

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

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, AUTHORIZING THE POTENTIAL SETTLEMENT OF A BUILDING PERMIT (P-21-777) APPEALED BY THE FLORIDA DEPARTMENT OF COMMERCE, FORMERLY KNOWN AS FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY; AUTHORIZING THE CITY MANAGER TO SIGN SETTLEMENT DOCUMENTS ON BEHALF OF THE CITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Marathon approved TBR-22-26, and subsequent permit P-21-777;  
and

**WHEREAS**, the Department of Economic Opportunity appealed the TBR and subsequent permit to the Florida Land and Water Adjudicatory Commission (FLWAC); and

**WHEREAS**, FLWAC referred the cases to the Division of Administrative Hearings; and

**WHEREAS**, the Department's consolidated challenge to TBRs issued by the City of Marathon authorizing the transfers of building rights (Case No. 22-2572DRI through 22-2574DRI and Case No. 22-2578DRI through Case No. 22-2588DRI) were consolidated into one case; and

**WHEREAS**, the City and Department approved settlement of the TBR cases through Resolution 2023-100; and

**WHEREAS**, the parties have reached a conceptual framework to settle this building permit case No. 22-2613DRI which would negate the need for a final hearing. The conceptual framework requires action by the City of Marathon City Council; and

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, that:**


**Section 1.** The above recitals are true and correct and incorporated herein.

**Section 2.** The City Council hereby authorizes the City Manager to enter into a settlement agreement and sign any necessary documents under the advisement of the City Attorney.

**Section 3.** This resolution shall take effect immediately upon its adoption.

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

  
\_\_\_\_\_  
Mayor Robyn Still

AYES: Gonzalez, Matlock, Smith, Landry, Still  
NOES: None  
ABSENT: None  
ABSTAIN: None

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 T. Williams, City Attorney

## 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~~ structural 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.