## Chapter 8 BUILDING CODE [[1]](#BK_517B8F01BC57EADF64868DC3B4C1F4DB)

[ARTICLE I. - ADMINISTRATION](../level3/PTIIICOOR_CH8BUCO_ARTIAD.docx)

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FOOTNOTE(S):

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Annotations—AO 4-63A; CAO 76-18. [(Back)](#BK_284CD8435663BF3B16203CEADC977822)

**Editor's note—** Ord. No. 01-112, § 1, adopted July 10, 2001, repealed Ch. 8, §§ 8-1—8-14, in its entirety and added a new Ch. 8, §§ 8-1—8-6, 8-8, 8-10—8-17, 8-40. Former Ch. 8 pertained to similar material and derived from Ord. No. 57-22, §§ 1, 2, adopted Oct. 29, 1957; Ord. No. 58-32, § 2, adopted Feb. 5, 1958; Ord. No. 65-28, §§ 1, 3, adopted April 20, 1965; Ord. No. 66-28, § 2, adopted June 21, 1966; Ord. No. 88-10, § 1, adopted March 1, 1988; Ord. No. 88-12, § 3, adopted March 1, 1988; Ord. No. 91-17, § 2, adopted Feb. 5, 1991; Ord. No. 91-73, § 1, adopted July 9, 1991; Ord. No. 91-74, § 1, adopted July 9, 1991; Ord. No. 91-100, § 1, adopted Sept. 16, 1991; Ord. No. 93-47, § 1, adopted May 18, 1993; Ord. No. 94-36, § 1, adopted March 3, 1994; Ord. No. 94-183, § 10, adopted Sept. 21, 1994; Ord. No. 94-212, § 1, adopted Nov. 15, 1994; Ord. No. 95-174, § 15, adopted Sept. 20, 1995; Ord. No. 95-215, § 1, adopted Dec. 5, 1995; Ord. No. 96-143, § 12, adopted Sept. 18, 1996; Ord. No. 97-49, § 1, adopted May 6, 1997; Ord. No. 97-102, § 1, adopted June 17, 1997; Ord. No. 98-125, § 3, adopted Sept. 3, 1998; Ord. No. 98-165, § 1, adopted Nov. 5, 1998; Ord. No. 99-140, § 1, adopted Oct. 5, 1999; Ord. No. 00-3, § 1, adopted Jan. 13, 2000. [(Back)](#BK_284CD8435663BF3B16203CEADC977822)

**Charter reference—** Authority of County to adopt and enforce uniform building and technical Codes for both incorporated and unincorporated areas of County, § 1.01(A)(13). [(Back)](#BK_284CD8435663BF3B16203CEADC977822)

**Cross reference—** Building and zoning department, § 2-117 et seq.; code enforcement, Ch. 8CC; development within coastal flood hazard districts, Ch. 11C; South Florida Fire Prevention Code, § 14-40 et seq.; historic preservation, Ch. 16A; housing, Ch. 17; standards for vacant housing structures, Ch. 17A; demolition of uninhabitable structures, Ch. 17B; mobile homes, Ch. 19A; subdivisions, subdivision regulations, Ch. 28; zoning, Ch. 33; building, plumbing and electrical permit fees, § 33-285 et seq. [(Back)](#BK_284CD8435663BF3B16203CEADC977822)

**State Law reference—** Building construction standards, F.S. Ch. 553. [(Back)](#BK_284CD8435663BF3B16203CEADC977822)

### ARTICLE I. ADMINISTRATION

[Sec. 8-1. The Building Code.](#BK_526A7CEB44B90920EDA229A6D817A6DC)

[Sec. 8-2. Incorporation of Florida Building Code; Adoption of Optional Provisions.](#BK_1FE9649247ED4DD4BC253B90B2AEB1F2)

[Sec. 8-3. Definitions.](#BK_DAFF6DAF9ED7DDF1B63D74E25D6F937C)

[Sec. 8-4. Board of Rules and Appeals.](#BK_0DCF3D3A3DF620AF05ED839D72EBCEFB)

[Sec. 8-5. Unsafe Structures.](#BK_798FC184E210227734AFEE0EC17CFA0F)

[Sec. 8-6. Expedited permit program for green buildings.](#BK_AD532D8670239295B269562BD3A0310A)

[Sec. 8-7. Permit processing for government facilities.](#BK_2CACA2017A4E166B60EA7ECC508E1259)

[Sec. 8-8. Building Code Administration.](#BK_9D9DFAFDA2BD4F295A729F1CDC144C5A)

[Sec. 8-8.1. Expedited permit program for workforce housing units.](#BK_59A163226040EF6BBB9A97FB5D11E2D5)

[Sec. 8-9. Reserved.](#BK_2978D248DADE08A08E86FC9C9A2D2A85)

[Sec. 8-10. Permits.](#BK_79148C70C55E0BBE849F1C00349AB7A1)

[Sec. 8-11. Existing buildings.](#BK_03C3018E4685E3D1DCFF307B22AACD09)

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[Sec. 8-13. Revocation, suspension and reinstatement of permits.](#BK_2D39F53B5BE073F01062BCE6117C7B73)

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[Sec. 8-15. Material Violations of the Florida Building Code; Definition; Fines and Penalties.](#BK_739EB3B02C275D507066638224838A66)

[Sec. 8-16. Special Hurricane Inspections.](#BK_1B00FC341983008A3628210B7053B76E)

[Sec. 8-17. Violations and Penalties.](#BK_449FA350637164786F629B8494396A83)

[Sec. 8-18. Required disclosure.](#BK_E93D8DC57D90195886367F5B52847062)

[Secs. 8-19—8-20. Reserved.](#BK_48571EC755E76A2690C0F1A75A1BDA05)

Sec. 8-1. The Building Code.

The Florida Building Code, as complemented and supplemented by the Administration (Article I) and Enforcement (Article II) provisions of this Chapter, as amended through local technical amendments (Article III), if any, together with the product approval sections (Article IV of this Chapter) as amended from time to time, is the building code for both the incorporated and unincorporated areas of the County and is hereby adopted as a uniform building code for Miami-Dade County.

(Ord. No. 01-112, § 1, 7-10-01)

Sec. 8-2. Incorporation of Florida Building Code; Adoption of Optional Provisions.

The provisions of the Florida Building Code as applicable to High Velocity Hurricane Zones are hereby incorporated by reference. The Florida Building Code will not be repeated or restated in this Chapter except where necessary to provide clarity. The following provisions of the Florida Building Code are hereby adopted and made applicable to Miami-Dade County:

(a) The High Velocity Hurricane Zone roofing requirements with accompanying Roofing Application Standards (RAS) (Florida Building Code Sec. 1512.2).

Exception: The prescriptive BUR requirements in RAS 150 shall not be implemented in Miami-Dade County (Florida Building Code RAS 150).

(b) Appendix A—Weight of building materials.

(c) Appendix B—Chapter 9B-52, Florida Standard for Passive Radon-Resistant New Residential Building Construction.

(d) Appendix C—Chapter 9B-53, Standard for Mitigation of Radon in Existing Buildings.

(e) Appendix D—The Secretary of the Interior's Standard for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.

(f) Appendix E—Chapter 9B-67, Florida Standard for Radon-Resistant New Commercial Building Construction.

(g) Appendix F—Florida Standard for Radon-Resistant New Residential Building Construction.

(h) Appendix G—Florida Standard for Radon-Resistant New Commercial Building Construction.

(i) Appendix H—Florida Standard for Mitigation of Radon in Existing Buildings.

(Ord. No. 01-112, § 1, 7-10-01)

Sec. 8-3. Definitions.

Unless specifically defined elsewhere in this chapter, the definitions provided in this Section shall apply.

(a) *Appointing Authority* shall mean any and all municipal governments within geographic Miami-Dade County, and with respect to unincorporated Miami-Dade County, the Board of County Commissioners of Miami-Dade County, acting through its appointed officers.

(b) *Authority having jurisdiction* as used in the Florida Building Code, shall mean Miami-Dade County, Florida, through its Board of County Commissioners.

(c) *Building Code* the Florida Building Code as complemented and supplemented by the provisions of this Chapter.

(d) *Florida Building Code* the unified building code for the State of Florida, adopted by the Florida Building Commission pursuant to Fla. Stat. Section 553.73 et. seq., as the same may be amended from time to time.

(e) *Field experience* is the experience gained at actual construction sites where the full spectrum of practical situations and problems arising in the trade are found; drafting, estimating, designing, other office work or maintenance or service installations do not satisfy the requirement.

(Ord. No. 01-112, § 1, 7-10-01)

Sec. 8-4. Board of Rules and Appeals.

(a) *General.* The Board of Rules and Appeals is created as the construction regulation board entrusted with overseeing the uniform enforcement of the Building Code and maintaining the proper standard of construction throughout Miami-Dade County. The Board shall have exclusive jurisdiction in both the incorporated and unincorporated areas of Miami-Dade County with respect to its powers, duties and functions.

(b) *Membership.* Membership of the Board shall be as follows:

(1) The Board shall contain 19 members, representing the following disciplines: 2 architects, 2 general contractors, each of whom shall be experienced in residential and commercial construction respectively, 1 roofing contractor, 1 structural engineer, 1 mechanical engineer, 1 electrical engineer, 1 mechanical master or mechanical contractor, 2 representatives of the fire services, 1 electrical master or electrical contractor, 1 plumbing master or plumbing contractor, and 6 non-professional persons. Non-professional persons shall include one representative of the disabled community, one representative of the South Florida Building Trades Council, two persons nominated by the Miami-Dade County League of Cities, Inc., one developer and one representative of a homeowner association. The representative of the homeowner association shall be qualified by training or experience to pass on matters pertaining to construction and shall not be related directly or indirectly to the construction industry. With the exception of the representatives of the fire services and the elected officials of a municipality nominated by the Miami-Dade County League of Cities, Inc., no member of the Board shall be an officer, agent or employee of the County or any municipality governed by this Code. All members of the Board except the nominee of the Miami-Dade County League of Cities, Inc., shall have been active in their respective profession, trade, or occupation for not less than 10 years.

(2) All members shall be residents of, and have their principal business within Miami-Dade County. The membership of the Board should be representative of the community at large and should reflect the racial, gender, and ethnic make-up of the community.

(3) The members who are architects or engineers shall be qualified by being currently registered in the State of Florida and having practiced as architects or engineers within Miami-Dade County for not less than 10 years immediately preceding their appointment.

(4) The members who are general contractors shall be qualified by having a current certificate and having been certified by the State of Florida or by Miami-Dade County as general contractors for not less than 10 years immediately preceding their appointment. The member who is a roofing contractor shall be qualified by having a current certificate and having been certified by the State of Florida or by Miami-Dade County as a roofing contractor for not less than 10 years immediately preceding his or her appointment.

(5) The members who represent the Fire Service shall be State of Florida currently certified Fire Fighters and shall be qualified by knowledge and expertise in the area of life-safety including but not limited to the rules and regulations of the State Fire Marshall, NFPA 101, the means of egress requirements of the Florida Building Code, and other fire safety codes.

(6) The member nominated by the Miami-Dade County League of Cities, Inc. shall be an elected official of a municipality organized and existing under the laws of the State of Florida.

(7) The members who are masters shall be qualified by being active in their trade for a period not less than 10 years and having a current certificate as master or contractor issued by Miami-Dade County or by the Florida Construction Industry Licensing Board.

(c) *Appointment.*

(1) The members of the Board of Rules and Appeals shall be nominated and appointed by the Board of County Commissioners, each to select one (1) member to occupy positions in the Board, with the remaining six (6) members to be nominated and appointed by the Board of County Commissioners as a whole. The Board of County Commissioners may also remove members of the Board.

(2) Board members shall be appointed for a term of 3 years except that to fill a vacancy or to provide continuity of the Board in general, such appointments may be for a term of less than 3 years. No Board member shall serve for more than three full consecutive three-year terms. The Chairman of the Board of Rules and Appeals shall not serve for more than three one-year terms.

(3) A vacancy in the membership of the Board, occurring during a term, shall be filled by appointment of an individual representing the same trade, profession or occupation as the vacating member, who shall also meet the requirements for appointment to the position. Such interim appointment shall be for the remainder of the term.

(4) Members shall serve without compensation but shall be entitled to reimbursement for necessary expenses in the performance of their official duties upon approval of the Board of County Commissioners.

(d) *Powers and Duties of the Board.*

(1) The Board of Rules and Appeals shall be the board of appeals for decisions of building officials throughout the incorporated and unincorporated areas of Miami-Dade County. The Board shall hear all appeals from the decisions of the Building Official wherein such decision is on matters regulated by the Building Code from any person aggrieved thereby. Application for appeal shall be in writing and addressed to the Secretary of the Board. The Board shall have the power to affirm, modify or reverse the decision of the Building Official wherein such decision is on matters regulated by the Building Official.

(2) The Board shall pass on all matters pertaining to the Building Code and referred to the Board by the Secretary to the Board or any Building Official for interpretation or clarification. The Board of Rules and Appeals may interpret the provisions of the Building Code to cover a special case if it appears that the provisions do not definitely cover the point raised, or that the intent of the provision is not clear, or that ambiguity exists in the wording; but it shall have no authority to grant variances where the Building Code is clear and specific.

(3) The Board of Rules and Appeals, upon direction of the Board of County Commissioners, or upon its own initiative, shall conduct investigation into the enforcement of the Building Code, and shall have the power to suspend or revoke any permits issued thereunder and reinstate and/or administratively close suspended permits after a hearing at which interested persons may appear and be heard and evidence indicates that the best interests of the public are served by such action.

(4) The Board of Rules and Appeals shall be the local construction regulation board authorized and entitled to deny, suspend, revoke or condition the authority of contractors certified or registered to obtain permits throughout the incorporated and unincorporated area of Miami-Dade County, all in accordance with the provisions of Section 489.113(4)(b) of the Florida Statutes. The Chairman of the Board shall appoint a panel of at least three (3) Board members to serve as a probable cause panel in connection with those proceedings. The probable cause panel shall conduct a hearing pursuant to notice for the purpose of determining whether the report or complaint of the Secretary to the Board establishes that probable cause exists to support the requisite elements for suspension or revocation of permitting privileges as set forth in this section. If the probable cause panel finds no such cause, the case shall be dismissed without further action of the Board. If the probable cause panel finds cause, it shall instruct the secretary to notify the contractor to appear before the Board not sooner than twenty (20) days from the date of service of the letter to show cause why their permitting privileges should not be suspended or revoked.

(5) The Board of Rules and Appeals may recommend to the elected officials any desired amendments or revisions to the Building Code.

(6) The Board shall have the duty to accept, review and approve or disapprove applications for certification and recertification as a condition of employment or continued employment by any inspection authority regulated by this Code in accordance with Article II of this Chapter. The Board shall also have the authority to suspend or revoke the certification of enforcement personnel for failure to meet the minimum qualifications set forth in Article II below.

(7) When it is deemed necessary by the Board, it may request experienced and technical advice on any specific subject or subjects from any qualified person or persons, and such request may be for personal appearance at a specific Board meeting or for written analysis of the specific problem. The Board may establish panels of industry, either standing or temporary, for technical analysis of specific subjects.

(8) The Board shall, upon application from any person aggrieved hereby, hear appeals of the decisions of its Product Review Committee. The Board shall have the power to affirm those decisions and by two third's (2/3) vote of the Board's members to modify or reverse the decisions of its Product Review Committee.

(9) The Board shall be the countywide review board established in the Florida Building Code to review amendments to the Florida Building Code for a determination of such amendment's compliance with the provisions of law. The Board shall, upon petition by any substantially affected party, conduct a hearing to determine whether the amendment complies with the provisions of the Florida Building Code.

(10) The Board of Rules and Appeals shall review, approve, reject or condition the use of construction products, materials, and assemblies as permitted by law, all in accordance with the administrative order governing product approval to be approved by this Board. The Board of Rules and Appeals may delegate, by rule, its product approval function to a committee of the Board, to be established in accordance with this Section. The Committee shall consist of not fewer than seven (7) members of the Board, one of whom shall be a non-professional person. A minimum of five (5) members of the Committee, including the non-professional person, shall constitute a quorum for product approval decisions if so authorized by the Board.

(11) From the effective date of this Code, the authority of the Board of Rules and Appeals is retained by the Board of County Commissioners. By exception, the authority conferred upon the Board of Rules and Appeals by [Section 8-4](../level3/PTIIICOOR_CH8BUCO_ARTIAD.docx#PTIIICOOR_CH8BUCO_ARTIAD_S8-4BORUAP)(d)(9) relating to challenges of amendments effected by the Board of County Commissioners, shall be exercised solely by the Board of Rules and Appeals.

(e) *Conduct of Board Meetings and Hearings.*

(1) Meetings of the Board of Rules and Appeals shall be held at the call of the Chairperson and not less frequently than once per quarter. Notice of hearing shall be provided to parties with an interest in the matter at issue.

(2) The Board shall elect a chairperson and vice chairperson and such other officers as may be necessary from among its members. Terms of officers so elected by the Board shall be for one (1) year. A detailed record of all proceedings shall be kept on file in the office of the Secretary to the Board.

(3) The Board may establish rules and regulations for its own procedure. For the conduct of its meetings the Board shall use Robert's Rules of Order or Mason's Rules of Order.

(4) All hearings shall be open to the public, and any given person whose interest may be affected by the matter on appeal shall be given an opportunity to be heard.

(5) The hearing shall be informal and need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rules that might make improper the admission of such evidence over objection in civil actions.

(6) Witnesses may be sworn and subpoenaed by the Board in a like manner as they are by the court or courts in Miami-Dade County.

(7) Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions.

(8) The rules of privilege shall be effective to the same extent that they are now, or hereafter, may be, recognized in civil actions. Irrelevant and unduly repetitious evidence shall be excluded.

(9) A simple majority of the appointed members of the Board shall constitute a quorum. Decisions of the board shall be made by the vote of a majority of members present who constitute a quorum. The Board shall reach decisions without unreasonable or unnecessary delay, but in no event shall a decision be made later than 120 days following the initial hearing on the matter unless a report indicating the reason for an additional delay is provided to the Board of County Commissioners.

(10) Written notice of Board decisions shall be signed by the Secretary and shall be filed with the Secretary and furnished to the appellant within ten days of the Board's action and to other persons appearing before the Board upon request.

(11) All affected parties shall take immediate action in accordance with decisions of the Board.

(f) *Duties of Legal Counsel.* It shall be the duty of the attorney for the Authority having jurisdiction, when so requested, to appear at all hearings before the Board of Rules and Appeals and to represent and advise the Board.

(g) *Review of Board Decisions.* Appeals of decisions of the Board within the review jurisdiction of the Florida Building Commission shall be to the Florida Building Commission in the manner prescribed by law. Review of other decisions of the Board shall be to the Circuit Court of the Eleventh Judicial Circuit in and for Miami-Dade County, Florida, as provided in the Florida Rules of Appellate Procedure for judicial review of administrative action.

(Ord. No. 01-112, § 1, 7-10-01; Ord. No. 01-176, § 1, 10-23-01; Ord. No. 05-120, § 1, 6-7-05; Ord. No. 06-19, § 1, 2-7-06; Ord. No. 07-147, § 1, 10-2-07)

Sec. 8-5. Unsafe Structures.

