

1 (2) Working Without a Permit ("WWP") is defined as commencement of an improvement being made to a
2 property, and prior to the issuance of a permit; the improvement of which may include building, electrical,
3 gas, mechanical, plumbing, or roofing work, or work identified, observed, or revealed during the course of an
4 investigation or inspection of a valid permit; the work of which was not specifically described on the original
5 permit application for which the permit was issued .

6 (b) ATF Permits:

7 (1) ATF Purpose:

8 The purpose of the ATF permit is not to verify compliance with the current code, but to observe if the
9 current state of the building, structure, or any component is safe to utilize for its intended use. Many
10 unpermitted improvements were built years ago, and as such, they may not be in compliance with the
11 current Florida Building Codes and the BIMC. An ATF permit is not a substitute for a standard building
12 permit and does not grant permission to make alterations, changes, renovations, or any remodeling
13 improvement. Rather, the ATF permit is intended to be a vehicle to document the existing
14 improvement, legitimize existing improvements through inspections, ensure the unpermitted work is
15 safe or otherwise unlikely to cause immediate harm, and inform any current and future interested
16 parties of the existence of previously unpermitted work and the result of ATF inspections.

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18 (2) ATF Permits:

19 (i). Obtaining an ATF permit is similar to the process to obtain a regular permit.
20 Improvements made to existing unpermitted improvements do not qualify as ATF
21 Improvements, and require the issuance of additional permits and filing of a Notice of
22 Commencement. The City will provide the applicant with an application marked
23 "ATF" to effectively communicate to any interested party what type of permit was
24 issued.

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2 (ii). The City hereby determines that ATF permits may be obtained without a contract or
3 direct contract as defined in § 713.01, Florida Statutes, and therefore, the filing of a
4 Notice of Commencement is not required prior to the first inspection. Such
5 improvements, where constructed prior to March 1, 2017, are assumed to have been
6 existing, used, occupied, or otherwise known to the current owner as legal and not
7 requiring any further improvements.

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9 (3) ATF Inspections:

10 (i). Once the permit is issued, the permit applicant must obtain their necessary approved
11 final inspections.

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13 (ii). The City will schedule ATF final inspections once the ATF permit is issued. Additional
14 inspections may require the issuance of separate permits.

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16 (iii). An applicant may opt to have an .

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18 (iv). The building official is authorized to impose current applicable, technical code
19 requirements if his or her inspection reveals the current state of the building,
20 structure, or any component thereof is not safe to utilize for its intended use.
21 Additional work may require the issuance of separate permits.

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23 (v). Inspectors may require the removal of materials (at the applicant's cost) to verify
24 internal components are sufficient for their intended use.

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2 (vi). At the inspectors' reasonable discretion, approval may be granted if the building,
3 structure, or any component has withstood the test of time; there's no evidence of
4 hazard, rot, or decay; the building system components are sufficiently operating
5 without interruption, and the building or structure is structurally sound.

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7 (vii). Appliances and equipment may be approved if they are installed in a manner
8 substantially consistent with the code, meaning that the installation of such
9 appliances or equipment meets the intent of the code for life safety and fire
10 resistance purposes.

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12 (4) ATF Alternative Method of Inspection:

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14 (i). LICENSED PROFESSIONAL AFFIDAVIT - Once the ATF permit is issued the property
15 owner may elect to have an outside inspection service, architect, or professional
16 engineer visit the site to conduct and provide third party inspections. Such third-party
17 inspector must be qualified as a building code inspector licensed in the appropriate
18 category pursuant to Part XII of Chapter 468, Florida Statutes.

19
20 (ii). THIRD PARTY INSPECTION - The third party inspector shall submit a sworn affidavit to
21 the building official, which must include copies of relevant inspection reports and a
22 final certificate certifying that the ATF improvement(s), including the structure,
23 electrical, gas, mechanical, or plumbing system, has/have been erected in accordance
24 with the inspection criteria established in Section 6-5(b)(3) of this code.

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2 (c) WWP Procedure.

3 (1) WWP Purpose. Working without a permit (WWP) requires retroactive remediation of the
4 failure to obtain a permit, including the filing of a Notice of Commencement, before a WWP
5 permit may be issued.

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7 (2) WWP Generally:

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9 i. The process of obtaining a permit for work started prior to the issuance of a permit is
10 the same process used to obtain a regular permit. The applicant is required to create
11 2-sets of construction documents, which includes at a minimum a site plan, floor plan,
12 exterior elevations, and structural connection details. All such information is required
13 in order to obtain a permit.

14
15 ii. Improvements made to buildings, structures, or properties must be in compliance
16 with the Florida Building Code. The Florida Building Code (FBC) applies to the
17 construction, erection, alteration, modification, repair, equipment, use and
18 occupancy, location, maintenance, removal, and demolition of every public and
19 private building, structure or facility, or any appurtenances connected or attached to
20 such buildings, structures or facilities. Additions, alterations, repairs and changes of
21 use or occupancy in all buildings and structures must comply with the applicable
22 provisions provided in the FBC.

1 iii. Properties Located Within Designated Flood Zones: Improvements located within a
2 designated flood zone must be in compliance with the federal flood regulations,
3 technical bulletins, and any other applicable state and local regulations pertaining to
4 construction within such zones. Such improvements must be brought into compliance
5 during this process.

