

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA, AMENDING ARTICLE IV OF THE CITY OF CORAL GABLES CODE BY ADDING SECTION 2-203, MAKING IT A CODE ENFORCEMENT VIOLATION TO DISOBEY A CEASE AND DESIST LETTER SENT BY THE CITY ATTORNEY'S OFFICE, ON BEHALF OF THE CITY, PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, ENFORCEABILITY AND AN EFFECTIVE DATE.

WHEREAS, from time to time, the City of Coral Gables, through the City Attorney's Office, issues cease and desist letters to individuals and/or entities; and

WHEREAS, these cease and desist letters address nuisances and violations of the City Code, Zoning Code and any other applicable laws; and

WHEREAS, there may be a time when cease and desist letters are used to enforce other applicable laws such as the American with Disabilities Act or the Florida Building Code; and

WHEREAS, the cease and desist letters are a vehicle to protect the health, safety and welfare of City residents, visitors and businesses; and

WHEREAS, the letters address conduct that affects City residents, visitors and businesses whether said conduct occurs within City limits or not; and

WHEREAS, cease and desist letters have been used to address the test driving of vehicles in residential neighborhoods at excessive speeds, the hourly rental of hotel rooms and significant parking issues in a residential area caused by patrons of two neighboring establishments; and

WHEREAS, the City Commission wishes to make it a code enforcement violation to disobey the demand made in a cease and desist letter issued by the City.

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

SECTION 1. 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 adoption hereof.

SECTION 2. Section 2-203 of the Code of the City of Coral Gables, Florida, is hereby created to read as follows:

Sec. 2-203. – Penalty for failure to obey cease and desist letter.

- (a) The City Attorney is authorized to issue cease and desist letters for violation of the City Code, Zoning Code and any other applicable law where such violation causes harm to the City, its residents or its businesses.
- (b) It shall be unlawful for any person or entity to disobey the demand made by the City Attorney or his/her designee, on behalf of the City of Coral Gables, in a cease and desist letter.
- (c) Failure to obey the demand made in a cease and desist letter shall result in the issuance of a code enforcement citation, punishable by a fine of \$500 per day.
- (d) A violator who has been issued a citation for failure to comply with the demand in the cease and desist letter, must elect to either comply with the demand in the letter and pay the fine or request an administrative hearing before a special master, as set forth in Chapter 101, Article VI, Division 3 of the City Code.
- (e) As a cumulative remedy, the City Attorney is authorized to file a civil action to enforce the cease and desist letter, the City is entitled to an injunction and the violator is responsible for attorney's fees and costs incurred. Such proceedings shall be expedited by the court.
- (f) The City, as well as its elected and appointed officials, employees and agents are immunized from civil or criminal liability for actions taken in accordance with this section.

SECTION 3. The City and its officers, employees, and agents have immunity for any actions taken in accordance with this ordinance.

SECTION 4. When the City files suit pursuant to a provision in the City Code that calls for an injunction to be issued, no bond should be required.

SECTION 5. All ordinances or parts of ordinances inconsistent or in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 6. 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 7. 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 8. 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 9. This Ordinance shall become effective upon adoption.

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

APPROVED:

JIM CASON
MAYOR

ATTEST:

WALTER FOEMAN
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

CRAIG E. LEEN
CITY ATTORNEY