(a) *General.*

(1) The Unsafe Structures Board and Unsafe Structures Appeal Panels are created to exercise in Miami-Dade County and within those municipalities as provided for hereafter the powers and duties granted by this Section. The Board shall have jurisdiction in both the incorporated and unincorporated areas of Miami-Dade County with respect to its powers, duties and functions. The Appeal Panels shall have jurisdiction in the unincorporated areas of Miami-Dade County and within the municipalities as provided for hereafter with respect to their powers, duties and functions. The Board shall be entrusted with hearing appeals of decisions of Building Officials declaring any structures located on properties within the municipalities and those structures located on properties in the unincorporated area of the County which are not within the jurisdiction of the Unsafe Structures Appeal Panels as described below to be unsafe where there is a danger to the health and safety of the citizens, all in the manner prescribed in this Section. Unsafe Structures Appeal Panels shall hear appeals of decisions of the Miami-Dade County Building Official declaring single-family and duplex residences and their accessory structures on the same property as the principal building and accessory structures on vacant land to be unsafe where there is a danger to the health and safety of the citizens, all in the manner prescribed in this Section. Unsafe Structures Appeal Panels may hear appeals of decisions of Building Officials of the municipalities in this County declaring single-family and duplex residences and their accessory structures on the same property as the principal building and accessory structures on vacant land to be unsafe where there is a danger to the health and safety of the citizens, all in the manner prescribed in this Section, when the municipality elects to have such appeals heard by the Appeal Panels rather than the Board. Notwithstanding the provisions of this Section, a municipality may establish by ordinance its own administrative process to address unsafe structures within municipal boundaries, including a process for appeal of decisions of the Building Official that structures are unsafe. Following adoption of such ordinance, the municipality shall be solely responsible for the conduct of its own process and appeals, and for the enforcement of the laws governing unsafe structures within its jurisdiction. A municipality adopting such ordinance shall also be authorized to establish its own standards for declaring a structure to be unsafe, and for the repair or demolition of an unsafe structure, all consistent with the provisions of the Florida Building Code. If such structure has been designated historic and is under the County's historic preservation jurisdiction, demolition procedures shall still abide by the process as set out in the Miami-Dade County's historic preservation ordinance as found in Chapter 15A.

(2) Buildings or structures that are, or hereafter shall become, unsafe, unsanitary or deficient, facilities with inadequate means of egress, or which constitute a fire or windstorm hazard, or are otherwise dangerous to human life or public welfare by reason of illegal or improper use, occupancy or maintenance, or which have been substantially damaged by the elements, acts of God, fire, explosion or otherwise, shall be deemed unsafe structures and a permit shall be obtained to demolish the structure or where specifically allowed by this section, to bring the building into compliance with the applicable codes as provided herein.

(3) Incomplete buildings commenced without a permit or for which the permit has expired, or completed buildings commenced without a permit or for which the permit has expired, prior to completion and no Certificate of Occupancy has been issued, shall be presumed and deemed unsafe and a permit shall be obtained to demolish the structure or bring the building into compliance with the applicable codes as provided herein.

(4) Buildings which meet the physical criteria of unsafe structures set forth in this section, and are ordered to be repaired by the Building Official, an Unsafe Structures Appeal Panel or the Unsafe Structures Board, in the manner more particularly set forth below, which are not completed or repaired and brought into full compliance with the Building Code within the reasonable time allowed by the Building Official or the Unsafe Structures Board, will be demolished.

(5) Swimming pools that contain stagnant water are deemed unsanitary and dangerous to human life and public welfare. If the stagnant water is not removed and all repairs made and brought into full compliance with the Building Code within the reasonable time allowed by the Building Official, then these swimming pools will be demolished.

(6) Buildings or structures subject to the recertification requirements in [Section 8-11](../level3/PTIIICOOR_CH8BUCO_ARTIAD.docx#PTIIICOOR_CH8BUCO_ARTIAD_S8-11EXBU)(f) of this Code which the owner fails to timely respond to the Notice of Required Inspection or fails to make all required repairs or modifications found to be necessary resulting from the recertification inspection by the deadline specified in the Code or any written extension granted by the Building Official will be demolished.

(b) *Physical criteria.*

(1) A building shall be deemed a fire hazard and/or unsafe when:

(i) It is vacant, unguarded and open at doors or windows.

(ii) There is an accumulation of debris or other material therein representing a hazard of combustion.

(iii) The building condition creates hazards with respect to means of egress and fire protection as provided herein for the particular Occupancy.

(2) A building, or part thereof, shall be presumed to be unsafe if:

(i) There is a falling away, hanging loose or loosening of any siding, block, brick, or other building material.

(ii) There is a deterioration of the structure or structural parts.

(iii) The building is partially destroyed.

(iv) There is an unusual sagging or leaning out of plumb of the building or any parts of the building and such effect is caused by deterioration or over-stressing.

(v) The electrical or mechanical installations or systems create a hazardous condition contrary to the standards of the Building Code.

(vi) An unsanitary condition exists by reason of inadequate or malfunctioning sanitary facilities or waste disposal systems.

(vii) By reasons of use or occupancy the area, height, type of construction, fire-resistivity, means of egress, electrical equipment, plumbing, air conditioning or other features regulated by this Code do not comply with this Code for the use and group of occupancy.

(3) A building, or part thereof, shall be presumed to be unsafe if:

(i) The construction, installation of electrical, plumbing or other equipment therein or thereon, or the partial construction or installation of electrical, plumbing or other equipment has been commenced or completed without a permit therefor having been obtained or where the permit has expired prior to completion and the issuance of a Certificate of Occupancy or Certificate of Completion.

(ii) The construction, installation of electrical, plumbing or other equipment therein or thereon, or the partial construction or installation of electrical, plumbing or other equipment has not been completed.

(iii) The building or structure is vacant and abandoned, and covered at doors or windows with materials not previously approved by the Building Official, or for a period exceeding the maximum limitations set forth in this Section.

(iv) By reason of illegal or improper use, occupancy or maintenance does not comply with the Building Code, or the code in effect at the time of construction.

(v) The building or part thereof meets the physical criteria of an unsafe structure set forth above and has not been repaired and brought into compliance with the Building Code following the expiration of the reasonable periods allowed by the Building Official, an Unsafe Structures Appeal Panel or the Unsafe Structures Board for such repairs.

(c) *Grow houses.*

(1) A building or structure that has been identified by any law enforcement officer as being used to grow or manufacture controlled substances as defined by Chapter 893 of the Florida Statutes or any drugs, as defined in Chapter 499 of the Florida Statutes (a "Grow House") shall be presumed to be unsafe if any one of the following criteria has been satisfied:

(i) There is an open and obvious modification or addition to any of the structure's electrical wiring or electrical components, or there exists any exposed wires or exposed electrical components; or

(ii) There is an open and obvious modification or addition to any of the structure's plumbing, and/or any discharge of water or other effluent that is not into an ordinarily available drain; or

(iii) The structure's interior walls have been destroyed, moved, or modified in any way. This may be evidenced by marks on the ceiling and/or floor that are indicative of a wall having been moved or removed, holes or passages in a wall that are not ordinary, and may be unfinished in appearance. This list shall not be considered exhaustive such that any other evidence of walls being destroyed, moved or modified shall be proper; or

(iv) Any exterior window has been modified or covered in such a way, so as to inhibit or reduce egress or which inhibits or prevents normal use for ventilation purposes; this shall not include curtains and other ordinary window coverings; or

(v) Any of the structure's exterior or interior doors have been modified or covered in such a way to prevent or inhibit ingress or egress.

Upon observation of any one of the above criteria, any law enforcement personnel shall be authorized to post and shall post a notice in a conspicuous location on the building or structure that has been determined to be unsafe. The posted notice shall read substantially as follows:

UNSAFE BUILDING. This building or structure is, in the opinion of the Miami-Dade Police Department, unsafe. THIS BUILDING SHALL BE VACATED—SHALL NOT BE OCCUPIED. The owner should contact the Miami-Dade County Building Department immediately. THIS NOTICE SHALL NOT BE REMOVED EXCEPT BY THE BUILDING OFFICIAL. DATE (insert date posted).

(2) Entry to any structure posted with such a notice shall be prohibited except by an Order issued by a Court of competent jurisdiction, until such time as all necessary inspections listed in (6)(i) have been completed.

(3) Within twenty-four (24) hours of the notice being posted by a law enforcement official, the Miami-Dade County Police Department shall notify the Building Department of any such notice and violations. Upon receiving such notification from the Miami-Dade County Police Department the Building Department shall immediately send a Notice of Violation in accordance with the provisions of this section within [sic]. This notice shall also state that Building Official will conduct an inspection of the structure and issue a Notice of Violation within five (5) business days of being notified of any such violations by the Miami-Dade County Police Department.

(4) All structures that meet any of the criteria from Section (c)(1) and have been posted with the requisite notice, must be approved by the Building Department based upon all of the following inspections before the structure can be deemed safe for use:

(i) An electrical inspection;

(ii) A plumbing inspection;

(iii) An inspection by a certified mold inspector: and

(iv) An inspection by a structural engineer.

Upon completion of the inspections described herein, an inspection report shall be filed with the Building Department for approval. The Director shall proscribe the forms to be used for the inspections described herein and shall be authorized to charge a fee for the review of the inspection reports. Each inspection report shall certify that there is currently no unsafe or hazardous conditions currently existing in the structure, all building code violations corrected and the structure is safe for occupancy. No building deemed unsafe pursuant to this section shall be occupied until the results from the required inspections have been reviewed, and all permits have been obtained to bring the structure back into compliance with the Building Code. Nothing herein shall relieve the owner from the requirement to obtain permits for any repairs required to meet the requirements of this section.

(d) *Valuation criteria.*

(1) If the cost of completion, alteration, repair and/or replacement of an unsafe building or structure or part thereof exceeds 50 percent of its value, such building shall be demolished and removed from the premises. If the cost of completion, alteration, repair and/or replacement of an unsafe building or structure or part thereof does not exceed 50 percent of its value, such building or structure may be repaired and made safe, as provided herein.

(2) For purposes of application of this formula, value shall be the estimated cost to replace the building in kind, excluding depreciation. The estimate shall be derived from multiplying the value of the square foot of construction used by the building department of the appointing authority to calculate the applicable permit fee. That estimate shall be broken down on a percentage basis into an estimate of the following critical elements of construction, as applicable: structural, roofing, other building, electrical, plumbing and mechanical ("Valuation of Construction Components"). The cost of completion, alteration, repair or replacement shall be estimated by application of the percentage of deterioration found on site for each of the critical elements of construction to the Valuation of Construction Components for the structure, to arrive at an overall estimated cost to repair the affected structure. The appointing authority shall by administrative order provide a form for the application of the formula set forth above for the various types of construction.

(3) If a building or structure may be repaired and made safe pursuant to the valuation criteria set forth above, and the building or structure is otherwise unsafe in accordance with the physical criteria set forth in this section, the Building Official may order such building or structure to be temporarily secured in the manner and subject to the limitations set forth in this Section. Such building must be completed and brought into full compliance with the Florida Building Code within such time as the Building Official, Unsafe Structures Appeal Panel or the Unsafe Structures Board may determine to be reasonable for such completion. If the building or structure is not temporarily secured, completed and brought into full compliance with the Florida Building Code within the reasonable periods allowed, such building or structure shall be demolished and removed from the premises.

(e) *Inspection of unsafe buildings and structures.* The Building Official, on his own initiative or as a result of reports by others, shall examine or cause to be examined every building or structure appearing or reported to be unsafe, and if such is found to be an unsafe building or structure as defined in this section, the Building Official shall proceed in the manner set forth in this Section.

(f) *Emergency action.* When in the opinion of the Building Official, there is actual or immediate danger of the failure or collapse of a building or structure, or there is a health, windstorm or fire hazard, he may order the occupants to vacate, temporarily close for use or occupancy the rights-of-way thereto, sidewalks, streets or adjacent buildings or nearby area and institute such other temporary safeguards, including securing the building or structure, as he may deem necessary under the circumstances, and may employ the necessary labor and materials to perform the required work as expeditiously as possible. In such event, the operation of the notice and hearing requirements of this Section shall be suspended as reasonably necessary in the opinion of the Building Official to redress the emergency situation. Costs incurred in the performance of such emergency work shall be paid by the appropriate governmental authority and upon the recording in the public records of this county a certificate executed by the Building Official, certifying the amount so expended, the same shall become a lien against the property involved.

(g) *Unsafe structures meeting valuation criteria for immediate demolition.*

(1) The provisions of this Subsection (f) shall apply to structures meeting the valuation criteria for demolition set forth above.

(2) The Building Official shall prepare a notice of violation. The notice shall state in summary form the nature of the defects which constitute a violation of this Section and shall order the structure to be demolished within such time as is reasonable, subject to extension when requested in writing within the reasonable discretion of the Building Official. The notice shall state that the specific details concerning the violations can be obtained in writing from the Building Official upon request. In addition, the notice will explain the right of appeal of the decision of the Building Official to the Unsafe Structures Board or an Unsafe Structures Appeal Panel, and advise that unless the decision is appealed, the building or structure shall be demolished without further notice.

(3) The notice of violation shall be affixed to the structure concerned. The Building Official shall also affix to the structure notice of the hearing of the Unsafe Structures Board or Unsafe Structures Appeal Panel scheduled to consider any appeal of the decision of the Building Official in connection with the structure. The notice of hearing shall be issued by the Secretary of the Unsafe Structures Board where applicable and the Director of the Building Department or his designee for appeals to an Unsafe Structures Appeal Panel advising persons to appear before the board or panel to show cause why the decision of the Building Official should not be carried out. The hearing shall not be scheduled earlier than thirty days following the date of posting of the notice of hearing and notice of violation.

(4) The Building Official shall post a notice bearing his or her facsimile signature in a conspicuous location on the building or structure that has been determined to be unsafe. The posted notice shall read substantially as follows: "UNSAFE BUILDING". This building or structure is, in the opinion of the Building Official, unsafe. "THIS BUILDING SHALL BE VACATED—SHALL NOT BE OCCUPIED." Action shall be taken by the owner as prescribed by written notice. "THIS NOTICE SHALL NOT BE REMOVED EXCEPT BY THE BUILDING OFFICIAL. DATE…."

(5) Within ten (10) working days of posting the notice of violation and notice of hearing, the Building Official shall send written notice of violation and notice of hearing to the owner and any interested party. For these purposes, the owner shall be the taxpayer as reflected in the most recently certified real property ad valorem tax roll of Miami-Dade County; provided however, where the records of the Dade County Property Appraiser indicate that ownership has changed, the owner shall be the taxpayer as reflected in those records. An interested party shall be the owner and any other person or entity who has previously requested real property ad valorem tax notices with respect to the subject property in accordance with Section 197.344 of the Florida Statutes, as the same may be renumbered or amended from time to time. The notice of violation and notice of hearing shall be sent by certified or first class mail to all such parties' last known addresses as reflected in the records of the Miami-Dade County Property Appraiser. Failure to receive such notice, or the lack of a signed return receipt shall not invalidate the notice.

(6) Upon expiration of the period of appeal provided in the Notice of Violation, the Building Official may file an appropriate instrument in the Office of the Clerk of the Circuit Court to be recorded in the public records of this County, indicating that the property is in violation of the Building Code. The recording of the notice shall constitute constructive notice of the violation to all concerned, subsequent purchasers, transferees, mortgagees, lessees, grantees and all persons claiming or acquiring interest in the property. In the event that the violation is corrected, the Building Official shall file proof of the same upon payment for fees incurred.

(7) The Building Official shall publish a notice in a newspaper of general circulation once a week for two (2) consecutive weeks. The published notice shall contain the address of the subject property and the names of the owner and any interested party, and state that the subject property has been found to be in violation of the Building Code and subject to demolition. The published notice shall also state the time and place of the hearing scheduled before the Unsafe Structures Board or Unsafe Structures Appeal Panel.

(8) The notices provided in this Section are intended to serve as full and effective notice of the hearing and the violations related to the structure. Failure of one form of notice shall not invalidate or impair the full effectiveness of notice provided by other means pursuant to this Section.

(h) *Unsafe Structures not meeting the valuation criteria for immediate demolition.*

(1) If a building or structure may be repaired and made safe pursuant to the valuation criteria set forth above, and the building or structure is otherwise unsafe in accordance with the physical criteria set forth in this section, the Building Official may order such building or structure to be temporarily secured in the manner and subject to the limitations set forth in this Section. Such building must be completed and brought into full compliance with the Building Code within such time as the Building Official, an Unsafe Structures Appeal Panel or the Unsafe Structures Board may determine to be reasonable for such completion. If the building or structure is not temporarily secured, or once served, not completed and brought into compliance with the Building Code within the reasonable periods allowed, such building or structure shall be demolished and removed from the premises.

(2) The Building Official shall prepare a notice of violation. This written notice shall state in summary form the nature of defects which constitute a violation of this section and shall prescribe the action to be taken to comply and the time within which compliance must be accomplished, such time not to exceed ten (10) days to secure an open structure to the reasonable satisfaction of the Building Official ninety (90) days to obtain permits to repair the structure and one hundred and twenty (120) days bring it into compliance with the Building Code. This notice shall also state that the specific details concerning the violations can be obtained in writing from the Building Official on request. In addition, this notice will explain the right of appeal of the decision of the Building Official to the Unsafe Structures Board or an Unsafe Structures Appeal Panel, and also advise that unless there is compliance with the directions of the Building Official a case will be commenced before the Unsafe Structures Board or an Unsafe Structures Appeal Panel after time for compliance has expired, or that the Building Official's order will be enforced.

(3) The notice of violation shall be affixed to the structure concerned.

(4) Within ten (10) working days of posting the notice of violation, the Building Official shall send the written notice of violation to the owner and any interested party, in the same manner provided in Subsection (f)(5) above.

(5) In the event that the building or structure is not secured or brought into compliance with the requirements of the Building Code within the periods specified in the notice of violation, and no application for extension is made in the manner set forth in this Section, the Building Official may schedule the case for hearing before the Unsafe Structures Board or an Unsafe Structures Appeal Panel to secure an order for demolition of the building or structure or to obtain any other appropriate remedy.

(6) In the event that the Building Official requests that the Secretary to the Board or Director of the Building Department or his designee schedule a hearing, or in the event that the owner or interested party files a timely appeal of the decision of the Building Official, the Secretary to the Board or Director of the Building Department or his designee shall issue a notice of hearing which shall be affixed to the property, mailed to the owner and interested party, in the same manner provided in Subsections (f)(3) and (f)(5) above. Notice of the hearing shall be published in the same manner provided in Subsection (f) (7) above.

(7) Upon expiration of the period of appeal provided in the Notice of Violation, if the property has not been secured or permits for repair obtained in the manner stipulated in the notice, the Building Official may file an appropriate instrument in the Office of the Clerk of the Circuit Court in the manner provided in Subsection (f)(6) above.

