

**ORDINANCE NO. 2009- 59**

**ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, FORMALLY ADOPTING THE FLORIDA BUILDING CODE, 2007 EDITION, AND PURSUANT TO THE AUTHORITY GRANTED BY SECTION 553.80(3), FLORIDA STATUTES, ADDING CERTAIN EXEMPTIONS TO SECTION 105.2 OF THE 2007 FLORIDA BUILDING CODE RELATING TO ADDITION, ALTERATION, OR REPAIRS PERFORMED BY A PROPERTY OWNER ON HIS OR HER OWN PROPERTY; PROVIDING FOR REPEAL OF ORDINANCE NO. 2002-01 IN ITS ENTIRETY; PROVIDING FOR CONFLICT AND SEVERABILITY; PROVIDING FOR INCLUSION IN THE COLLIER COUNTY CODE OF LAWS AND ORDINANCES; PROVIDING FOR PENALTIES FOR VIOLATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

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FILED  
OFFICE OF THE  
CLERK OF THE  
COLLIER COUNTY ATTORNEY  
2009 DEC -1 PM 4:08

WHEREAS, Article VIII of the State Constitution and Chapter 125 of the Florida Statutes provides that counties, as political subdivisions of the State, have the governmental and proprietary powers to enable them to conduct government, perform services, and may exercise any such powers for public purposes, except when expressly prohibited by law; and

WHEREAS, pursuant thereto, on January 8, 2002, the Board of County Commissioners adopted Ordinance No. 2002-01, which adopted by reference the Florida Building Code, 2001 edition, to be enforced by Collier County in the unincorporated portions of the County as well as local amendments to the administrative procedures of the Florida Building Code as authorized by Section 553.73(4)(a), Florida Statutes; and

WHEREAS, Section 553.73(6), Florida Statutes, provides that any amendment to the Florida Building Code adopted by a local government pursuant to this paragraph shall be effective only until adoption by the Florida Building Commission of a new edition of the Florida Building Code every third year; and

WHEREAS, since adoption of Ordinance No. 2002-01, the Florida Building Commission has adopted Florida Building Code, 2004 Edition, subsequently replaced by Florida Building Code, 2007 Edition; and

WHEREAS; on April 23, 2009, the Collier County Building Review and Permitting Department petitioned the State of Florida Building Commission inquiring whether replacement of a gas or electric water heater requires a building permit under the requirements of the Florida Building Code; and

WHEREAS, the State of Florida Building Commission issued a Declaratory Statement dated September 9, 2009, stating in part, "Therefore, based on the foregoing, and in the absence of an exemption applicable with the jurisdiction pursuant to Section 553.80(3), Florida Statutes (2007), the Code requires a permit for the replacement of a gas or electric water heater"; and

WHEREAS, the Board of County Commissioners desires to repeal Ordinance No. 2002-01 in its entirety and formally adopt, by reference, the Florida Building Code, 2007 Edition; and

WHEREAS, pursuant to Section 553.80(3), Florida Statutes, the Board of County Commissioners desires to add certain exemptions to Section 105.2 of the 2007 Florida Building Code (Work Exempt from Permit) relating to addition, alteration, or repairs performed by a property owner on his or her own property.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, that:**

**SECTION ONE: ADOPTION OF AND ADDITIONS TO THE FLORIDA BUILDING CODE.**

(a) Adoption. There is hereby adopted by reference, the Florida Building Code, 2007 Edition, and any amendments thereto, to be enforced by Collier County in the unincorporated portions of the County.

(b) Additions. The following exemptions are added to Section 105.2 of the Florida Building Code:

**105.2.4. Exemptions for minor repairs residential.** The following permit exemptions have been established for Collier County based on Section 102.2.5 (3) of the Florida Building Code and Section 553.80(3)(c), Florida Statutes.

Permit exemption is for owners of single family detached residences performing work on single family properties. All work performed shall comply with the standards of the Florida Building Code Residential.

