

ORDINANCE NO. 2023-02

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF HILLSBORO BEACH, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES BY AMENDING CHAPTER 4 ENTITLED "BUILDINGS AND BUILDING REGULATIONS" BY SPECIFICALLY AMENDING ARTICLE I ENTITLED "IN GENERAL" BY CREATING SECTION 4-9 TO BE ENTITLED "BUILDING SAFETY INSPECTION PROGRAM" TO PROVIDE FOR THE IMPLEMENTATION OF A BUILDING SAFETY INSPECTION PROGRAM; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the recent collapse of a multifamily complex in Surfside, Florida has resulted in heightened concerns for the safety and welfare of individuals residing in multifamily buildings over twenty-five (25) years old; and

**WHEREAS**, the Broward County Administrative Provisions of the Florida Building Code (FBC), Section 110.15, established the Building Safety Inspection Program; and

**WHEREAS**, the 2022 Florida Legislature created Section 553.899 of the Florida Statutes "Mandatory structural inspections for condominium and cooperative buildings"; and

**WHEREAS**, the Town Commission of Town of Hillsboro Beach finds that it is in the best interests of the residents of Hillsboro Beach to implement lawful measures intended to ensure that the structural integrity of multi-family buildings are maintained for the protection and safety of Town Residents residing in buildings over twenty-five (25) years old;

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN OF HILLSBORO BEACH, FLORIDA THAT:**

**Section 1.** The foregoing "Whereas" clauses are hereby ratified and confirmed as being true and correct and are hereby made a part of this Ordinance.

**Section 2.** Chapter 4 entitled "Buildings and Building Regulations" is hereby amended by specifically creating Section 4-9 to be entitled "Building Safety Inspection Program" which shall read as follows:

Sec. 4-9. - Building Safety Inspection program.

(a) Inspection procedures.

(1) All inspections shall be performed by a Florida licensed engineer or architect, independent of the Town of Hillsboro Beach, and procedures shall conform, in general, with the minimum inspection procedural guidelines as issued by the Broward County Board of Rules and Appeals as amended from time to time, and the requirements of Section 553.899 of the Florida Statutes.

1           (2)     Such inspection shall be for the purpose of determining the structural and electrical  
2 condition of the building or structure which affects the safety of such building or structure and/or  
3 which supports any dead or designed live load, and the general condition of its electrical systems  
4 pursuant to the Building Code.

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6           (b)     Applicable buildings; exceptions.

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8           (1)     All buildings, except those listed below, shall be recertified in the manner described  
9 below where such buildings or structures have been in existence for twenty-five (25) years or longer,  
10 as determined by the building official, who shall at such time issue a notice of required inspection to  
11 the building owner.

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13           (2)     The following buildings are exempt from the requirements of the section: All One-  
14 and Two-Family Dwellings, fee-simple Townhouses designed and constructed according to the  
15 definitions and requirements for townhouse as stated in the FCB Building and Residential Codes,  
16 duplexes and minor structures defined as buildings or structures in any occupancy group having a  
17 gross floor area less than three thousand five hundred (3,500) square feet. U.S. Government, schools  
18 under the jurisdiction of the Broward County School Board and Buildings built on Indian  
19 Reservations.

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21           (3)     Subsequent building safety inspections shall be required at ten (10) year intervals.

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23           (c)     For the purposes of this section minor buildings or structures shall mean buildings  
24 or structures in any occupancy group having a gross area of three thousand five hundred (3,500)  
25 square feet or less.

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27           (d)     Owner responsibilities.

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29           (1)     The owner of a building or structure subject to a building safety inspection shall  
30 furnish, or cause to be furnished, within ninety (90) calendar days of receipt of a written notice of  
31 required building safety inspection, the Broward County Board of Rules and Appeals Building Safety  
32 Inspection Certification Form to the Town's building official together with the required processing  
33 fee as established by Resolution from time to time.

34           (2)     The building safety inspection certification form shall be prepared by a professional  
35 engineer or architect registered in the State of Florida, certifying that each such building or structure  
36 is structurally and electrically safe, or has been made structurally and electrically safe for the  
37 specified use for the continued occupancy.

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39           (3)     The building safety inspection certification shall be in conformity with the minimum  
40 inspection procedural guidelines as issued by the Board of Rules and Appeals.

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42           (4)     Such written report shall bear the impressed seal and signature of the certifying  
43 engineer or architect.

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45           (5)     The certifying engineer or architect shall undertake such assignments only where  
46 qualified by training and experience in the specific technical field involved in the inspection and  
47 report.

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2 (6) The report shall indicate the manner and type of inspection forming the basis for the  
3 report and describe any matters identified as requiring remedial action.  
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5 (7) In the event that repairs, or modifications are found to be necessary resulting from  
6 the building safety inspection report, the owner shall have a total of one hundred eighty (180)  
7 calendar days from the date of building safety inspection report in which to complete all indicated  
8 repairs or modifications which shall be executed in conformance with all applicable sections of the  
9 Florida Building Code, including the acquisition of required building permits.  
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11 (e) Implementation.

12 (1) Buildings may be inspected under the building safety inspection program before the  
13 building reaches the required inspection age of twenty-five (25) years. In the event such building is  
14 determined to be structurally and electrically safe under the conditions set forth herein, and such  
15 building or structure is less than twenty-five (25) years of age, a building safety inspector shall not  
16 be required for a minimum of ten (10) years from that time.  
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18 (2) Subsequent building inspections shall be required at ten-year intervals.  
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20 (3) It shall be the responsibility of the Town's building official to take the necessary  
21 action to implement this section.  
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23 (f) Administrative fee. The administrative fee shall be paid at the time of submittal of the  
24 completed building safety inspection certification form to the Town's building official for the  
25 processing of the certification application. For every certification and recertification as required  
26 under this section of the Code the fee to be paid to the building division is Three Hundred and Fifty  
27 dollars (\$350.00).  
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29 (g) Enforcement/penalties for non-compliance (failure to provide report and/or failure  
30 to perform required repairs).  
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32 . Any owner in violation of this section of the code may be subject to the issuance of:  
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34 (1) A citation resulting in a fine as provided in the Code of Ordinances. A citation could  
35 be issued for each day that the owner is in violation of this section of the code; and/or  
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37 (2) A notice of violation/notice to appear before a special magistrate which could result  
38 in a fine per day as provided in the Code of Ordinance for a first violation for each day of non-  
39 compliance with the Code and an additional fine as provided for herein per day for a repeat violation  
40 and could result in a lien being recorded against property.  
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42 **Section 4.** If any section, subsection, sentence, clause or provision of this Ordinance is  
43 held invalid, the remainder of this Ordinance shall not be affected by such invalidity.  
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