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Supplemental Item 1

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LAND DEVELOPMENT AND PERMITTING FEES

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING APPENDIX A, "FEE SCHEDULE" TO REVISE BUILDING, FIRE, PLANNING, AND PUBLIC WORKS FEES CHARGED FOR SERVICES RELATED TO LAND DEVELOPMENT AND PERMITTING; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the City of Miami Beach has the authority to enact laws which promote the public health, safety and general welfare of its citizens; and

WHEREAS, the City Code of Ordinances contains fees for development review, permitting, and other services to cover the costs of implementing the regulations contained therein; and

WHEREAS, the City Administration has reviewed the structure of fees associated with land development and permit review and determined a more efficient, effective and transparent way to assess fees for these services is necessary; and

WHEREAS, in an effort to align revenues to the incurred costs of review for land development and permitting services a modification to the fees assessed for such services is warranted; and

WHEREAS, the amendments set forth below are necessary to accomplish the above objectives.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:

SECTION 1.

That Appendix A "Fee Schedule", is hereby amended as attached in "Exhibit A."

SECTION 2. REPEALER.

All ordinances or parts of ordinances and all section and parts of sections in conflict herewith be and the same are hereby repealed.

SECTION 3. CODIFICATION.

It is the intention of the City Commission, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of the City of Miami Beach as amended; that the sections of this ordinance may be renumbered or relettered to accomplish

such intention; and that the word "ordinance" may be changed to "section" or other appropriate word.

SECTION 4. SEVERABILITY.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect on April 1, 2015 following adoption.

PASSED and **ADOPTED** this _____ day of _____, 2016.

ATTEST:

CITY CLERK

MAYOR

APPROVED AS TO
FORM AND LANGUAGE
& FOR EXECUTION

City Attorney

Date

First Reading:
Second Reading:

Verified by: _____
Thomas R. Mooney, AICP
Planning Director

Underscore denotes new language
~~Strikethrough~~ denotes deleted language

Land Development Regulations Fee Structure

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA; BY AMENDING CHAPTER 114 ENTITLED "GENERAL PROVISIONS", AT SECTION 114-7; CHAPTER 118 ENTITLED "ADMINISTRATION AND REVIEW PROCEDURES", ARTICLE I ENTITLED "IN GENERAL", AT SECTIONS 118-3 AND 118-6, ARTICLE III ENTITLED "AMENDMENT PROCEDURE", AT SECTION 118-162, ARTICLE IV ENTITLED "CONDITIONAL USE PROCEDURE", AT SECTION 118-193 AND 118-196, ARTICLE VI ENTITLED "DESIGN REVIEW PROCEDURES", AT SECTIONS 118-253 AND 118-255, ARTICLE VII ENTITLED "DIVISION OF LAND/LOT SPLIT", AT SECTION 118-321, ARTICLE VIII ENTITLED "PROCEDURE FOR VARIANCES AND ADMINISTRATIVE APPEALS", AT SECTIONS 118-353 AND 118-357, ARTICLE IX ENTITLED "NONCONFORMANCES", AT SECTION 118-399, ARTICLE X ENTITLED "HISTORIC PRESERVATION", AT SECTIONS 118-562, 118-563, 118-564, AND 118-591; CHAPTER 138, ENTITLED "SIGNS", AT SECTIONS 138-135 AND 138-136; CHAPTER 142, ENTITLED "ZONING DISTRICTS AND REGULATIONS", AT SECTION 142-108; AND FURTHER AMENDING CHAPTER 118, ENTITLED "ADMINISTRATION AND REVIEW PROCEDURES", TO CREATE SECTION 118-7 AND 118-8; UPDATING AND CONSOLIDATING THE SECTIONS OF THE LAND DEVELOPMENT REGULATIONS REQUIRING THE ASSESSMENT OF FEES IN ORDER TO IMPROVE PREDICTABILITY, TRANSPARENCY AND EFFICIENCY OF THE CODE; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the Land Development Regulations of the City Code contain fees for development review and other services to cover the costs of implementing the regulations contained therein; and

WHEREAS, the City is in the process of updating of its Enterprise Resource Planning (ERP) program in order to automate, streamline and refine city processes; and

WHEREAS, in order to facilitate the automation of city processes, it is necessary to ensure that fees land development fees be as transparent as possible; and

WHEREAS, the City Administration has reviewed the structure of fees associated with land development and permit review and determined a more efficient, effective and transparent way to asses fees for these services is necessary; and

WHEREAS, the amendment set forth below is necessary to accomplish the objectives identified above.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA

SECTION 1. That Chapter 114, "GENERAL PROVISIONS," is hereby amended, as follows:

Sec. 114-7. - Enforcement.

* * *

- (d) For purposes of inspection and upon presentation of proper credentials, the city's planning and zoning director, building official, and director of the department of code compliance or their authorized representatives, may enter at any reasonable time, any building, structure or premises, for the purpose of determining whether these land development regulations are being violated. In the event violations of these land development regulations are found on a given premises, the building official and the director of the department of code compliance, historic preservation and urban design director or their authorized representative, are empowered to issue notices of violation to the owner of such premises and to any persons responsible for creating or maintaining the violations. Additionally, the building official may stop work on projects which violate these land development regulations with respect to materials, work, grades, use or other regulations or provisions thereof.
- ~~(e) In the course of the administration of these land development regulations the appropriate department shall impose a fee for the services in subsections (e)(1), (2) of this section:~~
 - ~~(1) Zoning compliance letters where a department is requested to determine compliance or provide zoning data related to improvements on existing or proposed property.~~
 - ~~(2) There shall be a fee as provided in appendix A for zoning compliance letters in single-family districts and a fee as provided in appendix A for zoning compliance letters in all other districts or general interpretation letters. There shall be a fee as provided in appendix A for confirmation of the zoning classification and permitted uses on the site.~~

SECTION 2. That Chapter 118, "Administration and Review Procedures," Article I, "In General," is hereby amended as follows:

Sec. 118-3. - Mailing lists Reserved

~~Where these land development regulations require the submittal of a mailing list in conjunction with an application for a public hearing, the applicant may request that the city provide this service at a cost per mailing address as provided in appendix A.~~

* * *

Sec. 118-6. - Use of, and cost recovery for, consultants for applications for development approval.

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(d) Requirements for selection of a city consultant and procedures for payment. Prior to the applicant submitting an application for development approval, the applicant shall meet with city staff to determine the types of studies and/or reports required for the proposed project, as well as the methodology to be followed as part of the production of the study.

(1) When an applicant is required to submit, as part of an application for development approval, a traffic or any other technical study and/or report, the applicant shall prepare the required study/report using its own consultant. ~~may elect either:~~

~~A. To authorize the city to commission the study/report, to be prepared by a city-approved consultant, selected by city staff from the approved list maintained by the procurement division; or~~

~~B. To prepare a required study/report using its own consultant.~~

(2) ~~If an applicant elects to prepare a required study/report using its own consultant, then~~ The city shall review the study/report, and shall retain a consultant from the city's approved list having the necessary expertise to perform such review. The applicant shall be responsible for all costs associated with the city's consultant review, and shall pay for the costs associated with the city's consultant review prior to proceeding to approval of the application by the applicable land use board.

~~However, if the applicant elects to authorize the city to commission the study/report, to be prepared by a city-approved consultant, selected by city staff from the approved list maintained by the procurement division, then the applicant shall only be responsible for the costs associated with the consultant's preparation of the study/report; no additional consultant review fees shall be required.~~

~~(3) If an applicant elects to authorize the city to retain a consultant from the city's approved list for the preparation of a required study and/or report, then the procedure shall be as follows:~~

~~A. City staff shall select a qualified consultant from the city's approved list (i.e., with the required knowledge, skill and/or expertise required for the particular study/report).~~

~~B. City staff shall obtain a quote from the selected consultant for the particular study/report and shall transmit same to applicant.~~

~~C. The quote shall be based on fair market value and include a "not to exceed" amount that is inclusive of all charges and fees, as required to prepare and complete the work.~~

~~D. If applicant accepts the quote and elects to proceed with the work using the city's consultant then, prior to commencement of any work by the selected consultant, city staff shall require the applicant to deposit with the city an amount equal to the "not to exceed" amount of the quoted cost.~~

~~E. The city shall earn no additional fee as a result of applicant's use of the approved consultant.~~

~~F. Notwithstanding anything in this section, the applicant shall be solely responsible for all costs and fees associated with the consultant's preparation of the required study/report (including, without limitation, the consultant's fee).~~

- ~~(4) If an applicant elects to prepare a required study/report using its own consultant, then the city shall retain a consultant from the city's approved list having the necessary expertise and time to review the study/report.~~
- ~~(5) The procedures for selection of, and payment for, a city consultant retained under subsection (iv) above shall be the same as those for selection/payment of a city consultant by an applicant, as set forth in subsection (d)(3)A.—F., with the applicant being solely responsible for payment of any and all costs and fees associated with the city consultant's review (of applicant's study/report).~~
- (e) [City not liable.] In no event shall the city be held liable, whether to applicants and/or third parties, for any work and/or services rendered by any consultant on the city's approved list, and/or otherwise in connection with a consultant's preparation or review of any study and/or report contemplated herein.
- (f) Expert reports and appearances.
 - (1) All required consultant or expert studies and/or reports, including those requested by a board, shall be provided to the city in written form, supplemented with digital format when available.
 - (2) Applicant's reports and/or studies shall be submitted to the city planning department a minimum of 60 days prior to the board hearing no later than ten days prior to the public hearing at which they are to be considered. Rebuttal reports submitted by opponent's consultants shall be submitted to the city no less than ~~five~~ 30 working days before the public hearing. Failure to meet these deadlines shall result in the subject report/study being deemed inadmissible for that public hearing, subject to a waiver of this inadmissibility by a 5/7 vote of the applicable board.
 - (3) Consultants or experts submitting reports/studies for consideration at public hearings must appear at the public hearing in order to allow for questions from the board and/or cross-examination. This provision may be waived by a 5/7 vote of the applicable board, authorizing the report/study to be sufficient for the purposes of the subject public hearing.

Sec. 118-7. - Fees for the administration of land development regulations.

The fees identified herein, and as outlined in Appendix A are for the purpose of defraying expenses for public notices, and administrative costs associated with processing and analyzing the request. These fees shall be evaluated and adjusted annually based on the consumer price index for all urban consumers (CPI-U). No application shall be considered complete until all requested information has been submitted and all applicable fees paid. The cost associated notice is the responsibility of the applicant. There shall be no refund or adjustment of fees. Any unpaid fees, including fees assessed for failure to appear before a board, shall become a lien against the property.

(a) Amendment to the Land Use Regulations, Zoning Map, Comprehensive Plan, Future Land Use Map

Any applicant requesting a public hearing on any application for an amendment pursuant to Section 118-162 shall pay, upon submission, all applicable fees in subsections (1) through (4) below:

- (1) Application for public hearing (text or map amendment).
- (2) Amendment pursuant to 118-162 (a) shall pay a fee for each:
 - i) Amendment to permitted, conditional, or prohibited uses in a zoning category, or
 - ii) Amendment to permitted, conditional, or prohibited uses in the comprehensive plan
- (3) Amendment pursuant to 118-162 (a) shall pay a fee per square foot of lot area for:
 - i) Amendment of zoning map designation, or
 - ii) Amendment on the future land use map of the comprehensive plan
- (4) Amendment pursuant to subsection 118-162 (b) of this section shall pay a fee for each:
 - i) Amendment to the land development regulations (per section), or
 - ii) Amendment to the comprehensive plan (per Goal, Policy or Objective).

(b) Conditional Use Permits

Any applicant requesting a public hearing on any application for conditional use permits, pursuant to Section 118-193 shall pay upon submission all applicable fees in subsection (1) through (10) below:

- (1) Application for public hearing (conditional use permit).
- (2) Per bed fee for an adult congregate living facility.
- (3) Application for amendment of an approved board order.
- (4) Application for clarification of an approved board order.
- (5) Application for extensions of time of an approved board order.
- (6) Withdrawals and continuances. If an applicant withdraws or requests a continuance of an application prior to the date of the public hearing a fee to defray the costs of scheduling the new public hearing shall be assessed. Payment of a mail notice fee to notify the property owners of the cancellation of the original public hearing and establishment of the revised hearing date may be required.
- (7) Deferral of public hearing. If the applicant requests a deferral of a public hearing, a fee equal to the total application fee shall be assessed. Payment of a mail notice fee to notify the property owners of the deferral of the original public hearing and establishment of the revised hearing date shall be required. If deferment or clarification of conditions is requested by the administration or the board, there will be no additional fee.
- (8) Application for after-the-fact approval shall incur triple fees, excluding advertisement, mail, and posting fees as applicable.
- (9) Status report.
- (10) Progress report.

(c) Design Review

Any applicant requesting a public hearing on any application for design review board approval, pursuant to Section 118-253 and 254, shall pay, upon submission, all applicable fees in subsection (1) through (11) below:

- (1) Application for a preliminary evaluation of a project before the design review board
- (2) Application for public hearing (Board approval).
- (3) Application for design review approval fee per square foot of floor area.
- (4) Application for amendment of an approved board order.
- (5) Withdrawals and continuances. If an applicant withdraws or requests a continuance of an application prior to the date of the public hearing a fee to defray the costs of scheduling the new public hearing shall be assessed. Payment of a mail notice fee to notify the property owners of the cancellation of the original public hearing and establishment of the revised hearing date may be required.
- (6) Deferral of public hearing. If the applicant requests a deferral of a public hearing, a fee equal to the total application fee shall be assessed. Payment of a mail notice fee to notify the property owners of the deferral of the original public hearing and establishment of the revised hearing date shall be required. If deferment or clarification of conditions is requested by the administration or the board, there will be no additional fee.
- (7) Application for clarification of an approved board order.
- (8) Application for extensions of time of an approved board order.
- (9) Application for after-the-fact approval shall incur triple fees, excluding advertisement, mail, and posting fees as applicable.
- (10) Status report.
- (11) Progress report.

(d) Land / Lot Split

Any applicant requesting a public hearing on any application for a lot split pursuant to Section 118-321 shall pay, upon submission, all applicable fees in subsection (1) through (7) below:

- (1) Application for public hearing
- (2) Application for amendment of an approved board order.
- (3) Withdrawals and continuances. If an applicant withdraws or requests a continuance of an application prior to the date of the public hearing a fee to defray the costs of scheduling the new public hearing shall be assessed. Payment of a mail notice fee to notify the property owners of the cancellation of the original public hearing and establishment of the revised hearing date may be required.
- (4) Deferral of public hearing. If the applicant requests a deferral of a public hearing, a fee equal to the total application fee shall be assessed. Payment of a mail notice fee to notify the property owners of the deferral of the original public hearing and establishment of the revised hearing date shall be required. If deferment or clarification

of conditions is requested by the administration or the board, there will be no additional fee.

- (5) Application for clarification of an approved board order.
- (6) Application for extensions of time of an approved board order.
- (7) Application for after-the-fact approval shall incur triple fees, excluding advertisement, mail, and posting fees as applicable.

(e) Variances

Any applicant requesting a public hearing on any application pursuant to Section 118-353 shall pay, upon submission, the applicable fees in subsection (1) through (11) below:

- (1) Application for public hearing
- (2) Fee per variance requested.
- (3) Application for amendment of an approved board order.
- (4) Withdrawals and continuances. If an applicant withdraws or requests a continuance of an application prior to the date of the public hearing a fee to defray the costs of scheduling the new public hearing shall be assessed. Payment of a mail notice fee to notify the property owners of the cancellation of the original public hearing and establishment of the revised hearing date may be required.
- (5) Deferral of public hearing. If the applicant requests a deferral of a public hearing, a fee equal to the total application fee shall be assessed. Payment of a mail notice fee to notify the property owners of the deferral of the original public hearing and establishment of the revised hearing date shall be required. If deferment or clarification of conditions is requested by the administration or the board, there will be no additional fee.
- (6) Application for clarification of an approved board order.
- (7) Application for extensions of time of an approved board order.
- (8) Application for after-the-fact approval shall incur triple fees, excluding advertisement, mail, and posting fees as applicable.
- (9) Status report.
- (10) Progress report.
- (11) Applicant/owners requesting a variance shall pay one half of the total fee with proof of homestead or primary occupancy of the subject property from the Miami-Dade County Property Appraiser's Office. Applicant/owner shall pay 100% of the required notice fee.

(f) Certificate of Appropriateness

Any applicant requesting a public hearing on any application pursuant to Section 118-562 – 564, shall pay, upon submission, the applicable fees in subsection (1) through (12), below:

- (1) Application for a preliminary evaluation of a project before the board.

- (2) Application for public hearing.
- (3) Application for certificate of appropriateness fee per square foot of floor area.
- (4) Application for amendment of an approved board order.
- (5) Withdrawals and continuances. If an applicant withdraws or requests a continuance of an application prior to the date of the public hearing a fee to defray the costs of scheduling the new public hearing shall be assessed. Payment of a mail notice fee to notify the property owners of the cancellation of the original public hearing and establishment of the revised hearing date may be required.
- (6) Deferral of public hearing. If the applicant requests a deferral of a public hearing, a fee equal to the total application fee shall be assessed. Payment of a mail notice fee to notify the property owners of the deferral of the original public hearing and establishment of the revised hearing date shall be required. If deferment or clarification of conditions is requested by the administration or the board, there will be no additional fee.
- (7) Application for clarification of an approved board order.
- (8) Application for extensions of time of an approved board order.
- (9) Application for after-the-fact approval shall incur triple fees, excluding advertisement, mail, and posting fees as applicable.
- (10) Structural Engineering Reports or Reviews as required.
- (11) Status reports.
- (12) Progress reports.

(g) Historic Designation

Any applicant other than the city commission, a city board or other city official applicant requesting a public hearing on any application pursuant to Section 118-591, shall pay, upon submission, the applicable fees in subsection (1) through (9) below:

- (1) Application for public hearing.
- (2) Applications for district designation per platted lot fee.
- (3) Application for amendment of an approved board order.
- (4) Withdrawals and continuances. If an applicant withdraws or requests a continuance of an application prior to the date of the public hearing a fee to defray the costs of scheduling the new public hearing shall be assessed. Payment of a mail notice fee to notify the property owners of the cancellation of the original public hearing and establishment of the revised hearing date may be required.
- (5) Deferral of public hearing. If the applicant requests a deferral of a public hearing, a fee equal to the total application fee shall be assessed. Payment of a mail notice fee to notify the property owners of the deferral of the original public hearing and establishment of the revised hearing date shall be required. If deferment or clarification of conditions is requested by the administration or the board, there will be no additional fee.
- (6) Application for clarification of an approved board order.

- (7) Structural Engineering Reports or Reviews as required
- (8) Status reports
- (9) Progress reports

An application for the individual designation of a single-family home shall not require a fee.

(h) Determination of Architectural Significance

Any applicant requesting a determination of architectural significance, pursuant to Section 142-108, shall pay, upon submission all applicable fees in subsection (1) below:

- (1) Application for a determination of architectural significance by planning director.

(i) Staff review and miscellaneous fees

In the course of the administration of the land development regulations the department shall impose a fee for services and items outlined below:

- (1) Board order recording
- (2) Zoning verification letters
- (3) Zoning interpretation letters
- (4) Supplemental fee for large scale, map or text amendment of the comprehensive plan
- (5) Courier
- (6) Research or excessive review
- (7) Review of covenants and easements
- (8) Failure to appear before a board for status or progress report
- (9) Permits for work not identified in appendix A. If it is determined that no specific fee category directly matches a permit application request, the planning director may identify a category that closely matches the level of effort or determine what the work will be charged based on the time dedicated for plans review and inspection. The department director may require an upfront fee and a deposit to cover the estimated cost of the services to be provided.

(j) Fee in lieu of providing required parking

- (1) One-time fee in lieu of providing required parking
- (2) Yearly payment fee in lieu of providing required parking

SECTION 3. That Chapter 118, "Administration and Review Procedures," Article III, "Amendment Procedure," is hereby amended as follows:

Sec. 118-162. - Petition for changes and amendments.

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- (c) The applicant or his representative shall file an application with the planning, design and historic preservation division in accordance with a form approved by the city attorney and shall supply all information pertinent to the proposed amendment as requested by the planning, design and historic preservation division.
- (d) Any applicant requesting a public hearing on any application pursuant to this section shall pay, upon submission, the applicable fees in section 118-7. No application shall be considered complete until all requested information has been submitted and all applicable fees paid.

~~Any applicant requesting a public hearing on any application for an amendment to these land development regulations shall pay, upon submission, the applicable fees in section 114-9 subsections (d) (1), (2):~~

- ~~(1) Amendment pursuant to subsection (a) of this section: Change of zoning map designation or change on the future land use map of the comprehensive plan: A fee as provided in appendix A per square foot of lot area. Proposals that involve a change of zoning map designation or future land use map changes shall pay a fee as provided in appendix A per square foot of lot area for each request. Changes in the actual list of permitted, conditional or prohibited uses shall pay a fee as provided in appendix A per section of these land development regulations or comprehensive plan.~~
- ~~(2) An amendment pursuant to subsection (b) of this section shall require a fee as provided in appendix A per section of these land development regulations or comprehensive plan amended~~

~~The fees in subsections (d) (1), (2) are for the purpose of defraying expenses of public notices, including but not limited to postage and other administrative costs associated with processing and analyzing the request. No application shall be considered complete until all requested information has been supplied and all applicable fees have been paid.~~

- (e) Upon receipt of a completed application, the planning and zoning director shall transmit the application along with his analysis and recommendations regarding the proposed amendment to the planning board for review.

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SECTION 4. That Chapter 118, "Administration and Review Procedures," Article IV, "Conditional Use Procedure," is hereby amended as follows:

Sec. 118-193. - Applications for conditional uses.

Applications for approval of a conditional use shall be submitted to the planning department, which shall prepare a report and recommendation for consideration by the planning board, and when required, by the city commission. Within a reasonable time, but in no instance less than 30 days after receipt of a completed application, the board shall hold a public hearing, at which parties in interest and citizens shall have an opportunity to be heard. At least 30 days prior to the public hearing date, a description of the request, and the date, time and place of such hearing shall be (i) posted on the property, (ii) advertised in a paper of general paid circulation in the community, and (iii) given by mail to the owners of record of land lying within

375 feet of the property. This mailed notification requirement shall be the responsibility of the applicant. Any applicant requesting a public hearing on any application pursuant to this section shall pay, upon submission, the applicable fees in section 118-7. No application shall be considered complete until all requested information has been submitted and all applicable fees paid.

