

**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 “UNSAFE STRUCTURES” OF CHAPTER 105 “BUILDINGS AND BUILDING REGULATIONS”; 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 Section 105-88, “Inspections and criteria for demolition; infestation” of Article III, “Unsafe Structures” of Chapter 105 “Buildings and Building Regulations” of the Code of the City of Coral Gables, Florida is amended as follows:<sup>1</sup>

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<sup>1</sup> / Deletions are indicated by ~~strike through~~. Insertions are indicated by underlining.

**Sec. 105-188. Inspections and criteria for demolition; infestation.**

\* \* \*

(b) In those cases where the cost of ~~to repairing, restoring, or replacing~~ any structure in order to bring it into compliance with this Article shall exceed 50 per cent of its value, the Building Official shall order the demolition of said structure and shall not issue a building permit for the repair of said structure.

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**SECTION 3.** That Section 105-92, “Notices, hearings, and appeals” of Article III, “Unsafe Structures” of Chapter 105 “Buildings and Building Regulations” of the Code of the City of Coral Gables, Florida is amended as follows:

**Sec. 105-192. Notices, hearings, and appeals.**

\* \* \*

(5) A statement that, if the owner or other interested party does not take all required action ~~or appeal the decision of the City~~, the Construction Regulation Board may order a violator to pay a 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 enter an order of demolition and assess all costs of the proceedings and demolition and other required action for which the City shall have a lien against the owner and the property.

\* \* \*

**SECTION 4.** That Section 105-93, “Emergency action” of Article III, “Unsafe Structures” of Chapter 105 “Buildings and Building Regulations” of the Code of the City of Coral Gables, Florida is amended as follows:

**Sec. 105-193. Emergency action.**

When, in the opinion of the Building Official or Fire Marshall, 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 Marshall may order the occupants to 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, 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 Marshall 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 105-195. 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 in the ~~public~~ official records of Miami-Dade County.

**SECTION 5. 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 6. REPEALER.**

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

**SECTION 7. 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 8. 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