

ORDINANCE 20-2187

AN ORDINANCE OF THE CITY OF LONGWOOD, FLORIDA, AMENDING CHAPTER 18 REGARDING BUILDINGS AND BUILDING REGULATIONS; CREATING A NEW SECTION 18-155 TO ADOPT A LOCAL TECHNICAL AMENDMENT TO THE FLORIDA BUILDING CODE REGARDING THE OPERATION OF VIBRATORY COMPACTORS; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION, TRANSMITTAL AND AN EFFECTIVE DATE.

WHEREAS, the City recognizes that chapter 553, Florida Statutes, allows local governments to adopt and enact local administrative amendments to the Florida Building Code that are more stringent than the minimum standards described therein so long as such amendments are transmitted to the Florida Building Commission within thirty days after enactment and are made available to the general public in a useable format; and

WHEREAS, as the City of Longwood is largely built-out, and as such, most development projects are located near existing buildings, particularly residential homes; and

WHEREAS, the use of vibratory compactors can have a negative impact on existing structures; and

WHEREAS, the City finds that such local technical amendments to the Florida Building Code adopted pursuant to this Ordinance meet the requirements for local amendments pursuant to section 553.73(4)(b), Florida Statutes; and

WHEREAS, the City finds that such local technical amendments adopted pursuant to this Ordinance are no more stringent than necessary to address the local needs for same, the additional requirements are not discriminatory against materials, products, or construction techniques of demonstrated capabilities, and the additional requirements do not introduce a new subject not addressed in the Florida Building Code; and

WHEREAS, the City has determined that all technical amendments enacted hereby are based upon a review of local conditions, which review demonstrates by evidence or data that the City exhibits a local need to strengthen the Florida Building Code beyond the needs or regional variation addressed by the Florida Building Code; and

WHEREAS, the City has and shall make readily available, in usable format, all technical amendments adopted as referenced herein, and the City has considered and shall include in its transmittal to the Florida Building Commission a fiscal impact statement which documents the costs and benefits of the proposed technical amendment. Such fiscal impact state includes the impact to local government relative to enforcement, the impact to property and building owners,

as well as to industry, relative to the cost of compliance; and

WHEREAS, the City has determined that the amendments to the City Code adopted by this Ordinance are in the best interest of and for the health, safety, and welfare of the citizens of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF LONGWOOD, FLORIDA AS FOLLOWS:

Section 1. Recitals. The above recitals are true and correct and constitute the legislative findings of the City Commission, which are incorporated herein by this reference.

Section 2. Adoption. Article VI, Chapter 18 of the Longwood City Code is hereby amended to add a new Section 18-155 to read as follows (~~struckout text~~ indicates deletions; underlined text indicates additions; and non-referenced sections shall remain unchanged):

CHAPTER 18- BUILDINGS AND BUILDING REGULATIONS

ARTICLE VI. - EXCAVATION AND GRADING CODE

* * *

Sec. 18-155. – ~~Reserved.~~ Vibratory Compaction Operations, Limitations.

- (a) Vibratory compaction shall not be used within 75 feet of existing structures.
- (b) The use of driver operated vibratory compactors for construction within the city limits will be allowed only if use of such equipment does not produce a peak particle velocity in excess of 0.25 inch per second when measured on the ground at the closest adjacent structure not owned by the contractor/developer or their client or at the property line if the adjacent site is not accessible. Peak particle velocity shall be measured as the true vector sum (resultant peak particle velocity) in three mutually perpendicular planes in one instant in time.
- (c) For the purpose of this section, “driver operated vibratory compactors” shall include any soil/substrate/material compactor operated by a driver seated on the equipment which uses any vibratory mechanism, regardless of size or weight. “Peak particle velocity” is a quantification of vibration measured by a portable seismograph typical to the local construction industry.
- (d) In the event requirements in subsection (a) cannot be achieved, a special exemption authorization letter may be issued by the city’s building official and/or city engineer in

cases where a request for a special exemption is filed in writing and where the following conditions are met:

1. A signed and sealed report is filed by a registered professional engineer licensed to practice in the State of Florida which renders his/her opinion that exceedance of the prescribed peak particle velocity shall not cause damage to the closest adjacent structure(s), including damage that results from foundation settlement, and provides the technical basis for such opinion.
 2. The registered professional engineer certifies that they have performed a pre-construction "condition survey" of adjacent structures, and provides said document to the City, including property wall/fence systems/pools/stand-alone structures within a 100-foot zone surrounding the work site, which includes detailed photographic documentation as well as the results of visual examination and records of noted distress features in adjacent structures
 3. A post-construction survey of adjacent structures as detailed in (2) above will be made by the registered professional engineer and a report of that survey will be submitted to the city.
 4. Pre and post inspection and documentation, settlement surveying and monitoring and vibration monitoring shall be performed in accordance with FDOT Section 108 of the FDOT Standard Specifications for Road and Bridge Construction (Current Version).
- (e) A written record of peak particle velocity measurements, including vibratory frequency, must be maintained and submitted to the city on a daily basis during performance of the vibratory compaction work.
- (f) Walk-behind rollers, plate vibratory compactors and other compacting equipment are permitted without limitation and in accordance with the time restrictions set forth in Sec. 18-2 for hours of operation.
- (g) Upon observation of a violation of this section, the city's building official or authorized representative is authorized to issue a stop work order to immediately cease such violation. The city may otherwise enforce this section as provide by law and the city's Code of Ordinances.

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Section 3. Conflicts. If any Ordinance or part of thereof is in conflict herewith, this Ordinance shall control to the extent of the conflict.

Section 4. Codification. Section 2 of this Ordinance shall be codified and made a part of the City Code of Ordinances; that the Sections and exhibits of this Ordinance may be renumbered or relettered to accomplish such intention. The word "Ordinance" may be changed to "Section,"

“Article,” or other appropriate word. The City Clerk is given liberal authority to correct scribes’ errors, such as incorrect code cross references, grammatical, typographical and similar or like errors when codifying this Ordinance.

Section 5. Severability. If any portion of this Ordinance is determined to void, unconstitutional, or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall remain in full force and effect.

Section 6. Transmittal. This Ordinance enacting technical and administrative amendments to the Florida Building Code shall be transmitted to the Florida Building Commission within 30 days after enactment.

Section 7. Effective Date. This Ordinance shall not become effective until 30 days after this Ordinance has been received by and the amendments set forth in Section 2 of this Ordinance are published by the Florida Building Commission.

FIRST READING this 24 day of August, A.D. 2020.

SECOND READING AND ADOPTION this 10 day of September, A.D. 2020.

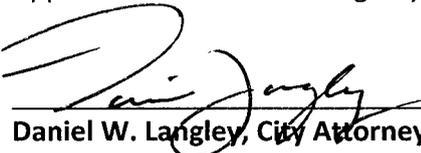


Matt Morgan, Mayor
Richard Drummond

ATTEST:


Michelle Longo, CMC, FCRM, City Clerk

Approved as to form and legality for the use and reliance of the City of Longwood, Florida only.



Daniel W. Langley, City Attorney