

ORDINANCE NO. 196

AN ORDINANCE OF THE TOWN OF BELLEAIR, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF BELLEAIR AS THEY PRESENTLY EXIST BY REPEALING IN ITS ENTIRETY CHAPTER 5 THEREOF PERTAINING TO BUILDING REGULATIONS AND TO THE SUBJECT MATTER HEREINAFTER MENTIONED AND ADOPTING NEW SECTIONS TO THE CODE TO BE KNOWN AS CHAPTER 6: ADOPTING THE STANDARD BUILDING CODE, 1976 EDITION, AND ALL REVISIONS AND AMENDMENTS THERETO AS ADOPTED BY THE PINELLAS COUNTY LICENSING BOARD WITH CERTAIN EXCEPTIONS, REQUIRING THE ISSUANCE OF PERMITS FOR THE ERECTION, CONSTRUCTION AND ALTERATION OF BUILDINGS AND STRUCTURES, REQUIRING THE FURNISHING OF CERTAIN INFORMATION WITH RESPECT TO SUCH PERMITS, PROVIDING FOR PERMIT FEES, ADOPTING THE NATIONAL ELECTRICAL CODE, 1978 EDITION, AND ALL REVISIONS AND AMENDMENTS THEREOF AS ADOPTED BY THE PINELLAS COUNTY LICENSING BOARD, ADOPTING THE STANDARD PLUMBING CODE, 1975 EDITION, AND ALL REVISIONS AND AMENDMENTS THEREOF AS ADOPTED BY THE PINELLAS COUNTY LICENSING BOARD, BY ADOPTING THE STANDARD MECHANICAL CODE, 1976 EDITION, AND ALL REVISIONS AND AMENDMENTS THEREOF AS ADOPTED BY THE PINELLAS COUNTY LICENSING BOARD; BY ADOPTING BY REFERENCE AS PART OF THIS CHAPTER 6 ORDINANCE NO. 177 OF THE TOWN OF BELLEAIR, OTHERWISE REFERRED TO AS APPENDIX A OF THE CODE AS IT NOW EXISTS PERTAINING TO FLOOD PLAIN MANAGEMENT REGULATIONS; BY ADOPTING PROVISIONS PERTAINING TO THE CONSTRUCTION OF TENNIS COURTS IN RESIDENTIAL DISTRICTS, PROVIDING DEFINITIONS, PRESCRIBING LOCATIONS, REQUIRING A BUILDING PERMIT, ESTABLISHING FEES FOR SUCH PERMITS, ESTABLISHING HEIGHT RESTRICTIONS OF BACKSTOPS AND SIDESTOPS, REQUIRING LANDSCAPING AND RESTRICTING LIGHTING; ESTABLISHING BUILDING BOARD OF ADJUSTMENT AND APPEALS, PRESCRIBING MEMBERSHIP THEREOF, TERM OF OFFICE, PERTAINING TO QUORUM, KEEPING OF RECORDS, PERTAINING TO PROCEDURES, PERTAINING TO DUTIES AND RESPONSIBILITIES OF SAID BOARD, PERTAINING TO MEETINGS AND PERTAINING TO APPEALS; PROVIDING SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE TOWN OF BELLEAIR, FLORIDA, that Chapter 6 of the Code of Ordinances of the Town of Belleair, attached hereto and by reference made a part hereof, be and the same is hereby adopted as part of the Code of Ordinances of the Town of Belleair. Chapter 5 of the Code of Ordinances of the Town of Belleair be and the same is hereby repealed in its entirety.

This Ordinance shall become effective ten (10) days after its enactment.

Chapter 6

BUILDINGS AND BUILDING REGULATIONS

ARTICLE I. CODES ADOPTED

Sec. 6-1. Building code adopted.

For the purpose of establishing rules and regulations for the erection, construction, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area and maintenance of buildings and structures in the Town, the 1976 edition of the Standard Building Code, and all revisions and amendments thereof as adopted by the Pinellas County Licensing Board, hereinafter referred to as "Standard Building Code", of which three (3) copies are now and shall remain on file in the office of the Town Clerk for public use, is hereby adopted as fully as if incorporated and set forth at length herein, with the following exceptions and supplementation and as otherwise provided in the Code of Ordinances of the Town:

- (A) Section 107.4 entitled "Schedule of Permit Fees" is deleted in its entirety and, in lieu thereof, the following is adopted:

For all buildings, structures, or alterations which require a building permit, the applicant shall at the time of filing an application, pay a fee as required in the following schedule:

