

## ARTICLE I. ADMINISTRATION

### Sec. 8-1. The Building Code.

The Florida Building Code, as complemented and supplemented by the Administration (Article I) and Enforcement (Article II) provisions of this Chapter, as amended through local technical amendments (Article III), if any, together with the product approval sections (Article IV of this Chapter) as amended from time to time, is the building code for both the incorporated and unincorporated areas of the County and is hereby adopted as a uniform building code for Miami-Dade County.

(Ord. No. 01-112, § 1, 7-10-01)

### Sec. 8-2. Incorporation of Florida Building Code; Adoption of Optional Provisions.

The provisions of the Florida Building Code as applicable to High Velocity Hurricane Zones are hereby incorporated by reference. The Florida Building Code will not be repeated or restated in this Chapter except where necessary to provide clarity. The following provisions of the Florida Building Code are hereby adopted and made applicable to Miami-Dade County:

(a) The High Velocity Hurricane Zone roofing requirements with accompanying Roofing Application Standards (RAS) (Florida Building Code Sec. 1512.2).

Exception: The prescriptive BUR requirements in RAS 150 shall not be implemented in Miami-Dade County (Florida Building Code RAS 150).

(b) Appendix A--Weight of building materials.

(c) Appendix B--Chapter 9B-52, Florida Standard for Passive Radon-Resistant New Residential Building Construction.

(d) Appendix C--Chapter 9B-53, Standard for Mitigation of Radon in Existing Buildings.

(e) Appendix D--The Secretary of the Interior's Standard for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.

(f) Appendix E--Chapter 9B-67, Florida Standard for Radon-Resistant New Commercial Building Construction.

(g) Appendix F--Florida Standard for Radon-Resistant New Residential Building Construction.

(h) Appendix G--Florida Standard for Radon-Resistant New Commercial Building Construction.

(i) Appendix H--Florida Standard for Mitigation of Radon in Existing Buildings.

(Ord. No. 01-112, § 1, 7-10-01)

### Sec. 8-3. Definitions.

Unless specifically defined elsewhere in this chapter, the definitions provided in this Section shall apply.

(a) *Appointing Authority* shall mean any and all municipal governments within geographic Miami-Dade County, and with respect to unincorporated Miami-Dade County, the Board of County Commissioners of Miami-Dade County, acting through its appointed officers.

(b) *Authority having jurisdiction* as used in the Florida Building Code, shall mean Miami-Dade County, Florida, through its Board of County Commissioners.

(c) *Building Code* the Florida Building Code as complemented and supplemented by the provisions of this Chapter.

(d) *Florida Building Code* the unified building code for the State of Florida, adopted by the Florida Building Commission pursuant to Fla. Stat. Section 553.73 et. seq., as the same may be amended from

time to time.

(e) *Field experience* is the experience gained at actual construction sites where the full spectrum of practical situations and problems arising in the trade are found; drafting, estimating, designing, other office work or maintenance or service installations do not satisfy the requirement.

(Ord. No. 01-112, § 1, 7-10-01)

#### **Sec. 8-4. Board of Rules and Appeals.**

(a) *General.* The Board of Rules and Appeals is created as the construction regulation board entrusted with overseeing the uniform enforcement of the Building Code and maintaining the proper standard of construction throughout Miami-Dade County. The Board shall have exclusive jurisdiction in both the incorporated and unincorporated areas of Miami-Dade County with respect to its powers, duties and functions.

(b) *Membership.* Membership of the Board shall be as follows:

(1) The Board shall contain 19 members, representing the following disciplines: 2 architects, 2 general contractors, each of whom shall be experienced in residential and commercial construction respectively, 1 roofing contractor, 1 structural engineer, 1 mechanical engineer, 1 electrical engineer, 1 mechanical master or mechanical contractor, 2 representatives of the fire services, 1 electrical master or electrical contractor, 1 plumbing master or plumbing contractor, and 6 non-professional persons. Non-professional persons shall include one representative of the disabled community, one representative of the South Florida Building Trades Council, two persons nominated by the Miami-Dade County League of Cities, Inc., one developer and one representative of a homeowner association. The representative of the homeowner association shall be qualified by training or experience to pass on matters pertaining to construction and shall not be related directly or indirectly to the construction industry. With the exception of the representatives of the fire services and the elected officials of a municipality nominated by the Miami-Dade County League of Cities, Inc., no member of the Board shall be an officer, agent or employee of the County or any municipality governed by this Code. All members of the Board except the nominee of the Miami-Dade County League of Cities, Inc., shall have been active in their respective profession, trade, or occupation for not less than 10 years.

(2) All members shall be residents of, and have their principal business within Miami-Dade County. The membership of the Board should be representative of the community at large and should reflect the racial, gender, and ethnic make-up of the community.

(3) The members who are architects or engineers shall be qualified by being currently registered in the State of Florida and having practiced as architects or engineers within Miami-Dade County for not less than 10 years immediately preceding their appointment.

(4) The members who are general contractors shall be qualified by having a current certificate and having been certified by the State of Florida or by Miami-Dade County as general contractors for not less than 10 years immediately preceding their appointment. The member who is a roofing contractor shall be qualified by having a current certificate and having been certified by the State of Florida or by Miami-Dade County as a roofing contractor for not less than 10 years immediately preceding his or her appointment.

(5) The members who represent the Fire Service shall be State of Florida currently certified Fire Fighters and shall be qualified by knowledge and expertise in the area of life-safety including but not limited to the rules and regulations of the State Fire Marshall, NFPA 101, the means of egress requirements of the Florida Building Code, and other fire safety codes.

(6) The member nominated by the Miami-Dade County League of Cities, Inc. shall be an elected official of a municipality organized and existing under the laws of the State of Florida.

(7) The members who are masters shall be qualified by being active in their trade for a period not less than 10 years and having a current certificate as master or contractor issued by Miami-Dade County or by the Florida Construction Industry Licensing Board.

(c) *Appointment.*

(1) The members of the Board of Rules and Appeals shall be nominated and appointed by the Board of County Commissioners, each to select one (1) member to occupy positions in the Board, with the remaining six (6) members to be nominated and appointed by the Board of County Commissioners as a whole. The Board of County Commissioners may also remove members of the Board.

(2) Board members shall be appointed for a term of 3 years except that to fill a vacancy or to provide continuity of the Board in general, such appointments may be for a term of less than 3 years. No Board member shall serve for more than three full consecutive three-year terms. The Chairman of the Board of Rules and Appeals shall not serve for more than three one-year terms.

(3) A vacancy in the membership of the Board, occurring during a term, shall be filled by appointment of an individual representing the same trade, profession or occupation as the vacating member, who shall also meet the requirements for appointment to the position. Such interim appointment shall be for the remainder of the term.

(4) Members shall serve without compensation but shall be entitled to reimbursement for necessary expenses in the performance of their official duties upon approval of the Board of County Commissioners.

(d) *Powers and Duties of the Board.*

(1) The Board of Rules and Appeals shall be the board of appeals for decisions of building officials throughout the incorporated and unincorporated areas of Miami-Dade County. The Board shall hear all appeals from the decisions of the Building Official wherein such decision is on matters regulated by the Building Code from any person aggrieved thereby. Application for appeal shall be in writing and addressed to the Secretary of the Board. The Board shall have the power to affirm, modify or reverse the decision of the Building Official wherein such decision is on matters regulated by the Building Official.

(2) The Board shall pass on all matters pertaining to the Building Code and referred to the Board by the Secretary to the Board or any Building Official for interpretation or clarification. The Board of Rules and Appeals may interpret the provisions of the Building Code to cover a special case if it appears that the provisions do not definitely cover the point raised, or that the intent of the provision is not clear, or that ambiguity exists in the wording; but it shall have no authority to grant variances where the Building Code is clear and specific.

(3) The Board of Rules and Appeals, upon direction of the Board of County Commissioners, or upon its own initiative, shall conduct investigation into the enforcement of the Building Code, and shall have the power to suspend or revoke any permits issued thereunder and reinstate and/or administratively close suspended permits after a hearing at which interested persons may appear and be heard and evidence indicates that the best interests of the public are served by such action.

(4) The Board of Rules and Appeals shall be the local construction regulation board authorized and entitled to deny, suspend, revoke or condition the authority of contractors certified or registered to obtain permits throughout the incorporated and unincorporated area of Miami-Dade County, all in accordance with the provisions of Section 489.113(4)(b) of the Florida Statutes. The Chairman of the Board shall appoint a panel of at least three (3) Board members to serve as a probable cause panel in connection with those proceedings. The probable cause panel shall conduct a hearing pursuant to notice for the purpose of determining whether the report or complaint of the Secretary to the Board establishes that probable cause exists to support the requisite elements for suspension or revocation of permitting privileges as set forth in this section. If the probable cause panel finds no such cause, the case shall be dismissed without further action of the Board. If the probable cause panel finds cause, it shall instruct the secretary to notify the contractor to appear before the Board not sooner than twenty (20) days from the date of service of the letter to show cause why their permitting privileges should not be suspended or revoked.

(5) The Board of Rules and Appeals may recommend to the elected officials any desired amendments or revisions to the Building Code.

(6) The Board shall have the duty to accept, review and approve or disapprove applications for certification and recertification as a condition of employment or continued employment by any inspection authority regulated by this Code in accordance with Article II of this Chapter. The Board shall also have the authority to suspend or revoke the certification of enforcement personnel for failure to meet the minimum qualifications set forth in Article II below.

