453.27.20 of this code).
- 10. Where impact resistant coverings or impact resistant systems are installed, the *building official* shall schedule adequate inspections of impact resistant coverings or impact resistant systems to determine the following:

- The system indicated on the plans was installed.
- The system is installed in accordance with the manufacturer’s installation instructions and the product approval.

**Electrical**

- 1. Underground inspection. 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. Existing Swimming Pools. To be made after all repairs or alterations are complete, all required electrical equipment, GFCI protection, and equipotential bonding are in place on said alterations or repairs.

**Plumbing**

- 1. Underground inspection. 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 this installation of wall or ceiling membranes. Includes plumbing provisions of the energy code and approved calculations provisions.
- 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 312 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. Includes mechanical provisions of the energy code and approved calculations provisions.

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. Includes gas provisions of the energy code and approved calculations provisions.
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. 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 during the course of the construction project and prior to receiving final inspection approval. Construction job sites must be kept clean and in a safe condition at all times.
2. All debris shall be kept in such a manner as to prevent it from being spread by any

means.

### 110.3.1 Footing and foundation inspection.

Footing and foundation inspections shall be made after excavations for footings are complete and any required reinforcing steel is in place. For concrete foundations, any required forms shall be in place prior to inspection. Materials for the foundation shall be on the job, except where concrete is ready mixed in accordance with ASTM C 94, the concrete need not be on the job.

### 110.3.2 Concrete slab and under-floor inspection.

Concrete slab and under-floor inspections shall be made after in-slab or under-floor reinforcing steel and building service equipment, conduit, piping accessories and other ancillary equipment items are in place, but before any concrete is placed or floor sheathing installed, including the subfloor.

**110.3.3 Lowest floor elevation.** In flood hazard areas, upon placement of the lowest floor, including the basement, and prior to further vertical construction, the elevation certification required in Section 1612.54 of the [Florida Building Code, Building and Section R22 of the Florida Building Code](#), shall be submitted to the *building official*.

**110.3.4 Frame inspection.** Framing inspections shall be made after the roof deck or sheathing, all framing, *fire blocking* and bracing are in place and pipes, chimneys and vents to be concealed are complete and the rough electrical, plumbing, heating wires, pipes and ducts are *approved*.

### 110.3.5 Lath, gypsum board and gypsum panel product inspection.

Lath, gypsum board and gypsum panel product inspections shall be made after lathing, gypsum board and gypsum panel products, interior and exterior, are in place, but before any plastering is applied or gypsum board and gypsum panel product joints and fasteners are taped and finished.

**Exception:** Gypsum board and gypsum panel products that are not part of a fire-resistance-rated assembly or a shear assembly.

### 110.3.6 Weather-exposed balcony and walking surface waterproofing.

Where balcony or other

elevated walking surfaces are exposed to water from direct or blowing rain, ~~snow~~ or irrigation, and the structural framing is protected by an impervious moisture barrier, all elements of the impervious-moisture-barrier system shall not be concealed until inspected and *approved*.

**110.3.7 Fire- and smoke-resistant penetrations.** Protection of joints and penetrations in fire-resistance rated assemblies, *smoke barriers* and smoke partition shall not be concealed from view until inspected and *approved*.

**110.3.8 Energy efficiency inspections.** Inspections shall be made to determine compliance with ~~Chapter 13-FBC, Energy Conservation~~ and confirm with the approved energy code submittal (by appropriate trade) and corresponding mandatory requirements and shall include, but not be limited to, inspections for: corresponding envelope insulation *R*- and *U*-values, fenestration *U*-value and Solar Heat Gain Coefficient, duct system *R*-value, and HVAC, lighting, electrical and water-heating equipment efficiency.

**110.3.9 Other inspections.** In addition to the inspections specified in Sections 110.3 through 110.3.8, the *building official* is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this code and other laws that are enforced by the department of building safety.

**110.3.10 Special inspections.** Reserved.

**110.3.11 Final inspection.** The final inspection shall be made after all work required by the building *permit* is completed.

**110.3.11.1 Flood hazard documentation.** If located in a *flood hazard area*, documentation of the elevation of the lowest floor as required in Section 1612.5 shall be submitted to the *building official* prior to the final inspection.

**110.3.11.2 Commercial Energy Code documentation.** If required by energy code path submittal, confirmation that commissioning result requirements have been received by building owner.

**110.3.11.3 Residential Energy Code documentation.** If required by energy code path submittal (R405), confirmation that the duct test requirements shall be received by the building official.

**110.3.12 Termites.** Building components and building surroundings required to be protected from termite damage in accordance with Section 1503.7, Section 2304.~~13~~12.9 or Section 2304.~~12~~64, 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.

**110.3.13 Impact resistant coverings or systems.** Where impact resistant coverings or systems are installed to meet requirements of this code, the *building official* shall schedule adequate inspections of impact resistant coverings or systems to determine the following:

1. The system indicated on the plans was installed.
2. The system is installed in accordance with the manufacturer's installation instructions and the product approval.

**110.4 Inspection agencies.** The *building official* is authorized to accept reports of *approved* inspection agencies, provided such agencies satisfy the requirements as to qualifications and reliability.

**110.5 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 that are required by this code.

**110.6 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*.

**110.7 Shoring.** For threshold buildings, shoring and associated formwork or falsework shall be designed and inspected by a Florida licensed professional engineer, prior to any required mandatory inspections by the threshold building inspector.

### **110.8 Threshold building.**

**110.8.1** During new construction or during repair or restoration projects in which the structural system or structural loading of a building is being modified, the enforcing agency shall require a special inspector to 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 enforcing agency 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. The special inspector may not serve as a surrogate in carrying out the responsibilities of the *building official*, the architect, or the engineer of record. The contractor's contractual or statutory obligations are not relieved by any action of the special inspector.

**110.8.2** The special inspector shall determine that a professional engineer who specializes in shoring design has inspected the shoring and reshoring for conformance with the shoring and reshoring plans submitted to the enforcing agency. 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*.

**110.8.3** 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 enforcement agency. 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.

**110.8.4** Each enforcement agency shall require that, on every threshold building:

**110.8.4.1** 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 enforcement agency 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."

**110.8.4.2** Any proposal to install an alternate structural product or system to which building codes apply be submitted to the enforcement agency for review for compliance with the codes and made part of the enforcement agency's recorded set of permit documents.

**110.8.4.3** All shoring and reshoring procedures, plans and details be submitted to the enforcement agency for recordkeeping. Each shoring and reshoring installation shall be supervised, inspected and certified to be in compliance with the shoring documents by the contractor.

**110.8.4.4** 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 local authority in accordance with this Section and Chapter 633, *Florida Statutes*.

**110.8.5** No enforcing agency may 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 her or 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.

**110.8.6** The building department 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 department. 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.

### **110.9 Mandatory structural inspections for condominium and cooperative buildings.**

**110.9.1 General.** The Legislature finds that maintaining the structural integrity of a building throughout the life of the building is of paramount importance in order to ensure that buildings are structurally sound so as to not pose a threat to the public health, safety, or welfare. As such, the Legislature finds that the imposition of a statewide structural inspection program for aging condominium and cooperative buildings in this state is necessary to ensure that such buildings are safe for continued use.

**110.9.2.** As used in this section, the terms:

(a) “Milestone inspection” means a structural inspection of a building, including an inspection of load-bearing elements and the primary structural members and primary structural systems as those terms are defined in s. 627.706, Florida Statutes, by an architect licensed under chapter 481 or engineer licensed

under chapter 471 authorized to practice in this state for the purposes of attesting to the life safety and adequacy of the structural components of the building and, to the extent reasonably possible, determining the general structural condition of the building as it affects the safety of such building, including a determination of any necessary maintenance, repair, or replacement of any structural component of the building. The purpose of such inspection is not to determine if the condition of an existing building is in compliance with the Florida Building Code or the fire safety code. The milestone inspection services may be provided by a team of professionals with an architect or engineer acting as a registered design professional in responsible charge with all work and reports signed and sealed by the appropriate qualified team member.

(b) “Substantial structural deterioration” means substantial structural distress or substantial structural weakness that negatively affects a building’s general structural condition and integrity. The term does not include surface imperfections such as cracks, distortion, sagging, deflections, misalignment, signs of leakage, or peeling of finishes unless the licensed engineer or architect performing the phase one or phase two inspection determines that such surface imperfections are a sign of substantial structural deterioration.

**110.9.3.** (a) An owner or owners of a building that is three stories or more in height as determined by the Florida Building Code and that is subject, in whole or in part, to the condominium or cooperative form of ownership as a residential condominium under chapter 718, Florida Statutes, or a residential cooperative under chapter 719, Florida Statutes, must have a milestone inspection performed by December 31 of the year in which the building reaches 30 years of age, based on the date the certificate of occupancy for the building was issued, and every 10 years thereafter. If a building reached 30 years of age before July 1, 2022, the building’s initial milestone inspection must be performed before December 31, 2024. If a building reaches 30 years of age on or after July 1, 2022, and before December 31, 2024, the

building's initial milestone inspection must be performed before December 31, 2025. If the date of issuance for the certificate of occupancy is not available, the date of issuance of the building's certificate of occupancy shall be the date of occupancy evidenced in any record of the local building official.

(b) The local enforcement agency may determine that local circumstances, including environmental conditions such as proximity to salt water as defined in s. 379.101, require that a milestone inspection must be performed by December 31 of the year in which the building reaches 25 years of age, based on the date the certificate of occupancy for the building was issued, and every 10 years thereafter.

(c) The local enforcement agency may extend the date by which a building's initial milestone inspection must be completed upon a showing of good cause by the owner or owners of the building that the inspection cannot be timely completed if the owner or owners have entered into a contract with an architect or engineer to perform the milestone inspection and the inspection cannot reasonably be completed before the deadline or other circumstance to justify an extension.

(d) The local enforcement agency may accept an inspection report prepared by a licensed engineer or architect for a structural integrity and condition inspection of a building performed before July 1, 2022, if the inspection and report substantially comply with the requirements of this section. Notwithstanding when such inspection was completed, the condominium or cooperative association must comply with the unit owner notice requirements in Section 110.9.9. The inspection for which an inspection report is accepted by the local enforcement agency under this paragraph is deemed a milestone inspection for the applicable requirements in chapters 718 and 719. If a previous inspection and report is accepted by the local enforcement agency under this paragraph, the deadline for the building's subsequent 10-year milestone inspection is based on the date of the accepted previous inspection.

110.9.4. The milestone inspection report must be arranged by a condominium or cooperative association and any owner of any portion of the building which is not subject to the condominium or cooperative form of ownership. The condominium association or cooperative association and any owner of any portion of the building which is not subject to the condominium or cooperative form of ownership are each responsible for ensuring compliance with the requirements of this section. The condominium association or cooperative association is responsible for all costs associated with the milestone inspection attributable to the portions of a building which the association is responsible to maintain under the governing documents of the association. This section does not apply to a single-family, two-family, or three-family dwelling with three or fewer habitable stories above ground.

110.9.5. Upon determining that a building must have a milestone inspection, the local enforcement agency must provide written notice of such required inspection to the condominium association or cooperative association and any owner of any portion of the building which is not subject to the condominium or cooperative form of ownership, as applicable, by certified mail, return receipt requested. The condominium or cooperative association must notify the unit owners of the required milestone inspection within 14 days after receipt of the written notice from the local enforcement agency and provide the date that the milestone inspection must be completed. Such notice may be given by electronic submission to unit owners who consent to receive notice by electronic submission or by posting on the association's website.

110.9.6. Phase one of the milestone inspection must be completed within 180 days after the owner or owners of the building receive the written notice under Section 110.9.5. For purposes of this section, completion of phase one of the milestone inspection means the licensed engineer or architect who performed the phase one inspection submitted the inspection report by e-mail, United States Postal Service, or commercial delivery service to the local enforcement agency.

110.9.7. A milestone inspection consists of two phases:

110.9.7.1. For phase one of the milestone inspection, a licensed architect or engineer authorized to practice in this state shall perform a visual examination of habitable and nonhabitable areas of a building, including the major structural components of a building, and provide a qualitative assessment of the structural conditions of the building. If the architect or engineer finds no signs of substantial structural deterioration to any building components under visual examination, phase two of the inspection, as provided in Section 110.9.7.2, is not required. An architect or engineer who completes a phase one milestone inspection shall prepare and submit an inspection report pursuant to Section 110.9.8.

110.9.7.2. A phase two of the milestone inspection must be performed if any substantial structural deterioration is identified during phase one. A phase two inspection may involve destructive or nondestructive testing at the inspector's direction. The inspection may be as extensive or as limited as necessary to fully assess areas of structural distress in order to confirm that the building is structurally sound and safe for its intended use and to recommend a program for fully assessing and repairing distressed and damaged portions of the building. When determining testing locations, the inspector must give preference to locations that are the least disruptive and most easily repairable while still being representative of the structure. If a phase two inspection is required, within 180 days after submitting a phase one inspection report the architect or engineer performing the phase two inspection must submit a phase two progress report to the local enforcement agency with a timeline for completion of the phase two inspection. An inspector who completes a phase two milestone inspection shall prepare and submit an inspection report pursuant to Section 110.9.8.

110.9.8. Upon completion of a phase one or phase two milestone inspection, the architect or engineer

who performed the inspection must submit a sealed copy of the inspection report with a separate summary of, at minimum, the material findings and recommendations in the inspection report to the condominium association or cooperative association, to any other owner of any portion of the building which is not subject to the condominium or cooperative form of ownership, and to the building official of the local government which has jurisdiction. The inspection report must, at a minimum, meet all of the following criteria:

- (a) Bear the seal and signature, or the electronic signature, of the licensed engineer or architect who performed the inspection.
- (b) Indicate the manner and type of inspection forming the basis for the inspection report.
- (c) Identify any substantial structural deterioration, within a reasonable professional probability based on the scope of the inspection, describe the extent of such deterioration, and identify any recommended repairs for such deterioration.
- (d) State whether unsafe or dangerous conditions, as those terms are defined in the Florida Building Code, were observed.
- (e) Recommend any remedial or preventive repair for any items that are damaged but are not substantial structural deterioration.
- (f) Identify and describe any items requiring further inspection.

110.9.9. Within 45 days after receiving the applicable inspection report, the condominium or Cooperative association must distribute a copy of the inspector-prepared summary of the inspection report to each condominium unit owner or cooperative unit owner, regardless of the findings or recommendations in the report, by United States mail or personal delivery at the mailing address, property address, or any other address of the owner provided to fulfill the association's notice requirements under chapter 718 or chapter 719, as applicable, and by electronic transmission to the e-mail address or facsimile number provided to fulfill the association's notice requirements to unit owners who previously consented to received notice by electronic

transmission; must post a copy of the inspector-prepared summary in a conspicuous place on the condominium or cooperative property; and must publish the full report and inspector- prepared summary on the association’s website, if the association is required to have a website.

