

Memorandum



Date: (Second Reading 6-30-09)
April 7, 2009

To: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

From: George M. Burgess
County Manager

Subject: Proposed Ordinance Amending Chapter 8 of the Code of Miami-Dade County

Agenda Item No. 7(J)

Recommendation

It is recommended that the Miami-Dade County Board of County Commissioners adopt the attached proposed ordinance amending Chapter 8 of the Code of Miami-Dade County in order to maintain current levels of public safety regarding installation of boilers.

Scope

The proposed ordinance has a countywide impact as it amends Chapter 8 of the Miami-Code of Miami-Dade County which applies Countywide in the enforcement of the building code.

Fiscal Impact/Funding Source

There is no fiscal impact to Miami-Dade County or the municipalities.

Track Record/Monitor

Each Building Department examines and certifies boilers annually that fall within a defined criterion.

Background

Boilers may be described, informally, as a large water heating devices. Boilers are manufactured for various capacities and provide efficient and long-term water heating and process applications for small and large buildings, alike. Current boiler technology has made boilers more reliable, efficient, and safer. Nonetheless, boilers are still dangerous; they usually operate under high temperatures and pressures which, if not properly controlled, can cause explosions with devastating effects. An explosion can tear through concrete walls as well as floor slabs above. In cases like these, there is usually extensive damage and sometimes the tragic loss of life. Another major concern is a malfunctioning boiler can create conditions where high carbon monoxide (CO) levels may concentrate, endangering the public.

In order to provide for the safety of the public, reasonable oversight commensurate with the level of danger posed must be initiated and continued on a recurring basis. In this way, the proper operation of safety devices can be verified and any deficiencies identified in a timely fashion and corrected. It is for these reasons that Chapter 8 of the Code of Miami-Dade County requires that boilers be examined and certified by building department personnel on an annual basis. Currently, the Building Code defines boilers as those that meet or exceed any of the following criteria:

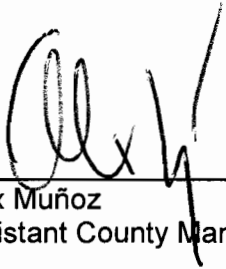
Honorable Chairman Dennis C. Moss
And Members, Board of County Commissioners
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- A heat input capacity of 200,000 BTU/h (58.6 kW)
- A water temperature of 200 °F (93 °C)
- A nominal water capacity of 120 gallons (454 l)

The Florida Building Commission voted to change the definition for a “boiler”, which will go into effect with the implementation of the 2007 edition of the Florida Building Code on March 1st, 2009. The new definition increases the heat input capacity of a boiler from 200,000 Btu to 400,000 Btu. The resulting definition is inconsistent with current national standards and is in conflict with Chapter 8 of the Code of Miami-Dade County, the South Florida Building Code, and the 2001 and 2004 editions of the Florida Building Code.

Based on the new definition, annual certification would not be required for new installations of boilers that meet or exceed 200,000 Btu, a water temperature of 200 degrees or a capacity of 120 gallons. Accordingly, building departments could no longer conduct these life safety certification inspections. As a result, the public could be deprived of the same level of safety that has been provided in the past. Consequently, this ordinance will not redefine what a boiler is, but rather maintain the standard for annual certification.

By identifying and preserving the specific limitations regarding annual certification and including water heaters and pressure vessels, this ordinance will ensure that the current level of protection provided to the public is not diminished solely on an arbitrary change of definition.



Alex Muñoz
Assistant County Manager



MEMORANDUM
(Revised)

TO: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

DATE: June 30, 2009

FROM: 
R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 7(J)

Please note any items checked.

