



Informal Interpretation Report Number 7493



Date May 19, 2015

Edition 2010

Section 105.4.1.1

Question:

Is it the intent of FBC 105.4.1.1 to trigger a code violation where: 1) the permit was to remodel the interior of a stand-alone commercial building not presently open to the public; 2) the permit expired because of lack of progress or temporary abandonment; 3) no inspections have been performed; 4) no work is being performed while the permit is expired; 5) the building is locked and not accessible by the public

Answer

The fact that the permit expired due to lack of work is not in itself a violation, it is an expired permit. The jurisdiction may take any measures they deem necessary to make certain there is no hazard to the public, but the expired permit is not a violation of the code. The intent of section 105.4.1.1 is to provide clarification as to what has to occur if a permit, in this case, expires due to lack of progress or abandonment. the applicant must obtain a new permit prior to proceeding with construction. In addition, buildings are required to be maintained to Chapter 33 and NFPA 241 (Per the FFPC.)

Commentary:

Permits may be extended, reissued or a new permit obtained whether work has commenced or not. Additionally, a permit may be cancelled in the event no work has been performed. Each of these may require a discussion with and documentation to be presented to the Building Official for consideration.

Where work has commenced and progress is halted, unfinished and uninspected work could be in place, causing unsafe conditions to exist.

Florida Statute 553.80 is the enabling legislation which requires each local government to regulate building construction. Often, jurisdictions supplement building code oversight through a code enforcement ordinance or by modifying provisions in Chapter 1. Inasmuch, whether or not a violation of the building code has taken place hinges on the code enforcement ordinance or administrative procedures adopted by the local jurisdiction.

Notice:

The Building Officials Association of Florida, in cooperation with the Florida Building Commission, the Florida Department of Business & Professional Regulation, ICC, and industry and professional experts offer this interpretation of the Florida Building Code in the interest of consistency in their application statewide. This interpretation is informal, non-binding and subject to acceptance and approval by the local building official.