

CHAPTER 4

BUILDINGS AND BUILDING REGULATIONS*

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ARTICLE I. IN GENERAL

SECTION 4-1. OCCUPATIONAL LICENSE REQUIRED. No General Contractor, Building Contractor, Pool Contractor or Contractor who stores materials in the town who does not have an occupation license issued by the town for the current year, and who has not complied with the insurance requirements of the laws of the State of Florida, shall be permitted to do construction work within the town. (Ord. No. 85-8, S 1)

SECTION 4-2. BUILDING OFFICIAL DEFINED. The Town Superintendent shall be designated as the "Building Official" as referenced in the Standard Building Code, and shall assume the duties and responsibilities as are set forth under either title used interchangeably in this chapter. (Ord. No. 85-8, S 2)

SECTION 4-3. BUILDING OFFICIAL TO ENFORCE CHAPTER. For the purpose of this chapter the Town Superintendent/Building Official is hereby designated and authorized as the enforcement officer under the direction of the Town Commission. (Ord. No. 85-8, S 3)

* Cross references-Electricity, Ch. 6; Fire prevention, Ch. 7; Flood prevention, Ch. 7.5; Gas. Ch. 9; Plumbing, Ch. 16; Signs, Ch. 16.5; Pools, Ch. 18.5; Tree protection, Ch, 21.

State law references-Building construction standards, F.S. Ch. 553; authority of state department of health and rehabilitation services to promulgate regulations, F.S. Section 381.031.

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SECTION 4-3.1. STANDARD CODES REGULATING CONSTRUCTION AND RELATED ACTIVITIES.

(1) The Town hereby requires that all buildings constructed, reconstructed or repaired within the Town, as well as other activities associated with construction, shall conform to the following codes and regulations adopted by reference as fully and to the same extent as if set out at length herein, except as same may be amended by ordinance of the Town. In case of conflict between specific sections of the standard codes and regulations and the ordinances of the Town, the more restrictive provisions shall prevail:

- (a) Standard Building Code, 1991 Edition (Ord. No. 92-3, S 1)
- (b) Standard Fire Prevention Code, 1991 Edition (Ord. No. 92-3, S 1)
- (c) Standard Gas Code, 1991 Edition (Ord. No. 92-3, S 1)
- (d) Standard Housing Code, 1991 Edition (Ord. No. 92-3, S 1)
- (e) Standard Mechanical Code, 1991 Edition (Ord. No. 92-3, S 1)
- (f) Standard Plumbing Code, 1991 Edition (Ord. No. 92-3, S 1)
- (g) Standard Unsafe Building Abatement Code, 1985 Edition (Ord. No. 92-3, S 1)
- (h) National Electric Code, 1990 Edition (Ord. No. 92-3, S 1)
- (i) Standard Existing Building Code, 1988 Edition (Ord. No. 92-3, S 1)
- (j) Standard Swimming Pool Code, 1991 Edition (Ord. No. 92-3, S 1)
- (k) Standard Excavation and Grading Code, 1975 Edition and Amendments through 1984.
- (l) Standard Roofing Code, 1982 Edition and Amendments through 1984
- (m) Standard Amusement Device Code, Amendments through 1984.
- (n) Standard Code for Installation of Roof Coverings, 1982 Edition and Amendments through 1984
- (o) State of Florida Energy Efficiency Code for Building Construction, 1986 Edition (Ord. No. 86-6, S 1)

except for those additions and deletions already provided for in this ordinance. This ordinance and the codes are specifically to be construed as being cumulative with all existing federal, state, county and town laws, ordinances and regulations now existing or hereafter adopted, or amended from time to time. This code shall not be construed as an authorization for any construction where now or hereafter prohibited by federal, state, county or town laws, ordinances, or regulations. (Ord. No. 92-3, S 1, 02/25/92)

(2) The following provision is added to and made a part of SBCCI Standard Building Code, Section 1205 (Wind Load compliance) paragraph 1205.1: Use of this section for new residential construction, or renovations and/or additions, or combinations thereof that change

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more than 50% of the structure or increase the structure by more than 50% requires signed and sealed drawings with structural calculations from an Architect or Registered Engineer. The calculations must include a statement that the design meets the requirements of this section. (Ord. No. 94-1, S 1 02/01/94)

(3) At the discretion of the applicant for a residential building permit, the provisions of SBCCI standard for Hurricane Resistant Residential construction SSTD 10-93 may be complied with, in lieu of those of Standard Building Code section 1205. If this option is elected, the plans must include a statement from the plan designer that the design meets the requirements of SSTD 10-93. (Ord. No. 94-1, S 1 02/01/94)

SECTION 4-4. CERTIFICATE OF COMPETENCY NOT REQUIRED. The persons enumerated in this section shall not be required to obtain a certificate of competency as required by this chapter:

(1) Those persons duly authorized by the Construction Industry Licensing Board of the State.

