

## ORDINANCE NO. 250-10-143

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAUDERHILL, FLORIDA, AMENDING THE CODE OF ORDINANCES, CHAPTER 6, "BUILDINGS AND BUILDING REGULATIONS," ARTICLE IV, "40-YEAR OR OLDER BUILDING SAFETY INSPECTION PROGRAM," TO REFLECT A CHANGE TO A "30-YEAR OR OLDER BUILDING PROGRAM" AND UPDATING THE PROVISIONS WITHIN THE ARTICLE; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the Florida Legislature amended § 553.899, Florida Statutes, during its 2025 legislative session to strengthen requirements for Phase One and Phase Two milestone inspections, including statutory deadlines for performance of inspections and commencement of repairs; and

WHEREAS, the City Commission finds it necessary to revise its local program to ensure consistency with state law, to provide clear definitions and procedures for Phase One and Phase Two inspections, and to strengthen local enforcement authority.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF LAUDERHILL, FLORIDA:

SECTION 1. That the City of Lauderhill Code of Ordinances, Chapter 6, "Buildings and Building Regulations," Article IV, "40-Year or Older Building Safety Inspection Program," is hereby amended to read as follows (underline is added; ~~strike through~~ is deleted):

### **ARTICLE IV. ~~40~~ 30-YEAR OR OLDER BUILDING SAFETY INSPECTION PROGRAM**

#### **Sec. 6-61. Generally.**

The Broward County Board of Rules and Appeals requires structural and electrical safety inspections for buildings ~~forty (40)~~ thirty (30) years old or older and every ten (10) years after the actual year built. This Section applies to condominium and cooperative buildings that are three (3) or more habitable stories in height, consistent with F.S. § 553.899. All other building types remain subject to this local program at the thirty (30) year threshold, unless exempted herein.

Exempt from this program are:

- a. ~~One~~ Single-family, and two-family, three-family or four-family dwellings with three or fewer habitable stories above ground;
- b. U.S. government buildings;
- c. State of Florida owned buildings;
- d. Schools under the jurisdiction of the Broward County School Board;

- e. Building built on Indian reservations;
- f. All buildings under three thousand five hundred (3,500) square feet; and
- g. Townhouses as defined by the Florida Building Code, except that townhouse-like structures that are designated condominium are required to comply with the program.

#### **Sec. 6-62. Procedure.**

- a. *Notice to owner letter/engineer inspections.* When a qualifying building reaches ~~forty (40)~~ thirty (30) years or older, the city will send a notice to the owner of record advising that a structural inspection must be performed by a third-party Florida registered certified architect or engineer, and an electrical system inspection must be performed by a third-party licensed electrical contractor. The required inspection shall be a milestone inspection, consisting of Phase One and, if necessary, Phase Two. Phase One consists of a visual inspection by a licensed architect or engineer of the habitable and non-habitable areas of the building, including the major structural components, to assess the building's structural condition and determine if substantial structural deterioration is present, in accordance with F.S. § 553.899(2)(a) as may be amended. It is the sole responsibility of the property owner to hire the third-party inspectors and the reports must identify any structural or electrical deficiencies that necessitate repair and must indicate any deficiencies that pose an immediate threat to life, health, or safety. In accordance with F.S. § 553.899(6) as may be amended, but in no event later than the following timeframes unless superseded by state law, the Phase One milestone inspection must be performed within 180 days after the property owner's receipt of the City's notice of required inspection. If Phase One milestone inspection indicates substantial structural deterioration, a phase two inspection must be performed. The property owner must complete the inspection and have their engineer of record submit the report to the city together with the city's application and building safety inspection fees no later than November 30<sup>th</sup>. A reminder letter will be sent to the property owner prior to November 30<sup>th</sup> reminding the owner that the inspection and report must be completed and submitted by November 30<sup>th</sup> and providing notice that if a report and payment is not submitted to the city by November 30<sup>th</sup>, the city will automatically be entitled to proceed to have an independent engineer conduct the report at the expense of the property owner as set forth in 10-15(g) without the need for any additional notices. A notice of violation will also be issued for failure to timely file the report pursuant to this section and will be scheduled before the special master/magistrate who may impose additional daily fines and/or evacuation as necessary.
- b. *Schedule of ~~40~~30-year building and safety inspection fees (applies for ~~forty (40)~~ thirty (30) year and older year inspections).* Must be submitted at the same time the application and report from the engineer of record are submitted.
  - i. First building.....\$350.00
  - ii. Buildings 2—10, if report submitted at the same time.....\$250.00

