

ORDINANCE NO. 2021- _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 14 OF THE CITY CODE, ENTITLED "BUILDING REGULATIONS," BY AMENDING ARTICLE VII, ENTITLED "PERMITS APPLIED FOR ON OR AFTER MARCH 1, 2002," BY CREATING SECTION 14-600, ENTITLED "DELIVERY OF ENGINEERING REPORTS," CREATING SECTION 14-600 TO REQUIRE THE DELIVERY TO THE CITY OF BUILDING ENGINEERING REPORTS WHICH REFLECT BUILDING CONDITIONS, INCLUDING STRUCTURAL AND LIFE SAFETY COMPONENTS; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION AND FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Miami Beach, Florida (the "City") finds that it is necessary to further enhance the monitoring of building conditions within the City to ensure compliance by private property owners with life safety requirements of the Florida Building Code and applicable Miami-Dade County and City Ordinances; and;

WHEREAS, the City Commission finds that the timely delivery of engineering reports to the City as provided herein will serve to promote the health, safety and welfare of the residents of the City.; and

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AS FOLLOWS:

SECTION 1. That Chapter 14, Article VII, of the Code of the City of Miami Beach is hereby amended by creating Section 14-600, as follows:

**CHAPTER 14
BUILDING REGULATIONS**

* * *

ARTICLE VII. DIVISION 5 – ENGINEERING REPORT

Section 14-600 - Delivery of Engineering Reports.

- (a) The duties imposed by this Section are applicable to any engineer retained by a private property owner to assess the structural and life safety components of private property.
- (b) The engineer's report described in paragraph (a) above, shall be filed with the City officials within 24 hours of the delivery of said engineer's report by the engineer, when deficiencies requiring immediate corrective action are noted by the engineer during inspection and indicated on the report. The filing shall be accomplished by hand delivery to the Office of the City's Building Official and City Manager at City Hall, 1700 Convention Center Drive, Miami Beach, FL 33139 and by email filing at the following link:

buildingviolations@miamibeachfl.gov or other link provided for this purpose on the City's website. Engineer's reports which have been provided to the property manager or president of the condominium, homeowners, or cooperative association ("Responsible Person") before the effective date of this Section shall be filed by the Responsible Person with the City within 24 hours of City's written request.

- (c) Penalty. A violation of this Ordinance shall be subject to the penalties provided in Section 30-74 of the City Code. This Ordinance shall also be subject to enforcement under the code enforcement process provided by Chapter 30, Article III – Enforcement Procedure, of the City Code as amended from time to time.

SECTION 2. REPEALER.

All ordinances or parts of ordinances and all sections and parts of sections in conflict herewith be and the same are hereby repealed.

SECTION 3. SEVERABILITY.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 4. CODIFICATION.

It is the intention of the Mayor and City Commission, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of the City of Miami Beach as amended that the sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect ten (10) days following adoption.

PASSED AND ADOPTED this ____ day of _____, 2021.

ATTEST:

Dan Gelber, Mayor

Rafael E. Granado, City Clerk

(Sponsored by Commissioner Micky Steinberg)

Underline denotes additions

~~Strikethrough~~ denotes deletions

Double Underline denotes additions at Second Reading

~~Double Strikethrough~~ denotes deletions at Second Reading

**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**

City Attorney *SM*

9-23-21
Date