(2) Residential home owners who reside on such property may be issued a building permit provided they prove to the satisfaction of the building official their competency to do such work. Such persons are not required to have an occupational license, but are subject to applicable permit and inspection fees.

(3) Authorized representatives of the United States of America, the State and the Town. (Ord. No. 85-8, S 4)

SECTION 4-5. PROOF OF COMPETENCY. The applicant shall present to the building official proof of successful passage of the Florida Construction Industry Licensing Board examination, H.H. Block Associates examination, or possession of a current Brevard County competency card. (Ord. No. 85-8, S 5)

SECTION 4-6. CERTIFICATE OF COMPETENCY; RENEWAL AND EXPIRATION. All certificates of competency issued under the provisions of this chapter shall expire on the thirtieth day of September in each year following their issuance. The annual fee for all classes of competency shall be ten dollars (\$10.00). (Ord. No. 85-8, S 6)

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ARTICLE II. PERMIT COMMITTEE

SECTION 4-7. CREATED. A permit committee is hereby created. (Ord. No. 29, S 1)

SECTION 4-8. COMPOSITION; CHAIRMAN; APPOINTMENT.

- (a) The permit committee shall consist of five members, one of whom shall be a member of the town commission. (Ord. No. 93-1, S 1)
- (b) Membership should, when possible, be on the basis of interest or experience in the matters of the Permit and Inspection Committee, and shall include whenever possible a general contractor, an architect or an engineer. (Ord. No. 93-1, S 1)
- (c) At the first meeting, following the regular elections and the seating of the Commissioners the committee shall elect a chairperson and vice-chairperson from among its members, with eligibility for re-election. (Ord. No. 93-1, S 1)

SECTION 4-9. TERM OF OFFICE; REAPPOINTMENT. The members of the permit committee shall serve for a term of two years, concurrent with the calendar year, and may be reappointed to succeed themselves. (Ord. No. 29, S 3) (85-8, S 8)

SECTION 4-10. SERVICE WITHOUT COMPENSATION; BUDGET FOR EXPENSES.

- (a) The members of the permit committee shall serve without compensation.
- (b) The town commission may provide such sums as it may deem expedient to pay any expenses incurred by the permit committee, but no expense shall be incurred by the permit committee without the consent of the town commission. (Ord. No. 29, S 4)

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SECTION 4-11. RULES OF PROCEDURE; DATES OF MEETINGS. The permit committee shall prescribe its own rules of procedure, and dates and places of the meetings. (Ord. No. 29, S 5)

SECTION 4-12. MEETINGS OPEN TO PUBLIC; MINUTES.

- (a) All meetings of the permit committee shall be open to the public.
- (b) Minutes shall be kept of all proceedings and of votes taken, both yea's and nay's. (Ord. No. 29, S 7)

SECTION 4-13. FUNCTIONS AND DUTIES. The permit committee shall:

- (1) Act on all applications for permits.
- (2) Issue permits.
- (3) Work with the inspectors appointed by the town commission.
- (4) Refer, when necessary, to the commission any violations of permits granted. (Ord. No. 29, S 6)

SECTION 4-14. REPORTS. The permit committee shall make a monthly report in writing of all its activities during the preceding month to the town commission at its regular meeting. (Ord. No. 29, S 7)

SECTION 4-15.---4.19. RESERVED.

ARTICLE III. BUILDING CODE

SECTION 4-20. REPEALED. (Ord. No. 86-6, S 2)

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SECTION 4-20-1. AMENDMENTS TO STANDARD BUILDING CODE.

(1) Section 101.4 of Standard Building Code is amended by deleting all provisions contained therein and substituting the following:

The position of Town Superintendent is hereby assigned the dual title, duties and responsibilities of Building Official as set forth in the Standard Building Code. (Ord. No. 92-3, S 2, 02/25/92)

(2) Section 105.1 of Standard Building Code is amended by deleting all provisions contained therein and substituting the following:

There is established a board to be called the Board of Adjustments and Appeals. The Town Commission is hereby designated to serve as the Board of Adjustments and Appeals in executing the functions prescribed in the Standard Building Code and also for all other Standard Codes which prescribe that a Board of Adjustments and Appeals be established. (Ord. No. 86-6, S 3) (Ord. No. 92-3, S 3, 02/25/92)

(3) Within said Codes, when reference is made to the duties of certain officials named therein, that designated official in the Town of Melbourne Village who has duties corresponding to those of the named official in said Code, shall be deemed to be the responsible official insofar as enforcing the provisions of said Code are concerned. (Ord. No. 92-3, S 4, 02/25/92)

SECTION 4-20.2. REPEALED. (Ord. No. 86-6, S 4)

SECTION 4-21. REPEALED. (Ord. No. 86-6, S 5)

SECTION 4-22.---4-26. RESERVED. Reserved.