- iii. Buildings 11—24, if report submitted at the same time.....\$150.00
- iv. Buildings 25+, if report submitted at the same time.....\$100.00

c. *Initial report.*

- i. *Initial report findings deemed unsafe or pose an immediate threat to life, health or safety.* If the engineer reports state that there are structural or electrical ~~deficient~~ deficiencies that pose an immediate threat to life, health or safety; or where failure of a critical component is imminent, the property owner must immediately commence temporary repairs to mitigate urgent and immediate threats to life, health or safety, secure the building and to prevent injury (e.g. shoring to prevent building collapse, barricades, closures to areas as required, etc.). The city has the authority to vacate the building if deemed necessary due to a health and safety hazard. If property owner does not timely commence urgent temporary repairs within thirty (30) days, the city may proceed to order self-help in order to gain compliance in accordance with chapter 10-15 and bill the property owner for all costs. The property owner has the right to appeal the findings in the reports to the special magistrate in accordance with sections 10-15(h) and 6-64. The appeal process does not toll the time required to commence repairs. ~~The property owner shall have no later than one hundred eighty (180) days from the November 30<sup>th</sup> report deadline (i.e. May 30<sup>th</sup>) to obtain the required permit(s) to complete the final permanent necessary repairs.~~ Repairs for substantial structural deterioration identified in a Phase Two milestone inspection must be commenced within three hundred sixty-five (365) days after the report, in accordance with F.S. § 553.899(11) as may be amended. Proof of scheduled or commenced repairs must be submitted to the city. The city will expedite the permit review process for any required ~~40~~30-year inspection repairs.
- ii. *Initial report findings building deemed safe.* If the engineer of record's initial reports determine that the building is safe and that no deficiencies exist, then another building safety inspection will not be required until every additional ten (10) years after the actual year built. If the initial Engineer reports determine that there were deficiencies, then after the repairs have been made, the buildings engineer of record will certify the building to be safe for continued occupancy until the next ten (10) year after the actual year-built inspection is required. The report, along with the city's review fee must be submitted to the city by the property owner by no later than November 30<sup>th</sup>.

d. *Commencement of repairs following phase two inspection.* In accordance with Section 553.899(11), Florida Statutes, the city shall require that any condominium or cooperative association, and any other building owner subject to this Section, schedule to commence repairs for substantial structural deterioration identified in a phase two inspection report within the timeframe specified by the Building Official. In all cases, such repairs must be commenced no later than three hundred sixty-five (365) days after the owner's receipt of the phase two inspection report. If the owner fails to submit proof to the Building Division

that repairs have been scheduled or commenced within the required timeframe, the Building Official shall review the structure to determine whether the building is unsafe for human occupancy in accordance with Section 6-63 and the Florida Building Code.

- e. Final report. If the initial report declared deficiencies, then after all repairs have been conducted the engineer of record must issue a report that declares that the building is safe and that no deficiencies exist. Once this final report is filed with the city, then another building safety inspection will not be required until the next ten (10) years after the actual year built.
- f. References in this Section to F.S. § 553.899 shall mean that statute as it exists on the effective date of this Ordinance and as it may hereafter be amended, renumbered, or succeeded, provided such amendments are not inconsistent with the City's police powers or constitutional limitations. This Section shall be construed and applied consistent with the requirements of Florida Statutes governing milestone inspections and structural safety of buildings. In the event of a conflict between this Section and applicable state law, the more stringent requirement shall control.

