

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2018-15

AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES AMENDING THE CODE OF THE CITY OF CORAL GABLES BY AMENDING SECTION 101-109 "NOTICES" OF DIVISION 2 "CODE ENFORCEMENT BOARD" AND SECTION 101-139 "SCHEDULE AND CONDUCT OF ADMINISTRATIVE HEARING" OF DIVISION 3 "SUPPLEMENTAL CODE ENFORCEMENT PROCEDURES" OF ARTICLE IV "CODE ENFORCEMENT" OF CHAPTER 101 "ADMINISTRATION AND ENFORCEMENT" TO AMEND THE REQUIREMENTS FOR SERVICE OF NOTICES; PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the City Commission adopted Ordinance 2016-11, on February 23, 2016, in order to revise the City's code enforcement procedures, to exempt itself from Chapter 162, Fla. Stat., to adopt an alternative code enforcement system pursuant to § 162.03(2), Fla. Stat., and for consistency and uniformity;

WHEREAS, the City Commission desires to revise the City's code enforcement procedures to provide for the service of notices by all of the means authorized by § 162.12, Fla. Stat.;

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

SECTION 1. That the foregoing recitals 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. That Division 2 "Code Enforcement Board" of Article IV "Code Enforcement" of Chapter 101 "Administration and Enforcement" is amended as follows:¹

* * *

Sec. 101-109. Notices ~~to be by certified mail.~~

(a) All Notices of Violation and Summonses for hearing, ~~notices required by this division shall be by certified mail, return receipt requested, or where mail would not be effective, by hand delivery or in person to an individual at least 15 years old by the code~~

¹/ Deletions are indicated by ~~striketrough~~. Insertions are indicated by underlining.

enforcement officer, the sheriff or other law enforcement officer or other person designated by the local governing body. Notice shall be provided to the owner of the property, if the owner does not live at the property being cited. Said notice shall be provided by certified mail, return receipt requested, provided to the alleged violator by:

(1) Certified mail to the address listed in the tax collector's office for tax notices; to the address listed in the county property appraiser's database; or to any other address provided by the alleged violator in writing to the city for the purpose of receiving notices. The city may also provide an additional notice to any other address it may find for the property owner. For property owned by a corporation, notices may be provided by certified mail to the registered agent of the corporation. It is the responsibility of the alleged violator to keep the address information current.

(2) Hand delivery by the code enforcement officer, the police, or any other person designated by the City Manager; or

(3) Leaving the notice at the violator's usual place of residence with any person residing therein who is above 15 years of age and informing such person of the contents of the notice; or

(4) In the case of commercial premises, leaving the notice with the manager or other person in charge.

(b) In addition to providing notice as set forth in subsection (a), notice may also be served by publication or posting, as follows:

(1) a. Such notice shall be published once during each week for 4 consecutive weeks (four publications being sufficient) in a newspaper of general circulation in Miami-Dade County. The newspaper shall meet such requirements as are prescribed under chapter 50, Fla. Stat., for legal and official advertisements.

b. Proof of publication shall be made as provided in §§ 50.041 and 50.051, Fla. Stat.

(2) a. In lieu of publication as described in paragraph (1), such notice may be posted at least 10 days prior to the hearing or prior to the expiration of any deadline contained in the notice. The notice shall be posted on the property where the violation is alleged to have occurred and at city hall.

b. Proof of posting shall be by affidavit of the person posting the notice, which affidavit shall include a copy of the notice posted and the date and places of its posting.

(3) Notice by publication or posting may run concurrently with, or may follow, an attempt or attempts to provide notice by hand delivery or by mail as required under subsection (a).

(c) Evidence that an attempt has been made to hand deliver the notice or that the notice was sent by mail ~~notice~~ as provided in subsection (a), together with proof of publication or posting as provided in subsection (b), shall be sufficient to show that the notice requirements of this part have been met, without regard to whether or not the alleged violator actually received such notice.

SECTION 3. That Division 3 “Supplemental Code Enforcement Procedures” of Article IV “Code Enforcement” of Chapter 101 “Administration and Enforcement” is amended as follows:

Sec. 101-139. - Scheduling and conduct of administrative hearing.

* * *

(b) The code enforcement clerk or his or her designee shall ~~send~~provide a notice of hearing ~~by certified mail to the violator at his or her last known address as set forth in section 101-109.~~ The notice of hearing shall include but not be limited to the following:

* * *

SECTION 4. SEVERABILITY.

If any section, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

SECTION 5. REPEALER.

All ordinances or parts of ordinances in conflict herewith, are hereby repealed.

SECTION 6. CODIFICATION.

It is the intention of the Commission of the City of Coral Gables, Florida, that the provisions of this Ordinance shall become and be made a part of the City of Coral Gables Code of Ordinances; and that the sections of this Ordinance may be re-numbered or re-lettered to accomplish such intention, and the word “ordinance” may be changed to “section”, “article”, or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 7. EFFECTIVE DATE.

This ordinance shall become effective upon its passage and adoption herein.

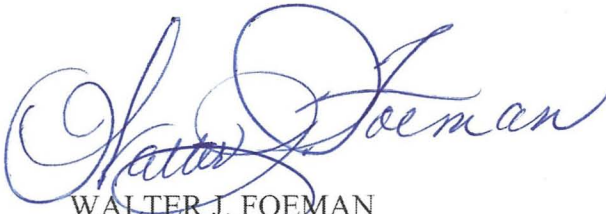
PASSED AND ADOPTED THIS EIGHTH DAY OF MAY, A.D., 2018.
(Moved: Keon / Seconded: Mena)
(Yeas: Keon, Mena, Valdes-Fauli)
(Majority: (3-2) Vote)
(Absent: Lago, Quesada)
(Agenda Item: F-5)

APPROVED:

A handwritten signature in blue ink, consisting of a large, stylized 'R' with a smaller 'V' inside it, followed by a long, sweeping line that extends downwards.

RAUL VALDES-FAULI
MAYOR

ATTEST:

A handwritten signature in blue ink, written in a cursive style that reads 'Walter J. Foeman'.

WALTER J. FOEMAN
CITY CLERK

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY:

A handwritten signature in black ink, consisting of stylized initials 'MSR' followed by a vertical line and a small 'S' at the end.

MIRIAM SOLER RAMOS
CITY ATTORNEY