ARTICLE IV. BUILDING PERMITS

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SECTION 4-27. REQUIRED.

(a) No person shall construct, alter or commence construction of any building or structure within the town without first obtaining a written permit. (Ord. No. 10, S.2)

(b) Building permits shall be issued only to those contractors who present proof of competency in the following trades or occupations: (Ord. No. 85-8, S 13)

- (1) General
- (2) Building
- (3) Residential
- (4) Electrical
- (5) Plumbing
- (6) Swimming Pool
- (7) Roofing
- (8) Heating, ventilation and air conditioning.

SECTION 4-28. SEPARATE FOR SEPARATE PORTION OF WORK. Separate permits shall be issued on:

- (1) Structural work on all buildings;
- (2) Electrical work;
- (3) Plumbing;
- (4) Heating, ventilation and air conditioning;
- (5) Gas work;
- (6) Roofing;

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(7) Pool construction;

(8) Any other miscellaneous work for which a permit is prescribed in the permit schedule indicated in Appendix "A" to this chapter. (Ord. No. 85-8, S 14)

SECTION 4-29. APPLICATIONS-FORM. Every application for a permit to erect a building or structure or to materially alter any existing building or structure in the Town of Melbourne Village shall be accompanied by two (2) sets of detailed plans, and such detailed structural drawings thereof as the town superintendent may require. If the plans submitted do not furnish sufficient information adequately to show to scope of the planned construction for which a permit has been requested, then there shall be furnished, in addition to the two (2) sets of detailed plans, one set of detailed specifications for each proposed work. All drawings, specifications and accompanying data for any building, except for one and two-family dwellings, shall be prepared by a registered architect or professional engineer of the State of Florida. Such documents shall bear his impressed seal, signature and date on each sheet. When these documents are prepared by an architect, his seal need only be applied to the index sheet. In the case of minor addition or alterations not affecting the structural integrity of the existing structure, the building official may waive this requirement. No permit therefore shall be issued until such plans (and specifications when required) shall have been previously approved by the town superintendent. (Ord. No. 93-1, S 2)

All such plans and specifications for buildings or structures to be erected in the Town of Melbourne Village, that are governed by state laws, must have the standard approval of the proper state authority before application is made for the permit. All plans shall be drawn at a scale acceptable to the town superintendent and shall show the following:

(1) A plot plan which shall show the actual shape and dimensions of the lot or lots to be built upon, the exact size and location of the lot or lots of proposed and existing buildings and accessory building, and the existing and intended use of each building or part of a building existing and/or proposed, driveway, provisions for off-street parking and such other information with regard to the lot as may be necessary to determine compliance with these regulations.

(2) The location and layout of the proposed and/or existing sewage disposal system. (Ord. No. 93-1, S 3)

(3) When applicable, the required loading and unloading spaces, maneuvering space and openings for ingress and egress.

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(4) When applicable, grading and drainage plans prepared by a civil engineer showing any and all cuts, fills and provisions for adequately carrying off surface water on premises, plus provisions for any surface water which would naturally flow over or through the area, such plans shall be reviewed and approved by the town superintendent.

(5) Specifications, when required, shall be full and complete as to character of the work, structural details, strength of material and workmanship.

(6) When applicable, soil boring's and other soil tests including a detailed classification of the soil using the unified system developed by the Waterways Experiment Station and Corps of Engineers, as well as the Soil Conservation Service, indicating the nature of the soils on the site and the correlation of the structure with the soil mapping information and the location, depth, width and length of any existing hardpan, shall be required.

(7) Such other information as lawfully may be required by the town superintendent, including existing or proposed building or alteration; existing or proposed uses of the building and land; the number of families, housekeeping units, or rental units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of this article.

(8) The final planned topographic contours in elevation increments no larger than one foot.

(9) The manner of proposed storm drainage including all swales, drainage pipe systems and inlets, (if used), storm water retention and any other features pertinent to storm damage. The plan shall clearly show how the developer or builder intends to prevent drainage onto adjoining or abutting properties. The topographic plot shall extend to a point at least six feet beyond the boundaries of the property under development.

(10) A list of subcontractors (electrical, masonry, mechanical, plumbing, H.A.R.V., roofing) to be involved in the building project and a certificate signed by the builder stating that all mentioned subcontractors are properly licensed to do business in the Town and must be included on the permit application. The builder shall certify that he is thoroughly knowledgeable of current applicable ordinances and that he will fully comply with such ordinances. (Ord. No. 85-8, S 15)

SECTION 4-29.1. EXAMINATION OF PLANS AND SPECIFICATIONS.

(a) The Building Official shall examine or cause to be examined each application for permit and drawings and computations filed therewith and shall ascertain whether the construction

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indicated and described is in accordance with the requirements of this code and all other pertinent laws or ordinances.

