

- 2<sup>ND</sup> MATTER OF BUSINESS

# Fort Pierce Code Section 5-1.140.4

## *Sec. 5-1.140.4 Appeals*

Sec. 5-1.140.4.1 Decision of the Building Official. The owner of a building, structure or service system, or his duly authorized agent, may appeal a decision of the building official to the Construction Board of Adjustment and Appeals whenever any one of the following conditions are claimed to exist:

1.

The building official rejected or refused to approve the mode or manner of construction proposed to be followed or materials to be used in the installation or alteration of a building, structure or service system.

2.

The provisions of this code do not apply to this specific case.

3.

That an equally good or more desirable form of installation can be employed in any specific case.

4.

The true intent and meaning of this code or any of the regulations there under have been misconstrued or incorrectly interpreted.

# Request for Appeal dated 5/13/16



One Firm. One Focus.  
Construction Law.

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May 13, 2016

**VIA HAND DELIVERY**

Construction Board of Adjustment and Appeals  
c/o Fort Pierce Building Official  
100 N U.S. 1  
P.O. Box 1480  
Fort Pierce, FL 34954

RECEIVED  
MAY 13 2016  
Building Department

RE: Paul Jacquin & Sons, Inc.  
Project: ROCLA - 600 S. 3<sup>rd</sup> Street, Fort Pierce, Florida

To Whom It May Concern:

This law firm has the privilege of representing Paul Jacquin & Sons, Inc. I have reviewed the April 20, 2016 memo from Marc Meyers regarding ROCLA Concrete Tie, Inc. – Public Records Request Memo Dated 4.7.16. Paul Jacquin & Sons, Inc. is the general contractor for this project.

**PLEASE ACCEPT THIS LETTER AS AN APPEAL** of the calculated permit fees with regard to the ROCLA building per Section 109 –of the Building Code.

Here is the information required per your instructions:

1. The building is the ROCLA – 600 S. 3<sup>rd</sup> Street, Ft. Pierce FL.
2. The legal interest of the Appellant is as General Contractor, permit holder, and agent of the fee simple owner of the property which is Florida East Coast Railway (FEC).
3. There is no specific “order” of which we are aware. The issue with the calculation of the permit fee evolved over a series of documents and negotiations. However, some of the applicable documents are attached hereto as Exhibit A.
4. The issues on which the Appellant wishes to be heard are the amount of the fee assessed, which Appellant thinks is far too much, and any attendant issues.
5. My signature is affixed below.

Finally, additionally enclosed is a check in the amount of \$200.00, which sum represents the filing fee. Should you have any questions, please do not hesitate to contact me.

Sincerely Yours,

A handwritten signature in black ink, appearing to read 'Doug Ackerman', written over a horizontal line.

Douglas W. Ackerman

Taken from the Rocla Presentation at the 7/6/15  
City Commission Meeting



## Rocla – Ft. Pierce

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### ECONOMIC SUMMARY:

- 42 permanent/ skilled labor jobs.
- 57 construction jobs (six months).
- \$ 10,000,000 construction value.
- \$ 250,000 estimated annual taxes (total).
- \$ 65,000 estimated annual taxes (city portion).
- \$ 3,000 estimated annual stormwater fees.

Taken from the Rocla Presentation at the 7/6/15  
City Commission Meeting



## Rocla – Ft. Pierce

### THE PROJECT WILL PROVIDE:

- 42 permanent/ skilled labor jobs.
- 57 construction jobs (six months).
- \$ 10,000,000 construction value.
- \$ 250,000 estimated annual taxes (total).
- \$ 65,000 estimated annual taxes (city portion).
- \$ 3,000 estimated annual stormwater fees.

# Florida Building Code 2010 Section 101.2

## CHAPTER 1

### SCOPE AND ADMINISTRATION

#### PART 1—SCOPE AND APPLICATION

##### SECTION 101 GENERAL

101.1 **Title.** These regulations shall be known as the *Florida Building Code*, hereinafter referred to as “this code.”

101.2 **Scope.** The provisions of this code shall apply to the construction, *alteration*, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures.

air-conditioning and refrigeration systems, incinerators and other energy-related systems.

101.4.3 **Plumbing.** The provisions of the *Florida Building Code, Plumbing* shall apply to the installation, *alteration*, repair and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system.

101.4.4 **Property maintenance.** Reserved.

