

COUNCIL AGENDA STATEMENT



Meeting Date: August 10, 2021
To: Honorable Mayor and City Councilmembers
From: Noe Martinez, Building Official
Through: George Garrett, City Manager

Agenda Item: **Ordinance 2021-18**, Amending Chapter 6, Article III (“Unsafe Structures And Equipment”) Of The Code Of Ordinances Of The City Of Marathon By Creating Section 6-95, Which Shall Provide For A Certification And Recertification Process For Existing And Future Structures; Providing For The Repeal Of All Ordinances Or Parts Thereof Found To Be In Conflict; Providing For Severability; Providing For Inclusion In The Code Of Ordinances And Providing For An Effective Date

BACKGROUND & JUSTIFICATION:

On July 13th the Council discussed the tragedy of the Champlain Tower collapse and asked staff to research their inspection protocols on multi-story buildings and have a plan to certify and recertify multi-story buildings on an ongoing basis, to hopefully prevent any similar disasters caused by a failing structure.

Under this Ordinance, inspections will be performed by a qualified, licensed professional to determine 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. Inspections will also include electrical wiring, apparatus and equipment, and installations for light heat or power and low voltage systems. The recertifications will done on buildings at ten-year intervals.

CONSISTENCY CHECKLIST:

	Yes	No
1. Comprehensive Plan	_____	_____
2. Other _____	_____	_____
3. Not applicable _____		

FISCAL NOTE:

Approved by Finance Department

RECOMMENDATION: Approval of the Ordinance.

Sponsored By: Zieg
City Council Public Hearing Date: August 10, 2021
September 14, 2021
Enactment Date: XXXXXX XX, 2021

**CITY OF MARATHON, FLORIDA
ORDINANCE 2021-18**

AN ORDINANCE BY THE CITY OF MARATHON, FLORIDA, AMENDING CHAPTER 6, ARTICLE III (“UNSAFE STRUCTURES AND EQUIPMENT”) OF THE CODE OF ORDINANCES OF THE CITY OF MARATHON BY CREATING SECTION 6-95, WHICH SHALL PROVIDE FOR A CERTIFICATION AND RECERTIFICATION PROCESS FOR EXISTING AND FUTURE STRUCTURES; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS THEREOF FOUND TO BE IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Marathon (“City”) is a municipal corporation of the State of Florida with such power and authority as has been conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes, and

WHEREAS, Chapter 166, *Florida Statutes*, grants the City broad municipal home rule powers to provide for the health, safety and welfare of its residents, business owners and visitors by enacting regulations for the protection of the public; and

WHEREAS, in light of the recent deadly collapse of the Champlain Tower, it has become readily apparent that there is a significant danger posed by failing to more frequently review and inspect older structures; and

WHEREAS, municipalities across the State are taking action to strengthen their building inspection and certification protocols to help combat such dangers; and

WHEREAS, in order to promote the health and safety of the citizens of Marathon and help prevent any similar such disasters that could be caused by a failing structure, a certification and re-certification process must be implemented; and

WHEREAS, the City Council of the City of Marathon wishes to enact such a process.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA THAT

~~Strikethrough~~ = deletion

Bold underline = addition

SECTION 1. The above recitals are true, correct, and incorporated herein by this reference.

SECTION 2. Chapter 6, Article III, Section 6-95 is hereby created and reads as follows:

Sec. 6-95. 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 safeguards maintained in good working order.**
- (b) **This subsection shall not be construed as permitting the removal or non-maintenance of any existing devices or safeguards unless authorized by the Building Official.**
- (c) **Recertification of buildings and components:**
 - i. **For the purpose of this Subsection, recertification shall be construed to mean the requirement for a specific inspection of existing buildings and structures and furnishing the Building Official with a written report of such inspection as prescribed herein.**
 - (1) **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.**
 - (2) **Inspections may only be performed by licensed, qualified professionals who have submitted written proof, accepted by the Building Official, of experience in the recertification of multiple story buildings.**

- 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 seventeen (17) 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 seventeen (17) years of age, recertification shall not be required for a minimum of ten (10) years from that time, or age seventeen (17), 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.

(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) There shall be immediate notification to the Building Official upon discovery of any material failure, unsafe condition or threat to the health, welfare or safety of the occupants of the building. Upon receipt of such notification during the recertification process, the Building Official shall have the ability to immediately issue a stop work order for the building and declare the cessation of use of the building.

(6) 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.**

SECTION 3. Any provisions of the Code of Ordinances of the City of Marathon, Florida or Ordinances or parts of Ordinances that are in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 4. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, or phrases of this Ordinance, but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 5. It is the intention of the City Council and it is hereby ordained that the provisions of this Ordinance shall become and be made part of the Marathon Code, that sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions, and that the “Ordinance” shall be changed to “Section” or other appropriate word.

SECTION 6. The 17-year inspection period contained in subsection 6-95(c)(ii)(3) shall commence from the date of the certificate of occupancy issued for the structure and not 17 years from the adoption of this Ordinance.

SECTION 7. This Ordinance shall become effective immediately upon approval.

**ENACTED BY THE CITY COUNCIL OF THE CITY OF MARATHON,
FLORIDA, THIS XX DAY OF XXXX, 2021.**

THE CITY OF MARATHON, FLORIDA

Luis Gonzalez, Mayor

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

Diane Clavier, City Clerk

(City Seal)

**APPROVED AS TO FORM AND LEGALITY FOR THE USE AND RELIANCE OF THE
CITY OF MARATHON, FLORIDA ONLY:**

Steven Williams, City Attorney