(b) The Building Official may accept a sworn affidavit from a registered architect or engineer stating that the plans submitted conform to the laws as to egress, type of construction and general arrangement and if accompanied by drawings showing the structural design, and by a statement that the plans and design conform to the requirements of this code as to strength, stresses, strains, loads and stability, he may without examination or inspection accept such affidavit, provided the Architect or Engineer who made the affidavit agrees to submit to the Building Official, on the completion of the structure a certification that the structure has been erected in accordance with the requirements of this code. Where the Building Official relies upon such affidavit, the architect or engineer shall assume full responsibility for the compliance with all provisions of this code and other pertinent laws or ordinances. (Ord. No. 85-8, S 16)

(c) In R1, R1A and R2, within five working days after submittal of a building permit application, the Town Superintendent will determine the completeness of the application. If the Town Superintendent approves the permit application package, he/she will request that the permit and inspection committee review the completed application. The date, time and place of such meeting shall be determined by the permit and inspection chairperson.

If the Town Superintendent rejects or modifies the permit application, he/she shall notify the applicant and state his/her reasons for rejection or modification.

If the applicant feels aggrieved due to rejection, modification or delay, he/she may request a hearing before the Town Board of Adjustment. (Ord. No. 93-1, S 4)

SECTION 4-29.2. COMPLIANCE WITH OTHER REGULATIONS. Construction coming within the jurisdiction of one or more of the following agencies requires proof of plans approval be furnished to the Planning and Zoning Board prior to issuing a building permit:

- (1) Florida Hotel and Restaurant Commission;
- (2) Department of Environmental Regulation;
- (3) Brevard County Health Department;
- (4) Department of Transportation (driveways entering state highways).
(Ord. No. 85-8, S 17)

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SECTION 4-30. REPEALED. (Ord. No. 85-8, S 18)

SECTION 4-31. PLANNING BOARD CONSIDERATIONS. No permit for the construction of a multiple unit dwelling, commercial building or sign or billboard shall be issued until application therefor has been referred to the planning board for its consideration and recommendations thereon. (Ord. No. 17, S 1)

SECTION 4-32. PERMIT AND INSPECTION FEES: BUILDING VALUATION.

(a) Permit and inspection schedule - The types of work for which a permit and inspection fee are charged are specifically cited in Appendix "A" of this chapter, together with the applicable fees.

(b) Building valuation - The fee for construction permits is based on the average costs for buildings, including total developer's cost to design, inspect and construct a building and appurtenances. The applicable building valuation data schedule is described in Appendix "A" to this chapter.

(c) Fee - failure to obtain a permit - If any person commences work on a building or structure before obtaining the necessary permit from the permit committee, he shall be subjected to the penalty prescribed herein. (Ord. No. 85-8, S 19)

SECTION 4-32.1. ACTION ON APPLICATION FOR PERMIT.

(a) When the permit committee and the building official are satisfied that the work described in an application for permit and drawings filed there-with conform to the requirements of this code and other pertinent laws and ordinances, a permit shall therefore be issued to the applicant.

(b) Foundation permit - When application for a permit to erect or enlarge a building has been filed and pending issuance of such permit, the building official may, at his discretion, issue a special permit for the foundations of such building. The holder of such permit shall proceed at his own risk and without the assurance that a permit for the superstructure will be granted.

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(c) Failure to obtain a permit -

(1) If any person commences any work on a building before obtaining the necessary permit from the permit committee, he shall be subject to the penalty prescribed herein.

(2) Where construction is commenced before a permit is obtained, the permit fee shall be doubled. (Ord. No. 85-8, S 20)

SECTION 4-33. POSTING. A card showing the permit number shall be conspicuously posted at the building site. (Ord. No. 10, S 1)

SECTION 4-34. EXPIRATION BY LIMITATION: NEW PERMIT. All permits are issued for a period of one year from date of issuance. If the construction project is incomplete at the end of one year after the date of issuance it will be required to renew the permit and pay a fee equal to 25% of the total original fee calculated above. A similar renewal fee equal to 25% of the total original fee calculated above. A similar renewal fee will be required to be paid on each anniversary date after the second year. (Ord. No. 10, S 5; Ord. No. 80-3, S 2)

SECTION 4-35. REVOCATION. The town superintendent may revoke any permit or other approval issued under the provisions of this Article where there has been a false statement or misrepresentation as to the material facts in the application or plans on which the permit or approval was based. (Ord. No. 10, S 6)

SECTION 4-36. PLANS AND SPECIFICATIONS---AT WORK SITE.

(a) When any structural permit is issued, the town superintendent shall endorse in writing or stamp on all sets of plans and specifications the word "approved", with the date and his signature.

