

ORDINANCE 2002 - 35

AN ORDINANCE AMENDING ORDINANCE 2000-20, WHICH CREATED 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; SPECIFICALLY AMENDING SECTION 1, TITLE; SECTION 2, PURPOSE; AND SECTION 4, APPEALS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Nassau County has been informed that the Florida Legislature has adopted the Florida Building Code and the Florida Fire Prevention Code; and

WHEREAS, the Board of County Commissioners adopted Ordinance 2000-20, which created a Construction Board of Adjustments and Appeals to hear appeals regarding 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 Florida Building Code and the Florida Fire Prevention Code supercede the above Codes, except for

S.B.C.C.I. Standard Housing Code, 1997 Edition, and Standard Unsafe Building Abatement Code, as promulgated by the Southern Building Code Congress International, Inc., specifically the 1985 edition; and

WHEREAS, the Board of County Commissioners has found it necessary to amend Ordinance 2000-20 in order to comply with the Florida Building Code and the Florida Fire Prevention Code.

NOW, THEREFORE, BE IT ORDAINED this 24th day of June, 2002, by the Board of County Commissioners of Nassau County, Florida, that Ordinance 2000-20 is amended 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,~~ Florida Fire Prevention Code, Florida Building 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~~ Florida Fire Prevention

Code, ~~Life Safety Code, Standard Florida~~ Building Code, ~~Standard Plumbing Code, Standard Mechanical Code, Standard Gas Code,~~ Standard Unsafe Building Abatement Code, and Standard Housing Code.

3. 4. APPEALS:

a. Whenever it is asserted that the provisions of the ~~Standard Florida~~ Fire Prevention Code, ~~Life Safety Code, Standard Florida~~ 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.

4. 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



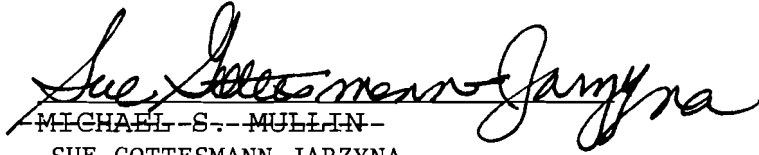
NICK D. DEONAS
Its: Chairman

ATTEST:



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

Approved as to form by the
Nassau County Attorney:



~~MICHAEL S. MULLIN~~

SUE GOTTESMANN-JARZYNA
ASSISTANT COUNTY ATTORNEY
h/anne/fire-bd-adj-amd