(8) The periods set forth in the Notice of Violation for bringing the structure into compliance with the Building Code may be extended by the Building Official for one or more additional periods which in the aggregate do not exceed an additional 180 days provided all of the conditions of this Subsection are met. Application for the extension must be made in writing by the interested party to the Building Official prior to the expiration of the period allowed for compliance, and shall set forth to the reasonable satisfaction of the Building Official that the extension is warranted by one or more of the following circumstances:

(i) The interested party has a demonstrated financial hardship that will prevent the interested party from completing a building or structure;

(ii) The interested party has filed a completed zoning hearing application which affects the final completion of the building or structure and which zoning hearing request has not received final approval or rejection from the applicable governmental agency, excluding any or all appeals to Court, for circumstances outside of the control for the interested party;

(iii) The building or structure is a multiple dwelling structure as defined in the Building Code and demolition of any unit comprising that structure compromises the structural integrity of the entire multi-unit structure, where the completion of the structure is outside of the control of the interested party;

(iv) The building or structure is the subject of pending litigation or foreclosure action that renders it impossible for the building or structure to be completed;

(v) The building or structure is the subject of a good faith insurance claim, the proceeds of which are intended to be utilized for repair and completion;

(vi) The building or structure is the subject of a pending sale to be closed within a reasonable time from the date the extension is requested, where the buyer has executed a written commitment to the Building Official to complete the structure within the applicable extension period.

The written application for extension shall further represent to the Building Official that the building or structure is and has at all times been in full compliance with all of the conditions set forth in this Subsection.

(9) Upon receipt of the written application, the Building Official shall be authorized to extend the date of full completion and compliance with the Building Code provided:

(i) The completed written application demonstrates to the reasonable satisfaction of the Building Official that one or more of the conditions set forth above exist with respect to the building or structure;

(ii) The building or structure is not open, vacant or abandoned, having been secured at doors and windows in a manner acceptable to the Building Official; and

(iii) The interested party has paid all reasonable costs of enforcement.

(10) Any interested party may appeal to the Unsafe Structures Board or Unsafe Structures Appeal Panel a decision to grant or deny the extension. Such appeal must be filed within 30 days of the date of mailing of the Building Official's written notice of his or her decision with respect to the application for extension.

(i) *Public hearing.*

(1) On the day established in the notice of public hearing the Unsafe Structures Board or Unsafe Structures Appeal Panel shall review all pertinent evidence and hear all testimony from the Building Official, the owner and other parties in interest and their respective witnesses.

(2) The Board or Appeal Panel may order repair, securing, and/or demolition of the structure upon application of the standards set forth in this Section. The Board or Appeal Panel may modify, rescind, or uphold the decision of the Building Official as recited in the Notice of Violation. The Unsafe Structures Board or Unsafe Structures Appeal Panel shall modify or rescind a decision of the Building Official only upon a finding that the Building Official was in error in the interpretation or application of the Building Code. The Board or Appeal Panel shall not exceed the time frames allowed for repair and completion of buildings and structures specifically set forth in this Section except where the work involved reasonably requires such additional time.

(3) A copy of the order shall be forwarded to the owner, and all interested parties by registered or certified mail, and a copy thereof posted on the premises.

(4) If the owner or those responsible shall fail to comply with the order of the Unsafe Structures Board or an Unsafe Structures Appeal Panel within the time stipulated therein and such order is to repair, complete or secure the building to make safe, then the Building Official shall cause such building to be vacated, if occupied; and shall through his employees or through a contractor enforce the order of the Unsafe Structures Board, Unsafe Structures Appeal Panel or Building Official. Buildings shall be secured with concrete block or other materials of the same durability as determined by the Building Official. Swimming pools shall be secured by fencing or by using another approved method as determined by the Building Official.

(5) If the order of the Unsafe Structures Board or an Unsafe Structures Appeal Panel is to demolish the building or structure and to remove the salvage, contents, debris and abandoned property from the premises, and the owner or those responsible shall have failed to comply with such order, then the Building Official may do so. Swimming pools shall be demolished by removal of any stagnant water and any above ground parts of the structure, breaking open the bottom and filling with sand or clean fill level to the existing grade.

(6) The Building Official may either sell to the highest bidder or bidders for cash the salvage and the contents of such building or other structure so demolished which have not been removed by the owner of the land or require the demolition contractor to dispose of the salvage and the contents of the structure demolished.

(j) *Multi-Unit Structures.*

(1) This Subsection shall be applicable to all multi-unit structures. As used in this Subsection, the term multi-unit structures means all townhouses and other structures which contain units divided by one or more common walls, where the structural integrity of any component unit depends upon the structural integrity of one or more other units in the same structure. In the event that the owner or other interested party fails to comply with any order of the Unsafe Structures Board or an Unsafe Structures Appeal Panel in connection with any multi-unit structure, then in addition to any other right or remedy contained in this Section, Miami-Dade County or any municipality with jurisdiction over such structure shall be authorized, but not required, to secure the structure in the manner set forth in this Subsection. In addition, and not in derogation of the use of other methods contemplated by this Section for enforcing the Building Code with respect to any structure, multi-unit structures may be secured by performing whatever work the Building Official may determine is reasonably necessary to preserve the structural integrity, watertightness, or safety of adjacent units or the surrounding community, which work may include, but not be limited to roofing, windows, and electrical.

(2) The procedures for enforcement of this Code set forth above shall be in addition to, and not in derogation of, other procedures available to the Building Official pursuant to the Building Code. The provisions of this subsection are not intended to exonerate any owner or other interested party from compliance with the Building Code or any order of the Unsafe Structures Board or an Unsafe Structures Appeal Panel.

(k) *Recovery of cost.*

(1) All costs incurred pursuant to any of the provisions of this Section shall be paid by the owner or occupant of the premises on which the violation occurred.

(2) The Building Official shall file among his records an affidavit stating with fairness and accuracy the items of expense and the date of execution of actions authorized by this Section.

(3) Any other employee, official or agency who incurs costs while executing any provision within this Section shall create an affidavit stating with fairness and accuracy the items of expense and the date of execution of actions authorized by this Section. That affidavit shall be given to the Building Official responsible for the unsafe structure at issue and filed among his records for that property.

(4) The enforcing agency may institute a suit to recover such expenses against any liable person or may cause such expenses to be charged against the property on which the violation occurred as a lien or as a special assessment collectible according to established procedures.

(5) Except with respect to a lien imposed in accordance with Paragraph (3) of this Subsection, nothing in this Section shall be construed as placing a lien upon property that supersedes the lien of any mortgage on such property executed and recorded prior to the existence of a lien for enforcement costs.

(6) Any lien imposed pursuant to this Subsection shall be a lien prior in dignity to all liens, excepting county tax liens and liens of equal dignity with the county tax liens.

(7) Liens created pursuant to this Section may be discharged and satisfied by paying to the appointing authority the amount specified in the notice of lien, together with interest thereon from the date of the filing of the lien computed at the rate of twelve (12) percent per annum, together with the administrative costs, filing and recording fees and fees paid to file a satisfaction of the lien in the public records. When any such lien has been discharged, the appointing authority shall promptly cause evidence of the satisfaction and discharge of such lien to be recorded in the public records.

(8) The remedies and procedures for recovery of costs provided in this Subsection shall be in addition to and not in derogation of other provided in the Building Code or otherwise provided by law.

(l) *Unsafe Structures Board.* The Unsafe Structures Board is hereby created, consisting of 13 members who shall be appointed by the Board of County Commissioners of Miami-Dade County, Florida.

(1) Qualification of Members: Members of the Board shall be permanent residents of Miami-Dade County who possess outstanding reputations for civic activity, interest, integrity, responsibility, and business or professional ability. The composition of the Board shall include a registered Engineer, a registered Architect, a General Building Contractor, an Electrical Contractor, an attorney, a Plumbing Contractor, a Real Estate Appraiser, a real estate Property Manager, and a citizen with experience and background in the field of social problems.

(2) Terms of Office: All appointments shall be for the term of 3 years, provided, however, that the term, in all instances, shall continue until a successor is appointed and qualified. Appointments to fill any vacancy on the Board shall be for the remainder of the unexpired term.

(3) Organization of the Board:

(i) The members of the Board shall elect a Chairman and a Vice Chairman and such other officers as may be deemed necessary or desirable, who shall serve at the will of the Board. Election of officers shall be held at the first meeting of February and such officers shall hold office for one year.

(ii) Seven (7) members of the Board shall constitute a quorum necessary to hold a meeting or take any action.

(iii) A majority vote of the membership present and voting at a duly constituted meeting of the Board shall be sufficient to overrule, modify or affirm any action or decision of the Building Official or to take any other action within the scope of the powers and duties of the Board.

(iv) Members shall serve without compensation but shall be entitled to reimbursement for necessary expenses incurred in the performance of their official duties, upon approval by the appointing authority.

(v) No member of the Board shall sit as a voting member in any hearing on a matter in which he has a personal or financial interest.

(vi) The Director of the Miami-Dade County Building and Neighborhood Compliance Department, or his designee, shall be the Secretary of the Board but shall have no vote.

(vii) The Chairman or the Secretary may call meetings of the Board, and meetings of the Board may be called by written notice signed by three members of the Board.

(viii) Minutes and records shall be kept of all meetings of the Board and all meetings shall be public.

(ix) All hearings shall be open to the public, and any person whose interest may be affected by the matter on appeal shall be given an opportunity to be heard in person, or through his attorney.

(x) Witnesses may be sworn and subpoenaed by the Board in a like manner as they are subpoenaed by the court or courts in Miami-Dade County.

(xi) The hearings shall be informal and need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the type of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs regardless of the existence of any common law or statutory rules which might make improper the admission of such evidence over objection in civil actions.

(xii) Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions.

(xiii) The rules of privilege shall be effective to the same extent that they are now, or hereafter may be, recognized in civil actions; and irrelevant and unduly repetitious evidence shall be excluded.

(xiv) The Board may establish rules and regulations for its own procedure.

(xv) The Secretary of the Board shall provide adequate and competent clerical and administrative personnel and such technical or scientific personnel as may be reasonably required by the Board for the proper performance of its duties, subject to budget limitations. The Secretary shall maintain a record of all proceedings, including but not limited to a court reporter's transcript of the proceeding, and may clarify the same as a true copy and make a reasonable charge therefor; provided, the court reporter shall certify the copy of his or her transcript.

(xvi) The Secretary of the Board shall provide a regular meeting place for the Board.

(4) Duties and Powers of the Board: The Board shall have the following duties, functions, powers and responsibilities:

(i) Hear and determine appeals from actions and decisions of the Building Official pursuant to the provisions of this Section.

(ii) Hear and review the application of the Building Official for the review of his or her action where his or her decision as indicated in a Notice of Violations has not been complied with.

(iii) Affirm, modify or reverse the decision of the Building Official upon appeal or on application for review.

(iv) The Board, through its Secretary, shall transmit the record with all exhibits, instruments, papers, and transcripts of its proceedings to the appointing authority in the event that authority shall wish to consider the matter.

(5) Duties of Legal Counsel. It shall be the duty of the attorney for the Authority having jurisdiction, when so requested, to appear at all hearings before the Unsafe Structures Board and to represent and advise the Board.

(m) *Unsafe Structure Appeal Panels.* Unsafe Structures Appeal Panels are hereby created to conduct hearings as provided for under this Section.

(1) Composition: Unsafe Structures Appeal Panels shall consist of three Hearing Officers appointed by the County Manager as provided for under [Chapter 8CC](../level2/PTIIICOOR_CH8CCCOEN.docx#PTIIICOOR_CH8CCCOEN) of this Code. A member in good standing of the Unsafe Structures Board shall be appointed by that Board to serve as an ex-officio, non-voting member of each Appeal Panel, to act as a liaison to the Unsafe Structures Board. The ex-officio member shall not count toward a quorum of the Appeal Panel.

(2) Designation: At the request of the Director of the Building Department, the Clerk of the Court shall designate three Hearing Officers to constitute an Unsafe Structures Appeal Panel to conduct hearings on the dates scheduled by the Director of the Building Department or his designee. At least one of the Hearing Officers on each panel shall have knowledge of construction gained from experience as an architect, engineer or general contractor. The Director of the Building Department shall not have any input into which hearing officers are designated to comprise a particular panel.

(3) Organization of the Panels:

(i) The Director of the Building Department may utilize one or more Panels as needed to conduct hearings.

(ii) Three (3) Panel members must be present to conduct a hearing or take any action.

(iii) A majority vote of Panel members present and voting shall be sufficient to overrule, modify or affirm any action or decision of the Building Official or to take any action within the scope of the powers and duties of the Panel.

(iv) Members shall be compensated as provided for under Administrative Order No. 2-5.

(v) No member of a Panel shall sit as a voting member in any hearing on a matter in which he has a personal or financial interest.

(vi) The Director of the Miami-Dade County Building Department, or his designee, shall assist the Panels, but shall have no vote.

(vii) The Director of the Miami-Dade County Building Department or his designee may call and schedule Appeal Panel hearings.

(viii) Audio record shall be kept of all Appeal Panel hearings and all hearings shall be public.

(ix) All hearings shall be open to the public, and any person whose interest may be affected by the matter on appeal shall be given an opportunity to be heard in person, or through his attorney.

(x) Witnesses may be sworn and subpoenaed by the Appeal Panels in a like manner as they are subpoenaed by the court or courts in Miami-Dade County.

(xi) The hearings shall be informal and need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the type of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs regardless of the existence of any common law or statutory rules which might make improper the admission of such evidence over objection in civil actions.

(xii) Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions.

(xiii) The rules of privilege shall be effective to the same extent that they are now, or hereafter may be, recognized in civil actions; and irrelevant and unduly repetitious evidence shall be excluded.

(xiv) The Director of the Miami-Dade County Building Department shall provide adequate and competent clerical and administrative personnel and such technical or scientific personnel as may be reasonably required by the Appeal Panels for the proper performance of their duties, subject to budget limitations. The Director of the Miami-Dade County Building Department shall maintain a record of all proceedings, including but not limited to a court reporter's transcript of the proceeding, and may clarify the same as a true copy and make a reasonable charge therefor; provided, the court reporter shall certify the copy of his or her transcript.

(xv) The Director of the Miami-Dade County Building Department shall provide a regular meeting place for the Appeal Panels.

(4) Duties and Powers of the Appeal Panels: The Appeal Panels shall have the following duties, functions, powers and responsibilities:

(i) Hear and determine appeals from actions and decisions of the Building Official pursuant to the provisions of this Section.

(ii) Hear and review the application of the Building Official for the review of his or her action where his or her decision as indicated in a Notice of Violations has not been complied with.

(iii) Affirm, modify or reverse the decision of the Building Official upon appeal or on application for review.

(iv) In the event of judicial review of an Unsafe Structure Appeal Panel order, the Director of the Miami-Dade Building Department or his designee shall transmit the records with all exhibits, instruments, papers and transcripts of its proceedings to the reviewing authority if so requested.

(5) Duties of Legal Counsel: It shall be the duty of the County Attorney, when so requested, to appear at all hearings before the Unsafe Structures Appeal Panels and to represent and advise the Appeal Panels.

(n) *Requests for Extensions of Time.* Any owner or authorized representative may seek an extension of the timeframes set forth in an Order of the Unsafe Structures Board or an Unsafe Structures Appeal Panel. Such request for a hearing to seek such extension must be in writing, directed to the Secretary of the Unsafe Structures Board or Appeal Panel (whichever body issued the order for which an extension is being sought). The Board or Appeal Panel shall not be authorized to extend any deadline for compliance, set forth in the order, unless the Secretary of the Board receives the written request for extension prior to the deadline specified in the initial order. For example, in the event the Board Order states that a permit must be obtained within a specified period, the request for extension of the deadline to obtain the permit must be received prior to the expiration of that specified period. If the same order provides a deadline for completion of the structure, the request for the extension for the deadline of completion must be received prior to the deadline for completion, provided that the applicant has complied with the permit deadline. In no event may be Board or Appeal Panel grant more than one extension of time for each initial order.

To obtain an extension, the owner or applicant must demonstrate to the reasonable satisfaction of the Board or Appeal Panel that the structure that is the subject of the order is secure at the time the extension is sought and that the owner or applicant has made a good faith attempt to comply with the order which has been impeded by changed circumstances or other circumstances outside of the owner or applicant's control. As a further condition of the extension, the owner or applicant must submit in writing, together with the petition for an extension, a written timetable for compliance with the substantive provisions of the Order and for completion of all necessary repairs. The Board or Appeal Panel shall not reconsider the order, limiting its consideration of the petition to deciding whether the grounds for an extension have been satisfied in the manner set forth in this subsection.

(o) *Judicial Review.* Any owner or authorized representative aggrieved by a decision of the Unsafe Structures Board or an Unsafe Structures Appeal Panel may seek judicial review of that decision in accordance with Rule 9.110(c) of the Florida Rules of Appellate Procedure. Accordingly, any order, requirement, decision, denial of a request for extension of time, or determination of the Unsafe Structures Board of an Unsafe Structures Appeal Panel shall be reviewed by the filing of a notice of appeal in the Circuit Court Appellate Division of the Eleventh Judicial Circuit in and for Miami-Dade County, Florida, within thirty (30) days of rendition of the order. This thirty-day time frame commences to run from the date that the Board's or Appeal Panel's order, requirement, decision or determination sought to be reviewed is transmitted to the Secretary and such timeframe shall not be tolled or otherwise affected by any request for extension of time for compliance set forth in Subsection (n) above. The Secretary or the Director of the Miami-Dade County Building Department shall affix to each order, requirement, decision or determination [of the Board of Appeal Panel the date said order, requirement, decision or determination] is transmitted. Moreover, the Secretary to the Board and Director of the Miami-Dade County Building Department shall comply with all requirements of the Florida Rules of Appellate Procedure.

(Ord. No. 01-112, § 1, 7-10-01; Ord. No. 01-176, § 1, 10-23-01; Ord. No. 05-120, § 1, 6-7-05; Ord. No. 06-174, § 1, 11-28-06; Ord. No. 09-56, § 1, 6-30-09; Ord. No. 09-57, § 1, 6-30-09; Ord. No. 10-64, § 6, 9-24-10; Ord. No. 11-03, § 1, 2-1-11)

Sec. 8-6. Expedited permit program for green buildings.

It is the intent of Miami-Dade County to promote environmentally sensitive design and construction. To that end, the Building Official shall implement a program to expedite the review and approval of permit applications for green buildings. As used in this Section a green building shall mean one whose design, construction, and operation promote the preservation of resources and environmentally sensitive construction practices, systems and materials. In making the determination of whether the structure is a green building, the Building Official shall rely on the review, evaluation and where available registration or certification of the design by recognized environmental rating agencies including the Florida Green Building Coalition, the National Home Builder Association and the U.S. Green Building Council. The green buildings program shall be implemented through administrative order to be approved by the Board of County Commissioners.

(Ord. No. 05-115, § 1, 7-7-05)

Sec. 8-7. Permit processing for government facilities.

Upon written request of the Director of a County Department, all reviewing departments shall expedite the review of plans submitted for any building permit to construct a new County-owned building, structure or improvement or to alter or repair any County-owned building or structure where the value of the work is $100,000.00 or more.

