

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2018-39

AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA, AMENDING SECTION 105-96, CHAPTER 105, ARTICLE III OF THE CITY OF CORAL GABLES CODE TO ADD DEMOLITION TO THE ENUMERATED EMERGENCY ACTIONS THAT MAY BE ORDERED OR TAKEN BY THE BUILDING OFFICIAL IN CONNECTION WITH AN UNSAFE STRUCTURE; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, Section 105-96 of the City Code describes the actions that may be ordered or taken by the building official when there is an actual or immediate danger or the failure of collapse of a structure; and

WHEREAS, under certain emergency circumstances, demolition or partial demolition of a structure is necessary to protect the public health, welfare and safety; and

WHEREAS, the City Commission wishes to expressly authorize the building official to order the demolition of or take action to demolish or partially demolish a structure as necessary under emergency circumstances; and

WHEREAS, the City Commission finds that this Ordinance is in the best interests of the City;

NOW THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF CORAL GABLES, FLORIDA THAT:

SECTION 1. The foregoing “**WHEREAS**” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

SECTION 2. Chapter 62, Article III of the City Code is amended to create Section 62-101 as follows (changes in ~~strike-through~~ / underline format):

Sec. 105-96. - Emergency action.

When, in the opinion of the building official ~~or fire marshal~~, there is an actual or immediate danger of the failure or collapse of a structure, or there is a health, safety, windstorm or fire hazard, the building official ~~or fire marshal~~ may order the occupants to demolish, vacate, and ~~may temporarily close for use and occupancy~~ the structure, rights-of-way thereto, sidewalks, streets or adjacent structures or nearby area and institute such other temporary safeguards, including securing the structure and nearby area or any demolition or partial demolition, as ~~they~~ may deem necessary under the circumstances, and may employ the necessary labor and materials, including private contractors, to perform the required work as expeditiously as possible. In such event, the operation of the notice and hearing requirements of this article shall be suspended as reasonably necessary in the opinion of the building official ~~or fire marshal~~ to redress the emergency situation. The costs incurred in the

performance of such emergency work shall be paid by the city and the city shall have a lien against the property for such costs as provided in section 105-98. An owner or interested party who is contesting whether the emergency action should have been taken and whether the city should have a lien for such costs, must request such a hearing within 30 days of the date they receive notice of a lien for such costs, but in any event no later than 30 days from the date such notice is recorded.

SECTION 3. All ordinances or parts of ordinances inconsistent or in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 4. If any section, part of section, paragraph, clause, phrase, or word of this Ordinance is declared invalid, the remaining provisions of this Ordinance shall not be affected.

SECTION 5. It is the intention of the City Commission that the provisions of this Ordinance shall become and be made a part of the City Code, which provisions may be renumbered or re-lettered and the word ordinance be changed to “section”, “article”, or other appropriate word to accomplish such intention.

SECTION 6. If the City Code’s Tables of Contents, Supplemental History Table, or other reference portions are affected by these provisions, then changes are approved as a part of this Ordinance.

SECTION 7. This Ordinance shall become effective upon the date of its passage and adoption herein.

PASSED AND ADOPTED THIS TWENTY-FIFTH DAY OF SEPTEMBER, A.D., 2018.

(Moved: Quesada / Seconded: Lago)
(Yeas: Lago, Mena, Quesada, Keon, Valdes-Fauli)
(Unanimous: 5-0 Vote)
(Agenda Item: F-1)

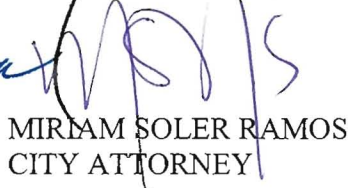
APPROVED:


RAÚL VALDÉS-FAULI
MAYOR

ATTEST:


WALTER J. FOEMAN
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:


MIRIAM SOLER RAMOS
CITY ATTORNEY