(7) When it is deemed necessary by the Board, it may request experienced and technical advice on any specific subject or subjects from any qualified person or persons, and such request may be for personal appearance at a specific Board meeting or for written analysis of the specific problem. The Board may establish panels of industry, either standing or temporary, for technical analysis of specific subjects.

(8) The Board shall, upon application from any person aggrieved hereby, hear appeals of the decisions of its Product Review Committee. The Board shall have the power to affirm those decisions and by two third's ( 2/3) vote of the Board's members to modify or reverse the decisions of its Product Review

Committee.

(9) The Board shall be the countywide review board established in the Florida Building Code to review amendments to the Florida Building Code for a determination of such amendment's compliance with the provisions of law. The Board shall, upon petition by any substantially affected party, conduct a hearing to determine whether the amendment complies with the provisions of the Florida Building Code.

(10) The Board of Rules and Appeals shall review, approve, reject or condition the use of construction products, materials, and assemblies as permitted by law, all in accordance with the administrative order governing product approval to be approved by this Board. The Board of Rules and Appeals may delegate, by rule, its product approval function to a committee of the Board, to be established in accordance with this Section. The Committee shall consist of not fewer than seven (7) members of the Board, one of whom shall be a non-professional person. A minimum of five (5) members of the Committee, including the non-professional person, shall constitute a quorum for product approval decisions if so authorized by the Board.

(11) From the effective date of this Code, the authority of the Board of Rules and Appeals is retained by the Board of County Commissioners. By exception, the authority conferred upon the Board of Rules and Appeals by Section 8-4(d)(9) relating to challenges of amendments effected by the Board of County Commissioners, shall be exercised solely by the Board of Rules and Appeals.

(e) *Conduct of Board Meetings and Hearings.*

(1) Meetings of the Board of Rules and Appeals shall be held at the call of the Chairperson and not less frequently than once per quarter. Notice of hearing shall be provided to parties with an interest in the matter at issue.

(2) The Board shall elect a chairperson and vice chairperson and such other officers as may be necessary from among its members. Terms of officers so elected by the Board shall be for one (1) year. A detailed record of all proceedings shall be kept on file in the office of the Secretary to the Board.

(3) The Board may establish rules and regulations for its own procedure. For the conduct of its meetings the Board shall use Robert's Rules of Order or Mason's Rules of Order.

(4) All hearings shall be open to the public, and any given person whose interest may be affected by the matter on appeal shall be given an opportunity to be heard.

(5) The hearing shall be informal and need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rules that might make improper the admission of such evidence over objection in civil actions.

(6) Witnesses may be sworn and subpoenaed by the Board in a like manner as they are by the court or courts in Miami-Dade County.

(7) Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions.

(8) The rules of privilege shall be effective to the same extent that they are now, or hereafter, may be, recognized in civil actions. Irrelevant and unduly repetitious evidence shall be excluded.

(9) A simple majority of the appointed members of the Board shall constitute a quorum. Decisions of the board shall be made by the vote of a majority of members present who constitute a quorum. The Board shall reach decisions without unreasonable or unnecessary delay, but in no event shall a decision be made later than 120 days following the initial hearing on the matter unless a report indicating the reason for an additional delay is provided to the Board of County Commissioners.

(10) Written notice of Board decisions shall be signed by the Secretary and shall be filed with the Secretary and furnished to the appellant within ten days of the Board's action and to other persons appearing before the Board upon request.

(11) All affected parties shall take immediate action in accordance with decisions of the Board.

(f) *Duties of Legal Counsel.* It shall be the duty of the attorney for the Authority having jurisdiction, when so requested, to appear at all hearings before the Board of Rules and Appeals and to represent and advise the Board.

(g) *Review of Board Decisions.* Appeals of decisions of the Board within the review jurisdiction of the Florida Building Commission shall be to the Florida Building Commission in the manner prescribed by law. Review of other decisions of the Board shall be to the Circuit Court of the Eleventh Judicial Circuit in and for Miami-Dade County, Florida, as provided in the Florida Rules of Appellate Procedure for judicial review of administrative action.

(Ord. No. 01-112, § 1, 7-10-01; Ord. No. 01-176, § 1, 10-23-01; Ord. No. 05-120, § 1, 6-7-05; Ord. No. 06-19, § 1, 2-7-06; Ord. No. 07-147, § 1, 10-2-07)

## **Sec. 8-5. Unsafe Structures.**

### (a) *General.*

(1) The Unsafe Structures Board and Unsafe Structures Appeal Panels are created to exercise in Miami-Dade County and within those municipalities as provided for hereafter the powers and duties granted by this Section. The Board shall have jurisdiction in both the incorporated and unincorporated areas of Miami-Dade County with respect to its powers, duties and functions. The Appeal Panels shall have jurisdiction in the unincorporated areas of Miami-Dade County and within the municipalities as provided for hereafter with respect to their powers, duties and functions. The Board shall be entrusted with hearing appeals of decisions of Building Officials declaring any structures located on properties within the municipalities and those structures located on properties in the unincorporated area of the County which are not within the jurisdiction of the Unsafe Structures Appeal Panels as described below to be unsafe where there is a danger to the health and safety of the citizens, all in the manner prescribed in this Section. Unsafe Structures Appeal Panels shall hear appeals of decisions of the Miami-Dade County Building Official declaring single-family and duplex residences and their accessory structures on the same property as the principal building and accessory structures on vacant land to be unsafe where there is a danger to the health and safety of the citizens, all in the manner prescribed in this Section. Unsafe Structures Appeal Panels may hear appeals of decisions of Building Officials of the municipalities in this County declaring single-family and duplex residences and their accessory structures on the same property as the principal building and accessory structures on vacant land to be unsafe where there is a danger to the health and safety of the citizens, all in the manner prescribed in this Section, when the municipality elects to have such appeals heard by the Appeal Panels rather than the Board.

(2) Buildings or structures that are, or hereafter shall become, unsafe, unsanitary or deficient, facilities with inadequate means of egress, or which constitute a fire or windstorm hazard, or are otherwise dangerous to human life or public welfare by reason of illegal or improper use, occupancy or maintenance, or which have been substantially damaged by the elements, acts of God, fire, explosion or otherwise, shall be deemed unsafe structures and a permit shall be obtained to demolish the structure or where specifically allowed by this section, to bring the building into compliance with the applicable codes as provided herein.

(3) Incomplete buildings commenced without a permit or for which the permit has expired, or completed buildings commenced without a permit or for which the permit has expired, prior to completion and no Certificate of Occupancy has been issued, shall be presumed and deemed unsafe and a permit shall be obtained to demolish the structure or bring the building into compliance with the applicable codes as provided herein.

(4) Buildings which meet the physical criteria of unsafe structures set forth in this section, and are ordered to be repaired by the Building Official, an Unsafe Structures Appeal Panel or the Unsafe Structures Board, in the manner more particularly set forth below, which are not completed or repaired and brought into full compliance with the Building Code within the reasonable time allowed by the Building Official or the Unsafe Structures Board, will be demolished.

(5) Swimming pools that contain stagnant water are deemed unsanitary and dangerous to human life and public welfare. If the stagnant water is not removed and all repairs made and brought into full compliance with the Building Code within the reasonable time allowed by the Building Official, then these swimming pools will be demolished.

(6) Buildings or structures subject to the recertification requirements in Section 8-11(f) of this Code which the owner fails to timely respond to the Notice of Required Inspection or fails to make all required repairs or modifications found to be necessary resulting from the recertification inspection by the deadline specified in the Code or any written extension granted by the Building Official will be demolished.

(b) *Physical criteria.*

- (1) A building shall be deemed a fire hazard and/or unsafe when:
  - (i) It is vacant, unguarded and open at doors or windows.
  - (ii) There is an accumulation of debris or other material therein representing a hazard of combustion.
  - (iii) The building condition creates hazards with respect to means of egress and fire protection as provided herein for the particular Occupancy.
- (2) A building, or part thereof, shall be presumed to be unsafe if:
  - (i) There is a falling away, hanging loose or loosening of any siding, block, brick, or other building material.
  - (ii) There is a deterioration of the structure or structural parts.
  - (iii) The building is partially destroyed.
  - (iv) There is an unusual sagging or leaning out of plumb of the building or any parts of the building and such effect is caused by deterioration or over-stressing.
  - (v) The electrical or mechanical installations or systems create a hazardous condition contrary to the standards of the Building Code.
  - (vi) An unsanitary condition exists by reason of inadequate or malfunctioning sanitary facilities or waste disposal systems.
  - (vii) By reasons of use or occupancy the area, height, type of construction, fire-resistivity, means of egress, electrical equipment, plumbing, air conditioning or other features regulated by this Code do not comply with this Code for the use and group of occupancy.
- (3) A building, or part thereof, shall be presumed to be unsafe if:
  - (i) The construction, installation of electrical, plumbing or other equipment therein or thereon, or the partial construction or installation of electrical, plumbing or other equipment has been commenced or completed without a permit therefor having been obtained or where the permit has expired prior to completion and the issuance of a Certificate of Occupancy or Certificate of Completion.
  - (ii) The construction, installation of electrical, plumbing or other equipment therein or thereon, or the partial construction or installation of electrical, plumbing or other equipment has not been completed.
  - (iii) The building or structure is vacant and abandoned, and covered at doors or windows with materials not previously approved by the Building Official, or for a period exceeding the maximum limitations set forth in this Section.
  - (iv) By reason of illegal or improper use, occupancy or maintenance does not comply with the Building Code, or the code in effect at the time of construction.
  - (v) The building or part thereof meets the physical criteria of an unsafe structure set forth above and has not been repaired and brought into compliance with the Building Code following the expiration of the reasonable periods allowed by the Building Official, an Unsafe Structures Appeal Panel or the Unsafe Structures Board for such repairs.

