

**ORDINANCE NO. 2023-07**

**AN ORDINANCE AMENDING CHAPTER 62 ZONING AND LAND DEVELOPMENT REGULATIONS OF THE HILLIARD TOWN CODE; MOVING DIVISION 7, BUILDING PERMITS AND INSPECTIONS TO CHAPTER 14 BUILDING AND BUILDING REGULATIONS; AND PROVIDING FOR SEVERABILITY; REPEALER; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Chapter 468.604 (1), Florida Statutes requires building official to administrate, supervise, direct, enforce, or perform the permitting and inspection of construction, alteration, repair, remodeling, or demolition of structures and the installation of building systems within the boundaries of their governmental jurisdiction, when permitting is required, to ensure compliance with the Florida Building Code and any applicable local technical amendment to the Florida Building Code. The building official shall faithfully perform these responsibilities without interference from any person; and

**WHEREAS**, the land use administrator shall administer and enforce the provisions of Chapter 62 of the Hilliard Town Code; and

**WHEREAS** Chapter 62 – Division 7. - Building Permits and Inspections of the Hilliard Town Code contains the procedures and reviews for building permits and inspections; and

**WHEREAS** Chapter 62 – Division 7. - Building Permits and Inspections of the Hilliard Town Code needs to be removed from Chapter 62 of the Hilliard Town Code to be in compliance with Florida Statutes Chapter 468.604 (1); and

**WHEREAS**, Chapter 62, Division 7, Building Permits and Inspections of the Hilliard Town Code will be added to Chapter 14 - Buildings and Building Regulations of the Hilliard Town Code; and

**WHEREAS**, the Town of Hilliard has the authority to amend its Town's Code; and

**WHEREAS**, a duly noticed public hearing on this Ordinance was held before the Planning and Zoning Board on the 11<sup>th</sup> day of July, 2023; and

**WHEREAS**, a duly noticed public hearing on this Ordinance was held before the Town Council for the First Reading on the 20<sup>th</sup> day of July, 2023; and

**WHEREAS**, a duly noticed public hearing on this Ordinance was held before the Town Council for the Second and Final Reading on the 7<sup>th</sup> day of September, 2023; and

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HILLIARD, FLORIDA** that the following Sections of the Hilliard Town Code, Chapter

14, Building and Building Regulations and Chapter 62, Zoning and Land Development Regulations, shall be amended as follows:

**SECTION 1.** Chapter 14, Building and Building Regulations shall be amended as described in Attachment "A".

**SECTION 2.** Chapter 62, Zoning and Land Development Regulations shall be amended as described in Attachment "B".

**SECTION 3.** It is the intention of the Town Council that the provisions of this Ordinance shall be and made part of the Code of Ordinances of Town of Hilliard, Florida, and that the Sections and paragraphs of this Ordinance may be renumbered or re-lettered in order to accomplish such intentions.


**SECTION 4.** The Town Council hereby authorizes the Town Attorney or his designee to make any and all revisions necessary to codify this Ordinance, including repagination or renumeration of Articles or Sections. Changes necessary to correct scriveners' errors or cross-reference inaccuracies are hereby authorized to be made by the Town Attorney or his designee.

**SECTION 5.** Repealer. Any Ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.


**SECTION 6.** Severability. The various parts, sections and clauses of this Ordinance are hereby declared severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

**SECTION 7.** Effective date. This ordinance shall become effective upon passage.

**ADOPTED** this 7<sup>th</sup> day of September, 2023, by the Hilliard Town Council, Hilliard, Florida.

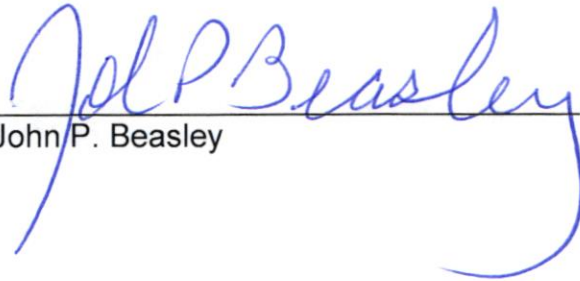
  
\_\_\_\_\_  
Kenneth A. Sims  
Council President

ATTEST:



\_\_\_\_\_  
Lisa Purvis  
Town Clerk

APPROVED:



\_\_\_\_\_  
John P. Beasley

|   |                   |
|---|-------------------|
| Planning & Zoning Board Publication:    | June 14, 2023     |
| Planning & Zoning Board Public Hearing: | July 11, 2023     |
| Town Council First Publication:         | June 14, 2023     |
| Town Council First Public Hearing:      | July 20, 2023     |
| Town Council Second Publication:        | August 2, 2023    |
| Town Council Second Public Hearing:     | September 7, 2023 |