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Sec. 118-196. - Fees Reserved.

~~The fees in this section are for the purpose of defraying expenses of public notices and other administrative costs in connection with processing applications.~~

- ~~(1) Any applicant requesting and obtaining a public hearing before the planning board shall pay the following fees:
 - a. Conditional use. When a fee has not been established for a specific use there shall be a fee as provided in appendix A.
 - b. Adult congregate living facility. For an adult congregate living facility there shall be a fee as provided in appendix A.~~
- ~~(2) A request for minor amendment to an approved conditional use, clarification of conditions or an extension of time shall require a payment of fee as provided in appendix A.~~
- ~~(3) A request for a substantial amendment to an approved conditional use. shall require a fee as provided in appendix A.~~
- ~~(4) If an applicant withdraws his application prior to the date of the public hearing and requests a new hearing date, a fee as provided in appendix A shall be required. The fee is to defray the costs of scheduling the new public hearing to notify the property owners of the cancellation of the original public hearing and establishment of the revised hearing date.~~
- ~~(5) If the applicant requests a deferral of a public hearing, a fee commensurate with all costs shall be assessed; however, the fee shall not be less than as provided in appendix A.~~
- ~~(6) A fee as provided in appendix A shall be required in order to file an appeal of the planning and zoning director's decision, with respect to article VIII of this chapter. If notification of property owners is required, the fees shall be as set forth in this section.~~
- ~~(7) Any after-the-fact conditional use application shall automatically incur triple fees. Notwithstanding this provision, the board may adjust the after-the-fact fee based on substantial competent evidence that there are extenuating circumstances that warrant such an adjustment. The request for a fee adjustment shall be in writing and made part of the conditional use application. The adjusted after the fact fee shall not be less than the regular application fee.~~

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SECTION 5. That Chapter 118, "Administration and Review Procedures," Article VI, "Design Review Procedures," is hereby amended as follows:

Sec. 118-253. - Application for design review.

(a) The applicant shall obtain a design review application from the planning department, which shall be responsible for the overall coordination and administration of the design review process. When the application is complete, the planning department shall place the application on the agenda and prepare a recommendation to the design review board. The planning department shall determine the date on which the application will be heard by the board; however, the board shall consider the application and planning department recommendation at the next available meeting date after the submission of a completed application to the planning department. Any applicant requesting a public hearing on any application pursuant to this section shall pay, upon submission, the applicable fees in section 118-7. No application shall be considered complete until all requested information has been submitted and all applicable fees paid.

(b) In the event the applicant seeks a preliminary evaluation of a project from the board for information and guidance purposes only, an application for preliminary evaluation shall be required. The planning director, or designee, shall determine the supplemental documents and exhibits necessary and appropriate to complete an application for a preliminary evaluation; the required supplemental documents and exhibits shall serve to describe and illustrate the project proposed in the application in a manner sufficient to enable the board to provide general comments, feedback, information and guidance with respect to the application. Preliminary evaluations by the board shall be for informational purposes only; a preliminary evaluation by the board shall not constitute a binding approval, nor shall any comments, feedback, information or guidance provided by the board be binding upon the board during subsequent review of the preliminary application or a related final application. The board may provide a general comment, feedback, information and guidance during the initial hearing on the application for preliminary evaluations, and may continue discussion on a preliminary evaluation to subsequent meetings in order for the applicant to better address any specific concerns raised by the board or staff, or may elect to terminate the preliminary evaluation process after providing general comments. All preliminary evaluations shall be subject to the noticing requirements provided in section 118-254. Preliminary evaluations shall not constitute a design review approval, and therefore an applicant acquires no equitable estoppel rights or protections of any kind, type or nature based upon the filing or review of the preliminary evaluation application. The board will not issue an order either approving or denying a project or take any formal action on preliminary evaluation application. Preliminary evaluations shall not entitle applicants to any of the benefits accorded to applicants who have received design review approval, inclusive of appeals or rehearings. Except as used in this section, the use of the phrase "application" throughout this article refers to a completed application for approval and not to a preliminary evaluation application. ~~An applicant may withdraw an application for a preliminary evaluation at any time, provided however, that no fee shall be refunded in the event the withdrawal is made after the giving of notice.~~

~~(c) The design review board may, at its sole discretion, on an individual, case-by-case basis, allow a two-step process for design review approval. The two-step process shall consist of, first: a binding, preliminary concept approval on the issues of urbanism, massing and siting; and second: approval of the project's design details (style, fenestration, materials, etc.). This two-step process shall be subject to the following:~~

~~(1) The design review board shall have the sole discretion, on an individual, case-by-case basis, to decide which development projects may pursue this two-step approval process for design review approval.~~

~~(2) In the event the design review board should authorize the two-step approval process, the applicant shall have a maximum of 120 days from the date of preliminary concept approval on the issues of urbanism, massing and siting, to return to the board with fully developed design drawings and substantial details (style, fenestration, materials, etc.) for final approval, or the entire application shall become null and void. The board, at its sole discretion, may extend the time period to return to the board for final approval, provided that the total time through final approval does not exceed one year from the date of the original submission of the application. The applicant shall have six months from the date of preliminary concept approval on the issues of urbanism, massing and siting, to obtain final approval for the remainder of the project or the entire application shall become null and void. The board, at its sole discretion, may extend the time period to obtain final approval for the remainder of the project up to a maximum of one year from the date of the original submission of the application.~~

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Sec. 118-255. - Reserved Fees.

~~(a) An applicant shall pay, upon the submission of an application to the planning department, design and historic preservation division, a fee based upon the following schedule:~~

- ~~(1) An application for a preliminary evaluation of a project before the design review board shall require a fee as provided in appendix A, which shall not be refundable, nor shall it be applied to reduce any other fees due and payable pursuant to this section.~~
- ~~(2) An application requiring a hearing before the board for design review approval shall require a base fee plus a fee per square feet of floor area as provided in appendix A.~~
- ~~(3) An application requiring staff review for minor alterations and minor additions including storefront replacement and storefront reconfiguration shall require a fee as provided in appendix A.~~
- ~~(4) An application pertaining only to signs, awnings and window replacements shall require a fee as provided in appendix A.~~
- ~~(5) An application pertaining only to paint shall require a fee as provided in appendix A.~~
- ~~(6) If a deferment or clarification hearing is requested by the applicant, an additional fee as provided in appendix A shall be assessed.~~
- ~~(7) If a deferment or clarification of conditions is requested by the board, there will be no additional fee.~~
- ~~(8) If the applicant removes his file from the agenda after it has been accepted by the planning, design and historic preservation division, the city shall retain 50 percent of the application fee.~~
- ~~(9) An application pertaining to extensions of time shall require a fee as provided in appendix A.~~
- ~~(10) Any after-the-fact application shall incur triple fees.~~
 - ~~a. Notwithstanding the above provision, the design review board or the joint design review board/historic preservation board (when applicable) may adjust the after-the-fact fee based on substantial competent evidence that there are extenuating circumstances that warrant such an adjustment. The request for a fee adjustment~~

~~submitted and all applicable fees paid. Any applicant requesting the establishment or separation of building sites shall pay the fee for division of lot or lot split as provided in appendix A. The fees in this section are for the purpose of defraying expenses of public notices and other administrative costs in connection with processing applications. An additional fee as provided in appendix A shall be required for an after-the-fact application.~~

- ~~(3) If a deferment or an extension of time is requested by the applicant, an additional fee as provided in appendix A shall be assessed.~~
- ~~(4) If a request for a deferral is submitted by the administration or the planning board, and not at the request of an applicant, there will be no additional charge.~~
- ~~(5) If the applicant withdraws the application after it has been accepted by the planning department, but prior to the public noticing of the request, the city shall refund 50 percent of required fees.~~

~~* * *~~

~~D. Procedure to request adjustment to the after-the-fact fee. The planning board may adjust the after-the-fact fee based on substantial competent evidence that there are extenuating circumstances that warrant such an adjustment. The request for a fee adjustment shall be in writing at the time the application for a lot split is filed with the planning department. The adjusted after-the-fact fee shall not be less than the regular application fee.~~

~~* * *~~

SECTION 7. That Chapter 118, "Administration and Review Procedures," Article VIII, "Procedure for Variance and Administrative Appeals," is hereby amended as follows:

Sec. 118-353. - Variance applications.

- (a) An application for a variance for the following items is prohibited: Floor area ratio, required parking (except as provided for in these land development regulations), a request pertaining to the reduction of an impact fee, lot area when determining floor area ratios, maximum number of stories, or any maximum building height variance greater than three feet. Any applicant requesting a public hearing on any application pursuant to this section shall pay, upon submission, the applicable fees in section 118-7. No application shall be considered complete until all requested information has been submitted and all applicable fees paid.

~~* * *~~

Sec. 118-357. - Fees Reserved.

~~The fee schedule in this section is established for the purpose of defraying expenses of public notices, postage, printing, determining the impact of the request and other administrative costs in connection with variance requests pertaining to these land development regulations; when it is alleged there is an error in any administrative order, requirement, decision, or determination made by an administrative official in connection with these land development regulations; or a request for the board to clarify a condition, finding, or amend a decision.~~

~~(1) Variances, appeals from administrative decisions and signs:~~

- ~~a. For single-family residences a filing fee as provided in appendix A plus a fee as provided in appendix A for each individual variance requested.~~
- ~~b. For multifamily, commercial, industrial or mixed use development properties a filing fee as provided in appendix A plus a fee as provided in appendix A for each individual variance requested.~~
- ~~c. For an appeal from an administrative decision there shall be a fee as provided in appendix A.~~
- ~~d. For signs there shall be a fee as provided in appendix A, plus a fee as provided in appendix A per request.~~
- ~~e. With the exception of variances associated with single-family residences, the application fee shall be supplemented by an additional fee as provided in appendix A per mailing address.~~

~~(2) If a deferment is requested by the applicant, an additional fee shall be assessed as follows:~~

- ~~a. For single-family residences there shall be a fee per variance as provided in appendix A.~~
- ~~b. For multifamily, commercial, industrial or mixed use development there shall be a fee per variance as provided in appendix A.~~
- ~~c. For an appeal from administrative decision there shall be a fee as provided in appendix A.~~
- ~~d. For signs there shall be a fee per variance or sign whichever is greater as provided in appendix A.~~

~~(3) If a request for a deferral is approved by the board of adjustment, and not at the request of an applicant, there will be no additional fee.~~

~~(4) When an applicant requests a clarification, extension of time, an amendment to a previous board of adjustment decision, or any other request that is not a variance or appeal of an administrative decision, a fee as provided in appendix A shall be assessed. Public notice requirements listed in section 118-134 shall be applied.~~

~~(5) If the applicant withdraws his application after it has been accepted by the planning, design and historic preservation division, the city shall refund 50 percent of all required fees and no further refund shall be made.~~

~~(6) A public hearing or appearance by the applicant before the board shall not be scheduled or permitted until the planning, design and historic preservation division has determined that the application is complete and all fees have been paid.~~

~~(7) After the fact variances shall automatically incur triple fees. Notwithstanding this provision, the board may adjust the after the fact fee based on substantial competent evidence that there are extenuating circumstances that warrant such an adjustment. The request for a fee adjustment shall be in writing and made part of the variance application. The adjusted after the fact fee shall not be less than the regular application fee.~~

~~* * *~~

SECTION 8. That Chapter 118, "Administration and Review Procedures," Article IX, "Nonconformances," is hereby amended as follows:

Sec. 118-399. - Procedure for retention of illegally subdivided units, undersized units or illegally installed kitchens Reserved.

~~The following procedure is only applicable to zoning violation notices for buildings or structures which contain units which are illegally subdivided, units which have illegally installed kitchens and existing units which are below the minimum size established by the city. Units shall be defined as apartment units, hotel units and adult congregate living facility units.~~

- ~~(1) Options. Upon receiving a zoning violation notice relating to units which are illegally subdivided, units which have illegally installed kitchens and units which are below the minimum size established by the city the property owner shall appear before the code enforcement special master at the scheduled hearing and state which of the following actions the owner will take. If the owner fails to appear before the code enforcement special master at the scheduled hearing, prosecution of the violations shall start immediately. An owner may wish to voluntarily conform with this section by complying with the below procedures. The owner may either:~~
- ~~a. Come into compliance with the parking, density and floor area regulations of these land development regulations with regard to these units and obtain a new certificate of occupancy or certificate of completion, whichever is appropriate, within six months from the date the zoning violation notice was received; or~~
 - ~~b. Conform to the building or structure's approved floor plan on record with the city's building services department; or~~
 - ~~c. Establish these units as legally nonconforming by:
 - ~~1. Paying a fee as provided in appendix A, plus a processing fee as provided in appendix A per unit which is in violation to the planning, design, and historic preservation division; and~~
 - ~~2. By bringing the building into compliance with the following codes and requirements within six months of the date the zoning violation notice was received:
 - ~~i. Owner must show affirmative proof that the building was purchased prior to September 30, 1987, or if at a subsequent date, the owner must submit proof and an affidavit to the effect that the conditions in the building existed prior to its purchase and prior to September 30, 1987.~~~~~~

~~ii. These land development regulations, with the exception of parking, density and floor area regulations (owner must comply with all other land development regulations).~~

~~If the building is located within an historic district or historic site as defined in these land development regulations, all exterior and public interior improvements shall substantially meet the design criteria as listed in the secretary of interior's standards for rehabilitation and guidelines for rehabilitating historic structures, as amended, as well as the certificate of appropriateness criteria in Article X of these Land Development Regulations. Compliance with this requirement is to be determined by the planning department.~~

~~iii. The applicable Florida Building Code.~~

~~iv. Fire prevention and safety code.~~

~~v. Section 58-176 et seq., pertaining to property maintenance standards, and section 58-336 et seq., pertaining to rental housing.~~

~~vi. Owner must have paid and met all requirements with regard to permit and license fees.~~

~~vii. Owner must have no outstanding city liens on the property in question.~~

~~If the property owner does not comply with all of the above within six months of the date the zoning violation notice was received, the owner shall be prosecuted before the code enforcement special master for the existing violations.~~

~~(2) City administration procedures. The department of code compliance shall provide a monthly listing of all properties cited with the zoning violations in question to the affected departments. Each of the affected department heads shall send a written report to the planning and zoning director regarding the status of the building. The report shall be sent to the planning department upon compliance with the applicable code or requirement, or six months from the date of the zoning violation notice in question, whichever occurs first. The departments required to send a written report are as follows:~~

~~a. Fire department.~~

~~b. Department of code compliance.~~

~~c. Building services department.~~

~~d. Planning department.~~

~~e. Finance department, revenue division, lien section.~~

~~Upon receipt by the planning department from all affected departments that there are no existing violations on the subject property the planning department will notify the building official to correct the building card so that the illegally nonconforming units will now be legally nonconforming.~~

~~(3) Structures which are not eligible to use this procedure.~~

- ~~a. Buildings which are subject to the county unsafe structures board orders are not eligible to retain illegally nonconforming units under the option in subsection 118-399(1)c.~~
 - ~~b. Units with less than 200 square feet per unit are not eligible to be retained under the option in subsection 118-399(1)c.~~
 - ~~c. If compliance with this procedure would require the owner to make improvements totaling 50 percent or more of the value determination of the property if located north of Sixth Street or 50 percent or more of the county tax assessed value for properties in the redevelopment area, the owner will not be permitted to retain the illegally nonconforming units pursuant to the option in subsection 118-399(1)c.~~
- ~~(4) Subsequent renovations greater than 50 percent of value of structure or replacement value. If a building comes into compliance pursuant to the option in subsection 118-399(1)c. and subsequently the owner makes renovations totaling 50 percent or more of the value determination of the property if located north of Sixth Street or 50 percent or more of the replacement value for properties in the redevelopment area, the owner must bring the building into compliance with the density, parking and floor area regulations of these land development regulations and will not be able to retain the legally nonconforming units.~~

~~* * *~~

SECTION 9. That Chapter 118, “Administration and Review Procedures,” Article X, “Historic Preservation,” Division 3, “Issuance of Certificate of Appropriateness/Certificate to Dig/Certificate of Appropriateness for Demolition,” is hereby amended as follows:

Sec. 118-563. - Review procedure.

Any applicant requesting a public hearing on any application pursuant to this section shall pay, upon submission, the applicable fees in section 118-7. No application shall be considered complete until all requested information has been submitted and all applicable fees paid.

* * *

- (h) In the event the applicant seeks a preliminary evaluation of a project from the board for information and guidance purposes only, an application for preliminary evaluation shall be required. The planning director, or designee, shall determine the supplemental documents and exhibits necessary and appropriate to complete an application for a preliminary evaluation; the required supplemental documents and exhibits shall serve to describe and illustrate the project proposed in the application in a manner sufficient to enable the board to provide general comments, feedback, information and guidance with respect to the application. Preliminary evaluations by the board shall be for informational purposes only; a preliminary evaluation by the board shall not constitute a binding approval, nor shall any comments, feedback, information or guidance provided by the board be binding upon the board during subsequent review of the preliminary application or a related final application. The board may provide general comment, feedback, information and guidance during the initial hearing on the application for preliminary evaluations, and may continue discussion

on a preliminary evaluation to subsequent meetings in order for the applicant to further address any specific concerns raised by the board or staff, or may elect to terminate the preliminary evaluation process after providing general comments. All preliminary evaluations shall be subject to the noticing requirements provided in subsection 118-8. Preliminary evaluation applications shall not constitute a certificate of appropriateness approval, and therefore an applicant acquires no equitable estoppel rights or protections of any kind, type or nature based upon the filing of the preliminary evaluation application. The board will not issue an order either approving or denying a project or take any formal action on preliminary evaluation applications. Preliminary evaluations shall not entitle applicants to any of the benefits accorded to applicants who have received certificate of appropriateness approval, inclusive of appeals or rehearings. Except as used in this section, the use of the phrase "application" throughout this article refers to a completed application for approval and not to a preliminary evaluation application. ~~An applicant may withdraw an application for a preliminary evaluation at any time; provided, however, that no fee shall be refunded in the event the withdrawal is made after the giving of notice.~~

* * *

Sec. 118-564. - Decisions on certificates of appropriateness.

Any applicant requesting a public hearing on any application pursuant to this section shall pay, upon submission, the applicable fees in section 118-7. No application shall be considered complete until all requested information has been submitted and all applicable fees paid.

* * *

- (7) ~~Reserved. The fees in this subsection (f)(7) are for the purpose of defraying expenses of public notices and other administrative costs in connection with processing applications for a certificate of appropriateness and a certificate of appropriateness for demolition, including amendments for a certificate of appropriateness for demolition:~~
- a. ~~A fee as provided in appendix A for projects requiring board approval, and a fee as provided in appendix A for projects reviewed by staff. However, after the fact applications shall automatically incur triple fees.~~
 - 1. ~~Notwithstanding the above provision, the board may adjust the after the fact fee based on substantial competent evidence that there are extenuating circumstances that warrant such an adjustment. The request for a fee adjustment shall be in writing. The adjusted after the fact fee shall not be less than the regular application fee.~~
 - 2. ~~The request shall be:~~
 - i. ~~Part of the board application; or~~
 - ii. ~~A separate application requesting an adjustment to the after the fact fee for a staff level review.~~
 - 3. ~~If a request for an adjustment to the after the fact fee for a staff level review is submitted, there will be an additional fee as provided in appendix A to place the item on the board's agenda.~~

- (2) Public notice requirements. At least 30 days prior to the public hearing date for the subject designation, a description of the request with the time and place of the public hearing, shall be advertised in a paper of general paid circulation in the community.
- (3) ~~Reserved. Fee. An application for the individual designation of a single-family home shall not require a fee.~~

* * *

SECTION 11. That Chapter 138, "Signs," Article IV, "Temporary Signs," is hereby amended as follows:

Sec. 138-135. - Real estate signs—Single-family residential.

* * *

- (e) Special conditions for these real estate signs shall be as follows:

* * *

- (5) Each primary sign shall receive a permit from the license department, which shall charge a fee as set forth in appendix A per primary sign or at no cost if permit(s) is applied for and obtained online. There shall be no additional charge for strip or "open house" type signs.

Sec. 138-136. - Real estate signs—Multifamily, commercial, industrial, vacant land.

* * *

- (e) Special conditions for these real estate signs shall be as follows:

* * *

- (5) Each individual sign shall receive a permit from the license department which shall charge a fee per sign as provided in appendix A or at no cost if permit(s) is applied for and obtained online.

SECTION 12. That Chapter 142, "Zoning Districts and Regulations," Article II, "District Regulations," Division 2, "RS-1, RS-2, RS-3, RS-4 Single-Family Residential Districts," is hereby amended as follows:

Sec. 142-108. - Provisions for the demolition of single-family homes located outside of historic districts.

- (a) Criteria for the demolition of an architecturally significant home. Pursuant to a request for a permit for partial or total demolition of a home constructed prior to 1942, the planning director, or designee, shall; or independently may, make a determination whether the home is architecturally significant according to the following criteria:

- (1) The subject structure is characteristic of a specific architectural style constructed in the city prior to 1942, including, but not limited to, Vernacular, Mediterranean Revival, Art Deco, Streamline Moderne, or variations thereof.
- (2) The exterior of the structure is recognizable as an example of its style and/or period, and its architectural design integrity has not been modified in a manner that cannot be reversed without unreasonable expense.
- (3) Significant exterior architectural characteristics, features, or details of the subject structure remain intact.
- (4) The subject structure embodies the scale, character and massing of the built context of its immediate area.

The date of construction shall be the date on which the original building permit for the existing structure was issued, according to the City of Miami Beach Building Permit Records. If no city building permit record exists, the date of construction shall be as determined by the Miami-Dade County Property Appraiser.

Any applicant requesting a determination as to the architectural significance of any single-family home constructed prior to 1942 shall pay upon submission all applicable fees in section 118-7. No application shall be considered complete until all requested information has been submitted and all applicable fees paid. Within ten days of posting any required notice, interested persons may submit information to the planning director to take into consideration in evaluating the application. The director shall file the determination with the city clerk no later than five (5) days after the decision is made.

