

BUILDING SAFETY INSPECTION AND RECERTIFICATION PROGRAM

Draft Criteria and Guidelines

Building Safety Inspection and Recertification Program. The Town of Palm Beach ("Town") has established a building safety inspection and recertification program for buildings and structures that have been in existence for a period of 25 years or longer.

The Town shall establish the guidelines and criteria, which will be the minimum requirements for the Building Safety Inspection and Recertification Program. The Building Official shall enforce the building safety inspection and recertification program.

Existing Threshold Buildings, as defined by Florida Statutes 553.71, are subject of the safety inspections and recertification program.

U. S. Government, State of Florida, Palm Beach County and Town buildings, school buildings under the jurisdiction of the Palm Beach County School Board, and one and two-family dwellings are exempt from this program.

In order to implement the new Building Safety Inspection and Recertification Program in an orderly manner, implementation shall follow this Schedule:

1. 25 year or older Threshold Buildings, of six or more floors – building safety inspections in calendar years 2022 and 2023; and
2. 25 year or older Threshold Buildings, four or five floors – building safety inspections in calendar years 2024 and 2025; and
3. 25 year or older Threshold Buildings, all other buildings – building safety inspections in calendar year 2026.

Subsequent structural/electrical building safety inspections shall be required at ten (10) year intervals regardless of when the inspection report for same is finalized or filed, unless the Building Official requires an earlier inspection based on the conditions outlined in the last recertification report(s). Any buildings or structures not otherwise excluded as set forth herein shall be inspected at the same time as the initial inspection of the building and shall be re-inspected in accordance with the schedule for the building.

The Building Official shall send, via first class mail, Notice of Required Safety Inspections to Building Owners in accordance with the Notice Schedule above. The notice shall include a checklist to be used to perform the safety inspections.

The Town will charge a fee for the administration and enforcement of the building safety inspection and recertification program, as reflected under the Town's Master Fee Schedule.

The Building Owner shall hire a Florida-licensed engineer or architect, qualified to practice in the disciplines detailed on the inspection checklists, to conduct the building safety inspection, who shall prepare a written analysis of the building's structural and electrical components. The written

analysis, which may include pictures and testing results, along with the completed Town inspection checklist, shall be provided to the Building Official within 90 days of the notice. The complete submittal shall be considered the Building Safety Report.

The Building Safety Report shall be reviewed for compliance with the program. Any requested changes to the Building Safety Report shall be made within the time allowed by the code (15 days).

The Building Official shall review the Reports. After the review, if the building is determined to be safe, the property owner(s) shall not be required to have another building safety inspection for ten (10) years. In the event the report proves there are structural or electrical deficiencies, the owner shall have *one hundred-eighty (180) days or as determined by the Building Official* from the date of the Report to obtain the required permit(s) and complete the necessary repairs.

The engineer or architect shall follow the repairs and certify the necessary work was completed correctly to mitigate the deficiency. The engineer or architect shall send a letter to the Town indicating that the repair is complete.

Violations and Penalties of the program (failure to comply or failure to complete repairs) are provided under Chapter 18, section 18-243.

ORDINANCE NO. ____-2021

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 18, BUILDINGS AND BUILDING REGULATIONS, TOWN CODE OF ORDINANCES, BY ADDING ARTICLE VIII, BUILDING SAFETY INSPECTION AND RECERTIFICATION PROGRAM, SECTIONS 18-351 THROUGH 18-357; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Florida Building Code authorizes and obligates each jurisdiction within this state to adopt local administrative provisions for the administration, interpretation and enforcement of the Florida Building Code; and

WHEREAS, Chapter 553, Florida Statutes, was adopted by the Florida Legislature to provide a mechanism for the uniform adoption, updating, amendment, interpretation, and enforcement of a single, unified state building code to be called the Florida Building Code; and

WHEREAS, Chapter 553, Florida Statutes, allows for local technical amendments to the Florida Building Code that provide for more stringent requirements than those specified in the Florida Building Code; and