(c) *Valuation criteria.*

- (1) If the cost of completion, alteration, repair and/or replacement of an unsafe building or structure or part thereof exceeds 50 percent of its value, such building shall be demolished and removed from the premises. If the cost of completion, alteration, repair and/or replacement of an unsafe building or structure or part thereof does not exceed 50 percent of its value, such building or structure may be repaired and made safe, as provided herein.
- (2) For purposes of application of this formula value shall be the estimated cost to replace the building in kind, excluding depreciation. The estimate shall be derived from multiplying the value of the square foot of construction used by the building department of the appointing authority to calculate the applicable permit fee. That estimate shall be broken down on a percentage basis into an estimate of the following critical

elements of construction, as applicable: structural, roofing, other building, electrical, plumbing and mechanical ("Valuation of Construction Components"). The cost of completion, alteration, repair or replacement shall be estimated by application of the percentage of deterioration found on site for each of the critical elements of construction to the Valuation of Construction Components for the structure, to arrive at an overall estimated cost to repair the affected structure. The appointing authority shall by administrative order provide a form for the application of the formula set forth above for the various types of construction.

(3) If a building or structure may be repaired and made safe pursuant to the valuation criteria set forth above, and the building or structure is otherwise unsafe in accordance with the physical criteria set forth in this section, the Building Official may order such building or structure to be temporarily secured in the manner and subject to the limitations set forth in this Section. Such building must be completed and brought into full compliance with the Florida Building Code within such time as the Building Official, Unsafe Structures Appeal Panel or the Unsafe Structures Board may determine to be reasonable for such completion. If the building or structure is not temporarily secured, completed and brought into full compliance with the Florida Building Code within the reasonable periods allowed, such building or structure shall be demolished and removed from the premises.

(d) *Inspection of unsafe buildings and structures.* The Building Official, on his own initiative or as a result of reports by others, shall examine or cause to be examined every building or structure appearing or reported to be unsafe, and if such is found to be an unsafe building or structure as defined in this section, the Building Official shall proceed in the manner set forth in this Section.

(e) *Emergency action.* When in the opinion of the Building Official, there is actual or immediate danger of the failure or collapse of a building or structure, or there is a health, windstorm or fire hazard, he may order the occupants to vacate, temporarily close for use or occupancy the rights of way thereto, sidewalks, streets or adjacent buildings or nearby area and institute such other temporary safeguards, including securing the building or structure, as he may deem necessary under the circumstances, and may employ the necessary labor and materials to perform the required work as expeditiously as possible. In such event, the operation of the notice and hearing requirements of this Section shall be suspended as reasonably necessary in the opinion of the Building Official to redress the emergency situation. Costs incurred in the performance of such emergency work shall be paid by the appropriate governmental authority and upon the recording in the public records of this county a certificate executed by the Building Official, certifying the amount so expended, the same shall become a lien against the property involved.

(f) *Unsafe structures meeting valuation criteria for immediate demolition.*

(1) The provisions of this Subsection (f) shall apply to structures meeting the valuation criteria for demolition set forth above.

(2) The Building Official shall prepare a notice of violation. The notice shall state in summary form the nature of the defects which constitute a violation of this Section and shall order the structure to be demolished within such time as is reasonable, subject to extension when requested in writing within the reasonable discretion of the Building Official. The notice shall state that the specific details concerning the violations can be obtained in writing from the Building Official upon request. In addition, the notice will explain the right of appeal of the decision of the Building Official to the Unsafe Structures Board or an Unsafe Structures Appeal Panel, and advise that unless the decision is appealed, the building or structure shall be demolished without further notice.

(3) The notice of violation shall be affixed to the structure concerned. The Building Official shall also affix to the structure notice of the hearing of the Unsafe Structures Board or Unsafe Structures Appeal Panel scheduled to consider any appeal of the decision of the Building Official in connection with the structure. The notice of hearing shall be issued by the Secretary of the Unsafe Structures Board where applicable and the Director of the Building Department or his designee for appeals to an Unsafe Structures Appeal Panel advising persons to appear before the board or panel to show cause why the decision of the Building Official should not be carried out. The hearing shall not be scheduled earlier than thirty days following the date of posting of the notice of hearing and notice of violation.

(4) The Building Official shall post a notice bearing his or her facsimile signature in a conspicuous location on the building or structure that has been determined to be unsafe. The posted notice shall read substantially as follows: "UNSAFE BUILDING". This building or structure is, in the opinion of the Building Official, unsafe. "THIS BUILDING SHALL BE VACATED--SHALL NOT BE OCCUPIED." Action shall be taken by the owner as prescribed by written notice. "THIS NOTICE SHALL NOT BE REMOVED EXCEPT BY THE BUILDING OFFICIAL. DATE . . . ."

(5) Within ten (10) working days of posting the notice of violation and notice of hearing, the Building Official shall send written notice of violation and notice of hearing to the owner and any interested party. For these purposes, the owner shall be the taxpayer as reflected in the most recently certified real property ad valorem tax roll of Miami-Dade County; provided however, where the records of the Dade County Property Appraiser indicate that ownership has changed, the owner shall be the taxpayer as reflected in those records. An interested party shall be the owner and any other person or entity who has previously requested real property ad valorem tax notices with respect to the subject property in accordance with Section 197.344 of the Florida Statutes, as the same may be renumbered or amended from time to time. The notice of violation and notice of hearing shall be sent by certified or first-class mail to all such parties' last known addresses as reflected in the records of the Miami-Dade County Property Appraiser. Failure to receive such notice, or the lack of a signed return receipt shall not invalidate the notice.

(6) Upon expiration of the period of appeal provided in the Notice of Violation, the Building Official may file an appropriate instrument in the Office of the Clerk of the Circuit Court to be recorded in the public records of this County, indicating that the property is in violation of the Building Code. The recording of the notice shall constitute constructive notice of the violation to all concerned, subsequent purchasers, transferees, mortgagees, lessees, grantees and all persons claiming or acquiring interest in the property. In the event that the violation is corrected, the Building Official shall file proof of the same upon payment for fees incurred.

(7) The Building Official shall publish a notice in a newspaper of general circulation once a week for two (2) consecutive weeks. The published notice shall contain the address of the subject property and the names of the owner and any interested party, and state that the subject property has been found to be in violation of the Building Code and subject to demolition. The published notice shall also state the time and place of the hearing scheduled before the Unsafe Structures Board or Unsafe Structures Appeal Panel.

(8) The notices provided in this Section are intended to serve as full and effective notice of the hearing and the violations related to the structure. Failure of one form of notice shall not invalidate or impair the full effectiveness of notice provided by other means pursuant to this Section.

(g) *Unsafe Structures not meeting the valuation criteria for immediate demolition.*

(1) If a building or structure may be repaired and made safe pursuant to the valuation criteria set forth above, and the building or structure is otherwise unsafe in accordance with the physical criteria set forth in this section, the Building Official may order such building or structure to be temporarily secured in the manner and subject to the limitations set forth in this Section. Such building must be completed and brought into full compliance with the Building Code within such time as the Building Official, an Unsafe Structures Appeal Panel or the Unsafe Structures Board may determine to be reasonable for such completion. If the building or structure is not temporarily secured, or once served, not completed and brought into compliance with the Building Code within the reasonable periods allowed, such building or structure shall be demolished and removed from the premises.

(2) The Building Official shall prepare a notice of violation. This written notice shall state in summary form the nature of defects which constitute a violation of this section and shall prescribe the action to be taken to comply and the time within which compliance must be accomplished, such time not to exceed ten (10) days to secure an open structure to the reasonable satisfaction of the Building Official ninety (90) days to obtain permits to repair the structure and one hundred and twenty (120) days bring it into compliance with the Building Code. This notice shall also state that the specific details concerning the violations can be obtained in writing from the Building Official on request. In addition, this notice will explain the right of appeal of the decision of the Building Official to the Unsafe Structures Board or an Unsafe Structures Appeal Panel, and also advise that unless there is compliance with the directions of the Building Official a case will be commenced before the Unsafe Structures Board or an Unsafe Structures Appeal Panel after time for compliance has expired, or that the Building Official's order will be enforced.

(3) The notice of violation shall be affixed to the structure concerned.

(4) Within ten (10) working days of posting the notice of violation, the Building Official shall send the written notice of violation to the owner and any interested party, in the same manner provided in Subsection (f)(5) above.

(5) In the event that the building or structure is not secured or brought into compliance with the requirements of the Building Code within the periods specified in the notice of violation, and no application for extension is made in the manner set forth in this Section, the Building Official may schedule the case

for hearing before the Unsafe Structures Board or an Unsafe Structures Appeal Panel to secure an order for demolition of the building or structure or to obtain any other appropriate remedy.

(6) In the event that the Building Official requests that the Secretary to the Board or Director of the Building Department or his designee schedule a hearing, or in the event that the owner or interested party files a timely appeal of the decision of the Building Official, the Secretary to the Board or Director of the Building Department or his designee shall issue a notice of hearing which shall be affixed to the property, mailed to the owner and interested party, in the same manner provided in Subsections (f)(3) and (f)(5) above. Notice of the hearing shall be published in the same manner provided in Subsection (f) (7) above.

(7) Upon expiration of the period of appeal provided in the Notice of Violation, if the property has not been secured or permits for repair obtained in the manner stipulated in the notice, the Building Official may file an appropriate instrument in the Office of the Clerk of the Circuit Court in the manner provided in Subsection (f)(6) above.