110.9.10. A local enforcement agency may prescribe timelines and penalties with respect to compliance with this section.

110.9.11. A board of county commissioners or municipal governing body may adopt an ordinance requiring that a condominium or cooperative association and any other owner that is subject to this section schedule or commence repairs for substantial structural deterioration within a specified timeframe after the local enforcement agency receives a phase two inspection report; however, such repairs must be commenced within 365 days after receiving such report. If an owner of the building fails to submit proof to the local enforcement agency that repairs have been scheduled or have commenced for substantial structural deterioration identified in a phase two inspection report within the required timeframe, the local enforcement agency must review and determine if the building is unsafe for human occupancy.

## SECTION 111 CERTIFICATE OF OCCUPANCY

**111.1 Use and occupancy.** A/No building or structure shall not be used or occupied, and a/no change in the existing use or occupancy classification of a building or structure or portion thereof shall not 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 the jurisdiction.

**Exception:** Certificates of occupancy are not required for work exempt from *permits* under Section 105.2.

**111.2 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* or the owner’s authorized agent.
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. For buildings and structures in flood hazard areas, a statement that documentation of the as-built lowest floor elevation has been provided and is retained in the records of the ~~authority having jurisdiction~~ building official.
7. The name of the *building official*.
8. The edition of the code under which the *permit* was issued.
9. The use and occupancy, in accordance with the provisions of Chapter 3.
10. The type of construction as defined in Chapter 6.
11. The design *occupant load*.
12. If an *automatic sprinkler system* is provided, whether the sprinkler system is required.
13. Any special stipulations and conditions of the building *permit*.

**111.3 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 shall be occupied safely. The *building official* shall set a time period during which the temporary certificate of occupancy is valid.

**111.4 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.

**111.5 Certificate of Completion.** A Certificate of Completion is proof that a structure or system is complete and for certain types of permits is released for use and may be connected to a utility system. This certificate does not grant authority to occupy a building, such as shell building, prior to the issuance of a Certificate of Occupancy.

## SECTION 112 SERVICE UTILITIES

**112.1 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*.

**112.2 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.

**112.3 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 referenced codes and standards set forth in Section 101.4 in case of emergency where necessary to eliminate an immediate hazard to life or property or when such utility connection has been made without the approval required by Section 112.1 or 112.2. 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 113 BOARD OF APPEALS

**113.1 General.** In order to hear and decide appeals of orders, decisions or determinations made by the *building official* relative to the application and

interpretation of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be appointed by the applicable governing authority and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business.

**113.2 Limitations on authority.** An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better form of construction is proposed. The board shall have no authority to waive requirements of this code.

**113.3 Qualifications.** The board of appeals shall consist of members who are qualified by experience and training to pass on matters pertaining to building construction and are not employees of the jurisdiction.

## SECTION 114 VIOLATIONS

**114.1 Unlawful acts.** It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code.

**114.2 Notice of violation.** The *building official* is authorized to serve a notice of violation or order on the person responsible for the erection, construction, *alteration*, extension, repair, moving, removal, demolition or occupancy of a building or structure in violation of the provisions of this code, or in violation of a *permit* or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

**114.3 Prosecution of violation.** If the notice of violation is not complied with promptly, the *building official* is authorized to request the legal counsel of the jurisdiction to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this code or of the order or direction made pursuant thereto.



**114.4 Violation penalties.** Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the *approved construction documents* or directive of the *building official*, or of a *permit* or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by law.

## SECTION 115 STOP WORK ORDER

**115.1 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.

**115.2 Issuance.** The stop work order shall be in writing and shall be given to the *owner* of the property involved, the owner's authorized agent or the person performing 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.

**115.3 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 116 UNSAFE STRUCTURES AND EQUIPMENT

**116.1 Conditions.** Structures or existing equipment that are or hereafter become unsafe, insanitary or deficient because of inadequate *means of egress* facilities, inadequate light and ventilation, or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. Unsafe structures shall be taken down and removed or made safe, as the *building official* deems necessary and as provided for in this section. A vacant structure

that is not secured against entry shall be deemed unsafe.

**116.2 Record.** The *building official* shall cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.

**116.3 Notice.** If an unsafe condition is found, the *building official* shall serve on the owner, agent or person in control of the structure, a written notice that describes the condition deemed unsafe and specifies the required repairs or improvements to be made to abate the unsafe condition, or that requires the unsafe structure to be demolished within a stipulated time. Such notice shall require the person thus notified to declare immediately to the *building official* acceptance or rejection of the terms of the order.

**116.4 Method of service.** Such notice shall be deemed properly served if a copy thereof is (a) delivered to the owner personally; (b) sent by certified or registered mail addressed to the owner at the last known address with the return receipt requested; or (c) delivered in any other manner as prescribed by local law. If the certified or registered letter is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the structure shall constitute service of notice upon the owner.

**116.5 Restoration.** Where the structure or equipment determined to be unsafe by the *building official* is restored to a safe condition, to the extent that repairs, *alterations* or *additions* are made or a change of occupancy occurs during the restoration of the structure, such *repairs*, *alterations*, *additions* and change of occupancy shall comply with the requirements of Section 105.2.2 and the *Florida Building Code, Existing Building*.

## SECTION 117 VARIANCES IN FLOOD HAZARD AREAS

**117.1 Flood hazard areas.** Pursuant to Section 553.73(5), Florida Statutes, the variance procedures adopted in the local floodplain management ordinance shall apply to requests submitted to the

*building official* for variances to the provisions of Section 1612.4 of the *Florida Building Code, Building* or, as applicable, the provisions of R322 of the *Florida Building Code, Residential*. This section shall not apply to Section 3109 of the *Florida Building Code, Building*.

## Debbie Stewart

---

**From:** Calago, Mark <MCalago@gannett.com>  
**Sent:** Wednesday, December 6, 2023 9:51 AM  
**To:** Debbie Stewart  
**Cc:** Gannett Legals Public Notices 7  
**Subject:** Re: Order # 9603459 | Creative Review for Daytona Beach News Journal  
**Attachments:** DB-38092295-rev.pdf

**Importance:** High

[EXTERNAL: This email was sent from outside of ponce-inlet.org, confirm this is a trusted sender before opening any links or attachments]

Hello,

**Thank you so much for the approval. The attached creative for Daytona Beach News Journal is all set to run on 12/8/2023.**

Please let me know if there is anything else I can do to assist you with this ad, please do not hesitate to reach out. Thank you!

Best regards,

*Mark Calago (he/him)*

**Account Coordinator**

SMB-Legals



[mcalago@gannett.com](mailto:mcalago@gannett.com)

Seize your potential at [LocaliQ.com](https://LocaliQ.com)

---

**From:** Debbie Stewart <dstewart@ponce-inlet.org>  
**Sent:** Wednesday, December 6, 2023 9:46 AM  
**To:** Calago, Mark <MCalago@gannett.com>  
**Subject:** RE: Order # 9603459 | Creative Review for Daytona Beach News Journal

Hi Mark,

is approved to run in the Friday December 8, 2023 Daytona News-Journal.

Thank you!

---

**From:** Calago, Mark <MCalago@gannett.com>  
**Sent:** Wednesday, December 6, 2023 8:55 AM  
**To:** Debbie Stewart <dstewart@ponce-inlet.org>  
**Cc:** Kim Cherbano <kcherbano@ponce-inlet.org>; Gannett Legals Public Notices 7 <ganlegpubnotices7@gannett.com>  
**Subject:** Re: Order # 9603459 | Creative Review for Daytona Beach News Journal  
**Importance:** High

[EXTERNAL: This email was sent from outside of [ponce-inlet.org](https://ponce-inlet.org), confirm this is a trusted sender before opening any links or attachments]

Dec 8, 2023

## NOTICE OF PUBLIC HEARING

Notice is hereby given that the Town of Ponce Inlet, Florida, on second reading is proposing to adopt the following Ordinance 2023-06 as follows:

### ORDINANCE 2023-06

**AN ORDINANCE OF THE TOWN OF PONCE INLET, FLORIDA, AMENDING CHAPTER 18 OF THE PONCE INLET CODE OF ORDINANCES RELATING TO PERMITTING AND CONSTRUCTION REQUIREMENTS; ADOPTING THE FLORIDA BUILDING CODE, 8<sup>th</sup> EDITION (2023) TOGETHER WITH CERTAIN APPENDICES THERETO; ADOPTING THE 2021 INTERNATIONAL PROPERTY MAINTENANCE CODE; ADOPTING THE MOST RECENT EDITION OF THE NFPA 70 NATIONAL ELECTRICAL CODE (NEC); ADOPTING THE BUILDING OFFICIALS ASSOCIATION OF FLORIDA'S MODEL ADMINISTRATIVE CODE (2023) TOGETHER WITH CERTAIN ADDITIONS THERETO; PROVIDING DIRECTIONS TO THE TOWN MANAGER; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.**

The public may inspect this proposed Ordinance at the Planning & Development Department office, 4300 S. Atlantic Avenue, Ponce Inlet, Florida during regular business hours, 8:00 a.m. to 4:30 p.m. Monday through Friday.

The Town Council will hold a public hearing on this proposed Ordinance on **Monday, December 18, 2023 at 6:00 p.m.** in the Council Chambers, 4300 S. Atlantic Avenue, Ponce Inlet, Florida, 32127. This public hearing may be continued to a future date or dates. The times, places, and dates of any continuances of a public hearing shall be announced during the public hearing without any further published notice.

ALL PARTIES ARE INVITED to submit written comments at or before the public hearing, or provide oral comments at the public hearing, regarding the amendments. The failure of a person to submit oral or written comment before final adoption of the amendments may preclude the ability of such person to contest the amendments at a later date. Persons with a disability as defined by the Americans with Disabilities Act (ADA) needing special accommodation to participate in this proceeding should contact Town Hall at (386) 236-2150 at least 48 hours in advance of the meeting.

Pursuant to section 286.0105, Florida Statutes, if any person decides to appeal any decision made by the Town Council with respect to any matter considered at this public meeting, such person will need a record of the proceedings and for such purpose, such person may need to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Kim Cherbano  
Town Clerk



**Meeting Date:** 12/18/2023

**Agenda Item:** 11-A

## **Report to Town Council**

**Topic:** Resolution 2023-17, Amending sewer service rates and water/sewer impact fees

**Summary:**

Per Interlocal Agreement, The Town must amend its sewer service rates and water/sewer impact fees to account for increases by the City of Port Orange. Please see attached staff report.

**Suggested motion:** To approve Resolution 2023-17 as presented.

**Requested by:** Ms. McColl, Finance Manager

**Approved by:** Mr. Disher, Town Manager





## MEMORANDUM

### Town of Ponce Inlet – Office of the Town Manager

*The Town of Ponce Inlet staff shall be professional, caring and fair in delivering community excellence while ensuring Ponce Inlet citizens obtain the greatest value for their tax dollar.*

To: Town Council  
 From: Michael E. Disher, AICP, Town Manager  
 Date: December 7, 2023  
 Subject: Resolution 2023-17, Amending Town Rates for Sewer Service and for Water/Sewer Development Fees

1 The sewer system serving the Town of Ponce Inlet is owned and maintained by the City of Port  
 2 Orange. Through a 1993 interlocal agreement with the City of Port Orange, as amended, the Town  
 3 provides utility billing and collection services for its residents for water and sewer provided by the  
 4 City. The agreement *requires* the Town to bill its customers whatever sewer charges are adopted  
 5 by the City. All such sewer charges from Ponce Inlet are based on the exact rates charged by Port  
 6 Orange and do not include any additional revenue for Ponce Inlet. If the City proposes any changes  
 7 to these rates, the Agreement requires the City to notify the Town, and for the Town to notify its  
 8 residents before the new rates go into effect.

9  
 10 On November 14, 2023, the Port Orange City Council adopted Resolution 23-26, which includes  
 11 water and sewer service rates and development fees<sup>1</sup> for the Town of Ponce Inlet. The Town's  
 12 customers were provided notice of the City of Port Orange's fee adoption meeting on their  
 13 November utility bill pursuant to Florida Statute 180.136, and were given the opportunity to  
 14 participate and discuss the rising costs of the sewer system services and rate increase scenarios.  
 15 On November 20, 2023, the City of Port Orange officially notified the Town of Ponce Inlet that  
 16 the rate increases had been adopted and when they would take effect. Ponce Inlet customers have  
 17 also been notified on their December utility bill of the public hearing for this Ponce Inlet resolution  
 18 at the December 18, 2023, Town Council meeting. A copy of the Port Orange notification letter  
 19 and City Resolution 23-26 are attached for reference.

20  
 21 Like the Town's water utility, Port Orange must collect sufficient revenue to maintain its sewer  
 22 system. This system covers Port Orange, Ponce Inlet, parts of Daytona Beach Shores, and other  
 23 unincorporated Volusia County properties. Port Orange has not increased its utility rates since  
 24 2014 and now finds itself in a situation in which revenues are no longer sufficient to cover costs.  
 25 The Town has not increased its sewer service rates since 2015, and has not changed its water and  
 26 sewer development fees since 2009.

<sup>1</sup> A Development Fee, aka "Impact Fee," is a one-time fee imposed on a development to help finance the cost of improvements to public facilities and services necessary to accommodate the impacts of development.

27 The adopted Port Orange resolution includes a schedule of the new fees which forms the basis for  
 28 the Town in calculating, billing and collecting monies due from all Ponce Inlet utility customers  
 29 on a timely basis. The chart below shows the current and proposed monthly sewer rates for Ponce  
 30 Inlet customers along with the new water and sewer development fees.  
 31

|                                            | 2022/23     | 2023/24     |
|--------------------------------------------|-------------|-------------|
| <b>Annual Percent Adjustments:</b>         |             |             |
| Minimum Base Charge – per 1,000 gallons    | 0.00%       | 5.75%       |
| Usage rates (per 1,000 gallons)            | 0.00%       | 5.70%       |
| <b>Resulting Sewer Charge/Rate:</b>        |             |             |
| Minimum Base Charge – per 1,000 gallons    | \$ 14.63    | \$ 15.46    |
| Usage rates (per 1,000 gallons)            | \$ 5.44     | \$ 5.75     |
| <b>Typical Bill Amount (5,000 Gallons)</b> |             |             |
| Amount Increase                            |             | \$2.38      |
| <b>Development Fees:</b>                   |             |             |
| Water Impact Fee                           | \$ 1,805.00 | \$1,931.25  |
| Sewer Impact Fee                           | \$ 1,868.00 | \$2,092.50  |
| Sewer Connection Fee                       | \$ 1,400.00 | \$ 1,775.00 |

33 Since the Town is the billing agency for its residents, the sewer rate changes need to be approved  
 34 by the Town Council. If approved, the proposed sewer service rate increase will become effective  
 35 for all utility bills rendered on January 1, 2024 and after. The new development fees would take  
 36 effect on April 1, 2024 to match the corresponding effective date for Port Orange.  
 37  
 38

Attachments

- City of Port Orange Notification Letter dated November 20, 2023
- Port Orange Resolution 23-26



# CITY OF PORT ORANGE

1000 CITY CENTER CIRCLE  
PORT ORANGE, FL 32129-4144

Certified Mail# 9589 0710 5270 0637 0678 31

November 20, 2023

Town of Ponce Inlet  
4300 S Peninsula Drive  
Ponce Inlet, Florida 32127

Dear Mr. Disher,

The City of Port Orange provides water to the Town of Ponce Inlet through the wholesale service agreement dated May 1, 1981, as amended on July 22, 2003. This agreement allows for the rate to be adjusted annually effective on January 1<sup>st</sup> for each year thereafter.