(Ord. No. 04-182, § 1, 10-19-04)

Sec. 8-8. Building Code Administration.

The Building and Neighborhood Compliance Department through the Director or his or her designees shall perform the following duties and functions throughout the incorporated and unincorporated areas of Miami-Dade County:

(1) Administrative and legal support for the Board of Rules and Appeals and the Unsafe Structures Board. The Director or his or her designee shall serve as Secretary to the Board of Rules and Appeals and Unsafe Structures Board;

(2) Conducting studies and investigations to enable it to recommend appropriate revisions to the Building Code to keep abreast of new developments in building design, construction, and standards;

(3) Dissemination of interpretations and rulings made by the Board of Rules and Appeals and the Florida Building Commission;

(4) Registration, certification, recertification and decertification of construction enforcement personnel;

(5) Codification and writing of amendments to the Florida Building Code.

(6) Providing guidance in the resolution of citizen complaints regarding Building Code violations;

(7) Investigations, preparation and prosecution of enforcement activities pursuant to the Building Code, or actions pursuant to [Chapter 8CC](../level2/PTIIICOOR_CH8CCCOEN.docx#PTIIICOOR_CH8CCCOEN) of the Code which are governed by the Building Code;

(8) Prevention of any imminent threat of any violation of the Building Code;

(9) Training and testing of building inspectors, plans processors and code compliance officers; and

(10) Approval, disapproval or conditional approval of the local use of construction products, materials and assemblies or alternate construction materials and assemblies in accordance in accordance with administrative order of the County Manager to be approved by the Board of County Commissioners.

(11) Determine if a licensee, certificate holder, or registrant licensed under Ch. 455, 471, 481, or 489 of the Florida Statutes has committed a material violation of the Florida Building Code, and impose fines and penalties in the amount set forth in [Section 8-16](../level3/PTIIICOOR_CH8BUCO_ARTIAD.docx#PTIIICOOR_CH8BUCO_ARTIAD_S8-16SPHUIN) of this Chapter and otherwise provided by law.

(Ord. No. 01-112, § 1, 7-10-01; Ord. No. 10-64, § 6, 9-24-10)

Sec. 8-8.1. Expedited permit program for workforce housing units.

It is the intent of Miami-Dade County to encourage private, for-profit developers to construct moderately priced housing or workforce housing units. As used in this section, workforce housing units shall mean those WHUs which are priced (selling price or rent) at levels to be affordable to households which meet the workforce housing target income range. To that end, the Building Official shall implement a program to expedite the review and approval of permit applications for workforce housing units. The expedited permit program for workforce housing units shall be implemented through administrative order to be approved by the Board of County Commissioners.

(Ord. No. 07-05, § 21, 1-25-07; Ord. No. 08-51, § 1, 5-6-08)

Sec. 8-9. Reserved.

Sec. 8-10. Permits.

(a) In addition to the requirements of Section 104 (Permits) of the Florida Building Code the following shall be required:

(i) To be included drawings as applicable:

|  |  |
| --- | --- |
| Site Plan information: | Legal description. Lot dimensions and bearings, easements. |
| Orientation: | North arrow |
| Site information: | Street/Water Way Names |
| Site Features: | Existing, to be removed or new. Topographical date; existing and new finish floor elevation of existing and new elements |
| Utilities: | Existing or new (Water Service, meter, sanitary sewer or septic tank, electrical.) |
| Project: | New Buildings or additions to existing. Setbacks. |
|  | Lowest finish floor elevation. |
|  | Equipment (pool, a/c, and similar). Other improvements (pool decks docks paving walks slabs, walls, fences, planters) |

(ii) Minimum information requirements for construction documents:

EXTERIOR ELEVATION INFORMATION

|  |  |
| --- | --- |
| Scale: | Same as Plans |
| Dimensions: | Vertical features and horizontal projections. |
| Envelope: | Exterior doors, windows, skylights, hatches, wall finish, roof material and pitch, and similar. Design pressures for wind. |
| Floor: | Elevations above grade and distance between floors. |

BUILDING SECTION AND DETAIL INFORMATION

|  |  |
| --- | --- |
| Scale: | ¼" = 1'-0" Wall Sections. and ¾"—1'-0" Main Details, (or metric) |
| Dimensions: | Vertical features and horizontal projections. |
|  | All structural elements, their size and reinforcing, insulation, connectors, and similar. Wind design pressures for openings |
| Finishes: | Exterior and interior wall finishes and construction roof and ceiling finishes and construction. |
| Schedules: | Items such as footings, slabs, columns, beams, may be coded and listed on a schedule. |

FLOOR PLAN INFORMATION

(Recommend that same orientation as Site Plan be used)

|  |  |
| --- | --- |
| Scale: | ¼" = 1'0" minimum for all buildings of less that 500 sq. ft. or equivalent metric scale |
| Dimensions: | All required to define design and required to build. |
| Rooms: | Room names and finishes. |
| Floor: | Floor finishes, elevations, steps, ramps, curbs, dashed outline of structures occurring below this floor. |
| Wall/Partitions: | Materials or construction. Section cuts, fire rated walls or partitions, all structural columns and load bearing partitions. |
| Ceiling: | Attic access, fold down ladders, skylights, dashed outline of structures occurring above this floor. |
| Doors/Windows: | Door type and size, swing, code required hardware; |
|  | Window type and size egress requirements. |
| Vertical Access: | Stairs with number of risers, elevators, chutes. |
| Equipment/Fixtures: | Indicate and label all kitchen equipment, toilet fixtures, laundry equipment, water heaters, a/c equipment, electrical panels, fireplaces, built in cabinets, and similar. |
| Ventilation: | All through the wall ventilation, (garage vents, dryer vents, exhaust fans Kitchen exhausts, and similar. |
| Schedules: | Items such as finishes, doors, windows, fixed glass, fixtures equipment, partition construction, may be coded and listed on a schedule. |

FRAMING PLAN INFORMATION

(Required that same orientation as Floor Plan be used)

|  |  |
| --- | --- |
| Scale: | ¼" = 1'-0" minimum for all buildings of less that 5,000 sq. ft. |
| Dimensions: | All structural elements, their sizes and reinforcing (rafters, trusses bracing, beams, girders, and similar). Columns occurring below beam level, roof mounted equipment, skylights, hatches, dashed outline of structures below this level, Section cuts, roof chimneys, and similar. |
| Design: | Pressures for wind design. Loads and load transfer calculations required by the Code. |
| Drainage: | Roof slope, drains, gutters, crickets, overflow scupper calculations required by the Code. |
| Material: | Roofing and sheathing material (Including Product Approval Number). |
| Ventilation: | Attic ventilation calculations. |

FOUNDATION PLAN INFORMATION

Recommend that same orientation as Floor Plan be used

|  |  |
| --- | --- |
| Scale: | ¼" = 1'0" minimum required by all buildings of less than 5,000 sq. ft. or equivalent metric scale. |
| Dimensions: | All required. |
| Site: | Topography/fill requirements. |
| Structure: | All structural elements, their size and reinforcing (footings, slabs, filled cells, poured columns, bearing partitions, and similar) Slab elevation depression, changes in level, section cuts, and similar. |
| Underground: | Major slab items (cook-top vents, drainage and/or sanitary lines, and similar. |
| Design: | Soil bearing values, as per geo-technical engineer's reports or based on known soil properties at the site. |
| Schedules: | Items such as footings, slabs, columns, may be coded and listed on corresponding schedules. |

ELECTRICAL, PLUMBING AND H.V.A.C. INFORMATION

|  |  |
| --- | --- |
| Scale: | ¼" = 1'-0" minimum for all buildings of less than 5,000 sq. ft. or equivalent metric scale. |
|  | ½" = 1'-0" minimum for designated electrical equipment rooms and elevation shall be provided. |
| Dimensions | Non-typical outlets, fixtures and conditions. |
| Outlets/Fixtures System: | Electrical Show all interior and exterior receptacles, fixtures, switches, electrical exhaust and ceiling fans, attic fans, or roof top receptacles, fixtures or equipment, all electrical equipment, (water heaters, a/c equip., pumps, and similar). |
|  | Plumbing Show all fixtures, sanitary drainage, vents, water supply, water heaters, and similar. |
|  | H.V.A.C. All ducts and diffuser sizes, fan coil and condensing unit location, specifications, and CFM's per outlet. |
| Service/Panel: | Electrical All items circuited as the code. |
| Schedules/Riser | Panel size, all circuits with use, load, wire, breaker and conduit size indicated. Diagram with size of service, meter, ground, disconnect switches, feeders, and panels. |
|  | Plumbing Diagram with size of all lines and location of all fixtures and the number of fixtures units of the fixture groups they serve. In commercial work provide isometric drawings of the sanitary drainage, water supply and the storm drainage piping. |
|  | H.V.A.C. Equipment may be coded and have their specifications listed on a schedule. |
| Calculation: | Electrical. Load calculation per N.E.C. |
|  | H.V.A.C. As required per Energy Code, including heat and cooling load calculations. |

(iii) The following written requirements are to be followed by the delegated engineer in preparing his engineering documents on that portion of the project utilizing prefabrication components:

1. All shop drawings shall be in conformity with the architect or engineer of record framing plans unless prior written approval is obtained from the architect or engineer of record. If re-framing is approved, the architect or engineer of record shall resubmit revised framing plans to the building official after receiving updated plans from the delegated engineer showing all adjustments necessary to safely transmit all applied loads to the foundation.

2. All details and sections required to show the size and connections of all secondary members will be supplied on the delegated engineering plans and shall show all framing, connections and bracing on one or more primary plans.

3. 8½" × 11" cut sheets showing individual member design shall also be furnished to the architect or engineer of record, but it will be necessary to transfer all gravity and uplift loads shown on these cut sheets to the primary plans.

The intent of the above requirements is to provide all information on framing, connections and bracing on one composite set of plans approved by the architect or engineer of record to aid in the review, approval and field inspection for the portion of the property.

(iv) The plans shall include a schedule similar to the one shown below to be filled by the Architect or Engineer of Record.

HVAC DESIGN REQUIREMENTS

|  |  |  |
| --- | --- | --- |
| HVAC DESIGN REQUIRES | YES | NO |
| DUCT SMOKE DETECTOR |  |  |
| FIRE DAMPER(S) |  |  |
| SMOKE DAMPER(S) |  |  |
| FIRE RATED ENCLOSURE |  |  |
| FIRE RATED ROOF/FLOOR CEILING ASSEMBLY |  |  |
| FIRE STOPPING |  |  |
| SMOKE CONTROL |  |  |

(v) Permits shall be required for the following low voltage work: fiber optics, telephone, television, communications, fire alarms, burglar alarms, computer systems, central vacuums and all other systems seventy-seven (77) volts or less.

(vi) Electrical permits shall be required for all appurtenances, apparatus, or equipment used in connection therewith, inside of or attached to any building or structure, lot, or premises.

(b) The plans examiner shall examine all plans and specifications and if found to comply with the requirements of the Building Code, he or she shall mark the plans "REVIEWED FOR CODE COMPLIANCE".

(c) Upon approval of plans, specifications and application for permit and the payment of the required fee, the Building Official shall issue a weatherproof permit card which shall bear the description of the property, the nature of the work being done, the name of the owner and contractor and other pertinent information: and such card shall be maintained in a conspicuous place on the front of the premises affected thereby during the entire time that the work authorized by the permit is in progress.

(Ord. No. 01-112, § 1, 7-10-01)

Sec. 8-11. 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) Certificate of inspection for boilers and pressure vessels: A Certificate of Inspection shall be requested from and issued by the Building Official. Certificate of Inspection shall be the authorization to operate such equipment for a limited period as set forth herein:

(1) A Certificate of Inspection for a high-pressure boiler shall be for a period of not more than 6 months.

(2) A Certificate of Inspection for a low-pressure boiler shall be for a period of not more than 12 months. A Certificate of Inspection is required if any of the following criteria is met or exceeded: A heat input capacity of 200,000 BTU/h (58.6 kW); a water temperature of 200° F (93° C); a nominal water capacity of 120 gallons (454 l).

(3) A Certificate of Inspection for an unfired pressure vessel (operating at pressures in excess of 60 PSI and having a volume of more than 5 cubic feet) shall be for a period of not more than 12 months.

(4) A Certificate of Inspection may, at the discretion of the Building Official, be for a shorter period or such certificate may be rescinded and tests be ordered at any time when in the opinion of the Building Official, a condition exists making such retesting or reinspection desirable in the interest of safety.

(5) A Certificate of Inspection shall be posted in a conspicuous location to the operator.

*Exception:* Boilers requiring inspections and certification by the State of Florida Fire Marshal's Office, Boiler Safety Program.

(f) *Recertification of buildings and components:*

(i) For the purpose of this Subsection, recertification shall be construed to mean the requirement for specific inspection of existing buildings and structures and furnishing the Building Official with a written report of such inspection as prescribed herein.

(1) Inspection procedures shall conform, in general, with the minimum inspection procedural guidelines as issued by the Board of Rules and Appeals.

(2) 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.

(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 forty (40) 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 forty (40) years of age, recertification shall not be required for a minimum of ten (10) years from that time, or age forty (40), 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, in conformity with the minimum inspection procedural guidelines as issued by the Board of Rules and Appeals.

(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) 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.

(g) (1) An existing building under Chapter 34 of the Florida Building Code includes any building or structure built with proper permits and completed with all mandatory inspections and for which a Certificate of Completion or Occupancy has been issued and any building or structure, including any part thereof as well as any addition or repair, built without proper permits in which the work performed commenced prior to March 1, 2002 or permits obtained under the South Florida Building Code which expired without Certificates of Completion or Occupancy having been issued.

(2) A Certificate of Completion or Occupancy for any existing building built without proper permits or permits which expired may be obtained by applying to the Building Official and fulfilling the following conditions:

(a) The owner shall furnish a set of as-built plans of the building or structure;

(b) The owner shall furnish an as-built certificate satisfactory to the Building Official issued by a Florida registered engineer or architect and attesting that to the best of his or her knowledge, belief and professional judgment and based on his or her inspection of the structure, the structure:

(1) Is structurally sound; and

(2) Satisfies the requirements of the Code in effect at the time the work was commenced, indicating the date the work on the structure was commenced from the best available records and the requirements of the Code in effect on that date; and

(3) Complies with all requirements of the current code identified in [Section 8-11](../level3/PTIIICOOR_CH8BUCO_ARTIAD.docx#PTIIICOOR_CH8BUCO_ARTIAD_S8-11EXBU)(g)(2)(c) below; and

(4) Complies with the permit application and any plans approved by the Building Official, if applicable.

(c) The owner shall comply with the following life-safety requirements of the current Building Code;

(1) Means of egress or escape.

(2) Requirement of shutters.

(3) Residential single station smoke detectors - installed in accordance with NFPA (1999 edition).

(4) Requirement for ground fault interruptors.

(5) Requirement for full size pressure and temperature relief valve lines on all water heaters.

(6) Handicapped access requirements.

(7) All gas piping systems shall be bonded to ground

(8) Handrails shall be inspected and replaced, if necessary, in full compliance with requirements of the current Building Code.

(3) The as-built certificate shall contain a narrative description of the methodology utilized to make the determination set forth in the as-built certificate. In issuing the Certificate of Completion or Occupancy, the Building Official shall be entitled to rely on the accuracy of the as-built certificate.

(4) Prior to issuing the Certificate of Completion or Occupancy, the Building Official shall conduct an inspection to determine, to the best of his or her ability given the nature of the construction:

(a) That the plans submitted reflect the present state of the structure; and

(b) That the construction complies with the Building Code in effect at the time the work was commenced; and

(c) That the structure complies with all requirements of the current Building Code identified in [Section 8-11](../level3/PTIIICOOR_CH8BUCO_ARTIAD.docx#PTIIICOOR_CH8BUCO_ARTIAD_S8-11EXBU)(g)(2)(c) above; and

(d) That the as-built certificate represents accurately the condition of the structure.

(5) Notwithstanding the provisions of this Section, the Building Official may at all times continue enforcement of the Code through any authorized means including issuance of a Notice of Violation, recording of the same, commencement of a base before the Unsafe Structures Board and/or the issuance of a civil violation notice. This section shall not be construed or serve as a defense against any enforcement action brought by the Building Official based on the current requirements of the Code.

(6) The Building Official shall establish a fee for processing applications and to conduct any testing done pursuant to this section

(h) An applicant for a Certificate of Completion or Occupancy for any building or structure built without proper permits or with permits that expired as provided in subsection (g) hereof shall pay the impact fee which would have been applicable on the date upon which construction is demonstrated to have commenced. No refunds of impact fees paid prior to the effective date of this ordinance shall be allowed.

(Ord. No. 01-112, § 1, 7-10-01; Ord. No. 02-44, § 1, 3-26-02; Ord. No. 05-31, § 1, 2-1-05; Ord. No. 09-59, § 1, 6-30-09)

Sec. 8-12. Fees.

(a) The appointing authority shall establish a permit fee applicable throughout its jurisdiction. Any person desiring a permit to be issued shall, in addition to filing an application therefor and before such permit is issued, pay the required permit fee. The fee schedule to be adopted shall identify the amount of the fee attributed to plans review, initial inspection and reinspection. The appointing authority may impose the fees authorized by law for repeated plans examinations or inspections.

(b) Basis of permit fee. The Building Official may require an estimate of cost and/or other descriptive data as a basis for determining the permit fee.

(c) Double fee. When work for which a permit is required is started prior to the obtaining of said permit, the applicant for a permit shall be required to pay $100.00 plus double the fee as specified herein as the cost of the permit. The payment of a permit fee shall not relieve any person firm or corporation from fully complying with the requirements of this Code, nor from any other penalties prescribed therein.

(d) Building Code Administration Fee. All applications for building permits and premises permits issued pursuant to the Building Code shall be on a form approved by the Board of Rules and Appeals and, in addition to any other fees charged by any County or municipal building official, shall include a Building Code Administration fee to be determined, assessed and collected in the manner contemplated in this section. The administration fees paid by permit applicants shall be deposited in a separate County fund and shall be used exclusively for the Building and Neighborhood Compliance Department to pay for the costs of performing the Building Code administration functions as defined in [Section 8-8](../level3/PTIIICOOR_CH8BUCO_ARTIAD.docx#PTIIICOOR_CH8BUCO_ARTIAD_S8-8BUCOAD) herein.

(e) Assessment of code administration fee. Prior to the issuance of any building permit pursuant to the Building Code, including any premises permit, each building official for Miami-Dade County or any municipality shall assess a code administration fee in the amount of sixty cents ($0.60) per one thousand dollars ($1,000.00) or fractional value of the work to be done under the permit. This code administration fee shall be in addition to and not in derogation of other fees and costs that may be payable as a condition of obtaining the permit and shall be nonrefundable. For purposes of the calculation of the code administration fee, the value of the work to be done under the permit shall be determined as follows:

(1) For new construction of and additions to Building Code occupancies, the value of the work shall be sixty-five dollars ($65.00) per square foot of construction except as noted below.

(2) For Building Code occupancy Groups S1 and F (Storage and Industrial), the value of the work shall be forty-five dollars ($45.00) per square foot of construction.