(8) The periods set forth in the Notice of Violation for bringing the structure into compliance with the Building Code may be extended by the Building Official for one or more additional periods which in the aggregate do not exceed an additional 180 days provided all of the conditions of this Subsection are met. Application for the extension must be made in writing by the interested party to the Building Official prior to the expiration of the period allowed for compliance, and shall set forth to the reasonable satisfaction of the Building Official that the extension is warranted by one or more of the following circumstances:

- (i) The interested party has a demonstrated financial hardship that will prevent the interested party from completing a building or structure;
- (ii) The interested party has filed a completed zoning hearing application which affects the final completion of the building or structure and which zoning hearing request has not received final approval or rejection from the applicable governmental agency, excluding any or all appeals to Court, for circumstances outside of the control for the interested party;
- (iii) The building or structure is a multiple dwelling structure as defined in the Building Code and demolition of any unit comprising that structure compromises the structural integrity of the entire multi-unit structure, where the completion of the structure is outside of the control of the interested party;
- (iv) The building or structure is the subject of pending litigation or foreclosure action that renders it impossible for the building or structure to be completed;
- (v) The building or structure is the subject of a good faith insurance claim, the proceeds of which are intended to be utilized for repair and completion;
- (vi) The building or structure is the subject of a pending sale to be closed within a reasonable time from the date the extension is requested, where the buyer has executed a written commitment to the Building Official to complete the structure within the applicable extension period.

The written application for extension shall further represent to the Building Official that the building or structure is and has at all times been in full compliance with all of the conditions set forth in this Subsection.

(9) Upon receipt of the written application, the Building Official shall be authorized to extend the date of full completion and compliance with the Building Code provided:

- (i) The completed written application demonstrates to the reasonable satisfaction of the Building Official that one or more of the conditions set forth above exist with respect to the building or structure;
- (ii) The building or structure is not open, vacant or abandoned, having been secured at doors and windows in a manner acceptable to the Building Official; and
- (iii) The interested party has paid all reasonable costs of enforcement.

(10) Any interested party may appeal to the Unsafe Structures Board or Unsafe Structures Appeal Panel a decision to grant or deny the extension. Such appeal must be filed within 30 days of the date of mailing of the Building Official's written notice of his or her decision with respect to the application for extension.

(h) *Public hearing.*

(1) On the day established in the notice of public hearing the Unsafe Structures Board or Unsafe Structures Appeal Panel shall review all pertinent evidence and hear all testimony from the Building Official, the owner and other parties in interest and their respective witnesses.

(2) The Board or Appeal Panel may order repair, securing, and/or demolition of the structure upon application of the standards set forth in this Section. The Board or Appeal Panel may modify, rescind, or uphold the decision of the Building Official as recited in the Notice of Violation. The Unsafe Structures Board or Unsafe Structures Appeal Panel shall modify or rescind a decision of the Building Official only upon a finding that the Building Official was in error in the interpretation or application of the Building Code. The Board or Appeal Panel shall not exceed the time frames allowed for repair and completion of buildings and structures specifically set forth in this Section except where the work involved reasonably requires such additional time.

(3) A copy of the order shall be forwarded to the owner, and all interested parties by registered or certified mail, and a copy thereof posted on the premises.

(4) If the owner or those responsible shall fail to comply with the order of the Unsafe Structures Board or an Unsafe Structures Appeal Panel within the time stipulated therein and such order is to repair, complete or secure the building to make safe, then the Building Official shall cause such building to be vacated, if occupied; and shall through his employees or through a contractor enforce the order of the Unsafe Structures Board, Unsafe Structures Appeal Panel or Building Official. Buildings shall be secured with concrete block or other materials of the same durability as determined by the Building Official. Swimming pools shall be secured by fencing or by using another approved method as determined by the Building Official.

(5) If the order of the Unsafe Structures Board or an Unsafe Structures Appeal Panel is to demolish the building or structure and to remove the salvage, contents, debris and abandoned property from the premises, and the owner or those responsible shall have failed to comply with such order, then the Building Official may do so. Swimming pools shall be demolished by removal of any stagnant water and any above ground parts of the structure, breaking open the bottom and filling with sand or clean fill level to the existing grade.

(6) The Building Official may either sell to the highest bidder or bidders for cash the salvage and the contents of such building or other structure so demolished which have not been removed by the owner of the land or require the demolition contractor to dispose of the salvage and the contents of the structure demolished.

(i) *Multi-Unit Structures.*

(1) This Subsection shall be applicable to all multi-unit structures. As used in this Subsection, the term multi-unit structures means all townhouses and other structures which contain units divided by one or more common walls, where the structural integrity of any component unit depends upon the structural integrity of one or more other units in the same structure. In the event that the owner or other interested party fails to comply with any order of the Unsafe Structures Board or an Unsafe Structures Appeal Panel in connection with any multi-unit structure, then in addition to any other right or remedy contained in this Section, Miami-Dade County or any municipality with jurisdiction over such structure shall be authorized, but not required, to secure the structure in the manner set forth in this Subsection. In addition, and not in derogation of the use of other methods contemplated by this Section for enforcing the Building Code with respect to any structure, multi-unit structures may be secured by performing whatever work the Building Official may determine is reasonably necessary to preserve the structural integrity, watertightness, or safety of adjacent units or the surrounding community, which work may include, but not be limited to roofing, windows, and electrical.

(2) The procedures for enforcement of this Code set forth above shall be in addition to, and not in derogation of, other procedures available to the Building Official pursuant to the Building Code. The provisions of this subsection are not intended to exonerate any owner or other interested party from compliance with the Building Code or any order of the Unsafe Structures Board or an Unsafe Structures Appeal Panel.

(j) *Recovery of cost.*

(1) All costs incurred pursuant to any of the provisions of this Section shall be paid by the owner or occupant of the premises on which the violation occurred.

(2) The Building Official shall file among his records an affidavit stating with fairness and accuracy the

items of expense and the date of execution of actions authorized by this Section.

(3) The enforcing agency may institute a suit to recover such expenses against any liable person or may cause such expenses to be charged against the property on which the violation occurred as a lien or as a special assessment collectible according to established procedures.

(4) Except with respect to a lien imposed in accordance with Paragraph (3) of this Subsection, nothing in this Section shall be construed as placing a lien upon property that supersedes the lien of any mortgage on such property executed and recorded prior to the existence of a lien for enforcement costs.

(5) Any lien imposed pursuant to this Subsection shall be a lien prior in dignity to all liens, excepting county tax liens and liens of equal dignity with the county tax liens.

(6) Liens created pursuant to this Section may be discharged and satisfied by paying to the appointing authority the amount specified in the notice of lien, together with interest thereon from the date of the filing of the lien computed at the rate of twelve (12) percent per annum, together with the administrative costs, filing and recording fees and fees paid to file a satisfaction of the lien in the public records. When any such lien has been discharged, the appointing authority shall promptly cause evidence of the satisfaction and discharge of such lien to be recorded in the public records.

(7) The remedies and procedures for recovery of costs provided in this Subsection shall be in addition to and not in derogation of other provided in the Building Code or otherwise provided by law.

(k) *Unsafe Structures Board.* The Unsafe Structures Board is hereby created, consisting of 13 members who shall be appointed by the Board of County Commissioners of Miami-Dade County, Florida.

(1) *Qualification of Members:* Members of the Board shall be permanent residents of Miami-Dade County who possess outstanding reputations for civic activity, interest, integrity, responsibility, and business or professional ability. The composition of the Board shall include a registered Engineer, a registered Architect, a General Building Contractor, an Electrical Contractor, an attorney, a Plumbing Contractor, a Real Estate Appraiser, a real estate Property Manager, and a citizen with experience and background in the field of social problems.

(2) *Terms of Office:* All appointments shall be for the term of 3 years, provided, however, that the term, in all instances, shall continue until a successor is appointed and qualified. Appointments to fill any vacancy on the Board shall be for the remainder of the unexpired term.

(3) *Organization of the Board:*

(i) The members of the Board shall elect a Chairman and a Vice Chairman and such other officers as may be deemed necessary or desirable, who shall serve at the will of the Board. Election of officers shall be held at the first meeting of February and such officers shall hold office for one year.

(ii) Seven (7) members of the Board shall constitute a quorum necessary to hold a meeting or take any action.

(iii) A majority vote of the membership present and voting at a duly constituted meeting of the Board shall be sufficient to overrule, modify or affirm any action or decision of the Building Official or to take any other action within the scope of the powers and duties of the Board.

(iv) Members shall serve without compensation but shall be entitled to reimbursement for necessary expenses incurred in the performance of their official duties, upon approval by the appointing authority.

(v) No member of the Board shall sit as a voting member in any hearing on a matter in which he has a personal or financial interest.

(vi) The Director of the Miami-Dade County Building Code Compliance Office, or his designee, shall be the Secretary of the Board but shall have no vote.

(vii) The Chairman or the Secretary may call meetings of the Board, and meetings of the Board may be called by written notice signed by three members of the Board.

(viii) Minutes and records shall be kept of all meetings of the Board and all meetings shall be public.

(ix) All hearings shall be open to the public, and any person whose interest may be affected by the matter on appeal shall be given an opportunity to be heard in person, or through his attorney.

(x) Witnesses may be sworn and subpoenaed by the Board in a like manner as they are subpoenaed by the court or courts in Miami-Dade County.

(xi) The hearings shall be informal and need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the type of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs regardless of the existence of any common law or statutory rules which might make improper the admission of such evidence over objection in civil actions.

(xii) Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions.

