

ORDINANCE 24- 18

AN ORDINANCE OF THE COUNTY OF PINELLAS, PROVIDING THAT THE PINELLAS COUNTY CODE BE AMENDED BY ADDING CHAPTER 22, ARTICLE II OF SAID CODE; PROVIDING REQUIREMENTS AND GUIDELINES FOR INSPECTION PROGRAM OF AGING CONDOMINIUM AND COOPERATIVE BUILDINGS IN THIS STATE FOR PURPOSES OF EVALUATING STRUCTURAL INTEGRITY (“MILESTONE INSPECTIONS”); PROVIDING DEFINITIONS; PROVIDING STANDARDS FOR INSPECTION, REPORTING, AND REPAIRS; PROVIDING FOR FEES, EXTENSIONS, AND PENALTIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the State Legislature had found that maintaining the structural integrity of a building throughout its service life is of paramount importance in order to ensure that buildings are structurally sound so as to not pose a threat to the public health, safety, or welfare; and

WHEREAS, the State Legislature has found that the imposition of a statewide structural inspection program for aging condominium and cooperative buildings in this state is necessary to ensure that such buildings are safe for continued use; and

WHEREAS, Pinellas County sets forth prescribed timelines and penalties with respect to compliance of mandatory structural inspections of aging condominium and cooperative buildings; and

WHEREAS, Chapter 22, Article II of the Pinellas County Code (Sections 22-26 – 22-55) is currently RESERVED and can be replaced;

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PINELLAS COUNTY, FLORIDA, that:

SECTION 1. Chapter 22, Article II, of the Pinellas County Code is hereby amended to replace Sections 22-26 through 22-55, as set forth below. This ordinance does not repeal and replace any other portion of Chapter 22, Article II, the remainder of which remains in full force and effect:

ARTICLE II. PINELLAS COUNTY MANDATORY INSPECTION OF AGING
CONDOMINIUM AND COOPERATIVE BUILDINGS ORDINANCE

Sec. 22-26. Title.

This Ordinance shall be known and may be cited as the "Pinellas County Mandatory Inspection of Aging Condominium and Cooperative Buildings Ordinance."

Sec. 22-27. Applicability.

This Ordinance shall apply in all unincorporated areas of Pinellas County and jurisdictions where the County serves as the Building Official subject to the terms of an interlocal agreement.

Sec. 22-28. Definitions.

The following terms shall have the following meanings:

- a. *"Building Official"* as defined in Chapter 468.603, Florida Statutes.
- b. *"Milestone Inspection"* as defined in Chapter 553.899(2)(a), Florida Statute.
- c. *"Substantial Structural Deterioration"* as defined in Chapter 553.899(2)(b), Florida Statute.

Sec. 22-29. Inspection, reporting and repairs.

- A. Milestone Inspection Required. Shall be in accordance with Florida Statute 553.899.
- B. Notice from Building Official. Shall be in accordance with Florida Statute 553.899.
- C. Milestone Inspection. A Milestone Inspection consists of two phases and shall be in accordance with Florida Statute 553.899.
- D. Milestone Inspection Report. Shall be in accordance with Florida Statute 553.899 with the following modifications.
 - a. Shall be submitted digitally via Pinellas County online system.
 - b. With the Phase one Milestone Inspection Report submission, the responsible engineer or architect who has performed the Milestone Inspection shall provide the Building Official with a letter indicating their professional opinion on whether the building or structure may continue to be safely occupied when a Phase two milestone report is required.

c. If a Phase two Milestone Inspection Report is required, at submission, the responsible engineer or architect who has performed the Phase two Milestone Inspection shall provide the Building Official with a letter indicating their professional opinion on whether the building or structure may continue to be safely occupied.

E. Repairs and Modifications. Shall be in accordance with Florida Statute 553.899 with the following modifications:

- a. Based on the recommendations in the Phase Two report, all required repairs must be commenced within 360 days. The permit application shall include a direct reference to the Phase Two Milestone Inspection Report.
- b. At the time of repairs commencing, the responsible engineer or architect who has filed the building construction documents shall provide the Building Official with a letter indicating their professional opinion on whether the building or structure may continue to be safely occupied.

F. Failure to Perform Repairs and Modifications. Shall be in accordance with Florida Statute 553.899.

G. Self-registration for Qualifying Condominium Associations and Co-ops:

- a. All condominium and cooperative associations with buildings three stories or higher must register via the Pinellas County online system within 180 days of being notified of their requirement to participate in the Mandatory Inspection of Aging Condominium Buildings process.
- b. All new qualifying condominium and cooperative associations with buildings three stories or higher must register via the Pinellas County online system prior to issuance of certificate of occupancy.

Sec. 22-30. Fees, Extensions, and Penalties.

A. Fees for the administration of this ordinance shall be as per the adopted fee schedule.

B. Enforcement for the requirements of this ordinance, shall be enforced as follows:

- a. By an action for injunctive relief, civil penalties, or a combination thereof, through a court of competent jurisdiction.
- b. All remedies and penalties provided for in this Section shall be cumulative and independently available to the County and the County shall be authorized to

pursue any and all remedies set forth in this Section to the full extent allowed by law.

- c. A violation of this Chapter shall constitute a separate offense for each day it recurs or continues.

C. Extensions for the requirements of this ordinance, shall be in accordance with Florida Statute 553.899.

D. Failure to comply with the timelines in this ordinance:

- a. Shall be fined as per the adopted fee schedule.

Sec. 22-31. Conflict and severability.

In the event that this Ordinance conflicts with any other ordinance of Pinellas County or other applicable law, the more restrictive shall apply. If any phrase or portion of this Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion.

Secs. 22-32—22-55. Reserved.

SECTION 2. Severability. If any section, subsection, sentence, clause, phrase, or provision of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such holding shall not be construed to render the remaining provisions of this Ordinance invalid or unconstitutional.

SECTION 3. Areas Embraced. This ordinance shall apply Countywide.

SECTION 4. Inclusion in Code. It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall become and be made a part of the Pinellas County Code 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 appropriate word or phrase in order to accomplish such intentions.

SECTION 5. Filing of Ordinance; Effective Date. Pursuant to Section 125.66, Florida Statutes, a certified copy of this Ordinance shall be filed with the Department of State by the Clerk of the Board of County Commissioners within ten (10) days after enactment by the Board of County Commissioners. This Ordinance shall become effective upon filing with the Department of State.

APPROVED AS TO FORM

By: David Barrera
Office of the County Attorney

PCAO 473087