The City of Port Orange provides sewer services to the Town of Ponce Inlet through the sewer services interlocal agreement dated March 26, 1993, as amended. This agreement provides that the Town of Ponce Inlet will include on its consolidated utility bill a monthly sewer charge for customers as established by the City of Port Orange ordinance or resolution for such sewer service usage.

On November 14, 2023, the Council of the City of Port Orange adopted Resolution 23-26 which includes the water and sewer rates for the Town of Ponce Inlet. The City of Port Orange is hereby notifying the Town of Ponce Inlet of this rate increase which will go into effect for all bills rendered after dated January 1, 2024. Included is a copy of the adopted resolution with a schedule of the new fees which shall be the basis for the Town of Ponce Inlet calculating, billing and collecting monies due from the customer of the water and sewer system within the Town on a timely basis.

Please let us know if you need any additional information. Thank you for your assistance.

Sincerely,

Jonathan C. McKinney  
Assistant City Manager  
[jmckinney@port-orange.org](mailto:jmckinney@port-orange.org)

Enclosures

RESOLUTION NO. 23-26

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, ESTABLISHING AND ADOPTING UTILITY SERVICE FEES, RATES AND CHARGES AND REVISED PROCESSES, ESTABLISHING SCHEDULE OF MONTHLY WATER CHARGES; ESTABLISHING SCHEDULE OF MONTHLY SEWER CHARGES; ESTABLISHING CHARGES AND RATES FOR RECLAIMED WATER SYSTEM; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING RESOLUTIONS AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapter 74 of the Code of Ordinances of the City of Port Orange, Florida, provides for the establishment of certain utility fees and charges by resolution of the City Council; and

WHEREAS, the City Council commissioned a utility rate study performed by Raftelis Financial Consultants, Inc. and has determined, based on that study, that the rates reflected herein are fair and equitable and necessary to fund the proper operation of the City's utility systems.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA:

Section 1. Adoption of Utility Fee Schedule

The City Council of the City of Port Orange, Florida hereby adopts the following utility fee schedule.

**PART A – DEVELOPMENT AND GROWTH RELATED FEES**

Section 2. Development Fee Schedule – Water and Sewer Service

The following Development Fees Schedule set forth in this section shall become effective April 1, 2024:

A. Inside City Limits:

1. For each equivalent living unit connected to the system (including: single family or multiple family on a public or private utility systems):

|                               |            |
|-------------------------------|------------|
| Water Service Development Fee | \$1,545.00 |
|-------------------------------|------------|

|                               |            |
|-------------------------------|------------|
| Sewer Service Development Fee | \$1,674.00 |
|-------------------------------|------------|

- 2. For each campsite, space or other facility for temporary use in a campground or recreational park connected to the system:

Water Service Development Fee                   \$ 618.00  
 Sewer Service Development Fee                 \$ 669.60

- 3. For each motel, hotel, commercial or industrial use connected to the system:

Water Service Development Fee                   \$ 1,545.00 per equivalent living unit  
 plus an amount computed as follows:

| NUMBER OF<br>FIXTURE UNITS | AMOUNT PER<br>FIXTURE UNIT | EACH FIXTURE<br>UNIT OVER |
|----------------------------|----------------------------|---------------------------|
| 0 – 15                     | \$ 0.00                    | 0                         |
| 16 – 30                    | 103.67                     | 15                        |
| 31 & Above                 | 77.75                      | 30                        |

Sewer Service Development Fee                   \$ 1,674.00 per equivalent living unit  
 plus the following amount:

| NUMBER OF<br>FIXTURE UNITS | AMOUNT PER<br>FIXTURE UNIT | EACH FIXTURE<br>UNIT OVER |
|----------------------------|----------------------------|---------------------------|
| 0 – 15                     | \$ 0.00                    | 0                         |
| 16 – 30                    | 111.60                     | 15                        |
| 31 & Above                 | 83.70                      | 30                        |

**B. Outside City Limits:**

- 1. For each equivalent living unit connected to the system (Including: single family or multi-family for a public or private utility systems) a surcharge of 25% shall be added to the fees set forth in subsection A.1. above pursuant to s. 180.191, Florida Statutes. .
- 2. For each campsite, space or other facility for temporary use in a campground or recreational park connected to the system a surcharge of 25% shall be added to the fees set forth in subsection A.2. above pursuant to s. 180.191, Florida Statutes.
- 3. For each motel, hotel, commercial or industrial use connected to the system a surcharge of 25% shall be added to the fees set forth in subsection A.3. above pursuant to s. 180.191, Florida Statutes.



C. City of Daytona Beach Shores: (Treatment Only)

- 1. For each equivalent living unit connected to the system (including: single-family and multi-family for public or private utility systems):

Sewer Service Development Fee                      \$998.00

- 2. For each motel, hotel, commercial or industrial use connected to the system:

Sewer Service Development Fee                      \$998.00 per equivalent living unit plus the following amount:

| NUMBER OF<br>FIXTURE UNITS | AMOUNT PER<br>FIXTURE UNIT | EACH FIXTURE<br>UNIT OVER |
|----------------------------|----------------------------|---------------------------|
| 0 – 15                     | \$ 0.00                    | 0                         |
| 16 – 30                    | 66.53                      | 15                        |
| 31 & Above                 | 49.90                      | 30                        |

Each additional equivalent living unit occasioned by changes in property usage subsequent to the effective date of this resolution shall be subjected to a Development Fee computed in accordance with the foregoing criteria.

Section 3. Connection Charges for Water Service - Potable & Reclaimed

Connection Charges

Connection charges are not refundable and are due and payable prior to connection or reconnection to the utility system.

A. Inside City Limits:

The following charges shall be required for each connection made to the utility system inside the City limits:

CONNECTION CHARGE

| METER SIZE       | POTABLE                          | RECLAIMED/IRRIGATION |
|------------------|----------------------------------|----------------------|
| 3/4 inch         | \$ 750.00                        | \$ 750.00            |
| 1 inch           | 1,030.00                         | 1,030.00             |
| 1 1/2 inch       | 1,220.00                         | 1,220.00             |
| 2 inch           | 1,905.00                         | 1,535.00             |
| 3 inch or larger | 525.00 + actual material & labor |                      |

B. Outside City Limits:

For each connection made to the water system outside of the City limits a surcharge of 25% shall be added to the fees set forth in subsection A. above pursuant to s. 180.191, Florida Statutes.

If a pressure main tap is required to complete connection, the pressure main tapping charge set forth in Section 12 of this Resolution shall be added to the connection charge. Charges for new service extensions shall be based on actual material, labor and equipment costs.

Section 4. Connection Charges for Sewer Service

There shall be no charge for a service connection made to the sewer system if such service connection is made at the same time as construction of sewer mains and is developer-installed. However, if a service connection is required after construction of the sewer main, or if the City pays for a service connection concurrent with a line extension, then the City will provide materials and labor to bring the service main to the property line of the lot or parcel to be connected and a minimum charge of \$1,775.00 per service connection shall apply. The actual connection charge may be greater than the minimum charge if the actual cost to the City is greater than the minimum charge set forth in this Section.

**PART B – DEPOSITS AND VARIOUS UTILITY RELATED CHARGES**

Section 5. Application and Deposits for Service

A. Primary Utility Meter Deposit

Requests for new utility service shall be processed in accordance with Section 74-33(d) of the Code of Ordinances. The Finance Director shall waive deposits for property owners who have maintained a current account and have not been charged late fees or processed for a shut-off in the previous 36 months.

Upon the City becoming aware that a customer is deceased, the name on the account shall be changed to "Estate of [name of deceased]" and the deposit shall be applied to the account. For estates where there are multiple owners or tenants listed on the property deed or lease, the deposit may be transferred to a new account in the name of a surviving co-owner or co-tenant, upon request.

In cases of divorce requiring a change of accountholder, a new deposit shall be required unless the court instructs otherwise.

**MINIMUM DEPOSIT – FOR PRIMARY METER ARE AS FOLLOWS:**

| METER SIZE |      | OWNER OF PROPERTY | TENANT    |
|------------|------|-------------------|-----------|
| 3/4        | inch | \$ 120.00         | \$ 210.00 |
| 1          | inch | 240.00            | 420.00    |
| 1 1/2      | inch | 360.00            | 630.00    |
| 2          | inch | 912.00            | 1,596.00  |
| 3          | inch | 1,260.00          | 2,205.00  |
| 4          | inch | 1,680.00          | 2,940.00  |
| 6          | inch | 4,200.00          | 7,350.00  |
| 8          | inch | 5,040.00          | 8,820.00  |

10 inch 7,200.00 12,600.00

B. DEPOSITS IN ADDITION TO PRIMARY METER – AT SAME ADDRESS

In addition to the primary meter above an additional deposit will be required for an additional reclaimed or potable meter.

ADDITIONAL METER DEPOSITS ARE AS FOLLOWS:

| METER SIZE | OWNER OF PROPERTY | TENANT   |
|------------|-------------------|----------|
| 3/4 inch   | \$ 42.00          | \$ 96.00 |
| 1 inch     | 84.00             | 192.00   |
| 1 1/2 inch | 126.00            | 288.00   |
| 2 inch     | 319.00            | 729.00   |
| 3 inch     | 441.00            | 1,008.00 |
| 4 inch     | 588.00            | 1,344.00 |

C. Multiple Property Ownership – Single Customer – Shared Deposit – The following minimum deposit for utility (potable water and reclaimed) service shall be required for each customer owning multiple properties (in addition to subsection 5.A.) serviced by a 3/4 – inch meter or owning one (1) parcel of rental property serviced by multiple meters:

NUMBER OF UNITS OR METERS MINIMUM DEPOSIT

Three (3) or less: \$120.00  
Four (4) or more: \$120.00 plus \$42.00 for each additional unit or meter over 3

D. Customers who have been processed for disconnection for non-payment two times within a twelve-month period, or have a credit history evidencing delinquent payments on their accounts, will be required to pay an additional deposit equal to three (3) months average invoice, averaged over the previous 12 months.

E. The application for service shall require a valid driver’s license or valid government-issued identification card and either proof of ownership or a valid lease agreement. A W-9 is required for all accounts establishing service in a business name. Should an applicant refuse to provide valid identification, the customer will be refused utility service.

F. The deposits outlined in this Section apply to all residential and commercial property owners and shall be refunded if a change of ownership can be verified. Deposits for residential owners who have maintained a current account and have not been charged late fees or processed for a shut-off in the previous 36 months shall be applied to future utility bills upon request by the residential owner. Deposits for tenant accounts shall be held until the account is closed.

Section 6. Portable Water Meter Charges

- A. Upon receipt of the meter, the customer will pay a \$1,615.00 security deposit plus a hydrant meter charge of \$285.00. Upon return of the meter in good working condition, the individual or firm will receive a refund of \$1,615.00 less any outstanding charges and fees.
- B. All portable meters must be read or usage reported monthly and charged a standard inside commercial water rate based on the meter size plus a \$30.00 monthly processing fee. It is the responsibility of the customer to bring the meter into the Customer Service or Meter Reading Office to be read or to email the meter shop a photo of the face of the meter showing the reading and register number.
- C. Under special circumstances that include semi-permanently installed meters, and upon notification of the location of the meter, the City will read the meter on site. If the customer fails to contact the City to request the meter to be read on a monthly basis, the meter shall be returned to the City and the customer shall be required to pay the hydrant meter charge of \$285.00 and any additional outstanding sums in order to renew service.
- D. Any damage to a portable meter will be addressed in accordance with Section 74-36(b) of the Code of Ordinances.
- E. The account holder is responsible for all usage charges regardless of who may have used the water.

Section 7. Account Service Charges

- A. There will be a \$45.00 service charge for a new account for water service where connection to the water system and installation of a meter has previously been made. This charge is not applicable to the original connection to the water system and installation of a meter. A credit of \$30.00 will be applied for all customers who enroll in automatic bank draft (autopay) and paperless billing.
- B. There will be a \$45.00 service charge for a reconnect to turn-on water where connection to the water system and installation of a meter has previously been made. This charge is not applicable to the original connection to the water system and installation of a meter.
- C. There will be an \$115.00 service charge for a new account or reconnect requiring unscheduled service after regular business hours as defined in subsection 8.B. below, or service on the same day to turn on water where connection to the water system and installation of a meter have previously been made.
- D. If more than one (1) meter exists at a single location (such as meters for reclaimed water), only one (1) service charge shall apply per service call.

- E. All service charges on an unpaid balance will be computed as if total consumption occurred during the first month after the date the meter was previously read.
- F. As defined in Section 812.14 of the Florida Statutes or Section 74-40 of the Code of Ordinances, tampering with a utility meter is prohibited. The fine amount for tampering in violation of Section 74-40 shall be three times the amount of the service plus \$115.00.
- G. A delinquent fee of \$45.00 shall be assessed on all bills paid later than 20 days after the due date whether or not service has been interrupted.

Section 8. Extraordinary Service Call Charges

- A. Extraordinary service calls outside of regular maintenance (for example, locating a meter covered during grading or sodding on the property, unplugging sewer stoppages, or repairing damages attributable to customer activity) shall require a minimum \$45.00 service charge. Additionally, the customer will be billed for the cost of regaining access to the meter and restoring service, and for any damage to the meter or utility system caused by building, construction or other activity on the property or any other reason.
- B. Extraordinary service calls outside of regular maintenance requiring service on Saturdays, Sundays, holidays or after 3:00 p.m., Monday through Friday shall require a \$115.00 service charge together with the additional charges set forth in subsection A. of this Section.
- C. Service charges for extraordinary service calls related to temporary utility reconnection for home inspection shall be paid in advance of the service call. Notice of temporary reconnection shall be provided to the City at least twenty-four (24) hours in advance. Temporary utility reconnection service shall not exceed four (4) hours in duration during the hours of 10 a.m. to 3:30 p.m.

Section 9. Meter Test Charges

- A. Bench Test  
There shall be a \$115.00 service charge for customers requesting a meter bench test for accuracy on a 3/4-inch meter. All other bench tests are to be billed at cost. If the meter is found to be substantially inaccurate, this charge will not be assessed. Substantially inaccurate shall be construed to mean a deviation greater than two and one-half percent (2-1/2%) from perfect registration.
- B. Meter Check – At Service Location  
There will be a \$30.00 service charge for a customer ordered meter check after information has been provided regarding consumption. If the reading is found to be in error or the meter is not functioning properly then this charge will not be assessed.



