

ORDINANCE NO. 4641

AN ORDINANCE OF THE CITY OF SWEETWATER CITY COMMISSION ADOPTING ARTICLE I SECTION 8-11 'EXISTING BUILDINGS' OF CHAPTER 33 OF MIAMI DADE COUNTY CODE AS FURTHER AMENDED AND INCORPORATED INTO THE CITY OF SWEETWATER CODE CREATING ARTICLE V IN CHAPTER 14 OF THE CITY CODE ENTITLED 'BUILDING RECERTIFICATION'; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the requires that all counties and municipalities adopt regulations as it relates 40 -year re-certification of buildings; and

WHEREAS, the City Commission wishes to adopt Article I Section 8-11 of Chapter 33 of Miami Dade County to establish regulations for 40 year recertification for existing buildings; and

WHEREAS, the City Commission wishes to amend said regulations of Miami Dade County to adopt it to the regulations of the city's; and

WHEREAS, the City Commission wishes to create Article V entitled Building Certification; and

WHEREAS, the City Commission wishes to incorporate Article V into Chapter 14 of the City Code; and

WHEREAS, the Mayor and City Commission find that this Ordinance is in the best interest and welfare of the residents.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COMMISSION OF THE CITY OF SWEETWATER, FLORIDA AS FOLLOWS:¹

Section 1. That the recitals and findings contained in the Preamble to this Ordinance are adopted by reference and incorporated as if fully set forth in this Section.

Section 2. That the City Commission adopted Article I Section 8-11 of Chapter 33 of Miami Dade County

Section 3. That the City Commission amended the adopted the regulations and adopted under Chapter 14 of the City Code; and

Section 4. That the City Commission created Article V 'Building Certification' is created as provided in Exhibit 'A' and incorporated into the City's Code.

Section 3. That all ordinances or portions of the City Code in conflict with the provisions of this Ordinance shall be repealed upon the effect hereof.

¹ Underlines items are additions; strike-through items are deletions.

Section 4. That if any section, clause, sentence, or phrase of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, the holding shall not affect the validity of the remaining portions of this Ordinance.

Section 5. That this ordinance shall become effective upon its adoption by the City Commission and approval by the Mayor or if vetoed upon its reenactment by the City Commission as provided by the Charter of the City of Sweetwater.

Ord #4641

PASSED on first reading this 17th day of June, 2020.

PASSED AND ADOPTED on second reading this 27th day of July, 2020.


ORLANDO LOPEZ, MAYOR


CECILIA HOLTZ-ALONSO
COMMISSION PRESIDENT

ATTEST:


CARMEN GARCIA, CITY CLERK


RAY GARCIA, CITY ATTORNEY

VOTE UPON ADOPTION:

| | |
|--|------------|
| CECILIA HOLTZ-ALONSO, COMMISSION PRESIDENT | <u>yes</u> |
| SAUL DIAZ, COMMISSION VICE PRESIDENT | <u>yes</u> |
| DAVID BORRERO, COMMISSIONER | <u>yes</u> |
| JONIEL DIAZ, COMMISSIONER | <u>yes</u> |
| SOPHIA G. LACAYO, COMMISSIONER | <u>yes</u> |
| ISIDRO RUIZ, COMMISSIONER | <u>yes</u> |
| MARCOS VILLANUEVA, COMMISSIONER | <u>yes</u> |

EXHIBIT A

Chapter 14 Buildings and Building Regulations.

Article V – Existing Buildings

Sec. 14-41. - General.

- (a) The requirements contained in the Florida Building Code, covering the maintenance of buildings, shall apply to all buildings and/or structures now existing or hereafter erected. All buildings and/or structures and all parts thereof shall be maintained in a safe condition, and all devices or safeguards that are required by the Florida Building Code shall be maintained in good working order. Electrical wiring, apparatus and equipment, and installations for light heat or power and low voltage systems as are required and/or regulated by the Building Code, now existing or hereinafter installed, shall be maintained in a safe condition and all devices and safeguards maintained in good working order.
- (b) This subsection shall not be construed as permitting the removal or non-maintenance of any existing devices or safeguards unless authorized by the Building Official.
- (c) Certificate of inspection for boilers and pressure vessels: A Certificate of Inspection shall be requested from and issued by the Building Official. Certificate of Inspection shall be the authorization to operate such equipment for a limited period as set forth herein:
 - (1) A Certificate of Inspection for a high-pressure boiler shall be for a period of not more than 6 months.
 - (2) A Certificate of Inspection for a low-pressure boiler shall be for a period of not more than 12 months. A Certificate of Inspection is required if any of the following criteria is met or exceeded: A heat input capacity of 200,000 BTU/h (58.6 kW); a water temperature of 200° F (93° C); a nominal water capacity of 120 gallons (454 l).
 - (3) A Certificate of Inspection for an unfired pressure vessel (operating at pressures in excess of 60 PSI and having a volume of more than 5 cubic feet) shall be for a period of not more than 12 months.
 - (4) A Certificate of Inspection may, at the discretion of the Building Official, be for a shorter period or such certificate may be rescinded and tests be ordered at any time when in the opinion of the Building Official, a condition exists making such retesting or reinspection desirable in the interest of safety.
 - (5) A Certificate of Inspection shall be posted in a conspicuous location to the operator.

Exception: Boilers requiring inspections and certification by the State of Florida Fire Marshal's Office, Boiler Safety Program.