WHEREAS, the Town Council of the Town of Palm Beach desires to amend the Town's building regulations to establish a Building Safety Inspection and Recertification Program for buildings meeting the definition of a "Threshold Building" set forth in Section 553.71, Florida Statutes, which is "any building which is greater than three stories or 50 feet in height, or which has an assembly occupancy classification as defined in the Florida Building Code which exceeds 5,000 square feet in area and an occupant content of greater than 500 persons," and based on the building age, including building recertification inspection requirements and procedures in order to help ensure the continued safety of such buildings; and

WHEREAS, the Town Council has determined that it is in the public interest to adopt the proposed local technical amendments to the Florida Building Code related to the establishment of a building recertification inspection program; and

WHEREAS, the Town Council desires to amend the Code of Ordinances in order to incorporate the above-described amendments.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:

Section 1. Chapter 18, Buildings and Building Regulations, of the Town Code of Ordinances, is amended by creating Article VIII, Building Safety Inspection

and Recertification Program, and by adding Sections 18-351 through 18-357, as follows:

"Article VIII, Building Safety Inspection and Recertification Program.

Sec. 18-351. - Definitions.

The following words, terms and phrases, when used in this section, shall have the meanings as described to them in this subsection:

"Building Age" shall mean the time period since the issuance of a certificate of occupancy or, where adequate records are not available to determine when a certificate of occupancy was issued, shall be determined by the Building Official based on the best available evidence.

"Building Safety Inspection and Recertification Program" shall mean the program that allows for the inspection and recertification of existing Threshold Buildings, conducted by a Florida-licensed engineer or architect, to confirm in reasonable fashion that the building or structure under consideration is safe for continued use under the present occupancy.

"Owner" shall mean the fee simple title holder of the land on which a building subject to recertification is situated or, in the case of condominium or cooperative type of ownership, shall mean the person or entity responsible for the structure and common systems of a building subject to the Building Safety Inspection Program.

"Threshold Building" shall mean any building which is greater than three stories or 50 feet in height, or which has an assembly occupancy classification as defined in the Florida Building Code which exceeds 5,000 square feet in area and an occupant content of greater than 500 persons. Threshold Buildings are defined in Section 553.71, Florida Statutes.

Sec. 18 - 352. – General.

(a) Any Threshold Building that has a Building Age of twenty-five (25) years or more shall be subject to the Building Safety Inspection and Recertification Program as provided for in this Article. Subsequent Building Safety Inspections shall be required at intervals of ten (10) years from the date the first such Building Safety Inspection was required, unless the Building Official requires an earlier inspection based upon the conditions outlined in the last recertification Report. U.S. Government, State of Florida, Palm Beach County, Palm Beach County School Board, and Town-owned buildings, along with one and two-family dwellings, are exempt from the Building Safety Inspection and Recertification Program.

(b) In addition to the requirements set forth in this section, the Building Official shall issue specific guidelines, criteria and checklists for the Building Safety

Inspection and Recertification Program and the program's applicable inspections and report(s), which shall be mandatory.

(c) Beginning on [Effective Date of this Ordinance], due to the initial backlog of buildings required to be recertified, the Building Official shall establish a completion schedule for the first Building Safety Inspection, which shall be based upon factors that may include, but shall not be limited to, the age, height, location, construction materials, occupancy load, and function of a building. This completion schedule so established shall include a recertification deadline for each building for which recertification is required.

(d) Nothing in this section shall be construed to prevent or limit the Building Official's authority to inspect, order inspections or reports, or abate unsafe conditions at existing buildings outside of the requirements of this section, including but not limited to, the Building Official's authority pursuant to Florida Statutes (including Title XXXII, Chapter 468 and Title XXXIII, Chapter 553), The Florida Building Code, Seventh Edition (2020), as amended from time to time, The Town Amendments to Chapter 1, Scope and Administration of the Florida Building Code, and the Town Code of Ordinances at Chapter 18, Buildings and Building Regulations, and Chapter 88, Property Maintenance Code.

Sec. 18-353. – Inspection Procedure.

(a) The Building Official shall issue a Notice of Required Inspection, via first-class mail, to the owner of each building required to be recertified pursuant to subsection 18-351(a) above, not less than ninety (90) days prior to the scheduled deadline for recertification, as determined by the completion schedule referenced in Section 18-352(c) above. In the event that the Notice of Required Inspection is returned unclaimed, said Notice shall be posted by the Building Official at the building.