(3) For large and unusual projects, including but no limited to stadiums, airports, and water treatment plants, and for miscellaneous permit activity not otherwise provided for in this section, including, but not limited to repair, or alterations, or changes to electrical service, the value of the work shall be the actual cost of such work as determined by the applicant and approved by the Building Official. The applicant shall be responsible for accurate reporting of the value of the work, and the reported value shall be subject to review and verification by the Building Official.

(f) Exemption. A permit obtained for an individual trade or specialty shall be exempt from imposition of the code administration fee provided that the value of the work for which such permit is obtained has already been subjected to the code administration fee.

(g) Collection of fee. The governmental authority issuing a permit pursuant to the Building Code shall be responsible for the collection of the code administration fee provided for in this section prior to the issuance of the permit. Any and all code administration fees collected by Miami-Dade County and the municipalities shall be paid to the Miami-Dade County Finance Department not later than the fifteenth day of the month following the month of collection by wire transfer or check or through an automated clearing house. Notwithstanding the foregoing, in the event that the code administration fee collected by any municipality shall not exceed one hundred dollars ($100.00) per month for a continuous period of three (3) months, then the Secretary of the Board of Rules and Appeals, upon request by that municipality, shall permit the municipality to make its remittances and reports to the County on a quarterly basis. In the event that a governmental authority remits the funds on or before the due date set forth above, such authority shall be entitled to retain that portion of the remittance due to Miami-Dade County which represents its costs of collection of this code administration fee, not to exceed one and one-half (1½) percent of the total remittance due for that period. In the event that the remittance is not made when due, the governmental authority shall remit to Miami-Dade County the entire balance of fees collected pursuant to this section to defray Miami-Dade County's additional costs incurred in connection with that government's delay in remitting the amount.

(h) Submission of report. Each governmental authority issuing permits pursuant to the Building Code shall, on or before the fifteenth day of each month or on a quarterly basis as may be allowed by the Secretary of the Board of Rules and Appeals pursuant to [Section 8-9](../level3/PTIIICOOR_CH8BUCO_ARTIAD.docx#PTIIICOOR_CH8BUCO_ARTIAD_S8-9RE)(f), submit to the Secretary of the Board of Rules and Appeals which shall contain for the applicable period of collection such information as the Secretary of the Board of Rules and Appeals may reasonably require to oversee collection of the code administration fee. Permit and permit fee collection records of all governmental authorities subject to this section shall be available for audit and review by Miami-Dade County at all times.

(i) Payment of permit fees and charges.

(1) Notwithstanding any provisions of this Code to the contrary, all fees and charges assessed by County departments, including impact fees, which are required to be paid as a condition of the issuance of a building permit shall not be charged if all of the following conditions are met:

(a) The permit to be obtained will correct a violation for work without permit or for work with an expired permit for which the property owner has been cited by the Building and Neighborhood Compliance Department.

(b) The permit applicant was not the owner of the property at the time the violation was committed or is not the contractor who performed the work without the required permit or allowed the permit to expire.

(c) The work performed without a permit was commenced prior to March 1, 2002, or the permit which expired was issued under the South Florida Building Code.

(d) The work under the building permit is for an improvement to a single-family or duplex residence, townhouse or condominium which is occupied by the property owner and has had a valid homestead exemption for the past five years.

(e) The property is owned by one or more individuals each of whom are 65 years of age or older whose combined annual household income is not greater than the qualifying amount for an additional homestead exemption under this Code. Where the joint owners are married, only one of the owners must meet the minimum age requirement.

(2) Each development department will track the amount of permit fees and charges affected by this exemption each fiscal year. The general fund shall reimburse each of the development departments the amount of permit fees and charges exempted as part of the following fiscal year's budget. In the event that the amount of permit fees exempted by this Subsection [8-12](../level3/PTIIICOOR_CH8BUCO_ARTIAD.docx#PTIIICOOR_CH8BUCO_ARTIAD_S8-12FE)(i) exceeds $100,000 in the aggregate, this Subsection shall be of no further force or effect unless reenacted by this Board.

(3) This subsection is not intended to waive any permit fees or charges assessed by departments of the State of Florida or federal government.

(Ord. No. 01-112, § 1, 7-10-01; Ord. No. 06-56, § 1, 4-25-06; Ord. No. 10-64, § 6, 9-24-10)

Sec. 8-13. Revocation, suspension and reinstatement of permits.

(1) The Building Official may revoke a permit or approval issued under the provisions of this Code in case of any false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based.

(i) Once work has commenced on a permit obtained on the basis of a fraudulently obtained or erroneously issued certificate and the permit is revoked, becomes null and void or expires because of lack of progress, a new permit covering the proposed construction shall be obtained before proceeding with the work.

(ii) Permits granted in reliance on certificates which were fraudulently obtained or erroneously issued shall be administratively suspended by the Building Official or the Board of Rules and Appeals. Following any such suspension, the certificates may be reinstated and the work completed by a change of contractor, or, where authorized by law, by the assumption of the permit by an authorized owner, lessee or tenant, in accordance with the procedures provided in the law.

(iii) In addition, the Board of Rules and Appeals may reinstate other suspended permits provided that the Board of Rules and Appeals determines that the property owner has been the victim of fraud or a misrepresentation of fact by the permit applicant in the application or on the plans on which the permit or approval was based. To make that determination, the following procedure shall be followed:

(a) The owner shall bear the burden of proof to the Board of Appeals that the property owner has been the victim of fraud or misrepresentation;

(b) The Board of Rules and Appeals shall conduct a public hearing, after notice, at which interested persons may appear to consider evidence indicating whether the public interest is served by closing the permit, or to do so under certain conditions. The evidence to be considered may include the type of permit involved, the work performed, the degree of private or public safety involved in the work and the inspections or reinspections performed.

(c) Following such hearing, the Board of Rules and Appeals may determine that the affected permits may be revoked, assigned to an authorized owner, lessee or tenant, or closed out. The Board of Rules and Appeals may also determine that the final disposition of such permits shall be subject to certain conditions designed to protect the safety of the structure's inhabitants or the surrounding community, and may retain jurisdiction over those permits to ensure compliance with those conditions.

(2) Whenever the Building Official reasonably believes the work for which a permit has been issued is not being performed in conformity with plans, specifications or descriptions, or approved plans are not being kept at the site, it shall be the duty of the Building Official to notify the contractor, or owner, or their agent, in writing, that the permit is suspended. Written notice shall be mailed or given to the permit holder or his agent, and it shall be unlawful for any person or persons to perform any work in or about the building or structure except such work as may be required for the correction of the expressed violations. And if, in the judgment of the Building Official, there is imminent danger that requires immediate action, the permit may be revoked or suspended verbally and written notice served later.

(3) When a permit has been suspended, it shall not be reinstated until all existing violations have been corrected. Written notice of reinstatement shall be given the permit holder if requested.

(4) Upon request of the owner and/or permit holder and on investigation by the Building Official to determine that the work has been abandoned or that the contractor is unable or unwilling to complete the contract a second permit may be issued where there is a change of contractor without the initial permit being revoked or suspended. The foregoing will be permitted only when the following stated persons have filed with the Building Official a letter stating the reason for a second permit being required and holding the Building Official harmless from legal involvement. All interested parties shall be notified before action is taken.

(i) Where a prime contractor is the permit holder, the owner shall file such hold-harmless letter.

(ii) Where a subcontractor or specialty contractor is the permit holder, the owner and prime contractor shall both file such hold-harmless letters.

(5) Stop Work Orders for Construction Affected by Economic Crisis.

(a) Notwithstanding any provision of this Code to the contrary, and subject to the conditions and limitations of this subsection, a permit applicant may apply to the Building Official for the issuance of a stop work order in connection with a valid permit issued for affected construction. Affected construction shall mean any new residential or commercial construction with a valid permit issued for the first time on October 1, 2006 or thereafter with expiration dated on or before June 1, 2009, as such end date may be extended by resolution of the Board of County Commissioners, where the construction work is suspended or abandoned as a result of economic hardship. In the event that the construction work has not commenced, the Building Official may in his or her discretion issue the stop work order subject to compliance with minimum safety requirements which may have been enacted subsequent to permit issuance. Economic hardship shall include bankruptcy, foreclosure, assignment for the benefit of creditors, demonstrated absence of credit short sales and slow sales as demonstrated by fewer than fifty percent (50%) of the units under construction being under sales contract.

(b) The Building Official shall issue a stop work order pursuant to application on forms devised for this purpose upon a finding to his or her reasonable satisfaction that:

(i) The work has been suspended or abandoned as a result of economic hardship; and

(ii) The construction site is secure, does not pose a danger to the surrounding community, and is not otherwise unsafe as provided elsewhere in this Code.

(c) The duration of a permit shall be abated during the pendency of a stop work order issued pursuant to this section, except that in addition to other remedies provided in this Code, the Building Official may lift the stop work order at any time for failure to comply with the conditions of its issuance. A stop work order issued pursuant to application under this section shall not exceed six (6) months in duration, whereupon the period of abatement shall end. The Building Official may extend a stop work order issued pursuant to his section for good cause shown upon resolution of the Board of County Commissioners approving such further period(s) of extension.

(d) Any permit subject to a stop work order pursuant to this section may be reinstated upon application to the Building Official for reinstatement and payment of a permit extension fee. The reinstated permit shall for all purposes be considered the same permit previously applied for. By exception, any construction requiring a material change to the plans or new evaluation, analysis or load calculations, as determined in the reasonable discretion of the Building Official, shall require the issuance of a new permit subject to all the requirements attendant to a new permit including the payment of a new permit fee.

(e) Nothing in this subsection shall impair the Building Official's authority to issue stop work order as otherwise provided in this Code or to [sic] shall serve as a defense against the Building Official's enforcement of the provisions of this Code relating to unsafe structures, which shall remain unaffected.

(Ord. No. 01-112, § 1, 7-10-01; Ord. No. 07-147, § 1, 10-2-07; Ord. No. 09-10, § 1, 1-22-09)

Sec. 8-14. Cleanup of Site.

Upon completion of the proposed work, the permit holder shall leave the site cleared of rubbish, debris, construction sheds or materials or construction. In the event there has been damage to public property or that rubbish, debris, construction sheds or materials of construction have been left at the site, the Building Official shall refuse to make final inspection and shall notify the permit holder to correct the condition of violation within five (5) days. For failure to comply with such notice after such period of five (5) days, the permit holder is subject to the penalties specified herein, and the Building Official shall have the clean up work done and public property restored and shall notify the legal authority, who shall institute the necessary action to have the costs placed as a lien against the property in relation to which the permit was issued.

(Ord. No. 01-112, § 1, 7-10-01)

Sec. 8-15. Material Violations of the Florida Building Code; Definition; Fines and Penalties.

(a) Upon a determination by the Building Official, or his or her designee, that a licensee, certificate-holder or registrant licensed under F.S. Chapters 455, 471, 481 or 489 has committed a material violation of the Florida Building Code and failed to correct the violation within the time set forth in the notice provided for in this Section, the Building Official shall impose a fine as provided below.

(b) Upon a finding of a material violation the Building Official, or his or her designee, shall issue a Notice of Material Code Violation, identifying the violator or violators, specifying the nature of the violation and providing a reasonable time for correction. The time for correction shall be established by the Building Official upon an evaluation of the following factors:

(1) The likelihood and immediacy of physical harm to persons and/or property.

(2) The likelihood and immediacy of significant damage to the performance of a building or its systems.

(3) The nature and extent of the required corrections.

(4) Any prior notices of the deficiencies constituting the violation.

(c) The Notice of Material Code Violation shall also provide that the violation may be disputed by appropriate notice directed to the Building Official.

(d) The Notice of Material Code Violation shall be posted in the structure and shall be mailed to each violator at the address which appears in the permit documents.

(e) In the event that the material violation is not cured to the satisfaction of the Building Official within the time specified, or disputed in the manner set forth above, the Building Official shall impose a fine per material violation of five hundred dollars ($500.00) for the first offense, one thousand dollars ($1,000.00) for the second offense, two thousand dollars ($2,000.00) for the third offense and five thousand dollars ($5,000.00) for each subsequent offense.

(f) Disputes of violations, collections of fees, and imposition of fines and other penalties, including but not limited to suspension of permitting privileges shall be effected in accordance with the provisions of law.

(Ord. No. 01-112, § 1, 7-10-01; Ord. No. 10-64, § 6, 9-24-10)

Sec. 8-16. Special Hurricane Inspections.

(a) During such periods of time as the National Weather Service has issued a severe weather advisory that is in effect for Miami-Dade County, best efforts must be used so that all furniture, display racks, material and similar loose objects in exposed outdoor locations, including loose material of projects under construction are secured or otherwise appropriately braced to rigid construction or stored in buildings to the extent practicable given the conditions. Orders shall be oral or written and shall be given to any person on the premises most logically responsible for maintenance and such orders shall be carried out before winds of tropical storm velocity are anticipated.

(b) After winds of the velocity associated with a severe weather event are experienced and have subsided, the Building Official shall investigate to determine if damage has occurred to buildings or other structures.

(c) No building or other structure or assembly or part thereof, which was damaged or collapsed or out of plumb or line shall be repaired or altered or otherwise returned to its original position without inspection and approval by the Building Official.

(d) For the purposes of this section, "severe weather advisory" shall be defined as any one of the following: a tropical storm warning, a hurricane watch, or a hurricane warning and the term "severe weather event" shall be defined as a tropical storm or hurricane.

(Ord. No. 01-112, § 1, 7-10-01; Ord. No. 06-7, § 1, 1-24-06)

Sec. 8-17. Violations and Penalties.

(a) *Penalties.* This section shall apply to all persons and violations not covered by [Section 8-15](../level3/PTIIICOOR_CH8BUCO_ARTIAD.docx#PTIIICOOR_CH8BUCO_ARTIAD_S8-15MAVIFLBUCODEFIPE) above. Any person, firm or corporation who shall violate a provision of the Building Code or fail to comply therewith, or with any of the requirements thereof, shall be guilty of a misdemeanor. Each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of the Building Code is committed or continued, and upon conviction of any such violation, such person shall be punishable by a fine of not less than fifty dollars ($50.00) nor more than five hundred dollars ($500.00), or by imprisonment not exceeding sixty (60) days, or by both such fine and imprisonment. Any person who violates or fails to comply with a provision of the Building Code shall also be subject to civil fines and penalties established in [Chapter 8CC](../level2/PTIIICOOR_CH8CCCOEN.docx#PTIIICOOR_CH8CCCOEN) of the Code of Miami-Dade County.

(b) *Civil Liability; Attorneys Fees.*

(1) Any person who violates a provision of the Building Code or any lawful regulation or written order promulgated under the Building Code is subject to injunction or other equitable relief to enforce compliance with or prohibit the violation of the Building Code. Further, such person is liable to the Building Official or the appointing authority for any damages caused by such violation and for the reasonable costs and expenses incurred by the Building Official or the appointing authority in enforcing the provisions of the Building Code, including but not limited to the costs of enforcement inspections, preparation of enforcement reports, photographs, postage and other demonstrable administrative costs for enforcement and collection. All such sums shall become immediately due and payable upon expenditure by the Building Official or the appointing authority and shall become delinquent if not paid within thirty (30) days after receipt by the violator of the bill of the Building Official or the appointing authority itemizing the enforcement costs incurred in enforcing the provisions of the Building Code. All such delinquent sums shall bear interest at the prevailing rate set forth in the law as payable on judgments and decrees.

(2) Upon the rendition of a judgment or decree by an of the courts of this State against any person in any action to enforce compliance with or prohibit the violation of the provisions of the Building Code, the court shall adjudge or decree against the losing party and in favor of the prevailing party a reasonable sum as fees or compensation for the attorney acting on behalf of the prevailing party. Such fees or compensation shall be included in the judgment or decree rendered in the case. Cessation of the violation of any of the provisions of the Building Code prior to rendition of a judgment or prior to execution of a negotiated settlement, but after an action has been filed by the Building Official or the appointing authority to enforce the provisions of the Building Code, shall be deemed for the purposes of this section the equivalent of a confession of judgment or verdict in favor of the Building Official or the appointing authority, for which attorney's fees shall be awarded as set forth in this section.

(3) All the judicial and administrative remedies in this Section are independent and cumulative.

(4) Nothing in this section shall be construed to permit or require the Building Official or the appointing authority to bring an action on behalf of any private person.

(Ord. No. 01-112, § 1, 7-10-01)

Sec. 8-18. Required disclosure.

In any contract for the sale to the original purchaser(s) of any new structure in Miami-Dade County, which structure was erected pursuant to the professional certification of plans and inspections by architects and engineers who have been privately retained by the owner and applicant for permits pursuant to state law as incorporated in Section 2-1265 of the Code of Miami-Dade County, the seller shall include in the contract, or in an Addendum to the contract that has been separately signed and acknowledged by the purchaser at closing, a disclosure in not less than ten-point bold-face type:

THIS STRUCTURE (HAS BEEN OR WILL BE) BUILT IN COMPLIANCE WITH THE FLORIDA BUILDING CODE AS DETERMINED BY STATE LICENSED AND REGISTERED ARCHITECTS AND ENGINEERS PRIVATELY HIRED BY THE OWNER AND APPLICANT FOR PERMITS TO PERFORM CERTIFICATION OF PLANS AND INSPECTIONS AS PROVIDED UNDER THE PROFESSIONAL CERTIFICATION PROGRAM ESTABLISHED UNDER STATE LAW. THE NAME, ADDRESS, TELEPHONE NUMBER, AND STATE LICENSE NUMBER OF EITHER EACH INDIVIDUAL THAT IS WORKING ON HIS/HER OWN AS AN INDEPENDENT ARCHITECT OR ENGINEER OR THE PRINCIPAL OF THE COMPANY THAT IS USED TO EXAMINE PLANS AND INSPECT THIS STRUCTURE; ARE AS FOLLOWS:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

If it is not known at the time the initial contract for sale is signed whether the owner and applicant for permits will use a privately hired architect or engineer, the Seller shall disclose the option to use such privately hired architects and engineers in the contract.

Once the Seller has retained a private architect or engineer, the Seller shall inform the buyer, by certified mail, return receipt requested, in not less than ten-point bold face type, that the owner and applicant for permits has retained a private architect or engineer to certify building plans and perform required inspections of the structure for compliance with the building code. This disclosure form shall at a minimum, include the name, address, telephone number and state license number of either each individual that is working on his/her own as an independent architect or engineer or the principal of the company that is used to examine plans and inspect the structure.

Violations of this Section shall be subject to the penalties set forth in [Section 8-17](../level3/PTIIICOOR_CH8BUCO_ARTIAD.docx#PTIIICOOR_CH8BUCO_ARTIAD_S8-17VIPE) above.

(Ord. No. 01-219, § 1, 12-18-01)

Secs. 8-19—8-20. Reserved.