(b) One set of approved plans and specifications shall be retained by the town superintendent. The other set shall be kept at the building site at all times while the work is in progress and shall be open to inspection by the town superintendent at all reasonable times. (Ord. No. 10, S 11)

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SECTION 4-37. SAME--CHANGES IN. Any basic change in construction plans after a permit has been issued shall require an amendment of the specifications or plans and approval thereof. (Ord. No. 10, S 7)

SECTION 4-38. STOP ORDERS.

(a) Upon notice from the town superintendent that work on any building or structure is being done contrary to the provisions of this Chapter or in a dangerous or unsafe manner, such work shall be immediately stopped.

(b) Such notice shall be in writing and shall state the reason for requiring that the work be stopped and the conditions under which the work may be resumed.

(c) Such notice shall be delivered to the owner of the property or his agent, or to the person in charge of the work at the site. (Ord. No. 10, S 13)

SECTION 4-39. OWNERS PERFORMING OWN WORK.

(a) A permit may be issued to an owner wishing to do construction work, as defined in Section 4-4 on his own premises, if the town superintendent, after an oral interrogation of the applicant, deems him qualified to perform the intended work in conformity with this Code. (Ord. No. 93-1, S 5)

(b) The owner shall not be required to have an occupational license for such work. (Ord. No. 10, S 10)

SECTION 4-40. FINAL INSPECTION; CERTIFICATE OF COMPLIANCE.

(a) Final inspection. A final inspection will not be made until all provisions of the building and health codes have been complied with and all waste material removed from the area. A certificate of occupancy will be issued by the building official upon satisfactory completion of the final inspection.

(b) Certificate of compliance. Prior to issuance of the certificate of occupancy for planned unit developments, apartments, hotels, motels, condominiums, town houses or commercial buildings, the building official shall require a certificate from the registered licensed architect or

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engineer licensed by the State who signed the construction plans, or his successor, if appropriate. The certificate shall clearly state that the project was constructed in accordance with the approved plans and in accordance with the requirements of this chapter and its included codes and specifications. The architect or engineer and developer shall assume full responsibility for the compliance with all provisions of this chapter and its referenced and included codes and specifications. (Ord. No. 85-5, S 21)

ARTICLE V. HEATING, AIR CONDITIONING, REFRIGERATION AND VENTILATION

SECTION 4-41. REPEALED. (Ord. No. 86-6, S 6)

SECTION 4-42. AMENDMENTS TO THE MECHANICAL CODE. Sec. 302.7. Water cooling towers and condensers. The construction and supports for water cooling towers shall comply with the requirements of Chapter 4 of this code. Water from such units shall be discharged into a return well of equal size and depth as its supply well. Air conditioning systems utilizing water-cooled condensers shall be equipped with a return well, a pressure-relief valve, which is set at the pressure of the well, or an electric solenoid controller shut-off valve to prevent the unrestricted flow of water from the well.

(Ord. No. 85-8, S 22; Ord. No. 86-6, S 7)

SECTION 4-43. WATER-TO-AIR AIR CONDITIONERS. Water-to-air conditioning systems shall be equipped with a water-flow regulating device which permits unrestricted water flow only when demanded by system requirements.

Discharge water from such systems must be returned to a subterranean level in a manner that prevents local flooding. Air conditioner discharge water shall not be released onto public right of way or into a

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main or lateral canal or a ditch. No person shall attach a water-to-air air conditioner to an existing well, or drill a well for use with a water-to-air air conditioner, unless a second well of equal size and depth is drilled to return to the aquifer the water withdrawn. This requirement shall not apply to any wells with water-to-air air conditioners in existence on the effective date of this requirement, but shall apply to any replacement of the well or air conditioner. (Ord. No. 85-8, S 22)

SECTION 4-44. PROOF OF COMPETENCY. Applications for permits shall be accepted only from persons providing proof of competency. (Ord. No. 85-8, S 22)

SECTION 4-45. FEES; PERMIT AND INSPECTION. The schedule of permit and inspection fees applicable to this article is included in Appendix "A" of Chapter 4 of this code. (Ord. No. 85-8, S 22)

ARTICLE VI. ROOFING

SECTION 4-46. REPEALED. (Ord. 86-6, S 8)

SECTION 4-47. PROOF OF COMPETENCY. Applications for permits shall be accepted only from persons providing proof of competency. (Ord. No. 85-8, S 23)

SECTION 4-48. FEES; PERMIT AND INSPECTION. The schedule of permit and inspection fees applicable to this article shall be adopted by the Town Commission by motion. (Ord. No. 85-8, S 23) (Ord. No. 88-13, S 2, 09/27/88)

SECTION 4-49. RESERVED.

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Editor's note: Ordinance 95-7, relating to transportation facilities impact fees, adopted by the Town Commission 07/25/95, specified that subject fees should be placed under Chapter 4, Article 1, Section 4-7.

Chapter 4, Section 4-7 is presently being used under Article II. In addition, to be consistent with the remainder of Chapter 4, it is appropriate to codify Ordinance 95-7 under new Article VII.