### **Electrical**

1. Repair work performed by licensed electrical contractors that does not exceed \$1,500.00 in value of materials and labor.
2. Repair or replace existing light fixtures and ceiling fans.
3. Repair or replace electrical wall switches and wall outlet devices of 20 amps or less and 120 volts.
4. Repair or replace the following low voltage (under 77 volts) devices:
  - (a) Telephone
  - (b) Television
  - (c) Data Cable
  - (d) Central Vacuum
  - (e) Burglar Alarm
  - (f) Intercom System

### **Plumbing**

1. Repair/replace work performed by licensed plumbing contractors that does not exceed \$1,500.00 in value of materials and labor.
2. Repair water solar panels by licensed plumbing contractors.
3. Change out of an above ground LP tank 100 lbs or less.
4. Repair irrigation system.
5. Repair domestic water service/lines.
6. Unclog sewer stoppage.
7. Repair sewer line excluding repair or replacement of interceptors, separators by licensed plumbing contractors.
8. Repair/replace faucets.
9. Repair/replace water closet/bidet/urinal fixtures only.
10. Repair/replace sink/lavatory/drinking fountain fixtures only.
11. Repair /replace residential pool equipment other than pool heater.
12. Repair/replace shut off valve on a domestic water line.
13. Repair / replace and house pumps not exceeding 2 hp
14. Repair/replace residential disposal.
15. Repair/replace residential dishwasher.
16. Repair/replace like-for-like kind electric water heater up to 52-gallon capacity to include electrical connection.
17. Repair/replacement of water purification/water softener equipment.

### **Mechanical**

1. Repair work performed by licensed mechanical contractors that does not exceed \$1,500.00 in cost for parts and labor.
2. Repair of air conditioning duct.
3. Repair or replace coil, compressor or refrigerant piping by licensed mechanical contractor.
4. Repair or replace non-combustion heating by licensed mechanical contractors.

5. Repair ventilation fans.
6. Replacement of window air conditioning unit.
7. Installation of ductless ventilation and range hoods

### **Building**

1. Repair work performed by licensed contractors per Florida Statute 489 that is not structural in nature and does not change the occupancy, does not affect life safety and the value of which does not exceed \$1,500.00 in labor and materials.
2. The repair of any roof covering not exceeding \$1,500.00 in value of materials and labor or work not exceeding two roofing squares (200 sq. ft.) in extent.
3. Installation or repair of satellite dishes installed in accordance with manufacturers specifications and in compliance with local zoning requirements.
4. Installation or repair of canvas or cloth covered awnings.
5. Installation or repair of rain gutters.
6. Enclosure of existing covered patios/balconies/porches with screening.
7. Cement plaster (stucco) applied directly onto structures constructed of concrete masonry units. Application of cement plaster must meet or exceed the manufactures recommendations. All other applications will require a permit including but not limited to wood, Exterior Insulation Foam System (EIFS), brick, siding, or other application over metal lath or wire lath fabric.
8. Door replacement including swinging, sliding, pivoting, and rolling which does not otherwise create a new opening, enlarge or reduce an existing opening, or require the removal of any exterior or interior finish material serving a single family residence or other miscellaneous utility building constructed on a residential zoned lot. This exemption shall not allow nor relieve the building owner, unit owner, installer or contractor from complying with wind load and opening protection requirements of the Florida Building Code.
9. Movable cases, counters, and partitions not over 10 feet in height.
10. Cabinetry, counter tops, painting, papering, tiling, carpeting, and other similar finish work. This exemption is not allowed nor applicable when the work or alteration affects the structural integrity of a load bearing wall, or the fire resistant material of a fire rated horizontal or vertical separation. Projects located within a designated flood zone are required to comply with the substantial improvement requirements and submit a cost breakdown for any work which may be exempted from permits.
11. Swings and other playground equipment accessory. This exemption shall not allow nor permit the encroachment of setbacks or the erection of any unsafe, structurally unsound, or dilapidated structure. In the event the structure violates setbacks or is considered unsafe, structurally unsound, or dilapidated the building official may require a permit.