### ARTICLE II. BUILDING INSPECTORS, PLANS EXAMINERS, BUILDING OFFICIALS, CHIEF INSPECTORS AND SPECIAL INSPECTORS [[2]](#BK_D2B3EF97169416A167CB372A0E16FF88)

[Sec. 8-21. Enforcement personnel.](#BK_FE85490DB3D2BD96D448133FF9541C69)

[Sec. 8-21.1. Powers, duties and appointment of building official.](#BK_86DA3E2994569C4867EA9F0B851E0A25)

[Sec. 8-21.2. Appointment of chief building inspector, building plans examiner, structural plans examiner and building inspector.](#BK_7AEF67618C38AC0E3DCE270E3217D3D6)

[Sec. 8-21.3. Appointment, powers and duties of chief electrical inspector, electrical inspector, and electrical plans examiner.](#BK_C15E7184FD6F39839A81352251E32A70)

[Sec. 8-21.3(b). Appointment, powers and duties of chief plumbing inspector, plumbing inspector and plumbing plans examiner.](#BK_D7F05D032250227D8331F66FAF8EEFAF)

[Sec. 8-21.3(c). Appointment, powers and duties of chief mechanical inspector, mechanical inspector and mechanical plans examiner.](#BK_6D43281B92BBEA47E44DB89C2C572443)

[Sec. 8-21.4. (Not used)](#BK_B8A408C94D90E39BE34A9785B6D4DF58)

[Sec. 8-21.5. Certification and recertification.](#BK_DD74BACB040320F35232BCC9DC03F701)

[Sec. 8-21.6. Grounds for discipline: penalties.](#BK_0ECEE529FE7F8B86C6779BEA7BACA2B3)

[Sec. 8-21.7 Procedures for imposition of discipline: review of adverse decision.](#BK_F234082E045D5D0CB5DCB6AC5AB6D197)

[Sec. 8-21.8. Building inspectors and building officials maintaining qualifications: revocation upon failure to maintain.](#BK_5CBB9128FD009D9118A18A79A0853706)

[Sec. 8-21.9. Procedure for correction of errors in issuance of certificates.](#BK_2B34321509210608AB858BACB988708B)

[Sec. 8-21.10. Prohibited acts and omissions—Inspectors and building officials.](#BK_3AAF3147775160E355B5163217BC9846)

[Sec. 8-21.11. Recertification.](#BK_538480E0F8B939CF49D6790CEB703058)

[Sec. 8-21.12. Existing certifications.](#BK_7757FD14EFF038C8E87691964B663626)

[Sec. 8-22. Special building inspector.](#BK_EBD50EBD684FD1F35368246C502DFA95)

[Secs. 8-23—8-30. Reserved.](#BK_465EF4681894F251411E1C115D707DAF)

Sec. 8-21. Enforcement personnel.

**Editor's note—**

Ord. No. 04-191, § 1, adopted Oct. 19, 2004, repealed [section 8-21](../level3/PTIIICOOR_CH8BUCO_ARTIIBUINPLEXBUOFCHINSPIN.docx#PTIIICOOR_CH8BUCO_ARTIIBUINPLEXBUOFCHINSPIN_S8-21ENPE) in its entirety and replaced it with new sections [8-21](../level3/PTIIICOOR_CH8BUCO_ARTIIBUINPLEXBUOFCHINSPIN.docx#PTIIICOOR_CH8BUCO_ARTIIBUINPLEXBUOFCHINSPIN_S8-21ENPE), [8-21.1](../level3/PTIIICOOR_CH8BUCO_ARTIIBUINPLEXBUOFCHINSPIN.docx#PTIIICOOR_CH8BUCO_ARTIIBUINPLEXBUOFCHINSPIN_S8-21.1PODUAPBUOF)—8-21.3, [8-21.5](../level3/PTIIICOOR_CH8BUCO_ARTIIBUINPLEXBUOFCHINSPIN.docx#PTIIICOOR_CH8BUCO_ARTIIBUINPLEXBUOFCHINSPIN_S8-21.5CERE)—8-21.12, [8-22](../level3/PTIIICOOR_CH8BUCO_ARTIIBUINPLEXBUOFCHINSPIN.docx#PTIIICOOR_CH8BUCO_ARTIIBUINPLEXBUOFCHINSPIN_S8-22SPBUIN). Former [section 8-21](../level3/PTIIICOOR_CH8BUCO_ARTIIBUINPLEXBUOFCHINSPIN.docx#PTIIICOOR_CH8BUCO_ARTIIBUINPLEXBUOFCHINSPIN_S8-21ENPE) pertained to adoption of the South Florida Building Code by reference and derived from Ord. No. 01-225, § 1, adopted Dec. 18, 2001.

Sec. 8-21.1. Powers, duties and appointment of building official.

(a) *APPOINTMENT:* The appointing authority shall appoint a Building Official, and such person shall have met the following minimum experience criteria and have been certified by the Board of Rules and Appeals, as specified in Subsection [8-21.5](../level3/PTIIICOOR_CH8BUCO_ARTIIBUINPLEXBUOFCHINSPIN.docx#PTIIICOOR_CH8BUCO_ARTIIBUINPLEXBUOFCHINSPIN_S8-21.5CERE) herein, before serving in that capacity;

(1) These individuals shall be qualified as one of the following:

(aa) A Registered Professional Engineer licensed in the State of Florida with not less than five years experience under that registration.

(bb) A Registered Architect licensed in the State of Florida with not less than five years experience under that registration.

(cc) A licensed General Contractor holding a current Certificate of Competency issued by the Florida Construction Industry Licensing Board with not less than five years experience under that license.

(dd) A licensed General Contractor holding a current Certificate of Competency issued by the Miami-Dade County Construction Trades Qualifying Board with not less than five years experience under that license.

(b) *POWERS AND DUTIES:*

(1) The Building Official is hereby authorized and directed to interpret and enforce all of the provisions of this Chapter subject to the powers vested in the Board of Rules and Appeals as set forth in [Section 8-4](../level3/PTIIICOOR_CH8BUCO_ARTIAD.docx#PTIIICOOR_CH8BUCO_ARTIAD_S8-4BORUAP) herein. The Building Official may delegate to certified chief inspectors such powers, duties and assignments as he/she may deem advisable to carry out the provisions of this Chapter.

(2) Provisions and requirements of [Chapter 10](../level2/PTIIICOOR_CH10CO.docx#PTIIICOOR_CH10CO) of this Code shall be enforced by the Building Official, subject to the powers vested in the Construction Trades Qualifying Board. Section 10-2.X shall apply to the Electrical, Plumbing and Mechanical trades and violations enforced by the Building Official shall be within the jurisdiction of the Board of Rules and Appeals. In the event of a violation, the Building Official may exercise his or her authority set forth in [Section 8-21.1](../level3/PTIIICOOR_CH8BUCO_ARTIIBUINPLEXBUOFCHINSPIN.docx#PTIIICOOR_CH8BUCO_ARTIIBUINPLEXBUOFCHINSPIN_S8-21.1PODUAPBUOF)(d) of this Code and shall also give written notice to the offending contractor, specifying the violation and the right to a hearing before the Board of Rules and Appeals as set forth in [Section 8-4](../level3/PTIIICOOR_CH8BUCO_ARTIAD.docx#PTIIICOOR_CH8BUCO_ARTIAD_S8-4BORUAP). Upon a finding of fraud or a willful violation of the Building Code, the Board of Rules and Appeals may deny the issuance of building permits to a certified contractor for a period of up to six months. The decision of the Board of Rules and Appeals shall be final, subject to appellate review in the manner set forth under state and local law.

(c) RIGHT OF ENTRY: Upon presentation of proper credentials, the Building Official or his duly authorized representatives may enter, at any reasonable time, any building, structure or premise for the purpose of inspection or to prevent violation of this Chapter.

(d) STOP WORK ORDERS: Whenever any building work is being done contrary to the provisions of this Chapter or is being done in an unsafe or dangerous manner, the Building Official may order such work stopped, or may order the violation corrected within a reasonable period of time, by notice in writing served on the person or persons engaged in the doing or causing of work to be done, and such persons shall immediately stop such work until arrangements in compliance with the provisions of this Chapter satisfactory to the Building Official, have been made, at which time he/she may authorize the work to proceed.

(e) CONCEALED WORK: The Building Official may order portions of the structural frame of a building and/or structure to be exposed for inspection when, in his opinion, there are good reasons to believe that a building or portion thereof is in an unsafe or dangerous condition or that there is willful or negligent concealment of a violation of this Chapter.

(f) OCCUPANCY: Whenever any building or portion thereof is being used or occupied contrary to the provisions of this Chapter, the Building Official shall order such use or occupancy discontinued and the building or portion thereof vacated. Such order shall be by notice in writing, served on the person or persons using, or causing to be used, such building or portions thereof. Within a reasonable period of time after receipt of such notice or order, such building or portion thereof shall be made to comply with the requirements of this Chapter; however, in the event of an emergency, Subsection [8-5](../level3/PTIIICOOR_CH8BUCO_ARTIAD.docx#PTIIICOOR_CH8BUCO_ARTIAD_S8-5UNST)(e) shall apply.

(Ord. No. 04-191, § 1, 10-19-04; Ord. No. 06-69, § 1, 5-9-06)

Sec. 8-21.2. Appointment of chief building inspector, building plans examiner, structural plans examiner and building inspector.

(a) *APPOINTMENT OF A CHIEF BUILDING INSPECTOR, BUILDING PLANS EXAMINER, AND STRUCTURAL PLANS EXAMINER:* There shall be appointed by the appointing authority person or persons qualified as set forth herein to serve as Chief Building Inspector, Building Plans Examiner and Structural Plans Examiner. The above positions may be occupied by one or more persons who comply with all requirements of this Chapter to occupy those positions.

(b) *POWERS AND DUTIES:* The Chief Building Inspector, Building Plans Examiner and Structural Plans Examiner shall be subject to the powers vested in the Board of Rules and Appeals as set forth in [Section 8-4](../level3/PTIIICOOR_CH8BUCO_ARTIAD.docx#PTIIICOOR_CH8BUCO_ARTIAD_S8-4BORUAP) herein and the Building Official as set forth herein. The Chief Building Inspector may delegate to certified inspectors such powers, duties and assignments as he or she may deem advisable to carry out the provisions of this Chapter and the directives of the Building Official. It shall be the duty and responsibility of the Chief Building Inspector to coordinate the work of all subordinate inspectors. The Structural Plans Examiner shall be the only person qualified to perform structural review of plans.

(c) *CERTIFICATION OF CHIEF BUILDING INSPECTOR OR BUILDING PLANS EXAMINER:* To be eligible for appointment as a Chief Building Inspector or Building Plans Examiner, an individual shall be certified by the Board of Rules and Appeals and shall be one of the following:

(1) A Florida Registered Professional Engineer having practiced within the area of jurisdiction of this Chapter for at least five years.

(2) A Florida Registered Architect having practiced within the area of jurisdiction of this Chapter for at least 5 years.

(3) A licensed General Contractor with five years experience, all of which shall have been within the jurisdiction of this Chapter.

(4) A currently certified Building Official, Plans Examiner or Inspector having five years of experience in such position(s), three years of which shall have been within the jurisdiction of this Chapter.

(5) A currently certified Building Inspector having an Associate of Science Degree in a course of education accepted by the Board of Rules and Appeals and having five years experience as a licensed General Contractor, two years of which shall have been within the jurisdiction of this Chapter; or three years experience as a Building Official, Plans Examiner or Inspector, all of which shall have been within the jurisdiction of this Chapter.

(6) This criterion shall apply only to individuals holding one of the following:

(aa) A General Contractor's license issued by the Florida Construction Industry Licensing Board, provided the license number is less than #7837 or,

(bb) A General Contractor's license issued by Miami-Dade County Construction Trades Qualifying Board; or

(cc) A General Contractor's license issued by the Florida Construction Industry Licensing Board with license number #7837 or greater and holding a Certification as roofing contractor or inspector issued by the Florida Construction Industry Licensing Board or Miami-Dade County Construction Trades Qualifying Board.

(dd) Any General Contractor's license issued subsequent to a proctored examination graded by an independent testing agency approved by the Board of Rules and Appeals.

(d) *CERTIFICATION OF STRUCTURAL PLANS EXAMINER:* To be eligible for appointment as a Structural Plans Examiner, an individual shall be certified by the Board of Rules and Appeals and shall be a Florida licensed professional engineer who has obtained such license by examination under the structural discipline or who obtained licensure prior to March 1, 1993 by examination in either the civil/structural or civil/structural/sanitary categories and who has practiced as a structural engineer within the jurisdiction of this Chapter for a period of 5 years.

(e) *BUILDING INSPECTOR: (STRUCTURAL)*

(1) A Building Inspector, if properly qualified, may be certified and assigned duties in more than one category.

(2) Building Inspectors shall have the powers and duties as may be delegated by the Chief Building Inspector or Building Official.

(3) To be certified in the category of Building Inspector (Structural), individuals shall have at least one of the following:

(4) Five years construction experience in a supervisory capacity and at least one of the following:

(aa) A General Contractor's license and a current Certificate of Competency issued by the Florida Construction Industry Licensing Board; or

(bb) A General Contractor's license issued and a current Certificate of Competency by Miami-Dade County Construction Trade Qualifying Board or

(cc) A General Contractor's license issued subsequent to a proctor examination, graded by an independent testing agency approved by the Board of Rules and Appeals.

EXCEPTION: Individuals holding licenses as a Residential Contractor and/or Building Contractor, with a current Certificate of Competency issued by the Florida Construction Industry Licensing Board or Miami-Dade County Construction Trades Qualifying Board, may be certified as an entry level inspector with duties limited to the type and size of work for which they are certified to build. Inspectors employed under this exception shall be required to attend the first available formal educational course as approved by the Board of Rules and Appeals immediately following employment. In order to maintain eligibility for appointment, inspectors certified under this exception shall obtain a Certificate of Competency and General Contractor's license issued by Miami-Dade County, or a State Certified General Contractor's license, within 18 months of the date of original appointment.

(5) Two years construction experience and possessing an Associate of Science Degree in Building Code Enforcement or other construction related curriculum awarded for completion of an educational course accepted by the Board of Rules and Appeals and possessing a current certificate of competency as a general contractor, in the State of Florida.

(6) A current license from the State of Florida as an Architect or Engineer and building construction experience.

(f) *BUILDING INSPECTOR (RESIDENTIAL)*

(1) A Building Inspector, if properly qualified, may be certified and assigned duties in more than one category.

(2) Building Inspectors shall have the powers and duties as may be delegated by the Chief Building Inspector or Building Official.

(3) To be certified in the category of Building Inspector (Residential), individuals shall possess at least one of the following:

(aa) A State of Florida Registered Professional Engineer license with not less than one year experience under that registration.

(bb) A State of Florida Registered Architect license with not less than one year experience under that registration.

(cc) A current Certificate of Competency as a General Contractor issued by the Florida Construction Industry Licensing Board with not less than one year experience under that license.

(dd) A current Certificate of Competency as a General Contractor issued by the Miami-Dade County Construction Trades Qualifying Board with not less than one year experience under that license.

(ee) A current Certificate of Competency as a Building Contractor issued by the Florida Construction Industry Licensing Board with not less than one year experience under that license.

(ff) A current Certificate of Competency as a Sub-General Building Contractor issued by the Miami-Dade County Construction Trades Qualifying Board with not less than one year experience under that license.

(g) *BUILDING INSPECTOR (COMMERCIAL ROOFING)*

(1) A Building Inspector, if properly qualified, may be certified and assigned duties in more than one category.

(2) Building Inspectors (Commercial Roofing) shall have the powers and duties as may be delegated by the Chief Building Inspector or Building Official in connection with the review and approval of roofing permit applications, enforcement and inspections of the roofing sections of the Building Code and other applicable Codes and Standards for all occupancies provided in the Code.

(3) To be certified in the category of Building Inspector (Commercial Roofing) candidates shall have at least one of the following:

(4) Five years of experience in the roofing industry, two of which shall have been in a supervisory capacity and holding a current certificate as a Roofing Contractor issued by:

(aa) The Miami-Dade County Construction Trades Qualifying Board; or

(bb) Florida Construction Industry Licensing Board.

(5) Five years experience in the roofing industry and certification as a Building Inspector in Miami-Dade County and holding a personal certificate from the Miami-Dade County Construction Trades Qualifying Board as a Roofing Inspector or Contractor.

(6) Five years experience in the roofing industry and certification as a Building Inspector in Miami-Dade County and holding a personal certificate as a General Contractor issued by either:

(aa) The Florida Construction Industry Licensing Board, provided the number of the license shall be less than #7837; or

(bb) The Miami-Dade County Construction Trades Qualifying Board.

(7) Five years experience in the roofing industry and holding a current license from the State of Florida as a registered Architect or Engineer.

(8) Any person holding a current certificate from the Board of Rules and Appeals as a Building Inspector who will perform roofing inspections shall hold a certificate and/or license as a Roofing Contractor or inspector and be certified as a Roofing Inspector by December 31, 1992. After that date such persons shall not be eligible for certification to perform roofing inspections in Miami-Dade County.

(h) *BUILDING INSPECTOR (RESIDENTIAL ROOFING)*

(1) A Building Inspector, if properly qualified, may be certified and assigned duties in more than one category.

(2) Building Inspectors (Residential Roofing) shall have the powers and duties as may be delegated by the Chief Building Inspector or Building Official in connection with enforcement and inspections of the roofing sections of the Building Code and other applicable Codes and Standards for Group R3 Occupancies only.

(3) To be certified in the category of Building Inspector (Residential Roofing) candidates shall have at least one of the following:

(aa) A current roofing contractor certificate issued by:

(1) The Miami-Dade County Construction Trades Qualifying Board; or

(2) Florida Construction Industry Licensing Board.

(bb) A current certification as a Building Inspector in Miami-Dade County and holding a personal certificate from the Miami-Dade County Construction Trades Qualifying Board as a Roofing Inspector or Contractor.

(cc) A current certification as a Building Inspector in Miami-Dade County and holding a personal certificate as a General Contractor, Building Contractor or Sub General Building Contractor issued by either:

(1) The Florida Construction Industry Licensing Board, provided the number of the license shall be less than #7837; or

(2) The Miami-Dade County Construction Trades Qualifying Board.

(dd) A current license from the State of Florida as a registered Architect or Engineer with roofing experience in Miami-Dade County under the Building Code.

(Ord. No. 04-191, § 1, 10-19-04; Ord. No. 06-69, § 1, 5-9-06)

Sec. 8-21.3. Appointment, powers and duties of chief electrical inspector, electrical inspector, and electrical plans examiner.

(a) The Chief Electrical Inspector shall have the responsibility and duty of enforcing the Electrical Code. The title, Chief Electrical Inspector, shall be construed to mean the chief or head of the division or department of electrical inspection. The Chief Electrical Inspector shall have the power to delegate powers and assignments, dealing with electrical inspections, to subordinate Electrical Inspectors and Plans Examiners working under his/her authority.

(1) The appointing authority shall appoint a Chief Electrical Inspector. To be eligible for appointment as a Chief Electrical Inspector, an individual shall be certified by the Board of Rules and Appeals and shall be one of the following:

(aa) A Master Electrician having held a certification issued by the Miami-Dade County Construction Trades Qualifying Board for a period of at least five years and having five years of field experience under that certification.

