

ORDINANCE 2000 - 20

AN ORDINANCE CREATING A CONSTRUCTION BOARD OF ADJUSTMENTS AND APPEALS, TO HEAR APPEALS PURSUANT TO THE STANDARD FIRE PREVENTION CODE; STANDARD BUILDING CODE, STANDARD PLUMBING CODE, STANDARD MECHANICAL CODE, STANDARD GAS CODE, AND STANDARD HOUSING CODE; N.F.P.A. 101, LIFE SAFETY CODE; STANDARD UNSAFE BUILDING ABATEMENT CODE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Nassau County has adopted the S.B.C.C.I., Standard Fire Prevention Code, 1997 Edition; the S.B.C.C.I Standard Building Code, 1997 Edition; the N.F.P.A. 101, Life Safety Code, 1997 Edition; the S.B.C.C.I. Standard Housing Code, 1997 Edition; the S.B.C.C.I. Mechanical Code, 1997 Edition; the S.B.C.C.I. Plumbing Code, 1997 Edition; and the S.B.C.C.I. Standard Gas Code, 1997 Edition; Standard Unsafe Building Abatement Code, as promulgated by the Southern Building Code Congress International, Inc., specifically the 1985 edition; and

WHEREAS, the Codes provide for a Board of Adjustments and Appeals; and

WHEREAS, every citizen should have a remedy if there is a disagreement as to enforcement or interpretation of a provision of the Standard Fire Code, Life Safety Code, Standard Building Code, Standard Plumbing Code, Standard Mechanical Code, Standard Gas Code, Standard Unsafe Building Abatement Code, and Standard Housing Code; and

WHEREAS, the Construction Board of Adjustments and Appeals will provide a remedy for any disagreements in the interpretation of the Codes.

NOW, THEREFORE, BE IT ORDAINED this 19<sup>th</sup> day of June, 2000, by the Board of County Commissioners of Nassau County, Florida, as follows:

1. TITLE:

This Ordinance shall be known as the "Construction Board of Adjustments and Appeals Ordinance" as to the Standard Fire Code, Life Safety Code, Standard Building Code, Standard Plumbing Code, Standard Mechanical Code, Standard Gas Code, Standard Unsafe Building Abatement Code, and Standard Housing Code.

2. PURPOSE:

The purpose of the Construction Board of Adjustments and Appeals is to hear appeals regarding the interpretation and enforcement of the Standard Fire Code, Life Safety Code, Standard Building Code, Standard Plumbing Code, Standard Mechanical Code, Standard Gas Code, Standard Unsafe Building Abatement Code, and Standard Housing Code.

3. BOARD:

a. The Board shall be composed of seven (7) citizen members approved by the Board of County Commissioners.

b. (1) One (1) member should have a background in a fire-related occupation and knowledge of the Codes.

(2) Three (3) members should have a background in a construction-related occupation (general contracting), including sub-contracting (mechanical, plumbing, electrical, etc.).

(3) One (1) member should have a background in engineering/architecture.

(4) Two (2) members from any occupational background.

c. None of the members shall be current County employees.

d. All members shall be residents of Nassau County.

e. Clerical assistance shall be provided by the Building Department.

f. The Board of County Commissioners shall, by Resolution, appoint the members of the board.

g. All vacant board positions shall be filled immediately upon vacancy and for the full duration of the remaining term.

h. The Board shall, after their appointment, meet to elect a Chairperson and review procedures as established by Resolution by the Board of County Commissioners. Additional meetings shall be at the call of the chairperson

after proper notice as set forth by Resolution by the Board of County Commissioners.

i. Each Board member shall serve for two (2) year terms and may be renewed by the Board of County Commissioners. The Board of County Commissioners may remove any Board member based upon a majority vote of the Board of County Commissioners.

j. The initial terms shall be as follows:

(1) Four (4) members shall be appointed for a term of one (1) year each.

(2) Three (3) members shall be appointed for a term of two (2) years each.

k. All members shall serve without compensation.

4. APPEALS:

a. Whenever it is asserted that the provisions of the Standard Fire Prevention Code, Life Safety Code, Standard Building Code, Standard Plumbing Code, Standard Mechanical Code, Standard Gas Code, Standard Unsafe Building Abatement Code, and Standard Housing Code do not apply, or when an individual claims that the provisions of the said Code have been misconstrued or incorrectly interpreted, the owner of a building or structure or his/her duly-authorized agent may appeal the decision of the County Official designated to enforce the particular

code to the Construction Board of Adjustments and Appeals. In addition, the Board may grant extensions of time, pursuant to the Standard Unsafe Building Abatement Code, based upon undue hardship on an owner, not to exceed one hundred twenty (120) days with appropriate requirements as determined by the Board. Any extensions beyond one hundred twenty (120) days shall be based upon good cause. Notice of the appeal shall be in writing and signed by the owner or the duly authorized agent. The authorized agent shall have the owner execute a form provided by the Building Official's office. The appeal must be filed within fifteen (15) days of the decision rendered by the appropriate County Official. The forms for the appeal shall be available at the Clerk's office and at the County Coordinator's office, and the Board of County Commissioners shall approve the forms for the appeal. The forms shall be submitted to the Building Official, and he shall determine within five (5) working days of receipt of the appeal if the form is sufficient as to form, and the Building Official shall, within the same five-day period, request the matter be scheduled for the Construction Board of Adjustments and Appeals.

b. The Construction Board of Adjustments and Appeals may, after a hearing, vary the application of any provision

of the Codes or grant extensions when, in its written opinion, the enforcement would be contrary to the spirit and purpose of the Codes or public interest or when the interpretation of the appropriate County Official should be modified or reversed.

c. The Construction Board of Adjustments and Appeals shall render a decision within thirty (30) days of receipt of the appeal. The decision shall be in writing and shall set forth the basis for the decision. If a decision of the Board reverses or modifies a refusal, order, or disallowance of any decision of the appropriate County Official, the appropriate County Official shall immediately take action in accordance with such decision.

d. Every decision of the Board shall be final subject to any remedy at law or in equity that the individual may have. No other Board or Commission shall have the authority to reverse the Construction Board of Adjustments and Appeals.

5. LEGAL REPRESENTATION:

The County Attorney's office shall represent the Construction Board of Adjustments and Appeals.

6. PROCEDURES:

The Board of County Commissioners shall set forth procedures by separate Resolution for the Construction

Board of Adjustments and Appeals. The Construction Board of Adjustments and Appeals may recommend to the Board of County Commissioners any and all amendments to the procedures.

7. EFFECTIVE DATE: This Ordinance shall become effective upon its being filed in the Office of the Secretary of State.

BOARD OF COUNTY COMMISSIONERS  
NASSAU COUNTY, FLORIDA



NICK D. DEONAS  
Its: Chairman

ATTEST:



J. M. "CHIP" OXLEY, JR.  
Its: Ex-Officio Clerk

Approved as to form by the  
Nassau County Attorney



MICHAEL S. MULLIN

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