**Note:** All work shall comply with all applicable laws, ordinances, building codes and zoning regulations. To assure your safety and to assure proper construction and/or installation, those homeowners who are not familiar with the provisions and requirements of the Florida Building Code are encouraged to visit the website [www2.iccsafe.org/states/florida\\_codes/](http://www2.iccsafe.org/states/florida_codes/) to review code requirements prior to doing any work or repairs or they can contact the county building department if they have any questions. Homeowners lacking the technical background and familiarity with the code requirements are encouraged to have the work done by a licensed

professional or in the alternative apply for a permit where they will receive a technical review of the proposed work and where they will receive all required onsite technical inspections performed by a state licensed professional building inspector.

**SECTION TWO: REPEAL**

Ordinance No. 2002-01 is hereby repealed in its entirety.

**SECTION THREE. CONFLICT AND SEVERABILITY.**

In the event this Ordinance conflicts with any other ordinance of Collier County or other applicable law, the more restrictive shall apply. If any phrase or portion of the Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion.

**SECTION FOUR: INCLUSION IN THE CODE OF LAWS AND ORDINANCES.**

The provisions of this Ordinance shall become and be made a part of the Code of Laws and Ordinances of Collier County, Florida. The sections of the Ordinances may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

**SECTION FOUR: PENALTIES FOR VIOLATION.**

If any person, firm, corporation, or other legal entity whether public or private, shall fail or refuse to obey or comply with, or violates, any of the provisions of the Ordinance, such person, firm, corporation, or other legal entity whether public or private, upon conviction of such offence, shall be punished by a fine not to exceed Five Hundred Dollars (\$500.00) or by imprisonment not to exceed sixty (60) days in the County jail, or both, in the discretion of the court. Each day of continued violation or noncompliance shall be considered as a separate

offense. In addition, any person, firm, corporation, or other legal entity whether public or private, convicted under the provisions of this section shall pay all costs and expenses involved in the case. In addition, the provisions of this Ordinance may be enforced by any means appropriate under Section 125.69, Florida Statutes, or Chapter 162, Florida Statutes, or as set forth in the Code of Laws and Ordinances of Collier County, Florida, and the Collier County Land Development Code.

**SECTION FOUR: EFFECTIVE DATE.**

This Ordinance shall be effective upon filing with the Department of State.

PASSED AND DULY ADOPTED by the Board of County Commissioners of Collier County, Florida, this 10<sup>th</sup> day of November, 2009.

ATTEST:  
DWIGHT E. BROCK, CLERK

BOARD OF COUNTY COMMISSIONERS  
COLLIER COUNTY, FLORIDA

By: *Allen George O.C.*  
Attest as to Clerk  
signature only

By: *Donna Fiala*  
DONNA FIALA, CHAIRMAN

Approved as to form  
and legal sufficiency:

*Jeff E. Wright*  
Jeff E. Wright  
Assistant County Attorney

This Ordinance filed with the  
Secretary of State's Office the  
16<sup>th</sup> day of NOV., 2009  
and acknowledgement of that  
filing received this 30<sup>th</sup> day  
of NOV., 2009  
By: *Allen George O.C.*  
Deputy Clerk

STATE OF FLORIDA)

COUNTY OF COLLIER)

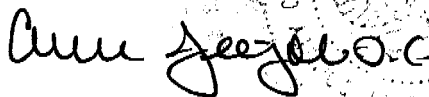
I, DWIGHT E. BROCK, Clerk of Courts in and for the Twentieth Judicial Circuit, Collier County, Florida, do hereby certify that the foregoing is a true and correct copy of:

**ORDINANCE 2009-59**

Which was adopted by the Board of County Commissioners on the 10th day of November, 2009, during Regular Session.

WITNESS my hand and the official seal of the Board of County Commissioners of Collier County, Florida, this 16th day of November, 2009.

DWIGHT E. BROCK  
Clerk of Courts and Clerk  
Ex-officio to Board of  
County Commissioners



*Ann Jennejohn*

By: Ann Jennejohn,  
Deputy Clerk