#### **Sec. 6-63. Penalty.**

Non-compliant buildings will be posted with a "notice of violation" in accordance with section 10-15(g). If a property fails to respond to the posted "notice of violation," the city has the authority to immediately conduct self-help and shall bill the property owner for all costs which will become a recorded lien against the property if not paid timely. The property owner can also be referred for a hearing before the special master/magistrate which could result in a fine of up to one thousand dollars (\$1,000.00) per day for a first violation for each day of non-compliance; and up to five thousand dollars (\$5,000.00) per day for a repeat violator, in addition with an order to cover all costs incurred by the City for self-help, if they have not already been paid or placed on the tax bill, and ~~even evacuation of the building if deemed necessary for the health and safety of the residents based upon recommendation of the city building official~~ the city shall review and determine whether the building is unsafe for human occupancy, and may take appropriate enforcement action, such as evacuation. If the building is determined to be unsafe, the matter could be forwarded to the Broward County Unsafe Structures Board for further handling.

#### **Sec. 6-64. Appeal.**

The property owner has the right to request an appeal before the special master/magistrate. Within five (5) days after the mailing of the notice of violation, the owner of the property may make written request to the code enforcement division director for a hearing before the special master/magistrate to show that the condition alleged in the notice does not exist or that such condition does not constitute a violation of the ~~4030~~-year building safety inspection program. At the hearing, the city and the property owner may introduce such evidence as is deemed necessary. The hearings for violations concerning violations of ~~4030~~-year building safety inspections before the special master/magistrate shall be placed on the next upcoming regularly scheduled monthly meeting. If urgent and the next meeting is not

scheduled to occur within thirty (30) calendar days, then a special meeting of the special master/magistrate may be scheduled sooner. Nothing in this section shall be construed to toll or extend the statutory deadlines imposed under F.S. § 553.899 for commencement of repairs following a milestone inspection.

**Sec. 6-65. Reporting Requirement.**

On or before December 31, 2025, and annually thereafter, the city shall provide to the Department of Business and Professional Regulation, in electronic format, all information required by F.S. § 553.899(13), including the number of buildings subject to milestone inspections, inspection status, permits issued, and unsafe structure determinations.

SECTION 2. Conflicts. That all Ordinances or parts of Ordinances, Resolutions or parts of resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

SECTION 3. Severability. Should any section, provision, paragraph, sentence, clause or word of this Ordinance or portion hereof be held or declared by any court of competent jurisdiction to be invalid, the invalid portion shall be stricken, and such striking shall not affect the validity of the remaining portions or applications of this Ordinance.

SECTION 4. Codification. It is the intention of the City Commission that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Lauderdale, Florida, and that the sections of this Ordinance may be renumbered or relettered and the word "Ordinance" may be changed to "section", "article" or such other word or phrase in order to accomplish such intentions.

SECTION 5. Effective Date. This Ordinance shall take effect immediately upon its adoption.

PASSED on first reading this \_\_\_\_\_ day of \_\_\_\_\_ 2025.

PASSED and ADOPTED on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

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DENISE D. GRANT, MAYOR  
PRESIDING OFFICER

ATTEST:

\_\_\_\_\_  
ANDREA M. ANDERSON, MMC  
CITY CLERK

Approved as to Form

\_\_\_\_\_  
Hans Ottinot, City Attorney

|             | First Reading | Second Reading |
|-------------|---------------|----------------|
| MOTION      | _____         | _____          |
| SECOND      | _____         | _____          |
| R. CAMPBELL | _____         | _____          |
| M. DUNN     | _____         | _____          |
| D. GRANT    | _____         | _____          |
| J. HODGSON  | _____         | _____          |
| S. MARTIN   | _____         | _____          |