

CITY OF AVENTURA ORDINANCE NO. 2023-06

AN ORDINANCE OF THE CITY OF AVENTURA, FLORIDA, AMENDING ARTICLE I OF CHAPTER 14 “BUILDINGS AND BUILDING REGULATIONS” OF THE CITY OF AVENTURA CODE OF ORDINANCES BY CREATING CODE SECTION 14-3 “ANNUAL CERTIFICATION OF STRUCTURAL MAINTENANCE,” AND AMENDING ARTICLE II OF CHAPTER 14 OF THE CITY CODE BY CREATING CODE SECTION 14-32 “PAINTING AND/OR WATERPROOFING OF EXTERIOR BUILDING SURFACES REQUIRED;” PROVIDING FOR PENALTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Aventura, Florida, (the "City") finds that it is necessary to further enhance the monitoring of building conditions within the City to ensure compliance by private property owners with life safety requirements of the Florida Building Code and applicable Miami-Dade County and City Ordinances; and

WHEREAS, the City Commission finds that the timely delivery of annual certification of structural maintenance reports to the City, as provided herein, will serve to promote the health, safety and welfare of the residents of the City; and

WHEREAS, the City Commission finds that the timely painting and/or waterproofing of exterior building surfaces at least every 10 years, as provided herein, will serve to promote the health, safety and welfare of the residents of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA, AS FOLLOWS:

Section 1. Recitals Incorporated. That each of the above-stated recitals are hereby adopted and confirmed.

Section 2. City Code Amended. That Chapter 14 “Buildings and Building Regulations,” of the City Code of Ordinances is hereby amended to read as follows¹:

Chapter 14 — Buildings and Building Regulations

ARTICLE I —In General

Section. 14-3. – Delivery of annual certification of structural maintenance report.

¹ Additions to existing text are shown in underline format. Deletions are shown in strike-through format.

- (a) The duties imposed by this Section are applicable to any person (the "Responsible Person") who serves as the president (the "President") of a condominium association, homeowners association or cooperative owners association (each constituting a "Community Association" for the purposes of this section). The duties of this Section shall also apply to any person, firm, corporation or entity serving as a property manager (the "Property Manager") for a Community Association or as a property manager for any apartment complex of more than four (4) units.
- (b) The annual certification of structural maintenance described above shall be filed annually with the City officials listed in Section 14-1 on or before December 15 by the Responsible Person or their designee. Filing shall be accomplished by hand delivery to the offices of the City's Chief Building Official and City Manager at the Aventura Government Center and/or by email filing at the following link: engineeringreports@cityofaventura.com or other link provided for this purpose on the City's website.
- (c) If an annual certification of structural maintenance report is hand delivered, it shall be hand delivered to the offices of the City's chief Building Official and City Manager in both digital format and hard copy for compliance with this Section.
- (d) A Community Association shall be responsible for the payment of any fine which would otherwise be payable by the President of the Community Association for a violation of this Section.

Chapter 14 — Buildings and Building Regulations

ARTICLE II — Building Code

Section 14-32. - Painting and/or Waterproofing of Exterior Building Surfaces Required

- (a) The exterior building surfaces of all multi-family residential structures containing more than four (4) units shall be repainted and/or waterproofed at intervals of 10 years or less. For new buildings, the first 10-year interval will start when the exterior building surfaces are first painted and/or waterproofed. For existing buildings, the 10-years interval will start when the exterior building services are last painted and/or waterproofed.

Section 3. Penalty. That a violation of this Ordinance shall be subject to the penalties provided in Section 1-14 of the City Code. This Ordinance shall also be subject to enforcement under the code enforcement process provided by Chapter 2, Section 2-331, et. seq., of the City Code as amended from time to time.

Section 4. Severability. That the provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for

any reason be held to be invalid or unconstitutional such decision shall not affect the validity of the remaining sections, sentences, clauses and phrases of this Ordinance, but they shall remain in effect it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 5. Inclusion in the Code. That it is the intention of the City Commission and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of the City of Aventura, that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions, and that the word Ordinance shall be changed to Section or other appropriate word.

Section 6. Implementation. That the City Manager is hereby authorized to take any action which is necessary to implement this Ordinance.

Section 7. Effective Date. That this Ordinance shall be effective immediately upon adoption on second reading.

The foregoing Ordinance was offered by Commissioner Stern, who moved its adoption on first reading. This motion was seconded by Commissioner Bloom and upon being put to a vote, the vote was as follows:

| | |
|----------------------------------|------------|
| Commissioner Amit Bloom | <u>Yes</u> |
| Commissioner Rachel S. Friedland | <u>Yes</u> |
| Commissioner Paul A. Kruss | <u>Yes</u> |
| Commissioner Dr. Linda Marks | <u>Yes</u> |
| Commissioner Michael Stern | <u>Yes</u> |
| Vice Mayor Billy Joel | <u>Yes</u> |
| Mayor Howard S. Weinberg | <u>Yes</u> |

The foregoing Ordinance was offered by Vice Mayor Joel, who moved its adoption on second reading. This motion was seconded by Commissioner Stern, and upon being put to a vote, the vote was as follows:

| | |
|----------------------------------|------------|
| Commissioner Amit Bloom | <u>Yes</u> |
| Commissioner Rachel S. Friedland | <u>Yes</u> |
| Commissioner Paul A. Kruss | <u>Yes</u> |
| Commissioner Dr. Linda Marks | <u>Yes</u> |
| Commissioner Michael Stern | <u>Yes</u> |
| Vice Mayor Billy Joel | <u>Yes</u> |
| Mayor Howard S. Weinberg | <u>Yes</u> |

PASSED on first reading this 7th day of February, 2023.

PASSED AND ADOPTED on second reading this 7th day of March, 2023.




HOWARD S. WEINBERG, ESQ.
MAYOR

ATTEST:


ELLISA L. HORVATH, MMC
CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:


CITY ATTORNEY