

ORDINANCE NO. O-2010-32

(10-T-40)

AN ORDINANCE OF THE CITY OF HOLLYWOOD, FLORIDA, AMENDING CHAPTER 151, "BUILDINGS", OF THE HOLLYWOOD CODE OF ORDINANCES TO ESTABLISH THE PROCEDURES FOR THE BUILDING SAFETY INSPECTION PROGRAM; AND AUTHORIZING THE CITY COMMISSION TO ESTABLISH BY RESOLUTION FEES FOR SAID PROGRAM AND FOR THE CONTRACTOR RECORDS MANAGEMENT PROCESS.

WHEREAS, Chapter 151 of the Hollywood Code of Ordinances establishes the procedures and regulations for buildings/structures within the city; and

WHEREAS, Section 151.023 requires any person or firm acting in the capacity of a contractor to register with the City; and

WHEREAS, the process of registering contractors and monitoring the registration process requires the Building Division staff to research, verify and collect various documentation submitted by the contractor, such as Certificates of Competency from the State and/or Broward County, proof of current insurance (both Workers' Compensation and General Liability), and proof and verification of the contractor's identity; and

WHEREAS, the annual expiration dates for the contractor's Certificates of Insurance, as well as their Certificates of Competency, require the diligence of an annual staff review to verify, update and maintain the current state of contractor registration; and

WHEREAS, enforcing the contractor record management requirements for contractors serves to protect the citizens of the City of Hollywood against unlicensed and uninsured contractors; and

WHEREAS, in reviewing the contractor record management process it has been determined that a fee needs to be established; and

WHEREAS, the Florida Building Code, Broward County Amendments, Section 190.16, establishes a Building Safety Inspection Program for buildings and structures that have been in existence for a period of 40 years or longer; and

(Coding: Words in ~~struck-through~~ type are deletions from existing law; words underscored are in additions).

WHEREAS, by instituting a countywide program before buildings age, the county can minimize the possibilities of future building failures and electrocutions and will be better prepared for hurricane force winds; and

WHEREAS, the Broward County Board of Rules and Appeals is authorized to establish the guidelines and criteria which will be the minimum requirements for the 40 Year Building Safety Inspection Program; and

WHEREAS, the City's Building Division receives an annual list from the Broward County Board of Rules and Appeals of buildings that are 40 years of age or older which need to be inspected and required notification of such inspection to the owner(s) of each building; and

WHEREAS, the Building Division is required to perform a review of the Safety Inspection Certification Forms prepared by either a Professional Engineer or Architect certifying that the structural and electrical components of each building are safe for the continued occupancy of the building, or otherwise documenting repairs or modifications necessary to protect the life safety or to prevent failure of a critical building component; and

WHEREAS, the City Commission finds that it is in the best interest of the City to protect its citizens by ensuring the structural and electrical integrity of its aging buildings by adopting the recommended Broward County 40 Year and Older Building Safety inspection Program;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA:

Section 1: That Chapter 151 of the Hollywood Code of Ordinances entitled "Buildings" is hereby amended as follows:

CHAPTER 151: BUILDINGS

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CONTRACTORS

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* * *

§151.023 REQUIREMENTS BEFORE ENGAGING IN WORK.

(A) * * *
* * *

(2) (a) Any person or firm subject to the requirements of division (A)(1) above, which maintains its permanent place of business outside of the corporate limits of the city shall be required to register with the City's Building Department prior to contracting for any work.

(b) Any person required to register pursuant to the above provision shall pay a contractor record management fee therefor, to be set or amended by Resolution of the City Commission.

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(B)

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(5) (a) The city requires a person certified by the county or state to register with the city presenting proof of ~~identify~~ identity, proof of insurance, and certificate prior to obtaining a building permit or working within the city.

(b) Any person required to register pursuant to the above provision shall pay a contractor record management fee therefor, to be set or amended by Resolution of the City Commission.

(6) ~~No fee or tax shall be charged or levied for such registration or identification by the city.~~

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AIR CONDITIONING

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BUILDING SAFETY INSPECTION PROGRAM

§151.123 BUILDING

(A) Inspection Procedures

(1) Inspection procedures shall conform, in general, with the minimum inspection procedural guidelines as issued by the Board of Rules and Appeals, as amended from time to time.

(2) Such inspection shall be for the purpose of determining the structural and electrical condition of the 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.

(B) Applicable Buildings; Exceptions

(1) All buildings, except those listed 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) The following buildings are exempt from the requirements of the section: All single family residences, duplexes and minor structures defined as buildings or structures in any occupancy group having a gross floor area less than 3,500 square feet, U. S. Government, schools under the jurisdiction of the Broward County School Board and Buildings built on Indian Reservations.

