

ORDINANCE NO. 2024 - 1768

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AMENDING THE TOWN OF SURFSIDE CODE OF ORDINANCES BY AMENDING CHAPTER 14, "BUILDINGS AND BUILDING REGULATIONS," ARTICLE II, "BUILDING CODE," SECTION 14-29, "PERMIT FEES," TO PROVIDE FOR A ~~20~~ 30% REDUCTION OF BUILDING PERMIT FEES FOR ANY CONSTRUCTION ACTIVITY RELATING TO CONDOMINIUM BUILDING RECERTIFICATION OR ANY NECESSARY STRUCTURAL AND/OR LIFE SAFETY REPAIRS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Article VIII, Section 2 of the Florida Constitution, and Chapter 166, Florida Statutes, provide municipalities with the authority to exercise any power for municipal purposes, except where prohibited by law, and to adopt ordinances in furtherance of such authority; and

WHEREAS, the Town Commission of the Town of Surfside ("Town Commission") finds it periodically necessary to amend its Code of Ordinances ("Code") in order to update regulations and procedures to maintain consistency with state law and to implement municipal goals and objectives for the general health, safety and welfare of the Town residents, occupants, visitors and the general public; and

WHEREAS, following the tragic collapse of the Champlain Towers South Condominium building, the Town Commission recognizes the importance of mitigating the increased cost of building recertification and special assessments for certain aging condominium buildings within the Town that may put residents, guests, invitees, and others at increased risk; and

WHEREAS, at a regular meeting of the Town Commission held on December 12, 2023, the Town Commission directed the Town Administration to propose a reduction of the building permit fees for construction activity directly relating to condominium building recertification or any necessary structural and/or life safety repairs; and

WHEREAS, consistent with the Town Administration's recommendation, this ordinance proposes to amend Chapter 14, "Buildings and Building Regulations", Article II, "Building Code", Section 14-29, "Permit fees" of the Code, to provide a 20% reduction in permit fees for all construction activity directly relating to condominium building recertification, as described in Sec. 14-29(a), or any necessary structural and/or life safety repairs; and

WHEREAS, the Town Commission held its first public hearing on January 9, 2024 and recommended approval of the proposed amendments to the Code having complied with the notice requirements in the Florida Statutes; and

WHEREAS, the Town Commission conducted a second duly noticed public hearing on these regulations as required by law on February 13, 2024 and further finds the proposed changes to the Code are necessary and in the best interest of the community.

NOW, THEREFORE, BE IT DULY ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA¹:

Section 1. Recitals Adopted. That the above-stated recitals are hereby adopted and confirmed.

Section 2. Town Code Amended. The Chapter 14, "Buildings and Building Recertification," Article II, "Building Code," Section 14-29, "Permit fees," of the Code of Ordinances of the Town of Surfside, Florida is hereby amended as follows:

Chapter 14 – Buildings and Building Regulations

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Article II. – Building Code

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Sec. 14-29. Permit fees.

- (a) For all buildings, structures, additions and alterations requiring a building permit as called for in Section 105 of the Florida Building Code, a fee for each building permit shall be paid as required, in accordance with the following fee schedule:
 - (1) The minimum fee for any one permit shall be \$80.00.
 - (2) For all construction activity where the construction costs are greater than \$1,000.00 but less than \$1,250,000.00, the fee shall be \$80.00 plus 2.3 percent of the cost of construction.
 - (3) For all construction activity where the construction costs are \$1,250,000.00 or more, but less than \$3,000,000, the fee shall be calculated as in (1) + (2) plus 1.6 percent of the cost of construction from \$1,250,000.00 up to \$3,000,000.00.

¹ Coding: ~~Strikethrough words~~ are deletions to the existing words. Underlined words are additions to the existing words. Changes between first and second reading are indicated with highlighted ~~double-strikethrough~~ and double underline.