Section 10. Swimming Pool Service Charges

To avoid excessive sewer charges when filling swimming pools where sewer service is provided by the City of Port Orange, a credit against the sewer charge may be given for the amount of water used to fill the swimming pool when requested within twelve months of the pool being filled in accordance with Section 2-240 of the Code of Ordinances.

Section 11. Backflow Inspection/Testing Charge

All owners of non-single-family backflow prevention devices connected to the City's potable water system are required to inspect and test these devices annually using a licensed professional in accordance with Section 74-249 of the Code of Ordinances. Certified test results are to be provided to the City immediately thereafter. There shall be a monthly charge of \$3.33 for inspection and testing of each single-family residential backflow prevention device by the City.

Section 12. Minimum Tapping Charges

The following minimum charges shall apply for approved taps into existing pressure mains and/or sewer manhole coring (potable water main, sewer force main, reclaimed water main, and gravity sewer):

| TAP SIZE |      | PRESSURE MAIN | SEWER MANHOLE CORING |
|----------|------|---------------|----------------------|
| 1        | inch | \$ 300.00     | N/A                  |
| 2        | inch | 430.00        | N/A                  |
| 4        | inch | 705.00        | \$ 805.00            |
| 6        | inch | 705.00        | 805.00               |
| 8        | inch | 705.00        | 805.00               |
| 10       | inch | 775.00        | 1,055.00             |
| 12       | inch | 840.00        | 1,355.00             |

The above charges do not include jacking and boring, crossing of City streets, related restoration, permitting, and valves and/or related parts. If extenuating circumstances exist, additional tapping charges may apply.

Section 13. Fire Hydrant Maintenance Charges

- A. There shall be a monthly maintenance charge of \$10.00 for each privately owned fire hydrant located within the City limits and outside of public right-of-way or public utility easements.
- B. There shall be a monthly maintenance charge of \$12.50 for each privately owned fire hydrant located outside the City limits and outside of public right-of-way or public utility easements when served by the City's water distribution system.

Section 14. Fire Sprinkler System Charges

A. Single-Family Residential and Multi-Family Residential

1. Fire sprinkler systems with demand requiring a service size of two inches (2”) or smaller, when combined with domestic water system demand, shall utilize one (1) standard meter connection. Monthly charges shall be billed as provided in Section 15 and Section 16 of this resolution.
2. Fire sprinkler systems requiring a service size larger than two inches (2”) may have a connection common with the domestic water system or a separate connection. If the fire sprinkler connection line is metered, monthly charges shall be billed as provided in Section 15 and Section 16 of this resolution. If the fire sprinkler connection is unmetered, a monthly charge shall be billed as provided in subsection D. of this Section.

B. Motel, Hotel, Commercial and Industrial

Fire sprinkler systems may have a connection common with the domestic water system or a separate connection. If the domestic fire sprinkler connection is metered, monthly charges shall be billed as provided in Section 15 and Section 16 of this resolution. If the fire sprinkler connection is unmetered, a monthly charge shall be billed as provided in subsection D. of this Section.

C. New Fire Sprinkler Service Installations

Charges for providing fire sprinkler service shall be determined by the work necessary for a complete installation and shall be based on the applicable provisions of Section 3 and Section 12 of this resolution. The required backflow prevention device shall be charged for annual testing in accordance with Section 11.

D. Monthly Charges for Unmetered Fire Sprinkler Systems

The following charges shall apply for all unmetered water sprinkler systems for fire protection; and billed monthly as follows:

| <u>SERVICE SIZE</u> |      | <u>INSIDE CITY</u> | <u>OUTSIDE CITY</u> |
|---------------------|------|--------------------|---------------------|
| 2                   | inch | \$ 4.62            | \$ 5.78             |
| 3                   | inch | 8.66               | 10.83               |
| 4                   | inch | 14.44              | 18.05               |
| 6                   | inch | 28.88              | 36.10               |
| 8                   | inch | 46.20              | 57.75               |
| 10                  | inch | 66.41              | 83.01               |
| 12                  | inch | 124.16             | 155.20              |

**PART C – WATER AND SEWER CONSUMPTION CHARGES**

Section 15. Schedule of Monthly Water Charges

The following monthly charges shall apply for the use, or availability for use, of the water service system of the City based on consumption as shown by monthly meter readings. If connection is required pursuant to Section 74-31 of the Code of Ordinances, water service is deemed available for use.

A. Residential

1. Inside the City limits of Port Orange, the minimum monthly charges shall be \$10.17 for each unit plus usage billed as follows:

2.

Usage:

|         |                           |                              |
|---------|---------------------------|------------------------------|
| Block 1 | (0 – 2,000 gallons)       | \$ 1.52 per thousand gallons |
| Block 2 | (2,001 – 6,000 gallons)   | 3.99 per thousand gallons    |
| Block 3 | (6,001 – 12,000 gallons)  | 5.43 per thousand gallons    |
| Block 4 | (12,001 – 18,000 gallons) | 6.88 per thousand gallons    |
| Block 5 | (18,001 + gallons)        | 11.01 per thousand gallons   |

Non-connected customers will be charged the minimum monthly charge.

3. Outside the City limits of Port Orange, a surcharge of 25% shall be added to the minimum monthly charge and usage charges set forth in subsection A.1. or A.2. above pursuant to s. 180.191, Florida Statutes.

4. Non-connected customers will be charged the minimum monthly charge.

B. Multi- Family Residential – (Apartment, Condominium, or Time-share Resort using a public or private utility system with Master Meter).

1. Inside the City limits of Port Orange, the minimum monthly charge shall be \$10.17 for each equivalent living unit plus usage billed at \$3.30 per thousand gallons.

2. Outside the City limits of Port Orange, a surcharge of 25% shall be added to the minimum monthly charge set forth in subsection B.1. above pursuant to s. 180.191, Florida Statutes.

3. The total number of Equivalent Living Units shall be calculated in accordance with Section 74-1 of the Code of Ordinances and the Florida Building Code. Buildings with master meters will be billed, as described in subsections B.1. or B.2. of this Section, on the unit basis after the Certificate of Occupancy is issued.

- 4. Multi-family residential properties with individual meters shall be billed at the single-family rates established in subsection 15.A.

C. Campground and Recreational Park including Private Utility Systems

- 1. Inside the City limits of Port Orange, the minimum monthly charge shall be \$10.17 for each equivalent living unit plus usage billed at \$ 3.30 per thousand gallons.
- 2. Outside the City limits of Port Orange, a surcharge of 25% shall be added to the minimum monthly charge and usage charges set forth in subsection C.1. above pursuant to s. 180.191, Florida Statutes.
- 3. The total number of Equivalent Living Units shall be calculated in accordance with Section 74-1 of the Code of Ordinances and the Florida Building Code. Buildings with master meters will be billed, as described in subsections C.1. or C.2. of this Section, on the unit basis after the Certificate of Occupancy is issued.

D. Motel, Hotel, Commercial and Industrial (to include water only accounts)}

- 1. Inside the City limits of Port Orange, the minimum monthly charge shall be determined by the meter size as set forth on the following schedule:

| <u>METER SIZE</u> |      | <u>MONTHLY CHARGE</u> |
|-------------------|------|-----------------------|
| 3/4               | inch | \$ 10.17              |
| 1                 | inch | 16.95                 |
| 1 1/2             | inch | 33.91                 |
| 2                 | inch | 54.25                 |
| 3                 | inch | 101.72                |
| 4                 | inch | 169.54                |
| 6                 | inch | 339.08                |
| 8                 | inch | 542.52                |
| 10                | inch | 779.87                |

In addition to the minimum monthly charge, each account shall be billed for usage at \$3.30 per thousand gallons.

- 2. Outside the City limits of Port Orange, a surcharge of 25% shall be added to the minimum monthly charge and usage charges set forth in subsection D.1. above pursuant to s. 180.191, Florida Statutes.

E. Multi- Family Residential (Mobile Home Parks and Manufactured Home Parks) using a public or private utility system with Master Meter.

1. Inside the City limits of Port Orange, the minimum monthly charge shall be \$10.17 for each unit plus usage billed as follows:

| <u>Usage</u> |                           |                              |
|--------------|---------------------------|------------------------------|
| Block 1      | (0 – 2,000 gallons)       | \$ 1.52 per thousand gallons |
| Block 2      | (2,001 – 6,000 gallons)   | 3.99 per thousand gallons    |
| Block 3      | (6,001 – 12,000 gallons)  | 5.43 per thousand gallons    |
| Block 4      | (12,001 – 18,000 gallons) | 6.88 per thousand gallons    |
| Block 5      | (18,001+ gallons)         | 11.01 per thousand gallons   |

2. Outside the City limits of Port Orange, a surcharge of 25% shall be added to the minimum monthly charge and usage charges set forth in subsection E.1. above pursuant to s. 180.191, Florida Statutes.

F. Town of Ponce Inlet Wholesale Water Rates

The Town of Ponce Inlet shall be charged a minimum rate of \$70.00 per month per Master meter, plus usage billed at \$4.31 per thousand gallons.

Section 16. Schedule of Monthly Sewer Charges

The following monthly charges shall apply for the use, or availability for use, of the sanitary sewage facilities of the City. Charges shall be based on consumption recorded on an approved water or sewer meter.

A. Residential

1. Inside the City limits of Port Orange, the minimum monthly charge shall be \$12.37 for each unit plus usage billed at \$4.60 per thousand gallons for 0 – 12,000 gallons. Usage over 12,000 gallons will not be billed. Non-connected customers shall be billed a minimum monthly availability charge of \$12.37. Each customer connected to sewer, but not connected to water shall be billed a monthly charge of \$30.77.
2. Outside the City limits of Port Orange, a surcharge of 25% shall be added to the minimum monthly charge availability charge and usage charges set forth in subsection A.1. above pursuant to s. 180.191, Florida Statutes.

B. Multi-Family Residential (Apartment, Condominium, or Time-Share Resort using a public or private utility system with Master Meter)

1. Inside the City limits of Port Orange, the minimum monthly charge shall be \$12.37 for each unit plus usage billed at \$4.60 per thousand gallons.
2. Outside the City limits of Port Orange, a surcharge of 25% shall be added to the minimum monthly charge and usage charges set forth in subsection B.1. above pursuant to s. 180.191, Florida Statutes.



- 3. The total number of Equivalent Living Units shall be calculated in accordance with Section 74-1 of the Code of Ordinances and the Florida Building Code. Buildings with master meters will be billed, as described in subsections B.1. or B.2. of this Section, on the unit basis after the Certificate of Occupancy is issued.

C. Campground and Recreational Park to include Private Utility Systems

- 1. Inside the City limits of Port Orange, the minimum monthly charge shall be \$12.37 for each equivalent full time or short term unit, plus usage billed at \$4.60 per thousand gallons.
- 2. Outside the City limits of Port Orange, a surcharge of 25% shall be added to the minimum monthly charge and usage charges set forth in subsection C.1. above pursuant to s. 180.191, Florida Statutes.
- 3. The total number of Equivalent Living Units shall be calculated in accordance with Section 74-1 of the Code of Ordinances and the Florida Building Code. Buildings with master meters will be billed, as described in subsections C.1. or C.2. of this Section, on the unit basis after the Certificate of Occupancy is issued.

D. Motel, Hotel, Commercial and Industrial

- 1. Inside the City limits of Port Orange, the minimum monthly charge shall be determined by the meter size as set forth on the following schedule, plus usage billed at \$4.60 per thousand gallons:

MINIMUM MONTHLY CHARGE:

|               |          |
|---------------|----------|
| 3/4" meter    | \$ 12.37 |
| 1" meter      | 20.62    |
| 1 1/2" meter  | 41.24    |
| 2" meter      | 65.99    |
| 3" meter      | 123.73   |
| 4" meter      | 206.21   |
| 6" meter      | 412.43   |
| 8" meter      | 659.88   |
| 10" meter     | 948.58   |
| Non-Connected | 12.37    |

- 2. Outside the City limits of Port Orange, a surcharge of 25% shall be added to the minimum monthly charge and usage charges set forth in subsection D.1. above pursuant to s. 180.191, Florida Statutes.

E. Multi-Family Residential (Mobile Home Parks and Manufactured Home Parks) using a public or private utility system with Master Meter.

1. Inside the City limits of Port Orange, the minimum monthly charge shall be \$12.37 for each unit, plus usage billed at \$4.60 per thousand gallons.
2. Outside the City limits of Port Orange, a surcharge of 25% shall be added to the minimum monthly charge and usage charges set forth in subsection E.1. above pursuant to s. 180.191, Florida Statutes.

F. Septic Haulers

Direct disposal at the reclaimed water plant shall not be permitted under any circumstances, except where the said septic hauler is working under contract with and on behalf of the City of Port Orange. In such instances, charges shall be defined in the contract.

G. City of Daytona Beach Shores Wholesale Sewer Rates

The City of Daytona Beach Shores shall be charged usage at \$4.05 effective January 1, 2024 per thousand gallons of untreated sewage flow.

Section 17. Minimum Billing for Partial Monthly Service

The minimum monthly water and sewer utility charges shall apply to all accounts with service availability. Minimum monthly charges shall be prorated during the initial and final month of service.

Section 18. Voluntary Suspension of Service & Minimum Charges to Vacate Developed Properties

The minimum monthly water and sewer utility charges shall not be suspended during vacation periods or such periods of time that a property is vacated. In order to prevent unauthorized water usage while a customer is on vacation (for a minimum of three months) the customer may request that the City lock-off the meter at no cost to the customer. The customer will not be required to pay a service charge if a request is received the day prior to the need to resume service.

Inactive accounts for vacant lots or spaces in mobile home parks or private utility systems having master meters, when such lots or spaces are billed separately, shall have the minimum monthly charges assessed to the property owner.

Section 19. Reclaimed Water System Charges

A. Monthly Charges

Monthly charges begin after connection or reconnection to the reclaimed water system. The following monthly charges shall apply for the connection to and use of the reclaimed water system of the City based on the meter size and consumption as shown by monthly meter readings to have been delivered. The monthly charges shall include a minimum charge as determined by the meter size plus usage charges billed as set forth:

RECLAIMED WATER BLOCK RANGES ARE AS FOLLOWS:

| METER SIZE | BLOCK 1     | BLOCK 2             | BLOCK 3    |
|------------|-------------|---------------------|------------|
| 3/4 inch   | 0 – 12,000  | 12,001 – 18,000     | 18,001+    |
| 1 inch     | 0 – 20,000  | 20,001 – 30,000     | 30,001+    |
| 1 1/2 inch | 0 – 40,000  | 40,001 – 60,000     | 60,001+    |
| 2 inch     | 0 – 64,000  | 64,001 – 96,000     | 96,001+    |
| 3 inch     | 0 – 120,000 | 120,001-180,000     | 180,001+   |
| 4 inch     | 0 – 200,000 | 200,001 – 300,000   | 300,001+   |
| 6 inch     | 0 – 400,000 | 400,001 – 600,000   | 600,001+   |
| 8 inch     | 0 – 640,000 | 640,001 – 960,000   | 960,001+   |
| 10 inch    | 0 – 920,000 | 920,001 – 1,380,000 | 1,380,001+ |

1. Inside the City

MINIMUM MONTHLY CHARGE (PER ACCOUNT):

|              |         |
|--------------|---------|
| 3/4" meter   | \$ 9.12 |
| 1" meter     | 15.20   |
| 1 1/2" meter | 30.41   |
| 2" meter     | 48.65   |
| 3" meter     | 91.22   |
| 4" meter     | 152.03  |
| 6" meter     | 304.07  |
| 8" meter     | 486.50  |
| 10" meter    | 699.34  |

Each customer connected to the reclaimed system shall be charged the minimum monthly charge regardless of use.