- "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Bid waiver requiring County Mayor's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved _____ Mayor

Agenda Item No. 7(J)

Veto _____

6-30-09

Override _____

ORDINANCE NO. _____

ORDINANCE AMENDING CHAPTER 8 OF THE CODE OF MIAMI-DADE COUNTY; AMENDING SECTION 8-11 TO PRESERVE ANNUAL CERTIFICATION OF LOW PRESSURE BOILERS, WATER HEATERS AND PRESSURE VESSELS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE OF MIAMI-DADE COUNTY, AND AN EFFECTIVE DATE

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Chapter 8 of the Code of Miami-Dade County is hereby amended to read as follows:¹

Sec. 8-11. Existing Building.

* * *

(a) The requirements contained in the Florida Building Code, covering the maintenance of buildings, shall apply to all buildings and/or structures now existing or hereafter erected. All buildings and/or structures and all parts thereof shall be maintained in a safe condition, and all devices or safeguards that are required by the Florida Building Code shall be maintained in good working order. Electrical wiring, apparatus and equipment, and installations for light heat or power and low voltage systems as are required and/or regulated by the Building Code, now existing or hereinafter installed, shall be maintained in a safe condition and all devices and safeguard maintained in good working order.

* * *

(c) Certificate of inspection for boilers and pressure vessels: A Certificate of Inspection shall be requested from and issued by the Building Official. Certificate of Inspection shall be the authorization to operate such equipment for a limited period as set forth herein:

- (1) A Certificate of Inspection for a high-pressure boiler shall be for a period of not more than 6 months.

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Words ~~stricken through~~ and/or [[double bracketed]] shall be deleted. Underscored words and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and shall remain unchanged.

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- (2) A Certificate of Inspection for a low-pressure boiler shall be for a period of not more than 12 months. >>A Certificate of Inspection is required if any of the following criteria is met or exceeded: A heat input capacity of 200,000 BTU/h (58.6 kW); A water temperature of 200 °F (93 °C); A nominal water capacity of 120 gallons (454 l).<<

* * *

- (5) A Certificate of Inspection shall be posted in a conspicuous location to the operator.

Exception: Boilers requiring inspections and certification by the State of Florida Fire Marshal's Office, Boiler Safety Program.

* * *

Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid the remainder of this ordinance shall not be affected by such invalidity.

Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance including any Sunset provision, shall become and be made part of the Code of Miami-Dade County. 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 4. This ordinance shall become effective upon enactment, unless vetoed by the Mayor within ten (10) days after its adoption, and if vetoed shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:

RAC
EWG

Prepared by:

Eduardo W. Gonzalez

**MIAMI-DADE COUNTY
BOARD OF COUNTY COMMISSIONERS
OFFICE OF THE COMMISSION AUDITOR**



Legislative Notes

Agenda Item: 7(J)
File Number: 090669
Committee(s) of Reference: Board of County Commissioners
Date of Analysis: June 5, 2009
Type of Item: Code Amendment
Commission District(s): Countywide

Summary

This ordinance amends Section 8-11 of the Code of Miami-Dade County that provides for inspections of boilers by adding the criteria for boilers that would require annual certification.

Background and Relevant Legislation

Currently, the Code requires that boilers with a heat input capacity of 200,000 British Thermal Units (Btu) be examined and certified by the Building Department personnel on an annual basis. Due to an amendment by the Florida Building Commission which changed the definition on the types of boilers that require annual inspection by increasing the heat intake from 200,000 Btu to 400,000 Btu. With this change, boilers with a heat intake capacity of 200,000 Btu would no longer require annual inspections.

According to the Miami-Dade Building Department, annual inspections of boilers are required only on commercial premises. During the FY 2007-08, the Department performed 615 inspections throughout UMSA and the City of West Miami; there were 62 failed boiler inspections during FY 2007-08. The cost of an annual inspection is \$74.42.

Policy Change and Implication

This code amendment allows County-wide certification inspections on boilers on commercial premises that meet 200,000 Btu.

Budgetary Impact

Has the County's Building Department evaluated the fiscal impact if the Code is not amended?

According to Building Department staff, if the Code is not amended it could result in a loss of revenue of approximately \$46,000, which may require staff adjustments.

Prepared By:

Tiandra D. Sullivan