~~All requests for a determination as to the architectural significance of any single-family home constructed prior to 1942 shall be in writing, signed by the property owner, stating specifically the reasons asserted for the requested determination and shall include a copy of the building card, current color photos of the home, and any microfilm on record, and two sets of mailing labels, with the names and addresses of all property owners of land located within 375 feet of the exterior boundary of the subject property, and an original certified letter stating that the ownership list and mailing labels are a complete and accurate representation of the real property and property owners within 375 feet of the subject property; such letter must be dated and give the address of the subject property and its legal description, subdivision and plat book number and page and state the source for this information. Within five days of the receipt of a request, the planning department shall post a notice on the subject site and notice shall be given by mail to the owners of record of land lying within 375 feet of the property; the mail notification requirement shall be the responsibility of the applicant and must be completed within three days of the receipt of the notice. Within ten days of posting the notice, interested persons may submit information to the planning director to take into consideration in evaluating the request. The director shall file the decision with the city clerk.~~

* * *

- (i) New construction procedures for single-family homes demolished without required approvals or permits. For those properties where a single-family home constructed before 1942 was demolished without prior approval of the planning department, the design review board or the single-family residential review panel, and without the required permits from the building official, in addition to any other applicable law in this Code or other codes, the

following shall apply prior to the issuance of any building permit for any new construction on the subject site:

* * *

- ~~(9) Fees. The fee schedule below is provided to defray the costs associated with the administration of this subsection. All applications to the design review board for the review of new construction as described herein shall require the following fees, upon the submission of an application to the planning department:~~
- ~~a. Any application requiring a hearing before the board for design review approval shall require a base fee plus a fee per square foot of floor area as provided in appendix A.~~
 - ~~b. If a deferment or clarification hearing is requested by the applicant, an additional fee as provided in appendix A shall be assessed.~~
 - ~~c. If a continuance or clarification of conditions is requested by the board, there will be no additional fee.~~
 - ~~d. If the applicant removes a file from the agenda after it has been accepted by the planning department, the city shall retain 50 percent of the application fee.~~
 - ~~e. Any after-the-fact application shall incur triple fees.~~
 - ~~1. Notwithstanding the above provision, the design review board may adjust the after-the-fact fee based on good cause shown. The request for a fee adjustment shall be in writing and shall be part of the design review board application. The adjusted after-the-fact fee shall not be less than the regular application fee.~~
 - ~~2. The request shall be part of the design review board application.~~
 - ~~f. Revisions to plans previously approved by the board shall require a base fee as provided in appendix A plus one-half of the original fee.~~

SECTION 13. CODIFICATION.

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of the City of Miami Beach, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section", "article", or other appropriate word.

SECTION 14. REPEALER.

All ordinances or part of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 15. SEVERABILITY.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 16. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption.

PASSED and **ADOPTED** this ____ day of _____, 2015.

ATTEST:

CITY CLERK

MAYOR

APPROVED AS TO
FORM AND LANGUAGE
& FOR EXECUTION

City Attorney Date

First Reading: November __, 2015
Second Reading: December __, 2015

Verified by: _____
Thomas R. Mooney, AICP
Planning Director

Underscore denotes new language
~~Strikethrough~~ denotes deleted language

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LAND DEVELOPMENT AND PERMITTING FEES

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 14, "BUILDING REGULATIONS," DIVISION 2, "PERMIT FEES," AT SECTIONS 14-61, 14-62, 14-66, 14-67, 14-68, 14-70, AND 14-72; CHAPTER 15, "ZONING REVIEW FEE ASSOCIATED WITH THE BUILDING PERMIT PROCESS," ARTICLE II, "ZONING REVIEW FEES ASSOCIATED WITH THE BUILDING PERMIT PROCESS," AT SECTIONS 15-31, 15-32, 15-33, 15-34, 15-35, 15-36, AND 15-37; CHAPTER 50, "FIRE PREVENTION AND PROTECTION," AT SECTIONS 50-3, 50-4, 50-5, 50-6, 50-7, AND 50-8; CHAPTER 66, "MARINE STRUCTURES, FACILITIES AND VEHICLES," ARTICLE III, "PIERS, DOCKS AND BOAT RAMPS," AT SECTION 66-114; CHAPTER 86, "SALES," DIVISION 2, "PERMIT," AT SECTION 86-56; CHAPTER 98, "STREETS AND SIDEWALKS," ARTICLE III, "EXCAVATIONS," DIVISION 2, "PERMIT," AT SECTIONS 98-93 AND 98-94; FURTHER AMENDING CHAPTER 50, "FIRE PREVENTION AND PROTECTION," TO CREATE SECTIONS 50-9, 50-10, 50-11, 50-12, 50-13, 50-14, AND 50-15; CHAPTER 98, "STREETS AND SIDEWALKS," ARTICLE III, "EXCAVATIONS," DIVISION 2, "PERMIT," TO CREATE SECTIONS 98-95, 98-96, 98-97, 98-98, 98-99, AND 98-100; UPDATING AND CONSOLIDATING THE SECTIONS OF THE CITY CODE OF ORDINANCES THAT REQUIRE THE ASSESSMENT OF FEES FOR PERMITTING SERVICES IN ORDER TO IMPROVE PREDICTABILITY, TRANSPARENCY AND EFFICIENCY OF THE CODE; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the City of Miami Beach has the authority to enact laws which promote the public health, safety and general welfare of its citizens; and

WHEREAS, the Land Development Regulations of the City Code contain fees for development review and other services to cover the costs of implementing the regulations contained therein; and

WHEREAS, the City is in the process of updating of its Enterprise Resource Planning (ERP) program in order to automate, streamline and refine city processes; and

WHEREAS, in order to facilitate the automation of city processes, it is necessary to ensure that fees land development fees be as transparent as possible; and

WHEREAS, the City Administration has reviewed the structure of fees associated with land development and permit review and determined a more efficient, effective and transparent way to asses fees for these services is necessary; and

WHEREAS, the amendments set forth below are necessary to accomplish the above objectives.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:

SECTION 1. That Chapter 14, "Building Regulations," Article II, "Construction Fees," Division 2, "Permit Fees," is hereby amended as follows:

Sec. 14-61. - Permit fees, generally.

* * *

(c) Reinspection fees.

* * *

(2) Payment of the reinspection fee shall be required before any subsequent permits will be issued to the person or entity owing same. Further inspections ~~may~~ shall be withheld until payment of reinspection fees has been made.

(d) Lost plans fee. When permitted set of plans are lost by the applicants, owners, contractors, or any of their representatives, a recertification fee will be required to reproduce, stamp and approve a new set of plans as a field copy. Such fee shall be based on a cost per page as specified in appendix A, plus an administrative processing fee as outlined in appendix A.

(e) Revised plans processing fee. The charge for plans processing of revisions to a permitted set of plans shall be ~~based on the plan reviewer's actual review time multiplied by the hourly rate~~ as specified in appendix A, plus an administrative processing fee as outlined in appendix A.

(f) Lost permit card fee. After a permit has been issued, if the permit inspection card has been lost, a replacement fee as specified in appendix A shall be charged.

(g) ~~Plans review and i~~ Inspection fee hourly rate. The ~~plans review and~~ inspection fee hourly rate, as specified in appendix A, is determined at the beginning of each fiscal year based on the building department's approved overhead and indirect costs and the resources assigned to the ~~plan review and~~ inspection program.

~~(h) Dedicated inspectors. Dedicated inspectors may be requested by the applicant to be assigned solely to their project for a specified number of hours per day. This request may be granted by the building official, at his/her sole discretion and judgment. If a request is granted, the building official will use city inspectors for this effort and secure a contractor to back-fill the regular duties of the city inspector. The applicant will, in addition to the regular permit and other applicable fees, reimburse the direct cost incurred by the city to pay for the services of the contractor who is back-filling for the city inspector.~~

~~(h)(i)~~ Plans re-review fee. When extra plans reviews are due to the failure to correct code violations specifically and continuously noted in each rejection, including, but not limited to,

egress, fire protection, structural stability, energy, accessibility, lighting ventilation, electrical, mechanical, plumbing, and gas systems, or other requirements identified by the rule of the Florida Building Commission, in compliance with F.S. § 553.80(2)(b), each time after the third such review that plans are rejected for the same code violation, a fee of four times the amount of the proportion of the permit fee shall be attributed to plans review.

~~Plans re-review fee. When extra plans reviews are due to the failure to correct code violations specifically and continuously noted in each rejection, including, but not limited to, egress, fire protection, structural stability, energy, accessibility, lighting ventilation, electrical, mechanical, plumbing, and gas systems, or other requirements identified by the rule of the Florida Building Commission, in compliance with F.S. § 553.80(2)(b), each time after the third such review that plans are rejected for the same code violation, a fee of four times the cost of the upfront fee of that permit.~~

- (i)(j) Expedited plans review and inspection fee. Upon request from the applicant, the department may schedule an expedited plans review or inspection, on an overtime basis by city staff. When such service is provided, a fee as specified in appendix A shall be charged, in addition to the regular permit fee and other applicable fees. ~~Express~~ Expedited plan review service may be requested by the applicant with a cost plus fee incurred in addition to the regular permit fee and other applicable fees.
- (j)(k) Permits for work not identified in appendix A. If it is determined that no specific fee category directly matches a permit application request, the building official may identify a category that closely matches the level of effort or determine what the work will be charged at based on the time dedicated for plans review and inspection. The building official may require an upfront fee and a deposit to cover the estimated cost of the services to be provided.
- (k)(l) City projects. The cost of enforcing state statutes, the building code, or the city's land development regulations on city related projects will be reimbursed based on the actual time spent in the processing, review and inspection of such projects. The payment will be due prior to issuance of the certificate of occupancy or completion for the project. Effective October 1, 2011, for any active permit applied for on or after February 1, 2010, fees shall be based on the permit fee schedule in place at the time of the permit application submittal, and should be paid accordingly.
- (l)(m) [Annual adjustment of rates.] The rates in appendix A pertaining to this division will be administratively adjusted annually to reflect increase(s) or decrease(s) in the Consumer Price Index for all urban consumers, CPI-U. ~~Consumers in the Southeast United States for all items.~~
- (m)(n) Electronic concurrent plan processing. In order to create a more efficient permitting process, the building department ~~has established~~ will be implementing procedures to process plans electronically via ~~a concurrent~~ an automated workflow. Once implemented, the department will request that applicants submit plans in an electronic format. If the applicant chooses to submit paper plans, the director, or his designee has the authority to invoice for reimbursement of the conversion of ~~construction~~ documents submitted to an electronic format
- (o) [Reevaluation of rates.] ~~The rates in Appendix A for permit fees pertaining to this chapter shall be reevaluated administratively no less than every three years from the last adopted changes. Any recommended changes shall be brought to the city commission for consideration and final approval.~~

~~(n)(p)~~ Phase permits. The Building Official is authorized by the Florida Building Code to provide early start approval. The holder of such permit shall proceed at the holder's own risk with the building construction and without assurance that a permit for the entire structure will be granted. A fee as specified in appendix A shall be paid.

~~(o)(q)~~ Private provider fee. When a property owner uses the services of a licensed private company for plan review and inspections services (Private Provider), the fee will be assessed as a regular building permit with a discount of 25% of the original building permit fee. If only the plan review or the inspections are done by the Private Provider, then the fee will be assessed as a regular building permit with a discount of 12.5% of the original building permit fee.

Sec. 14-62. - Building permits.

* * *

(b) Refunds, time limitations, cancellations, change of contractor. The fees charged pursuant to the schedule in appendix A, provided the same are for a permit required by Section 105.1 of the Florida Building Code, may be refunded by the building official subject to the following:

(1) No refunds shall be made on requests involving:

- a. Permit fees of \$100.00 or less; or
- b. Permits for which plans review has commenced; or
- c.b. Permits revoked by the building official under authority granted by the Florida Building Code; or
- d.e. Permits cancelled by court order; or d. Permits which have expired; or
- e. Permits under which work has commenced as evidenced by any recorded inspection having been made by the department, unless the refund is due to an overcharge by the city.

* * *

(7) Where the permit is revoked, or becomes null and void, or expires because of lack of work or abandonment, a new permit covering the proposed construction shall be obtained before proceeding with the work, pursuant to Section 105.4.1.1 of the Florida Building Code. If no more than 180 days of the expiration date of the original permit has passed, and no refund has been made according to this section, the applicant may apply to renew the permit. The reapplication must be covering the same project and involving the same plans, and must be submitted with the plans and the applicant's validated copy of the original permit. A fee of 25 percent of the original permit fee, plus an additional \$100.00~~57.00~~ processing fee, shall be charged for a renewal under these circumstances.

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Sec. 14-66. - Certificates of occupancy or completion and certificate of use.

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~~(2) Certificate of use.~~

- ~~a. No new building or premises or part thereof, except one and two family residences, shall be occupied until a certificate of use is issued by the city. Certificates of use shall not be issued until the premises have been inspected and found to comply with all requirements of this Code.~~
 - ~~1. Apartment buildings, hotels and other multiple residential occupancies containing three or more units and occupied by only residential tenants shall require one certificate of use. Where these occupancies contain commercial activities in addition to residential tenants, an additional certificate of use for each commercial activity contained in the building shall be required.~~
 - ~~2. Industrial, office and commercial buildings being occupied by a single tenant shall require one certificate of use. If an industrial, office or commercial building contains more than one tenant, an additional certificate of use shall be required for each unit occupied therein.~~
- ~~b. A certificate of use must be obtained annually. Certificate of use renewal fees are due and payable on June 1 of each year. Any person failing to timely apply for the annual renewal of a certificate of use may be issued a certificate of use only upon payment of a delinquency penalty of ten percent for the month of July or portion thereof and an additional five percent for each month of delinquency thereafter or portion thereof until paid. Renewal payments must be received by the license section prior to the first day of each penalty month to avoid additional penalties.~~
- ~~c. The first certificate of use issued in conjunction with a new building shall be issued at the time when a certificate of occupancy is issued and at no cost. Where individual certificates of use are required, a certificate of use shall be obtained and the charge shall be as established in subsection g., below.~~
- ~~d. As of the effective date of this subsection, all existing buildings or premises subject to this subsection must obtain a certificate of use.~~
- ~~e. Upon the issuance of a certificate of use for a building or premises, an annual inspection will be conducted thereafter to determine that each building or premises complies with all code requirements of the city.~~
- ~~f. In order to obtain a certificate of use, an original fee shall be paid for the purpose of defraying the costs of all the original inspections. An annual renewal fee shall be paid to defray the costs of these annual inspections necessary to determine compliance.~~
- ~~g. The fees for certificates of use shall be as specified in appendix A.~~

Sec. 14-67. - Forty-year building recertification program.

- (a) There shall be a fee per building as specified in appendix A for the 40-year building recertification program, as required under Miami-Dade County Code Chapter 8, Section 8-11(f) and as said section may be amended from time to time. A six (6) month extension for building recertification may be granted by the building official. An extension fee as specified in appendix A shall be assessed.

* * *

Sec. 14-68. - Annual facility permit Reserved.

~~The Building Official is authorized by the Florida Building Code to issue an annual facility permit. Each firm or organization which obtains an annual facility permit shall include in their application for such permit a list of licensed maintenance personnel assigned to building, electrical, plumbing or mechanical work and the estimated annual maintenance costs. The fee shall be computed using the permit fee specified in appendix A for commercial alteration/remodeling. The minimum annual facility permit fee shall be as specified in appendix A. At the expiration of the annual facility permit, the job log shall be submitted to the building department for the calculation and payment of any additional fee due for the work performed according to the job log. No new annual facility permit shall be issued until the full amount for the prior year has been paid.~~

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Sec. 14-70. - General information.

This section contains a list of other fees collected by the building department for other departments or agencies. Specific amounts are given in appendix A.

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~~(4) A fee shall be charged to any building or structure for which a certificate of occupancy is being issued.~~

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Sec. 14-72. - Interest.

(1) The city is authorized to charge interest to any amount due when not paid by the due date. The interest rate shall be at the highest legal limit authorized by law, plus collection costs and attorneys' fees.

(2) Documents. Requests for copies of building department records, inspection reports, logs, or similar documents maintained by the building department will be charged a fee as specified in appendix A.

SECTION 2. That Chapter 15, "Zoning Review Fee Associated with the Building Permit Process," Article II, "Zoning Review Fees Associated with the Building Permit Process," is hereby amended as follows:

Sec. 15-31. - Zoning review fees associated with the building permit process levied.

- (a) Levied Permits. A separate zoning review fee associated with the building permit plans review process is hereby levied and imposed, and shall apply to the city's planning department zoning reviews of building, plumbing, electrical and mechanical permits and other plans review activities associated with the permit plans review process undertaken by that department. Said fee shall be collected by the building department on behalf of the planning department. Inspections and other fees of the planning department of the city are hereby levied and imposed and shall apply to building, plumbing, electrical and mechanical permits and other activities undertaken by that department as outlined in appendix A.
- (b) Double fees. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing systems before obtaining the building official's approval or the necessary permits shall be subject to a penalty of 100 percent of the required permit fee, in addition to the required permit fees, plus a penalty for the first, second and subsequent offenses as outlined in appendix A.
- (c) Reinspection fees.

 - (1) With respect to inspections, if the city finds it necessary, in order to enforce compliance with state statutes, the Florida Building Code, and the city's land development regulations to conduct an inspection, after an initial inspection and one subsequent reinspection, of any project or activity for the same code violation specifically and continuously noted in each rejection, including but not limited to, egress, fire protection, structural stability, energy, accessibility, lighting, ventilation, electrical, mechanical, plumbing, and gas systems, or other requirements identified by the rule of the Florida Building Commission, state statutes or the city's land development regulations, a fee of four (4) times the cost of initial inspection or first reinspection, whichever is greater, for each subsequent reinspection shall be paid. The inspection cost is determined by multiplying the actual time spent by the inspector by the inspection fee hourly rate, as defined in subsection 15-31(g) and as specified in appendix A.
 - (2) Payment of the reinspection fee shall be required before any subsequent permits will be issued to the person or entity owing same. Further inspections SHALL be withheld until payment of reinspection fees has been made.
- (d) Lost plans fee. When permitted set of plans are lost by the applicants, owners, contractors, or any of their representatives, a recertification fee will be required to reproduce, stamp and approve a new set of plans as a field copy. Such fee shall be based on a cost per page as specified in appendix A.
- (e) Revised plans review fee. The charge for plans review of revisions to a permitted set of plans shall be as specified in appendix A.
- (f) Lost permit card fee. After a permit has been issued, if the permit inspection card has been lost, a fee as specified in appendix A shall be charged to resign or recertify the replacement.
- (g) Inspection fee hourly rate. The inspection fee hourly rate, as specified in appendix A, is determined at the beginning of each fiscal year based on the department's approved overhead and indirect costs and the resources assigned to inspection program.
- (i) Plans re-review fee. When extra plans reviews are due to the failure to correct code violations specifically and continuously noted in each rejection, including, but not limited to, egress, fire protection, structural stability, energy, accessibility, lighting ventilation, electrical, mechanical, plumbing, and gas systems, or other requirements identified by the

rule of the Florida Building Commission, in compliance with F.S. § 553.80(2)(b), each time after the third such review that plans are rejected for the same code violation, a fee of four times the amount of the proportion of the permit fee shall be attributed to plans review.

- (j) Expedited plans review and inspection fee. Upon request from the applicant, the department may schedule an expedited plans review or inspection, on an overtime basis by city staff. When such service is provided, a fee as specified in appendix A shall be charged, in addition to the regular permit fee and other applicable fees. Expedited plan review service may be requested by the applicant with a cost plus fee incurred in addition to the regular permit fee and other applicable fees.
- (i) Permits for work not identified in appendix A. If it is determined that no specific fee category directly matches a permit application request, the department director may identify a category that closely matches the level of effort or determine what the work will be charged based on the time dedicated for plans review and inspection. The department director may require an upfront fee and a deposit to cover the estimated cost of the services to be provided.
- (k) City projects. The cost of enforcing state statutes, building code or the city's land development regulations on city related projects will be reimbursed based on the actual time spent in the processing, review and inspection of such projects. The payment will be due prior to issuance of the certificate of occupancy or completion for the project. Effective October 1, 2011, for any active permit applied for on or after February 1, 2010, fees shall be based on the permit fee schedule in place at the time of the permit application submittal, and should be paid accordingly.
- (l) Annual adjustment of rates. The rates in appendix A pertaining to this division will be administratively adjusted annually to reflect increase(s) or decrease(s) in the Consumer Price Index for all urban consumers, CPI-U.
- (m) Electronic concurrent plan processing. In order to create a more efficient permitting process, the building department will be implementing procedures to process plans electronically via an automated workflow. Once implemented, the department will request that applicants submit plans in an electronic format. If the applicant chooses to submit paper plans, the director, or his designee has the authority to invoice for reimbursement of the conversion of documents submitted to an electronic format.
- (n) Phase permits. The Building Official is authorized by the Florida Building Code to provide early start approval. The holder of such permit shall proceed at the holder's own risk with the building construction and without assurance that a permit for the entire structure will be granted. A fee as specified in appendix A shall be paid for the planning department's review if necessary.

~~———— A separate zoning review fee associated with the building permit plans review process is hereby levied and imposed, and shall apply to the city's planning department zoning reviews of building, plumbing, electrical and mechanical permits and other plans review activities associated with the permit plans review process undertaken by that department. Said fee shall be collected by the building department on behalf of the planning department (see also subsection 14-70(6)).~~

Sec. 15-32. - Fees Building permits.

- (a) Up-front processing fee.

- (1) When the building permit application is received, the applicant shall pay an "up front" processing fee as specified in appendix A.
 - (2) This processing fee is not refundable, but shall be credited toward the final building permit fee. The "up front" processing fee, after it is calculated, shall be rounded up to the nearest \$5.00, with a minimum fee as specified in appendix A.
- (b) Refunds, time limitations, cancellations, change of contractor. The fees charged pursuant to the schedule in appendix A, provided the same are for a permit required by Section 105.1 of the Florida Building Code, may be refunded by the building official subject to the following:
- (1) No refunds shall be made on requests involving:
 - a. Permit fees of \$100.00 or less; or
 - b. Permits for which plans review has commenced; or
 - c. Permits revoked by the building official under authority granted by the Florida Building Code; or
 - d. Permits cancelled by court order; or
 - d. Permits which have expired; or
 - e. Permits under which work has commenced as evidenced by any recorded inspection having been made by the department, unless the refund is due to an overcharge by the city.
 - (2) A full refund shall be granted to a permit holder who takes out a permit covering work outside the jurisdictional inspection area.
 - (3) A full refund less the minimum up-front permit fee and any outside agency fees shall be granted to a permit applicant who requests a refund in writing within one year of payment, provided that no plan review has commenced.