ARTICLE VII. TRANSPORTATION FACILITIES IMPACT FEES

SECTION 4-50. In consideration of the Town's obligation under Section 163.3202(2) and 163.3202(3), Florida Statutes, to provide services to its residents requires all new land development activity generating traffic that places additional demand on the major road net work system to contribute its proportionate share of the funds, land, or public facilities to accommodate any transportation impacts having a rational nexus to the proposed development and for which the need is reasonable attributable to the proposed development.

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SECTION 4.51. DEFINITIONS. The terms in this Chapter shall have the following meanings.

Arterial road means a road as defined in the future traffic circulation map of the Town's Comprehensive Plan.

Building permit means any development permit issued by the Town Building Department or any other Town Office before any building or construction activity can be initiated on a parcel of land.

Capital improvements include the outlay of capital dollars for the planning, engineering for, acquisition of land for, and construction of roads, turn lanes, intersection improvements, road improvements, drainage adjacent to roads and maintenance.

Collector road means a road as defined in the future traffic circulation map of the Town's Comprehensive Plan.

Commencement of land development activity means the date of the issuance of any building permit.

Developer means any person, corporation, partnership, association, trust, estate, business trust, agency, two (2) or more persons having a joint or common interest, governmental entity, or any other entity undertaking the development of land.

Fair share transportation facilities impact fee or impact fee means the fee required to be paid in accordance with the terms of this Code.

Feepayer means a developer commencing land development activity generating traffic that places additional demand on the major road network system and who is obligated to pay a fair share transportation facilities impact fee in accordance with the terms of this Code.

Land means the earth, water, and air above, below, or on the surface, and includes any improvements or structures customarily regarded as land.

Land development activity generating traffic means the carrying out of any building activity or the making of any material change in the use of any structure or land that attracts or produces vehicular trip(s) over and above that produced by the existing land development activity, and consequently places an additional demand on the major road network system.

Level of service is a qualitative measure that represents the collective factors of speed, travel time, traffic interruption, freedom to maneuver, safety, driving comfort and convenience, and

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operating costs provided by a highway facility under a particular volume condition. Levels of service vary from A to F. "Level of service C" shall mean a roadway condition as determined and established by the 1988 Florida's Level of Service Standards and Guidelines Manual for Planning of the Florida Department of Transportation.

Local road means a road designated and maintained primarily to provide access to abutting property. A local road is of limited continuity and is not for through traffic.

Major road net work system means all arterial and collector roads within the Town, including proposed arterial and collector roads necessitated by new land development activity generating traffic.

Non-commencement means the cancellation of construction activity that is proposed to make a material change in a structure of land.

Person means an individual, developer, corporation, governmental agency, business trust, estate, trust, partnership, association, two (2) or more persons having a joint or common interest, or any other entity.

SECTION 4-52. FEE TO BE IMPOSED ON LAND DEVELOPMENT ACTIVITY GENERATING TRAFFIC.

Any person who shall commence any land development activity generating traffic that creates an increase demand on the major road net work shall be obligated to pay a fair transportation facilities impact fee upon the commencement of such land development activity generating traffic in the manner and amount set forth herein. The impact fee shall be determined and paid to the city at the time of issuance of a building permit for the development. No building permit shall be final until any applicable impact fee has been paid and the development complies with all provisions of the Town's Codes. If the building permit is for less than the entire development, the impact fee shall be computed separately for the amount of the development covered by the building permit. The obligation to pay the impact fee shall run with the land. If the impact fee is due to be paid for land development activity generating traffic that increase the impact because of a change or increase use, the impact fee shall be determined by computing the difference in the fee schedule between the new land development activity generating traffic and the existing land development activity.

SECTION 4-53. ESTABLISHMENT OF FEE SCHEDULE. Any fee-payer who is issued a building permit, shall pay an impact fee as determined by the following fee schedule:

<i>Land Use Type</i>	<i>Unit</i>	<i>Impact Fee</i>
Industrial		

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General light	per 1000 sq. ft.	700.00
Warehouse	per 1000 sq. ft.	650.00
Mine Warehouse	per 1000 sq. ft.	350.00
Office		
Under 100,000 sq. ft.	per 1000 sq. ft.	1,200.00
Retail		
Under 49,999 sq. ft.	per 1000 sq. ft.	1,200.00
Over 50,000 sq. ft.	per 1000 sq. ft.	1,000.00
Wholesale (sell to business only)	per 1000 sq. ft.	650.00
Furniture	per 1000 sq. ft.	700.00
Services		
Bank	per 1000 sq. ft.	2,000.00
Residential	per single family home	400.00

All other uses - impact fee to be determined by Town of Melbourne Village Building Superintendent. Disputes will be resolved by the TMV Building Superintendent. Appeal is to TMV Commission.