## ATTACHMENT "A"

### ARTICLE III. - BUILDING PERMITS AND INSPECTIONS

#### Sec. 14-71. - Building permit application.

- (a) All applicants for a building permit shall submit with their applications the following:
- (1) Duplicate prints or drawings at an adequate scale of the building or structures to be built upon the lot, showing plumbing and electrical layout.
  - (2) A survey with monuments and stakes as required by a licensed surveyor, in duplicate, and drawn at an adequate scale, showing the actual dimensions and shape of the lot to be built upon. Original survey will be furnished as proof that proposed and existing buildings are within equal dimensions. The location of the building on the property, the location of waste collection areas, the layout of the trees, land and structure elevations, drainageways, off-street parking or loading spaces and other constructions are as required under the provisions of this chapter showing access and maneuvering space.
  - (3) Permits, as applicable, from county and state agencies such as the Nassau County Health Department, state department of environmental protection and the St. Johns River Water Management District.
- (b) The following provisions apply to application for building, electrical, mechanical and plumbing permits:
- (1) The applicant for a building permit shall be made by the owner or lessees, or agent of either, or the architect, engineer or builder employed in connection with the proposed work.
  - (2) The electrical contractor or person responsible for performing electrical work shall make application for the electrical permit, certifying that installation will be made in accordance with prints or drawings specified in subsection (a)(1) of this section and shall also furnish such other information as may be required in order to determine the permit fee to be assessed.
  - (3) The plumbing contractor or person responsible for performing plumbing installation shall make application for a permit, certifying that installation will be in accordance with prints or drawings specified in subsection (a)(1) of this section and shall also furnish such other information as may be required in order to determine the permit fee to be assessed. The mechanical contractor or person responsible for performing mechanical installation shall make application for a permit, certifying that installation will be in accordance with the prints or drawings specified under subsection (a)(1) of this section and shall also furnish such other information as may be required in order to determine the permit fee to be assessed.

#### Sec. 14-72. - Compliance with technical codes.

All permits referenced in section 14-71 shall be issued and work shall be performed in compliance with requirements set forth in chapter 14, article II of this Code and the latest editions the Florida Building Code.

#### Sec. 14-73. - Issuance.

It shall be the duty of the building official, upon receiving applications for permits provided for in this division, to examine such applications within a reasonable time after filing, not to exceed 30 days. If, after examination, he finds no objections to such applications, and it appears that the proposed work will be in compliance with the Florida Building Code and any other applicable rules and regulations and the proposed construction will be safe, he shall approve such application. Thereafter, permits shall be issued, and one copy of the plans returned to the applicant marked as approved and attested by his signature. If his examination reveals otherwise, he shall reject such application, noting his findings in a report to be attached to the application and disapproved plans and deliver a copy of such report to the applicant.

Sec. 14-74. - Inspections.

- (a) It shall be the duty of the building department to inspect and determine that buildings are located on lots in accordance with the plan submitted with the application.
- (b) Electrical, mechanical and plumbing installations shall require two inspections. The first inspection will be considered as the "rough in" inspection, and shall be made on plumbing and sewer lines, electrical wiring and outlets, AC duct and control circuits, while exposed for visual inspection, including all work that will be concealed in floors, walls, and ceilings.
- (c) The second inspection will be considered the final inspection and will be made when plumbing fixtures have been installed, electrical work completed and ready for service connection by the utility company and mechanical equipment installation completed.
- (d) When the building official has made the final inspection on electrical installation, and it appears that such installation has been made in accordance with rules and regulations of this chapter, he shall forthwith notify the electric utility company that installation is ready for service connection.
- (e) Every effort will be made to develop a schedule as to the time the administrative officer will be available in the various sections of the town, in order to avoid delays in construction.
- (f) The building inspector shall record the time and date of each and every inspection on his department's copy of each permit issued.

Sec. 14-75. - Permit fees.

- (a) No permits as provided in this division shall be issued until the appropriate permit fee shall have been paid to Town. The fee charged by the town for building, electrical, mechanical and plumbing permits shall be consistent with fees established by the town.

Sec. 14-76. - Posting of permits.

A copy of all permits shall be kept on the premises open to public inspection during the prosecuting of the work and until the completion of such work, and final inspection made.

Sec. 14-77. - Building, electrical, mechanical and plumbing permit expiration.