- (4) For all construction activity where the construction costs are \$3,000,000.00 or greater, the fee shall be calculated as in (1) + (2) + (3) plus 1.3 percent of the cost of construction greater than \$3,000,000.00.
 - (5) Electrical, mechanical and plumbing permit fees shall be calculated in accordance with (1) through (4) above, except that when such electrical, mechanical or plumbing permit is a sub-permit to a master permit, the fee for the sub-permit shall be \$80.00 provided the cost of the electrical, mechanical or plumbing work is included in the overall cost of construction included in the master permit.
 - (6) For purposes of this section, the cost of construction is calculated as no less than \$250.00 per gross square foot for multi-family and commercial developments and no less than \$150.00 per gross square foot for single family homes for new construction or substantial improvements as defined in the Florida Building Code.
 - (7) The town reserves the right to conduct an audit of the construction costs for new construction or substantial improvements as defined in the Florida Building Code at the conclusion of the construction, based on a determination by the building official that the valuation is underestimated on the application. If a discrepancy is found, the applicant shall pay the difference in the building permit fee, if any, prior to issuance of the temporary certificate of occupancy. Applicant may provide evidence of final cost of construction and the Town will adjust the fee accordingly.
- (b) *Other specialized operations.* For other specialized operations for which permits are required, and the specialized operations are not specifically noted in this fee schedule, including but not limited to the moving of buildings or structures, the demolition of buildings or structures, the installation of driveways or sidewalks, the installation of underground fuel tanks, the installation of drainage facilities, the construction of roadways and site improvements, and the issuance of temporary structure or special event permits, the fee schedule listed above shall be applicable.
- (c) *Failure to obtain permit.* When work for which a permit is required is started prior to the obtaining of the permit, the applicant for a permit shall be required to pay \$100.00 plus double the regular permit fee, as the cost of the permit. The payment of such double fee plus \$100.00 shall not relieve any person from fully complying with all the requirements of all applicable regulations and codes; nor shall it relieve them from being subject to any of the penalties therein. The double fee requirement shall be applicable to sub-permits and to all divisions of the building department.
- (d) *Reinspection fee.* A re-inspection fee shall be charged when extra inspection trips are necessary due to:
- (1) Wrong address being given on request for inspection;
 - (2) Prior rejection of work due to faulty construction;
 - (3) Work not being ready for inspection at time specified;
 - (4) Failure to call for final or other inspections;

- (5) Required corrections not being made or completed at time specified.

A fee of \$80.00 shall be charged for the first re-inspection. The Building Official may apply Florida Statutes Section 553.80(2)(c) for each subsequent re-inspection. The payment of re-inspection fees may be required before any further permits will be issued to the person owing same, and further inspections may be refused until payment of re-inspections fees has been made. The re-inspection fee requirement shall be applicable to all divisions of the building department.

(e) *Application processing fee.*

- (1) A non-refundable fee may be charged at the time of submitting a permit application. The fee shall be \$80.00 or 25 percent of the building permit fee, whichever is greater. The fee paid will be deducted from the total permit fee at time of issuance of the permit.
- (2) A non-refundable fee shall be charged for reviewing plans on all new construction (or major remodeling) of multi-family residential structures and/or commercial structures. The fee shall be 25 percent of the estimated building permit fee. The fee will be deducted from the total permit fee at time of issuance of the permit.
- (3) A non-refundable zoning plan review fee of \$200.00 shall be charged at the time of application, for those projects requiring zoning review. This fee is in addition to the building permit fee and is not deductible from the building permit fee.
- (4) A non-refundable fee shall be charged for a preliminary review of plans and documentation prior to the submitting for a permit. The fee shall be calculated per subsection 14-29(g)(6) and (7).

(f) *Fee for changes after permit has been issued.*

- (1) When changes in the plans and/or specifications are requested after the permit has been issued, and the changes do not result in an increase in the scope of the original project, the fee for review of said changes shall be based upon review time, hourly per trade, in accordance with subsection 14-29(g)(6) and (7).
- (2) When changes or revisions are requested after the permit has been issued, which result in an increase of square footage and/or the cost of construction, the fee for the additional work shall be calculated in accordance with the fee schedule for a new permit, in accordance with this section.