A full refund less \$100.00 or the up-front permit fee, whichever amount is greater, rounded down to the nearest dollar, and any outside agency fees shall be granted to a permit applicant who requests a refund in writing within one year of payment, provided that a permit has not been issued.

A full refund less \$100.00 or the up-front permit fee, whichever amount is greater, rounded down to the nearest dollar, and any outside agency fees shall be granted to a permit holder (to whom a permit has been issued) who requests a refund in writing within one year of payment, provided:

 - a. That the permit holder makes a written request prior to the permit expiration date;
and
 - b. That no work as evidenced by any recorded inspection has commenced under such permit.
 - (4) Where the permit is revoked, or becomes null and void, or expires because of lack of work or abandonment, a new permit covering the proposed construction shall be obtained before proceeding with the work, pursuant to Section 105.4.1.1 of the Florida Building Code. If no more than 180 days of the expiration date of the original permit has passed, and no refund has been made according to this section, the applicant may apply to renew the permit. The reapplication must be covering the same project and involving the same plans, and must be submitted with the plans and the applicant's validated copy of the original permit. A fee of 25 percent of the original permit fee, plus an additional \$100.00 processing fee, shall be charged for a renewal under these circumstances.

For permits that have expired where the only missing component is one or more final inspections, the fee for reopening the permit, performing the final inspection(s), and providing a final approval on the permit shall be charged based on the minimum building permit fee.

- (5) Every application submitted for permit will be evaluated and fees assessed accordingly whether it is for a master permit a standalone permit or a subcontract/trade subsidiary permit. All submittals will be assessed the fees as prescribed in appendix A, or the minimum permit fee, whichever is greater.

(c) Planning Fees associated with a building permit are as specified in appendix A.

~~Fees are as prescribed in appendix A.~~

Sec. 15-33. – ~~Up-front processing fee~~ Certificates of occupancy or completion.

Certificate of occupancy or completion. In order to obtain temporary, or final occupancy or completion as required by the Florida Building Code, the following original fees shall be paid for the purpose of defraying the costs of processing the certificate, including any necessary inspections.

- a. Final certificate of occupancy or completion. Certificate of occupancy or completion fees shall be as specified in appendix A.
- b. Temporary certificate of occupancy or completion. Temporary certificate of occupancy or completion fees shall be as specified in appendix A. The certificate of occupancy or completion is the certificate of use for that facility for the first year of operation or part thereof.

~~When the permit application is received, the applicant shall pay an "up front" processing fee as specified in appendix A. This processing fee is not refundable, but shall be credited toward the final zoning review fee. The "up front" processing fee, after it is calculated, shall be rounded up to the nearest \$5.00, with a minimum fee as specified in appendix A. When the up-front processing fee is larger than the final permit fee, not including surcharges, that up-front processing fee amount shall become the permit fee for that application.~~

Sec. 15-34. – ~~Double fees~~ Forty-year building recertification program.

There shall be a plan review and inspection fee for repairs or modifications to buildings as required by the 40-year building recertification program, pursuant to Miami-Dade County Code Chapter 8, Section 8-11(f).

~~Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing systems before obtaining the city's approval of plans or the necessary permits shall be subject to a penalty of 100 percent of the usual permit fee, in addition to the permit fee.~~

Sec. 15-35. - Revised plans processing fee Employee training, education, safety and technology enhancements.

A surcharge to building, electrical, mechanical, plumbing and demolition permits will be added for training, education and safety of the planning department employees, and to procure and implement the latest technologies available for enhancement of services provided by the department, according to the schedule specified in appendix A.

~~_____The charge for processing of revisions to a permitted set of plans shall be as specified in appendix A.~~

Sec. 15-36. – Plan review and inspection fee hourly rate General information.

a. A separate fire safety, public works and/or zoning review fee associated with the building permit process shall be charged as outlined in appendix A.

b. Documents. Requests for copies of planning department records, inspection reports, logs, or similar documents maintained by the planning department will be charged a fee as specified in appendix A.

~~_____The plan review and inspection fee hourly rate for miscellaneous plan review, expedited plans review and/or overtime plan review, if made available at the discretion of the planning department, is determined at the beginning of each fiscal year based on the department's approved budget, overhead and indirect costs and the resources assigned to the plans review and inspection program.~~

* * *

SECTION 3. That Chapter 50, "Fire Prevention and Protection," is hereby amended as follows:

Sec. 50-3. - Plans examination, inspections, permits.

(a) Levied Permits. A separate fire department review fee associated with the building permit plans review process is hereby levied and imposed, and shall apply to the city's fire department reviews of building, plumbing, electrical and mechanical permits and other plans review activities associated with the permit plans review process undertaken by that department. Said fee shall be collected by the building department on behalf of the fire department. Inspections and other fees of the fire department of the city are hereby levied and imposed and shall apply to building, plumbing, electrical and mechanical permits and other activities undertaken by that department as outlined in appendix A.

(b) Double fees. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing systems before obtaining the building official's approval or the necessary permits shall be subject to a penalty of 100 percent of the required permit fee, in

addition to the required permit fees, plus a penalty for the first, second and subsequent offenses as outlined in appendix A.

(c) Reinspection fees.

- (1) With respect to inspections, if the city finds it necessary, in order to enforce compliance with state statutes, the National Fire Protection Association (NFPA) 101 Life Safety Code, the Florida Building Code, and the city's land development regulations to conduct an inspection, after an initial inspection and one subsequent reinspection, of any project or activity for the same code violation specifically and continuously noted in each rejection, including but not limited to, egress, fire protection, structural stability, energy, accessibility, lighting, ventilation, electrical, mechanical, plumbing, and gas systems, or other requirements identified by the rule of the Florida Building Commission, state statutes or the city's land development regulations, a fee of four times the cost of initial inspection or first reinspection, whichever is greater, for each subsequent reinspection shall be paid. The inspection cost is determined by multiplying the actual time spent by the inspector by the inspection fee hourly rate, as defined in subsection 15-31(g) and as specified in appendix A.
 - (2) Payment of the reinspection fee shall be required before any subsequent permits will be issued to the person or entity owing same. Further inspections **shall** be withheld until payment of reinspection fees has been made.
- (d) Lost plans fee. When permitted set of plans are lost by the applicants, owners, contractors, or any of their representatives, a recertification fee will be required to reproduce, stamp and approve a new set of plans as a field copy. Such fee shall be based on a cost per page as specified in appendix A.
 - (e) Revised plans review fee. The charge for plans review of revisions to a permitted set of plans shall be as specified in appendix A.
 - (f) Lost permit card fee. After a permit has been issued, if the permit inspection card has been lost, a fee as specified in appendix A shall be charged to resign or recertify the replacement.
 - (g) Inspection fee hourly rate. The inspection fee hourly rate, as specified in appendix A, is determined at the beginning of each fiscal year based on the department's approved overhead and indirect costs and the resources assigned to inspection program.
 - (i) Plans re-review fee. When extra plans reviews are due to the failure to correct code violations specifically and continuously noted in each rejection, including, but not limited to, egress, fire protection, structural stability, energy, accessibility, lighting ventilation, electrical, mechanical, plumbing, and gas systems, or other requirements identified by the rule of the Florida Building Commission, in compliance with F.S. § 553.80(2)(b), each time after the third such review that plans are rejected for the same code violation, a fee of four times the amount of the proportion of the permit fee shall be attributed to plans review.
 - (j) Expedited plans review and inspection fee. Upon request from the applicant, the department may schedule an expedited plans review or inspection, on an overtime basis by city staff. When such service is provided, a fee as specified in appendix A shall be charged, in addition to the regular permit fee and other applicable fees. Expedited plan review service may be requested by the applicant with a cost plus fee incurred in addition to the regular permit fee and other applicable fees.
 - (j) Permits for work not identified in appendix A. If it is determined that no specific fee category directly matches a permit application request, the fire marshal may identify a category that

closely matches the level of effort or determine what the work will be charged at based on the time dedicated for plans review and inspection. The fire marshal may require an upfront fee and a deposit to cover the estimated cost of the services to be provided.

- (k) City projects. The cost of enforcing state statutes, building code or the city's land development regulations on city related projects will be reimbursed based on the actual time spent in the processing, review and inspection of such projects. The payment will be due prior to issuance of the certificate of occupancy or completion for the project. Effective October 1, 2011, for any active permit applied for on or after February 1, 2010, fees shall be based on the permit fee schedule in place at the time of the permit application submittal, and should be paid accordingly.
- (l) [Annual adjustment of rates.] The rates in appendix A pertaining to this division will be administratively adjusted annually to reflect increase(s) or decrease(s) in the Consumer Price Index for all urban consumers, CPI-U.
- (m) Electronic concurrent plan processing. In order to create a more efficient permitting process, the building department will be implementing procedures to process plans electronically via an automated workflow. Once implemented, the department will request that applicants submit plans in an electronic format. If the applicant chooses to submit paper plans, the director, or his designee has the authority to invoice for reimbursement of the conversion of documents submitted to an electronic format.
- (n) Phase permits. The Building Official is authorized by the Florida Building Code to provide early start approval. The holder of such permit shall proceed at the holder's own risk with the building construction and without assurance that a permit for the entire structure will be granted. A fee as specified in appendix A shall be paid for the fire department's review if necessary.
- ~~(a) Levied. Permits, inspections and other fees of the City of Miami Beach Fire Department are hereby levied and imposed and shall apply to building and fire permits and other activities undertaken by that department.~~
- ~~(b) Double fees. When work for which a building or fire permit is required is commenced prior to the obtaining of a permit, the permit applicant shall be required to pay a double permit fee plus a penalty as specified in this article. The payment of the required fee shall not relieve any person, firm or corporation from fully complying with all of the 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 as noted herein. For a second offense of doing work without a permit, the permit applicant shall be required to pay the double permit fee plus a penalty. For each subsequent offense, the permit applicant shall be required to pay the double permit fee plus a penalty.~~
- ~~(c) Reinspection fee. When extra inspection trips are necessary due to an incorrect address given on a call for inspection, prior rejection of work due to faulty construction, work not being ready for inspection at the time specified, failure to call for final or other inspections, or required corrections not being made or completed at the time specified by the contractor, a fee as specified in appendix A for the second reinspection may be charged to the permit holder in the trade concerned. Payment of the reinspection fee shall be required before any permits will be issued to the person owing the fee. Further inspection may be refused until payment of reinspection fees has been made.~~
- ~~(d) Lost plans fee. When permitted set of plans for fire protection systems are lost by the applicant(s), owner(s), contractor(s), or any other representative of the project, a recertification fee will be required to reproduce, review, stamp and approve a new set of~~

~~plans as a field copy. Such fee shall be based on the cost designated by the building department.~~

- ~~(e) Revised plans processing fee. The charge for plans processing of revisions to plans reprocessed and permitted shall be based on total actual time spent on review by plans examiners multiplied by plans review fee hourly rate as specified in appendix A.~~
- ~~(f) Lost permit card fee. If the permit inspection card is lost after the permit has been issued, a replacement fee as specified in appendix A shall be charged. This fee is charged to cover the cost of researching inspection approvals and re-signing the card.~~
- ~~(g) Special inspection fee. Upon request of an interested party and availability of fire department staff, a fire inspection of a building or facility may be performed. A fee equal to actual staff time and related costs shall be assessed for special fire inspections with a minimum fee as specified in appendix A shall be charged. Requests submitted by developers, attorneys, realtors or contractors to inspect a building to determine existing violations shall be considered special inspections.~~
- ~~(h) Inspection fee hourly rate. The inspection fee hourly rate is calculated at the beginning of each fiscal year based on the department's approved budget, overhead and indirect costs and the resources assigned to the inspection program.~~
- ~~(i) Plans review fee hourly rate. The plan review fee hourly rate is calculated at the beginning of each fiscal year based on the department's approved budget, overhead and indirect costs and the resources assigned to the plans review program.~~
- ~~(j) Plans re-review fee. When extra plans reviews are due to the failure to correct a code violation specifically and continuously noted in each rejection, a fee shall be charged as specified in appendix A. Each time after the third such review that plans are rejected for the same code violation, a fee of four times the cost associated with the specific plans review shall be charged. The cost is calculated based on the actual time spent by plans examiners multiplied by the plans review fee hourly rate, as specified in appendix A.~~
- ~~(k) Expedited plan review and inspection services. Upon a request from the applicant, the department may provide a plans review or inspection on an overtime basis by department staff. When such service is provided, the applicant will reimburse the department for the cost of this service.~~
- ~~(l) Certificate of occupancy or certificate of completion. A fire department inspection approval is required before a certificate of occupancy or certificate of completion is issued for applicable building permits. A fee for this inspection is included in the applicable building permit fee.
 - ~~(1) Whenever there is a request for a certificate of occupancy, where there is a change of occupancy/use and no building permit involved, the applicant will be charged a fee for inspection cost at an hourly rate.~~
 - ~~(2) Whenever the applicant requests a temporary certificate of occupancy or completion, the applicant will be charged an hourly rate for the fire inspections and/or any plans review required to approve the final certificate of occupancy or completion. The fee shall be charged as specified in appendix A.~~
 - ~~(3) Whenever the applicant requests a partial certificate of occupancy or completion, a fee will be charged as specified in appendix A for the subsequent partial certificate of occupancy or completion and final certificate of occupancy/completion based on the hourly rate for inspections and plans review required to approve such certificate(s).~~~~

~~(m) Refunds, time limitations, cancellation, change of contractor. The fees charged pursuant to this Code, may be refunded by the fire marshal subject to the following:~~

~~(1) No refunds shall be made on requests involving:~~

- ~~a. Permit fees of \$100.00 or less; or~~
- ~~b. Permits revoked by the fire marshal or building official; or~~
- ~~c. Permits cancelled by court order; or~~
- ~~d. Permits which have expired; or~~
- ~~e. Permits under which work has commenced as evidenced by any recorded inspection having been made by the fire department.~~

~~(2) A full refund shall be granted to a permit holder who takes out a permit covering work outside the jurisdictional inspection area.~~

~~(3) A full refund less the minimum up-front permit fee and any outside agency fees shall be granted to a permit applicant who requests a refund in writing, provided that no plan review has commenced.~~

~~A full refund less \$100.00 or the up-front permit fee, whichever amount is greater, rounded down to the nearest dollar, and any outside agency fees shall be granted to a permit applicant who requests a refund in writing, provided that a permit has not been issued.~~

~~A full refund less \$100.00 or the up-front fee, whichever amount is greater, rounded down to the nearest dollar, and any outside agency fees shall be granted to a permit holder (to whom a permit has been issued) who requests a refund in writing, provided:~~

- ~~a. That the permit holder makes a written request prior to the permit expiration date; and~~
- ~~b. That a validated copy of the permit be submitted with such request; and~~
- ~~c. That no work, as evidenced by any recorded inspection, has commenced under such permit.~~

~~(4) Where there is a change of contractor involving a permit for which a fee of more than \$100.00 was paid:~~

~~a. The original permit holder:~~

- ~~1. Is not entitled to any refund if the permit has expired or if work, as evidenced by any recorded inspection, has commenced under such permit;~~
- ~~2. Is entitled to a full refund less \$100.00 or the upfront fee, whichever is greater, where the permit has not expired and no work, as evidenced by any recorded inspection, has commenced.~~

~~b. The second permit holder shall pay:~~

- ~~1. A full fee as specified in appendix A for the type of work, if the original permit has expired; or~~
- ~~2. A fee of \$100.00 to cover the cost of transferring the data from the original to the second permit and processing the second permit in instances where work, as evidenced by any recorded inspection, has commenced under the original unexpired permit;~~

~~3. A full fee as specified in appendix A for the type of work plus a fee of \$100.00 to cover the transferring and reprocessing costs where no work, as evidenced by any recorded inspection, has commenced under the original unexpired permit.~~

~~(5) A fee as specified in appendix A shall be paid by the permit holder who submits a written request for a permit extension.~~

~~(6) Where the permit is revoked, or becomes null and void, or expires because of lack of work or abandonment, a new permit covering the proposed construction shall be obtained before proceeding with the work pursuant to Section 105.4.1.1 of the Florida Building Code. If no more than 180 days of the expiration date of the original permit has passed, and no refund has been made according to this section, the applicant may apply to renew the permit. The reapplication must be covering the same project and involving the same plans, and must be submitted with the plans and the applicant's validated copy of the original permit. A fee of 25 percent of the original permit fee, plus an additional \$57.00 processing fee, shall be charged for a renewal under these circumstances.~~

~~Where the permit is revoked or becomes null and void or expires because of lack of work or abandonment, a new permit covering the proposed construction shall be obtained before proceeding with the work, pursuant to Section 105.4.1.1 of the Florida Building Code. If more than 180 days but no more than 365 days since the expiration date of the original permit has passed, and no refund has been made according to this section, the applicant may apply to renew the permit. The reapplication must be covering the same project and involving the same plans, and must be submitted with the plans and the applicant's validated copy of the original permit. A fee of 25 percent of the original permit fee, plus a fee of 20 percent of the new permit fee, shall be charged for a renewal under these circumstances.~~

~~For permits that have expired where the only missing component is one or more final inspections, the fee for reopening the permit, performing the final inspection(s), and providing a final approval on the permit shall be charged at based on the time dedicated for inspection(s).~~

~~(n) Employee training, education, safety and technology enhancements. A surcharge to fire permits will be added for training, education, safety of the fire prevention employees, and to procure and implement the latest technologies available for enhancement of services provided by the building department or fire department.~~

~~(o) Upfront fee. When a building permit or fire permit application is received, the applicant shall pay an "up front" processing fee as specified in appendix A. This up front fee will cover the cost of processing and reviewing such permit application. This fee is not refundable, but shall be credited toward the final permit fee.~~

~~(p) Building permits. Plans submitted for applicable building permits issued by the building department must be reviewed and approved by the fire department before a permit can be issued. Such building permits will include new construction, additions, renovations, specialty permits, stand alone permits for residential and commercial buildings, other than single-family and two-family dwellings, within the City of Miami Beach. A fee for plan review and inspections of these permits will be charged as specified in appendix A.~~

~~(q) Fire permits. A fire permit is required for installation, modification, or deletion of any component of a fire detection or protection system. A fire permit is issued by the fire~~

marshal and processed by the building department for components or systems designed for smoke detection, fire alarm, fire protection or fire suppression or similar systems. A fee for the plan review, acceptance test, and inspection of work under a fire permit will be charged as specified in appendix A to include services provided by fire department staff.

- ~~(f) Hydrant flow test. Upon a request from an applicant, a hydrant flow test will be performed by fire department personnel and results provided to the applicant within a reasonable time after receipt of request. A flow test may not be performed whenever the city, county, or state has any water flowing restrictions imposed on the water supply of the City of Miami Beach. A fee will be charged for each flow test as specified in appendix A.~~
- ~~(g) Occupant content sign. Owners, managers, or operators of any assembly occupancy in the City of Miami Beach must obtain an occupant content sign issued by the fire marshal and processed by the building department. A fee for plan review and inspection related to the occupant content sign will be charged as specified in appendix A.~~
- ~~(t) Pyrotechnic displays permit. Any person or entity using, storing, or displaying pyrotechnic devices indoor or outdoor of any facility within the City of Miami Beach must first obtain a permit issued by the fire department. A fee for plan review and inspection will be charged as specified in appendix A. Additional fee will be charged for staffing of fire department personnel as determined by the fire chief. Any person or entity who does not obtain a permit, provides false information in order to obtain the permit, or who violates any provision in said permit will be charged a fine equal to the double fee as specified in subsection 50-3(d).~~
- ~~(u) Fireworks permit. Any person or entity using, storing, or displaying fireworks for private or public display within the City of Miami Beach must first obtain a permit issued by the fire department. A fee for plan review and inspection will be charged as specified in appendix A. Additional fee will be charged for staffing of fire department personnel as determined by the fire chief. Any person or entity who does not obtain a permit, provides false information in order to obtain the permit, or who violates any provision in said permit will be charged a fine equal to the double fee as specified in subsection 50-3(d).~~
- ~~(v) Open burning permit. Any person or entity engaged in open burning activity must first obtain a permit issued by the fire department. A fee for plan review and inspection will be charged as specified in appendix A. Additional fee will be charged for staffing of fire department personnel as determined by the fire chief. Any person or entity who does not obtain a permit, provides false information in order to obtain the permit, or who violates any provision in said permit will be charged a fine equal to the double fee as specified in subsection 50-3(d).~~
- ~~(w) Bonfire permit. Any person or entity engaged in a bonfire activity must first obtain a permit issued by the fire department. A fee for plan review and inspection will be charged as specified in appendix A. Additional fee will be charged for staffing of fire department personnel as determined by the fire chief. Any person or entity who does not obtain a permit, provides false information in order to obtain the permit, or who violates any provision in said permit will be charged a fine equal to the double fee as specified in subsection 50-3(d).~~
- ~~(x) Special events. All special events permits issued by the City of Miami Beach must be reviewed and approved by the fire department. A fee for the plan review and inspection of each special event will be charged to the applicant as specified in appendix A.~~

- ~~(y) Trade shows. All trade shows or public events taking place at the Miami Beach Convention Center or other public facility must be reviewed and approved by the fire department. A fee for plan review and inspection will be charged to the applicant as specified in appendix A.~~
- ~~(z) Sidewalk cafe permits. All sidewalk cafes must be approved by the fire department before a permit is issued by the city. A fee for plan review and inspection will be charged as specified in appendix A.~~
- ~~(aa) Special master. Special master cases such as mitigation of fines requiring research and testimony of fire department personnel will be charged a fee to the applicant as specified in appendix A.~~
- ~~(bb) Documents. Requests for copies of fire department records, inspection reports, logs, or similar documents maintained by the fire marshal's office will be charged a fee as specified in appendix A.~~
- ~~(cc) [Adjusted rates.] The rates in appendix A pertaining to this section will be administratively adjusted annually to reflect increase(s) or decrease(s) in Consumer Price Index for Consumers in the Southeast United States for all items, unless otherwise directed by the city commission. Notwithstanding the preceding sentence, the rate adjustments set to take place in February 2011 and February 2012 shall be waived, finding such waiver to be in the best interest of the city and the public.~~
- ~~(dd) [Reevaluation schedule of rates.] The rates in appendix A for permit fees pertaining to this chapter shall be reevaluated administratively no less than every three years from the last adopted changes. Any recommended changes shall be brought to the city commission for consideration and final approval.~~
- ~~(ee) Permits for work not identified in appendix A. If it is determined that no specific fee category directly matches a permit application request, the fire marshal may identify a category that closely matches the level of effort or determine what the work will be charged at based on the time dedicated for plans review and inspection. The fire marshal may require an up-front fee and a deposit to cover the estimated cost of the services to be provided.~~

Sec. 50-4. - Enforcement by fire inspectors Building permits.