- (1) Where the valuation does not exceed one hundred dollars (\$100.00) no permit fee shall be collected, unless an inspection is required, in which case there shall be a ten dollar (\$10.00) inspection fee.
 - (2) For valuations of more than one hundred dollars (\$100.00) the permit/inspection fee shall be one-half of one per cent of the estimated cost; minimum permit inspection fee shall be fifteen dollars (\$15.00).
 - (3) For each reinspection there shall be a fee of ten dollars (\$10.00).
- (B) For all buildings, structures or alterations which require a building permit, the applicant for such permit, in addition to complying with all of the other requirements of the Town ordinances which include the provisions of the Standard Building Code, shall provide the Town with the following information before a permit shall be issued:
- (1) The number of cubic yards of soil, dirt, rock or other materials to be delivered to or excavated or removed from the construction site;
 - (2) The ultimate disposition and placement of the soil, dirt, rock or other material which will be delivered to or removed from the construction site;
 - (3) The size (load capacity) and weight, both empty and loaded, of the trucks that will be used to transport such soil, rock, dirt or other material to or from the construction site;
 - (4) The route, including the names of all public roads within the Town, which will be utilized

by any and all trucks or other vehicles to move and transport said soil, dirt, rock or other material to or from the construction site;

- (5) The proposed route(s), including the names of all public roads within the Town, which will be utilized by any and all trucks or other vehicles to move and transport building materials to or from the construction site.

It shall be the duty and responsibility of each applicant to notify the Town Building Department and the Town Manager within twenty-four (24) hours of any changes of information which the applicant provided the Town in answer to the foregoing. In the event any applicant shall fail to notify the Town Building Department and the Town Manager of any changes of information previously provided within the allotted time, then his building permit may be revoked and cancelled by the Town.

Sec. 6-2. Electrical code adopted.

The National Electrical Code, 1978 edition, and all revisions and amendments thereof as adopted by the Pinellas County Licensing Board, of which three (3) copies are now and shall remain on file in the office of the Town Clerk for public use, is hereby adopted as fully as if incorporated and set forth at length herein.

Sec. 6-3. Plumbing code adopted.

The Standard Plumbing Code, 1975 edition, and all revisions and amendments thereof as adopted by the Pinellas County Licensing Board, of which three (3) copies are now and shall remain on file in the office of the Town Clerk for public use, is hereby adopted as fully as if incorporated and set forth at length herein.

Sec. 6-4. Mechanical code adopted.

The Standard Mechanical Code, 1976 edition, and all revisions and amendments thereof as adopted by the Pinellas County Licensing Board, of which three (3) copies are now and shall remain on file in the office of the Town Clerk for public use, is hereby adopted as fully as if incorporated and set forth at length herein.

Sec. 6-5. Violation of sections 6-1, 6-2, 6-3 and 6-4.

Any person who violates the provisions of the building, electrical, plumbing, or mechanical codes adopted by reference in sections 6-1, 6-2, 6-3 and 6-4 hereof shall be punished as provided in this Code.

ARTICLE II. FLOOD PLAIN MANAGEMENT REGULATIONS

Appendix A of the Code of Ordinances of the Town of Belleair as the same now exists (being originally enacted as Ordinance No. 177) be and it is hereby adopted as Article II of Chapter 6 of this Code, and shall be renumbered according to Sections so that it is consistent with the section designations contained in this Code and in this Ordinance No. 196.

ARTICLE III
CONSTRUCTION OF TENNIS COURTS IN RESIDENTIAL DISTRICTS

Sec. 6-45. Definitions.

The terms used in this article shall have meanings as follows:

(A) ACCESSORY. A structure which is clearly incidental or subordinate to the principal building or use and which is located on the same lot with such principal building or use.

(B) STRUCTURE. An object which is constructed or installed or any piece of work artificially built up or composed of parts joined together in some definite manner. The term "structure" shall be construed as if followed by the words "or part thereof".

(C) TENNIS COURT. A level paved area of designated size divided by a low net used for playing tennis. The term "tennis court" includes backstops and sidestops and is classified as an accessory structure.

Sec. 6-46. Location.

No accessory structure which violates the setback lines of Section 16.13 of the Town zoning ordinance shall be installed or constructed on any lot. A tennis court may be installed or constructed on a vacant lot in a residential district only when the vacant lot and a contiguous residential lot with a principal building are legally bound as a single parcel under the same ownership and so recorded in the public records of Pinellas County, Florida.

Sec. 6-47. Height of backstops and sidestops.

No tennis court which violates the front yard, side yard and rear setback lines may be installed or constructed on any lot in a residential district. A tennis court which maintains the front, side yard and rear setback lines appropriate to the residential district may have backstops and sidestops not to exceed fourteen (14) feet.