(g) *Refunds, time limitation.* The fees charged pursuant to this section may be refunded by the town manager subject to the following:

- (1) No refund shall be made where any work has commenced, except where duplicate permits have been issued for the same work, in which case a refund may be granted to the initial permit holder provided the duplicate permits were issued within 90 days of each other.
- (2) No refunds shall be made where permit has become void as provided by section 105.4 of the Florida Building Code.
- (3) No refunds shall be made on permit fees of \$80.00 or less.

- (4) Fifty percent refunds may be granted to a permit holder whose permit is canceled by owner authorization where work has commenced and such owner selects a second contractor to complete the work. The second contractor shall pay a full fee to complete the work unless the first contractor waives his opportunity to a refund in writing, in which case, the second contractor is entitled to a permit to cover the same work for a cost of 50% of the prevailing fee schedule.
 - (5) A full refund may be granted to a permit holder who takes out a permit covering work outside the jurisdictional permitting and inspection area.
- (h) *Other fees.*
- (1) *Demolition:* \$80.00 per discipline (trade) inspecting.
 - (2) *Certificate of completion:* \$80.00.
 - (3) *Certificate of occupancy:* \$120.00.
 - (4) *Temporary certificate of occupapncy:* \$365.00 per period of temporary certificate.
 - (5) *Duplicate permit card with list of passed inspections:* \$50.00
 - (6) *Special services:*
 - a. \$100.00 per hour, normal business hours (1 hour minimum).
 - b. \$150.00 per hour outside normal business hours (3 hour minimum).

This fee is limited to client-requested services outside the normal permitting and inspection process, and any such fee shall be estimated and agreed-upon in advance.
 - (7) *Professional engineer review of structural drawings:* \$150.00 per hour.
- (i) *State and county fees.*
- (1) \$0.01 per sq. ft. added to every building permit for the State of Florida to study the building code requirements for radon gas plus certification and regulation of building officials, inspectors, and plans examiners. This surcharge relates to new construction and under-roof floor area being added, altered, or renovated.
 - (2) Building code compliance fee (Miami-Dade Code Compliance): \$0.60 per every \$1,000.00 of value of construction.
- (j) *Waiver of fees and expedited permitting and development review.* The town commission may by resolution waive building permit fees and other fees as provided herein, and provide for expedited permitting and development review for certain programs.
- (k) *Reduction of Building Permit Fees for Condominiums.* The permit fees calculated for construction activity relating to condominium building recertifications, or any necessary structural and/or life safety repairs, as determined by the Building Official, shall be reduced by 2030%.

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Section 3. Severability. If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

Section 4. Codification. It is the intention of the Town Commission, and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the Town of Surfside Code of Ordinances, that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and the word "Ordinance" may be changed to "Section" or other appropriate word.

Section 5. Conflicts. Any and all ordinances and resolutions or parts of ordinances or resolutions in conflict herewith are hereby repealed.

Section 6. Effective Date. This ordinance shall become effective upon adoption on second reading.

PASSED on first reading this 9th day of January, 2024.

PASSED and **ADOPTED** on second reading this 13th day of February, 2024.

Motion by: Vice Mayor Rose
Second by: Commissioner Meischeid

FINAL VOTE ON ADOPTION

Commissioner Fred Landsman	<u>Yes</u>
Commissioner Marianne Meischeid	<u>Yes</u>
Commissioner Nelly Velasquez	<u>Yes</u>
Vice Mayor Jeff Rose	<u>Yes</u>
Mayor Shlomo Danzinger	<u>Yes</u>

ATTEST:



Sandra N. McCreedy, MMC





Shlomo Danzinger, Mayor

Town Clerk

**APPROVED AS TO FORM AND LEGALITY FOR THE USE
AND BENEFIT OF THE TOWN OF SURFSIDE ONLY:**

A handwritten signature in blue ink, appearing to read "Shapiro", is written over a horizontal line.

Weiss Serota Helfman Cole & Bierman, P.L.
Town Attorney