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2 (2) Working Without a Permit (“WWP”) is defined as commencement of an improvement being made  
3 or completed to a property after March 1, 2017, and prior to the issuance of a permit; the  
4 improvement of which may include building, electrical, gas, mechanical, plumbing, or roofing work, or  
5 work identified, observed, or revealed during the course of an investigation or inspection of a valid  
6 permit; the work of which was not specifically described on the original permit application for which  
7 the permit was issued .:

8 (b) ATF Permits Procedure:

9 (1) ATF Purpose:

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

20  
21 ~~(ii).~~ The ATF permit program is intended to grandfather unpermitted improvements made prior to  
22 March 1, 2017, which improvements have been existing, used, occupied, or otherwise known to the  
23 current owner as legal and not shown, located, or identified upon any property record within the city.

1 ~~To assist properties affected by unpermitted improvements, the city establishes this policy to simplify~~  
2 ~~the issuance of permits and simplify the process of inspections for ATF Improvements.~~

3  
4 (2) ATF Permits:

5 (i). Obtaining an ATF permit is similar to the process to obtain a regular permit.  
6 Improvements made to existing unpermitted improvements do not qualify as ATF  
7 Improvements, and require the issuance of additional permits and filing of a Notice of  
8 Commencement. The City will provide the applicant with an application marked  
9 “ATF” to effectively communicate to any interested party what type of permit was  
10 issued.

11  
12 (ii). ~~The City hereby determines that~~ ATF permits may be obtained without a contract or  
13 direct contract as defined in § 713.01, Florida Statutes, and therefore, the filing of a  
14 Notice of Commencement is not required prior to the first inspection. Such  
15 improvements, where constructed prior to March 1, 2017, are assumed to have been  
16 existing, used, occupied, or otherwise known to the current owner as legal and not  
17 requiring any further improvements.

18  
19 (3) ATF Inspections:

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

22  
23 (ii). The City will schedule ATF final inspections once the ATF permit is issued. Additional  
24 inspections may require the issuance of separate permits.

1  
2 (iii). ~~Alternative inspections, as described in Section (5), may be granted as determined by~~  
3 ~~the building official or City Manager~~An applicant may opt to have an .

4  
5 (iv). The building official is authorized to impose current applicable, technical code  
6 requirements if his or her inspection reveals the current state of the building,  
7 structure, or any component thereof is not safe to utilize for its intended use.  
8 Additional work may require the issuance of separate permits.

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

12  
13 (vi). At the inspectors' ~~reasonable~~ discretion, approval may be granted if the building,  
14 structure, or any component has withstood the test of time; there's no evidence of  
15 hazard, rot, or decay; the building system components are sufficiently operating  
16 without interruption, and the building or structure is structurally sound.

17  
18 (vii). Appliances and equipment may be ~~considered~~ approved if they are installed in a  
19 manner substantially consistent with the code, meaning that the installation of such  
20 appliances or equipment meets the intent of the code for life safety and fire  
21 resistance purposes.

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23 (4) ATF Alternative Method of Inspection:  
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1 (i). LICENSED PROFESSIONAL AFFIDAVIT - Once the ATF permit is issued the property  
2 owner may select to have an outside inspection service, architect, or professional  
3 engineer visit the site to conduct and provide third party inspections. Such third-party  
4 inspector must be qualified as a building code inspector licensed in the appropriate  
5 category pursuant to Part XII of Chapter 468, Florida Statutes.

6  
7 (ii). THIRD PARTY INSPECTION - The third party inspector shall submit an sworn affidavit to  
8 the building official, which must including include -copies of relevant inspection reports  
9 and a final certificate certifying that the ATF improvement(s), including the structure,  
10 electrical, gas, mechanical, or plumbing system, has/have been erected in accordance  
11 with the requirements of the technical codes inspection criteria established in Section  
12 6-5(b)(3) of this code.

13  
14 ~~(iii). The building official must require verification that any person conducting inspections~~  
15 ~~pursuant to this ordinance is qualified as a building code inspector licensed in the~~  
16 ~~appropriate category pursuant to Part XII of Chapter 468, Florida Statutes.~~

17  
18 ~~(iv). The third party inspection service, architect, or professional engineer must assume full~~  
19 ~~responsibility for compliance with all provisions of the technical codes and other~~  
20 ~~pertinent laws or ordinances.~~

21  
22 ~~(v). The building official may consider granting administrative variations of this~~  
23 ~~policy/procedure; however, any such variation from this policy or procedure will not~~

1 be interpreted as setting precedent or waiving the city's rights pursuant to this  
2 ordinance.

3  
4 ~~(5) ATF Fines/Penalties:~~

5 ~~i. ATF fine is the cost of the permit plus any inspection costs related to the permit.~~

6  
7 (c) WWP Procedure.

