

ST. JOHNS COUNTY

R E S O L U T I O N - 92 - 197

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY REQUESTING AN OPINION FROM THE STATE ATTORNEY GENERAL CONCERNING COUNTY ENFORCEMENT OF THE BUILDING CODES UNDER FS 553 ON NEW BUILDING PROJECTS OF INDEPENDENT TAXING DISTRICTS WITHIN THE COUNTY.

WHEREAS, Florida Statute 553 requires governing bodies to adopt and enforce minimum building codes in the jurisdiction of such governments; and,

WHEREAS, St. Johns County adopted the 1991 edition of the Standard Building Code promulgated by the Southern Building Code Congress, Inc. under Ordinance 92-9; and,

WHEREAS, paragraph 103 of said Standard Building Code requires all new building stand plan review, obtain building permits, and pass inspections; as the means of Code enforcement; and,

WHEREAS, FS 553.73(7) specifically requires the County "shall regulate every type of building or structure, wherever it might be situated in the code enforcement jurisdiction"; and,

WHEREAS, FS 553.79(1) requires "--- it shall be unlawful for any person, firm, or corporation to construct, erect, alter, repair, or demolish any building within this state without first obtaining a permit therefore from the appropriate enforcing agency ---"; and,

WHEREAS, the St. Augustine - St. Johns County Airport Authority has refused to allow the county to carry out the aforesaid Code enforcement on new building constructed and owned by them on Airport property in St. Johns County; and,

WHEREAS, the County has informed said Airport Authority of FS 553 and of Attorney General opinion 082-24, of April 20, 1982 RE: City of Tampa VS Port Authority as an exact model circumstance; and,

WHEREAS, said Airport Authority has continued to adamantly exclude the county from their continuing construction on new airport buildings; and,

WHEREAS, the Board of County Commissioners, in the public interest and in promotion of efficient governmental procedures,

desire an opinion from the Attorney General to aid quiescent settlement of this present disagreement; and,

WHEREAS, the Attorney General, via letter of November 5, 1992 to the County Administrator, has indicated a willingness to address this circumstance upon majority request of the Board of County Commissioners; and,

WHEREAS, the Attorney General directed said Board request include a detailed memorandum of law to accompany the request; and,

NOW THEREFORE, BE IT RESOLVED, by the St. Johns County Board of County Commissioners in their meeting assembled on November 24, 1992, that for the reasons stated in this Resolution, the Board does hereby direct the County Attorney to promptly prepare and submit to the Attorney General a memorandum of law outlining the requirement for county inspection of new buildings being constructed on behalf of independent taxing entities in the county in support of the Board's request to the Attorney General for his opinion on the legal requirement of such county involvement; the Board wishing to carry out all duties of county government required by state statute.

PASSED AND ADOPTED this 24th day of November, 1992.

BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA

BY: Laura Babawage
Chairman

ATTEST; CARL "BUD" MARKEL, CLERK

BY:

Juanne Carter
Deputy Clerk