

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2021-26

AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA, AMENDING SECTION 101-143(3) "MITIGATION OF RECORDED FINES" OF THE CITY CODE TO EXPRESSLY ADD THAT A FACTOR TO BE CONSIDERED BY THE CITY ATTORNEY OR DESIGNEE IN MITIGATING CODE ENFORCEMENT FINES IS THE NUMBER OF DAYS DURING WHICH THE CITY WAS REVIEWING SUBMISSIONS FOR PERMITS OR OTHER DEVELOPMENT APPROVALS; PROVIDING FOR SEVERABILITY, REPEALER, AND CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Code Sec. 101-143(3) provides that the City Attorney or his or her designee may enter into settlement and fine reduction agreements on behalf of the city; and

WHEREAS, Sec. 101-143(3) includes certain factors to be considered in mitigating, reducing, or eliminating the fine; and

WHEREAS, even though it is not one of the express factors listed in Sec. 101-143(3), historically, the City Attorney's Office, in attempting to settle matters involving outstanding code enforcement fines, has taken into account any delays in achieving compliance that are attributable to the time taken by the City to review submissions for permits or other developmental approvals; and

WHEREAS, the City Commission would like to expressly include such time for review by the City as a factor to be considered by the City Attorney or his or her designee in entering into settlement or fine reduction agreements involve outstanding code enforcement fines;

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

SECTION 1. That 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 the adoption hereof.

SECTION 2. The Code of Ordinances of the City of Coral Gables is hereby amended as follows^a:

^a Deletions are indicated by ~~striketrough~~. Insertions are indicated by underline.

Sec. 101-143. Mitigation of recorded fines.

- (3) The city attorney or designee may, enter into settlement and fine reduction agreements on behalf of the city. A factor to be considered in mitigating, reducing or eliminating the fine is whether new owner is cited for a violation that existed on the property before he/she purchased the property, the egregiousness of the violation, the degree of fault, the time it took to come into compliance, any record of previous violations, the proportionality of the fine to the violation, the party's acceptance of responsibility, the number of days during which compliance was delayed because the city was reviewing submissions for permits or other development approvals, and any other factors commonly considered by a party in determining whether to settle a matter. Under these circumstances, conditions to ensure compliance may be imposed on the new property owner.

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-FOURTH DAY OF AUGUST, A.D., 2021.
(Moved: Menendez/ Seconded: Anderson)
(Yeas: Fors, Jr., Mena, Menendez, Anderson, Lago)
(Unanimous: 5-0 Vote)
(Agenda Item: F-4)


APPROVED:

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VINCE LAGO
MAYOR

ATTEST:

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BILLY Y. URQUIA
CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

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MIRIAM SOLER RAMOS
CITY ATTORNEY