(xiii) The rules of privilege shall be effective to the same extent that they are now, or hereafter may be, recognized in civil actions; and irrelevant and unduly repetitious evidence shall be excluded.

(xiv) The Board may establish rules and regulations for its own procedure.

(xv) The Secretary of the Board shall provide adequate and competent clerical and administrative personnel and such technical or scientific personnel as may be reasonably required by the Board for the proper performance of its duties, subject to budget limitations. The Secretary shall maintain a record of all proceedings, including but not limited to a court reporter's transcript of the proceeding, and may clarify the same as a true copy and make a reasonable charge therefor; provided, the court reporter shall certify the copy of his or her transcript.

(xvi) The Secretary of the Board shall provide a regular meeting place for the Board.

(4) Duties and Powers of the Board: The Board shall have the following duties, functions, powers and responsibilities:

(i) Hear and determine appeals from actions and decisions of the Building Official pursuant to the provisions of this Section.

(ii) Hear and review the application of the Building Official for the review of his or her action where his or her decision as indicated in a Notice of Violations has not been complied with.

(iii) Affirm, modify or reverse the decision of the Building Official upon appeal or on application for review.

(iv) The Board, through its Secretary, shall transmit the record with all exhibits, instruments, papers, and transcripts of its proceedings to the appointing authority in the event that authority shall wish to consider the matter.

(5) Duties of Legal Counsel. It shall be the duty of the attorney for the Authority having jurisdiction, when so requested, to appear at all hearings before the Unsafe Structures Board and to represent and advise the Board.

(I) *Unsafe Structure Appeal Panels.* Unsafe Structures Appeal Panels are hereby created to conduct hearings as provided for under this Section.

(1) Composition: Unsafe Structures Appeal Panels shall consist of three Hearing Officers appointed by the County Manager as provided for under Chapter 8CC of this Code. A member in good standing of the Unsafe Structures Board shall be appointed by that Board to serve as an ex-officio, non-voting member of each Appeal Panel, to act as a liaison to the Unsafe Structures Board. The ex-officio member shall not count toward a quorum of the Appeal Panel.

(2) Designation: At the request of the Director of the Building Department, the Clerk of the Court shall designate three Hearing Officers to constitute an Unsafe Structures Appeal Panel to conduct hearings on the dates scheduled by the Director of the Building Department or his designee. At least one of the Hearing Officers on each panel shall have knowledge of construction gained from experience as an architect, engineer or general contractor. The Director of the Building Department shall not have any input into which hearing officers are designated to comprise a particular panel.

(3) Organization of the Panels:

(i) The Director of the Building Department may utilize one or more Panels as needed to conduct hearings.

- (ii) Three (3) Panel members must be present to conduct a hearing or take any action.
  - (iii) A majority vote of Panel members present and voting shall be sufficient to overrule, modify or affirm any action or decision of the Building Official or to take any action within the scope of the powers and duties of the Panel.
  - (iv) Members shall be compensated as provided for under Administrative Order No. 2-5.
  - (v) No member of a Panel shall sit as a voting member in any hearing on a matter in which he has a personal or financial interest.
  - (vi) The Director of the Miami-Dade County Building Department, or his designee, shall assist the Panels, but shall have no vote.
  - (vii) The Director of the Miami-Dade County Building Department or his designee may call and schedule Appeal Panel hearings.
  - (viii) Audio record shall be kept of all Appeal Panel hearings and all hearings shall be public.
  - (ix) All hearings shall be open to the public, and any person whose interest may be affected by the matter on appeal shall be given an opportunity to be heard in person, or through his attorney.
  - (x) Witnesses may be sworn and subpoenaed by the Appeal Panels in a like manner as they are subpoenaed by the court or courts in Miami-Dade County.
  - (xi) The hearings shall be informal and need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the type of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs regardless of the existence of any common law or statutory rules which might make improper the admission of such evidence over objection in civil actions.
  - (xii) Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions.
  - (xiii) The rules of privilege shall be effective to the same extent that they are now, or hereafter may be, recognized in civil actions; and irrelevant and unduly repetitious evidence shall be excluded.
  - (xiv) The Director of the Miami-Dade County Building Department shall provide adequate and competent clerical and administrative personnel and such technical or scientific personnel as may be reasonably required by the Appeal Panels for the proper performance of their duties, subject to budget limitations. The Director of the Miami-Dade County Building Department shall maintain a record of all proceedings, including but not limited to a court reporter's transcript of the proceeding, and may clarify the same as a true copy and make a reasonable charge therefor; provided, the court reporter shall certify the copy of his or her transcript.
  - (xv) The Director of the Miami-Dade County Building Department shall provide a regular meeting place for the Appeal Panels.
- (4) Duties and Powers of the Appeal Panels: The Appeal Panels shall have the following duties, functions, powers and responsibilities:
- (i) Hear and determine appeals from actions and decisions of the Building Official pursuant to the provisions of this Section.
  - (ii) Hear and review the application of the Building Official for the review of his or her action where his or her decision as indicated in a Notice of Violations has not been complied with.
  - (iii) Affirm, modify or reverse the decision of the Building Official upon appeal or on application for review.
  - (iv) In the event of judicial review of an Unsafe Structure Appeal Panel order, the Director of the Miami-Dade Building Department or his designee shall transmit the records with all exhibits, instruments, papers and transcripts of its proceedings to the reviewing authority if so requested.
- (5) Duties of Legal Counsel: It shall be the duty of the County Attorney, when so requested, to appear at all hearings before the Unsafe Structures Appeal Panels and to represent and advise the Appeal Panels.

(m) *Judicial Review.* Any person aggrieved by a decision of the Unsafe Structures Board or an Unsafe Structures Appeal Panel may seek judicial review of that decision in accordance with the Florida Rules of Appellate Procedure. Any order, requirement, decision or determination of the Unsafe Structures Board or an Unsafe Structures Appeal Panel shall be reviewed by the filing of a notice of appeal in the Circuit Court of the Eleventh Judicial Circuit in and for Miami-Dade County, Florida, in accordance with the procedure and within the time provided by the Florida Rules of Appellate Procedure for the review of the rulings of any commission, hearing officer or board; and such time commences to run from the date that the Board's or Appeal Panel's order, requirement, decision or determination sought to be reviewed is transmitted to the Secretary of the Board or Director of the Miami-Dade County Building Department or his designee. The Secretary or the Director of the Miami-Dade County Building Department shall affix to each order, requirement, decision or determination of the Board or Appeal Panel the date said order, requirement, decision or determination is transmitted. The Secretary to the Board and Director of the Miami-Dade County Building Department shall comply with all requirements of the Florida Rules of Appellate Procedure.

(Ord. No. 01-112, § 1, 7-10-01; Ord. No. 01-176, § 1, 10-23-01; Ord. No. 05-120, § 1, 6-7-05; Ord. No. 06-174, § 1, 11-28-06)

### **Sec. 8-6. Expedited permit program for green buildings.**

It is the intent of Miami-Dade County to promote environmentally sensitive design and construction. To that end, the Building Official shall implement a program to expedite the review and approval of permit applications for green buildings. As used in this Section a green building shall mean one whose design, construction, and operation promote the preservation of resources and environmentally sensitive construction practices, systems and materials. In making the determination of whether the structure is a green building, the Building Official shall rely on the review, evaluation and where available registration or certification of the design by recognized environmental rating agencies including the Florida Green Building Coalition, the National Home Builder Association and the U.S. Green Building Council. The green buildings program shall be implemented through administrative order to be approved by the Board of County Commissioners.

(Ord. No. 05-115, § 1, 7-7-05)

### **Sec. 8-7. Permit processing for government facilities.**

Upon written request of the Director of a County Department, all reviewing departments shall expedite the review of plans submitted for any building permit to construct a new County-owned building, structure or improvement or to alter or repair any County-owned building or structure where the value of the work is \$100,000.00 or more.

(Ord. No. 04-182, § 1, 10-19-04)

### **Sec. 8-8. Building Code Compliance Office.**

(a) *General.* The Building Code Compliance Office is hereby established to ensure that the Building Code is uniformly enforced throughout the incorporated and unincorporated areas of the County, and to perform those duties and functions enumerated in Section 8-8(b) below. The Chief Building Code Compliance Officer shall be appointed by and shall serve at the will of the County Manager. The Chief Building Code Compliance officer shall serve as Secretary to the Board of Rules and Appeals and the Unsafe Structures Board. The Chief Building Code Compliance Officer shall be chosen on the basis of his/her qualifications and experience in the fields of building construction and the development and enforcement of construction regulations. Such individual shall be a professional engineer licensed to practice in the State of Florida under the provisions of Chapter 471, Florida Statutes; or an architect registered under the provisions of Chapter 481, Florida Statutes. The Chief Building Code Compliance Officer shall be responsible for the implementation of the directives of the Board of Rules and Appeals relating to the Building Code. The Chief Building Code Compliance Officer shall also be responsible for the approval of construction materials and assemblies pursuant to the provisions of the Building Code and the administrative order governing such approvals. The organization and operating procedures of this Office shall be described in administrative orders and regulations of the County Manager. The Manager shall appoint such employees and other personnel, including technical staff in each of the building trades, and sufficient administrative and clerical support to discharge the duties of the office. The salaries and compensation of all personnel, except employees within the classified service, shall be fixed by the Board of County Commissioners

upon recommendation of the Manager. The Chief Building Code Compliance Officer shall be exempt from the classified service.