(b) The Building Owner of the building or structure subject to inspection and recertification, shall submit, or cause to be submitted, to the Building Official, no later than the recertification deadline, a written recertification inspection Report ("Report"), which shall include:

(1) an analysis prepared by a professional engineer or architect, registered in the State of Florida, certifying and attesting that each such building or structure is structurally and electrically safe, or setting forth any structural and/or electrical deficiencies identified and any repairs or alterations necessary to make the building safe. Such analysis shall bear the name, business address, State of Florida registration number, and impressed seal and signature of the responsible professional engineer or architect, who has performed the inspections, and shall be in conformance with the standards for such report otherwise set forth in this section and any additional requirements established by the Building Official; and

(2) a completed Town checklist of inspection items.

(c) The Report shall note the location address and property control number of the building, describe the type of construction and general characteristics of the building (including but not limited to total floor area, height and number of stories, building footprint and similar characteristics), the existence of drawings and location thereof, history of the building to the extent reasonably known, and describe the type and manner of the inspection, noting the areas of any issues or concern, and shall include recommendations for repairs required to maintain the structural integrity and electrical safety of the building, and the estimated time of completion of said repairs or modifications.

The structural portion of the analysis must take into account two (2), basic structural considerations: movement of structural components with respect to each other, and deterioration of materials. The structural portion of the analysis shall include the manner in which the inspection occurred of the following elements, as applicable: foundation, masonry bearing walls, steel framing system, floor and roof systems, concrete framing systems, windows, wood framing, waterproofing and loading. The structural portion of the analysis shall discuss the use or non-use of the following structural inspection methods: visual examination method; testing method; and manual (forensic inspection) method. For major structure elements such as foundations, masonry bearing walls, steel framing systems, roof systems, and concrete framing systems, manual (forensic inspection) methods such as chipping small areas of concrete and surface finishes for closer examinations shall be required. Other than this specific requirement for use of the manual (forensic) method for the structural elements listed above, the analysis shall discuss the use or non-use, and reasoning, for use or non-use, of standard examination equipment/methods.

The electrical safety analysis shall include an evaluation of the following electrical components/equipment, where present: electrical service, common area branch circuits, conduit raceways, and life safety systems.

(d) The use of the manual (forensic inspection) method for certain elements/components/equipment, as required above, shall be documented by photographic or other similar evidence, which shall be included in the Report. Additionally, the owner shall notify the Building Official as to the time and date that such method shall be used, no later than seven days prior to such time, and the Town may, at its option, have one or more inspectors present to observe the use of said method.

(e) The Town may, at its option, perform inspection(s) to verify whether the engineer or architect have used the methods described above for both structural elements and electrical components/equipment. Town inspections may, at the option of the Town, include one or more Town inspectors being present to observe the inspection of the building/structure prior to submittal of the Report.

Sec. 18-354. - Building Official Review of Recertification Inspection Report.

Once the Report has been submitted to the Building Official, no later than the recertification deadline, the Building Official shall review the Report to determine whether it satisfied the requirements of this Article. If the Building Official determines that the Report does not satisfy the requirements of this Article, the owner shall make any changes to the Report as needed and resubmit it no later than fifteen (15) days after the Building Official's determination. The Report may be resubmitted in this manner up to two times until the Report is determined to have satisfied the requirements of this Article. If the Building Official determines after a second resubmittal that the Report does not satisfy the requirements of this Article, the matter shall be referred to the Building Board of Adjustment and Appeals (per Chapter 18, Section 18-241) for final determination as to whether the Report satisfied the requirements of this section. If the Building Board of Adjustment and Appeals determines the Report does not satisfy the requirements of this Article, this shall be deemed a failure to submit the required recertification inspection Report, and the Building Official may find the Owner in violation of this Article, and subject to the provisions of Section 18-243, Violations and Penalties.

Sec. 18-355. - Timeframe to Make Repairs or Modifications.

