

CITY OF CORAL GABLES, FLORIDA

RESOLUTION NO. 2016-169

A RESOLUTION OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA ADOPTING A NEIGHBOR DISPUTE POLICY FOR CODE ENFORCEMENT MATTERS.

WHEREAS, the City Commission finds that the Code Enforcement Division is often used as a vehicle in furtherance of neighbor disputes; and

WHEREAS, this leads to the expending of significant City resources, at all levels, and rarely results in a favorable outcome for either party; and

WHEREAS, the City Commission directed that a policy be established to more efficiently address these situations;

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

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 Resolution upon adoption hereof.

SECTION 2. That the attached Policy Regarding Code Enforcement and Neighbor Disputes is adopted and ratified.

SECTION 3. SEVERABILITY

If any section, sentence, clause of phrase of this Resolution 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 Resolution.

SECTION 4. EFFECTIVE DATE

This Resolution shall become effective immediately upon the date of its passage and adoption herein.

PASSED AND ADOPTED THIS TWENTY-SIX DAY OF JULY, A.D., 2016.

(Moved: Keon; Seconded: Slesnick)

(Yeas: Keon, Slesnick, Cason)

(Majority: (3-0) Vote)

(Absent: Quesada, Lago)

(Agenda Item: I-3)

APPROVED:



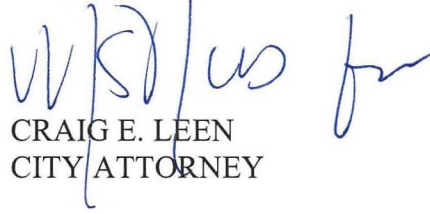
JIM CASON
MAYOR

ATTEST:



WALTER J. FOEMAN
CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:



CRAIG E. LEEN
CITY ATTORNEY

CITY OF CORAL GABLES

POLICY REGARDING CODE ENFORCEMENT AND NEIGHBOR DISPUTES

It has become evident that the City's Development Services Department, Code Enforcement Division is often used as a vehicle in furtherance of neighbor disputes, both in residential and commercial districts. These unfortunate situations lead to the expending of significant City resources, at all levels, and rarely result in a favorable outcome for either party. The City Commission has directed that a policy be established to more effectively address these situations. The following policy sets out how the City's Code Enforcement Division will handle complaints made by individuals or businesses involved in neighbor disputes.

Definitions:

Neighbor dispute is defined as three (3) or more code enforcement complaints between the same set of neighbors or between individual(s) at the same property against the same neighboring property, whether residential or commercial, during a period of six (6) months.

Neighbor is defined as any resident or business in the City.

Neighboring property is defined as any property, commercial or residential, within the City.

Code enforcement complaint is defined as a communication to the Code Enforcement Division regardless of the number of citations that results from the communication; each communication advising the department of potential violations, constitutes a "complaint" for purposes of this policy.

Life-safety violations include, but are not limited to, those citable under the following sections of the City Code:

105-224. Freedom from health, accident or fire hazards

105-225. Freedom from rubbish and garbage (if item creates a safety concern)

105-229. Insect and rodent harborage (exterior)

105-277. Foundation walls

105-278. Stairs, porches and railings

105-279. Weather and weather-tightness

105-282. Vermin and rodent free

- 105-286. Structural members
- 105-287. Chimneys, flues and vents
- 105-289. Floors, walls, ceilings and roof
- 105-292. Insect or rodent harborage (interior)
- 105-293. Maintenance of plumbing systems
- 105-295. Maintenance and operation of heating equipment
- 105-296. Storage of fuels
- 105-297. Maintenance of electrical wiring and devices
- 105-339. Electric fixtures in bathrooms

As well as any violations citable under the life-safety sections of the Florida Building Code and the City's Zoning Code.

Policy:

If the Code Enforcement Division Director, in his/her discretion, establishes that a neighbor dispute exists, the department will not issue a Notice of Violation/ticket to the property or business being complained about, unless the violation is a life-safety violation. If either neighbor believes that their complaint should not fall under this policy, either may request that the decision be reviewed by the Code Enforcement Prosecutor. If either neighbor wishes to appeal the decision of the Code Enforcement Prosecutor, he/she may request, in writing, to the Code Enforcement Division Director, that the matter be reviewed by the Code Enforcement Board.

Exceptions:

This policy does not apply to noise complaints, complaints regarding abandoned properties or complaints regarding public nuisance properties.