USAGE CHARGES:

|         |         |                      |
|---------|---------|----------------------|
| Block 1 | \$ 0.23 | per thousand gallons |
| Block 2 | 0.41    | per thousand gallons |
| Block 3 | 0.46    | per thousand gallons |

2. Outside the City

Outside the City limits of Port Orange, a surcharge of 25% shall be added to the minimum monthly charge and usage charges set forth in subsection A.1. above pursuant to s. 180.191, Florida Statutes.

B. INTERRUPTIBLE SERVICE RATE

Customers that have an alternate water source on site for alternate irrigation water supply shall be eligible for an interruptible service rate. Upon approval by the Public Utility Director or the designee, the monthly charges for this rate shall include a minimum

charge determined by the meter size as set forth on the schedule in subsection A. of this Section, plus usage billed at \$0.23 per thousand gallons inside the City and \$0.29 per thousand gallons outside the City. Service under this category may be interrupted at any time by the City.

Section 20. Irrigation/Sprinkler Charges

Monthly charges begin after connection or reconnection of an irrigation/sprinkler meter. The following monthly charges shall apply for the use of the water system of the City based on the meter size and consumption as shown by monthly meter readings. The monthly charges shall include a minimum charge as determined by the meter size plus usage charges billed as set forth.

A. Residential

Inside the City limits of Port Orange, the minimum monthly charges shall be billed as follows:

| <u>METER SIZE</u> | <u>MONTHLY CHARGE</u> |
|-------------------|-----------------------|
| 3/4 inch          | \$ 10.17              |
| 1 inch            | 16.95                 |
| 1 1/2 inch        | 33.91                 |
| 2 inch            | 54.25                 |

Usage shall be charged at \$5.39 per thousand gallons.

Outside the City limits of Port Orange, a surcharge of 25% shall be added to the minimum monthly charge and usage charges set forth in subsection A. above pursuant to s. 180.191, Florida Statutes.

B. Multi-Family Residential – (Apartment, Condominium, or Time-Share Resort and Mobile Home Park using a public or private utility system with Master Meter).

Inside the City limits of Port Orange, the minimum monthly charge shall be as follows:

MINIMUM MONTHLY CHARGE (PER ACCOUNT):

|              |          |
|--------------|----------|
| 3/4" meter   | \$ 10.17 |
| 1" meter     | 16.95    |
| 1 1/2" meter | 33.91    |
| 2" meter     | 54.25    |
| 3" meter     | 101.72   |
| 4" meter     | 169.54   |
| 6" meter     | 339.08   |
| 8" meter     | 542.52   |
| 10" meter    | 779.87   |

Usage shall be charged at \$5.39 per thousand gallons.

Outside the City limits of Port Orange, a surcharge of 25% shall be added to the minimum monthly charge and usage charges set forth in subsection B. above pursuant to s. 180.191, Florida Statutes.

C. Motel, Hotel, Commercial and Industrial

Inside the City limits of Port Orange, the minimum monthly charge shall be determined by the meter size as set forth on the following schedule:

| <u>METER SIZE</u> | <u>MONTHLY CHARGE</u> |
|-------------------|-----------------------|
| 3/4 inch          | \$ 10.17              |
| 1 inch            | 16.95                 |
| 1 1/2 inch        | 33.91                 |
| 2 inch            | 54.25                 |
| 3 inch            | 101.72                |
| 4 inch            | 169.54                |
| 6 inch            | 339.08                |
| 8 inch            | 542.52                |
| 10 inch           | 779.87                |

In addition to the minimum monthly charge, each account shall be billed for usage at \$5.39 per thousand gallons.

Outside the City limits of Port Orange, a surcharge of 25% shall be added to the minimum monthly charge and usage charges set forth in subsection C. above pursuant to s. 180.191, Florida Statutes.

**PART D– MISCELLANEOUS CHARGES AND ADJUSTMENTS**

Section 21. Collections Process and Delinquent Charges

- A. Any account that is sent to collections will be charged a collection fee of \$45.00.
- B. Any account that has been processed for a lien or satisfaction of lien will be charged the processing fees charged by Volusia County plus an additional \$45.00 City administration fee.
- C. A delinquent fee of \$45.00 shall be assessed on all bills paid later than 20 days after the due date whether or not service has been interrupted.

Section 22. Account Adjustments

- A. Increases in charges to address under billing resulting solely from the City’s error will be applied prospectively only. Credits to customer accounts due to overbilling



resulting solely from the City's error will be refunded to the maximum extent required by law.

Section 23. Rate Review

The City Council shall review and assess the rates established herein in accordance with the requirements of outstanding bond resolution and covenants contained therein.

Section 24. Severability


If any provision of this resolution or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this resolution which can be given effect without the invalid provision or application, and to this end the provisions of this resolution are declared severable.

Section 25. Repeal of Conflicting Resolutions

All resolutions or parts of resolutions in conflict with the provisions of this resolution are hereby repealed to the extent of such conflict. This Resolution shall supersede Resolution No. 17-21.

Section 26. Effective Date

This resolution shall become effective for all bills rendered after January 1, 2024, except for the fees set forth in Part A which shall have an effective date of April 1, 2024.

  
\_\_\_\_\_  
MAYOR DONALD O. BURNETTE

ATTEST:

  
\_\_\_\_\_  
Robin L. Fenwick, MMC, City Clerk



Adopted on the 14 day of November, 2023

Reviewed and Approved:   
\_\_\_\_\_  
Matthew J. Jones, City Attorney

## RESOLUTION 2023-17

**A RESOLUTION OF THE TOWN OF PONCE INLET, FLORIDA AMENDING RATES IN APPENDIX A OF THE TOWN CODE OF ORDINANCES, PART XI (SEWER SERVICE) AND PART XII (DEVELOPMENT FEE SCHEDULE FOR WATER AND SEWER SERVICE); PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTING RESOLUTIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Port Orange owns and operates the sewer system within the municipal limits of the Town of Ponce Inlet; and

**WHEREAS**, per the 1993 Sewer Services Interlocal Agreement between the Town of Ponce Inlet and City of Port Orange, as amended, the Town of Ponce Inlet is required to bill Ponce Inlet property owners for sewer services on behalf of the City of Port Orange under the rates established by the City of Port Orange; and

**WHEREAS**, the Town of Ponce Inlet last updated its sewer service fees via Resolution 2015-13 and its development fees for water and sewer service via Resolution 2009-02; and

**WHEREAS**, on November 14, 2023, the City of Port Orange increased its sewer service, water impact, sewer impact, and sewer connection fees per City Resolution No. 23-26; and

**WHEREAS**, given the recent rate increases for sewer service and related fees adopted by the City of Port Orange, the Town Council must also revise and update the applicable rates it charges to Ponce Inlet property owners pursuant to the 1993 Interlocal Agreement; and

**WHEREAS**, the sewer service rate increases have been noticed to utility customers as required pursuant to F.S. 180.136.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF PONCE INLET, FLORIDA AS FOLLOWS:**

**NOTE:** Underlined words constitute additions to Appendix A of the Town Code of Ordinances, Part XI (Sewer Service) and Part XII (Development Fee Schedule for Water and Sewer Service); ~~striketrough~~ constitutes deletions; and asterisks (\*\*\*) indicate an omission from the existing text of said Appendix A, which is intended to remain unchanged.

### **SECTION 1. AMENDING SEWER SERVICE RATES**

Part XI of Appendix A of the Town of Ponce Inlet Code of Ordinances is hereby amended as follows:

**PART XI – SEWER SERVICE**

~~(1) — Connection charges for sewer service for new construction: There shall be no charge for a service connection made to the sewer system if such service connection is made at the same time as construction of sewer mains and is developer installed. If, however, a service connection is required after construction of the sewer main, or the city pays for a service connection concurrent with line extensions, then the city will provide materials and labor to bring the service main to the property line of the lot or parcel to be connected and a minimum charge of \$1,400.00 per service connection shall apply. The actual connection charge may be greater than the minimum charge if the actual cost to the city is greater than the minimum charge set forth above.~~

(12) Schedule of monthly sewer charges: The following monthly charges, rounded to the nearest 1,000-gallon increment, shall apply for the use, or availability for use, of the sanitary sewage facilities of the City of Port Orange based on water consumption as shown by monthly meter readings to have been delivered:

- A. *Single-family residential:* The minimum monthly ~~base rate charge~~ shall be ~~\$15.46~~ \$14.63 for each unit plus usage billed at ~~\$5.75~~ \$5.44 per ~~1,000~~ thousand gallons for 0—12,000 gallons. Usage over 12,000 gallons will not be billed. A sewer availability charge for nNon-connected customers shall be billed at the minimum monthly base rate ~~charge of \$14.63~~.
- B. *Multi-family residential:* The minimum monthly ~~base rate charge~~ shall be ~~\$15.46~~ \$14.63 for each unit plus usage billed at ~~\$5.75~~ \$5.44 per ~~1,000~~ thousand gallons. A sewer availability charge for non-connected customers shall be billed at the minimum monthly base rate.
- C. *Commercial:* The minimum monthly charge shall be determined by the meter size as set forth on the following schedule, plus usage billed at ~~\$5.75~~ \$5.44 per ~~1,000~~ thousand gallons:

|                            |                                         |
|----------------------------|-----------------------------------------|
| Non-Connected              | <del>\$15.46</del> <u>\$14.63</u>       |
| <del>3/4-</del> inch meter | <del>\$15.46</del> <u>\$14.63</u>       |
| 1--inch meter              | <del>\$25.78</del> <u>\$24.38</u>       |
| 1½--inch meter             | <del>\$51.55</del> <u>\$48.75</u>       |
| 2--inch meter              | <del>\$82.49</del> <u>\$78.00</u>       |
| 3--inch meter              | <del>\$154.66</del> <u>\$146.25</u>     |
| 4--inch meter              | <del>\$257.76</del> <u>\$243.75</u>     |
| 6--inch meter              | <del>\$515.54</del> <u>\$487.50</u>     |
| 8--inch meter              | <del>\$824.85</del> <u>\$780.00</u>     |
| 10--inch meter             | <del>\$1,185.73</del> <u>\$1,121.25</u> |

All percentage adjustments shall be rounded down to the nearest whole cent.

- (23) In accordance with section 78-95 of the town code, a customer is entitled to one pool fill sewer charge abatement per calendar year. Service charge for inspection and special meter reading for abatement of sewer service charges shall be \$40.00. This charge will not be assessed if the service visit is not required because the customer provides a letter from the pool contractor documenting pool water volume or if pool capacity can be determined using an alternate reasonable process.

**SECTION 2. AMENDING DEVELOPMENT FEE SCHEDULE FOR WATER AND SEWER SERVICE**

Part XII of Appendix A of the Town of Ponce Inlet Code of Ordinances is hereby amended as follows:

**PART XII – DEVELOPMENT FEE SCHEDULE FOR WATER AND SEWER SERVICE**

- (1) For each equivalent living unit connected to the system:  
 Water service development fee: ~~\$1,931.25~~ ~~\$1,805~~ plus \$1,018.00  
 Sewer service development fee: ~~\$2,092.50~~ ~~\$1,868~~
- (2) For each ~~motel, hotel,~~ commercial ~~or industrial~~ use connected to the system:  
 Water service development fee, ~~\$1,931.25~~ ~~\$1,805~~ per equivalent living unit plus \$1,018.00 and the following amount:

| Number of Fixture Units | Amount per Fixture Unit: Port Orange    | Amount per Fixture Unit: Ponce Inlet | Total Amount per Fixture Unit           | Each Fixture Unit Over |
|-------------------------|-----------------------------------------|--------------------------------------|-----------------------------------------|------------------------|
| 0—15                    | \$-0.00                                 | \$-0.00                              | \$-0.00                                 | 0                      |
| 16—30                   | <del>\$129.59</del> <del>\$120.33</del> | \$67.85                              | <del>\$197.44</del> <del>\$188.18</del> | 15                     |
| 31 and above            | <del>\$97.19</del> <del>\$90.25</del>   | \$50.88                              | <del>\$148.07</del> <del>\$141.13</del> | 30                     |

Sewer service development fee, ~~\$2,092.50~~ ~~\$1,868~~ per equivalent unit plus the following amount:

| Number of Fixture Units | Amount per Fixture Unit                 | Each Fixture Unit over |
|-------------------------|-----------------------------------------|------------------------|
| 0—15                    | \$-0.00                                 | 0                      |
| 16—30                   | <del>\$139.50</del> <del>\$124.53</del> | 15                     |
| 31 and above            | <del>\$104.63</del> <del>\$94.40</del>  | 30                     |

- (3) Connection charges for sewer service for new construction. There shall be no charge for a service connection made to the sewer system if such service connection is made at the same time as construction of sewer mains and is installed by the developer. However, if a service connection is required after construction of the sewer main, or the City of Port Orange pays for a service connection concurrent with sewer line extensions, then the City of Port Orange

will provide materials and labor to bring the service main to the property line of the lot or parcel to be connected and a minimum charge of \$1,775 per service connection shall apply. The actual connection charge may be greater than the minimum charge if the actual cost to the City of Port Orange is greater than the minimum charge set forth above.

- (43) *Fire hydrant meter assembly deposit.* A deposit of \$1,500 is required on all fire hydrant meter assembly units. A refund is issued upon valid inspection by town staff as to the condition of the unit when returned. Any deductions for damages will be taken from the deposit along with a \$200.00 wear-and-tear charge. The remaining balance of the deposit will then be refunded to the customer.

### **SECTION 3. PROVIDING FOR CODIFICATION**

It is the intent of the Town Council of the Town of Ponce Inlet that the provisions of this Resolution shall be codified. The codifier is granted broad and liberal authority in codifying the provisions of this Resolution.

### **SECTION 4. CONFLICTING RESOLUTIONS**

All resolutions in conflict herewith are hereby repealed to the extent of such conflict.

### **SECTION 5. SEVERABILITY**

If any section, sentence, clause or phrase of this Resolution is held to be invalid or unconstitutional by any court of competent jurisdiction, that holding in no way affects the remaining portion(s) of this Resolution.

