



## CITY COUNCIL AGENDA STATEMENT

**Meeting Date:** January 9, 2024

**To:** Honorable Mayor and City Council

**From:** George Garrett, City Manager

**Agenda Item:** **Ordinance 2024-03**, Amending Chapter 6-95, “Existing Buildings,” Concerning The Certification Of Existing Buildings Subject To The Standards Of The Chapter And Section; Providing For The Repeal Of All Code Provisions And Ordinances Inconsistent With This Ordinance; Providing For Severability; Providing For Inclusion In The Code Of Ordinances, City Of Marathon, Florida; And Providing An Effective Date.

### **BACKGROUND**

The Existing Building Ordinance was adopted in response to the Surfside building collapse and prior to current State Statutory standards. The Ordinance was predicated upon an existing Ordinance from Miami-Dade and then modified to fit the conditions in existence in the City of Marathon, Florida. The City understood that the Ordinance would potentially be modified based on changing circumstances and in this case is being expanded to allow any qualified, certified engineer to submit reports under the Ordinance. It is for the health, safety, and welfare and in the best interest of its citizens that the City of Marathon, Florida adopts this Ordinance.

### **CONSISTENCY CHECKLIST:**

|                               | <b>Yes</b> | <b>No</b> |
|-------------------------------|------------|-----------|
| 1. Comprehensive Plan         | _____      | ___X___   |
| 2. Other – 2010 Sewer Mandate | _____      | ___X___   |

### **FISCAL NOTE:**

None

### **APPROVED BY FINANCE DIRECTOR:**

NA

### **RECOMMENDATION:**

Approval

Sponsored by: Garrett  
Introduction Date: January 9, 2024  
Public Hearing Dates: January 9, 2024  
February 13, 2024  
Enactment date: 5 days post adoption

**CITY OF MARATHON, FLORIDA  
ORDINANCE 2024-03**

**AN ORDINANCE OF THE CITY OF MARATHON, FLORIDA, AMENDING CHAPTER 6-95, “EXISTING BUILDINGS,” CONCERNING THE CERTIFICATION OF EXISTING BUILDINGS SUBJECT TO THE STANDARDS OF THE CHAPTER AND SECTION; PROVIDING FOR THE REPEAL OF ALL CODE PROVISIONS AND ORDINANCES INCONSISTENT WITH THIS ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES, CITY OF MARATHON, FLORIDA; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, the Existing Building Ordinance was adopted in response to the Surfside building collapse and prior to current State Statutory standards ; and

**WHEREAS**, the Ordinance was predicated upon an existing Ordinance from Miami-Dade and then modified to fit the conditions in existence in the City of Marathon, Florida; and

**WHEREAS**, the City understood that the Ordinance would potentially be modified based on changing circumstances and in this case is being expanded to allow any qualified, certified engineer to submit reports under the Ordinance; and

**WHEREAS**, it is for the health, safety, and welfare and in the best interest of its citizens that the City of Marathon, Florida adopts this Ordinance; and

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

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

**SECTION 2.** Amend the City Code of Ordinances, Chapter 6, Section 6-95 “Existing Buildings” as shown in Exhibit A

**SECTION 3.** The Provisions of the Code of Ordinances, City of Marathon, Florida and all Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

~~Strikethrough~~ = deletion

**bold underline** = addition

**SECTION 4.** The provisions of this Ordinance are declared to be severable, and if any sentence, section, 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 sentences, sections, clauses or phrases of the 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.** This Ordinance shall be effective immediately upon adoption and the limits of the City's appeal period.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS 9<sup>th</sup> DAY OF JANUARY, 2024.**

**THE CITY OF MARATHON, FLORIDA**

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**Roby Still, Mayor**

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

**ATTEST:**

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Diane Clavier, City Clerk

(City Seal)

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

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Steven Williams, City Attorney

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**bold underline** = addition

## Sec 6-95 Existing Buildings

1. 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.
2. 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.
3. Recertification of buildings and components:
  1. 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~~ engineers.
  2.
    1. All multistory 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 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 17 years of age, recertification shall not be required for a minimum of ten (10) years from that time, or age 17, whichever is the longer period of time.
  3. 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 square feet or less.
  4.
    1. The owner of a building or structure subject to recertification shall furnish, or cause to be furnished, within 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.
5. When installed on threshold buildings, structural glazing systems, shall be inspected by the owner at six (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 five (5) years at regular intervals for structurally glazed curtain wall systems installed on threshold buildings.