- (a) Up-front processing fee.
 - (1) When the building permit application is received, the applicant shall pay an "up front" processing fee as specified in appendix A.
 - (2) This processing fee is not refundable, but shall be credited toward the final building permit fee. The "up front" processing fee, after it is calculated, shall be rounded up to the nearest \$5.00, with a minimum fee as specified in appendix A.
- (b) Refunds, time limitations, cancellations, change of contractor. The fees charged pursuant to the schedule in appendix A, provided the same are for a permit required by Section 105.1 of the Florida Building Code, may be refunded by the building official subject to the following:
 - (1) No refunds shall be made on requests involving:
 - a. Permit fees of \$100.00 or less; or
 - b. Permits for which plans review has commenced; or

- c. Permits revoked by the building official under authority granted by the Florida Building Code; or
- d. Permits cancelled by court order; or d. Permits which have expired; or
- e. Permits under which work has commenced as evidenced by any recorded inspection having been made by the department, unless the refund is due to an overcharge by the city.

(2) A full refund shall be granted to a permit holder who takes out a permit covering work outside the jurisdictional inspection area.

(3) A full refund less the minimum up-front permit fee and any outside agency fees shall be granted to a permit applicant who requests a refund in writing within one year of payment, provided that no plan review has commenced.

A full refund less \$100.00 or the up-front permit fee, whichever amount is greater, rounded down to the nearest dollar, and any outside agency fees shall be granted to a permit applicant who requests a refund in writing within one year of payment, provided that a permit has not been issued.

A full refund less \$100.00 or the up-front permit fee, whichever amount is greater, rounded down to the nearest dollar, and any outside agency fees shall be granted to a permit holder (to whom a permit has been issued) who requests a refund in writing within one year of payment, provided:

- a. That the permit holder makes a written request prior to the permit expiration date; and
- b. That no work as evidenced by any recorded inspection has commenced under such permit.

(4) Where the permit is revoked, or becomes null and void, or expires because of lack of work or abandonment, a new permit covering the proposed construction shall be obtained before proceeding with the work, pursuant to Section 105.4.1.1 of the Florida Building Code. If no more than 180 days of the expiration date of the original permit has passed, and no refund has been made according to this section, the applicant may apply to renew the permit. The reapplication must be covering the same project and involving the same plans, and must be submitted with the plans and the applicant's validated copy of the original permit. A fee of 25 percent of the original permit fee, plus an additional \$100.00 processing fee, shall be charged for a renewal under these circumstances.

For permits that have expired where the only missing component is one or more final inspections, the fee for reopening the permit, performing the final inspection(s), and providing a final approval on the permit shall be charged based on the minimum building permit fee.

(5) Every application submitted for permit will be evaluated and fees assessed accordingly whether it is for a master permit a standalone permit or a subcontract/trade subsidiary permit. All submittals will be assessed the fees as prescribed in appendix A, or the minimum permit fee, whichever is greater.

(c) Fire Fees associated with a building permit are as specified in appendix A.

~~(a) Notice of violation. If, upon inspection, a fire inspector finds that a fire code violation exists based on the Florida Fire Prevention Code, Miami-Dade County Fire Code, or the City of Miami Beach Code, as may be amended from time to time, the fire inspector shall~~

~~document the list of violations using a Fire Department form. The Notice of Violation shall indicate the name of violator, address of establishment inspected, the date of the inspection, and the name of the inspector. The Notice of Violation shall describe the code requirement, which is not in compliance, and indicate timeframe within which to correct said violation(s).~~

- ~~(1) The violator can appeal the interpretation of the code requirement to the inspector's supervisor and finally to the Fire Marshal of the City of Miami Beach after providing evidence that the condition present does not constitute a code violation. If the Fire Marshal affirms that the code violation does exist, then the violator can appeal a decision of the Fire Marshal to the Miami-Dade County Fire Safety and Prevention Board of Appeal as provided for in the Florida Fire Prevention Code, and as provided for in Chapter 14, Miami-Dade County Code.~~
 - ~~(2) If the violator does not correct the violation within the indicated time frame, the fire inspector, or designee of the Fire Marshal, shall follow enforcement proceedings through the Special Master process as provided in Chapter 30 of the City of Miami Beach Code.~~
- ~~(b) Citation. In lieu of a Notice of Violation, or in addition to a Notice of Violation, the fire inspector can issue a citation for the following offenses listed below. The citation shall state the name of the violator, the date and time of the violation, address of the violation, amount of fine for which the violator is liable, instructions, due date for paying the fine, and the appeal process.~~
- ~~(1) Locked exits. If, upon inspection, a fire inspector finds a locked exit as defined in the Florida Fire Prevention Code as a door requiring a key or special knowledge to open, then the fire inspector shall issue a citation with the penalties stated in Section 50-4(k).~~
 - ~~(2) Blocked or impeded exits. If, upon inspection, a fire inspector finds the means of egress blocked or impeded as defined in the Florida Fire Prevention Code, then the fire inspector shall issue a citation with the penalties stated in Section 50-4(k).~~
 - ~~(3) Overcrowding. If, upon inspection, a fire inspector finds an overcrowding condition in excess of the maximum number of occupants as approved by the Fire Marshal, then the inspector shall issue a citation as follows: a minor overcrowding citation when the number of occupants exceed the approved limit by less than 30 percent; a severe overcrowding citation when the number of occupants exceed the approved limit by 30 percent or more. The citation issued will carry the penalties stated in Section 50-4(k).~~
 - ~~(4) Fire watch. If, upon inspection, a fire inspector finds that the owner or management of a property in the City has not complied with the requirements of an established fire watch mandated by the Fire Marshal's Office. then the inspector shall issue a citation with the penalties stated in Section 50-4(k).~~
 - ~~(5) Fire protection system(s). If, upon inspection, a fire inspector finds that the automatic or manual fire protection system(s), fire detection system(s), and/or fire alarm system(s) have not been certified by a licensed contractor as required by the Florida Fire Prevention Code, then the fire inspector shall issue a citation with the penalties stated in Section 50-4(k).~~
 - ~~(6) Life safety building maintenance. If, upon inspection, a fire inspector finds that maintenance of life safety building features have not been properly performed, then the fire inspector shall issue a citation with the penalties stated in Section 50-4(k).~~

- ~~(7) Flammable liquids/gas. If, upon inspection, a fire inspector finds improper use and storage of flammable liquids and/or flammable gases, then the fire inspector shall issue a citation with the penalties stated in Section 50-4(k).~~
- ~~(8) Fire extinguishers. If, upon inspection, a fire inspector finds that the fire extinguishers are not properly certified, or fire extinguishers are not provided, then the fire inspector shall issue a citation with the penalties stated in Section 50-4(k).~~
- ~~(9) Work without a permit. If, upon inspection, a fire inspector finds that construction work is being performed or work has been performed on a fire protection/life safety system without the proper permits, then the fire inspector shall issue a citation with the penalties stated in Section 50-4(k).~~
- ~~(10) Fire alarm runner service agreement. If, upon inspection, a fire inspector finds that the owner or management fails to obtain and maintain the required fire alarm runner service agreement, then the fire inspector shall issue a citation with the penalties stated in Section 50-4(k).~~
- ~~(11) Other violations. Any other violation of the Florida Fire Prevention Code may result in a citation with the penalties stated in Section 50-4(k).~~
- ~~(c) "Offense" defined. For purposes of this section, "offense" shall mean a notice of violation, or citation. A person may receive a separate notice of violation, or citation, once every hour if a violation has occurred any time within that period. Each notice of violation, or citation, shall constitute a separate offense for which a separate fine may be imposed.~~
- ~~(d) Options upon issuance of a citation. A violator who has been issued a citation shall elect either to:~~
- ~~(1) Pay the civil fine in the manner indicated on the citation; or~~
 - ~~(2) Request an administrative hearing before a special master to appeal the decision of the fire inspector which resulted in the issuance of the citation.~~
- ~~(e) Appeal of a citation. The violator may appeal the citation by requesting an administrative hearing within ten days from the date of issuance. The procedures for appeal of the citation shall be as set forth in Chapter 30, as may be amended from time to time. The appeal hearing must be heard no later than 120 days from the date the appeal was filed. The Special Master shall not have discretion to alter the proscribed penalties under Section 50-4(k)(1)–(3). Appeal of the Fire Marshal's code interpretation shall be filed with the Miami-Dade County Fire Safety and Prevention Board of Appeals.~~
- ~~(f) Failure to appeal. Failure of the named violator to appeal the citation within the prescribed time period shall constitute a waiver of the violator's right to an administrative hearing before the special master. A waiver of the right to an administrative hearing shall be treated as an admission of the citation, and fines are owed to the City. Unpaid fines may result in the imposition of larger fines and/or further enforcement as set forth in this section.~~
- ~~(g) Appeal of special master's decision. Any party aggrieved by the decision of a special master may appeal that decision as provided by applicable Florida Statutes and Florida Rules of Appellate Procedure.~~
- ~~(h) Imposition of civil fines. The City may institute proceedings in a court of competent jurisdiction to compel payment of civil fines. A certified copy of an order imposing a civil fine may be recorded in the public records and thereafter shall constitute a lien upon any other real or personal property owned by the violator, and it may be enforced in the same manner as a court judgment by the sheriffs of this State, including levy against the personal~~

property, but shall not be deemed to be a court judgment except for enforcement purposes. After two months from the filing of any such lien which remains unpaid, the City may institute proceedings to foreclose or otherwise execute on the lien.

- ~~(i) Cease and desist orders. The Fire Marshal of the City of Miami Beach has the authority to issue cease and desist orders as provided by Florida Statute 633.161 and the Florida Fire Prevention Code to mitigate any fire hazard or any violation posing an imminent danger to occupants. If the violator fails to comply with the Cease and Desist Order, then the violator shall receive a citation of \$5,000.00 for each offense. Any person who fails to comply with the Cease and Desist Order is guilty of a misdemeanor punishable as provided in Florida Statute 633.171.~~
- ~~(j) Suspension or revocation of certificate of use and annual fire safety permit. As an alternative or additional means of enforcement, the City may institute proceedings to suspend or revoke the Certificate of Use and Annual Fire Safety Permit pursuant to Chapter 102, Article V. The suspension of the Certificate of Use and Annual Fire Safety Permit constitutes the closure of the establishment and no occupancy for the period determined. Additionally, the City may seek injunctive relief as set forth in Section 46-158. Furthermore, in cases of recurring violations, the fire inspector may issue a notice of violation for prosecution before the Special Master as provided in Chapter 30. For citations involving serious danger to the public health, safety or welfare as stated in this section, the suspension of the Certificate of Use and Annual Fire Safety Permit shall be as stated in Section 50-4(k)(3)~~
- ~~(k) Penalties and fines. The following civil fines and penalties shall be imposed for citations issued under this section:
 - ~~(1) Locked exits.
 - ~~a. Assembly occupancies: first offense within a 12-month period, fine shall be \$1,000.00; second offense within a 12-month period, fine shall be \$2,500.00; third and subsequent offenses within a 12-month period, fine shall be \$5,000.00.~~
 - ~~b. For other occupancies, the fines shall be as follows: first offense within a 12-month period, fine shall be \$750.00; second offense within a 12-month period, fine shall be \$1,000.00; third and subsequent offenses within a 12-month period, fine shall be \$1,250.00.~~~~
 - ~~(2) Blocked, or impeded exits. First offense within a 12-month period, fine shall be \$500.00; second offense within a 12-month period, fine shall be \$750.00; third offense and subsequent offenses within a 12-month period, fine shall be \$1,000.00.~~
 - ~~(3) Overcrowding.
 - ~~a. Minor overcrowding citation: first offense within a 12-month period, fine shall be \$1,000.00; second offense within a 12-month period, fine shall be \$2,000.00; third offense and subsequent offenses within a 12-month period, fine shall be \$3,000.00;~~
 - ~~b. Severe overcrowding citation: first offense within a 12-month period, fine shall be \$2,500.00; second offense within a 12-month period, fine shall be \$5,000.00; third and subsequent offenses within a 12-month period, fine shall be \$7,500.00.~~
 - ~~c. After two severe overcrowding citations within a 12-month period, the suspension of the Certificate of Use and Annual Fire Safety Permit shall be for 14 consecutive days. After three severe overcrowding citations within a 12-month period, the~~~~~~

~~suspension of the Certificate of Use and Annual Fire Safety Permit shall be for 30 days;~~

- ~~d. After three minor overcrowding citations within a 12-month period, the suspension of the Certificate of Use and Annual Fire Safety Permit shall be for seven consecutive days. After four minor overcrowding citations or combination of minor and severe citations, the suspension of the Certificate of Use and Annual Fire Safety Permit shall be for 14 days. After five minor overcrowding citations, or combination of minor and severe citations, the suspension of the Certificate of Use and Annual Fire Safety Permit shall be for 30 days.~~
- ~~e. After four severe overcrowding citations, or after six minor overcrowding citations, or combination of minor and severe citations, within a 12-month period, the Certificate of Use and Annual Fire Safety Permit shall be revoked.~~

~~(4) Fire watch. Fine shall be \$500.00 for each offense.~~

~~(5) Fire protection system(s). Fine shall be \$250.00 for each system for each offense.~~

~~(6) Life safety building maintenance. Fine shall be \$50.00 for each offense.~~

~~(7) Flammable liquids/gas. Fine shall be \$100.00 for each offense.~~

~~(8) Fire extinguishers. Fine shall be \$25.00 for each offense.~~

~~(9) Work without a permit. Fine shall be \$200.00 for each offense.~~

~~(10) Fire alarm runner service agreement. Fine shall be \$75.00 for each offense.~~

~~(11) Other violations. Fine shall be \$100.00 for each offense.~~

Sec. 50-5. - Annual fire prevention and fire safety inspection permit Certificates of occupancy or completion.

Certificate of occupancy or completion. In order to obtain temporary, or final occupancy or completion as required by the Florida Building Code, the following original fees shall be paid for the purpose of defraying the costs of processing the certificate, including any necessary inspections.

a. Final certificate of occupancy or completion. Certificate of occupancy or completion fees shall be as specified in appendix A.

b. Temporary certificate of occupancy or completion. Temporary certificate of occupancy or completion fees shall be as specified in appendix A. The certificate of occupancy or completion is the certificate of use for that facility for the first year of operation or part thereof.

~~(a) Permit required; general provisions. No person shall operate, utilize or occupy any facility, instrumentality or real property, or any part thereof, or cause, allow, let or permit to be operated, utilized or occupied any facility, instrumentality or real property, or any part thereof, or undertake any activity or cause to be undertaken any activity for which a fire safety permit is required in accordance with the provisions of this section without first obtaining such a valid fire safety permit. Fire safety permits shall be kept on the premises and shall be subject to inspection by a representative of the fire department. All premises shall be inspected from time to time to determine whether they comply with the provisions~~

~~of applicable ordinances and regulations. The owner shall be notified of any deficiencies noted, and appropriate reinspection may be made to determine whether or not the deficiencies have been corrected. Fire safety permits shall not be transferable and any change in use or occupancy of the premises shall require the issuance of a new fire safety permit. All applications for fire safety permits shall be reviewed by the fire marshal's office. If an application for a fire safety permit is rejected, the applicant shall be advised of the reasons for such rejection. Fire safety permits shall be issued by the fire marshal's office and shall bear the names and signature of the fire marshal or his designated representative.~~

~~(b) Contents. Fire safety permits shall contain the following information:~~

- ~~(1) Operation or activities for which the fire safety permit is issued.~~
- ~~(2) Address or location and telephone number where the operation or activity requiring the issuance of a fire safety permit is to be conducted.~~
- ~~(3) Name, address and telephone number of the permittee.~~
- ~~(4) Fire safety permit number and date of issuance.~~
- ~~(5) Period of validity of the fire safety permit.~~
- ~~(6) Inspection requirements.~~

~~(c) Application, issuance.~~

- ~~(1) Within 30 days of March 15, 1997, the city shall mail an invoice requiring the payment of the fire safety fee, in accordance with the fee schedule set forth in this section, to all persons holding a certificate of use issued by the city. Upon payment of the required fee, the department shall issue the fire safety permit. Such permit shall be renewed annually upon payment of the required fee.~~
- ~~(2) Any person applying for a new certificate of use shall concurrently with such application make an application for a fire safety permit to the fire department. Such application for a fire safety permit shall be accompanied by such information as may be required by the fire department, and the required fee. Upon payment of the required fee and issuance of the certificate of use, the fire department shall issue the fire safety permit, which shall be renewed annually upon payment of the required fee.~~
- ~~(3) Application for a fire safety permit shall be made to the fire department by all persons who are not required to hold a certificate of use who are utilizing or occupying any facility, instrumentality or real property or any part thereof, or undertaking any activity or causing to be undertaken any activity for which is required a fire safety permit in accordance with the provisions of this section. Such application shall be accompanied by such information as shall be required by the fire department and the required fee.~~

~~(d) Fees. The fees for the issuance of the fire safety permit and the annual renewal thereof, as may be required, are herein fixed as follows. Occupancies are classified in accordance with the National Fire Protection Association (NFPA) 101 Life Safety Code, as may be amended and adopted by the City.~~

~~A review of the annual fee will be required whenever the change in the Consumer Price Index (CPI), between the latest CPI and the date of the CPI used for the last fee adjustment, is five percent or greater.~~

- ~~(1) Assembly occupancies. Those occupancies that include, but are not limited to, all buildings or portions of buildings used for gathering together 50 or more persons for~~

~~such purposes as deliberation, worship, entertainment, eating, drinking, amusement or awaiting transportation. Assembly occupancies designated as dance hall/entertainment with or without alcohol and having an occupant load of 200 or more, a night inspection fee shall be charged of \$4.00 per person based on the approved maximum number of occupants designated by the Fire Marshal.~~

~~a. Class A occupant load greater than 1,000 persons: See appendix A.~~

~~b. Class B occupant load greater than 300 but not greater than 1,000 persons: See appendix A.~~

~~c. Class C occupant load of 50 or more but not greater than 300 persons: See appendix A.~~

~~(2) Educational occupancies. Those occupancies that include buildings or portions of buildings used for educational purposes through the 12th grade by six or more persons for four or more hours per day or more than 12 hours per week.~~

~~a. Schools, private, educational facilities inclusive of the first to the 12th grade:~~

~~Buildings up to 10,000 square feet: See appendix A.~~

~~Buildings greater than 10,000 square feet: See appendix A.~~

~~b. Nurseries, day care centers, kindergartens, educational facilities up to, but not including the first grade: See appendix A.~~

~~(3) Health care occupancies. Those occupancies used for purposes such as medical or other treatment or care of persons suffering from physical or mental illness, disease or infirmity; and for the care of infants, convalescents or infirm aged persons. Health care occupancies provide sleeping facilities for four or more occupants and are occupied by persons who are mostly incapable of self-preservation because of age, physical or mental disability, or because of security measures not under the occupants' control.~~

~~Private hospitals, nursing homes, limited care facilities:~~

~~Up to 100 beds: See appendix A.~~

~~Over 100 beds: See appendix A.~~

~~(4) Residential occupancies. Those occupancies in which sleeping accommodations are provided for normal residential purposes and include all buildings designed to provide sleeping accommodations.~~

~~a. Apartment buildings:~~

~~Three to 11 dwelling units: See appendix A.~~

~~Twelve to 50 dwelling units: See appendix A.~~

~~Over 50 dwelling units: See appendix A.~~

~~b. Hotel, motel, dormitories, lodginghouse or roominghouse:~~

~~Three to 50 rental sleeping units: See appendix A.~~

~~Over 50 sleeping units: See appendix A.~~

~~c. Board and care facilities:~~

~~Small facilities, not more than 16 residents: See appendix A.~~

~~Large facilities, more than 16 residents: See appendix A.~~

~~(5) Mercantile occupancies.~~

- ~~a. Class A—all stores having an aggregate gross area of more than 30,000 square feet or utilizing more than three levels, excluding mezzanines, for sales purposes: See appendix A.~~
- ~~b. Class B—all stores of more than 3,000 square feet but not more than 30,000 square feet aggregate gross area, or utilizing floors above or below the street floor level for sales purposes: See appendix A.~~
- ~~c. Class C—all stores of not more than 3,000 square feet gross area used for sales purposes on one story only, excluding mezzanines: See appendix A.~~

~~(6) Business occupancies. Those occupancies used for the transaction of business, other than those covered under subsection (d)(5) of this section, for the keeping of accounts and record, and for similar purposes.~~

- ~~a. General offices, including doctors', dentists', and outpatient clinics (ambulatory):~~

~~Up to 5,000 square feet: See appendix A.~~

~~Over 5,000 square feet: See appendix A.~~

- ~~b. Colleges and university instructional buildings, classrooms under 50 persons, and instructional laboratories: See appendix A.~~

~~(7) Industrial occupancies. Those occupancies such as factories making products of all kinds and properties devoted to operations such as processing, assembling, mixing, packaging, finishing or decorating and repairing.~~

- ~~a. General industrial occupancies—industrial operations conducted in buildings of conventional design suitable for various types of industrial processes, subject to possible use for types of industrial processes with high density of employee population:~~

~~Up to 5,000 square feet: See appendix A.~~

~~Over 5,000 square feet: See appendix A.~~

- ~~b. Special purpose industrial occupancies—industrial operations in buildings designed for and suitable only for particular types of operations, characterized by a relatively low density of employee population, with much of the area occupied by machinery or equipment:~~

~~Up to 5,000 square feet: See appendix A.~~

~~Over 5,000 square feet: See appendix A.~~

- ~~c. High hazard industrial occupancies—buildings having high hazard materials, processes, or contents:~~

~~Up to 5,000 square feet: See appendix A.~~

~~Over 5,000 square feet: See appendix A.~~

~~(8) Storage occupancies. Those occupancies which include all buildings or structures utilized primarily for the storage or sheltering of goods, merchandise, products, vehicles or animals.~~

~~a. Low hazard contents—classified as those of such low combustibility that no self-propagating fire therein can occur: See appendix A.~~

~~b. Ordinary hazard contents—classified as those that are likely to burn with moderate rapidity or to give off a considerable volume of smoke:~~

~~Up to 10,000 square feet: See appendix A.~~

~~Over 10,000 square feet: See appendix A.~~

~~c. High hazard contents—classified as those that are likely to burn with extreme rapidity or from which explosions are likely:~~

~~Up to 5,000 square feet: See appendix A.~~

~~Over 5,000 square feet: See appendix A.~~

~~(9) Marinas.~~

~~a. Three to 12 boat slips: See appendix A.~~

~~b. Thirteen to 50 boat slips: See appendix A.~~

~~c. Over 50 boat slips: See appendix A.~~

~~(10) Miscellaneous. All uses of buildings not previously covered by this section shall be classified by the fire marshal as the most similar use delineated above and assessed an inspection fee accordingly.~~

~~(e) Revocation, penalties. The fire marshal may revoke the fire safety permit if, upon inspection, any violation of this section, the South Florida Fire Prevention Code or chapter 14 of the Dade County Code, or any violation of any condition, limitation or restriction which is part of a fire safety permit issued is found and not corrected within a reasonable amount of time. Revocation shall be effective when the permit holder is duly notified by the fire marshal. In addition to the penalties prescribed under the code adopted in section 50-2, any person who uses any premises after the fire safety permit has been revoked shall be in violation of this section and shall be subject to proceedings to revoke or suspend an occupational license and/or certificate of use pursuant to chapter 102, article V, and/or other penalties under applicable law. For purposes of enforcement under chapter 102, article V, use of any premises without a valid fire safety permit shall be deemed an emergency condition involving serious danger to the public health, safety or welfare.~~

Sec. 50-6. --Hazardous material registration and permit Forty-year building recertification program.