101.4.5 **Fire prevention.** For provisions related to fire prevention, refer to the *Florida Fire Prevention Code*. The *Florida Fire Prevention Code* shall apply to matters affecting or relating to structures, processes and premises from the hazard of fire and explosion arising from the storage,



definitions

appurtenances

## appurtenance

/əˈpɜːtɪnəns/

noun

1. a secondary or less significant thing or part
2. (pl) accessories or equipment



CITE

# Florida Building Code 2010 Section 109.2

## SCOPE AND ADMINISTRATION

paid. Nor shall an amendment to a permit be released until the additional fee, if any, due to an increase in the estimated cost of the building, structure, electrical, plumbing, mechanical, or gas systems, has been paid.

**109.2 Schedule of permit fees.** On buildings, structures, electrical, gas, mechanical, and plumbing systems or *alterations* requiring a *permit*, a fee for each *permit* shall be paid as required, in accordance with the schedule as established by the applicable governing authority.

Sec. 5-1.108.3 Building Permit Valuation. If, in the opinion of the building official, the claimed valuation of building, alteration, structure, electrical, gas, mechanical or plumbing systems appears to be underestimated on the application, the permit shall be denied, unless the applicant can show detailed estimates, and/or bona fide signed contracts (excluding land value) to meet the approval of the building official. The value of new buildings shall be determined by using the most recent Building Valuation Data as compiled by the International Code Council (ICC) [semi-annually] using the Marshall Valuation Service, as published by the Marshall and Swift Publication Company, Los Angeles, California or on the contract price given by the applicant for the project, whichever is higher. (The data are only intended to be used for determining permit fees and is not intended to be used as an estimating guide.) **For permitting purposes, valuation of buildings and systems shall be total replacement value to include structural, electric, plumbing, mechanical, interior finish, normal site work (excavation and backfill for buildings), architectural and design fees, marketing costs, overhead and profit; excluding only land value.**

# Fee schedule in Effect at time of Submittal

City of Fort Pierce  
Building Department  
Permit Fees

Effective Date: **March 6, 2012**

**\*\* Plan Review Fee Will be Due at Submittal\*\***

*In Effect  
at time of  
Submittal.*



(1)	New buildings and additions	Fee is based on multiplying the value of the building or addition by .010. Such value shall be determined by using the most recent Building Valuation Data for Florida as compiled by the International Code Council (ICC) using the Marshall Valuation Service, as published by the Marshall and Swift Publication Company, Los Angeles, California or on the contract price given by the applicant for the project, whichever is higher. (The data is only intended to be used for determining permit fees and is not intended to be used as an estimating guide.)																
(2)	All other construction except as noted below:	Fee is based on multiplying the value of the work authorized by the permit by .010. The value is determined by the building official. The minimum fee is \$75.00																
(3)	Demolitions:	Base fee plus .010 of the value of the work authorized by the permit. Base Fees: \$275.00 Residential \$150.00 other Residential \$500.00 Commercial \$250.00 other Commercial																
(4)	Special inspections after working hours:	Fee is \$100.00 per/hour minimum two (2) hours																
(5)	Re-inspections: First	Fee is Residential \$50.00 Commercial \$100.00																
	Re-inspections: Second	Fee is Residential \$75.00 Commercial \$150.00																
	Re-inspections: Third	Fee is Residential \$100.00 Commercial \$200.00																
	Re-inspections: Fourth and thereafter	Fee is \$250.00 for each inspection																
(6)	Manufactured mobile homes:	Fee: New buildings and additions																
(7)	Certificate of occupancy or certificate of completion	\$50																
(8)	Miscellaneous trade and construction permits including, but not limited to: **plumbing, **mechanical, **electrical, gas, remodeling, addition, fences, pools, sheds, signs, docks, etc., shall be on a valuation basis according to the following schedule: <b>** Also See item # 9 for flat fee permits.</b>	Fee is based on multiplying the value of the work authorized by the permit by .010. The value is determined by the Building Official. The minimum fee is \$75.00																
(9)	Flat Rated Permit Fees	<table border="0"> <tr> <td>Moving of structure</td> <td>\$300.00</td> </tr> <tr> <td>Temporary permit without inspection</td> <td>\$20.00</td> </tr> <tr> <td>Temporary permit with an inspection</td> <td>\$75.00</td> </tr> <tr> <td>Electrical Residential</td> <td>\$100.00</td> </tr> <tr> <td>Mechanical Residential - per unit</td> <td>\$150.00</td> </tr> <tr> <td>*Plumbing Residential</td> <td>\$75.00</td> </tr> <tr> <td colspan="2">*water heater replacements &amp; re-pipes only</td> </tr> <tr> <td colspan="2">* this does not include "Insta Hots"</td> </tr> </table>	Moving of structure	\$300.00	Temporary permit without inspection	\$20.00	Temporary permit with an inspection	\$75.00	Electrical Residential	\$100.00	Mechanical Residential - per unit	\$150.00	*Plumbing Residential	\$75.00	*water heater replacements & re-pipes only		* this does not include "Insta Hots"	
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(10)	Generator Installation	Fee is based on multiplying the value of the work authorized by the permit by .010. The value is determined by the building official. The minimum fee is \$75.00.** A																