(b) *Duties and Functions.* The Building Code Compliance office shall perform the following duties and functions throughout the incorporated and unincorporated areas of Miami-Dade County:

- (1) Administrative and legal support for the Board of Rules and Appeals and the Unsafe Structures Board;
- (2) Conducting studies and investigations to enable it to recommend appropriate revisions to the Building Code to keep abreast of new developments in building design, construction, and standards;
- (3) Dissemination of interpretations and rulings made by the Board of Rules and Appeals and the Florida Building Commission;
- (4) Registration, certification, recertification and decertification of construction enforcement personnel;
- (5) Codification and writing of amendments to the Florida Building Code.
- (6) Providing guidance in the resolution of citizen complaints regarding Building Code violations;
- (7) Investigations, preparation and prosecution of enforcement activities pursuant to the Building Code, or actions pursuant to Chapter 8CC of the Code which are governed by the Building Code;
- (8) Prevention of any imminent threat of any violation of the Building Code;
- (9) Training and testing of building inspectors, plans processors and code compliance officers; and
- (10) Approval, disapproval or conditional approval of the local use of construction products, materials and assemblies or alternate construction materials and assemblies in accordance in accordance with administrative order of the County Manager to be approved by the Board of County Commissioners.
- (11) Determine if a licensee, certificate holder, or registrant licensed under 455, 471, 481, or 489 of the Florida Statutes has committed a material violation of the Florida Building Code, and impose fines and penalties in the amount set forth in Section 8-16 of this Chapter and otherwise provided by law.

(Ord. No. 01-112, § 1, 7-10-01)

**Sec. 8-8.1. Expedited permit program for workforce housing units.**

It is the intent of Miami-Dade County to encourage private, for-profit developers to construct moderately priced housing or workforce housing units. As used in this section, workforce housing units shall mean those WHUs which are priced (selling price or rent) at levels to be affordable to households which meet the workforce housing target income range. To that end, the Building Official shall implement a program to expedite the review and approval of permit applications for workforce housing units. The expedited permit program for workforce housing units shall be implemented through administrative order to be approved by the Board of County Commissioners.

(Ord. No. 07-05, § 21, 1-25-07; Ord. No. 08-51, § 1, 5-6-08)

**Sec. 8-9. Reserved.**

**Sec. 8-10. Permits.**

(a) In addition to the requirements of Section 104 (Permits) of the Florida Building Code the following shall be required:

- (i) To be included drawings as applicable:

TABLE INSET:

Site Plan information:	Legal description. Lot dimensions and bearings, easements.
Orientation:	North arrow

Site information:	Street/Water Way Names
Site Features:	Existing, to be removed or new. Topographical date; existing and new finish floor elevation of existing and new elements
Utilities:	Existing or new (Water Service, meter, sanitary sewer or septic tank, electrical.)
Project:	New Buildings or additions to existing. Setbacks.
	Lowest finish floor elevation.
	Equipment (pool, a/c, and similar). Other improvements (pool decks docks paving walks slabs, walls, fences, planters)

(ii) Minimum information requirements for construction documents:

#### EXTERIOR ELEVATION INFORMATION

##### TABLE INSET:

Scale:	Same as Plans
Dimensions:	Vertical features and horizontal projections.
Envelope:	Exterior doors, windows, skylights, hatches, wall finish, roof material and pitch, and similar. Design pressures for wind.
Floor:	Elevations above grade and distance between floors.

#### BUILDING SECTION AND DETAIL INFORMATION

##### TABLE INSET:

Scale:	1/4" = 1'-0" Wall Sections. and 3/4"--1'-0" Main Details, (or metric)
Dimensions:	Vertical features and horizontal projections.
	All structural elements, their size and reinforcing, insulation, connectors, and similar. Wind design pressures for openings
Finishes:	Exterior and interior wall finishes and construction roof and ceiling finishes and construction.
Schedules:	Items such as footings, slabs, columns, beams, may be coded and listed on a schedule.

#### FLOOR PLAN INFORMATION

(Recommend that same orientation as Site Plan be used)

##### TABLE INSET:

Scale:	1/4" = 1'0" minimum for all buildings of less that 500 sq. ft. or equivalent metric scale
Dimensions:	All required to define design and required to build.
Rooms:	Room names and finishes.
Floor:	Floor finishes, elevations, steps, ramps, curbs, dashed outline of structures occurring below this floor.
Wall/Partitions:	Materials or construction. Section cuts, fire rated walls or partitions, all structural columns and load bearing partitions.
Ceiling:	Attic access, fold down ladders, skylights, dashed outline of structures occurring above this floor.
Doors/Windows:	Door type and size, swing, code required hardware;
	Window type and size egress requirements.
Vertical Access:	Stairs with number of risers, elevators, chutes.

Equipment/Fixtures:	Indicate and label all kitchen equipment, toilet fixtures, laundry equipment, water heaters, a/c equipment, electrical panels, fireplaces, built in cabinets, and similar.
Ventilation:	All through the wall ventilation, (garage vents, dryer vents, exhaust fans Kitchen exhausts, and similar.
Schedules:	Items such as finishes, doors, windows, fixed glass, fixtures equipment, partition construction, may be coded and listed on a schedule.

## FRAMING PLAN INFORMATION

(Required that same orientation as Floor Plan be used)

## TABLE INSET:

Scale:	1/4" = 1'-0" minimum for all buildings of less than 5,000 sq. ft
Dimensions:	All structural elements, their sizes and reinforcing (rafters, trusses bracing, beams, girders, and similar). Columns occurring below beam level, roof mounted equipment, skylights, hatches, dashed outline of structures below this level, Section cuts, roof chimneys, and similar.
Design:	Pressures for wind design. Loads and load transfer calculations required by the Code.
Drainage:	Roof slope, drains, gutters, crickets, overflow scupper calculations required by the Code.
Material:	Roofing and sheathing material (Including Product Approval Number).
Ventilation:	Attic ventilation calculations.

## FOUNDATION PLAN INFORMATION

Recommend that same orientation as Floor Plan be used

## TABLE INSET:

Scale:	1/4" = 1'-0" minimum required by all buildings of less than 5,000 sq. ft. or equivalent metric scale.
Dimensions:	All required.
Site:	Topography/fill requirements.
Structure:	All structural elements, their size and reinforcing (footings, slabs, filled cells, poured columns, bearing partitions, and similar) Slab elevation depression, changes in level, section cuts, and similar.
Underground:	Major slab items (cook-top vents, drainage and/or sanitary lines, and similar.
Design:	Soil bearing values, as per geo-technical engineer's reports or based on known soil properties at the site.
Schedules:	Items such as footings, slabs, columns, may be coded and listed on corresponding schedules.

## ELECTRICAL, PLUMBING AND H.V.A.C. INFORMATION

## TABLE INSET:

Scale:	1/4" --1'-0" minimum for all buildings of less than 5,000 sq. ft. or equivalent metric scale.
	1/2"=1'-0" minimum for designated electrical equipment rooms and elevation shall be provided.
Dimensions	Non-typical outlets, fixtures and conditions.
Outlets/Fixtures	Electrical Show all interior and exterior receptacles, fixtures, switches, electrical exhaust and ceiling fans, attic fans, or roof top receptacles,

System:	fixtures or equipment, all electrical equipment, (water heaters, a/c equip., pumps, and similar).
	Plumbing Show all fixtures, sanitary drainage, vents, water supply, water heaters, and similar.
	H.V.A.C. All ducts and diffuser sizes, fan coil and condensing unit location, specifications, and CFM's per outlet.
Service/Panel:	Electrical All items circuited as the code.
Schedules/Riser	Panel size, all circuits with use, load, wire, breaker and conduit size indicated. Diagram with size of service, meter, ground, disconnect switches, feeders, and panels.
	Plumbing Diagram with size of all lines and location of all fixtures and the number of fixtures units of the fixture groups they serve. In commercial work provide isometric drawings of the sanitary drainage, water supply and the storm drainage piping.
	H.V.A.C. Equipment may be coded and have their specifications listed on a schedule.
Calculation:	Electrical. Load calculation per N.E.C.
	H.V.A.C. As required per Energy Code, including heat and cooling load calculations.

(iii) The following written requirements are to be followed by the delegated engineer in preparing his engineering documents on that portion of the project utilizing prefabrication components:

1. All shop drawings shall be in conformity with the architect or engineer of record framing plans unless prior written approval is obtained from the architect or engineer of record. If re-framing is approved, the architect or engineer of record shall resubmit revised framing plans to the building official after receiving updated plans from the delegated engineer showing all adjustments necessary to safely transmit all applied loads to the foundation.
2. All details and sections required to show the size and connections of all secondary members will be supplied on the delegated engineering plans and shall show all framing, connections and bracing on one or more primary plans.
3. 8- 1/2" x 11" cut sheets showing individual member design shall also be furnished to the architect or engineer of record, but it will be necessary to transfer all gravity and uplift loads shown on these cut sheets to the primary plans.

The intent of the above requirements is to provide all information on framing, connections and bracing on one composite set of plans approved by the architect or engineer of record to aid in the review, approval and field inspection for the portion of the property.

(iv) The plans shall include a schedule similar to the one shown below to be filled by the Architect or Engineer of Record.

HVAC DESIGN REQUIREMENTS

TABLE INSET:

HVAC DESIGN REQUIRES	YES	NO
DUCT SMOKE DETECTOR		
FIRE DAMPER(S)		
SMOKE DAMPER(S)		
FIRE RATED ENCLOSURE		
FIRE RATED ROOF/FLOOR CEILING ASSEMBLY		
FIRE STOPPING		
SMOKE CONTROL		

(v) Permits shall be required for the following low voltage work: fiber optics, telephone, television, communications, fire alarms, burglar alarms, computer systems, central vacuums and all other systems

seventy-seven (77) volts or less.