- (a) If the work described in any permit has not begun within six months from the date of issuance thereof, such permit shall expire. It shall be cancelled by the building official and written notice thereof shall be given to the persons affected.
- (b) If the work described in any building permit has not been substantially completed within one year of the date of issuance thereof, with up to two extensions which can be permitted if work has progressed, such permit shall expire and be canceled by the building official and written notice shall be given to the persons affected.

Sec. 14-78. - Permit revocation.

The building official may revoke any permit issued pursuant to this division in case there has been false statement or misrepresentation as to a material fact in the application or plans on which the permit was based.

Sec. 14-79. - Certificate of occupancy.

No person shall use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof until a certificate of occupancy shall have been issued by the land use administrator to ensure that the building or land conforms to all the requirements of the Land Development Regulations.

Sec. 14-80. - Manufactured homes older than five years.



- (a) Any manufactured home older than five years from the current calendar year shall be subject to inspection by the building official prior to being brought into the town for setup.
- (b) Any manufactured home older than five years from the current calendar year, currently set up within the town, shall be subject to an inspection by the building official prior to being relocated within said town.
- (c) The inspection fee required shall be \$200.00 and shall be paid in advance to the town prior to permitting for setup.
- (d) Any items noted on pre-inspection that do not meet the minimum HUD standard shall be brought into compliance prior to the manufactured home being either brought into the town or moved within the town. This will also apply to all exterior conditions and the conditions of the roofing materials.
- (e) All manufactured homes shall have vertical or horizontal skirting and meet the wind load for the Florida Building Code and shall match with the manufactured homes color and material being skirted.
- (f) The inspection fee shall be distributed as follows: \$100.00 to the town for administrative costs and \$100.00 to the building official for the inspection. If the manufactured home is located within 30 miles from town, the mileage assessment for the building official shall be in accordance with state statutes in addition to the inspection fee, payable to the town.
- (g) The penalty for an individual bringing a manufactured home into the town that is in violation of the section shall be subject to a fine as stated in section 1-7.

## Attachment "B"

### ~~DIVISION 7. BUILDING PERMITS AND INSPECTIONS~~

#### ~~Sec. 62-211. Building permit application.~~

- (a) All applicants for a building permit, in addition to the other requirements in this chapter, shall submit with their applications the following:
- (1) Duplicate prints or drawings at an adequate scale of the building or structures to be built upon the lot, showing plumbing and electrical layout.
  - (2) A survey with monuments and stakes as required by a licensed surveyor, in duplicate, and drawn at an adequate scale, showing the actual dimensions and shape of the lot to be built upon. Original survey will be furnished as proof that proposed and existing buildings are within equal dimensions. The location of the building on the property, the location of waste collection areas, the layout of the trees, land and structure elevations, drainageways, off-street parking or loading spaces and other constructions are as required under the provisions of this chapter showing access and maneuvering space.
  - (3) Permits, as applicable, from state agencies such as the state department of environmental protection and the St. Johns River Water Management District.
- (b) The following provisions apply to application for building, electrical, mechanical and plumbing permits:
- (1) The applicant for a building permit shall be made by the owner or lessees, or agent of either, or the architect, engineer or builder employed in connection with the proposed work.
  - (2) The electrical contractor or person responsible for performing electrical work shall make application for the electrical permit, certifying that installation will be made in accordance with prints or drawings specified in subsection (a)(1) of this section and shall also furnish such other information as may be required in order to determine the permit fee to be assessed.
  - (3) The plumbing contractor or person responsible for performing plumbing installation shall make application for a permit, certifying that installation will be in accordance with prints or drawings specified in subsection (a)(1) of this section and shall also furnish such other information as may be required in order to determine the permit fee to be assessed. The mechanical contractor or person responsible for performing mechanical installation shall make application for a permit, certifying that installation will be in accordance with the prints or drawings specified under subsection (a)(1) of this section and shall also furnish such other information as may be required in order to determine the permit fee to be assessed.

(Code 1997, § 62-211; Ord. No. 87-119, § 3-22-1(a), (b), 12-29-1987; Ord. No. 92-139)

#### ~~Sec. 62-212. Compliance with technical codes.~~

All permits referenced in section 62-211 shall be issued and work shall be performed in compliance with requirements set forth in chapter 14, article II of this Code.

