

CITY OF TAMARAC, FLORIDA

ORDINANCE NO. O-2025-\_\_\_\_\_

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF TAMARAC, FLORIDA, AMENDING CHAPTER 5 "BUILDINGS AND BUILDING REGULATIONS" ARTICLE IV "UNSAFE STRUCTURES" TO CREATE SECTION 5-79 OF THE CODE OF ORDINANCES TO ESTABLISH A MILESTONE INSPECTION PROCESS REQUIRED BY SECTION 553.899, FLORIDA STATUTES; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Florida Legislature found that maintaining the structural integrity of a building throughout its service life is of paramount importance to ensure that buildings are structurally sound and do not pose a threat to public health, safety, or welfare; and

WHEREAS, the Florida Legislature has found that the imposition of a statewide structural inspection program for aging condominium and cooperative buildings in this state is necessary to ensure that such buildings are safe for continued use and now the Florida Legislature requires local governments to establish a milestone inspection process by code for condominiums or cooperative buildings that are subject to the provisions of Section 553.899, Florida Statutes; and

WHEREAS, the City of Tamarac ("City") recognizes that Chapter 553, Florida Statutes, now requires local governments to adopt and enact an ordinance to regulate the inspection process of aging buildings to ensure compliance with the Florida Building Code; and

WHEREAS, the City elects to set forth prescribed timelines and penalties with respect to compliance of mandatory structural inspections of aging condominium and

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cooperative buildings as required by state law; and

WHEREAS, the City has determined that the amendments to the City Code adopted by this Ordinance are in the best interest of and for the health, safety, and welfare of the citizens of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF TAMARAC, FLORIDA, AS FOLLOWS:

SECTION 1. The foregoing recitals are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

SECTION 2. That Chapter 5 “Buildings and Building Regulations”, Article IV “Unsafe Structures” is hereby amended to create Section 5-79 “Mandatory Milestone Inspections of Aging Condominium and Cooperative Buildings” of the City of Tamarac Code of Ordinances to read as follows:

**Sec. 5-79. - Mandatory Milestone Inspections of Aging Condominium and Cooperative Buildings.**

(a) Applicability. The Broward County Board of Rules and Appeals requires structural and electrical safety inspections for buildings twenty-five (25) years old or older and every ten (10) years after the actual year built. This Section applies to condominium and cooperative buildings that are three (3) or more habitable stories in height, consistent with Section 553.899, Florida Statutes. All other building types remain subject to this local program at the twenty-five (25) year threshold, unless exempted herein. Exempt from this program are:

(1) Single-family, two-family, three-family or four family dwellings with three or fewer habitable stories above ground;

(2) U.S. government buildings;

(3) State of Florida owned buildings;

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(4) Schools under the jurisdiction of the Broward County School Board;

(5) Buildings built on Indian reservations;

(6) All buildings under three thousand five hundred (3,500) square feet; and

(7) Townhouses as defined by the Florida Building Code, except that townhouse-like structures that are designated condominium are required to comply with the programs.

(a) *Definitions* The following terms shall be defined as follows:

(1) Building official as defined in Section 468.603 (2), Florida Statutes.

(2) Milestone inspection as defined in Section 553.899 (2)(a), Florida Statutes.

(b) *Inspection, Reporting and Repairs.*

(1) Milestone Inspections shall be in accordance with Section 553.899, Florida Statutes, and Florida Building Code.

(2) Notice from Building Official shall be in accordance with Section 553.899, Florida Statutes.

(3) Milestone Inspection. A milestone inspection consists of two phases and shall be in accordance with Section 553.899, Florida Statutes.

(4) The milestone report shall be in accordance with Section 553.899, Florida Statutes with the following modifications.

a. Shall be submitted digitally via the City of Tamarac online permitting system unless the owner or representative of

condominium or cooperative buildings is unable to submit a digital copy.

b. With the phase one milestone inspection report submission, the responsible engineer or architect who has performed the milestone inspection shall provide the building official with a letter indicating their professional opinion on whether the building or structure may continue to be safely occupied when a phase two milestone report is required. The phase one milestone report must be performed within 180 days after the property owner's receipt of the City's notice of required inspection. If a phase one report inspection indicates substantial structural deterioration, a phase two milestone inspection must be performed.

c. If a phase two milestone inspection report is required, at submission, the responsible engineer or architect who has performed the phase two milestone inspection shall provide the building official with a letter indicating their professional opinion on whether the building or structure may continue to be safely occupied.

(5) Repairs and modifications. The repairs and modifications shall be in accordance with Section 553.899, Florida Statutes and Florida Building Code with the following modifications.

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a. Based on the recommendations in the phase two milestone report, all required repairs must be commenced within 365 days after receipt of such report. The permit application shall include a direct reference to the phase two milestone inspection report.

b. At the time of repairs commencing, the responsible engineer or architect who has filed the building construction documents shall provide the building official with a letter indicating their professional opinion on whether the building or structure may continue to be safely occupied.

c. All required repairs shall be completed and inspected through the City of Tamarac permitting process.

(6) Self-Registration and Reporting.

a. All condominium and cooperative associations with buildings three stories or higher must register via the City of Tamarac online system within 180 days of being notified of their requirement to participate in the mandatory milestone inspection of aging condominium and cooperative buildings process.

b. All new qualifying condominium and cooperative associations with buildings three stories or higher must register via the City of Tamarac online system prior to issuance of certificate of occupancy.

c. On or before December 31, 2025, and annually thereafter, the City of Tamarac, shall provide to the Department of Business and

Professional Regulation, in electronic format, all information required by Section 553.889 (13), Florida Statutes, including the number of buildings subject to milestone inspections, inspection status, permits issued, and unsafe structure determinations.

(7) Fees, extensions, and penalties.

a. Fees for the administration of this section shall be as per the adopted fee schedule.

b. Enforcement for the requirements of this section shall be enforced as follows:

(1) By an action for injunctive relief, civil penalties, or a combination thereof, through a court of competent jurisdiction.

(2) All remedies and penalties provided for in this section shall be cumulative and independently available to the City and the City shall be authorized to pursue any and all remedies set forth in this section to the full extent allowed by law.

(3) A violation of this section shall constitute a separate offense for each day it recurs or continues as penalties under the City Code.

c. Extensions for the requirements of this section shall be in accordance with Section 553.899, Florida Statutes.

d. Failure to comply with the timelines established in this section may result a fine of up to \$1000.00 per violation per day against the property owner

pursuant to the City Code.

SECTION 3. It is the intention of the City Commission that the provisions of this Ordinance shall become and be made part of the City of Tamarac Code of Ordinances, and that the sections of this Ordinance may be renumbered or relettered and that the word "Ordinance" may be changed to "Section," "Article," or such other appropriate word or phrase in order to accomplish such intention.

SECTION 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 5. If any clause, section, or other part or application of this Ordinance is held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part shall be considered as eliminated, and the remainder of this Ordinance shall continue in full force and effect.

SECTION 6. This Ordinance shall take effect immediately upon adoption.

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