In the event that repairs or modifications are found by the engineer(s) or architect(s) retained by the building Owner to be necessary as documented by the Report or Town inspection(s) as described above in Section 18-353(e), the owner shall have a total of one hundred and eighty (180) days from the initial date of the Report in which to correct the structural and/or electrical deficiencies and complete the indicated repairs or modifications which shall be executed in conformance with all applicable sections of the Florida Building Code, and subject to all required permits. Once the repairs or modifications have been completed, the engineer or architect shall reinspect the areas noted on the original report and shall provide the Owner a signed and sealed letter stating that the repairs or modifications have all been completed. The Owner shall submit that letter to the Building Official. With respect to deficiencies that the engineer or architect asserts, if they cannot be corrected within 180 days, the Building Official may approve an extended timeframe for correction based upon detailed information and justification set forth in the Report. The Building Official's determination shall be based on the reasonableness of the requested timeframe for repairs, and the nature, seriousness and any imminent danger posed by the deficiencies requiring correction, as stated in the Report, and upon consideration of the evidence submitted by the Owner. If the Building Official denies a request for a timeframe longer than 180 days, such determination may be appealed to the Building Board of Adjustment and Appeals. Provided, however, if the Building Official determines that structural and/or electrical deficiencies exist that present an immediate danger to human life or safety, the Building Official may find the Owner in violation of this Article, and subject to the provisions of Section 18-243, Violations and Penalties.

regardless of the process or timeframes or the status of an appeal to the Building Board of Adjustment and Appeals, as specified in this section.

Sec. 18-356. – Fees.

The Town shall require the payment of a fee for the administration and enforcement expenses of the Building Safety Inspection and Recertification Program. The fees shall be included in the Master Fee Schedule.

Sec. 18-357. - Failure to Submit a Recertification Inspection Report or Timely Make Repairs/Modifications.

In the event the Building Owner fails to submit the Report by the required deadline, fails to make changes and resubmit the Report within the required timeframes upon a determination that the Report does not satisfy the requirements of this section, or fails to complete (subject to all required permits) any required repairs or modifications within the required timeframes, the Building Official may find the Owner in violation of this Article, and subject to the provisions of Section 18-243, Violations and Penalties.”

Section 2. Severability. If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

Section 3. Repeal of Ordinances in Conflict. All other ordinances of the Town of Palm Beach, Florida, or parts thereof, which conflict with this or any part of this Ordinance are hereby repealed.

Section 4. Codification. This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach, Florida.

Section 5. Effective Date. This Ordinance shall take effect immediately upon its passage and approval, as provided by law.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on First Reading this _____ day of _____, 2021, and for Second and Final Reading on this _____ day of _____, 2021.

Danielle H. Moore, Mayor

Margaret A. Zeidman, Town Council President

Julie Araskog, Town Council Member

Edward Cooney, Town Council Member

ATTEST:

Lewis S.W. Crampton, Town Council Member

Queenester Nieves, CMC, Town Clerk

Bobbie Lindsay, Council President Pro Tem

ORDINANCE NO. ____-2021

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 2, ADMINISTRATION, ARTICLE V, CODE ENFORCEMENT, DIVISION 3, PROCEDURE, SECTION 2-439, CITATION FINE SCHEDULE, BY ADDING CHAPTER 18, BUILDINGS AND BUILDING REGULATIONS, ARTICLE VII, BUILDING SAFETY INSPECTION AND RECERTIFICATION PROGRAM, SECTIONS 18-353 THROUGH 18-357; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:

Section 1. Chapter 2, Administration, Article V, Code Enforcement, Division 3, Procedure, Section 2-439, Citation Fine Schedule, is hereby amended by adding the following to the Chapter 18 list of citations and fines:

<i>Code Section</i>	<i>CHAPTER 18 BUILDINGS AND BUILDING REGULATIONS</i>	<i>Class</i>
	<i><u>Article VII Building Safety Inspection and Recertification Program</u></i>	
<i><u>Sec. 18-353</u></i>	<i><u>Inspection Procedure</u></i>	<i><u>IV</u></i>
<i><u>Sec. 18-354</u></i>	<i><u>Building Official Review of Recertification Report</u></i>	<i><u>IV</u></i>
<i><u>Sec. 18-355</u></i>	<i><u>Timeframe to Make Repairs or Modifications</u></i>	<i><u>IV</u></i>
<i><u>Sec. 18-357</u></i>	<i><u>Failure to Submit a Recertification Inspection Report</u></i>	<i><u>IV</u></i>

Section 2. Severability. If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

Section 3. Repeal of Ordinances in Conflict. All other ordinances of the Town of Palm Beach, Florida, or parts thereof, which conflict with this or any part of this Ordinance are hereby repealed.