(bb) A State Certified Electrical Contractor having held a certification issued by the Florida Electrical Contractor's Licensing Board for a period of at least five years and having five years of field experience under that certification.

(cc) A Florida licensed professional engineer having obtained a license pursuant to examination in the electrical discipline and having had five years of field experience under that license.

(b) All Electrical Inspectors and Electrical Plan Examiners shall be certified by the Board of Rules and Appeals and shall be one of the following:

(1) INSPECTORS:

(a) Each Electrical Inspector shall have:

(aa) At least five years of field experience as a Certified Journeyman Electrician or Master Electrician issued by the Miami-Dade County Construction Trades Qualifying Board; or,

(bb) At least five years of field experience as a state Certified Electrical Contractor issued by the Electrical Contractors' Licensing Board.

(b) Each Electrical Sign Inspector shall have:

(aa) At least five years of field experience as a Certified Electrical Sign Journeyman or Sign Master, issued by the Miami-Dade County Construction Trades Qualifying Board; or,

(bb) At least five years of field experience as a state Certified Electrical Contractor or Sign Specialty Electrical Contractors license issued by the Electrical Contractor's Licensing Board in that category.

(cc) The Chief Electrical Inspector shall have the power to delegate powers and assignments, dealing with electrical sign inspections only, to subordinate Electrical Sign Inspectors working under his/her authority.

(2) APPOINTMENT OF ELECTRICAL PLANS EXAMINERS

The appointing authority shall appoint and assign duties to the Electrical Plans Examiner and such person shall meet the same qualification and certification requirements as the Chief Electrical Inspector.

(3) APPOINTMENT OF ELECTRICAL PLANS EXAMINERS (RESIDENTIAL)

Electrical Plans Examiner (Residential) shall be appointed and assigned duties in relation to R3 Occupancy only. Each Electrical Plans Examiner (Residential) shall be qualified by:

(aa) At least five years of field experience as a Journeyman or Master Electrician Certified by the Miami-Dade County Construction Trades Qualifying Board and having worked as a Master Electrician for a minimum of one year within the areas of jurisdiction of this Chapter; or

(bb) Having been certified as an Electrical Contractor by the Electrical Contractors' Licensing Board with five years of field experience under that certification and having worked as an Electrical Contractor for a minimum of one year within the areas of jurisdiction of this Chapter.

(c) POWERS AND DUTIES:

(1) It shall be the duty of the Electrical Inspector and the Electrical Sign Inspector to inspect all wiring, apparatus and equipment, and installations for light, heat, power, and low voltage systems and to enforce all the laws, rules and regulations relating thereto in the area of jurisdiction and to enforce all the provisions of this Chapter.

(2) The Electrical Inspector and the Electrical Sign Inspector will issue an approval on the wiring installations, apparatus, equipment or light fixtures provided they comply with the rules and regulations of the Building Code. At the time of inspection, if defects, omission, or violations exist on any other part of the wiring system, the issuance of an approval will be withheld until corrections have been made to the defective portion of the wiring system, and the same are made to comply with this Chapter.

(3) A 30-day temporary electric service connection may be approved for a facility by the Electrical Inspector if the wiring installation, apparatus, or equipment are found to be in a safe operating condition and provided an urgent necessity for electric current exists. Under these circumstances, an application for temporary service must be made in writing by the electrical contractor, firm, corporation, or owner requesting the temporary service connection to the public utility system or isolated generating plant.

(4) The Electrical Inspector/Electrical Sign Inspector are hereby empowered to inspect or reinspect any wiring, equipment or apparatus conducting or using electric current for light, heat, power and low voltage systems, and if conductors, equipment or apparatus are found to be unsafe to life or property, the inspector shall serve notice in writing to the owner and/or operator of the hazardous wiring or equipment, to correct the condition within a reasonable period of time.

(5) The Electrical Inspector/Electrical Sign Inspector are hereby given the power to disconnect extension cords, temporary wiring, branch circuits, sub-feed conductors, or the main service supplying electrical energy to any portion of an electrical wiring system on or in buildings, or on premises, if this wiring is in the opinion of the inspector considered to be hazardous to life or property. Any person, firm or corporation supplying current, must disconnect service from source of supply upon instructions from the Electrical Inspector/Electrical Sign Inspector where hazards are deemed to exist, after receiving written notice from the Electrical Inspector/Electrical Sign Inspector.

(6) The power and duties of the Electrical Inspector shall be subject to the powers vested in the Board of Rules and Appeals as set forth in [Section 8-4](../level3/PTIIICOOR_CH8BUCO_ARTIAD.docx#PTIIICOOR_CH8BUCO_ARTIAD_S8-4BORUAP) of this Code.

(Ord. No. 04-191, § 1, 10-19-04; Ord. No. 06-69, § 1, 5-9-06)

Sec. 8-21.3(b). Appointment, powers and duties of chief plumbing inspector, plumbing inspector and plumbing plans examiner.

(a) Such person shall hereinafter be termed the Chief Plumbing Inspector. The Chief Plumbing Inspector shall have the power to delegate powers and assignments, dealing with plumbing inspections, to subordinate plumbing inspectors and plans examiners working under his/her authority.

(1) The appointing authority shall appoint a Chief Plumbing Inspector. To be eligible for appointment as a Chief Plumbing Inspector, an individual shall be certified by the Board of Rules and Appeals and shall be one of the following:

(aa) A Master Plumber having held a certification issued by the Miami-Dade County Construction Trades Qualifying Board for a period of at least five years and having five years of field experience under that certification.

(bb) A State Certified Plumber Contractor having held a certification by the Florida Construction Industry Licensing Board for a period of at least five years and having five years of field experience under that certification.

(cc) A Florida licensed Professional Engineer having obtained a license pursuant to examination in the mechanical discipline and having had five years of field experience under that license.

(b) All Plumbing Inspectors and Plumbing Plan Examiners shall be certified by the Board of Rules and Appeals and shall be one of the following:

(1) INSPECTORS:

Each such inspector shall have:

(aa) At least five years of field experience as a Certified Journeyman Plumber or Master Plumber issued by the Miami-Dade County Construction Trades Qualifying Board; or,

(bb) At least five years of field experience as a state Certified Plumbing Contractor issued by the Florida Construction Industry Licensing Board.

(2) APPOINTMENT OF PLUMBING PLANS EXAMINER

The appointing authority shall appoint and assign duties to the Plumbing Plans Examiner and such person shall meet the same qualifications and certification requirements as the Chief Plumbing Inspector.

(3) APPOINTMENT OF PLUMBING PLANS EXAMINER (RESIDENTIAL)

Plumbing Plans Examiner (Residential) shall be appointed and assigned duties in relation to R3 Occupancy only. Each Plumbing Plans Examiner (Residential) shall be qualified by:

(aa) At least five years of field experience as a Certified Journeyman or Master Plumber, certified by the Miami-Dade County Construction Trades Qualifying Board and having worked as a Master Plumber for a minimum of one year within the areas of jurisdiction of this Chapter; or

(bb) Having been certified as a plumbing contractor by the Florida Construction Industry Licensing Board with five years of field experience under that license, and having worked as a Plumbing Contractor for a minimum of one year within the areas of jurisdiction of this Chapter.

(c) POWER AND DUTIES: The Chief Plumbing Inspector is hereby authorized and directed to interpret and enforce all of the provisions of the Plumbing Sections within the Building Code, subject to the powers vested in the Board of Rules and Appeals as set forth in [Section 8-4](../level3/PTIIICOOR_CH8BUCO_ARTIAD.docx#PTIIICOOR_CH8BUCO_ARTIAD_S8-4BORUAP) of this Code.

(Ord. No. 04-191, § 1, 10-19-04; Ord. No. 06-69, § 1, 5-9-06)

Sec. 8-21.3(c). Appointment, powers and duties of chief mechanical inspector, mechanical inspector and mechanical plans examiner.

(a) Such person shall hereinafter be termed the Chief Mechanical Inspector. The Chief Mechanical Inspector shall have the power to delegate powers and assignments, dealing with mechanical inspections, to subordinate Mechanical Inspectors and Plans Examiners working under his/her authority.

(1) There shall be appointed by the appointing authority person or persons qualified as set forth herein to serve as Chief Mechanical Inspector and Mechanical Plans Examiner. These individuals shall be qualified as one of the following:

(aa) A Master General Mechanical Contractor having held a certification by the Miami-Dade County Construction Trades Qualifying Board for a period of at least five years and having five years of field experience under that certification.

(bb) A State Certified Mechanical Contractor having held a certification by the Florida Construction Industry Licensing Board for a period of at least five years and having five years of field experience under that certification.

(cc) A Florida licensed Professional Engineer having obtained a license pursuant to examination in the mechanical discipline and having had five years of field experience under that license.

(b) All Mechanical Inspectors and Mechanical Plan Examiners shall be certified by the Board of Rules and Appeals and shall be one of the following:

(1) INSPECTOR

Each such inspector shall have:

(aa) At least five years of field experience as a Certified Journeyman General, Master Mechanical or Specialty Mechanical Contractor issued by the Miami-Dade County Construction Trades Qualifying Board; or

(bb) At least five years field experience as a state Certified Mechanical Contractor issued by the Florida Construction Industry Licensing Board with not less than five years of field experience working in the areas of jurisdiction of this Chapter.

(2) APPOINTMENT OF MECHANICAL PLANS EXAMINER

The appointing authority shall appoint and assign duties to the Mechanical Plans Examiner, and such person shall meet the same qualification and certification requirements as the Chief Mechanical Inspector.

(3) APPOINTMENT OF MECHANICAL PLANS EXAMINER (RESIDENTIAL)

Mechanical Plans Examiner (Residential) shall be appointed and assigned duties in relation to Group R3 Occupancy only. Each Mechanical Plans Examiner (Residential) shall be qualified by:

(aa) At least five years of field experience as a Journeyman General or Master General Mechanical certified by the Miami-Dade County Construction Trades Qualifying Board and having worked as a Master Mechanical for a minimum of one year within the areas of jurisdiction of this Chapter; or

(bb) Having been certified as a Mechanical Contractor by the Florida Construction Industry Licensing Board with five years of field experience under that Certification and having worked as a Mechanical Contractor for a minimum of one year within the areas of jurisdiction of this Chapter.

(b) POWERS AND DUTIES: The Chief Mechanical Inspector is hereby authorized and directed to interpret and enforce all of the mechanical provisions of this Chapter, subject to the powers vested in the Board of Rules and Appeals as set forth in this Chapter.

(Ord. No. 04-191, § 1, 10-19-04; Ord. No. 06-69, § 1, 5-9-06)

Sec. 8-21.4. (Not used)

Sec. 8-21.5. Certification and recertification.

(a) *CERTIFICATION, DEFINED*

(1) The term "certification" shall mean compliance with the minimum qualification and experience for Building Officials, Chiefs, Inspectors, and Plans Examiners established by this Code, and approval by the Miami-Dade County Board of Rules and Appeals.

(2) Only such persons in the categories of Building Official, Chief, Inspector, and Plans Examiner as are examined and certified by the Board of Rules and Appeals may be employed by any inspection authority regulated by this Chapter.

EXCEPTION: Fire Inspectors possessing a State of Florida Fire Safety Inspector Certificate of Compliance as prescribed in F.S. Section 633.081(2) of the Florida Statutes and the rules and regulations of the Division of State Fire Marshal shall be eligible for certification by the Board of Rules and Appeals in the category of Plans Examiner, Fire.

(3) In the event that an inspection authority intends in good faith to employ an applicant for any of the categories regulated by this Chapter, it shall make application for certification. Applications for certification shall be made to the Secretary of the Board of Rules and Appeals on forms approved by the Board of Rules and Appeals and shall provide all relevant and necessary information prior to appointment by an inspection authority. Within ten (10) days of receipt of a properly completed application, the Secretary of the Board of Rules and Appeals shall, based on a preliminary review of the applicant's fulfillment of the qualifications contained in the law, as represented in the application, grant temporary certification or deny it, stating the reasons for denial. Pending review by the Board of Rules and Appeals, the inspection authority shall not employ any person for any position regulated by this Code without first obtaining temporary certification from the Secretary of the Board of Rules and Appeals. The Secretary of the Board of Rules and Appeals shall schedule the application for certification for consideration by the Board of Rules and Appeals at the earliest available meeting. The temporary certification shall only be effective through the date of final action by the Board of Rules and Appeals with respect to the application. The determination of the Secretary of the Board of Rules and Appeals to grant or deny certification shall not be binding upon the Board of Rules and Appeals. The determination of the Board of Rules and Appeals to grant or deny certification shall be final, subject to appeal as provided in [section 8-4](../level3/PTIIICOOR_CH8BUCO_ARTIAD.docx#PTIIICOOR_CH8BUCO_ARTIAD_S8-4BORUAP) of this code.

(4) Certification shall be valid, for the calendar year and shall be renewed each January 1st in accordance with the procedure established in Subsection [8-21.11](../level3/PTIIICOOR_CH8BUCO_ARTIIBUINPLEXBUOFCHINSPIN.docx#PTIIICOOR_CH8BUCO_ARTIIBUINPLEXBUOFCHINSPIN_S8-21.11RE)

(5) Upon resignation, retirement, or termination of a certified individual, Building Officials, Chiefs, Inspectors, and Plans Examiners shall be placed on an inactive list until such time as they again apply for employment and will be recertified if approved, in accordance with Subsection [8-21.11](../level3/PTIIICOOR_CH8BUCO_ARTIIBUINPLEXBUOFCHINSPIN.docx#PTIIICOOR_CH8BUCO_ARTIIBUINPLEXBUOFCHINSPIN_S8-21.11RE) herein. The building official shall notify the Board of Rules and Appeals upon any termination of employment of an inspector within 30 days of such action.

(6) All applications for certification shall be accompanied by a written authorization from an inspection authority regulated by this Chapter.

(7) The Board of Rules and Appeals, after application and review, shall certify the applicant, deny certification, or limit certification to a particular category.

(8) Once issued, a certification may be revoked or suspended only in accordance with the procedures established herein.

(9) In the event that the Building Official is not available to perform his/her duties, the appointing authority shall appoint an Interim Building Official to perform the duties of Building Official. Such Interim Building Official must hold a current and valid certificate, issued by the Board of Rules and Appeals, as a Building Official, Chief, Plans Examiner or Inspector and meet the same minimum requirements for Building Officials. The appointing authority shall notify the Secretary of the Board of Rules and Appeals, in writing, of the starting date and period of time that such appointment will be in effect. The name of the Interim Building Official will be recorded with the Board of Rules and Appeals but no certification card will be issued.

(10) In addition to satisfying the other minimum requirements contained in this Code, individuals applying for certification must hold a valid certificate issued by the State of Florida Building Code Administrators and Inspectors Board in the category and discipline he/she is seeking certification.

(b) *RECERTIFICATION:* (See [Section 8-21.11](../level3/PTIIICOOR_CH8BUCO_ARTIIBUINPLEXBUOFCHINSPIN.docx#PTIIICOOR_CH8BUCO_ARTIIBUINPLEXBUOFCHINSPIN_S8-21.11RE)

(Ord. No. 04-191, § 1, 10-19-04; Ord. No. 10-64, § 6, 9-24-10)

Sec. 8-21.6. Grounds for discipline: penalties.

The Board of Rules and Appeals may discipline an inspector, plans examiner or Building Official by issuing a reprimand to the individual or suspending, revoking or denying renewal of the individual's certification as an inspector after notice and reasonable opportunity to be heard, if it is found that:

(1) The certification was fraudulently obtained or erroneously issued.

(2) The Inspector, Plans Examiner or Building Official has violated any of the provisions of this Chapter or the rules adopted pursuant thereto.

(Ord. No. 04-191, § 1, 10-19-04)

Sec. 8-21.7 Procedures for imposition of discipline: review of adverse decision.

(a) The Secretary of the Board of Rules and Appeals or his designee, for good cause, may, upon his own motion, or upon the complaint in writing of any person, investigate or cause to be investigated the complaints against any Inspector, Plans Examiner or Building Official and submit a written or oral report to the Board; however, no such investigation or report shall be required.

(b) The Board of Rules and Appeals shall decide whether the report or complaint establishes that probable cause exist to support a finding that a violation of this Chapter or the rules promulgated hereunder has been committed and if so, shall take one or more of the following actions:

(1) Instruct the Secretary of the Board of Rules and Appeals or his/her designee to send a letter of guidance by certified mail to the Inspector, Plans Examiner or Building Official at their last known address.

(2) Instruct the Secretary or his designee to send by certified mail a letter to the Inspector, Plans Examiner or Building Official at his/her last known address, as shown by Board's records, setting out the name of the complainant, the alleged offenses and the approximate date of the commission, and the section of this Chapter alleged to be violated, and notifying said person to appear before the Board of Rules and Appeals at a time and place fixed, not sooner than twenty (20) days from the mailing of the certified letter, to show cause why his/her certification should not be suspended or revoked, a letter of reprimand issued, or why his/her certificate should not be renewed, advising that he/she may be represented by an attorney, and that he/she should bring all original documents and other data that may be pertinent to the case and that he/she will be given an opportunity to present such witnesses and evidence as he/she deem appropriate.

(3) Refer the matter to the legal authority having jurisdiction for appropriate action.

(c) In order to make a determination of guilt, the Board of Rules and Appeals must find that the weight of substantial competent evidence indicates that the person charged has violated this Chapter as charged. Before imposing a penalty, the Board of Rules and Appeals may consider mitigating circumstances presented through testimony and evidence.

(d) The Board of Rules and Appeals shall make a finding of guilty or not guilty as to each charge, and shall impose one or more of the following penalties on each charge for which a finding of guilty is made;

(1) Suspension of the certificate, stating the duration.

(2) Revocation of the certificate, naming the effective date. After revocation, the certificate may only be renewed or reissued after a period of at least one year and upon a showing of rehabilitation of the former certificate holder.

(3) Official letter of reprimand to become a part of the Inspector's or Plans Examiner's or Building Official's permanent file.

(4) Imposition of any administrative fee for all costs incurred by the Board in investigating and resolving the complaint which gave rise to the disciplinary proceeding.

(e) Notice of guilty decisions shall be mailed to all municipalities within Miami-Dade County and to the certificate holder at his/her last known address.

(Ord. No. 04-191, § 1, 10-19-04)

Sec. 8-21.8. Building inspectors and building officials maintaining qualifications: revocation upon failure to maintain.

Whenever an Inspector, Plans Examiner or Building Official fails to maintain any of the qualifications required for certification, such individual shall report such lack of qualifications to the Board of Rules and Appeals whereupon the Board may, after notice and hearing as provided in this Chapter, suspend or revoke the certificate.

(Ord. No. 04-191, § 1, 10-19-04)

Sec. 8-21.9. Procedure for correction of errors in issuance of certificates.

(a) Notwithstanding the provisions of the foregoing sections, when any certificate shall have been issued because of error of law or of fact, or because of administrative error, the Board of Rules and Appeals may revoke or correct such certificate upon notice and reasonable opportunity to be heard, but without formal charges or findings, and failure to return such certificate to the Board upon demand therefore shall be a violation of this Chapter.

