

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2020-05

AN ORDINANCE OF THE CITY COMMISSION AMENDING THE CODE OF THE CITY OF CORAL GABLES, FLORIDA, BY AMENDING SECTION 34-198 “DEFINITIONS” OF ARTICLE VII “ABANDONED REAL PROPERTY” OF CHAPTER 34 “NUISANCES”, AND PROVIDING FOR PROVIDING FOR REPEALER PROVISION, SEVERABILITY CLAUSE, CODIFICATION, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City has established a process to address the deterioration and blight of City neighborhoods caused by abandoned, foreclosed or distressed real property located within the City, and to identify, regulate, limit and reduce the number of abandoned properties located within the City; and

WHEREAS, the City has established a registration program as a mechanism to protect neighborhoods from becoming blighted due to the lack of adequate maintenance and security of abandoned and foreclosed properties; and

WHEREAS, the City Commission is concerned that abandoned properties that are vacant are less likely to be maintained, and finds that remedial action is particularly necessary against vacant properties where existing Code violations have existed for a period of over 60 days; and

WHEREAS, the City Commission finds that many owners and mortgagees are not maintaining the properties listed on the abandoned real property registry in an adequate manner, and at times do not maintain the properties at all; and

WHEREAS, the City Commission finds that the City must expend significant police, public service, and code enforcement resources in monitoring vacant properties; and

WHEREAS, it is the City’s intent to utilize the mechanisms in place to ensure compliance with the City’s Codes; and

WHEREAS, the City Commission wishes to clarify the definitions relating to what constitutes abandoned real property and who is responsible for maintaining abandoned real property;

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

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 “Abandoned Real Property” of Chapter 34, “Nuisances” of the Code of the City of Coral Gables, Florida, is hereby amended to read as follows:¹

Sec. 34-198. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

Abandoned real property means any real property located in the city, whether vacant or occupied, that is in default on a mortgage, has had a lis pendens filed against it by the lender holding a mortgage on the property, is subject to an ongoing foreclosure action by the lender, is subject to an application for a tax deed or pending tax assessor’s lien sale, or has been transferred to the lender under a deed in lieu of foreclosure. The designation of a property as “abandoned” shall remain in place until such time as:

- (1) the property is sold or transferred, in an arm’s length transaction to satisfy the debt or lien or, after the mortgagee or purchaser at a tax deed sale acquires the property, to a good faith purchaser who is not related to the owner or mortgagee, or ~~and~~ any default on the mortgage or any tax delinquency has been cured; and/or
- (2) the foreclosure action or tax deed proceeding and any appeals from such proceedings have been closed or dismissed and any default on the mortgage or any tax delinquency has been cured.

Unimproved real property and vacant real property that is also blighted property or that the city has cited for a violation of the applicable codes shall also meet the definition of abandoned real property, even if the unimproved or vacant property is not encumbered by a mortgage that it is in default or the subject of a tax deed proceeding.

Accessible property/structure means a property that is accessible through a compromised/breached gate, fence, wall, etc., or a structure that is unsecured and/or breached in such a way as to allow access to the interior space by unauthorized persons.

Applicable codes means to include, but not be limited to, the city’s zoning code, this Code of Ordinances and the Florida Building Code.

Blighted property means:

- (1) Properties that have broken or severely damaged windows, doors, walls, or roofs that create hazardous conditions and encourage trespassing;
- (2) Properties whose maintenance is not in conformance with the maintenance of other neighboring properties, causing a decrease in value of the neighboring properties;

^{1/} Deletions are indicated by ~~strike through~~. Insertions are indicated by underlining

(3) Properties cited for a public nuisance pursuant to this Code; or

(4) Properties that endanger the public's health, safety, or welfare because the properties or improvements thereon are dilapidated, deteriorated, or violate minimum health and safety standards or lack maintenance as required by the city and zoning codes.

Default on the mortgage shall mean any monetary or non-monetary failure to comply with the obligations or requirements of a mortgage, whether or not the mortgagee has declared a default or a foreclosure action is pending.

Enforcement officer means any law enforcement officer, building official, zoning inspector, code enforcement officer, fire inspector or building inspector, or other person authorized by the city to enforce the applicable codes.

Evidence of vacancy shall mean any condition that on its own, or combined with other conditions present, would lead a reasonable person to believe that the property is vacant. Such conditions may include, but are not limited to: overgrown or dead vegetation; past due utility notices or disconnected utilities; accumulation of trash, junk, or debris; abandoned vehicles, auto parts, or materials; the absence of furnishings or personal items consistent with habitation or occupancy; the presence of an unsanitary, stagnant swimming pool; the accumulation of newspapers, circulars, flyers or mail; statements by neighbors, passers-by, delivery agents or government agents; or the presence of boards over doors, windows or other openings in violation of applicable codes.

Owner or Responsible Party means any person, legal entity or other party having any ownership interest, whether legal or equitable, in real property. The term "owner" shall also apply to any person, legal entity or agent responsible for the construction, maintenance or operation of the property involved. The Any mortgagee, the any mortgagee's servicer, and the any-owner's or mortgagee's property management company, as reflected in official records of Miami-Dade County, and any person or entity listed as an owner, mortgagee, mortgage servicer, or property manager on the city's abandoned real property registry are all responsible for compliance with the requirements of this article. A person or entity listed on the registration remains responsible for compliance with this article, even if the registration has expired, until such time as the property is deregistered or the responsible party is removed from the registration or replaced with another person or entity. An owner, mortgagee, or other responsible party of record, remains responsible for compliance with this article until such time as the party's interest is terminated in the official records of Miami-Dade County and as is otherwise required in this article.

Property management company means a local property manager, property maintenance company, or similar person or entity responsible for the maintenance and security of abandoned real property.

Vacant means any parcel of land in the city that contains any building or structure that is not lawfully occupied or inhabited by human beings as evidenced by the conditions set forth in the definition of "evidence of vacancy" above or that is without a lawful tenant or

lawful occupant or without a certificate of occupancy. Vacant property does not mean property that is temporarily unoccupied while the residents are away on vacation, personal matters or business, or is not intended by the owner to be left vacant, so long as the period does not exceed thirty (30) days.

SECTION 3. 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 4. All ordinances or parts of ordinances in conflict herewith, are hereby repealed.

SECTION 5. 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 re-numbered or re-lettered 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.

SECTION 6. That this Ordinance shall become effective upon the date of its passage and adoption herein.

PASSED AND ADOPTED THIS ELEVENTH DAY OF FEBRUARY, A.D., 2020.
(Moved: Lago / Seconded: Keon)
(Yeas: Keon, Lago, Mena, Fors, Jr., Valdes-Fauli)
(Unanimous 5-0 Vote)
(Agenda Item: F-4)

APPROVED:


RAUL VALDES-FAULI
MAYOR

ATTEST:


BILLY Y. URQUIA
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY


MIRIAM SOLER RAMOS
CITY ATTORNEY