There shall be a plan review and inspection fee for repairs or modifications to buildings as required by the 40-year building recertification program, pursuant to Miami-Dade County Code Chapter 8, Section 8-11(f).

~~(a) Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:~~

~~Hazardous material means that material, chemical or substance which is highly flammable, or which may self-react with other materials to cause fires or explosions, or which by its presence creates or augments a fire or explosion hazard, or which by its toxicity, radioactivity or any other physical, chemical or nuclear property, when contained or when involved in an unauthorized release, may cause danger to life or create serious health hazard. Hazardous materials shall include such materials as compressed gases, cryogenic fluid, flammable liquid, combustible liquid, flammable solid, corrosives, oxidizing material, reactive and unstable material, highly toxic, poisonous and radioactive material, whether the material is in usable or waste condition. Hazardous materials shall include material identified in the Florida Substance List compiled by the state department of labor and employment security pursuant to F.S. § 442.103.~~

~~Person means any natural person, firm, individual association, corporation, partnership, joint venture, municipality, governmental agency, political subdivision, public officer, partner, director, officer, public corporation or any other entity of any kind whatsoever, jointly and severally, singular or plural.~~

~~Placard means a visible hazard identification sign or plate indicating any and all of the hazardous materials presently stored, handled or used on the premises.~~

~~Premises means the building or structure or portion thereof upon which hazardous material is stored, handled or used.~~

~~(b) Hazardous material registration and permit. No person shall store, handle or use any hazardous materials unless and until a valid permit has been issued by the fire department, in accordance with South Florida Fire Prevention Code, article 31, section 31.103. Anyone obtaining a permit under this section shall pay a permit fee as set forth in appendix A during the month following the enactment of this legislation, but by no later than October 1. Permits shall be renewed on an annual basis. Failure to pay the fee within 30 days will result in a late permit fee as set forth in appendix A. Failure to pay the fee within 90 days will result in a late permit fee as set forth in appendix A. All applications for permits shall be on a form prescribed by the fire department and accompanied by a hazardous material inventory form providing the following information:~~

- ~~(1) The chemical or common name of the hazardous materials on the premises.~~
- ~~(2) An estimate of the maximum amount of hazardous material present on the premises.~~
- ~~(3) An estimate amount of the average daily hazardous material present on the premises.~~
- ~~(4) The specific location of the hazardous materials on the premises.~~
- ~~(5) A brief description of the manner of storage of the hazardous materials.~~

~~(c) Placard requirement. Every person who obtains a permit pursuant to this section shall affix a placard for each hazardous material on the premises. Such placard shall be in compliance with NFPA section 704 or as approved by the fire department. The placard must be affixed to a conspicuous location where each of the hazardous materials is stored, handled or used on the premises. The placard may be obtained by the person or purchased from the fire department at a cost as set forth in appendix A.~~

- ~~(d) Inspection. Every person shall allow the fire department to conduct an on-site inspection of the premises and shall provide to the fire department, upon request, information on the specific types, amounts and locations of any and all hazardous material on the premises.~~
- ~~(e) Enforcement. Any person who fails or refuses to comply with, or violates, any of the provisions of this section shall be subject to prosecution under the city's code enforcement system, in accordance with chapter 30, and shall be subject to immediate suspension of the person's business license until such time as the provisions have been complied with.~~

Sec. 50-7. - Penalties for violation of fire codes and enforcement Employee training, education, safety and technology enhancements.

A surcharge to building, electrical, mechanical, plumbing and demolition permits will be added for training, education and safety of the planning department employees, and to procure and implement the latest technologies available for enhancement of services provided by the department, according to the schedule specified in appendix A.

~~Any person, firm or corporation who violates or fails to comply with the minimum standards established and adopted by this chapter as may be amended, shall upon conviction, be fined not less than \$100.00 for the first violation and not less than \$1,000.00 for each subsequent violation. In addition, the county judge may, in his discretion, impose an additional penalty of imprisonment for a period of up to 90 days. Each day such violation shall be permitted to exist shall constitute a separate offense. As an alternative method of enforcement, any person, firm or corporation who violates or fails to comply with any of the minimum standards established and adopted by this chapter and who fails to comply with a final order issued in accordance with the provisions of this chapter may be subject to enforcement procedures before a special master of the city and to penalties as set forth in Chapter 30 of this Code.~~

Sec. 50-8. - Fire alarms, regulations, penalties, enforcement General information.

- a. A separate fire safety, public works and/or zoning review fee associated with the building permit process shall be charged as outlined in appendix A.
 - b. Documents. Requests for copies of fire department records, inspection reports, logs, or similar documents maintained by the fire marshal's office will be charged a fee as specified in appendix A.
- ~~(a) Purpose of regulation. The purpose of this section is to place responsibility on the alarm user to prevent, by use of appropriate mechanical, electrical, or other means, false fire alarms.~~
 - ~~(b) Scope of regulations. The provisions of this section shall apply throughout the geographical area serviced [by] the Miami Beach Fire Department.~~
 - ~~(c) Definitions.
 - ~~(1) Alarm user means the person or other entity that owns, possesses, controls, occupies or manages any premises as defined below.~~
 - ~~(2) False fire alarm means a signal from a fire alarm system that elicits a response by the Fire Department when no actual or threatened fire-related emergency exists. This~~~~

~~definition includes signals activated by negligence, accident, mechanical failure, and electrical failure signals activated intentionally in non-emergency situations; and signals for which the actual cause of activation is unknown. It is a rebuttable presumption that a fire alarm is false if personnel responding from the Fire Department do not discover any evidence of fire or other emergency after following normal Fire Department operating procedures in investigating the incident. An alarm is not false if the alarm user provides evidence that (1) an individual activated the alarm based upon a reasonable belief that a fire-related emergency existed; (2) the alarm system was activated by lightning or an electrical surge that caused physical damage to the system, as evidenced by the testimony of a licensed alarm system contractor who conducted an on-site inspection and personally observed the damage to the system; or (3) the alarm was activated by vandals.~~

- ~~(3) Fire alarm system means any assembly of equipment, mechanical or electrical, arranged to signal the occurrence of fire-related emergency, requiring urgent attention and to which Fire Department personnel may reasonably be expected to respond, but does not include household fire alarm systems installed in one- or two-family dwellings.~~
- ~~(4) Household fire alarm system means a system of devices that is listed for residential use and installed in a one- or two-family dwelling other than facilities that are required to be licensed.~~
- ~~(5) Premises means the building or structure, or portion of a building or structure, upon which a fire alarm system is installed or maintained.~~
- ~~(6) Vandals means a person or persons who willfully cause damage to the fire alarm system which results in the activation of a fire alarm.~~
- ~~(d) Fire alarms; posting requirements. A fire alarm user shall conspicuously post at the main entrance to the alarm user's premises a notice stating (1) the name of an individual or alarm company able and authorized to enter the premises and deactivate the alarm; (2) emergency telephone numbers by which those individuals can be reached at all times; and (3) the name and address of the alarm user. The information must be kept current and failure to update this information within 48 hours of any change constitutes a violation of this section.~~
- ~~(e) False fire alarms prohibited. No fire alarm user shall cause, allow, permit or suffer the fire alarm system to emit three or more false alarms in any calendar year.~~
- ~~(f) Inspection requirements/post activation. After the second and each additional false fire alarm in one calendar year, the alarm user shall, within 30 days, after the second or subsequent fire alarm activation, file a written inspection and test report with the Fire Department from a licensed fire alarm contractor stating that the fire alarm system has been inspected and tested since the last false fire alarm. The report shall set forth the probable cause of the activation, description of any repairs, modifications made or actions taken to prevent additional false alarm activations. The inspection and test report shall also state that the system is currently fully functional without deficiencies.~~
- ~~(g) Penalties. A violator of this section shall receive a fine(s) as follows:
 - ~~(1) For the first false alarm within a calendar year: A notice of violation with no fine.~~
 - ~~(2) For the second false alarm within a calendar year: A notice of violation with no fine.~~
 - ~~(3) For the third and fourth false alarm within a calendar year: A citation with a fine of \$250.00.~~~~

- ~~(4) For the fifth false alarm and subsequent false alarms including the twelfth false alarm within a calendar year: A citation with a fine of \$500.00.~~
- ~~(5) For the thirteenth and subsequent false alarms within a calendar year: A citation with a fine of \$1,000.00.~~
- ~~(h) Enforcement. The fire inspector shall issue a citation for each false alarm. A violator who has been issued a citation under this section shall elect either to:~~
- ~~(1) Pay the civil fine in the manner indicated on the citation; or~~
- ~~(2) Request an administrative hearing before a special master to appeal the decision of the fire inspector which resulted in the issuance of the citation.~~
- ~~(i) Appeal of a citation. The violator may appeal the citation by requesting an administrative hearing within ten days from the date of issuance. The procedures for appeal of the citation shall be as set forth in Chapter 30, as may be amended from time to time.~~
- ~~(j) Failure to appeal. Failure of the named violator to appeal the citation within the prescribed time period shall constitute a waiver of the violator's right to an administrative hearing before the special master. A waiver of the right to an administrative hearing shall be treated as an admission of the citation, and fines are owed to the City. Unpaid fines may result in the imposition of larger fines and/or further enforcement as set forth in this Chapter.~~
- ~~(k) Appeal of special master's decision. Any party aggrieved by the decision of a special master may appeal that decision as provided by applicable Florida Statutes and Florida Rules of Appellate Procedure.~~
- ~~(l) Imposition of civil fines. The City may institute proceedings in a court of competent jurisdiction to compel payment of civil fines. A certified copy of an order imposing a civil fine may be recorded in the public records and thereafter shall constitute a lien upon any other real or personal property owned by the violator, and it may be enforced in the same manner as a court judgment by the sheriffs of this state, including levy against the personal property, but shall not be deemed to be a court judgment except for enforcement purposes. After two months from the filing of any such lien which remains unpaid, the City may institute proceedings to foreclose or otherwise execute on the lien.~~

Sec. 50-9. - Interest.

The city is authorized to charge interest to any amount due when not paid by the due date. The interest rate shall be at the highest legal limit authorized by law, plus collection costs and attorneys' fees.

Sec. 50-10 Other permits and reviews.

- (a) Fire permits. A fire permit is required for installation, modification, or deletion of any component of a fire detection or protection system. A fire permit is issued by the fire marshal and processed by the building department for components or systems designed for smoke detection, fire alarm, fire protection or fire suppression or similar systems. A fee for the plan review, acceptance test, and inspection of work under a fire permit will be charged as specified in appendix A to include services provided by fire department staff.
- (b) Hydrant flow test. Upon a request from an applicant, a hydrant flow test will be performed by fire department personnel and results provided to the applicant within a reasonable time

after receipt of request. A flow test may not be performed whenever the city, county, or state has any water flowing restrictions imposed on the water supply of the City of Miami Beach. A fee will be charged for each flow test as specified in appendix A.

- (c) Occupant content sign. Owners, managers, or operators of any assembly occupancy in the City of Miami Beach must obtain an occupant content sign issued by the fire marshal and processed by the building department. A fee for plan review and inspection related to the occupant content sign will be charged as specified in appendix A.
- (d) Pyrotechnic displays permit. Any person or entity using, storing, or displaying pyrotechnic devices indoor or outdoor of any facility within the City of Miami Beach must first obtain a permit issued by the fire department. A fee for plan review and inspection will be charged as specified in appendix A. Additional fee will be charged for staffing of fire department personnel as determined by the fire chief. Any person or entity who does not obtain a permit, provides false information in order to obtain the permit, or who violates any provision in said permit will be charged a fine equal to the double fee as specified in subsection 50-3(d).
- (e) Fireworks permit. Any person or entity using, storing, or displaying fireworks for private or public display within the City of Miami Beach must first obtain a permit issued by the fire department. A fee for plan review and inspection will be charged as specified in appendix A. Additional fee will be charged for staffing of fire department personnel as determined by the fire chief. Any person or entity who does not obtain a permit, provides false information in order to obtain the permit, or who violates any provision in said permit will be charged a fine equal to the double fee as specified in subsection 50-3(d).
- (f) Open burning permit. Any person or entity engaged in open burning activity must first obtain a permit issued by the fire department. A fee for plan review and inspection will be charged as specified in appendix A. Additional fee will be charged for staffing of fire department personnel as determined by the fire chief. Any person or entity who does not obtain a permit, provides false information in order to obtain the permit, or who violates any provision in said permit will be charged a fine equal to the double fee as specified in subsection 50-3(d).
- (g) Bonfire permit. Any person or entity engaged in a bonfire activity must first obtain a permit issued by the fire department. A fee for plan review and inspection will be charged as specified in appendix A. Additional fee will be charged for staffing of fire department personnel as determined by the fire chief. Any person or entity who does not obtain a permit, provides false information in order to obtain the permit, or who violates any provision in said permit will be charged a fine equal to the double fee as specified in subsection 50-3(d).
- (h) Special events. All special events permits issued by the City of Miami Beach must be reviewed and approved by the fire department. A fee for the plan review and inspection of each special event will be charged to the applicant as specified in appendix A.
- (i) Trade shows. All trade shows or public events taking place at the Miami Beach Convention Center or other public facility must be reviewed and approved by the fire department. A fee for plan review and inspection will be charged to the applicant as specified in appendix A.
- (j) Sidewalk cafe permits. All sidewalk cafes must be approved by the fire department before a permit is issued by the city. A fee for plan review and inspection will be charged as specified in appendix A.

- (k) Special master. Special master cases such as mitigation of fines requiring research and testimony of fire department personnel will be charged a fee to the applicant as specified in appendix A.
- (l) Documents. Requests for copies of fire department records, inspection reports, logs, or similar documents maintained by the fire marshal's office will be charged a fee as specified in appendix A.
- (m) Adjusted rates. The rates in appendix A pertaining to this section will be administratively adjusted annually to reflect increase(s) or decrease(s) in Consumer Price Index for all urban consumers CPI-U.
- (n) The city is authorized to charge interest to any amount due when not paid by the due date. The interest rate shall be at the highest legal limit authorized by law, plus collection costs and attorneys' fees.

Sec. 50-11. - Enforcement by fire inspectors.

- (a) Notice of violation. If, upon inspection, a fire inspector finds that a fire code violation exists based on the Florida Fire Prevention Code, Miami-Dade County Fire Code, or the City of Miami Beach Code, as may be amended from time to time, the fire inspector shall document the list of violations using a Fire Department form. The Notice of Violation shall indicate the name of violator, address of establishment inspected, the date of the inspection, and the name of the inspector. The Notice of Violation shall describe the code requirement, which is not in compliance, and indicate timeframe within which to correct said violation(s).
 - (1) The violator can appeal the interpretation of the code requirement to the inspector's supervisor and finally to the Fire Marshal of the City of Miami Beach after providing evidence that the condition present does not constitute a code violation. If the Fire Marshal affirms that the code violation does exist, then the violator can appeal a decision of the Fire Marshal to the Miami-Dade County Fire Safety and Prevention Board of Appeal as provided for in the Florida Fire Prevention Code, and as provided for in Chapter 14, Miami-Dade County Code.
 - (2) If the violator does not correct the violation within the indicated time frame, the fire inspector, or designee of the Fire Marshal, shall follow enforcement proceedings through the Special Master process as provided in Chapter 30 of the City of Miami Beach Code.
- (b) Citation. In lieu of a Notice of Violation, or in addition to a Notice of Violation, the fire inspector can issue a citation for the following offenses listed below. The citation shall state the name of the violator, the date and time of the violation, address of the violation, amount of fine for which the violator is liable, instructions, due date for paying the fine, and the appeal process.
 - (1) Locked exits. If, upon inspection, a fire inspector finds a locked exit as defined in the Florida Fire Prevention Code as a door requiring a key or special knowledge to open, then the fire inspector shall issue a citation with the penalties stated in Section 50-4(k).
 - (2) Blocked or impeded exits. If, upon inspection, a fire inspector finds the means of egress blocked or impeded as defined in the Florida Fire Prevention Code, then the fire inspector shall issue a citation with the penalties stated in Section 50-4(k).

- (3) Overcrowding. If, upon inspection, a fire inspector finds an overcrowding condition in excess of the maximum number of occupants as approved by the Fire Marshal, then the inspector shall issue a citation as follows: a minor overcrowding citation when the number of occupants exceed the approved limit by less than 30 percent; a severe overcrowding citation when the number of occupants exceed the approved limit by 30 percent or more. The citation issued will carry the penalties stated in Section 50-4(k).
- (4) Fire watch. If, upon inspection, a fire inspector finds that the owner or management of a property in the City has not complied with the requirements of an established fire watch mandated by the Fire Marshal's Office, then the inspector shall issue a citation with the penalties stated in Section 50 4(k).
- (5) Fire protection system(s). If, upon inspection, a fire inspector finds that the automatic or manual fire protection system(s), fire detection system(s), and/or fire alarm system(s) have not been certified by a licensed contractor as required by the Florida Fire Prevention Code, then the fire inspector shall issue a citation with the penalties stated in Section 50-4(k).
- (6) Life safety building maintenance. If, upon inspection, a fire inspector finds that maintenance of life safety building features have not been properly performed, then the fire inspector shall issue a citation with the penalties stated in Section 50-4(k).
- (7) Flammable liquids/gas. If, upon inspection, a fire inspector finds improper use and storage of flammable liquids and/or flammable gases, then the fire inspector shall issue a citation with the penalties stated in Section 50-4(k).
- (8) Fire extinguishers. If, upon inspection, a fire inspector finds that the fire extinguishers are not properly certified, or fire extinguishers are not provided, then the fire inspector shall issue a citation with the penalties stated in Section 50-4(k).
- (9) Work without a permit. If, upon inspection, a fire inspector finds that construction work is being performed or work has been performed on a fire protection/life safety system without the proper permits, then the fire inspector shall issue a citation with the penalties stated in Section 50-4(k).
- (10) Fire alarm runner service agreement. If, upon inspection, a fire inspector finds that the owner or management fails to obtain and maintain the required fire alarm runner service agreement, then the fire inspector shall issue a citation with the penalties stated in Section 50-4(k).
- (11) Other violations. Any other violation of the Florida Fire Prevention Code may result in a citation with the penalties stated in Section 50-4(k).
- (c) "Offense" defined. For purposes of this section, "offense" shall mean a notice of violation, or citation. A person may receive a separate notice of violation, or citation, once every hour if a violation has occurred any time within that period. Each notice of violation, or citation, shall constitute a separate offense for which a separate fine may be imposed.
- (d) Options upon issuance of a citation. A violator who has been issued a citation shall elect either to:

 - (1) Pay the civil fine in the manner indicated on the citation; or
 - (2) Request an administrative hearing before a special master to appeal the decision of the fire inspector which resulted in the issuance of the citation.
- (e) Appeal of a citation. The violator may appeal the citation by requesting an administrative hearing within ten days from the date of issuance. The procedures for appeal of the citation

shall be as set forth in Chapter 30, as may be amended from time to time. The appeal hearing must be heard no later than 120 days from the date the appeal was filed. The Special Master shall not have discretion to alter the prescribed penalties under Section 50-4(k)(1)—(3). Appeal of the Fire Marshal's code interpretation shall be filed with the Miami-Dade County Fire Safety and Prevention Board of Appeals.

