

ORDINANCE 24-013

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, AMENDING THE SANIBEL CODE OF ORDINANCES, CHAPTER 14, BUILDINGS AND BUILDING REGULATIONS; RENUMBERING ARTICLE VIII, MANDATORY INSPECTION OF AGING CONDOMINIUM AND COOPERATIVE BUILDINGS, TO ARTICLE VII; AMENDING SECTION 14-323, INSPECTION, REPORTING, AND REPAIRS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERANCE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City is authorized and has the power to inspect all buildings, structures, and facilities within its jurisdiction to protect the public’s health, safety, and welfare through enforcement of the Florida Building Code; and

WHEREAS, during the 2023 Legislative Session, legislation was passed and signed into law mandating maintenance inspections for certain previously permitted existing buildings to avoid catastrophic building collapses, such as the collapse of the building in the Town of Surfside in 2021, which killed 98 people; and

WHEREAS, through Ordinance 24-006, the City adopted regulations in compliance with these 2023 changes to Florida law; and

WHEREAS, during the 2024 Legislative Session, HB 1021 was passed by the Florida Legislature and signed into law, providing an exemption of four-family dwellings with regard to the mandatory inspection for maintenance of certain previously permitted existing buildings; and

WHEREAS, adoption of the regulations contained in this ordinance is in compliance with the recent 2024 changes to Florida law and is in the best interest of the City of Sanibel to promote the health, safety, and welfare of the City’s residents.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA:

SECTION 1. The above “Whereas” clauses are ratified, confirmed, and incorporated by reference as if set forth herein as the City Council’s legislative findings.

SECTION 2. Sanibel Code of Ordinances, Subpart B. Land Development Code, is hereby amended with ~~strike through~~ language indicating deletions and underlined language indicating additions as follows:

Chapter 14. – BUILDING AND BUILDING REGULATIONS

. . .

ARTICLE VII. – RESERVED

~~Secs. 14-321—14-4560. – Reserved.~~

ARTICLE VIII. – MANDATORY INSPECTION OF AGING CONDOMINIUM AND COOPERATIVE BUILDINGS ORDINANCE

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Sec. 14-323. – Inspection, Reporting, and Repairs.

- (a) Milestone Inspection Required. An Association must have a milestone inspection performed for each building that is three stories or more in height by December 31 of the year in which the building reaches 30 years of age, based on the date the certificate of occupancy for the building was issued, and every 10 years thereafter. If a building reached 30 years of age before July 1, 2022, the building’s initial milestone inspection must be performed before December 31, 2024. If a building reaches 30 years of age on or after July 1, 2022, and before December 31, 2024, then the building’s milestone inspection must be performed before December 31, 2025. An Association must arrange for the milestone inspection to be performed and is responsible for ensuring compliance with the requirements of this article. The Association is responsible for all costs associated with the inspection. This subsection does not apply to a single-family, two-family, ~~or three-family~~, or four-family dwelling with three or fewer habitable stories above ground.

SECTION 3. Codification. The City Manager is hereby authorized and directed to indicate these amendments in future City Code publications.

SECTION 4. Conflict. All ordinances and parts of ordinances in conflict herewith shall be and the same hereby repealed. If any part of this ordinance conflicts with any other part, it shall be severed, and the remainder shall have full force and effect and be liberally construed.

SECTION 5. Severance. If any section, subsection, sentence, clause, phrase or portion of this ordinance, or application hereof, is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion or application shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion or application hereof.

SECTION 6. Effective date. This Ordinance shall be effective immediately upon adoption.

FIRST READING THIS 16TH DAY OF JULY 2024.

SCHEDULED FOR SECOND READING AND PUBLIC HEARING IN OPEN AND SPECIAL SESSION OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA THE 20TH DAY OF AUGUST 2024.

Attest:

Scotty Lynn Kelly, City Clerk

Richard Johnson, Mayor

Approved as to form and legality:

John D. Agnew, City Attorney

Date filed with City Clerk: _____

Vote of Council Members:

Johnson _____
Miller _____
DeBruce _____
Henshaw _____
Smith _____

First Reading: July 16, 2024
Publication Date: _____
Second Reading: _____