8 (1) WWP Purpose and Definition. Working without a permit (WWP) requires retroactive  
9 remediation of the failure to obtain a permit, including the filing of a Notice of  
10 Commencement, before a WWP permit may be issued. Working without a permit (WWP) is  
11 defined as the commencement of an improvement made or completed to a property after  
12 March 1, 2010 and prior to the issuance of a permit; the improvement of which may include  
13 building, electrical, gas, mechanical, plumbing, or roofing work or work identified, observed,  
14 or revealed during the course of an investigation or inspection of a valid permit; the work of  
15 which was not specifically described on the original permit application for which the permit  
16 was issued. In this instance, the permit applicant will be required to stop their current  
17 improvement and obtain approval of their revisions from the building official prior to  
18 recommencing their project. This may also require the permit applicant to get another permit  
19 for any improvement not included with the original description of work.

20  
21 ~~(2) WWP Permit Fee. In all cases where work for which a permit is required is started,~~  
22 ~~proceeded with, or completed before the permit is obtained, except where specific~~  
23 ~~permission is granted to proceed by the City Manager or the City Manager's designee, the~~  
24 ~~permit fee due the city shall be as follows:~~

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2 ~~i. \$500 and double the cost of the permit fee plus all costs related to the issuance of the~~  
3 ~~permit and inspections.~~

4  
5 ~~ii. Payment of the after-the-fact permit fee shall not be a defense in a prosecution for doing~~  
6 ~~the work for which a permit was required without having first obtained the necessary~~  
7 ~~permit.~~

8  
9 ~~(3)(2)~~ WWP Generally:

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

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

1  
2 iii. Properties Located Within Designated Flood Zones: Improvements located within a  
3 designated flood zone must be in compliance with the federal flood regulations,  
4 technical bulletins, and ~~applicable Flood Damage Prevention ordinance found in~~  
5 ~~Chapter 48, Article IV, of the City's Municipal Code~~any other applicable state and local  
6 regulations pertaining to construction within such zones. Such improvements must be  
7 brought into compliance during this process.

8  
9 ~~(4)~~(3) WWP Notice of Commencement: Permits for projects classified as WWP will not be issued  
10 without filing a Notice of Commencement.

11  
12 ~~(5)~~(4) WWP Permits: The following procedures must be followed to obtain permits and inspections  
13 for work begun and/or completed without first obtaining any required permits as indicated  
14 herein:

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

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

22 (6) Inspections:



- 1 i. Upon issuance of the permit(s), the permit applicant must schedule the most  
2 appropriate type of inspection(s), based on the scope of work, within 30 days from the  
3 issuance of a permit.
- 4
- 5 ii. The applicant will be responsible to open and expose areas for inspection. All affected  
6 areas must be readily accessible for inspections.
- 7
- 8 iii. -WWP inspections may require the removal of materials to sufficiently conduct any  
9 inspection. The inspector may require removal of sufficient materials to expose the  
10 major elements.
- 11
- 12 iv. Any work found in noncompliance will be rejected and the applicant will be asked to  
13 complete or rework the deficiencies.
- 14
- 15 v. The applicant will be responsible for the costs of the inspection.
- 16

17 (7) Authority of the Building Official. The building official may consider granting variations of this  
18 policy/procedure yet, variation from this policy/procedure will not be interpreted as setting a  
19 precedent or constituting a waiver of the requirements of this ordinance.

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

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- 23 (1) The fee for an ATF permit is the cost of the permit plus any inspection costs related to  
24 inspections conducted by the city in accordance therewith.
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1           (2) The fee for a WWP permit is \$500 plus double the cost of the applicable permit fee plus all  
2           costs related to the city’s issuance of the permit and inspections. Mere payment of a WWP  
3           fee may not be used as a defense in a Code Enforcement or other similar case for  
4           performing work for which a permit was required without having first obtained a necessary  
5           permit. Full and timely compliance with this code is required.

6 (e) Additional Procedures and Regulations: The City Council may, by Resolution, provide for further  
7 clarification of or additional procedures for this section 6.5 – Failure to Obtain Permit as may be  
8 necessary, so long as such clarifications or procedures are not inconsistent with this section 6.5 or  
9 the City’s code.

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

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

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

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

First Reading on \_\_\_\_\_, \_\_\_\_\_, 2021.

Second Reading and Adoption this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

|                 | YES   | NO    | ABSENT |
|-----------------|-------|-------|--------|
| Ed Gold         | _____ | _____ | _____  |
| Anthony Carugno | _____ | _____ | _____  |
| Karl Shuck      | _____ | _____ | _____  |
| Mike Sims       | _____ | _____ | _____  |
| Harvey Readey   | _____ | _____ | _____  |
| Jim Partin      | _____ | _____ | _____  |
| Sue Nielsen     | _____ | _____ | _____  |

ATTEST:

\_\_\_\_\_

Yolanda Quiceno, CMC

\_\_\_\_\_

Nicholas Fouraker, Mayor

1 City Clerk

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4 \_\_\_\_\_  
Approved as to form and legality

5 For use and reliance by the City

6 Kurt Ardaman, City Attorney

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STATE OF FLORIDA

14

COUNTY OF ORANGE

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

20

21

22 \_\_\_\_\_  
Yolanda Quiceno, CMC-City Clerk

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