SECTION 4-54. USE OF FUNDS.

(a) *Intent.* Any impact fees collected under this Code are expressly designated for the accommodation of impacts reasonably attributed to the increased demand of proposed land development activity generating traffic as herein provided in this section.

(b) *Administrative costs.* The Town shall be entitled to three (3) per cent of the funds collected as compensation for the administrative expense of collecting and administering this impact fee Code. All remaining funds collected from impact fees shall be designated for future capital road work and a separate accounting shall be maintained.

(c) *Expenditures.* Proceeds from the designated funds and interest accrued on such funds shall be used exclusively for capital road work and in a manner consistent with the Town's Comprehensive Plan.

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SECTION 4-55. APPLICABILITY. The provisions of this Code shall apply to all areas of the Town of Melbourne Village zoned commercial (C) or residential (R1, R1-A, R2).

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APPENDIX A, CHAPTER 4 TABLE 1 - VALUATION

SECTION 1.

Sec. 1 (a) Buildings.

Cost per sq. ft.

Occupancy, Type Construction, Activity, Dwelling, Structure

1	APARTMENT HOUSES	
	Type I or II*	57.00
	Type V - Masonry (Type III)	50.25
	Type V - Wood Frame	45.00
	Type I - Basement garage	39.00
2	BANKS	
	Type I or II*	78.00
	Type III - 1 Hour	64.50
	Type III - N	61.50
	Type V - 1 Hour	58.50
	Type V - NP	52.50
3	CHURCHES	
	Type I or II*	64.50
	Type III - 1 Hour	54.75
	Type III - N	48.60
	Type V - 1 Hour	52.50
	Type V - NP	48.00
4	DWELLINGS	
	Type V - Masonry	61.00
	Type V - Wood Frame	48.00
	Basements	
	Finished	13.50
	Unfinished	12.75
5	HOTELS AND MOTELS	
	Type I or II*	61.50
	Type III - 1 Hour	52.50
	Type III - NP	52.00
	Type V - 1 Hour	50.25
	Type V - NP	46.50

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6	MEDICAL OFFICES	
	Type I or II*	72.75
	Type III - 1 Hour	57.00
	Type III - NP	54.70
	Type V - 1 Hour	54.00
	Type V - NP	51.00
7	OFFICES	
	Type I or II*	66.75
	Type III - 1 Hour	55.50
	Type III - NP	55.25
	Type V - 1 Hour	49.50
	Type V - NP	46.50
8	PRIVATE GARAGES	
	Wood Frame	19.50
	Masonry	30.75
	Open Carports	11.25
9	PUBLIC GARAGES (Storage Only)	
	Type I or II*	39.00
	Type III - 1 Hour	32.25
	Type III - NP	25.50
	Type IV - NP	25.50
	Type V - 1 Hour	28.00
10	RESTAURANTS	
	Type III - 1 Hour	67.50
	Type III - NP	58.50
	Type V - 1 Hour	57.00
	Type V - NP	54.00
11	STORES	
	Type I or II*	51.50
	Type III - 1 Hour	42.00
	Type V - 1 Hour	57.00
	Type V - NP	54.00

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12	SCHOOLS	
	Type I or II	63.75
	Type III - 1 Hour	57.45
	Type III - NP	54.50
	Type V - 1 Hour	54.25
13	THEATERS	
	Type I or II	72.25
	Type III - 1 Hour	57.00
	Type III - NP	55.50
	Type V - 1 Hour	54.00
	Type V - NP	51.00

NOTE: NP = Not Permitted by Code

Sec. 1 (b) Equipment

AIR CONDITIONING	
Commercial	3.15
Residential	2.70
SPRINKLER SYSTEMS	1.35

* Add 0.8 per cent to total cost for each story over three (3). The building valuation data above shall be used in conjunction with the following modifier. Choose the type of construction for the building and multiply the average cost per square foot by the modifier 1.52.

EXAMPLE: To adjust the cost of a wood frame dwelling for the Florida area, select regional modifier 1.52 and average unit cost per square foot from building valuation data, \$48.00 multiplying, you obtain $1.52 \times \$48.00 = \72.96 adjusted cost per square foot.

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Sec. 1 (c) Other

	CONSTRUCTION	COST PER SQUARE FOOT
1	Separate accessory or utility structure, masonry	13.50
2	Separate accessory or utility structure, Frame	10.50
3	Swimming Pool, surface area	12.00
4	Patio Slab	4.50
5	Fencing - Per Linear Foot	7.50
6	Cabanas - floor area	10.50
7	Water, sewer lines - Per Linear Foot	10.50
8	Alterations, remodeling, repairs, residential	37.50
9	Alterations, remodeling, repairs, commercial	52.50
10	Asphalt off - street parking	0.75
11	Concrete off - street parking	3.75
12	Land Clearing	1.75
13	Re-roofing and roofing - surface area	3.00
14	Construction not itemized - contract cost	

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TABLE 2 - PERMIT AND INSPECTION FEES

Sec. 2 (a) Buildings

Valuation	Fees
Up to \$100.00	7.50
\$100.00 up to \$1,000.00	18.75
Each additional \$1,000.00 or portion thereof	9.40

Examples:

Valuation \$75,500.00
 Fee - $75 \times 9.40 = 705.00$ plus 18.75 for first 1,000.00 = 723.75

To the above fees will be added 11.25 for each required inspection.