- (f) Failure to appeal. Failure of the named violator to appeal the citation within the prescribed time period shall constitute a waiver of the violator's right to an administrative hearing before the special master. A waiver of the right to an administrative hearing shall be treated as an admission of the citation, and fines are owed to the City. Unpaid fines may result in the imposition of larger fines and/or further enforcement as set forth in this section.
- (g) Appeal of special master's decision. Any party aggrieved by the decision of a special master may appeal that decision as provided by applicable Florida Statutes and Florida Rules of Appellate Procedure.
- (h) Imposition of civil fines. The City may institute proceedings in a court of competent jurisdiction to compel payment of civil fines. A certified copy of an order imposing a civil fine may be recorded in the public records and thereafter shall constitute a lien upon any other real or personal property owned by the violator, and it may be enforced in the same manner as a court judgment by the sheriffs of this State, including levy against the personal property, but shall not be deemed to be a court judgment except for enforcement purposes. After two months from the filing of any such lien which remains unpaid, the City may institute proceedings to foreclose or otherwise execute on the lien.
- (i) Cease and desist orders. The Fire Marshal of the City of Miami Beach has the authority to issue cease and desist orders as provided by F.S. 633.161 and the Florida Fire Prevention Code to mitigate any fire hazard or any violation posing an imminent danger to occupants. If the violator fails to comply with the Cease and Desist Order, then the violator shall receive a citation of \$5,000.00 for each offense. Any person who fails to comply with the Cease and Desist Order is guilty of a misdemeanor punishable as provided in F.S. 633.171.
- (j) Suspension or revocation of certificate of use and annual fire safety permit. As an alternative or additional means of enforcement, the City may institute proceedings to suspend or revoke the Certificate of Use and Annual Fire Safety Permit pursuant to Chapter 102, Article V. The suspension of the Certificate of Use and Annual Fire Safety Permit constitutes the closure of the establishment and no occupancy for the period determined. Additionally, the City may seek injunctive relief as set forth in Section 46-158. Furthermore, in cases of recurring violations, the fire inspector may issue a notice of violation for prosecution before the Special Master as provided in Chapter 30. For citations involving serious danger to the public health, safety or welfare as stated in this section, the suspension of the Certificate of Use and Annual Fire Safety Permit shall be as stated in Section 50-4(k)(3).
- (k) Penalties and fines. The following civil fines and penalties shall be imposed for citations issued under this section.

 - (1) Locked exits.

 - a. Assembly occupancies: first offense within a 12-month period, fine shall be \$1,000.00; second offense within a 12-month period, fine shall be \$2,500.00; third and subsequent offenses within a 12-month period, fine shall be \$5,000.00.
 - b. For other occupancies, the fines shall be as follows: first offense within a 12-month period, fine shall be \$750.00; second offense within a 12-month period, fine shall

be \$1,000.00; third and subsequent offenses within a 12-month period, fine shall be \$1,250.00.

(2) Blocked, or impeded exits. First offense within a 12-month period, fine shall be \$500.00; second offense within a 12-month period, fine shall be \$750.00; third offense and subsequent offenses within a 12-month period, fine shall be \$1,000.00.

(3) Overcrowding.

a. Minor overcrowding citation: first offense within a 12-month period, fine shall be \$1,000.00; second offense within a 12-month period, fine shall be \$2,000.00; third offense and subsequent offenses within a 12-month period, fine shall be \$3,000.00;

b. Severe overcrowding citation: first offense within a 12-month period, fine shall be \$2,500.00; second offense within a 12-month period, fine shall be \$5,000.00; third and subsequent offenses within a 12-month period, fine shall be \$7,500.00.

c. After two severe overcrowding citations within a 12-month period, the suspension of the Certificate of Use and Annual Fire Safety Permit shall be for 14 consecutive days. After three severe overcrowding citations within a 12-month period, the suspension of the Certificate of Use and Annual Fire Safety Permit shall be for 30 days;

d. After three minor overcrowding citations within a 12-month period, the suspension of the Certificate of Use and Annual Fire Safety Permit shall be for seven consecutive days. After four minor overcrowding citations or combination of minor and severe citations, the suspension of the Certificate of Use and Annual Fire Safety Permit shall be for 14 days. After five minor overcrowding citations, or combination of minor and severe citations, the suspension of the Certificate of Use and Annual Fire Safety Permit shall be for 30 days.

e. After four severe overcrowding citations, or after six minor overcrowding citations, or combination of minor and severe citations, within a 12-month period, the Certificate of Use and Annual Fire Safety Permit shall be revoked.

(4) Fire watch. Fine shall be \$500.00 for each offense.

(5) Fire protection system(s). Fine shall be \$250.00 for each system for each offense.

(6) Life safety building maintenance. Fine shall be \$50.00 for each offense.

(7) Flammable liquids/gas. Fine shall be \$100.00 for each offense.

(8) Fire extinguishers. Fine shall be \$25.00 for each offense.

(9) Work without a permit. Fine shall be \$200.00 for each offense.

(10) Fire alarm runner service agreement. Fine shall be \$75.00 for each offense.

(11) Other violations. Fine shall be \$100.00 for each offense.

Sec. 50-12. - Annual fire prevention and fire safety inspection permit.

(a) Permit required; general provisions. No person shall operate, utilize or occupy any facility, instrumentality or real property, or any part thereof, or cause, allow, let or permit to be operated, utilized or occupied any facility, instrumentality or real property, or any part thereof, or undertake any activity or cause to be undertaken any activity for which a fire

safety permit is required in accordance with the provisions of this section without first obtaining such a valid fire safety permit. Fire safety permits shall be kept on the premises and shall be subject to inspection by a representative of the fire department. All premises shall be inspected from time to time to determine whether they comply with the provisions of applicable ordinances and regulations. The owner shall be notified of any deficiencies noted, and appropriate reinspection may be made to determine whether or not the deficiencies have been corrected. Fire safety permits shall not be transferable and any change in use or occupancy of the premises shall require the issuance of a new fire safety permit. All applications for fire safety permits shall be reviewed by the fire marshal's office. If an application for a fire safety permit is rejected, the applicant shall be advised of the reasons for such rejection. Fire safety permits shall be issued by the fire marshal's office and shall bear the names and signature of the fire marshal or his designated representative.

(b) Contents. Fire safety permits shall contain the following information:

- (1) Operation or activities for which the fire safety permit is issued.
- (2) Address or location and telephone number where the operation or activity requiring the issuance of a fire safety permit is to be conducted.
- (3) Name, address and telephone number of the permittee.
- (4) Fire safety permit number and date of issuance.
- (5) Period of validity of the fire safety permit.
- (6) Inspection requirements.

(c) Application, issuance.

- (1) Within 30 days of March 15, 1997, the city shall mail an invoice requiring the payment of the fire safety fee, in accordance with the fee schedule set forth in this section, to all persons holding a certificate of use issued by the city. Upon payment of the required fee, the department shall issue the fire safety permit. Such permit shall be renewed annually upon payment of the required fee.
- (2) Any person applying for a new certificate of use shall concurrently with such application make an application for a fire safety permit to the fire department. Such application for a fire safety permit shall be accompanied by such information as may be required by the fire department, and the required fee. Upon payment of the required fee and issuance of the certificate of use, the fire department shall issue the fire safety permit, which shall be renewed annually upon payment of the required fee.
- (3) Application for a fire safety permit shall be made to the fire department by all persons who are not required to hold a certificate of use who are utilizing or occupying any facility, instrumentality or real property or any part thereof, or undertaking any activity or causing to be undertaken any activity for which is required a fire safety permit in accordance with the provisions of this section. Such application shall be accompanied by such information as shall be required by the fire department and the required fee.

(d) Fees. The fees for the issuance of the fire safety permit and the annual renewal thereof, as may be required, are herein fixed as follows. Occupancies are classified in accordance with the National Fire Protection Association (NFPA) 101 Life Safety Code, as may be amended and adopted by the City.

Annual adjustment of rates. The rates in appendix A pertaining to this division will be administratively adjusted annually to reflect increase(s) or decrease(s) in the Consumer Price Index for all urban consumers, CPI-U.

The city is authorized to charge interest to any amount due when not paid by the due date. The interest rate shall be at the highest legal limit authorized by law, plus collection costs and attorneys' fees.

(1) Assembly occupancies. Those occupancies that include, but are not limited to, all buildings or portions of buildings used for gathering together 50 or more persons for such purposes as deliberation, worship, entertainment, eating, drinking, amusement or awaiting transportation. Assembly occupancies designated as dance hall/entertainment with or without alcohol and having an occupant load of 200 or more, a night inspection fee shall be charged of \$4.00 per person based on the approved maximum number of occupants designated by the Fire Marshal.

a. Class A—occupant load greater than 1,000 persons: See appendix A.

b. Class B—occupant load greater than 300 but not greater than 1,000 persons: See appendix A.

c. Class C—occupant load of 50 or more but not greater than 300 persons: See appendix A.

(2) Educational occupancies. Those occupancies that include buildings or portions of buildings used for educational purposes through the 12th grade by six or more persons for four or more hours per day or more than 12 hours per week.

a. Schools, private, educational facilities inclusive of the first to the 12th grade:

Buildings up to 10,000 square feet: See appendix A.

Buildings greater than 10,000 square feet: See appendix A.

b. Nurseries, day care centers, kindergartens, educational facilities up to, but not including the first grade: See appendix A.

(3) Health care occupancies. Those occupancies used for purposes such as medical or other treatment or care of persons suffering from physical or mental illness, disease or infirmity; and for the care of infants, convalescents or infirm aged persons. Health care occupancies provide sleeping facilities for four or more occupants and are occupied by persons who are mostly incapable of self-preservation because of age, physical or mental disability, or because of security measures not under the occupants' control.

Private hospitals, nursing homes, limited care facilities:

Up to 100 beds: See appendix A.

Over 100 beds: See appendix A.

(4) Residential occupancies. Those occupancies in which sleeping accommodations are provided for normal residential purposes and include all buildings designed to provide sleeping accommodations.

a. Apartment buildings:

Three to 11 dwelling units: See appendix A.

Twelve to 50 dwelling units: See appendix A.

Over 50 dwelling units: See appendix A.

b. Hotel, motel, dormitories, lodginghouse or roominghouse:

Three to 50 rental sleeping units: See appendix A.

Over 50 sleeping units: See appendix A.

c. Board and care facilities:

Small facilities, not more than 16 residents: See appendix A.

Large facilities, more than 16 residents: See appendix A.

(5) Mercantile occupancies.

a. Class A—all stores having an aggregate gross area of more than 30,000 square feet or utilizing more than three levels, excluding mezzanines, for sales purposes: See appendix A.

b. Class B—all stores of more than 3,000 square feet but not more than 30,000 square feet aggregate gross area, or utilizing floors above or below the street floor level for sales purposes: See appendix A.

c. Class C—all stores of not more than 3,000 square feet gross area used for sales purposes on one story only, excluding mezzanines: See appendix A.

(6) Business occupancies. Those occupancies used for the transaction of business, other than those covered under subsection (d)(5) of this section, for the keeping of accounts and record, and for similar purposes.

a. General offices, including doctors', dentists', and outpatient clinics (ambulatory):

Up to 5,000 square feet: See appendix A.

Over 5,000 square feet: See appendix A.

b. Colleges and university instructional buildings, classrooms under 50 persons, and instructional laboratories: See appendix A.

(7) Industrial occupancies. Those occupancies such as factories making products of all kinds and properties devoted to operations such as processing, assembling, mixing, packaging, finishing or decorating and repairing.

a. General industrial occupancies—industrial operations conducted in buildings of conventional design suitable for various types of industrial processes, subject to possible use for types of industrial processes with high density of employee population:

Up to 5,000 square feet: See appendix A.

Over 5,000 square feet: See appendix A.

b. Special purpose industrial occupancies—industrial operations in buildings designed for and suitable only for particular types of operations, characterized by a relatively low density of employee population, with much of the area occupied by machinery or equipment:

Up to 5,000 square feet: See appendix A.

Over 5,000 square feet: See appendix A.

c. High hazard industrial occupancies—buildings having high hazard materials, processes, or contents:

Up to 5,000 square feet: See appendix A.

Over 5,000 square feet: See appendix A.

(8) Storage occupancies. Those occupancies which include all buildings or structures utilized primarily for the storage or sheltering of goods, merchandise, products, vehicles or animals.

a. Low hazard contents—classified as those of such low combustibility that no self-propagating fire therein can occur: See appendix A.

b. Ordinary hazard contents—classified as those that are likely to burn with moderate rapidly or to give off a considerable volume of smoke:

Up to 10,000 square feet: See appendix A.

Over 10,000 square feet: See appendix A.

c. High hazard contents—classified as those that are likely to burn with extreme rapidity or from which explosions are likely:

Up to 5,000 square feet: See appendix A.

Over 5,000 square feet: See appendix A.

(9) Marinas.

a. Three to 12 boat slips: See appendix A.

b. Thirteen to 50 boat slips: See appendix A.

c. Over 50 boat slips: See appendix A.

(10) Miscellaneous. All uses of buildings not previously covered by this section shall be classified by the fire marshal as the most similar use delineated above and assessed an inspection fee accordingly.

(e) Revocation, penalties. The fire marshal may revoke the fire safety permit if, upon inspection, any violation of this section, the South Florida Fire Prevention Code or chapter 14 of the Dade County Code, or any violation of any condition, limitation or restriction which is part of a fire safety permit issued is found and not corrected within a reasonable amount of time. Revocation shall be effective when the permit holder is duly notified by the fire marshal. In addition to the penalties prescribed under the code adopted in section 50-2, any person who uses any premises after the fire safety permit has been revoked shall be in violation of this section and shall be subject to proceedings to revoke or suspend an occupational license and/or certificate of use pursuant to chapter 102, article V, and/or other penalties under applicable law. For purposes of enforcement under chapter 102, article V, use of any premises without a valid fire safety permit shall be deemed an emergency condition involving serious danger to the public health, safety or welfare.

Sec. 50-13. - Hazardous material registration and permit.

(a) Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Hazardous material means that material, chemical or substance which is highly flammable, or which may self-react with other materials to cause fires or explosions, or which by its presence creates or augments a fire or explosion hazard, or which by its toxicity, radioactivity or any other physical, chemical or nuclear property, when contained or when involved in an unauthorized release, may cause danger to life or create serious health hazard. Hazardous materials shall include such materials as compressed gases, cryogenic fluid, flammable liquid, combustible liquid, flammable solid, corrosives, oxidizing material, reactive and unstable material, highly toxic, poisonous and radioactive material, whether the material is in usable or waste condition. Hazardous materials shall include material identified in the Florida Substance List compiled by the state department of labor and employment security pursuant to F.S. § 442.103.

Person means any natural person, firm, individual association, corporation, partnership, joint venture, municipality, governmental agency, political subdivision, public officer, partner, director, officer, public corporation or any other entity of any kind whatsoever, jointly and severally, singular or plural.

Placard means a visible hazard identification sign or plate indicating any and all of the hazardous materials presently stored, handled or used on the premises.

Premises means the building or structure or portion thereof upon which hazardous material is stored, handled or used.

(b) Hazardous material registration and permit. No person shall store, handle or use any hazardous materials unless and until a valid permit has been issued by the fire department, in accordance with South Florida Fire Prevention Code, article 31, section 31.103. Anyone obtaining a permit under this section shall pay a permit fee as set forth in appendix A during the month following the enactment of this legislation, but by no later than October 1. Permits shall be renewed on an annual basis. Failure to pay the fee within 30 days will result in a late permit fee as set forth in appendix A. Failure to pay the fee within 90 days will result in a late permit fee as set forth in appendix A. All applications for permits shall be on a form prescribed by the fire department and accompanied by a hazardous material inventory form providing the following information:

- (1) The chemical or common name of the hazardous materials on the premises.
- (2) An estimate of the maximum amount of hazardous material present on the premises.
- (3) An estimate amount of the average daily hazardous material present on the premises.
- (4) The specific location of the hazardous materials on the premises.
- (5) A brief description of the manner of storage of the hazardous materials.

(c) Placard requirement. Every person who obtains a permit pursuant to this section shall affix a placard for each hazardous material on the premises. Such placard shall be in compliance with NFPA section 704 or as approved by the fire department. The placard must be affixed to a conspicuous location where each of the hazardous materials is stored, handled or used on the premises. The placard may be obtained by the person or purchased from the fire department at a cost as set forth in appendix A.

- (d) Inspection. Every person shall allow the fire department to conduct an on-site inspection of the premises and shall provide to the fire department, upon request, information on the specific types, amounts and locations of any and all hazardous material on the premises.
- (e) Enforcement. Any person who fails or refuses to comply with, or violates, any of the provisions of this section shall be subject to prosecution under the city's code enforcement system, in accordance with chapter 30, and shall be subject to immediate suspension of the person's business license until such time as the provisions have been complied with.
- (f) Annual adjustment of rates. The rates in appendix A pertaining to this division will be administratively adjusted annually to reflect increase(s) or decrease(s) in the Consumer Price Index for all urban consumers, CPI-U.
- (g) The city is authorized to charge interest to any amount due when not paid by the due date. The interest rate shall be at the highest legal limit authorized by law, plus collection costs and attorneys' fees.

Sec. 50-14. - Penalties for violation of fire codes and enforcement.

Any person, firm or corporation who violates or fails to comply with the minimum standards established and adopted by this chapter as may be amended, shall upon conviction, be fined not less than \$100.00 for the first violation and not less than \$1,000.00 for each subsequent violation. In addition, the county judge may, in his discretion, impose an additional penalty of imprisonment for a period of up to 90 days. Each day such violation shall be permitted to exist shall constitute a separate offense. As an alternative method of enforcement, any person, firm or corporation who violates or fails to comply with any of the minimum standards established and adopted by this chapter and who fails to comply with a final order issued in accordance with the provisions of this chapter may be subject to enforcement procedures before a special master of the city and to penalties as set forth in Chapter 30 of this Code.

Sec. 50-15. - Fire alarms, regulations, penalties, enforcement.

- (a) Purpose of regulation. The purpose of this section is to place responsibility on the alarm user to prevent, by use of appropriate mechanical, electrical, or other means, false fire alarms.
- (b) Scope of regulations. The provisions of this section shall apply throughout the geographical area serviced [by] the Miami Beach Fire Department.
- (c) Definitions.
 - (1) Alarm user means the person or other entity that owns, possesses, controls, occupies or manages any premises as defined below.
 - (2) False fire alarm means a signal from a fire alarm system that elicits a response by the Fire Department when no actual or threatened fire-related emergency exists. This definition includes signals activated by negligence, accident, mechanical failure, and electrical failure signals activated intentionally in non-emergency situations; and signals for which the actual cause of activation is unknown. It is a rebuttable presumption that a fire alarm is false if personnel responding from the Fire Department do not discover any evidence of fire or other emergency after following normal Fire Department operating procedures in investigating the incident. An alarm is not false if the alarm user provides evidence that (1) an individual activated the alarm based upon a

reasonable belief that a fire-related emergency existed: (2) the alarm system was activated by lightning or an electrical surge that caused physical damage to the system, as evidenced by the testimony of a licensed alarm system contractor who conducted an on-site inspection and personally observed the damage to the system; or (3) the alarm was activated by vandals.

(3) Fire alarm system means any assembly of equipment, mechanical or electrical, arranged to signal the occurrence of fire-related emergency, requiring urgent attention and to which Fire Department personnel may reasonably be expected to respond, but does not include household fire alarm systems installed in one- or two-family dwellings.

(4) Household fire alarm system means a system of devices that is listed for residential use and installed in a one- or two-family dwelling other than facilities that are required to be licensed.

(5) Premises means the building or structure, or portion of a building or structure, upon which a fire alarm system is installed or maintained.

(6) Vandals means a person or persons who willfully cause damage to the fire alarm system which results in the activation of a fire alarm.

(d) Fire alarms; posting requirements. A fire alarm user shall conspicuously post at the main entrance to the alarm user's premises a notice stating (1) the name of an individual or alarm company able and authorized to enter the premises and deactivate the alarm; (2) emergency telephone numbers by which those individuals can be reached at all times; and (3) the name and address of the alarm user. The information must be kept current and failure to update this information within 48 hours of any change constitutes a violation of this section.

(e) False fire alarms prohibited. No fire alarm user shall cause, allow, permit or suffer the fire alarm system to emit three or more false alarms in any calendar year.

(f) Inspection requirements/post activation. After the second and each additional false fire alarm in one calendar year, the alarm user shall, within 30 days, after the second or subsequent fire alarm activation, file a written inspection and test report with the Fire Department from a licensed fire alarm contractor stating that the fire alarm system has been inspected and tested since the last false fire alarm. The report shall set forth the probable cause of the activation, description of any repairs, modifications made or actions taken to prevent additional false alarm activations. The inspection and test report shall also state that the system is currently fully functional without deficiencies.

(g) Penalties. A violator of this section shall receive a fine(s) as follows:

(1) For the first false alarm within a calendar year: A notice of violation with no fine.

(2) For the second false alarm within a calendar year: A notice of violation with no fine.

(3) For the third and fourth false alarm within a calendar year: A citation with a fine of \$250.00.

(4) For the fifth false alarm and subsequent false alarms including the twelfth false alarm within a calendar year: A citation with a fine of \$500.00.

(5) For the thirteenth and subsequent false alarms within a calendar year: A citation with a fine of \$1,000.00.

(h) Enforcement. The fire inspector shall issue a citation for each false alarm. A violator who has been issued a citation under this section shall elect either to:

- (1) Pay the civil fine in the manner indicated on the citation: or
- (2) Request an administrative hearing before a special master to appeal the decision of the fire inspector which resulted in the issuance of the citation.
- (i) Appeal of a citation. The violator may appeal the citation by requesting an administrative hearing within ten days from the date of issuance. The procedures for appeal of the citation shall be as set forth in Chapter 30, as may be amended from time to time.
- (j) Failure to appeal. Failure of the named violator to appeal the citation within the prescribed time period shall constitute a waiver of the violator's right to an administrative hearing before the special master. A waiver of the right to an administrative hearing shall be treated as an admission of the citation, and fines are owed to the City. Unpaid fines may result in the imposition of larger fines and/or further enforcement as set forth in this Chapter.
- (k) Appeal of special master's decision. Any party aggrieved by the decision of a special master may appeal that decision as provided by applicable Florida Statutes and Florida Rules of Appellate Procedure.
- (l) Imposition of civil fines. The City may institute proceedings in a court of competent jurisdiction to compel payment of civil fines. A certified copy of an order imposing a civil fine may be recorded in the public records and thereafter shall constitute a lien upon any other real or personal property owned by the violator, and it may be enforced in the same manner as a court judgment by the sheriffs of this state, including levy against the personal property, but shall not be deemed to be a court judgment except for enforcement purposes. After two months from the filing of any such lien which remains unpaid, the City may institute proceedings to foreclose or otherwise execute on the lien.

SECTION 4. That Chapter 66, "Marine Structures, Facilities and Vehicles," Article III, "Piers, Docks, and Boat Ramps," is hereby amended as follows:

Sec. 66-114. - Fee schedule for examination of plans, reinspections and special projects.