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7 (3) WWP Notice of Commencement: Permits for projects classified as WWP will not be issued
8 without filing a Notice of Commencement.

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10 (4) WWP Permits: The following procedures must be followed to obtain permits and inspections
11 for work begun and/or completed without first obtaining any required permits as indicated
12 herein:

13 i. If plans are required, they will be received and logged-in for plan review by the city.
14 City staff will determine if plans must be formally submitted or reviewed over the
15 counter. The plans submitted will be required to meet requirements for new
16 construction.

17
18 ii. The City will provide permit applicants a job placard marked "WWP" to effectively
19 communicate to any interested party what type of permit was issued.

20 (6) Inspections:

21 i. Upon issuance of the permit(s), the permit applicant must schedule the most
22 appropriate type of inspection(s), based on the scope of work, within 30 days from the
23 issuance of a permit.

- 1 ii. The applicant will be responsible to open and expose areas for inspection. All affected
2 areas must be readily accessible for inspections.
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- 4 iii. WWP inspections may require the removal of materials to sufficiently conduct any
5 inspection. The inspector may require removal of sufficient materials to expose the
6 major elements.
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- 8 iv. Any work found in noncompliance will be rejected and the applicant will be asked to
9 complete or rework the deficiencies.
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- 11 v. The applicant will be responsible for the costs of the inspection.
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13 (7) Authority of the Building Official. The building official may consider granting variations of this
14 policy/procedure yet, variation from this policy/procedure will not be interpreted as setting a
15 precedent or constituting a waiver of the requirements of this ordinance.

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17 (d) ATF and WWP Permit Fees/Penalties:

- 18 (1) The fee for an ATF permit is the cost of the permit plus any inspection costs related to
19 inspections conducted by the city in accordance therewith.
- 20 (2) The fee for a WWP permit is \$500 plus double the cost of the applicable permit fee plus all
21 costs related to the city's issuance of the permit and inspections. Mere payment of a WWP
22 fee may not be used as a defense in a Code Enforcement or other similar case for
23 performing work for which a permit was required without having first obtained a necessary
24 permit. Full and timely compliance with this code is required.
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1 (e) Additional Procedures and Regulations: The City Council may, by Resolution, provide for further
2 clarification of or additional procedures for this section 6.5 – Failure to Obtain Permit as may be
3 necessary, so long as such clarifications or procedures are not inconsistent with this section 6.5 or
4 the City's code.

5
6 SECTION 2. Codification. This Ordinance shall be incorporated into and codified within the Municipal Code of
7 the City of Belle Isle, Florida. Any section, paragraph number, letter and/or any heading may be changed or
8 modified as necessary to effectuate the foregoing. Grammatical, typographical, and similar or like errors may
9 be corrected, and additions, alterations, and omissions not affecting the construction or meaning of this
10 ordinance or the Land Development Code may be freely made.

11
12 SECTION 3. Severability. If any section, subsection, sentence, clause, phrase, word or provision of this
13 Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction,
14 whether for substantive, procedural, or any other reason, such portion shall be deemed a separate,
15 distinct and independent provision, and such holding shall not affect the validity of the remaining portions of
16 this Ordinance.

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18 SECTION 4. Conflicts. In the event of a conflict or conflicts between this Ordinance and any other ordinance
19 or provision of law, this Ordinance will govern and control to the extent of the conflict, as allowable under the
20 law.

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22 SECTION 5. Effective Date. This Ordinance shall become effective immediately upon adoption by the
23 City Council of the City of Belle Isle, Florida.

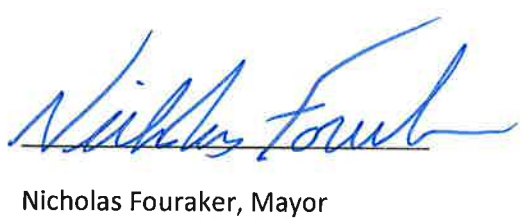
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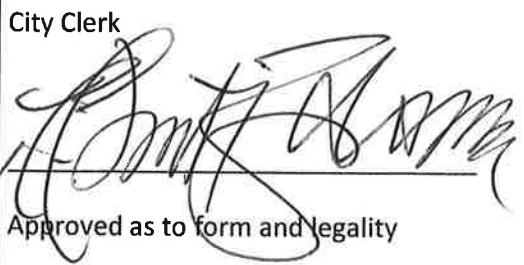
First Reading on February 16th, 2021.


Second Reading and Adoption this 2nd day of March, 2021.

	YES	NO	ABSENT
Ed Gold	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Anthony Carugno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Karl Shuck	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Sims	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Harvey Readey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jim Partin	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sue Nielsen	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

ATTEST: 
Yolanda Quiceno, CMC


Nicholas Fouraker, Mayor

City Clerk


Approved as to form and legality
For use and reliance by the City 
Kurt Ardaman, City Attorney



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STATE OF FLORIDA

COUNTY OF ORANGE

I, Yolanda Quiceno, City Clerk of the City of Belle Isle do hereby certify that the above and foregoing document ORDINANCE 20-01 was duly and legally passed by the Belle Isle City Council, in session assembled on the 2nd day of March, 2021, at which session a quorum of its members were present.



Yolanda Quiceno, CMC-City Clerk