Sec. 6-48. Landscaping.

Backstops and sidestops for tennis courts erected under the provisions of section 6-47 hereof shall be landscaped with shrubbery.

Sec. 6-49. Lighting.

Lighting for the tennis court may be installed with the approval of the Town Manager, and if approved, such lighting may be used until 10:00 p.m. throughout the year.

Sec. 6-50. Building permit required.

No tennis court as defined herein shall be constructed, extended, altered, repaired or reconstructed without first obtaining a building permit for such work in accordance with the provisions of this ordinance and as provided in this chapter.

Sec. 6-51. Fees and information to be submitted with building permit application.

At the time of submitting an application for a permit as required by Section 6-50 hereof, the applicant must also submit the following:

(A) The permit fee in accordance with the provisions of the Standard Building Code then in effect in the Town.

(B) Adequate plans, specifications, surveys and drawings so as to disclose the structural design, appearance, landscaping, strength, durability, size, location (with reference to existing structures and property lines), drainage and lighting, if any, of the proposed tennis court.

ARTICLE IV. BUILDING BOARD OF ADJUSTMENT AND APPEALS

Sec. 6-52. Appointment and membership.

There is hereby established the Building Board of Adjustment and Appeals, hereinafter referred to as "Building Board", which shall consist of five (5) members. The membership of said Board shall be composed of one (1) architect, one (1) general contractor or engineer, and three (3) members at large from the building industry. Said members shall be appointed by the Town Commission.

Sec. 6-53. Term of office.

The members of the initial Building Board shall be appointed as hereinafter indicated:

(A) Two (2) members of the initial Board shall be appointed for a term of one (1) year; and

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

Thereafter, they shall be appointed for a term of two (2) years. Vacancies on the Building Board shall be filled for an unexpired term in the same manner in which the original appointments are required to be made. Any member who is absent from three (3) consecutive meetings of the Building Board may, at the discretion of the Town Commission, be immediately removed from office and such vacancy filled as hereinabove provided.

Sec. 6-54. Quorum.

Three (3) members of the Building Board shall constitute a quorum. In varying the application of any provisions of the Town Ordinances, the Standard Building Code, or in modifying an order of the Town building official, affirmative votes of the majority present, but not less than three (3) affirmative votes, shall be required. A member of the Building Board shall not act in a cause in which he has a personal interest.

Sec. 6-55. Records.

The Building Board shall designate the Town Clerk as Secretary and the Town Clerk shall make a detailed record of all meetings and proceedings of the Building Board. Said record shall set forth the reasons for any and all decisions of the Building Board, the vote of each member participating therein, the absence of a member, and any failure of a member to vote. All records of the Building Board shall be handled according to the Town Ordinances and the laws of the State of Florida.

Sec. 6-56. Procedures.

The Building Board shall establish rules and regulations for its own procedures not inconsistent with the ordinances of the Town, the ordinances of the County of Pinellas, the laws of the

State of Florida and the provisions of the current Standard Building Code. The Building Board shall meet at intervals to be determined by the Board Chairman, or in any event, the Building Board shall meet within ten (10) days after notice of appeal has been received.

Sec. 6-57. Duties and responsibilities.

The Building Board shall have all duties and responsibilities provided for said Board according to the ordinances of the Town, the ordinances of Pinellas County, the laws of the State of Florida and the provisions of the Standard Building Code as presently written or as hereafter amended and adopted by the Town.

Sec. 6-58. Meetings.

All meetings of the Building Board shall be public meetings and shall comply with all of the laws of the State of Florida pertaining to public meetings.

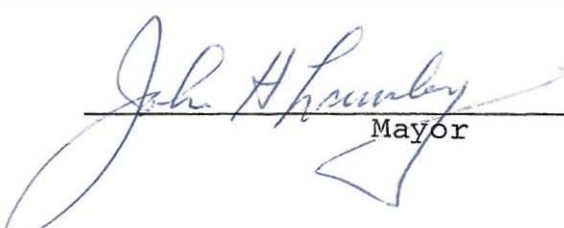
Sec. 6-59. Appeals.

All appeals from decisions shall be in accordance with the provisions and responsibilities of the ordinances of the Town, the ordinances of Pinellas County, the laws of the State of Florida and the provisions of the Standard Building Code as presently written or as hereafter amended and adopted by the Town.

Sec. 6-60. Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason 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 thereof.

PASSED ON FIRST READING:	<u>12/20/78</u>
PASSED ON SECOND AND FINAL READING AND ADOPTED:	<u>1/16/79</u>



Mayor

ATTEST:



Town Clerk