(11)	Building Code Surcharge Per section 468.631 & 553.721 FS	A total of 3% on all Plan Review and Permit Fees. Minimum fee of \$4.00
(12)	Plan Review Fee: a plan review fee shall be paid. Separate from the building permit fee, to the building official at the time of submittal of the building permit application, Said plan review fee shall be figured as shown below. Fee based on total valuation. <b>** See item # 17 for revision fees</b> <b>** See item #12 for single opening replacements in multi-family dwelling units</b>	
	a. Fee Minimum	\$75
		Multiply the value of work authorized by the permit by .003.
(13)	Plan Review for single opening replacement in a multi-family dwelling	When only 1 opening (window or door) is being replaced in a multi-family building or development of 10 units or more, only 1 plan review fee will be charged for a Florida product approval or Miami Dade Notice of Acceptance. Each different PA/ NOA will have a separate plan review fee.
(14)	Work commencing prior to obtaining permit:	Double fee, figured by using twice the fee obtained by this article.
(15)	Stop work order:	\$100.00 before any further work may commence.
(16)	Stocking Permit	Fee is \$200.00
(17)	Appeal or variance request fee: Construction Board of Adjustments and Appeals	Fee is \$200.00
(18)	Emergency Plan Review	\$250.00 for the 1 <sup>st</sup> hour .... \$150.00 for every hour after that
(19)	Plan Review Fee (Revisions)	
	1 <sup>st</sup> Re-Review	\$100.00
	2 <sup>nd</sup> & 3 <sup>rd</sup> Re-Review	\$50.00 per page
	4 <sup>th</sup> and additional thereafter	1/3 of the building permit fee
(20)	Change of contractor	\$50
	Subcontractor	\$20
(21)	Research Fee - Lien/Permit Search	\$20.00 per request
	Research Fee - Plan Search	Staff's Time plus copies
(22)	Research Copies	
	Permit Copy	\$20.00 per card
	Copy of C.O. or C.C.	\$20.00 per page
	Copy fee Letter/Legal	\$.015 a page
	Color Copies	\$.50 a page
	Plan Size Copies	\$1.50 a page
	Copies on CD	\$5.00 per CD
	Re-Stamping of Plans	\$75.00 plus copies
(23)	Wind Mitigation	\$100.00 per Inspection
(24)	Permit Extension	\$100.00 per approved extension. Extension is valid for 30 days
(25)	Renewal Fees	\$50.00 plus current cost of permit
(26)	Routing Fee	\$10 per required department -- excluding Bldg Dept -- Due at submittal of each permit
(27)	Business Tax Inspection	\$75.00 inspection
<p>Note: Value of the work means the value of all labor, material, overhead, profit, etc. regardless of whether the labor or materials are donated or obtained at discounted rates. The building official shall make final determination. In the event the review fees do not reasonably and fairly reflect the actual value in specific instances, the Building Official shall possess discretion to waive or reduce a fee to more appropriately match the workload imposed by the permit. If there is a dispute regarding the fees charged, appeal may be made to the Construction Board of Adjustments and Appeals.</p>		

# Fee Schedule in Effect at time of Submittal

City of Fort Pierce  
Building Department  
Permit Fees

Effective Date: March 6, 2012

**\*\* Plan Review Fee Will be Due at Submittal\*\***

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(1)	New buildings and additions	Fee is based on multiplying the value of the building or addition by .010. Such value shall be determined by using the most recent Building Valuation Data for Florida as compiled by the International Code Council (ICC) using the Marshall Valuation Service, as published by the Marshall and Swift Publication Company, Los Angeles, California or on the contract price given by the applicant for the project, whichever is higher. (The data is only intended to be used for determining permit fees and is not intended to be used as an estimating guide.)
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Enlarged Portion of the fee schedule – New Construction

# Fee Schedule in Effect at time of Submittal

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**Enlarged portion of Fee schedule - Disclaimer**