Sec. 2 (b) Other

Demolition	37.50
Moving Buildings	90.00
Excavations, mining, per sq. ft. valuation or estimated cost times 4.50/1,000	3.00
Public right-of-way use permit (Franchised utilities and governmental entities exempt from fee).	minimum 15.00 plus 7.50 for each 1000.00 over 1000.00 of estimated valuation
For each meter or tank connection to gas service-gas comply only	7.50
For making each reinspection, due to work being condemned or not being ready at the time specified in the application for inspection.	22.50

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For reviewing plans and specifications for the types of construction activities hereinbefore described as requiring permits. All plans and specifications shall be reviewed by the appropriate city official to ensure compliance with all appropriate codes. 38% of assessed fees

Sec. 2 (c) Electrical

Residential

1st Permit:

For first distribution panel 22.50

For each additional panel 15.00

2nd Permit

Fixtures as listed below (*): 33.75

plus 11.25 for each inspection

Commercial

1st Permit: 56.25

2nd Permit

Fixtures as listed below (*) 33.75

plus 11.25 for each inspection

Other Services:

15.00 plus 11.25 for each inspection

(*) Outlets

Outlets each 0.37

All 220 V outlets 1.50

Range, water heater, or dryer 1.90

Fixtures (fixtures shall include any fixtures connected to an outlet, except shell screw receptacles, flush receptacles, flush switches and control switches, or any fixture connected by means of screw connections):

All fixtures, each 0.37

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Motors:		
Each motor up to and including 1 hp		3.00
Each motor over 1 hp through 5 hp		6.00
Each motor over 5 hp through 24 hp		22.50
Each motor 25 hp or over		37.50
Machines (commercial)		
X-ray, diathermic, etc, each		18.75
Rectifiers or battery charger		7.50
Coffee urns, toasters, grills, popcorn machines, each		3.00
Radio Transmitting stations:		
Commercial Stations		112.50
Amateur or Ham Stations		11.25
Transformers		
With secondary voltage over 500 volts		7.50
Each additional		1.50
Switchboard and generators:		
Up to and including 50 kw		22.50
50 kw through 100 kw		45.00
Over 100 kw		56.25
Temporary work:		
Temporary work of other than described above		11.25
Pre-Inspection:		
When required prior to issuing a permit		22.50
Commercial service inspection or wiring due to change in occupancy		11.25

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Electrical service (including service changes and relocation)

1	Temporary during construction or for restricted uses	18.75
2	Permanent:	
	00-60 amps	11.25
	100-150 amps	22.50
	200-350 amps	33.75
	400-550 amps	45.00
	600-750 amps	56.25
	800 amps and over	67.50
	Each additional 100 amps add	7.50

Electrical inspection fees:

1-4 outlets	4.50
Each outlet over 4	1.90
Vented recessed heaters and water heaters	4.50
Gas furnace or central heating	4.50
Each required inspection not enumerated above	11.25

Sec. 2 (b) Plumbing

Residential

1st Permit	22.50
2nd Permit	15.00
Fixtures	1.50
Per Inspection	11.25

Commercial

1st Permit	45.00
2nd Permit	30.00
Fixtures each	1.90
Per Inspection	11.25

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Sprinkler Systems:		
Fire Sprinklers:	0.55	
Per head		11.25
1st Inspection		15.00
Final Inspection after job is completed	11.25	

Sec. 2 (e) Mechanical

Residential		
1st Permit	22.50	
2nd Permit	15.00	
Per Vent	2.25	
Per Inspection	11.25	
Commercial		
1st Permit	45.00	
2nd Permit	22.50	
Per Vent	2.25	
Per Inspection	11.25	

Sec. 2 (f) Signs

Single faced sign (minimum fee 1.50)	0.30 per sq.ft
Double faced sign (minimum fee 3.00)	0.60 per sq.ft
Painted flat wall signs	7.50
All other signs (Maximum size, and therefore maximum fee)	7.50 per 1000 or any portion thereof of valuation

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Sec. 2 (g) Miscellaneous

Any re-inspection	22.50
Wells (each water supply well permit shall not be issued until electrical permit for pump has been issued)	11.25
Radon Gas Surcharge (new construction, remodel, replacement and renovation)	0.01 per sq.ft under roof