

ORDINANCE NO. 2021-XX

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH AMENDING CHAPTER XIV, “BUILDING AND HOUSING” OF THE CODE OF ORDINANCES, BY CREATING A NEW SECTION 14-1.30 “DELIVERY OF ENGINEERING REPORTS” TO ENHANCE REQUIREMENTS RELATED TO RECERTIFICATION OF BUILDINGS; PROVIDING FOR CONFLICTS, SEVERABILITY, AND CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Mayor and City Commission of the City of North Miami Beach seek to protect the public safety and preserve the quality of life within the City; and

WHEREAS, Miami-Dade County requires in section 8-11(f) of its Code, that buildings or structures, except single-family residences, duplexes and minor structures, which have been existence for forty years or longer be reinspected and recertified at the end of forty years and every ten years thereafter; and

WHEREAS, the Miami-Dade County Code further requires in section 8-11(f) that the *“owner of a building or structure subject to recertification shall furnish, or cause to be furnished, within ninety (90) days of Notice of Required Inspection, a written report to the Building Official, prepared by a Professional Engineer or Architect registered in the State of Florida, certifying that each such building or structure is structurally and electrically safe, or has been made structurally and electrically safe for the specified use for continued occupancy, in conformity with the minimum inspection procedural guidelines as issued by the Board of Rules and Appeals”*; and

WHEREAS, the City of North Miami Beach requires in section 14-1.2(f) of its Code for reinspection fees and notices of violations to be issued should the timeframes not be respected; and

WHEREAS, the City of North Miami Beach wishes 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 of North Miami Beach 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.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Commission of the City of North Miami Beach, Florida:

Section 1. That the recitals and finding contained in the forgoing “whereas” clauses are adopted by reference and incorporated as if fully set forth in this section.

Section 2. That Chapter XIV, entitled “Building and Housing,” shall be amended by creating a new section 14-1.30 entitled “Delivery of Engineering Reports” as follows (*deletions and additions are identified using a strike-through and underline format, respectively*):

Sec. 14-1.30 – Delivery of Recertification Engineering Reports.

In addition to the Forty Year Recertification Program requirements set forth in section 14-1.2(f) of this Code and the requirements for recertification as set forth in the Miami-Dade County Code of Ordinances, the delivery of recertification engineering reports shall be delivered to the City in the following manner:

- a. A recertification engineering report prepared by a professional engineer or architect registered in the State of Florida (hereinafter “engineering report”), must be delivered to the City’s Office of the Chief Building Official within five (5) business days of receipt of the engineering report by the Responsible Person. A Responsible Person is the person who serves as the president of a condominium association, homeowner’s association, or cooperative owners association or any person, company or entity serving as the property manager of the condominium association, homeowner’s association, or cooperative owners association or of a structure that meets the definition of a building or structure which is subject to the Forty Year Recertification Program. A Responsible Person also includes a professional engineering or architectural firm serving as the agent of the condominium association, homeowner’s association, or cooperative owners association or of a structure that meets the definition of a building or structure which is subject to the Forty Year Recertification Program.
- b. The engineering report may be filed by hand delivery to the Office of the Chief Building Official or sent by mail to Office of the Chief Building Official with a copy delivered by email.
- c. A failure to comply with this section shall be a violation of Chapter XIV, Code of Ordinances, and shall subject the Responsible Person and owners of the building or structure to the penalties for violations and/or code enforcement procedures as set forth in the Chapter XIV, which shall include fines, imprisonment, or both.

Section 3. All ordinances or parts of ordinances in conflict with this Ordinance are repealed to the extent of such conflict.

Section 4. If any clause, section, other part or application of this Ordinance is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall not affect the validity of the remaining portions or applications of this Ordinance.

Section 5. It is the intention of the City Commission of the City of North Miami Beach and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of North Miami Beach, Florida. The Sections of this Ordinance may be renumbered or re-lettered to accomplish this intention and the word “Ordinance” may be changed to “Section,” “Article,” or other word as the codified may deem appropriate.

Section 6. Effective Date. This Ordinance shall become effective ten (10) days after adoption on second reading.

APPROVED on this first reading this _____ day of _____, 2021.

APPROVED AND ADOPTED on second reading this _____ day of _____, 2021.

ATTEST:

ANDRISE BERNARD, CMC
CITY CLERK

ANTHONY F. DEFILLIPO
MAYOR

(CITY SEAL)

APPROVED AS TO FORM, LANGUAGE
AND FOR EXECUTION

HANS OTTINOT,
INTERIM CITY ATTORNEY

Sponsored by: Commissioner Paule Villard