(Code 1997, § 62-212; Ord. No. 87-119, § 3-22-1(c), 12-29-1987; Ord. No. 92-139)



### **Sec. 62-213. Issuance.**

It shall be the duty of the building official, upon receiving applications for permits provided for in this division, to examine such applications within a reasonable time after filing, not to exceed 30 days. If, after examination, he finds no objections to such applications, and it appears that the proposed work will be in compliance with any and all rules and regulations made by this chapter and the proposed construction will be safe, he shall approve such application. Thereafter, permits shall be issued and one copy of the plans returned to the applicant marked as approved and attested by his signature. If his examination reveals otherwise, he shall reject such application, noting his findings in a report to be attached to the application and disapproved plans and deliver a copy of such report to the applicant. Nothing in this section shall be construed to prevent the administrative officer, upon examining such application, from issuing a permit for the construction of part of a building or structure before the entire plan and a detailed statement of such building or structure have been submitted or approved, if adequate plans and detailed statements have been presented for examination and have been found to comply with the act relating thereto.

(Code 1997, § 62-213; Ord. No. 87-119, § 3-22-2(a), 12-29-1987; Ord. No. 92-139)

### **Sec. 62-214. Inspections.**

- (a) It shall be the duty of the building department to inspect and determine that buildings are located on lots in accordance with the plan submitted with the application.
- (b) Electrical, mechanical and plumbing installations shall require two inspections. The first inspection will be considered as the "rough in" inspection, and shall be made on plumbing and sewer lines, electrical wiring and outlets, AC duct and control circuits, while exposed for visual inspection, including all work that will be concealed in floors, walls, and ceilings.
- (c) The second inspection will be considered the final inspection and will be made when plumbing fixtures have been installed, electrical work completed and ready for service connection by the utility company and mechanical equipment installation completed.
- (d) When the building official has made the final inspection on electrical installation, and it appears that such installation has been made in accordance with rules and regulations of this chapter, he shall forthwith notify the electric utility company that installation is ready for service connection.
- (e) Every effort will be made to develop a schedule as to the time the administrative officer will be available in the various sections of the town, in order to avoid delays in construction.
- (f) The building inspector shall record the time and date of each and every inspection on his department's copy of each permit issued.

(Code 1997, § 62-214; Ord. No. 87-119, § 3-22-2(b), 12-29-1987; Ord. No. 92-139)

### **Sec. 62-215. Permit fees.**

- (a) No permits as provided in this division shall be issued until the appropriate permit fee shall have been paid to the deputy town clerk. The fee charged by the town for building, electrical, mechanical and plumbing permits shall be consistent with fees recommended in the various codes or separately established by the town.
- (b) If after completion it is determined by the person issuing such permit that the cost or description of the work is more than was shown on the permit, then the permit shall be corrected accordingly and any additional fees paid thereon. All fees received by the town clerk under this section shall be put into the general fund of the town.

(Code 1997, § 62-215; Ord. No. 87-119, § 3-22-3, 12-29-1987)



**~~Sec. 62-216. Posting of permits.~~**

~~A copy of all permits shall be kept on the premises open to public inspection during the prosecuting of the work and until the completion of such work, and final inspection made.~~

~~{Code 1997, § 62-216; Ord. No. 87-119, § 3-22-4, 12-29-1987}~~

**~~Sec. 62-217. Building, electrical, mechanical and plumbing permit expiration.~~**

~~(a) If the work described in any permit has not begun within six months from the date of issuance thereof, such permit shall expire. It shall be cancelled by the building official and written notice thereof shall be given to the persons affected.~~

~~(b) If the work described in any building permit has not been substantially completed within one year of the date of issuance thereof, with up to two extensions which can be permitted if work has progressed, such permit shall expire and be canceled by the building official and written notice shall be given to the persons affected.~~

~~{Code 1997, § 62-217; Ord. No. 87-119, § 3-22-5, 12-29-1987}~~

**~~Sec. 62-218. Permit revocation.~~**

~~The building official may revoke any permit issued pursuant to this division in case there has been false statement or misrepresentation as to a material fact in the application or plans on which the permit was based.~~

~~{Code 1997, § 62-218; Ord. No. 87-119, § 3-22-4, 12-29-1987}~~

**~~Sec. 62-219. Certificate of occupancy.~~**

No person shall use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof until a certificate of occupancy shall have been issued by the land use administrator to ensure that the building or land conforms to all the requirements of this chapter.