Section 4. Codification. This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach, Florida.

Section 5. Effective Date. This Ordinance shall take effect immediately upon its passage and approval, as provided by law.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this _____ of _____, 2021, and for second and final reading on this _____ day of _____, 2021.

Danielle H. Moore, Mayor

Margaret A. Zeidman, Town Council President

Julie Araskog, Town Council Member

Edward Cooney, Town Council Member

ATTEST:

Lewis S.W. Crampton, Town Council Member

Queenester Nieves, CMC, Town Clerk

Bobbie Lindsay, Council President Pro Tem

RESOLUTION NO. ____-2021

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, ADOPTING REVISED FEES RELATED TO THE PLANNING, ZONING & BUILDING DEPARTMENT

WHEREAS, the Town Council has adopted the Town of Palm Beach Master Fee Schedule, and

WHEREAS, Town staff has proposed revisions to several of the Fees contained within the Master Fee Schedule.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL of the Town of Palm Beach, Palm Beach County, Florida, as follows:

Section 1. The Master Fee Schedule is revised with the changes to only pages 1 and 2, found on Exhibit "A" (attached).

Section 2. This Resolution shall become effective immediately.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this _____ day of _____, 2021.

Danielle H. Moore, Mayor

ATTEST:

Queenester Nieves, CMC, Town Clerk

Town of Palm Beach Master Fee Schedule

Exhibit "A"

TABLE OF CONTENTS

<i>FEE TYPE</i>	<i>PAGE</i>
<u>Building Safety Inspection and Recertification Program</u>	<u>1</u>
Business Tax Receipts	1
Data Processing Services (Labels)	5
Development Review Fees (Includes Architectural and Landmark Reviews)	5
Environmental & Sanitation Fees	7
Liens & Open Permit Searches	9
Notarization Services	9
Parking Meter Fees	9
Permits, Construction (Includes Dune Construction)	10
Permits, Parking & Transportation (Includes Parking Placards)	11
Permits, Other	12
Public Safety Services, Alarms (Fire and Burglar)	13
Public Safety Services, Fire-Rescue	14
Public Safety Services, Police	16
Records Request Fees	16
Recreation Fees	17
Returned Check Fees	17
Rights-of-Way Fees	17
Violations, Fines, Penalties, & Late Fees (All)	18

DEPARTMENT CODES & CONTACT INFORMATION

CE - Code Enforcement Department - (561) 227-7080
FIN - Finance Department - (561) 838-5444
FR - Fire-Rescue Department - (561) 838-5420

Town of Palm Beach Master Fee Schedule

PD - Police Department - (561) 838-5454
PW - Public Works Department - (561) 838-5440
PZB - Planning, Zoning, & Building Department - (561) 838-5430
TC - Town Clerk's Office - (561) 838-5416

FEE CATEGORY

DEPT

BUILDING SAFETY INSPECTION AND RECERTIFICATION PROGRAM

<u>Each Review of the Building Recertification Report</u>	<u>\$500.00</u>	<u>PZB</u>
---	-----------------	------------

BUSINESS TAX RECEIPTS

<u>BUSINESS TYPE:</u>		
Abstractors of Title	\$466.00	PZB
Accountant/Auditor/C.P.A., Firm (includes one professional)	\$466.00	PZB
Accountant/Auditor/C.P.A.	\$466.00	PZB
Adult Entertainment	\$1,346.00	PZB
Administrative Office	\$377.75	PZB
Answer Phone (support business services)	\$466.00	PZB
Apartments (see Rental Dwellings)		
Architect	\$466.00	PZB
Art Gallery, up to 400 sq ft	\$197.95	PZB
Art Gallery, 401 - 2,000 sq ft	\$466.00	PZB
Art Gallery, 2,001 - 4,000 sq ft	\$537.50	PZB
Art Gallery, 4,001 - 8,000 sq ft	\$1,075.00	PZB
Art Gallery, over 8,000 sq ft	\$1,616.00	PZB
Artist	\$357.75	PZB