### **SECTION 6. EFFECTIVE DATE**

This resolution shall take effect immediately upon adoption. The sewer service rates described in Section 1 above shall become effective for all bills rendered after January 1, 2024. The development fees and connection fees set forth in Section 2 above shall become effective on April 1, 2024.

It was moved by \_\_\_\_\_ and seconded by \_\_\_\_\_ that said Resolution be adopted. A roll call vote of the Town Council on said motion resulted as follows:

|                                   |       |
|-----------------------------------|-------|
| Mayor Paritsky, Seat #1           | _____ |
| Councilmember Milano, Seat #2     | _____ |
| Councilmember White, Seat #3      | _____ |
| Councilmember Villanella, Seat #4 | _____ |
| Vice-Mayor Smith, Seat #5         | _____ |

Passed this 18<sup>th</sup> day of December 2023.



Town of Ponce Inlet, Florida

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Lois A. Paritsky, Mayor

ATTEST:

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Kim Cherbano  
Town Clerk



**Meeting Date:** 12/18/2023

**Agenda Item:** 13-A

## **Report to Town Council**

**Topic:** Updated Council Goals List.

**Summary:** Please see attached staff report.

**Suggested motion:** As determined by Council.

**Requested by:** Mr. Disher, Town Manager

**Approved by:** Mr. Disher, Town Manager



## MEMORANDUM

### TOWN OF PONCE INLET, PLANNING AND DEVELOPMENT DEPARTMENT

*The Town of Ponce Inlet staff shall be professional, caring, and fair in delivering community excellence while ensuring Ponce Inlet obtain the greatest value for their tax dollar*

To: Town Council  
From: Michael E. Disher, AICP, Town Manager  
Date: December 11, 2023  
Subject: 2023 Update to Town Council goals

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**MEETING DATE:** December 18, 2023

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At the December Town Council meeting last year, I presented a list of the Council-directed goals and projects that Town staff had been working on. The list showed which projects had been started, completed, or not yet begun. It also included new projects prioritized by the Council mid-year.

The attached list includes the status of the goals for each department. Goals added by the Council last year have also been included, along with other significant projects undertaken in 2023 at the request of the Council. Note that many of the goals are on-going tasks that have since become standard operating procedure and could be considered “completed.”

It is our intention to focus on the items that are important to you. If you have any additions, changes, or deletions to make to this list, please provide that direction at this time and we will make those adjustments. The revised list will be presented to the Town Council at the January 2024 meeting for approval.

## Update to Town Council Goals

### Cultural Services

1. *Provide support to the project manager to facilitate the construction and repair of the existing rip-rap revetment at Elber's Sunset Park by June 2023.*  
COMPLETED. March 2023
2. *Facilitate the installation of four new shade structures at Timothy Pollard Memorial Park pickleball courts for use by June 2023.*  
COMPLETED. August 2023
3. *Apply for grant funding to purchase and install brick fascia exterior improvements to facilities at Davies Lighthouse Park. If awarded the grant, install before October 2023.*  
NOT COMPLETED. Project was to be funded through grants. Grant application submitted 6-21-22, but not awarded.
4. *Facilitate the installation of graphic designed vinyl wraps on utility boxes for beautification improvements in town by August 2023.*  
NOT COMPLETED. Utility box wrap project approved in budget FY 22/23, but funds were redirected to other priorities following 2022 hurricanes. Funding not included for FY 23/24 budget.
5. *Grow the Town's volunteer roster by 5%.*  
COMPLETED. September 2023
6. *New for 2023: Prepare an ordinance modifying existing criteria for co-sponsorship of special events to support Council's decision to approve or deny co-sponsorship requests.*  
COMPLETED. August 2023 - Ordinance 2023-03
7. *New for 2023: Revise special event permit application to accommodate for the new mobile food vendor ordinance and create a new co-sponsorship request letter form for a more efficient process.*  
COMPLETED. September 2023
8. *New for 2023: Plan and host a celebration event for the Town's 60<sup>th</sup> anniversary of incorporation.*  
COMPLETED. September 2023
9. *New for 2024: Develop a playground maintenance inspection checklist by July 2024.*
10. *New for 2024: Establish four new programs with specific focus on youth and senior age groups by December 2024.*
11. *New for 2024: Recruit two additional Museum volunteers by December 2024.*
12. *New for 2024: Create a tree replenishment plan for town properties. [Moved from Public Works]*

### Finance

1. *Monitor investments to ensure a stable return with a high level of protection against loss.*  
ON-GOING. Investments are reviewed on a monthly basis. The Town's FDIC-insured investments produced a profitable return in FY 22/23. The Town received over \$233,395 in interest income revenue in that period. This is \$196k over adopted budget projections and \$200,500 over revenue received in FY 21/22.

2. *Seek grant opportunities for shovel-ready septic-to-sewer projects, in accordance with the town's sewer master plan.*  
IN PROGRESS. The engineering plans for the remaining septic-to-sewer projects are complete and are undergoing permitting through state agencies. On November 9, 2023, the Town applied for FY 24/25 legislative appropriation request in the amount of \$1,051,430 (50% match is required) for the Lighthouse Shores septic-to-sewer project. The Town's share of the match can be funded by other federal and state grants. On January 1, 2024, staff intends to apply for a FDEP principal forgiveness grant (100% grant) for the total of the Town's septic to sewer projects (construction cost approximately \$12 M) based on the recently completed engineering plans. This grant opportunity was advertised on 11/30/23 with an application deadline of 1/1/24. The Town's engineering consultants, Mead and Hunt are assisting with this application.
3. *Ensure compliant use and reporting of American Rescue Program Act (ARPA) funds.*  
COMPLETE/ON-GOING. The Town is compliant with reporting requirements and use of all ARPA funding. The Town consults with a subject matter expert, Witt O'Brien's, to ensure we continue to remain in compliance.
4. *Ensure proper reporting requirements are met for all county, state and federal grants received by the town with assistance related from departments and consultants as needed.*  
COMPLETE/ON-GOING. The Town has met all reporting requirements and is currently compliant with all county, state, and federal grants that have been received. The Town uses two consultants to assist with this process, Brooks and Dunn and Witt O'Brien's.
5. *Continue to meet/exceed audit reporting requirements set by the state.*  
ON-GOING. For the seventh straight year, the Town received another perfect, comment-free annual financial audit from BMC CPAs.
6. *Ensure appropriate training for all finance staff and additional end users working within the accounting/payroll software system.*  
IN PROGRESS/ON-GOING. Four employees attended Tyler Connect software training this year in May 2023 and three employees attended Tyler annual user group training meeting in October 2023 with Tyler Technologies and other Florida municipalities that utilize the same financial software. The Town offers a software training program for new employees and provides existing employees with additional assistance if needed.
7. *Applies to all town departments: seek grant opportunities for capital purchases and projects, where feasible.*  
ON-GOING. The Town uses a grant consultant to assist with finding grant opportunities for all Town departments. The Town expects to receive approximately \$718k for Hurricane Ian reimbursement. To date, \$440k has been received from FEMA and insurance and over \$71k has been obligated from federal and state agencies. We are not able to request funding yet from projects that have not been completed, such as the Ponce Preserve Boardwalk (\$125k).
8. *New for 2024. Create internal procedures and processes for grant application and compliance.*

## **Fire**

1. *Continue to participate in the Volusia County patient transport program, working in collaboration to monitor and make improvements to the program.*



ON-GOING. Program is working very well, with the department transporting over 500 patients this year as of 11-30-23.

2. *Pursue fire department accreditation (re-commitment of previous goal).*  
IN PROGRESS. The department's Community Risk Assessment/Standard of Cover and Strategic Plan were completed in 2023. The Self-Assessment Manual (SAM) creation will begin in January of 2024 with a scheduled completion in August of 2024. The SAM is the final product required for the fire department to reach Candidate status with the accrediting body, the Center for Public Safety Excellence CPSE. Candidate status makes the Department eligible for accreditation review, consisting of a site visit and CPSE Board evaluation.
3. *Review safety programs offered by department for potential enhancements.*  
IN PROGRESS. The fire department hosted a community CPR class at the community center in the summer of 2023. The fire department has other similar public safety subject presentations planned for 2024.
4. *New for 2023. Research the subject of electrical vehicle fires and the preparedness of emergency response staff to handle them.*  
COMPLETED. A great deal of public discussion was held over the possible impact of EV fires in Ponce Inlet. The department published its research and other helpful information on the Town's website and modified its operational guidelines.
5. *New for 2024. Complete interior station modifications to accommodate additional firefighters.*

## **Human Resources / Town Clerk**

### Human Resources

1. *Facilitate providing education and training to all Town employees for personal growth and enhanced work performance.*  
IN PROGRESS/ON-GOING. Researching feasibility of the Target Solutions Training Program; provide higher education training information through various organizations, such as Daytona State College, with tuition reimbursement as an incentive; provide on-the-job training opportunities with workshops, webinars, conferences, etc.
2. *Continue to enhance efforts to attract and retain a talented, diverse, and energized workforce to meet the needs of the Town.*  
ON-GOING. Council approved additional personnel to be hired mid-year in the Police, Fire, and Public Works department; provided sign-on bonuses for hard-to-fill positions; advertised positions to increase and encourage diversity within the Town.
3. *Continue to prioritize succession planning for positions within the Town.*  
ON-GOING within each department.
4. *Expand cross-training focus to ensure redundancy in staff capabilities for key positions and functions.*  
ON-GOING within each department.
5. *New for 2023. Implement an Employee Benefit platform for staff.*  
IN PROGRESS. Allowing staff to review and make changes to their benefits and their personal information.

6. New for 2024. Review and update *the Employees Rules, Regulations, and Benefits Handbook as needed* to clearly outline the Town's policies and expectations thereby minimize the risk of non-compliance, and ensure that the Town is following the most current legal requirements.

#### Town Clerk

1. *Expand outreach efforts to increase citizen participation in the governance process.*  
ON-GOING. Regular Town Hall events & public meetings are being scheduled throughout the year.
2. *Continue to attract and retain volunteer board members.*  
ON-GOING. Vacancies are advertised through social media, announced during public meetings, and solicited during annual Community Day and FL City Government week events.
3. *Create an online board member/volunteer application submittal process.*  
IN PROGRESS. Applications are currently available from the Town's website, and may be downloaded, completed, and emailed to staff.
4. New for 2023. *Modify the number of Alternate members to the Essential Services Advisory Board, increasing it from two to five, one for each Regular seat and professional specialty; and adding each member's discipline to the Town website.*  
COMPLETED – November 2023, Ord. 2023-05.
5. New for 2024. *Explore ways to increase efficiency of public records management.*

#### **Information Technology**

1. *Maintain and enhance the town's network systems to ensure reliability.*  
COMPLETED.
2. *Perform and provide end-user training for the security of the town's technology investment.*  
ON-GOING. Annual commitment.
3. *Develop and deliver EndPoint technology lifecycle program.*  
ON-GOING. Initial round for projected completion is Sept. 25'.
4. *Maintain & enhance technology as needed town-wide for organizational efficiency and reliability.*  
ON-GOING. Evaluated annually.
5. *Ensure an understanding of the interconnectivity and function of the town's primary software systems (e.g., Tyler, InCode, & Energov) for enhanced vendor accountability and to ensure software is performing to published standards.*  
ON-GOING. Annual commitment.
6. *Serve as liaison for all town departments in research, understanding, and procurement of technology solutions.*  
ON-GOING. Annual commitment.
7. *Modernize the Town's phone system.*  
COMPLETED.
8. *Increase in bandwidth and redundancy of internet and data connectivity.*  
COMPLETED.
9. *Expand the use of security cameras on town owned properties.*

IN PROGRESS. Additional cameras were budgeted for FY 23/24. Working with Police Department on optimal locations.

10. New for 2023. *Upgrade and modernize two Domain Controller Server(s).*

COMPLETED.

11. New for 2023. *Council Chambers A/V Project; upgrade the presentation displays and enhancements to audio solution.*

COMPLETED.

12. New for 2023. – *Implement technology for new Conference Room, including computer and conference monitor, wi-fi, and numerical key pad entry lock.*

COMPLETED.

13. New for 2023. *Apply for FL[DS] grant and deploy seven cyber-security solutions.*

COMPLETED.

14. New for 2023. – *Restructure and clean up the Town's Active Director Service(s)*

COMPLETED.

15. New for 2024. *Create and enact a Cybersecurity framework and develop an Information Technology and Cybersecurity Policy.*

## **Planning & Development**

### Code Enforcement

1. *Explore ways to increase efficiency of all code enforcement operations.*

ONGOING. Standard Operating Procedures are to be completed in early 2024.

2. *Implement online application and payment process for annual rental permits.*

IN PROGRESS. Application forms and payment process will be on-line once upgrades to Energov and IT software and hardware are complete.

3. New for 2023. *Pursue foreclosure on outstanding Code Enforcement liens for non-homestead properties.*

IN PROGRESS. Certified letters have been sent to all such properties with a deadline of January 2024. Formal proceedings to follow for unpaid liens after that.

### Building

1. *Implement online payment process for building permits and business tax receipts.*

IN PROGRESS. Anticipated to be complete by March-April 2024.

2. *Implement electronic online permitting process, including plan review software and ADA-compliant permit applications, checklists, forms, and procedures.*

IN PROGRESS. All building permit application forms and checklists have been reformatted for ADA compliance and have been converted to fillable, ADA-compliant pdfs for posting on Town website. Permit procedures are being finalized for posting to comply with state law and will be posted on the Town website by early 2024.

3. *Complete Watershed Master Plan.*

IN PROGRESS. The Town was awarded a Florida Resilient Coastlines grant in May 2022, with the final grant agreement approved by FDEP in November 2022. The contract with the Collective Water Resources (consultant) was executed in February 2023 and work began

immediately. During 2023, consultant staff completed Tasks 1–3, including acquiring data, developing an exposure analysis, and a sensitivity analysis. Task 4 is the culmination of the data gathering and modeling that will result in a Watershed Management Plan (WMP), providing details on the results and conclusions, including illustrations via maps and tables, based on requirements in CRS Activity 450 and statutory-required scenarios and standards. Task 4 will be completed before March 2024. Once finished, the Plan will assist the Town in improving its rating through the National Flood Insurance Program, increasing the insurance discount for Town residents.