(b) Further, and notwithstanding the provisions of the foregoing sections, the Board of Rules and Appeals may correct an error of law, or of fact, or an administrative error which resulted in the denial of the issuance of a proper certificate whether such error was the result of the action of the current Board or of a prior Board.

(Ord. No. 04-191, § 1, 10-19-04)

Sec. 8-21.10. Prohibited acts and omissions—Inspectors and building officials.

It shall be unlawful for any Inspector, Plans Examiner or Building Official employed anywhere within Miami-Dade County to commit any one or more of the following acts or omissions:

(a) Misrepresent any material fact in an application or supporting papers to obtain a certificate as a Building Inspector or Building Official.

(b) Grant or deny inspection approval of work at a construction site without the work having been properly inspected or before obtaining a certification from the applicable design professional, where such certification is required by this Chapter.

(c) Falsify building inspection results in the official records maintained by the building permit issuing authority.

(d) Grant inspection approval of work at a construction site with knowledge of the fact that the work does not comply with the provisions of the Building Code.

(e) Commit any act as an inspector or Building Official which significantly impairs the legal rights of another, including failure to give final approval for issuance of a permit or certificate of occupancy without just cause.

(f) Fail to comply with any rule or regulation established by the Board of Rules and Appeals or by the building authority having jurisdiction.

(Ord. No. 04-191, § 1, 10-19-04)

Sec. 8-21.11. Recertification.

(1) Applications for recertification, with pertinent data contained herein, must be submitted to the Board of Rules and Appeals by the inspection authority before December 15 of each calendar year in order to be considered for certification for the following year.

(2) All Building Officials, Chiefs, Inspectors and Plans Examiners presently certified by the Board of Rules and Appeals may be recertified when meeting the following criteria:

(aa) The individuals are currently certified by the Miami-Dade County Board of Rules and Appeals.

(bb) The individuals are employed by an inspection authority regulated by this Code.

(cc) The individuals have attended continuing education classes, or seminars in their respective fields for a minimum of 16 hours during the previous two calendar years. Of the hours required, a minimum of 12 hours shall be satisfied by attendance at courses and/or seminars provided by the Building and Neighborhood Compliance Department, and a maximum of four hours may be satisfied by attendance at programs certified by the State of Florida Building Code Administrators and Inspectors Board, Contruction Industry Licensing Board, or the Electrical Contractors Licensing Board, Board of Professional Engineers and the Board of Registered Architects. In the event that any courses satisfy the educational requirements of more than one discipline regulated by this Code, the Building and Neighborhood Compliance Department shall certify the course, in whole or in part, to satisfy the educational requirements applicable to each discipline.

(dd) Fire Inspectors shall meet the recertification and education requirements of Section 633.08112 of the Florida Statutes and the rules and regulations of the Division of State Fire Marshal.

(3) Certifications allowed to lapse will not be recertified until meeting the requirements of Subparagraph [8-21.11](../level3/PTIIICOOR_CH8BUCO_ARTIIBUINPLEXBUOFCHINSPIN.docx#PTIIICOOR_CH8BUCO_ARTIIBUINPLEXBUOFCHINSPIN_S8-21.11RE) herein.

(4) In addition to all the minimum requirements set by this Code, individuals applying for recertification must hold a valid certificate issued by the State of Florida Department of Business and Professional Regulation Board of Building Code Administrators and Inspectors, Board of Professional Engineers and the Board of Registered Architects in the category and discipline he/she is seeking recertification.

(Ord. No. 04-191, § 1, 10-19-04; Ord. No. 10-64, § 6, 9-24-10)

Sec. 8-21.12. Existing certifications.

(a) Notwithstanding any other provision of this Code regarding the requirements for certification of Officials, Inspectors or Plans Examiners, in the event that the Board of Rules and Appeals has at any time prior to January 1, 1992 issued a certification to any person as Official, Inspector or Plans Examiner, the following provisions of the Code shall govern the certification and recertification of such persons before the Board of Rules and Appeals.

(b) Any and all certifications of the Board of Rules and Appeals shall be considered to be valid and fully effective in connection with the following persons:

(1) Any person who obtained the position he or she occupied on January 1, 1992 on or before May 24, 1983, and who at the time he or she obtained the employment met the qualification requirements of this Chapter.

(2) Any person who obtained the position he or she occupied on January 1, 1992 on or before May 24, 1983, and at the time he or she obtained the employment this Chapter did not specify any requirements for the position.

(c) Any and all certifications issued by the Board of Rules and Appeals prior to January 1, 1992, shall be considered to be valid and fully effective notwithstanding other requirements of this Code for qualifications of the applicant, provided that the person receiving such certification complies with one of the following conditions:

(1) On or before January 1, 1992, such person must have the specific license required by this Chapter to occupy the position for which such person has been certified by the Board of Rules and Appeals regardless of the amount of time that such license has been held; or

(2) In the event that this Chapter requires a master's license or other license from the Miami-Dade County Construction Trades Qualifying Board, such person must, on or before January 1, 1994, successfully complete the examination in connection with the license required for the position for which he or she has been certified by the Board of Rules and Appeals. Provided that the person has been certified by the Board of Rules and Appeals prior to January 1, 1992, the Construction Trades Qualifying Board shall administer the examination to that person, notwithstanding other requirements of license or certification under [Chapter 10](../level2/PTIIICOOR_CH10CO.docx#PTIIICOOR_CH10CO) of the Code of Miami-Dade County. Successful completion of the examination shall entitle the person to continue to occupy the position that he or she has been certified to occupy by the Board of Rules and Appeals, but shall be of no other force or effect, and shall specifically not be construed as license or certification under [Chapter 10](../level2/PTIIICOOR_CH10CO.docx#PTIIICOOR_CH10CO) of the Code of Miami-Dade County unless such person complies with all requirements contained in [Chapter 10](../level2/PTIIICOOR_CH10CO.docx#PTIIICOOR_CH10CO) for license or certification; or

(3) On or before January 1, 1992, such person occupied the position for which he or she has been certified by the Board of Rules and Appeals and such person had been certified by the State of Florida Construction Industry Licensing Board as a contractor in the trade related to the position certified.

(d) The provisions of this Section shall not affect the continuing education requirements of the Code or the powers of the Board of Rules and Appeals to suspend or revoke a certification as set forth in other provisions of this Chapter.

(Ord. No. 04-191, § 1, 10-19-04)

Sec. 8-22. Special building inspector.

(1) Special Building Inspectors, retained by the owner, shall inspect and supervise:

(a) The compaction of fill under slabs on grade.

(b) The installation of structural piles.

(c) The construction of reinforced masonry structures.

(d) Welding and high-strength bolting.

(e) The fabrication and installation of curtain wall systems on threshold buildings.

(f) The fabrication and installation of structural glazed panels.

(2) Special Building Inspector: A Florida Registered Architect or Professional Engineer retained to provide professional services consisting of observation and inspection of construction for conformance with the permit documents and the Florida Building Code.

(3) When one or more of the following conditions exist the Building Official may elect to directly employ a Special Building Inspector for the inspection of the exterior cladding, firestopping, railings and safeguards, framing, roofing or any part of the building, except that inspections of plumbing, electrical or mechanical systems, inspections of required features of handicap accessibility and final inspections shall not be performed by a Special Building Inspector:

(a) The building is of unusual size or height, or

(b) The method of design or construction is unusual or complex, or

(c) The method or pace of the construction requires continuous inspection or

(d) In the opinion of the Building Official, additional inspections are required in order to ensure compliance with the Florida Building Code.

(4) Prior to issuance of the permit and for cases governed by [Section 8-22](../level3/PTIIICOOR_CH8BUCO_ARTIIBUINPLEXBUOFCHINSPIN.docx#PTIIICOOR_CH8BUCO_ARTIIBUINPLEXBUOFCHINSPIN_S8-22SPBUIN).(3) herein above, the Building Official shall require that each Special Building Inspector be certified by the Board of Rules and Appeals as a Special Building Inspector in compliance with [Section 8-4](../level3/PTIIICOOR_CH8BUCO_ARTIAD.docx#PTIIICOOR_CH8BUCO_ARTIAD_S8-4BORUAP) of this Chapter. Such Special Building Inspector shall be a Registered Architect or a Professional Engineer licensed in the State of Florida; qualified by training and experience to perform the inspections for which he or she will be retained. Any and all inspections required and authorized to be performed by a Special Building Inspector pursuant to this Section shall be performed by persons who shall have the knowledge, expertise, and if required the appropriate licensing board's certification related to the specialty or discipline involved in the inspection.

(5) The Building Official shall specify the scope and nature of the inspections to be performed, or shall require that the Architect or Engineer of Record submit an inspection plan for approval. The Special Building Inspector or his duly authorized representative shall make all inspections in accordance with the approved inspection plan.

(6) The Building Official shall be promptly informed of the results of all inspections in reports signed by the Special Building Inspector(s). Prior to the issuance of a Certificate of Occupancy, each Special Building Inspector shall submit to the Building Official a statement indicating the scope of his inspections and attesting that, to the best of his knowledge, belief and professional judgment, the work is in substantial compliance with the permit documents.

(7) Special Building Inspectors shall be responsible to the Building Official. The Building Official shall periodically visit the construction site to monitor, review, evaluate and approve the work of the Special Building Inspector(s). The Building Official is empowered to direct, as necessary, the work of the Special Building Inspector(s) and may, at any time, remove a Special Building Inspector for failure to perform his or her duties in accordance with the provisions of this section. In that event, the Building Official may also require or permit the owner, within such time as the Building Official may reasonably establish, to employ an alternate Special Building Inspector.

(8) The Building Official may conduct mandatory inspections as required herein through a Special Building Inspector subject to the limitations given in Paragraph [8-22](../level3/PTIIICOOR_CH8BUCO_ARTIIBUINPLEXBUOFCHINSPIN.docx#PTIIICOOR_CH8BUCO_ARTIIBUINPLEXBUOFCHINSPIN_S8-22SPBUIN).(3) herein.

(9) For any project constructed pursuant to an Aviation Department contract, the County Manager may authorize the Aviation Department to employ or engage the services of Special Building Inspectors for the inspection of any part of the project, including inspections of plumbing, electrical or mechanical systems, inspections of required features of handicap accessibility. All Special Building Inspectors shall comply with applicable certification requirements provided by State law. The Building Official shall conduct all final inspections.

(Ord. No. 04-191, § 1, 10-19-04)

Secs. 8-23—8-30. Reserved.

FOOTNOTE(S):

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**Editor's note—** Ord. No. 01-225, § 1, 12-18-01, added a new article II to chapter 8. In order to maintain a consistent section numbering system, the editor has included the provisions of said ordinance herein as article II, section 8-21 [(Back)](#BK_38F98FA6E6EE39BCCFC7EA2F997F0CD7)

Section 6 of Ord. No. 10-64, adopted Sept. 24, 2010, amended the title of Art. II, South Florida Building Code, to read as herein set out. [(Back)](#BK_38F98FA6E6EE39BCCFC7EA2F997F0CD7)

### ARTICLE III. FLORIDA BUILDING CODE

[Sec. 8-31. Local technical amendments to Florida Building Code.](#BK_53D1EA7778114B463C07BE1E33D4E863)

[Sec. 8-32. Local Administrative Amendments.](#BK_A6D9FA525581511881BE0A58D0533553)

[Secs. 8-33—8-39. Reserved.](#BK_501C0B79A7FAB8DD9FFBA30BCB994CA7)

Sec. 8-31. Local technical amendments to Florida Building Code.

(A) The County hereby adopts the following local technical amendments to Chapter 6 (Plumbing) of the Florida Building Code.

*604.4* Maximum flow and water consumption.

The maximum water consumption flow rates and quantities for all plumbing fixtures, fixture fittings and appliances shall be in accordance with Table 604.4. Effective January 1, 2009, permit applications for new residential and commercial structures shall include high efficiency plumbing fixtures, fixture fittings and appliances as provided in Table 604.4. Such high efficiency plumbing fixtures, fixture fittings and appliances shall comply with the specifications in Table 604.4 or have received the U.S. Environmental Protection Agency (EPA) WaterSense Label.

Exceptions:

1. Blowout design water closets [3.5 gallons (13L) per flushing cycle].

2. Vegetable sprays.

3. Clinical sinks [4.5 gallons (17 L) per flushing cycle].

4. Service sinks.

5. Emergency showers.

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TABLE 604.4  
MAXIMUM FLOW RATES AND CONSUMPTION FOR  
PLUMBING FIXTURES, FIXTURE FITTINGS AND APPLIANCES

|  |  |
| --- | --- |
| PLUMBING FIXTURE OR FIXTURE FITTING | MAXIMUM FLOW RATE(b) |
| Lavatory, private | 1.5 gpm at 60 psi |
| Lavatory, public, (metering) | 0.25 gallon per metering cycle |
| Lavatory, public (other than metering) | 0.5 gpm at 60 psi |
| Shower head(a) | 1.5 gpm at 80 psi |
| Sink faucet | 1.5 gpm at 60 psi |
| Urinal | >>Waterless or 0.5 gallon per flushing cycle |
| Water closet | 1.28 gallons per flushing cycle |
| Dishwasher (residential) | 6.5 gallons per cycle or less (Energy Star/Water Sense Certified)(c) |
| Dishwasher (commercial) | Less than 1.2 gallons per rack for fill and dump machines and less than 0.9 gallons per rack for all other types of machines |
| Dishwasher (under the counter machines) | 1.0 gallon or less per rack for high-temperature machines and 1.7 gallons per rack for low-temperature machines |
| Washing machine | Water factor of 8 or lower (Energy Star/Water Sense Certified)(c) |

For SI:

1 gallon = 3.785 L  
1 gallon per minute = 3.785 L/m  
1 pound per square inch = 6.895 kPa.

(a) A hand-held shower spray is a shower head.

(b) Consumption tolerances shall be determined from referenced standards.

(c) Water factor in gallons per cycle per cubic foot.

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(B) The County hereby adopts the following local technical amendments to Chapter 29 (Residential) of the Florida Building Code.

*P2903.2* Maximum flow and water consumption.

The maximum water consumption flow rates and quantities for all plumbing fixtures, fixture, fittings and appliances shall be in accordance with Table P2903.2a. Effective January 1, 2009, permit applications for new residential structures shall include high efficiency plumbing fixtures, fixture fittings and appliances as provided in Table P2903.2a. Such high efficiency plumbing fixtures, fixture fittings and appliances shall comply with the specifications in Table P2903.2a or have received the U.S. Environmental Protection Agency (EPA) WaterSense Label.

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TABLE P2903.2a  
MAXIMUM FLOW RATES AND CONSUMPTION FOR  
PLUMBING FIXTURES, FIXTURE FITTINGS AND APPLIANCES

|  |  |
| --- | --- |
| PLUMBING FIXTURE OR FIXTURE FITTING | PLUMBING FIXTURE OR FIXTURE FITTING MAXIMUM FLOW RATE(b) |
| Lavatory faucet | 1.5 gpm at 60 psi |
| Shower head(a) | 1.5 gpm at 80 psi |
| Sink faucet | 1.5 gpm at 60 psi |
| Water closet | 1.28 gallons per flushing cycle |
| Dishwasher (residential) | 6.5 gallons per cycle or less (Energy Star/Water Sense Certified)(c) |
| Washing machine | Water factor of 8 or lower (Energy Star/Water Sense Certified)(c) |

For SI:

1 gallon = 3.785 L  
1 gallon per minute = 3.785 L/m  
1 pound per square inch = 6.895 kPa.

(a) A handheld shower spray is a showerhead.

(b) Consumption tolerances shall be determined from referenced standards.

(c) Water factor in gallons per cycle per cubic foot.

(Ord. No. 08-14, § 1, 2-5-08; Ord. No. 08-100, § 1, 9-2-08)

Sec. 8-32. Local Administrative Amendments.

(a) The County hereby adopts the following Local Administrative Amendment modifying Chapter 1 of the Florida Building Code.

SECTION 103  
POWERS AND DUTIES OF THE  
FLOODPLAIN ADMINISTRATOR

*103.1 Scope.* In accordance with F.S. sec. 553.73, the Appointing Authority of Miami-Dade County and the Municipalities may delegate the authority to enforce the floodplain provisions of the Florida Building Code to a floodplain administrator, the Building Official, or any other appropriate agency or combination thereof.

*103.2 Intent.* A floodplain administrator, the Building Official or any other appropriate agency or combination thereof, as designated, is authorized and directed to administer and enforce the flood provisions of the Florida Building Code and any adopted flood hazard ordinances. The designated authority shall delegate such duties and assignments as may be deemed necessary to carry out provisions of the Florida Building Code and any adopted flood hazard ordinances, to render interpretations consistent with the intent and purpose of these codes and may establish policies and procedures in order to clarify the application of their provisions.

*103.3 General.* Where, in any specific case, different sections of the Florida Building Code or adopted flood hazard ordinances specify different materials, methods of construction or other requirements, the most restrictive shall govern.

(Ord. No. 12-57, § 1, 7-3-12)

Secs. 8-33—8-39. Reserved.

### ARTICLE IV. PRODUCT APPROVAL

[Sec. 8-40. Product approvals.](#BK_159B9E887B7B5A47A1F525DA76E64462)

Sec. 8-40. Product approvals.

Any person desiring to use materials/products used for protection of the envelope of the structure, limited to windows, exterior glazing, wall cladding, roofing, exterior doors, skylights, glass block, siding and shutters shall obtain a high wind velocity zone approval from the Florida Building Commission or shall obtain a local approval in accordance with Sections 553.842 and 553.8425 of the Florida Statutes.

(a) Local approval of construction products and assemblies.

(1) Any person or firm, not having an approval from the Florida Building Commission and desiring to supply, furnish, manufacture or fabricate construction products or assemblies, to the extent required by the Building Code shall make application for approval to the Director of the Building and Neighborhood Compliance Department, in accordance with the administrative order governing product approval.

(2) The application for local product approval shall be made in accordance with the administrative order governing product approval and shall set forth and describe plant methods, personnel, equipment, control procedure, and such other information as may be required to insure compliance of the product or assembly with the Building Code.

(3) The Building and Neighborhood Compliance Department may approve such product, plant or manufacturing procedure and issue a Certificate of Competency or issue a product approval, as appropriate, after payment of the required fee, upon a finding that such project, plant or manufacturing procedure complies with the Building Code. The Building and Neighborhood Compliance Department will recommend the establishment of conditions and limitations on the use of any product submitted for approval.

(4) Product approvals given by the Building and Neighborhood Compliance Department shall be valid countywide.

(5) The Building and Neighborhood Compliance Department may deny, suspend or revoke a product approval or Certificate of Competency upon a finding that a product, plant or procedure does not comply with the Building Code or violates a condition of its approval. Appeal from this decision of the Building and Neighborhood Compliance Department shall be to the Board of Rules and Appeals.

(6) The manufacturer's or fabricator's name or insignia shall be clearly indicated on each prefabricated structural assembly.

(7) Appeal from a decision of the Building Official to refuse to accept a product or assembly, which has been previously approved by the Building and Neighborhood Compliance Department, shall be to the Board of Rules and Appeals.

(Ord. No. 01-112, § 1, 7-10-01; Ord. No. 10-64, § 6, 9-24-10)