

## ORDINANCE NO. 2023-16

**AN ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, AMENDING CHAPTER 4, ENTITLED BUILDINGS AND BUILDING REGULATIONS, OF THE CITY OF GREENACRES CODE, TO ADOPT AND INCORPORATE THE FLORIDA BUILDING CODE 8<sup>th</sup> EDITION, TOGETHER WITH ALL AMENDMENTS THERETO, AS RECOMMENDED BY THE BUILDING CODE ADVISORY BOARD OF PALM BEACH COUNTY, FLORIDA AND AS CONFORMED TO THE CITY'S OPERATIONAL STANDARDS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS;** pursuant to Chapter 553, Florida Statutes, known as the "Florida Building Codes Act", the legislature provided for the adoption and enforcement of a single unified state building code, entitled the "Florida Building Code"; and

**WHEREAS;** pursuant to the laws of the State of Florida and Section 553.73(4)(b), Florida Statutes, the Building Code Advisory Board of Palm Beach County ("BCAB") and the City of Greenacres has reviewed the Code provisions in the Florida Building Code and, based upon that review, recommend the adoption of the 2023 Florida Building Code 8<sup>th</sup> Edition, with amendments to the Chapter One of the Florida Building Code 8<sup>th</sup> Edition (Exhibit "A"); and

**WHEREAS;** the City Council of Greenacres finds that the adoption of the Florida Building Code 8<sup>th</sup> Edition, together with the amendments to Chapter One, will greatly promote the health, safety and welfare of the residents of the City of Greenacres.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF GREENACRES, FLORIDA, AS FOLLOWS:**

### **Section 1.**

That Chapter 4 Section 4-2 of the City of Greenacres Code of Ordinance, entitled "Florida Building Code" is hereby amended by ~~deleting~~ and adding the following provisions:

**Chapter 4 Sec. 4-2. - Florida Building Code.**

- (a) The city hereby adopts by reference the Florida Building Code as mandated by Chapter 553, Florida Statutes Including the Florida Building Code 7<sup>th</sup> 8<sup>th</sup> Edition.
- (b) The City hereby adopts by reference the "Amendments to Chapter One of the 2020 2023 Florida Building Code ~~"(7<sup>th</sup> Edition)"~~ "(8<sup>th</sup> Edition)" as recommended by the Palm Beach County Building Code Advisory Board, the Building Official, and as conformed to the City's operational standards, which are on file in the city clerk's office.

**Section 2.** Chapter 4 Section 4-5 of the City of Greenacres Code of Ordinance is hereby amended by ~~deleting~~ and adding the following provisions:

**Chapter 4 Sec. 4-5. – Unsafe building abatement code.**

*(Sections b-g to remain unchanged and omitted for brevity.)*

(a) *General matters.*

(1) *Purpose and scope.* This section is declared to be remedial in nature. The purpose of this section is to secure the public health, safety and welfare by ensuring that all buildings, as defined herein, within the city are structurally sound and that such premises provide adequate egress, sanitation, light and ventilation for the protection of life and property and are free from fire and other hazards incidental to their construction, alteration, use and occupancy. The provisions of this section shall apply to all unsafe buildings and shall apply equally to new and existing conditions.

(2) *Authority.* The city, acting through its city council and/or its designee, shall have authority pursuant to its home rule and police powers and Article VIII, Section 2(b) of the Florida Constitution to determine and declare the existence of a public nuisance in the form of an unsafe building and shall have the authority to provide for the abatement of the same. The abatement of such unsafe buildings constitutes a municipal service, which specifically benefits

the property, and the assessment of the costs incurred by the city in abating an unsafe building is deemed fair and reasonable. These costs of abatement may be levied as a special assessment. The enforcement of this section is an alternative to the procedures set forth in the “Amendments to Chapter One of the ~~2020~~ 2023 Florida Building Code (~~7<sup>th</sup> Edition~~) (8<sup>th</sup> Edition)” adopted pursuant to Section 4-2(b) of this Code.

(3) *District established.* The city, in its entirety, as its city boundaries exist on the date of enactment of this section and as they may be expanded or contracted from time to time, is hereby declared a special assessment district for the purposes of abating and remedying unsafe buildings. Individual properties within the city’s boundaries, as they may exist from time to time, may be assessed for the costs incurred by the city in abating and remedying violations of this section.

(4) *Definitions.* The following words, terms, and phrases, when used in this section, shall have the meanings ascribed to them, except where the context clearly indicates a different meaning.

*Interested parties.* Interested parties mean the owner, as determined by the records of the Palm Beach County Tax Collector, the occupant of the building, and any other person or entity having a legal or equitable interest in the building, including but not limited to, any mortgage holder, judgement holder or other lien holders of record.

*Unsafe building* means any building, structure, existing equipment, or service systems or portion thereof that are or hereafter become unsafe, unsanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation, or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy or inadequate maintenance. A vacant structure that is not secured against entry shall also be deemed unsafe.

### **Section 3. Repeal of Conflicting Ordinances**

All ordinances or parts thereof or parts of the Code conflicting or inconsistent with the provisions of this ordinance are hereby repealed.

**Section 4. Severability**

If any section, part of a section, paragraph, sentence, clause, phrase or word of this Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holdings of invalidity shall not affect the remaining portion of this Ordinance and it shall be construed to have been the legislative intent to pass the Ordinance without such unconstitutional, invalid or inoperative part therein, and the remainder of this Ordinance after the exclusion of such part or parts shall be deemed to be held valid as if such part or parts had not been included therein, or if this Ordinance or any of the provisions thereof shall be held inapplicable to any person, group of persons, property, kind of property, circumstances, or set of circumstances, such holdings shall not affect the applicability thereof to any other person, property or circumstances.

**Section 5. Inclusion in Code**

It is the intention of the City Council, entered as hereby ordained, that the provisions of this Ordinance shall become and be made a part of the Code of Laws and Ordinances of the City of Greenacres, Florida; that the Section(s) 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 another word.

**Section 6. Effective Date**

The provisions of this Ordinance shall become effective December 31, 2023 or upon any amended effective date of the Florida Building Code by the Florida Legislature.

**[The remainder of this page intentionally left blank.]**

**Passed on the first reading this 6<sup>th</sup> day of November, 2023.**

**PASSED AND ADOPTED on the second reading this 4th day of December, 2023.**

*Voted:*

\_\_\_\_\_  
**Joel Flores**, Mayor

\_\_\_\_\_  
**Peter Noble**, Deputy Mayor

**Attest:**

*Voted:*

\_\_\_\_\_  
**Quintella Moorer**, City Clerk

\_\_\_\_\_  
**John Tharp**, Council Member, *District I*

*Voted:*

\_\_\_\_\_  
**Judith Dugo**, Council Member, *District III*

*Voted:*

\_\_\_\_\_  
**Susy Diaz**, Council Member, *District IV*

*Voted:*

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**Paula Bousquet**, Council Member, *District V*

**Approved as to Form and Legal Sufficiency:**

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**Glen J. Torcivia**, City Attorney