4. *Propose workspace improvements for town hall.*  
COMPLETED. The new conference room, clerks offices, and an additional office conversion were finished June 2023.
5. *Set up and maintain a contractor licensing database in response to changes in Florida Statutes and resultant phasing out of Volusia County's countywide database.*  
IN PROGRESS. Staff anticipates completion mid-2024.
6. *Update maps and other documentation for the next Community Rating System (CRS) cycle visit - evaluation of how the Town manages its flood-related concerns.*  
IN PROGRESS. Anticipated mid-2024.
7. *Work with the Town Engineer to review and potentially modify drainage, grading, and building elevation requirements to ensure that stormwater runoff from new development and redevelopment does not inappropriately impact adjacent properties.*  
IN PROGRESS. Included as add-on task for Collective Water Resources following completion of the Watershed Master Plan.
8. New for 2024. *Initiate Building Division accreditation process.*
9. New for 2024. *Achieve Permit Tech certification for permitting staff.*
10. New for 2024. *Following completion of Watershed Master Plan, initiate efforts to improve CRS rating to Class 4 or lower.*

#### Planning

1. *Adjustment of town's western waterway boundary.*  
IN PROGRESS. Project has been delayed following 2022 hurricanes and vacancies in key staff positions. Town staff will reengage with Port Orange, New Smyrna Beach, and Volusia County to govern the orderly boundary adjustment between all four jurisdictions. Once the agreement has been finalized and approved by all, the three cities will proceed with their individual contraction and annexation ordinances.
2. *Enhance GIS data to include the town's zoning map, future land use map, and other data related to future planning needs.*  
COMPLETED. The Town has its own GIS now that is posted online and available to the public.
3. *With TPO assistance, complete design & engineering for the S. Peninsula sidewalk project.*  
IN PROGRESS. Project has been included in FDOT's 5-year work program since 2022. The Town and Volusia County have both approved an interlocal Joint Project Agreement through which the County will design, construct, and administer the project. The Town will meet its 15% match obligation for the entire project by paying for 100% of the design costs. The timing of construction is dependent on funding availability through the TPO and FDOT.

Construction is now being programmed in 3 segments between FY 26 and FY 28. Annual request for continued local support will go to ESAB in January 2024 and Town Council on 1-19-23.

4. *Review tree removal regulations related to tree removal, trimming, permitting, bonding of tree removal companies, fees, fines, and mitigation - to ensure sufficient deterrent exists to discourage removal of specimen trees.*  
IN PROGRESS. Project has been delayed due to vacancies in key staff positions. New staff will analyze previous draft amendments aligned with this Council goal.
5. *Continue planning and community engagement efforts with long-term goals aimed toward coastal resiliency in response to sea level rise.*  
ON-GOING. In May, the Town Council adopted the comprehensive plan policy recommendations from the 2022 Vulnerability Assessment. Completion of the Watershed Master Plan is anticipated in March 2024. The Town has applied for and received grant funding for the next step, an Adaptation Action Plan (AAP). Once the Watershed Master Plan is complete, the Town will hire a consultant to begin this work on the AAP. The AAP is a follow-up planning effort that uses data from the Town's Vulnerability Assessment and Watershed Master Plan to focus on the areas most vulnerable to flooding and sea level rise. It will identify Adaptation Action Areas as well as new policies in the Coastal Management Element of the Comprehensive Plan. Adaptation Action Areas are a policy tool that allows local governments to plan for sea level rise, designate vulnerable areas and prioritize adaptation strategies. The plan will also include a list of prioritized projects for each asset class as defined in subsection 380.093(2), F.S., for consideration and implementation.
6. *Adopt new state requirements for home-based businesses into LUDC (Senate Bill 403).*  
COMPLETED. Ordinance 2023-02, amending LUDC Section 3.23 – Home Occupations.
7. *Initiate required Evaluation and Appraisal Report (EAR) comprehensive plan process.*  
IN PROGRESS. Project has been delayed due to vacancies in key staff positions. EAR-based comprehensive plan amendments are a primary objective for 2024.
8. *Complete town-wide traffic study, required for 2022 EAR and subsequent EAR-based amendments.*  
IN PROGRESS. Project has been delayed due to vacancies in key staff positions. As part of the EAR-based amendments, the traffic study has been completed and the findings shall be memorialized within the Transportation Element of the Comprehensive Plan. Remaining task includes finalizing draft policy amendments related to bicycle and pedestrian safety.
9. *Work with Volusia County for intersection safety improvement proposals at Harbor Village Boulevard (both for Atlantic & Peninsula).*  
IN PROGRESS. Project has been delayed due to vacancies in key staff positions, but has resumed with assistance from the Police Department. A public workshop shall be scheduled with County Staff in early- to mid-2024.
10. New for 2023. *No-Wake Zones in the Halifax River to reduce boat speeds.*  
COMPLETED. Staff researched this topic extensively and presented its findings at the May Town Council meeting. Council directed staff to contact FWC to request replacement speed limit signage and to request the County increase patrols.
11. New for 2023. *Research the subject of electrical vehicles and public charging stations.*



IN PROGRESS. A great deal of public discussion was held over whether the Town should install its own public EV charging stations. Before moving forward, the Council tasked staff with conducting a survey to obtain more public input on the matter.

## **Police**

1. *Maintain department accreditation status.*  
ON-GOING. PIPD achieved Excelsior Level Accreditation in 2023 (passing 5 consecutive 3-year audits) after passing an extensive audit conducted by outside agencies. We are the smallest agency in the State of Florida to achieve this rating.
2. *Continue & expand community policing activities to increase interactions with residents and businesses.*  
ON-GOING. In 2023 PIPD held another Meet-and-Greet event at the North Turn restaurant, two fraud classes, and developed a Women's Self Defense Class.
3. *Continue a seasonal enforcement focus toward saw palmetto harvesting trespassers.*  
ON-GOING. In 2023, PIPD made five arrests and impounded three vehicles in an effort to deter this illegal activity.
4. *Increase police reporting of code enforcement violations occurring after-hours.*  
IN PROGRESS. PIPD has worked with Code Enforcement to recognize the most common types of violations. The department has developed training materials for all department employees to identify Code issues and report them to Code Enforcement staff.
5. *Work with Volusia County for intersection safety improvement proposals at Harbor Village Boulevard (both for Atlantic & Peninsula).*  
IN PROGRESS. The Chief and Town Manager worked with Volusia officials to revive this plan. Volusia County was tasked with bringing the plan to Ponce Inlet residents to hear their questions and concerns. The goal is a community event at the PICC in early- to mid-2024.
6. *New for 2024. Purchase a Public Safety Vessel and train police and fire employees to operate it.*

## **Public Works**

1. *Create a tree replenishment plan for town properties.*  
NOT STARTED. Moved to Cultural Services.
2. *Enhance maintenance for town properties, to include building, parks, sidewalks, roads, & right-of-way maintenance.*  
IN PROGRESS/ON-GOING. The Department has been working with volunteers to remove invasive and non-native plants, trees, and vines at Ponce Preserve and Town Hall. In addition, staff will be soliciting quotes for an extensive sidewalk replacement project in various locations around Town later this fiscal year. In 2023, the Department completed cleaning of the stormwater drainage pipes for the south half of Town, evaluated level of muck deposits in the Town's retention ponds, and refurbished drainage inlets and outfalls in neighborhoods flooded during the 2022 hurricanes. In 2024, the Department will clean the stormwater pipes in the north half of Town and install one-way storm drain valves for certain streets abutting the Halifax River, including Old Carriage Road, Anchor Drive, and Beach Street near Front Street. The existing condition of retention areas and swales within the

Oceanside Village subdivision is being studied now and is expected to be completed this fiscal year. The Department will work on creating a proactive multi-year maintenance schedule for all Town-maintained facilities.

3. *Ensure the town's utility infrastructure receives properly scheduled maintenance, with emergencies promptly addressed and customers appropriately notified.*  
IN PROGRESS/ON-GOING. Potable water system operations and testing are on schedule and in full compliance with all State Laws.
4. *Replace two retention walls at Tina Marie Drive.*  
COMPLETED.
5. *Explore the feasibility of expansion/sneeze guard placement at town council dais for consideration.*  
ON HOLD. Staff recommends re-evaluating this goal.
6. New for 2023 - added at 12-15-22 TC meeting. *Work with FPL to ensure proper trimming/pruning of trees.*  
IN PROGRESS. Currently in the process of soliciting proposals to remove tree vegetation in conflict with FPL Street lights.
7. New for 2023 - added at 12-15-22 TC meeting. *Seek resiliency grants for property purchases.*  
ON-GOING. Staff has researched various grants for this purpose. However, most grants are in the form of reimbursement, meaning the Town must have funds available to complete the purchase before reimbursement will be granted.
8. New for 2024. *Complete rate study and implement new stormwater utility fee.*



**Meeting Date:** 12/18/2023

**Agenda Item:** 13-B

## **Report to Town Council**

**Topic:** Organizational Discussion for Rules of Order and Conducting Town Council Meetings.

**Summary:** Please see attached staff report

**Suggested motion:** As determined by Council

**Requested by:** Mayor Paritsky

**Approved by:** Mr. Disher, Town Manager



## MEMORANDUM

### Town of Ponce Inlet – Office of the Mayor

*The Town of Ponce Inlet staff shall be professional, caring, and fair in delivering community excellence while ensuring Ponce Inlet citizens obtain the greatest value for their tax dollar.*

To: Town Council

From: Lois A. Paritsky, Mayor

Date: December 4, 2023

Subject: Organizational Discussion for Rules of Order and Conducting Town Council Meetings

In an effort to explore available options to increase community engagement and improve resident attendance at our Town Council monthly meetings, I would like our Council and members of the public to have the opportunity of reviewing our current Rules of Order for conducting Town Council meetings. The Rules of Order for Council meetings are established by resolution, the most recent of which is Res. No. 2023-02, adopted January 19, 2023 (attached). This resolution made permanent the end-of-meeting citizen's participation period, following the one-year trial period per Res. No. 2022-01.

Suggested discussion topics:

#### Meetings (pg. 2)

- Day of regularly scheduled meetings: currently on the third Thursday of each month
- Time of regularly scheduled meetings: currently 6:00 pm
- Adjournment of scheduled meetings: currently 10:00 pm

#### Order of Business (pgs. 3-7)

- Citizen Participation: currently Items 10 and 17 (mid and end of meetings)
- Time/Appearance of Citizen Participation: currently one 5-minute appearance per agenda item and during citizen participation for items not on the agenda; one 2-minute appearance at the end of the meeting

The Council, under its Rules of Order, would continue to have the latitude and discretion necessary should Special Meetings be required. Council meetings must also adhere to all time and notice requirements of Florida Statutes as they relate to budget meetings.

Municipalities have crafted rules scheduling regular meetings with days and times that address a variety of issues. For example, the City of Miami<sup>1</sup> provides for regular meetings to begin at 9:00

<sup>1</sup> [https://library.municode.com/fl/miami/codes/code\\_of\\_ordinances?nodeId=PTIITHCO\\_CH2AD\\_ARTIIMACO](https://library.municode.com/fl/miami/codes/code_of_ordinances?nodeId=PTIITHCO_CH2AD_ARTIIMACO)

a.m. except when specified zoning ordinance changes are proposed. Its meetings that address zoning changes begin after 5:00 pm. The City of Miami also addresses changes in the day of the meeting in certain months, including a recess of the commission during the month of August.

Sec. 2-32. - Time and place of meeting.

(a) ...

(b) **Regular meetings** of the city commission shall be held on the second and fourth Thursdays of each month **beginning at 9:00 a.m.** except the months of August, November, and December and unless otherwise provided by city commission action. During the month of November, the regular meeting shall be held on the third Thursday at 9:00 a.m. During the month of December, the regular meeting shall be held on the second Thursday at 9:00 a.m. **Proposed ordinances changing the actual list of permitted, conditional, or prohibited uses within a zoning category or changes to the Zoning Atlas of the Miami 21 Code involving parcels of ten contiguous acres or more shall be held after 5:00 p.m. at any city commission meeting and pursuant to the provisions of F.S. § 166.041(3)(c)(2), as amended.** The city commission shall be in recess during the month of August.

(c) ...

A discussion that focuses on our Town's particular needs and consideration of changes that may support greater community engagement, resident attendance, and enhanced work productivity may be timely and constructive. We may decide that changes are not needed. Alternatively, we may decide that changes should be implemented on a trial basis. While ensuring the continuation of government transparency we may need to modify certain rules that address the needs and interests of our current demographics, staff, and our experts (attorneys, engineers, etc.).

Respectfully submitted,



Lois A. Paritsky, Mayor

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**RESOLUTION 2023-02**

**A RESOLUTION OF THE TOWN COUNCIL OF  
THE TOWN OF PONCE INLET, FLORIDA  
AMENDING RESOLUTION 2022-01 GOVERNING  
THE RULES OF ORDER FOR CONDUCTING  
TOWN COUNCIL MEETINGS TO PROVIDE FOR  
AN ADDITIONAL CITIZEN PARTICIPATION  
OPPORTUNITY; PROVIDING FOR CONFLICTING  
RESOLUTIONS; PROVIDING FOR  
SEVERABILITY; PROVIDING FOR AN  
EFFECTIVE DATE.**

15       **WHEREAS**, to provide for more orderly meetings and to facilitate discussion of and action  
16 on public business, the Town Council adopted Resolutions 1990-08, 1994-01, 1999-09, 1999-23,  
17 2002-17, 2006-08, 2007-06, 2007-13, 2009-07, 2017-08, 2021-11, and 2022-01, setting out the  
18 rules of order for conducting the business of the Town of Ponce Inlet during Town Council  
19 meetings; and

20       **WHEREAS**, from time-to-time members of the public may desire to comment on issues  
21 that were raised during reports by the members of the Town Council, the Town Manager, or Town  
22 Attorney; however, unless formal action is taken on an issue raised during such reports, there is no  
23 formal public period; and

24       **WHEREAS**, the Town Council, desiring to maximize the opportunities for citizens to  
25 participate and comment on matters during Council meetings, has determined it worthwhile to  
26 include a second “Citizen’s Participation” opportunity limited to issues raised during the reports  
27 prior to the adjournment of the meeting.

28       **NOW, THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL OF THE  
TOWN OF PONCE INLET, FLORIDA, AS FOLLOWS:**



29           **Section 1.     Meetings**

30           The Town Council shall hold its regularly scheduled meeting on the third Thursday of each  
31 month beginning at 6:00 p.m. at the Town of Ponce Inlet Council Chambers, located at 4300 South  
32 Atlantic Avenue, unless a different date or time is selected by a majority of the Town Council.  
33 Any change in the date or time of the regularly scheduled meeting must be approved by the Council  
34 no later than the regularly scheduled meeting immediately preceding the rescheduled meeting.  
35 Special meetings of the Council may be held on the call of the Mayor, any two (2) of the Council  
36 members, or the Town Manager, and whenever practicable, upon no less than twenty-four (24)  
37 hours' notice to each member and the public, pursuant to Section 3.06 of the Town Charter.  
38 Emergency meetings may be held according to State law. Individual Council members may call a  
39 special meeting by making the request to the Town Manager, who shall then inform the remaining  
40 Council members of the request. If at least one other Council member concurs with the special  
41 meeting request, the Town Manager shall schedule the meeting. To the extent possible, the Council  
42 will attempt to adjourn its meetings no later than 10:00 p.m. If the 10:00 p.m. deadline approaches  
43 before all agenda items are dealt with, then, in that event, the Mayor shall call for a vote of the  
44 Council to either extend the meeting past 10:00 p.m. or to adjourn and establish a continued  
45 meeting date and time to consider unfinished business. A majority vote of Council shall be required  
46 to either extend or continue such meeting to a new date. In the absence of a majority vote (i.e. tie  
47 vote), the meeting will be continued to the date of the next regular Council meeting, preceding the  
48 new agenda for that meeting.