- (a) Up-front processing fee. When the building permit application for a marine structure is received by the city, the applicant shall pay an up-front processing fee as specified in appendix A. This processing fee is not refundable, but shall be credited toward the final permit fee. This fee is in addition to fees which are required pursuant to chapter 14 and 98 of this Code and relates to examination of plans and inspections by the marine inspector to determine compliance with this chapter.
- ~~(b) New marine structure and/or additions. See appendix A.~~
- ~~(c) Alterations and repairs to marine structures. See appendix A.~~
- (b) Reinspection fees.
 - (1) With respect to inspections, if the city finds it necessary, in order to enforce compliance with state statutes, the Florida Building Code, and the city's land development regulations to conduct an inspection, after an initial inspection and one subsequent reinspection, of any project or activity for the same code violation specifically and continuously noted in each rejection, including but not limited to, egress, fire protection, structural stability, energy, accessibility, lighting, ventilation, electrical, mechanical, plumbing, and gas systems, or other requirements identified by the rule of the Florida Building Commission, state statutes or the city's land development regulations, a fee

of four times the cost of initial inspection or first reinspection, whichever is greater, for each subsequent reinspection shall be paid. The inspection cost is determined by multiplying the actual time spent by the inspector by the inspection fee hourly rate, as defined in subsection 15-31(g) and as specified in appendix A.

(2) Payment of the reinspection fee shall be required before any subsequent permits will be issued to the person or entity owing same. Further inspections **SHALL** be withheld until payment of reinspection fees has been made.

~~(1) When an extra inspection trip is necessary due to incorrect address given on a call for inspection, prior rejection of work due to faulty construction, or work not being ready for inspection at time specified, a fee as specified in appendix A for each reinspection may be charged to the permit holder in the trade concerned.~~

~~(2) If it is determined by the field inspector concerned that the job has the same problem after the reinspection fee is assessed and paid, a second reinspection fee as specified in appendix A shall be charged.~~

~~(3) Payment of the reinspection fee shall be required before any permits will be issued to the person or firm owing same. Further inspection may be refused until payment of reinspection fees has been made.~~

~~(e) Special projects fee. A fee equal to actual staff time and related costs shall be assessed for special projects requiring research by the marine inspector/assignee in order to answer questions proposed by developers, attorneys, and realtors, in connection with boat slips, docks, wharves, piles, or similar structures, or to determine if any existing violations are on the property through a review of departmental records. Such special fees will be levied only for requests outside the scope of normal departmental work. A minimum fee as specified in appendix A shall be charged.~~

SECTION 5. That Chapter 86, "Sales," Article II, "Garage Sales," Division 2, "Permit," is hereby amended as follows:

Sec. 86-56. - Required.

- (a) No person shall conduct a garage sale within the city without first obtaining a permit.
- (b) All persons wishing to obtain a garage sale permit shall make application at the code compliance department of the city, and shall pay a fee as specified in appendix A, or at no cost if permit is applied for and obtained online.

* * *

SECTION 6. That Chapter 98, "Streets and Sidewalks," Article III, "Excavations," Division 2, "Permit," is hereby amended as follows:

Sec. 98-92. - Application; amount of deposit; use of deposit to replace surface; permit fee.

* * *

- (d) Permit fees will be computed only for the primary item of work for which a permit is required. The fee collected will also cover items of work incidental to the primary item and all processing and inspection services rendered by the department of public works.
- ~~(e) A surcharge to building permits in the amount(s) set forth in appendix A will be added by the public works department for construction activities which may impact city-owned property, rights-of-way, or easements. The surcharge collected will cover processing, plans review, and inspection services rendered by the department. The surcharge rate in appendix A will be administratively adjusted annually to reflect increases or decreases in the Consumer Price Index for consumers in the southeast United States for all items, unless otherwise directed by the city commission. Notwithstanding the preceding sentence, the rate adjustment set to take place in February 2012, shall be waived, finding such waiver to be in the best interest of the city and of the public.~~
- ~~(f) Permits for work not identified in appendix A. If it is determined that no specific fee category directly matches a permit application request, the public works directors may identify a category that closely matches the level of effort or determine what the work will be charged at based on the time dedicated for plans review and inspection. The public works director may require an up-front fee and a deposit to cover the estimated cost of the services to be provided.~~
- ~~(g) Expired permits. Where the permit is revoked, or becomes null and void, or expires because of lack of work or abandonment, a new permit covering the proposed construction shall be obtained before proceeding with the work, pursuant to Section 105.4.1.1. of the Florida Building Code. If no more than 180 days of the expiration date of the original permit has passed, and no refund has been made according to this section, the applicant may apply to renew the permit. The reapplication must be covering the same project and involving the same plans, and must be submitted with the plans and the applicant's validated copy of the original permit. A fee of 25 percent of the original permit fee, plus an additional \$57.00 processing fee, shall be charged for a renewal under these circumstances.~~

~~Where the permit is revoked, or becomes null and void or expires because of lack of work or abandonment, a new permit covering the proposed construction shall be obtained before proceeding with the work, pursuant to Section 105.4.1.1. of the Florida Building Code. If more than 180 days, but no more than 365 days, since the expiration date of the original permit has passed, and no refund has been made according to this section, the applicant may apply to renew the permit. The reapplication must be covering the same project and involve the same plans, and must be submitted with the plans and the applicant's validated copy of the original permit. A fee of 25 percent of the original permit fee, plus a fee of 20 percent of the new permit fee, shall be charged for a renewal under these circumstances.~~

~~For permits that have expired where the only missing component is one or more final inspection(s), the fee for reopening the permit, performing the final inspection(s), and providing a final approval on the permit shall be charged at based on the time dedicated for inspection(s).~~

- ~~(h) The rates in appendix A for permit fees pertaining to this chapter shall be reevaluated administratively no less than every three years for the last adopted changes. Any recommended changes shall be brought to the city commission for consideration and final approval.~~
- ~~(i) Expedited plans review and inspection fee. Upon request from the applicant, the department may schedule an expedited plans review or inspection, on an overtime basis by~~

city staff. When such service is provided, the applicant will reimburse the city for the cost of the city employee(s), in addition to the regular permit and other applicable fees.

Sec. 98-93. Waiver Public Works review fees associated with the building process levied.

~~The director of public works shall waive the permit fee for all work or excavations performed by the United States, the state, the county, or any agency or instrumentality thereof, or any entity granted a franchise by the city whose permit fees are, by the terms of the franchise, deductible from the payments required by the franchise, whether this work is performed by employees of the agency, by the franchisee, or by a private firm, person or corporation under contract with the governmental agency or franchisee. However, such franchisee, governmental agency or private firm, person or corporation under contract therewith shall not be relieved of the responsibility for obtaining a permit for work or excavations subject to this article and shall otherwise comply with the provisions of this article.~~

- (a) Levied Permits. A separate public works review fee associated with the building permit plans review process is hereby levied and imposed, and shall apply to the city's public works department reviews of construction activities which may impact city-owned property, rights-of-way, or easements, building, plumbing, electrical and mechanical permits and other plans review activities associated with the permit plans review process undertaken by that department. Said fee shall be collected by the building department on behalf of the planning department. Inspections and other fees of the planning department of the city are hereby levied and imposed and shall apply to building, plumbing, electrical and mechanical permits and other activities undertaken by that department as outlined in appendix A.
- (b) Double fees. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing systems before obtaining the building official's approval or the necessary permits shall be subject to a penalty of 100 percent of the required permit fee, in addition to the required permit fees, plus a penalty for the first, second and subsequent offenses as outlined in appendix A.
- (c) Reinspection fees.
 - (1) With respect to inspections, if the city finds it necessary, in order to enforce compliance with state statutes, the Florida Building Code, and the city's land development regulations to conduct an inspection, after an initial inspection and one subsequent reinspection, of any project or activity for the same code violation specifically and continuously noted in each rejection, including but not limited to, egress, fire protection, structural stability, energy, accessibility, lighting, ventilation, electrical, mechanical, plumbing, and gas systems, or other requirements identified by the rule of the Florida Building Commission, state statutes or the city's land development regulations, a fee of four times the cost of initial inspection or first reinspection, whichever is greater, for each subsequent reinspection shall be paid. The inspection cost is determined by multiplying the actual time spent by the inspector by the inspection fee hourly rate, as defined in subsection 15-31(g) and as specified in appendix A.
 - (2) Payment of the reinspection fee shall be required before any subsequent permits will be issued to the person or entity owing same. Further inspections SHALL be withheld until payment of reinspection fees has been made.
- (d) Lost plans fee. When permitted set of plans are lost by the applicants, owners, contractors, or any of their representatives, a recertification fee will be required to reproduce, stamp and

- approve a new set of plans as a field copy. Such fee shall be based on a cost per page as specified in appendix A.
- (e) Revised plans review fee. The charge for plans review of revisions to a permitted set of plans shall be as specified in appendix A.
 - (f) Lost permit card fee. After a permit has been issued, if the permit inspection card has been lost, a fee as specified in appendix A shall be charged to resign or recertify the replacement.
 - (g) Inspection fee hourly rate. The inspection fee hourly rate, as specified in appendix A, is determined at the beginning of each fiscal year based on the department's approved overhead and indirect costs and the resources assigned to inspection program.
 - (i) Plans re-review fee. When extra plans reviews are due to the failure to correct code violations specifically and continuously noted in each rejection, including, but not limited to, egress, fire protection, structural stability, energy, accessibility, lighting ventilation, electrical, mechanical, plumbing, and gas systems, or other requirements identified by the rule of the Florida Building Commission, in compliance with F.S. § 553.80(2)(b), each time after the third such review that plans are rejected for the same code violation, a fee of four times the amount of the proportion of the permit fee shall be attributed to plans review.
 - (j) Expedited plans review and inspection fee. Upon request from the applicant, the department may schedule an expedited plans review or inspection, on an overtime basis by city staff. When such service is provided, a fee as specified in appendix A shall be charged, in addition to the regular permit fee and other applicable fees. Expedited plan review service may be requested by the applicant with a cost plus fee incurred in addition to the regular permit fee and other applicable fees.
 - (j) Permits for work not identified in appendix A. If it is determined that no specific fee category directly matches a permit application request, the department director may identify a category that closely matches the level of effort or determine what the work will be charged at based on the time dedicated for plans review and inspection. The department director may require an upfront fee and a deposit to cover the estimated cost of the services to be provided.
 - (k) City projects. The cost of enforcing state statutes, building code or the city's land development regulations on city related projects will be reimbursed based on the actual time spent in the processing, review and inspection of such projects. The payment will be due prior to issuance of the certificate of occupancy or completion for the project. Effective October 1, 2011, for any active permit applied for on or after February 1, 2010, fees shall be based on the permit fee schedule in place at the time of the permit application submittal, and should be paid accordingly.
 - (l) [Annual adjustment of rates.] The rates in appendix A pertaining to this division will be administratively adjusted annually to reflect increase(s) or decrease(s) in the Consumer Price Index for all urban consumers, CPI-U.
 - (m) Electronic concurrent plan processing. In order to create a more efficient permitting process, the building department will be implementing procedures to process plans electronically via an automated workflow. Once implemented, the department will request that applicants submit plans in an electronic format. If the applicant chooses to submit paper plans, the director, or his designee has the authority to invoice for reimbursement of the conversion of documents submitted to an electronic format.

(n) Phase permits. The Building Official is authorized by the Florida Building Code to provide early start approval. The holder of such permit shall proceed at the holder's own risk with the building construction and without assurance that a permit for the entire structure will be granted. A fee as specified in appendix A shall be paid for the public works department's review if necessary.

Sec. 98-94. - Waiver Building permits.

~~The fees charged pursuant to this Code may be refunded by the public works director subject to the following:~~

~~(1) No refunds shall be made on requests involving:~~

- ~~a. Permit fees of \$100.00 or less; or~~
- ~~b. Permits revoked by the fire marshal or building official; or~~
- ~~c. Permits cancelled by court order; or~~
- ~~d. Permits which have expired; or~~
- ~~e. Permits under which work has commenced as evidenced by any recorded inspection having been made by the department.~~

~~(2) A full refund shall be granted to a permit holder who takes out a permit covering work outside the jurisdictional inspection area.~~

~~(3) A full refund, less the minimum up-front permit fee and any outside agency fees shall be granted to a permit applicant who requests a refund in writing, provided that no plan review has commenced.~~

~~A full refund, less \$100.00 or the up-front permit fee, whichever amount is greater, rounded down to the nearest dollar, and any outside agency fees shall be granted to a permit applicant who requests a refund in writing, provided that a permit has not been issued.~~

~~A full refund, less \$100.00 or the up-front fee, whichever amount is greater, rounded down to the nearest dollar, and any outside agency fees shall be granted to a permit holder (to whom a permit has been issued) who requests a refund in writing, provided:~~

- ~~a. That the permit holder makes a written request prior to the permit expiration date; and~~
- ~~b. That a validated copy of the permit be submitted with such request; and~~
- ~~c. That no work, as evidenced by any recorded inspection, has commenced under such permit.~~

(a) Up-front processing fee.

(1) When the building permit application is received, the applicant shall pay an "up front" processing fee as specified in appendix A.

(2) This processing fee is not refundable, but shall be credited toward the final building permit fee. The "up front" processing fee, after it is calculated, shall be rounded up to the nearest \$5.00, with a minimum fee as specified in appendix A.

(b) Refunds, time limitations, cancellations, change of contractor. The fees charged pursuant to the schedule in appendix A, provided the same are for a permit required by Section 105.1 of the Florida Building Code, may be refunded by the building official subject to the following:

(1) No refunds shall be made on requests involving:

a. Permit fees of \$100.00 or less; or

b. Permits for which plans review has commenced; or

c. Permits revoked by the building official under authority granted by the Florida Building Code; or

d. Permits cancelled by court order; or d. Permits which have expired; or

e. Permits under which work has commenced as evidenced by any recorded inspection having been made by the department, unless the refund is due to an overcharge by the city.

(2) A full refund shall be granted to a permit holder who takes out a permit covering work outside the jurisdictional inspection area.

(3) A full refund less the minimum up-front permit fee and any outside agency fees shall be granted to a permit applicant who requests a refund in writing within one year of payment, provided that no plan review has commenced.

A full refund less \$100.00 or the up-front permit fee, whichever amount is greater, rounded down to the nearest dollar, and any outside agency fees shall be granted to a permit applicant who requests a refund in writing within one year of payment, provided that a permit has not been issued.

A full refund less \$100.00 or the up-front permit fee, whichever amount is greater, rounded down to the nearest dollar, and any outside agency fees shall be granted to a permit holder (to whom a permit has been issued) who requests a refund in writing within one year of payment, provided:

a. That the permit holder makes a written request prior to the permit expiration date; and

b. That no work as evidenced by any recorded inspection has commenced under such permit.

(4) Where the permit is revoked, or becomes null and void, or expires because of lack of work or abandonment, a new permit covering the proposed construction shall be obtained before proceeding with the work, pursuant to Section 105.4.1.1 of the Florida Building Code. If no more than 180 days of the expiration date of the original permit has passed, and no refund has been made according to this section, the applicant may apply to renew the permit. The reapplication must be covering the same project and involving the same plans, and must be submitted with the plans and the applicant's validated copy of the original permit. A fee of 25 percent of the original permit fee, plus an additional \$100.00 processing fee, shall be charged for a renewal under these circumstances.

For permits that have expired where the only missing component is one or more final inspections, the fee for reopening the permit, performing the final inspection(s), and

providing a final approval on the permit shall be charged based on the minimum building permit fee.

- (5) Every application submitted for permit will be evaluated and fees assessed accordingly whether it is for a master permit a standalone permit or a subcontract/trade subsidiary permit. All submittals will be assessed the fees as prescribed in appendix A, or the minimum permit fee, whichever is greater.

(c) Public Works Fees associated with a building permit are as specified in appendix A.

Sec. 98-95. - Certificates of occupancy or completion.

(1) Certificate of occupancy or completion. In order to obtain temporary, or final occupancy or completion as required by the Florida Building Code, the following original fees shall be paid for the purpose of defraying the costs of processing the certificate, including any necessary inspections.

- a. Final certificate of occupancy or completion. Certificate of occupancy or completion fees shall be as specified in appendix A.
- b. Temporary certificate of occupancy or completion. Temporary certificate of occupancy or completion fees shall be as specified in appendix A. The certificate of occupancy or completion is the certificate of use for that facility for the first year of operation or part thereof.

Sec. 98-96. - Forty-year building recertification program.

There shall be a plan review and inspection fee for repairs or modifications to buildings as required by the 40-year building recertification program, pursuant to Miami-Dade County Code Chapter 8, Section 8-11(f).

Sec. 98-97. - Employee training, education, safety and technology enhancements.

A surcharge to building, electrical, mechanical, plumbing and demolition permits will be added for training, education and safety of the planning department employees, and to procure and implement the latest technologies available for enhancement of services provided by the department, according to the schedule specified in appendix A.

Sec. 98-98. - General information.

- a. A separate fire safety, public works and/or zoning review fee associated with the building permit process shall be charged as outlined in appendix A.
- b. Documents. Requests for copies of fire department records, inspection reports, logs, or similar documents maintained by the planning department will be charged a fee as specified in appendix A.

Sec. 98-99. - Interest.

The city is authorized to charge interest to any amount due when not paid by the due date. The interest rate shall be at the highest legal limit authorized by law, plus collection costs and attorneys' fees.

Sec. 98-100 - Waiver.

The director of public works shall waive the permit fee for all work or excavations performed by the United States, the state, the county, or any agency or instrumentality thereof, or any entity granted a franchise by the city whose permit fees are, by the terms of the franchise, deductible from the payments required by the franchise, whether this work is performed by employees of the agency, by the franchisee, or by a private firm, person or corporation under contract with the governmental agency or franchisee. However, such franchisee, governmental agency or private firm, person or corporation under contract therewith shall not be relieved of the responsibility for obtaining a permit for work or excavations subject to this article and shall otherwise comply with the provisions of this article.

SECTION 7. REPEALER.

All ordinances or parts of ordinances and all section and parts of sections in conflict herewith be and the same are hereby repealed.

SECTION 8. CODIFICATION.

It is the intention of the City Commission, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of the City of Miami Beach as amended; that the sections of this ordinance may be renumbered or relettered to accomplish such intention; and that the word "ordinance" may be changed to "section" or other appropriate word.

SECTION 9. SEVERABILITY.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 10. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption.

PASSED and ADOPTED this _____ day of _____, 2016.

ATTEST:

CITY CLERK

MAYOR

APPROVED AS TO
FORM AND LANGUAGE
& FOR EXECUTION

City Attorney

Date

First Reading:

Second Reading:

Verified by: _____
Thomas R. Mooney, AICP
Planning Director

Underscore denotes new language

~~Strikethrough~~ denotes deleted language

M:\\$CMB\CCUPDATES\Land Use and Development Committee\2015\October 7, 2015\Land Development Fees BD FD PW - ORD
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118-6	Cost recovery	
	Review and Report by outside source	TBD
118-7	Fees for the administration of land development regulations	
	General Fees for Public Hearing	
	Application for preliminary evaluation before a board	500.00
	Application for public hearing	2,500.00
	Application for clarification of previously approved board order	1,500.00
	Application for amendment to an approved board order	2,500.00
	Application for extensions of time of a previously approved board order (non-administrative)	1,500.00
	Application for after the fact approval	3 X Org. fee
	Advertisement (Additional fees may apply based on notice requirement for LDR, Comp. Plan and corresponding map amendments)	1,500.00
	Mail Notice (per address)	4.00
	Posting (per site)	100.00
	Withdrawal or continuance prior to public hearing	500.00
	Deferral of a public hearing	1,500.00
	Amendment of the Land Development Regulations, Zoning Map, Comprehensive Plan and Future Land Use Map 118-162 (a) and (b)	
	Amendment to the permitted, conditional or prohibited uses in a zoning category (per use).	2,500.00
	Amendment to the permitted, conditional or prohibited uses in the comprehensive plan (per use).	2,500.00
	Amendment of zoning map designation (per square foot of lot area) up to 5000 sq. ft	0.50
	Amendment of zoning map designation (per square foot of lot area) 5,001 sq. ft. and greater	0.70
	Amendment of future land use map of the comprehensive plan (per square foot of lot area) up to 5,000 sq. ft.	0.50
	Amendment of future land use map of the comprehensive plan (per square foot of lot area) 5,001 and greater.	0.70
	Amendment to the land development regulations (per section being amended)	10,000.00
	Amendment to the comprehensive plan (per goal, policy, or objective being amended.)	10,000.00
	Conditional Use Permits 118-193	
	Application for Conditional Use Permit for an adult congregate living facility (per bed)	100.00
	Design Review 118-253	
	Application for Design Review Board approval (per gross square foot of new construction)	0.50
	Land / Lot Split 118-321	
	See applicable fees under General Fees	
	Variances 118-353	
	Per variance requested	500.00
	Certificate of Appropriateness 118-562 / 564	
	Application for COA (per gross square foot of new construction)	0.50
	Historic Designation 118 - 562 /564	
	Application for district designation (per platted lot)	100.00
	Staff Review and Miscellaneous Fees	
	Planning Director determination of architectural significance (142-108)	2,500.00
	Preliminary zoning review (Dry Run) up to 5000 sq. ft.	2,500.00
	Preliminary zoning review (Dry Run) per square foot fee beyond 5000 sq. ft.	0.50
	Board Order Recording up to 10 pages. (11+ pages will be assessed a per page fee)	100.00
	Status Reports	1,000.00
	Progress Reports	2,500.00
	Failure to appear before a board for Status or Progress report	2,500.00
	Zoning verification letter (per address or folio - includes 1 hour of research)	250.00
	Zoning interpretation letter	1,000.00
	Research or Excessive Review (per hour)	150.00
	Review of Covenants and Easement	5,000.00
	Modification or release of Covenants and Easement	2,500.00
	Courier (per package)	10.00
	Recording fee (per page)	10.00
	Paint Permits (Non-online applications)	75.00
	Signs (Not requiring a building permit)	75.00
	Hard copy (paper) submittal conversion of documents to electronic format shall be charged at city's cost from vendor	TBD
130-132(a),(b)(2)	Fee in Lieu of Parking 130-132 (a), (b) (2)	
	One Time Payment	40,000.00
	Yearly Fee	800.00
6-2(a)	Service fee for alcohol license review Chapter 6 Alcoholic Beverages	
	Review of application for alcoholic beverage licence	400.00