Section 14-42 Recertification of buildings and components:

- (a) For the purpose of this Subsection, recertification shall be construed to mean the requirement for specific inspection of existing buildings and structures and furnishing the Building Official with a written report of such inspection as prescribed herein.
 - (1) Inspection procedures shall conform, in general, with the minimum inspection procedural guidelines as issued by the Board of Rules and Appeals.
 - (2) Such inspection shall be for the purpose of determining the general structural condition of the building or structure to the extent reasonably possible of any part, material or assembly

of a building or structure which affects the safety of such building or structure and/or which supports any dead or designed live load, and the general condition of its electrical systems pursuant to the Building Code.

- (ii) (1) All buildings, except single-family residences, duplexes and minor structures as defined below, shall be recertified in the manner described below where such buildings or structures have been in existence for forty (40) years or longer, as determined by the Building Official, who shall at such time issue a Notice of Required Inspection to the building owner.

(2) Subsequent recertification shall be required at ten (10) years interval.

(3) In the event a building is determined to be structurally and electrically safe under the conditions set forth herein, and such building or structure is less than forty (40) years of age, recertification shall not be required for a minimum of ten (10) years from that time, or age forty (40), whichever is the longer period of time.
- (iii) Minor buildings or structures shall, for the purpose of this subsection, be buildings or structures in any occupancy group having an occupant load of ten (10) or less, as determined by Table 1003.1 (FBC) Minimum Occupant Load of the Florida Building Code and having a gross area of 2,000 sq. ft. or less.
- (iv) (1) 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.

(2) Such written report shall bear the impressed seal and signature of the responsible Engineer or Architect who has performed the inspection.

(3) Such Engineer or Architect shall undertake such assignments only where qualified by training and experience in the specific technical field involved in the inspection and report.

(4) Such report shall indicate the manner and type of inspection forming the basis for the report and description of any matters identified as requiring remedial action.

(5) In the event that repairs or modifications are found to be necessary resulting from the recertification inspection, the owner shall have a total of 150 days from the date of Notice of Required Inspection in which to complete indicated repairs or modifications which shall be executed in conformance with all applicable Sections of the Building Code.
- (v) When installed on threshold buildings, structural glazing systems, shall be inspected by the owner at 6 months intervals for the first year after completion of the installation. The purpose of the inspection shall be to determine the structural condition and adhesive capacity of the silicone sealant. Subsequent inspections shall be performed at least once every 5 years at regular intervals for structurally glazed curtain wall systems installed on threshold buildings.
- (b) (1) An existing building under Chapter 34 of the Florida Building Code includes any building or structure built with proper permits and completed with all mandatory inspections and for which a Certificate of Completion or Occupancy has been issued and any building or structure, including any part thereof as well as any addition or repair, built without proper permits in which the work performed commenced prior to March 1, 2002 or permits obtained under the South Florida Building Code which expired without Certificates of Completion or Occupancy having been issued.

(2) A Certificate of Completion or Occupancy for any existing building built without proper permits or permits which expired may be obtained by applying to the Building Official and fulfilling the following conditions:

- (a) The owner shall furnish a set of as-built plans of the building or structure;
- (b) The owner shall furnish an as-built certificate satisfactory to the Building Official issued by a Florida registered engineer or architect and attesting that to the best of his or her knowledge, belief and professional judgment and based on his or her inspection of the structure, the structure:
 - (1) Is structurally sound; and
 - (2) Satisfies the requirements of the Code in effect at the time the work was commenced, indicating the date the work on the structure was commenced from the best available records and the requirements of the Code in effect on that date; and
 - (3) Complies with all requirements of the current code identified in Section 8-11(g)(2)(c) below; and
 - (4) Complies with the permit application and any plans approved by the Building Official, if applicable.
- (c) The owner shall comply with the following life-safety requirements of the current Building Code:
 - (1) Means of egress or escape.
 - (2) Requirement of shutters.
 - (3) Residential single station smoke detectors - installed in accordance with NFPA (1999 edition).
 - (4) Requirement for ground fault interruptors.
 - (5) Requirement for full size pressure and temperature relief valve lines on all water heaters.
 - (6) Handicapped access requirements.
 - (7) All gas piping systems shall be bonded to ground
 - (8) Handrails shall be inspected and replaced, if necessary, in full compliance with requirements of the current Building Code.
- (3) The as-built certificate shall contain a narrative description of the methodology utilized to make the determination set forth in the as-built certificate. In issuing the Certificate of Completion or Occupancy, the Building Official shall be entitled to rely on the accuracy of the as-built certificate.
- (4) Prior to issuing the Certificate of Completion or Occupancy, the Building Official shall conduct an inspection to determine, to the best of his or her ability given the nature of the construction:
 - (a) That the plans submitted reflect the present state of the structure; and
 - (b) That the construction complies with the Building Code in effect at the time the work was commenced; and
 - (c) That the structure complies with all requirements of the current Building Code identified in Section 14-41(b)(2)(c) above; and
 - (d) That the as-built certificate represents accurately the condition of the structure.
- (5) Notwithstanding the provisions of this Section, the Building Official may at all times continue enforcement of the Code through any authorized means including issuance of a Notice of Violation, recording of the same, commencement of a case before the Unsafe Structures Board and/or the issuance of a civil violation notice. This section shall not be construed or serve as a defense against any enforcement action brought by the Building Official based on the current requirements of the Code.

(6) The Building Official shall establish a fee for processing applications and to conduct any testing done pursuant to this section

(c) An applicant for a Certificate of Completion or Occupancy for any building or structure built without proper permits or with permits that expired as provided in subsection (b) hereof shall pay the impact fee which would have been applicable on the date upon which construction is demonstrated to have commenced. No refunds of impact fees paid prior to the effective date of this ordinance shall be allowed.

Sec. 14-43 - Enforcement

(1) Any person or business convicted of violating the provisions of this section may be punished as provided in Section 1-15.