

ORDINANCE NO.

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 DIVISION 2, "40-YEAR BUILDING RECERTIFICATION PROGRAM," SECTION 14-67, REQUIRING COURTESY NOTIFICATION TO BUILDING OWNERS AT LEAST TWO (2) YEARS PRIOR TO THE ANNIVERSARY OF THEIR RECERTIFICATION AS REQUIRED BY SECTION 8-11(f) OF THE MIAMI-DADE COUNTY CODE AND SECTION 14-67 OF THE CITY CODE,, AND ADDING A REQUIREMENT FOR BUILDING OWNERS TO SUBMIT AN ANNUAL BUILDING MAINTANANCE LOG TO THE BUILDING DEPARTMENT, AND REVISING THE HEADING OF SECTION 14-67 OF THE CITY CODE TO "BUILDING RECERTIFICATION PROGRAM"; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the City of Miami Beach has the authority to enact laws which promote the public health, safety, and general welfare of its citizens; and

WHEREAS, per Miami Dade County Code, a building is required to obtain recertification of its structural and electrical components calculated from the date of its initial occupancy; and

WHEREAS, Miami-Dade County is in the process of reducing the length of time for the beginning of the building recertification process in accordance with the Final Report of the Miami-Dade County Grand Jury Report filed on December 15, 2021; and

WHEREAS, the City of Miami Beach agrees with the recommendation contained in the Miami-Dade County Grand Jury Report filed on December 15, 2021 that by providing courtesy notices to building owners at least two (2) years prior to the anniversary date of their recertification and well as providing an additional courtesy notice at least one (1) year prior to the anniversary date of their recertification; and a final notice ninety (90) days prior to the anniversary dated of their recertification due date; and

WHEREAS, any building or structure except single-family residence, duplexes, and minor structures defined as having an occupancy load of ten (10) or less, as determined by Table 1003.1 (FBC) Minimum Occupancy Load of the Florida Building Code and having a gross area of 2,000 sq. ft. or less, are subject to the recertification process as set forth in section 8-11(f) of the Miami-Dade County Code and section 14-67 of the City Code; and

WHEREAS, the Miami-Dade County Grand Jury Report filed on December 15, 2021 further recommends that maintenance logs be submitted to municipalities on a yearly basis; and

WHEREAS, revising the title of section 14-67 from “40 Year Recertification Program” to “Building Recertification Program” would avoid any confusion that recertification not only applies to the initial 40-year recertification but as well to the subsequent recertification at ten (10) year intervals thereafter.

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

SECTION 1, Chapter 14, Article II, of the Code of the City of Miami Beach is hereby amended as follows:

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Sec. 14-67. Forty-year bBuilding recertification program.

- (a) There shall be a fee per building as specified in appendix A for the 40-year building recertification program, as required under Miami-Dade County Code Chapter 8, Section 8-11(f) and as said section may be amended from time to time. A six-month extension for building recertification may be granted by the building official. An extension fee as specified in appendix A shall be assessed.
- (b) If a building has not been recertified in the time limitation established by the county code section referred to in subsection (a), a late compliance fee as specified in appendix A shall be paid in addition to the regular recertification fee. This fee shall also apply if the building is declared unsafe and posted and the time limitation for the requirement of a new inspection and report does not apply. However, if the building has an open permit for complete alteration and remodeling, and the building is not currently occupied, the late fee will be waived if the recertification report is included at the time of the application for the certificate of occupancy or completion.
- (c) When the building recertification process has not been completed for a particular building within the maximum time limitations established by the county ordinance, a notice of violation shall be issued. If the process is not completed within 45 days of the notice of violation date, the building shall be declared unsafe and vacated at owner's expense. The building shall remain secured while vacant. If the recertification is not complete within 90 days of the date when the building was declared unsafe a new inspection report with a new fee as specified in appendix A shall be processed before the building can be declared safe for occupancy.
- (d) Courtesy notices to building owners will be provided to building owners at least two (2) years prior to the anniversary date of their recertification as well as providing an additional courtesy notice at least one (1) year prior to the anniversary date of their recertification; and a final notice ninety (90) days prior to the anniversary dated of their recertification due date. The failure to provide the courtesy notices does not waive or release the building owner's obligation to comply with building recertification requirements, in accordance with all applicable state, county and municipal laws.
- (e) A yearly maintenance log on all routine structural repairs must be submitted annually to the Building Department on a standard form provided by the Building Department. Late and incomplete forms will be assessed a late fee as specified in the Appendix A - Fee schedule. The failure of the building owner to timely submit a yearly maintenance log does not relieve

or alter a property owner's obligation to maintain its property in accordance with all applicable state, county and municipal laws.

(f) The Building Department shall develop a standard operation procedure to educate and advise property owners of this section and develop a waiting period prior to enforcement of this section, which shall commence on January 2, 2024.

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SECTION 2. REPEALER.

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

SECTION 3. 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 part of the Code of the City of Miami Beach as amended; that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intention; and that the word "ordinance" may be changed to "section," "article," or other appropriate word.

SECTION 4. SEVERABILITY.

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

SECTION 5. EFFECTIVE DATE.

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

PASSED and **ADOPTED** this ____ day of _____, 2022.

ATTEST:


Dan Gelber, Mayor


Rafael E. Granado, City Clerk

(Sponsored by Commissioner Alex Fernandez)

Underline denotes additions
~~Strikethrough~~ denotes deletions
Double Underline denotes additions made at First Reading
~~Double Strikethrough~~ denotes deletions at First Reading

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



City Attorney 

2-1-22

Date