49           **Section 2.     Agenda**

50 The agenda shall be prepared by the Town Manager. All items to be placed on the agenda  
51 must be submitted to the Town Manager by noon on the Wednesday of the week preceding the  
52 meeting. Only a member of the Town Council or the Town Staff may place an item on the agenda.  
53 Any requests received from citizens for an agenda item will require a member of the Council to  
54 sponsor the item. To the extent possible, agenda items shall be accompanied by back up material  
55 prepared by staff and/or the Council member. To ensure government transparency, all agenda  
56 items shall be accompanied by back up material which describe the intention of the proposal; this  
57 shall be prepared by the requesting party, either staff and/or the Council member. The agenda shall  
58 be made available to each Council member on the Friday preceding the meeting. The Council shall  
59 not vote on any item unless it has been placed on the publicly noticed agenda, except in a case of  
60 an emergency or if the matter is time sensitive.

61 **Section 3. Order of Business**

62 The order of business at Town Council meetings shall proceed in a manner determined by  
63 the Town Manager which is acceptable to the Town Council, as described below.

64 1. Call to Order.

65 The meeting shall be called to order at the noticed time or shortly thereafter.

66 2. Pledge of Allegiance.

67 The Mayor shall lead attendees in the Pledge.

68 3. Roll Call.

69 There shall be a determination of quorum and notation of members present for the  
70 record.

71 4. Additions, Corrections, or Deletions to the Agenda.

72 Any requests from the Town Council or Town Manager for any additions,  
73 corrections, or deletions to the agenda are considered under this item. The Town Council will then  
74 vote on any changes to the noticed agenda or, in the absence of any changes, the Town Council  
75 will vote to accept the agenda as noticed.

76 5. Presentations, Proclamations, and Awards.

77 Authorized presentations, proclamations, and awards are given under this portion  
78 of the meeting, but no voting shall occur.

79 6. Consent Agenda.

80 The Town Manager will place items within this portion of the meeting that do not  
81 warrant detailed discussion or require individual action by the Town Council. No public hearings,  
82 ordinances, or resolutions may be placed on the consent agenda.

83 7. Old/New Business Items Preferred at the Beginning of the Meeting.

84 Examples of the types of items that would be placed on this portion of the agenda  
85 include volunteer board appointments and any matter for which one of the Town's external  
86 consultants is to be present for delivery (audit, engineering reports, etc....). Items may also be  
87 placed on this portion of the agenda if the item is anticipated to generate above average citizen  
88 interest.

89 8. Public Hearings on Quasi-Judicial Matters.

90 Certain ordinances, special exceptions variances, and permits are quasi-judicial  
91 matters. *Council members should disclose any ex-parte communications concerning any items on*  
92 *this portion of the agenda. Disclosure can be made prior to the time of voting.*

93 9. Public Hearings on Non-Quasi-Judicial Matters.

94           10.    Citizens Participation (for non-agenda items).

95                    Each citizen wishing to address the Council under this agenda item on a subject  
96 which is not on the agenda must submit his/her name, address, and the subject to be discussed, at  
97 the beginning of the meeting to the Town Clerk. The presentation by the citizen shall be limited to  
98 one appearance for a duration not to exceed five (5) minutes, unless a majority of the Council feels  
99 some other time limit is appropriate – as determined by vote of the Town Council. If the Council  
100 decides that a matter arising during Citizen’s Participation requires further review and discussion  
101 that cannot take place at that meeting, the matter shall be referred to Town staff and placed on a  
102 subsequent agenda. All questions from citizens shall be directed to the Mayor.

103           11.    Ordinances (First Reading) and Resolutions.

104                    First reading of any ordinances and resolutions that are not otherwise determined  
105 to be a public hearing / quasi-judicial item are placed on this portion of the agenda.

106           12.    Old Business.

107                    Old Business is defined as a topic which has been placed on an agenda of any of  
108 the three (3) regular Town Council meetings prior to the current meeting.

109           13.    New Business.

110                    New Business is defined as a topic which has not been placed on an agenda of any  
111 of the three (3) regular Town Council meetings prior to the current meeting.

112           14.    From the Town Council.

113                    Each member of the Town Council, in reverse seat order (5,4,3,2,1), is provided an  
114 opportunity to share information under this item. The type of information generally heard at this  
115 portion of the meeting includes reports from various committees on which they serve, or recent

116 experience as it relates to something concerning the Town’s government operation or special  
117 events. Voting may occur under this section but only as it relates to preparing an item for  
118 consideration at a future meeting or for selecting the date for a future meeting.

119 15. From the Town Manager.

120 The Town Manager is provided an opportunity to share information under this item  
121 regarding the Town’s operations, calendar of events, etc. Voting may occur under this section but  
122 only as it relates to preparing an item for consideration at a future meeting or for selecting the date  
123 for a future meeting.

124 16. From the Town Attorney.

125 The Town Attorney is provided an opportunity to share information under this item  
126 regarding legal matters to include any pending / current litigation or any changes in legislation or  
127 court rulings that are pertinent to the Town’s government operations and for which the Town may  
128 be asked to consider acting upon. Voting may occur under this section but only as it relates to  
129 preparing an item for consideration at a future meeting or for selecting the date for a future meeting.

130 17. Citizens Participation (for issues raised during reports).

131 The subject matters during this participation period shall be limited to matters  
132 raised or addressed during the reports of the Town Council, Town Manager, or Town Attorney.  
133 The presentation by the citizen shall be limited to one appearance for a duration not to exceed two  
134 (2) minutes, unless a majority of the Council feels some other time limit is appropriate – as  
135 determined by vote of the Town Council. If the Council decides that a matter arising during  
136 Citizen’s Participation requires further review and discussion that cannot take place at that

137 meeting, the matter shall be referred to Town staff and placed on a subsequent agenda. All  
138 questions from citizens shall be directed to the Mayor.

139 18. Adjournment.

140 The Mayor may simply adjourn the meeting without a motion for such. Any contest  
141 to such adjournment may be made by motion, requires a second, and majority vote.

142 **Section 4. Conduct of the Meeting**

At all times the Town Council shall act in accordance with the Constitution and the laws of the State of Florida, the charter and ordinances of the Town of Ponce Inlet and the resolutions of the Town Council.

The Mayor shall preside at each meeting. All business shall be addressed to the Mayor as the Chairman and presiding officer. The Mayor shall be charged with the duty of enforcing the rules of order as set forth in this resolution. In the event that the Council disagrees with the decision of the Mayor, a majority vote of the Council shall be binding. In the event a decision cannot be reached by the Council as to the manner of proceeding on any matter, the Council may call upon the Town Attorney to provide advice under Roberts' Rules of Order to assist in making a final determination.

In accordance with Section 3.03 of the Town Charter, the Vice-Mayor shall serve as Mayor in the absence or disability of the Mayor.

Each agenda item shall begin with an introduction by the Mayor, a staff member, consultant, or the requesting Council member. The Council will then have the opportunity for a preliminary discussion of the item. Then, the Mayor shall allow for public input on each agenda item, prior to a motion being made and seconded by the Council.



Each citizen wishing to address the Council concerning an agenda item shall state his/her name and address prior to beginning his/her discussion. Citizens shall be limited to one appearance on each agenda item and may not speak for more than five (5) minutes, unless a majority of the Council feels some other time limit is appropriate. All questions from the public should be addressed to the Mayor. Not all questions will be able to be answered immediately but after-meeting follow-up responses from staff will occur whenever possible.

After all members of the public who wish to speak on the item are afforded the opportunity, the Council will then discuss the item, make a motion, if deemed appropriate, possibly further deliberate the issue, and then take the final appropriate action.

All motions shall be made in accordance with the guidelines of Roberts Rules of Order, except that the Mayor shall be entitled to make a motion or second a motion without passing the gavel. Any Council member requesting an amendment to the motion may make such an amendment if the members making the motion and the second have no objections. Otherwise, all amendments shall be made by a motion to amend.

#### **Section 5. Decorum**

No person attending Town Council meetings shall be allowed to make obscene, vulgar, or abusive remarks, nor shall any person be allowed to make repetitive remarks so as to become disruptive to the purpose of the meeting. No person shall be allowed to become violent, aggressive, belligerent, or boisterous. Any such person shall be instructed by the Mayor to cease making such remarks or engaging in such improper conduct. If the person fails to comply with the Mayor's instruction, (s)he may be removed from the Council Chambers upon the Mayor's directive, unless a majority of Council grants such person permission to remain in Council Chambers.

It shall be the duty of the Chief of Police or a member of the Police Department acting as sergeant-at-arms to forcibly evict, if necessary, any person from the Council Chambers upon the order of the Mayor or Council at any such meeting. The sergeant-at-arms shall carry out all orders and instructions given by the Mayor for the purpose of maintaining order and decorum at the Council meeting.

**Section 6. Minutes**

Minutes of each Town Council meeting shall be taken. These minutes shall contain a brief summary of all matters discussed and action taken. Motions and subsequent votes shall be clearly set out so as to be easily locatable within the Minutes.

**Section 7. Ex-Parte Communications**

In accordance with Section 286.0115, Florida Statutes, adherence to the following procedures shall remove the presumption of prejudice from ex-parte communications with Town Council members.

(a) The substance of any ex-parte communication with a Council member which relates to a quasi-judicial action pending before the Council member is not presumed prejudicial to the action if the subject of the communication and the identity of the person, group, or entity with whom the communication took place is disclosed and made a part of the record before final action on the matter.

(b) A Council member may read a written communication from any person. However, a written communication that relates to quasi-judicial action pending before the Council member shall not be presumed prejudicial to the action and such written communication shall be made a part of the record before final action on the matter.

(c) Council members may conduct investigations and site visits and may receive expert opinions regarding quasi-judicial action pending before them. Such activities shall not be presumed prejudicial to the action if the existence of the investigation, site visit, or expert opinion is made a part of the record before final action on the matter.

1 (d) Disclosure made pursuant to paragraphs (a), (b), and (c) must be made before or  
2 during (preferably at the beginning of) the public meeting at which a vote is taken on such matters,  
3 so that persons who have opinions contrary to those expressed in the ex-parte communication are  
4 given a reasonable opportunity to refute or respond to the communication. This section does not  
5 subject Council members to part III of chapter 112 for not complying with this subsection.

6 **Section 8. Conflicting Resolutions**

7 All resolutions in conflict herewith are hereby repealed to the extent of such conflict.

8 **Section 9. Severability**

9 If any section, sentence, clause, or phrase of this Resolution is held to be invalid or  
10 unconstitutional by any court of competent jurisdiction, that holding in no way affect the remaining  
11 portion of this Resolution.

12 **Section 10. Effective Date**

13 This Resolution shall take effect immediately upon adoption.

14 It was moved by Councilmember Caswell and seconded by Councilmember Villanella that  
15 said Resolution be adopted. A roll call vote of the Town Council on said motion resulted as  
16 follows:

|    |                               |     |
|----|-------------------------------|-----|
| 17 | Mayor Paritsky, Seat #1       | YES |
| 18 | Councilmember Milano, Seat #2 | YES |

19 Councilmember Caswell, Seat #3 YES


20 Councilmember Villanella, Seat #4 YES

21 Vice-Mayor Smith, Seat #5 YES


22 Passed this 19<sup>th</sup> day of January 2023.

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Town of Ponce Inlet, Florida

  
\_\_\_\_\_  
Lois A. Paritsky, Mayor

30 ATTEST:

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33   
34 Kim Cherbano, CMC  
35 Town Clerk





**Meeting Date: 12/18/2023**

**Agenda Item: 15**

## **Report to Town Council**

**Topic:** From the Town Manager

**Summary:** Please see attached report.

**Requested by:** Mr. Disher, Town Manager

**Approved by:** Mr. Disher, Town Manager



**MEMORANDUM**  
**OFFICE OF THE TOWN MANAGER**

*The Town of Ponce Inlet staff shall be professional, caring and fair in delivering community excellence while ensuring Ponce Inlet citizens obtain the greatest value for their tax dollar.*

To: Town Council  
From: Michael E. Disher, AICP, Town Manager  
Date: December 11, 2023  
Subject: Town Manager's Report

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**MEETING DATE:** December 18, 2023

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1. The County has finished installing the first row of TrapBags at Ponce Preserve. Now that the weather and tides have improved, the crew will be out there this week to finish the second row of bags. They are leaving a 6 ft path through the bags from the stairs to the beach to maintain access.
2. County Council updates, [December 5, 2023](#) meeting:
  - Item T – Awarded the construction [Bid award for the Marine Science Center education building](#). Note: The site plan for this project is being reviewed by the Town's Cultural Services Board and Planning Board this month. The Town Council will see it in January.
  - Item 10 – Adopted an ordinance requiring [beachfront properties to also display their street address](#) facing the beach. This is similar to the new addressing requirements in Ponce Inlet's ordinance 2023-6, which will have 2<sup>nd</sup> reading on the December agenda.
3. The Marine Science Center will be holding a ribbon cutting ceremony for its new Raptor Exhibit at 9:00 AM, Tuesday, Dec. 12<sup>th</sup>, 100 Lighthouse Drive.
4. The Volusia County School Board has adopted the recommendations of the Opiate Advisory Board (on which Chief Glazier participates) on Noxalone.
5. IT staff has been working on ways to approve the acoustics in the Council Chambers. New sound-damping materials have been purchased and are expected to be delivered mid-December for installation soon after.
6. Building permit update: Permit volume finally slowed down in November. Typical average is approximately 100 permits issued per month or 1,200 per year. Total permit applications



year-to-date by the end of October is already 1,492. We are on pace to end the year with approximately 1,500 permit applications.

|                     | <b>Jan</b> | <b>Feb</b> | <b>Mar</b> | <b>Apr</b> | <b>May</b> | <b>Jun</b> | <b>Jul</b> | <b>Aug</b> | <b>Sep</b> | <b>Oct</b> | <b>Nov</b> | <b>Avg</b> |
|---------------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|
| Permit applications | 119        | 176        | 186        | 133        | 159        | 164        | 120        | 121        | 108        | 120        | 86         | 136        |
| Permits issued      | 144        | 104        | 160        | 141        | 138        | 144        | 148        | 114        | 108        | 120        | 69         | 126        |
| Plan reviews        | 87         | 166        | 183        | 138        | 152        | 134        | 157        | 115        | 117        | 112        | 105        | 133        |
| Inspections         | 295        | 235        | 403        | 319        | 289        | 323        | 233        | 320        | 293        | 347        | 278        | 303        |