(vi) Electrical permits shall be required for all appurtenances, apparatus, or equipment used in connection therewith, inside of or attached to any building or structure, lot, or premises.

(b) The plans examiner shall examine all plans and specifications and if found to comply with the requirements of the Building Code, he or she shall mark the plans "REVIEWED FOR CODE COMPLIANCE".

(c) Upon approval of plans, specifications and application for permit and the payment of the required fee, the Building Official shall issue a weatherproof permit card which shall bear the description of the property, the nature of the work being done, the name of the owner and contractor and other pertinent information: and such card shall be maintained in a conspicuous place on the front of the premises affected thereby during the entire time that the work authorized by the permit is in progress.

(Ord. No. 01-112, § 1, 7-10-01)

### **Sec. 8-11. Existing buildings.**

(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 safeguard 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.
- (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.

(f) *Recertification of buildings and components:*

(i) 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.

(g) (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 valved 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 8-11(g)(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 base 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

(h) 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 (g) 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.

(Ord. No. 01-112, § 1, 7-10-01; Ord. No. 02-44, § 1, 3-26-02; Ord. No. 05-31, § 1, 2-1-05)

## **Sec. 8-12. Fees.**

(a) The appointing authority shall establish a permit fee applicable throughout its jurisdiction. Any person desiring a permit to be issued shall, in addition to filing an application therefor and before such permit is issued, pay the required permit fee. The fee schedule to be adopted shall identify the amount of the fee attributed to plans review, initial inspection and reinspection. The appointing authority may impose the fees authorized by law for repeated plans examinations or inspections.

(b) Basis of permit fee. The Building Official may require an estimate of cost and/or other descriptive data as a basis for determining the permit fee.

(c) Double fee. When work for which a permit is required is started prior to the obtaining of said permit, the applicant for a permit shall be required to pay \$100.00 plus double the fee as specified herein as the cost of the permit. The payment of a permit fee shall not relieve any person firm or corporation from fully complying with the

requirements of this Code, nor from any other penalties prescribed therein.

(d) Building Code Compliance Fee. All applications for building permits and premise permits issued pursuant to the Building Code shall be on a form approved by the Board of Rules and Appeals and, in addition to any other fees charged by any County or municipal building official, shall include a Building Code Compliance fee to be determined, assessed and collected in the manner contemplated in this section. The compliance fees paid by permit applicants shall be deposited in a separate County fund and shall be used exclusively for the Building Code Office to pay for the costs of performing its duties and functions.

(e) Assessment of code compliance fee. Prior to the issuance of any building permit pursuant to the Building Code, including any premise permit, each building official for Miami-Dade County or any municipality shall assess a code compliance fee in the amount of sixty cents (\$0.60) per one thousand dollars (\$1,000.00) or fractional value of the work to be done under the permit. This code compliance fee shall be in addition to and not in derogation of other fees and costs that may be payable as a condition of obtaining the permit and shall be nonrefundable. For purposes of the calculation of the code compliance fee, the value of the work to be done under the permit shall be determined as follows:

(1) For new construction of and additions to Building Code occupancies, the value of the work shall be sixty-five dollars (\$65.00) per square foot of construction except as noted below.

(2) For Building Code occupancy Groups S1 and F (Storage and Industrial), the value of the work shall be forty-five dollars (\$45.00) per square foot of construction.

(3) For large and unusual projects, including but no limited to stadiums, airports, and water treatment plants, and for miscellaneous permit activity not otherwise provided for in this section, including, but not limited to repair, or alterations, or changes to electrical service, the value of the work shall be the actual cost of such work as determined by the applicant and approved by the Building Official. The applicant shall be responsible for accurate reporting of the value of the work, and the reported value shall be subject to review and verification by the Building Official.

(f) Exemption. A permit obtained for an individual trade or specialty shall be exempt from imposition of the code compliance fee provided that the value of the work for which such permit is obtained has already been subjected to the code compliance fee.

(g) Collection of fee. The governmental authority issuing a permit pursuant to the Building Code shall be responsible for the collection of the code compliance fee provided for in this section prior to the issuance of the permit. Any and all code compliance fees collected by Miami-Dade County and the municipalities shall be paid to the Miami-Dade County Finance Department not later than the fifteenth day of the month following the month of collection by wire transfer or check or through automated clearing house. Notwithstanding the foregoing, in the event that the code compliance fee collected by any municipality shall not exceed one hundred dollars (\$100.00) per month for a continuous period of three (3) months, then the Chief Building Code Compliance Officer, upon request by that municipality, shall permit the municipality to make its remittances and reports to the County on a quarterly basis. In the event that a governmental authority remits the funds on or before the due date set forth above, such authority shall be entitled to retain that portion of the remittance due to Miami-Dade County which represents its costs of collection of this code compliance fee, not to exceed one and one half (1 1/2) percent of the total remittance due for that period. In the event that the remittance is not made when due, the governmental authority shall remit to Miami-Dade County the entire balance of fees collected pursuant to this section to defray Miami-Dade County's additional costs incurred in connection with that government's delay in remitting the amount.

(h) Submission of report. Each governmental authority issuing permits pursuant to the Building Code shall, on or before the fifteenth day of each month or on quarterly basis as may be allowed by the Chief Building Code Compliance officer pursuant to Section 8-9(f), submit to the Building Code Compliance Officer which shall contain for the applicable period of collection such information as the Chief Building Code Compliance Officer may reasonably require to oversee collection of the code compliance fee. Permit and permit fee collection records of all governmental authorities subject to this section shall be available for audit and review by Miami-Dade County at all times.

(i) Payment of permit fees and charges.

(1) Notwithstanding any provisions of this Code to the contrary, all fees and charges assessed by County departments, including impact fees, which are required to be paid as a condition of the issuance of a building permit shall not be charged if all of the following conditions are met:

(a) The permit to be obtained will correct a violation for work without permit or for work with an expired permit for which the property owner has been cited by the Building Department.

(b) The permit applicant was not the owner of the property at the time the violation was committed or is not the contractor who performed the work without the required permit or allowed the permit to expire.

(c) The work performed without a permit was commenced prior to March 1, 2002 or the permit which expired was issued under the South Florida Building Code.

(d) The work under the building permit is for an improvement to a single-family or duplex residence, townhouse or condominium which is occupied by the property owner and has had a valid homestead exemption for the past five years.

(e) The property is owned by one or more individuals each of whom are 65 years of age or older whose combined annual household income is not greater than the qualifying amount for an additional homestead exemption under this Code. Where the joint owners are married, only one of the owners must meet the minimum age requirement.

(2) Each development department will track the amount of permit fees and charges affected by this exemption each fiscal year. The general fund shall reimburse each of the development departments the amount of permit fees and charges exempted as part of the following fiscal year's budget. In the event that the amount of permit fees exempted by this Subsection 8-12(i) exceeds \$100,000 in the aggregate, this Subsection shall be of no further force or effect unless reenacted by this Board.

(3) This subsection is not intended to waive any permit fees or charges assessed by departments of the State of Florida or federal government.

(Ord. No. 01-112, § 1, 7-10-01; Ord. No. 06-56, § 1, 4-25-06)

### **Sec. 8-13. Revocation, suspension and reinstatement of permits.**

(1) The Building Official may revoke a permit or approval issued under the provisions of this Code in case of any false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based.

(i) Once work has commenced on a permit obtained on the basis of a fraudulently obtained or erroneously issued certificate and the permit is revoked, becomes null and void or expires because of lack of progress, a new permit covering the proposed construction shall be obtained before proceeding with the work.

(ii) Permits granted in reliance on certificates which were fraudulently obtained or erroneously issued shall be administratively suspended by the Building Official or the Board of Rules and Appeals. Following any such suspension, the certificates may be reinstated and the work completed by a change of contractor, or, where authorized by law, by the assumption of the permit by an authorized owner, lessee or tenant, in accordance with the procedures provided in the law.

(iii) In addition, the Board of Rules and Appeals may reinstate other suspended permits provided that the Board of Rules and Appeals determines that the property owner has been the victim of fraud or a misrepresentation of fact by the permit applicant in the application or on the plans on which the permit or approval was based. To make that determination, the following procedure shall be followed:

(a) The owner shall bear the burden of proof to the Board of Appeals that the property owner has been the victim of fraud or misrepresentation;

(b) The Board of Rules and Appeals shall conduct a public hearing, after notice, at which interested persons may appear to consider evidence indicating whether the public interest is served by closing the permit, or to do so under certain conditions. The evidence to be considered may include the type of permit involved, the work performed, the degree of private or public safety involved in the work and the inspections or reinspections performed.

(c) Following such hearing, the Board of Rules and Appeals may determine that the affected permits may be revoked, assigned to an authorized owner, lessee or tenant, or closed out. The Board of Rules and Appeals may also determine that the final disposition of such permits shall be subject to certain conditions designed to protect the safety of the structure's inhabitants or the surrounding community, and may retain jurisdiction over those permits to ensure compliance with those conditions.

(2) Whenever the Building Official reasonably believes the work for which a permit has been issued is not being performed in conformity with plans, specifications or descriptions, or approved plans are not being kept at the site, it shall be the duty of the Building Official to notify the contractor, or owner, or their agent, in writing, that the permit is suspended. Written notice shall be mailed or given to the permit holder or his agent, and it shall be unlawful for any person or persons to perform any work in or about the building or structure except such work as may be required for the correction of the expressed violations. And if, in the judgment of the Building Official, there is imminent danger that requires immediate action, the permit may be revoked or suspended verbally and written notice served later.