(3) Subsequent Building Safety Inspections shall be required at ten (10) year intervals.

(C) Definitions:

For the purposes of this section the following term(s) shall have the following meaning:

(1) *Minor buildings or structures* shall mean buildings or structures in any occupancy group having a gross area of 3,500 sq. ft. or less.

(D) Owner Responsibilities

(1) The owner of a building or structure subject to Building Safety Inspection shall furnish, or cause to be furnished, within ninety (90) days of Notice of Required Building Safety Inspection, the Broward County Board of Rules and Appeals Building Safety Inspection Certification Form to the City's Building Official together with the required processing fee pursuant to subsection F.

(2) The Building Safety Inspection Certification Form must be 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 the continued occupancy.

(3) Said certification shall be in conformity with the minimum inspection procedural guidelines as issued by the Board of Rules and Appeals.

(4) Such written report shall bear the impressed seal and signature of the certifying Engineer or Architect.

(5) 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.

(6) 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.

(7) In the event that repairs or modifications are found to be necessary resulting from the Building Safety Inspection Report, the owner shall have a total of 180 days from the date of the Building Safety Inspection Report in which to complete the indicated repairs or modifications which shall be executed in conformance with all applicable sections of the Florida Building Code.

(E) Implementation

(1) In order to implement the new Building Safety Inspection Program in an orderly manner to clear a backlog of buildings needing inspection, implementation shall commence as follows:

- (a) 40 year or older buildings of 11,000 square feet or more - compliance no later than July 1, 2011.
- (b) 40 year or older buildings 7,000 square feet or more – compliance no later than calendar year 2011.
- (c) 40 year or older buildings 5,500 square feet or more – compliance no later than calendar year 2011.
- (d) 40 year or older buildings 4,650 square feet or more – compliance no later than July 1, 2012.
- (e) 40 year or older buildings 3,800 square feet or more – compliance no later than calendar year 2012.
- (f) 40 year or older buildings 3,500 square feet or more – compliance no later than calendar year 2012.

(2) Buildings may be inspected under the Building Safety Inspection Program before the building reaches the required inspection age of forty (40) years. In the event such 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, a Building Safety Inspection shall be required for a minimum of ten (10) years from that time.

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

(4) It shall be the responsibility of the City's Building Official to take the necessary action to implement this section.

(F) Administrative Fee

The Administrative fee shall be paid at the time of submittal of the completed Building Safety Inspection Certification Form to the City's Building Official for the processing of the Certification Application. For every certification and recertification as required under this Section, the fee to be paid to the Building Division shall be established by Resolution of the City Commission.

(G) Enforcement/penalties for non-compliance.

Any owner in violation of this section may be subject to the issuance of:

- (1) A citation resulting in a fine amount of \$500.00. A citation could be issued for each day that the owner is in violation of this section of the code; and/or
- (2) A Notice of Violation/Notice to Appear before a Special Magistrate which could result in a fine amount up to \$1,000 per day for a first violation for each day of non-compliance with the code and up to \$5,000 per day for a repeat violation and could result in a lien being recorded against the property.

Section 2: That it is the intention of the City Commission and it is hereby ordained that the provisions of this ordinance shall be made a part of the Code of Ordinances of the City of Hollywood, Florida, and the sections of the Code may be renumbered to accomplish such intention.

Section 3: That all sections or parts of sections of the Code of Ordinances, all ordinances or parts of ordinances, and all resolutions or parts of resolutions in conflict herewith are and the same are hereby repealed to the extent of such conflict.

Section 4: That if any word, phrase, clause, subsection or selection of this ordinance is for any reason held unconstitutional or valid, the invalidity thereof shall not affect the validity of any remaining portions of this ordinance.

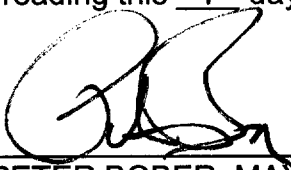
(Ordinance Amending Chapter 151 "Buildings")

Section 5: That this ordinance shall be in full force and effect immediately upon its passage and adoption.

ADVERTISED on the 20 day of Aug, 2010.


PASSED AND ADOPTED on the first reading this 7 day of July, 2010.

PASSED AND ADOPTED on the second reading this 1 day of Sept, 2010.



PETER BOBER, MAYOR

ATTEST:



PATRICIA A. CERNY, MMC
CITY CLERK

APPROVED AS TO FORM & LEGALITY
for the use and reliance of the
City of Hollywood, Florida, only.



JEFFREY P. SHEFFEL
CITY ATTORNEY

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