



Code Enforcement Procedures

City of Coral Gables' Code Enforcement Division is fulfilling George Merrick's vision of creating an upscale community



Mission

Working for a Better Community

- The Code Enforcement Division exists to uphold and enforce the City of Coral Gables Codes and Ordinances to protect the public health, safety, and welfare of all residents, business owners, and visitors. This division promotes voluntary compliance by establishing communication between its officers, the citizens and community groups.



Vision

Public Education

- The Code Enforcement Division strives to educate the public about the City's Codes and Ordinances in order to obtain voluntary compliance. The division performs its duties in a fair, professional, and courteous manner.



Role of a Code Enforcement Officer

- Responsible for enforcement of City's Codes.
- Assigned a geographical zone.
- Visually observes violations or investigates complaints.
- Documents violations via written report and photographic evidence.
- Issue notices to owners by hand-delivery, posting and or certified mail.
- Communicates with property owners, tenants and educates on the City Codes and how to come into compliance.



Properties Served

- 10,736: Single Family Residences
- 373: Multi-Family Residences
- 4,718: Condominiums
- 418: Duplexes
- 8,962: Business

October 2007-2008

- 2,030 Open Cases
- 1,572 Complied
- 250 – Attended Code Board



Most Common Violations

- Work without permit
 - Electrical
 - Plumbing
 - Building
 - Mechanical
- Minimum housing
 - Dirty roof
 - Peeling paint
 - Garage door in disrepair
- Trash on Wrong Day
 - After 6pm on the previous day is allowed
- Graffiti
 - Commercial
 - Residential
- Parking on unapproved surface
 - Parking on swale allowed as long as there is “no parking” sign erected



Florida Statutes/Ordinances

Chapter 162, Florida Statutes authorizes the creation of administrative boards with authority to impose fines and penalties to provide a method of enforcing codes and ordinances.

§162.06, Florida Statutes, provides the enforcement procedures code enforcement officers must follow once it has been determined that a violation exists.

§162.07, Florida Statutes, provides the conduct of the Code Enforcement Board hearing. The Board must take testimony under oath. At the conclusion, the Board must issues findings of fact and conclusions of law. An order must be issued and sent to the property owner.

§162.09, Florida Statutes, provides the administrative fines for violations of codes or ordinances.

- 1st violation: up to \$250.00/day
- Repeat violation up to \$500.00/day
- Irreparable or irreversible damage up to \$5,000.00/violation

§162.11, Florida Statutes, provides for appeals of final administrative orders to the Circuit Court.

§162.30, Florida Statutes, states that the City may enforce any violation of a code or ordinance by filing a civil action in the County or Circuit Court.

City Code Provisions

§101-161 – Code Enforcement Board:

- 7 members appointed by the Mayor and the City Commission
- 4 or more members constitutes a quorum

§101-162 – Powers of the Board:

- Adopt rules of conduct
- Subpoena alleged violators and witnesses
- Subpoena evidence
- Take testimony under oath
- Issue orders

§101-169 – Appeals:

- Petition for certiorari review in Circuit Court in accordance with the procedures and within the time provided by the Florida Rules of Appellate Procedure

§101-186 – Conduct of Hearing:

- Monthly hearings
- Open to public
- Testimony under oath
- Take evidence
- Make findings of fact based upon the evidence



Due Process

The essential elements of due process of law are:

- Notice;
- an opportunity to be heard; and
- the right to defend in an orderly proceeding



Process

- Call is received or inspector observes violation.
- After investigating, if a violation is found, a courtesy warning is mailed and posted on the property advising of the violation and giving time to comply.
- If the violation is not corrected by the due date, the inspector will send a ticket or a summons to appear at a code enforcement board hearing.
 - (1) If you receive a ticket, you must correct the violation and pay the fine or call the Code Enforcement office to schedule a hearing before a hearing officer.
 - (2) If you receive a summons, you must appear at the hearing where a panel of seven appointed citizens will decide the case.
- If you are found guilty and don't comply by the time ordered by the board, the officer will issue an affidavit of noncompliance and fines will start running daily until there is compliance.
- After three months, the City may begin foreclosure procedures or file a civil action for injunctive relief.



Injunction, Abatement of Public Nuisance, and Foreclosure Procedures

- Homestead Property: Florida Statutes §162.09(1) provides that an enforcement board may order a violator to pay a fine for each day the violation continues past the date set by the enforcement board for compliance. Thereafter, a certified copy of the board's order shall be recorded with Miami-Dade County public records as a lien against the land on which the violation exists and upon any other real or personal property owned by the violator. The fines will continue to accrue until there is compliance or until a judgment is rendered by the Court. After 3 months from the filing of any such lien which remains unpaid, the enforcement board may authorize the City to foreclose on the lien or to sue to recover a money judgment for the amount of the lien plus accrued interest. However, no lien may be foreclosed on real property which is a homestead under s. 4, Art. X of the State Constitution.
- Non-Homestead Property: The City will follow the same procedures as for Homestead Property as stated above. However, the City may proceed to file a Complaint for Injunction, Abatement of Public Nuisance, and Foreclosure of Code Enforcement Liens pursuant to Florida Statutes for violations of the Florida Building Code, Miami-Dade County Codes and/or City Codes. The City will then proceed with this action until the Court grants a foreclosure judgment against the property. (Florida Statutes, §§60.05, 60.06, 823.01, and 823.05)



Mitigation

Properties which do not comply with the Code within the time allotted by the Code Enforcement Board will accrue fines until compliance is achieved. The Code Enforcement Division will thereafter send the property owner a notice of intent to lien advising of the amount due and owing and requesting payment. If there is no payment, a certified copy of the Code Enforcement Board's Order and lien will be recorded with Miami-Dade County public records. There are two methods in which mitigation may proceed. These are outlined below.

(1) The property owner may request a hearing with the City's Special Master to mitigate the fines. The Special Master will hear testimony from the property owner and the Code Enforcement Officer and may reduce the fine. Upon issuing the order, the property owner will be provided a reasonable period of time to make payment of the fine.

(2) When the property is being sold without compliance having been achieved, the seller and proposed buyer may enter into a Settlement Agreement with the City. The settlement will provide a timeline for compliance and a reduced fine must be paid. If the buyer/new owner does not comply with the terms of the Settlement Stipulation, the fines will be reinstated and an immediate lien will be recorded with the Miami Dade Public Records.