

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2016-__

AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA, AMENDING THE CODE OF THE CITY OF CORAL GABLES, FLORIDA BY AMENDING ARTICLE III “CONSTRUCTION REGULATION BOARD” OF CHAPTER 101 “ADMINISTRATION AND ENFORCEMENT”; PROVIDING FOR ENFORCEMENT PROCEDURES; PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Miami-Dade County, Florida adopted Miami-Dade County Ordinance No. 11-03 permitting municipalities to adopt their own ordinances establishing an administrative process to address unsafe structures within the municipal boundaries; and

WHEREAS, as a result of the foreclosure crisis, which has been widely reported since 2008, several properties in foreclosure within the Coral Gables Community have been found to be in violation of the City Code;

WHEREAS, these properties are not being maintained in compliance with the City Code by the owners or various financial institutions, despite their being notified of the deficiencies;

WHEREAS, the City adopted Emergency Ordinance 2015-8 to allow the Construction Regulation Board (“Board”) to hear unsafe structures cases, to provide additional tools for the City to address situations where an abandoned property is determined to be an unsafe structure;

WHEREAS, the City Commission has determined Board should also have the power to impose fines in order to more effectively address the threat to the public health, welfare, and safety that unsafe structures present.

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 Article III “Construction Regulation Board” of Chapter 101 “Administration and Enforcement” is amended as follows:¹

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

Sec. 101-56. Creation; appointment.

(a) There is hereby created and established a construction regulation board (hereinafter referred to as "board") to maintain the proper standard of construction in the city by enforcing the construction laws in force and effect in the city, including, but not limited to, licensing laws, building codes, and land development regulations including municipal, county and state, which construction contractors and subcontractors must comply ~~with~~ with in the performance of their professions.

* * *

Sec. 101-57. Powers of the construction regulation board.

The construction regulation board shall have the power to:

- (1) Adopt rules for the conduct of its hearings;
- (2) Subpoena alleged violators and witnesses to its hearings; subpoenas may be served by a code enforcement officer, inspector or official involved in the enforcement of construction laws in the city, or the police department of the city;
- (3) Subpoena evidence;
- (4) Take testimony under oath;
- (5) Issue orders having the force of law commanding whatever steps are necessary to bring a violation into compliance;
- (6) Impose fines for violations of this Article against a contractor or subcontractor in an amount not to exceed \$5,000.00;
- (7) Require restitution by a contractor or subcontractor;
- (8) Recommend action on a case to the construction industry licensing board;
- (9) Suspend or revoke a contractor or subcontractor license to work in the city;
- (10) Impose or make conditions in the issuance of future permits where the board has found the owner or contractor guilty of fraud, or a willful building code violation, or a violation of Article III of Chapter 105 relating to unsafe structures;
- (11) Upon a finding of guilty, require an owner, contractor or subcontractor to pay the legal and investigative costs for the case against them.
- (12) Hear cases and enter orders as necessary to enforce Article III of Chapter 105 relating to unsafe structures, including, but not limited to, ordering a violator to pay fines, pursuant to Section 101-168 of the City Code, as established by the City Commission, for

each day the violation continues past the date set for compliance and awarding administrative costs, including investigative costs.

* * *

Sec. 101-61. - Requests for postponement of hearing.

A contractor, owner or subcontractor may request a postponement of hearing before the construction regulation board, and such request for postponement shall be allowed according to the following:

(1) Requests for postponement of hearing must be made in writing to the Building Official and shall set forth good cause for a continuance and state whether the moving party is available for the scheduled meeting;

~~(2) The first request will be automatically granted and the hearing will be rescheduled for the following month's meeting;~~

(3) The ~~second~~ request may be granted by the Building Official ~~director of the building and zoning department.~~ In the event that the request is denied, appeal of that decision may be made to the construction regulation board at the time of hearing, and, if the request is granted, the hearing will be rescheduled for the following month's meeting;

~~(4) Following two postponements, there shall be no further postponements unless approved by the construction regulation board.~~

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Sec. 101-64. Unpaid fines to constitute a lien.

A certified copy of an order imposing a fine and/or requiring the payment of investigative and administrative costs as provided for herein may be recorded in the public records and thereafter shall constitute a lien against the land on which the violation exists ~~or, if the violator does not own the land, or existed and~~ upon any other real or personal property owned by the violator and 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 otherwise to be a judgment of a court except for enforcement purposes; ~~a~~After six three months from the filing of any such lien which remains unpaid, the city commission may authorize the city attorney to foreclose on the lien.

Sec. 101-65. Delivery of notices.

All notices required by this chapter shall be ~~by certified mail, return receipt requested, or where mail would not be effective, by hand delivery by a code enforcement officer, inspector or official.~~ served as provided in Section 101-170.

Sec. 101-56. Creation; appointment.

(a) There is hereby created and established a construction regulation board (hereinafter referred to as "board") to maintain the proper standard of construction in the city by enforcing the construction laws in force and effect in the city, including, but not limited to, licensing laws, building codes, and land development regulations including municipal, county and state, which construction contractors and subcontractors must comply ~~within~~ with in the performance of their professions.

SECTION 3. 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 4. REPEALER.

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

SECTION 5. 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 renumbered or relettered 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. Specifically, Division 3 "Permit Fees," of Article III of Chapter 105 is renumbered as Division 2, Article II of Chapter 105.

SECTION 6. EFFECTIVE DATE.

This ordinance shall become effective upon adoption.

PASSED AND ADOPTED THIS _____ DAY OF _____, A.D., 2016.

APPROVED:

JIM CASON
MAYOR

ATTEST:

WALTER J. FOEMAN

CITY CLERK

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY:

CRAIG E. LEEN
CITY ATTORNEY