(Code 1997, § 62-219; Ord. No. 87-119, § 3-22-6, 12-29-1987) **~~Sec. 62-220. Manufactured homes older than five years.~~**

- (a) ~~Any manufactured home older than five years from the current calendar year shall be subject to inspection by the building official prior to being brought into the town for setup.~~
- (b) ~~Any manufactured home older than five years from the current calendar year, currently set up within the town, shall be subject to an inspection by the building official prior to being relocated within said town.~~
- (c) ~~The inspection fee required in section 62-215(a) shall be \$200.00 and shall be paid in advance to the town prior to permitting for setup.~~
- (d) ~~Any items noted on preinspection that do not meet the minimum HUD standard shall be brought into compliance prior to the manufactured home being either brought into the town or moved within the town. This will also apply to all exterior conditions and the conditions of the roofing materials.~~
- (e) ~~All manufactured homes shall have vertical or horizontal skirting and meet the wind load for the Florida Building Code and shall match with the manufactured homes color and material being skirted.~~
- (f) ~~The inspection fee shall be distributed as follows: \$100.00 to the town for administrative costs and \$100.00 to the building official for the inspection. If the manufactured home is located within 30 miles from town, the mileage assessment for the building official shall be in accordance with state statutes in addition to the inspection fee, payable to the town.~~
- (g) ~~The penalty for an individual bringing a manufactured home into the town that is in violation of the section shall be subject to a fine as stated in section 1-7.~~

(Code 1997, § 62-220; Ord. No. 2004-19, § 3, 1-6-2005)

**~~Secs. 62-221—62-250. Reserved.~~**



Nassau County Record  
Published Weekly  
617317 Brandies Avenue, PO Box 609  
Callahan, Nassau County FL 32011  
904-879-2727

STATE OF FLORIDA  
COUNTY OF NASSAU:

Before the undersigned authority personally appeared  
Foy R. Maloy, Jr

Who on oath says that (s)he is the Publisher of the  
Nassau County Record, a weekly newspaper published at  
Callahan in Nassau County, Florida; that the attached copy of  
the advertisement, being a LEGAL DISPLAY  
ADVERTISEMENT in the matter of

PH ORD 7

Was published in said newspaper in the issue(s) of

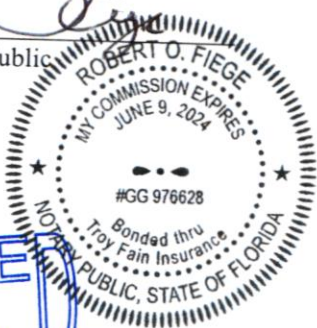
08/02/2023  
LEGAL DISPLAY

Affiant further says that the said Nassau County Record is a  
newspaper published at Callahan in Nassau County, Florida,  
and that the said newspaper has heretofore been continuously  
published in said Nassau County, Florida, each week and has  
been entered as second class matter at the post office in  
Callahan, Nassau County, Florida for a period of one year  
preceding the first publication of the attached copy of  
advertisement; and Affiant further says that (s)he has neither paid  
nor promised any person, firm or corporation any discount,  
rebate, commission or refund for the purpose of securing this  
advertisement in said newspaper.

Sworn to and subscribed to before me  
This 2nd day of August, A.D. 2023

  
Robert O. Fiege, Notary Public

Personally Known



RECEIVED  
SEP 07 2023

TOWN OF HILLIARD

# NOTICE OF PUBLIC HEARINGS AND FIRST READING

## ORDINANCE 2023-07

AN ORDINANCE AMENDING CHAPTER 62 ZONING AND  
LAND DEVELOPMENT REGULATIONS OF THE HILLIARD  
TOWN CODE; MOVING DIVISION 7, BUILDING PERMITS  
AND INSPECTIONS TO CHAPTER 14 BUILDING AND  
BUILDING REGULATIONS; AND PROVIDING FOR SEV-  
ERABILITY; REPEALER; AND PROVIDING FOR AN EF-  
FECTIVE DATE.

The following Public Hearings have been scheduled:

Town Council –  
Thursday, September 7, 2023, at 7:00 p.m.

The Public Hearings will be held in the Hilliard Town Hall  
Council Chambers, located at 15859 West County Road  
108, Hilliard, Florida, 32046.

Action on the matter may be taken following the clos-  
ing of the Public Hearing. A copy of Ordinance No.  
2023-07 is available for inspection and copying at Town  
Hall during normal business hours 9:00 a.m. to 5:00  
p.m., Monday through Friday.

PURSUANT TO THE REQUIREMENTS OF F.S. 286.0105,  
the following notification is given: If a person decides to  
appeal any decision made by the Town Council with re-  
spect to any matter considered at such meeting, he or  
she may need to ensure that a verbatim record of the  
proceeding is made, which record includes the testimony  
and evidence upon which the appeal is to be based.

Persons with disabilities requiring accommodation in or-  
der to participate in this proceeding should contact the  
Town Clerk at (904) 845-3555 at least seventy-two hours  
in advance to request such accommodations.

Town of Hilliard  
Lee Anne Wollitz, Land Use Administrator  
Lisa Purvis, MMC, Town Clerk  
Janis K. Fleet, AICP, Town Planning Consultant