

**RESOLUTION NO. 10-1934**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, WAIVING ALL CITATIONS THAT HAVE BEEN HERETOFORE ISSUED BY THE TOWN; ADOPTING AN AMNESTY PERIOD; MANDATING CONTINUED ENFORCEMENT OF LIFE SAFETY REQUIREMENTS OF THE FLORIDA BUILDING CODE; PROVIDING FOR PENALTIES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town has issued a number of citations that heretofore have not been enforced and the Town Commission is about to globally address the issue of code enforcement as a policy and a budget matter: and

**WHEREAS**, there has been uncertainty on the part of the citizens and staff as to the direction the Town is to take on these matters; and

**WHEREAS**, the Town wishes to assist its citizens in this regard by waiving all code enforcement citations issued up to, and including, the date of passage of this resolution (unless the citation involves a structural safety issue or building code issue which is mandatory to enforce and shall be enforced) and grant an amnesty period of approximately one hundred and twenty days and secure direction from the Town Commission;

**NOW THEREFORE BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AS FOLLOWS:**

Section 1. Waiver and Amnesty. Notwithstanding anything to the contrary, the Town of Surfside hereby waives all code enforcement citations that have been issued up to the date of passage of this resolution and declares a special amnesty period for code enforcement violations to allow citizens to pay liens due and owing and remediate any violations. This Amnesty period shall begin on May 31, 2010 and shall continue through September 30, 2010, pending the conduct of a workshop, development of a policy by the Town Commission and adoption of a budget supporting this policy within said time frame. All owners of property on which a lien has been filed shall have this period of time to utilize the benefits of this resolution and pay back the liens without filing of foreclosure.

The provisions of this Section shall not be interpreted to supersede the following requirements which must be complied with by all structures at all times:

- (1) The following life-safety requirements of the current Florida Building Code:
  - (1) means of egress or escape
  - (2) requirement of shutters
  - (3) Hard-wired smoke detectors shall be installed as required by this Code.
  - (4) All aluminum electrical wiring shall be replaced with electrical wiring meeting the requirements of this Code.
  - (5) Ground fault interrupt (GFI) shall be installed as required by this Code.
  - (6) All new exterior doors shall be intrusion and burglar resistant as required by this Code.
  - (7) Full size pressure and temperature relief valved lines shall be installed on all water heaters as required by this Code.
  - (8) Handicapped access requirements of this Code and Chapter 553 of the Florida Statutes shall be complied with, as well as any other applicable State law requirement governing accessibility by disabled persons.
  - (9) All gas piping systems shall be bonded to ground.
  - (10) Handrails shall be inspected and replaced, if necessary, in full compliance with the requirements of this Code.

Section 2. Penalties for violation. Notwithstanding the provisions of this ordinance, the Building Official may at all times continue enforcement of the Code through any authorized means including issuance of a Notice of Violation, recording the same, commencement of a case before the Unsafe Structures Board or for any other building life safety issue. This Resolution shall not be construed or serve as a defense against any enforcement actions brought by the Building Official based on the current requirements of the code.

Section 3. Severability. If any section, subsection, clause or provision of this Resolution is declared invalid or unconstitutional by a court of competent jurisdiction, the remainder shall not be affected by such invalidity.

Section 4.     Effective Date. This Resolution becomes effective upon adoption.

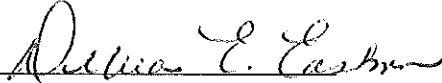
PASSED AND ADOPTED this 11<sup>th</sup> day of May, 2010.

Motion by Commissioner Karukin, second by Commissioner Graubart.

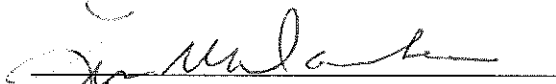
FINAL VOTE ON ADOPTION

Commissioner Michael Karukin	<u>yes</u>
Commissioner Edward Kopelman	<u>yes</u>
Commissioner Marta Olchyk	<u>yes</u>
Vice Mayor Joseph Graubart	<u>yes</u>
Mayor Daniel Dietch	<u>yes</u>

  
\_\_\_\_\_  
Daniel Dietch, Mayor

ATTEST:   
\_\_\_\_\_  
Debra E. Eastman, MMC  
Town Clerk

**APPROVED AND TO FORM AND  
LEGAL SUFFICIENCY FOR THE TOWN OF SURFSIDE ONLY:**

  
\_\_\_\_\_  
Lynn M. Dannheisser  
Town Attorney