(3) When a permit has been suspended, it shall not be reinstated until all existing violations have been corrected. Written notice of reinstatement shall be given the permit holder if requested.

(4) Upon request of the owner and/or permit holder and on investigation by the Building Official to determine that the work has been abandoned or that the contractor is unable or unwilling to complete the contract a second permit may be issued where there is a change of contractor without the initial permit being revoked or suspended. The foregoing will be permitted only when the following stated persons have filed with the Building Official a letter stating the reason for a second permit being required and holding the Building Official harmless from legal involvement. All interested parties shall be notified before action is taken.

(i) Where a prime contractor is the permit holder, the owner shall file such hold-harmless letter.

(ii) Where a subcontractor or specialty contractor is the permit holder, the owner and prime contractor shall both file such hold-harmless letters.

(Ord. No. 01-112, § 1, 7-10-01; Ord. No. 07-147, § 1, 10-2-07)

#### **Sec. 8-14. Cleanup of Site.**

Upon completion of the proposed work, the permit holder shall leave the site cleared of rubbish, debris, construction sheds or materials or construction. In the event there has been damage to public property or that rubbish, debris, construction sheds or materials of construction have been left at the site, the Building Official shall refuse to make final inspection and shall notify the permit holder to correct the condition of violation within 5 days. For failure to comply with such notice after such period of 5 days, the permit holder is subject to the penalties specified herein, and the Building Official shall have the clean up work done and public property restored and shall notify the legal authority, who shall institute the necessary action to have the costs placed as a lien against the property in relation to which the permit was issued.

(Ord. No. 01-112, § 1, 7-10-01)

#### **Sec. 8-15. Material Violations of the Florida Building Code; Fines and Penalties.**

(a) Upon a determination by the Chief Building Code Compliance Officer, or his or her designee, that a licensee, certificate-holder or registrant licensed under F.S. Chapters 455, 471, 481 or 489 has committed a material violation of the Florida Building Code and failed to correct the violation within the time set forth in the notice provided for in this Section, the Chief Code Compliance Officer shall impose a fine as provided below.

(b) Upon a finding of a material violation the Chief Building Code Compliance Officer, or his or her designee, shall issue a Notice of Material Code Violation, identifying the violator or violators, specifying the nature of the violation and providing a reasonable time for correction. The time for correction shall be established by the officer upon an evaluation of the following factors:

(1) The likelihood and immediacy of physical harm to persons and/or property.

(2) The likelihood and immediacy of significant damage to the performance of a building or its systems.

(3) The nature and extent of the required corrections.

(4) Any prior notices of the deficiencies constituting the violation.

(c) The Notice of Material Violation shall also provide that the violation may be disputed by appropriate notice directed to the Chief Building Code Compliance Office.

(d) The Notice of Material Code Violation shall be posted in the structure and shall be mailed to each violator at the address which appears in the permit documents.

(e) In the event that the material violation is not cured to the satisfaction of the Chief Building Code Compliance Officer within the time specified, or disputed in the manner set forth above, the Chief Building Code Compliance Officer shall impose a fine per material violation of \$500.00 for the first offense, \$1,000.00 for the second offense, \$2,000.00 for the third offense and \$5,000.00 for each subsequent offense.

(f) Disputes of violations, collections of fees, and imposition of fines and other penalties, including but not limited to suspension of permitting privileges shall be effected in accordance with the provisions of law.

(Ord. No. 01-112, § 1, 7-10-01)

### **Sec. 8-16. Special Hurricane Inspections.**

(a) During such periods of time as the National Weather Service has issued a severe weather advisory that is in effect for Miami-Dade County, best efforts must be used so that all furniture, display racks, material and similar loose objects in exposed outdoor locations, including loose material of projects under construction are secured or otherwise appropriately braced to rigid construction or stored in buildings to the extent practicable given the conditions. Orders shall be oral or written and shall be given to any person on the premises most logically responsible for maintenance and such orders shall be carried out before winds of tropical storm velocity are anticipated.

(b) After winds of the velocity associated with a severe weather event are experienced and have subsided, the Building Official shall investigate to determine if damage has occurred to buildings or other structures.

(c) No building or other structure or assembly or part thereof, which was damaged or collapsed or out of plumb or line shall be repaired or altered or otherwise returned to its original position without inspection and approval by the Building Official.

(d) For the purposes of this section, "severe weather advisory" shall be defined as any one of the following: a tropical storm warning, a hurricane watch, or a hurricane warning and the term "severe weather event" shall be defined as a tropical storm or hurricane.

(Ord. No. 01-112, § 1, 7-10-01; Ord. No. 06-7, § 1, 1-24-06)

### **Sec. 8-17. Violations and Penalties.**

(a) *Penalties.* This Section shall apply to all persons and violations not covered by Section 8-15 above. Any person, firm or corporation who shall violate a provision of the Building Code or fail to comply therewith, or with any of the requirements thereof, shall be guilty of a misdemeanor. Each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of the Building Code is committed or continued, and upon conviction of any such violation, such person shall be punishable by a fine of not less than fifty (\$50.00) dollars nor more than five hundred (\$500.00) dollars, or by imprisonment not exceeding 60 days, or by both such fine and imprisonment. Any person who violates or fails to comply with a provision of the Building Code shall also be subject to civil fines and penalties established in Chapter 8CC of the Code of Miami-Dade County.

(b) *Civil Liability; Attorneys Fees.*

(1) Any person who violates a provision of the Building Code or any lawful regulation or written order promulgated under the Building Code is subject to injunction or other equitable relief to enforce compliance with or prohibit the violation of the Building Code. Further, such person is liable to the Building Official or the appointing authority for any damages caused by such violation and for the reasonable costs and expenses incurred by the Building Official or the appointing authority in enforcing the provisions of the Building Code, including but not limited to the costs of enforcement inspections, preparation of enforcement reports, photographs, postage and other demonstrable administrative costs for enforcement and collection. All such sums shall become immediately due and payable upon expenditure by the Building Official or the appointing authority and shall become delinquent if not paid within thirty (30) days after receipt by the violator of the bill of the Building Official or the appointing authority itemizing the enforcement costs incurred in enforcing the provisions of the Building Code. All such delinquent sums shall bear interest at the prevailing rate set forth in the law as payable on judgments and decrees.

(2) Upon the rendition of a judgment or decree by an of the courts of this State against any person in any action to enforce compliance with or prohibit the violation of the provisions of the Building Code, the court

shall adjudge or decree against the losing party and in favor of the prevailing party a reasonable sum as fees or compensation for the attorney acting on behalf of the prevailing party. Such fees or compensation shall be included in the judgment or decree rendered in the case. Cessation of the violation of any of the provisions of the Building Code prior to rendition of a judgment or prior to execution of a negotiated settlement, but after an action has been filed by the Building Official or the appointing authority to enforce the provisions of the Building Code, shall be deemed for the purposes of this section the equivalent of a confession of judgment or verdict in favor of the Building Official or the appointing authority, for which attorney's fees shall be awarded as set forth in this section.

(3) All the judicial and administrative remedies in this Section are independent and cumulative.

(4) Nothing in this section shall be construed to permit or require the Building Official or the appointing authority to bring an action on behalf of any private person.

(Ord. No. 01-112, § 1, 7-10-01)

**Sec. 8-18. Required disclosure.**

In any contract for the sale to the original purchaser(s) of any new structure in Miami-Dade County, which structure was erected pursuant to the professional certification of plans and inspections by architects and engineers who have been privately retained by the owner and applicant for permits pursuant to state law as incorporated in Section 2-1265 of the Code of Miami-Dade County, the seller shall include in the contract, or in an Addendum to the contract that has been separately signed and acknowledged by the purchaser at closing, a disclosure in not less than ten-point bold-face type:

THIS STRUCTURE (HAS BEEN OR WILL BE) BUILT IN COMPLIANCE WITH THE FLORIDA BUILDING CODE AS DETERMINED BY STATE LICENSED AND REGISTERED ARCHITECTS AND ENGINEERS PRIVATELY HIRED BY THE OWNER AND APPLICANT FOR PERMITS TO PERFORM CERTIFICATION OF PLANS AND INSPECTIONS AS PROVIDED UNDER THE PROFESSIONAL CERTIFICATION PROGRAM ESTABLISHED UNDER STATE LAW. THE NAME, ADDRESS, TELEPHONE NUMBER, AND STATE LICENSE NUMBER OF EITHER EACH INDIVIDUAL THAT IS WORKING ON HIS/HER OWN AS AN INDEPENDENT ARCHITECT OR ENGINEER OR THE PRINCIPAL OF THE COMPANY THAT IS USED TO EXAMINE PLANS AND INSPECT THIS STRUCTURE; ARE AS FOLLOWS:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If it is not known at the time the initial contract for sale is signed whether the owner and applicant for permits will use a privately hired architect or engineer, the Seller shall disclose the option to use such privately hired architects and engineers in the contract.

Once the Seller has retained a private architect or engineer, the Seller shall inform the buyer, by certified mail, return receipt requested, in not less than ten-point bold face type, that the owner and applicant for permits has retained a private architect or engineer to certify building plans and perform required inspections of the structure for compliance with the building code. This disclosure form shall at a minimum, include the name, address, telephone number and state license number of either each individual that is working on his/her own as an independent architect or engineer or the principal of the company that is used to examine plans and inspect the structure.

Violations of this Section shall be subject to the penalties set forth in Section 8-17 above.

(Ord. No. 01-219, § 1, 12-18-01)

Secs. 8-19--8-20. Reserved.