

MEMORANDUM

LUDC
Agenda Item No. 1(G)1

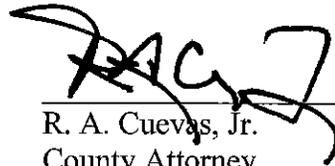
TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: December 11, 2014

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Ordinance regarding unsafe structures; amending Section 8-5 of the Code; providing that the building official shall obtain a court order prior to the demolition of any occupied structure declared to be unsafe structure

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Chairwoman Rebeca Sosa.



R. A. Cuevas, Jr.
County Attorney

RAC/cp

Memorandum



Date: January 21, 2015

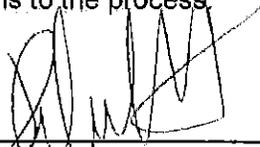
To: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor 

Subject: Ordinance Relating To Unsafe Structures

The proposed ordinance amends Section 8-5 of the Code relating to unsafe structures providing that the building official shall obtain a court order prior to the demolition of any occupied structure declared to be an unsafe structure. The County will have to pay a court cost for the filing fee which is approximately \$400. The cost of the court order will be billed, by the Department of Regulatory and Economic Resources, to the property owner along with the cost for demolition.

Implementation of this ordinance will not have a fiscal impact to the County. However, in terms of added case processing time, it is anticipated that obtaining court authorization may add three to six months to the process.



Jack Osterholt
Deputy Mayor

Fis01415



MEMORANDUM

(Revised)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: October 21, 2014

FROM: 
R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 4(B)

Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Ordinance creating a new board requires detailed County Mayor's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 4(B)
10-21-14

ORDINANCE NO. _____

ORDINANCE REGARDING UNSAFE STRUCTURES;
AMENDING SECTION 8-5 OF THE CODE OF MIAMI-DADE
COUNTY, FLORIDA; PROVIDING THAT THE BUILDING
OFFICIAL SHALL OBTAIN A COURT ORDER PRIOR TO
THE DEMOLITION OF ANY OCCUPIED STRUCTURE
DECLARED TO BE AN UNSAFE STRUCTURE; PROVIDING
SEVERABILITY, INCLUSION IN THE CODE, AND AN
EFFECTIVE

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
MIAMI-DADE COUNTY, FLORIDA:**

Section 1. Section 8-5 of the Code of Miami-Dade County, Florida is hereby
amended to read as follows.¹

CHAPTER 8. BUILDING CODE

ARTICLE I. ADMINISTRATION

Sec. 8-5. Unsafe Structures.

(a) *General.*

- (1) The Unsafe Structures Board and Unsafe Structures Appeal Panels are created to exercise in Miami-Dade County and within those municipalities as provided for hereafter the powers and duties granted by this Section. The Board shall have jurisdiction in both the incorporated and unincorporated areas of Miami-Dade County with respect to its powers, duties and functions. The Appeal Panels shall have jurisdiction in the unincorporated areas of Miami-Dade County and within the municipalities as

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

provided for hereafter with respect to their powers, duties and functions. The Board shall be entrusted with hearing appeals of decisions of Building Officials declaring any structures located on properties within the municipalities and those structures located on properties in the unincorporated area of the County which are not within the jurisdiction of the Unsafe Structures Appeal Panels as described below to be unsafe where there is a danger to the health and safety of the citizens, all in the manner prescribed in this Section. Unsafe Structures Appeal Panels shall hear appeals of decisions of the Miami-Dade County Building Official declaring single-family and duplex residences and their accessory structures on the same property as the principal building and accessory structures on vacant land to be unsafe where there is a danger to the health and safety of the citizens, all in the manner prescribed in this Section. Unsafe Structures Appeal Panels may hear appeals of decisions of Building Officials of the municipalities in this County declaring single-family and duplex residences and their accessory structures on the same property as the principal building and accessory structures on vacant land to be unsafe where there is a danger to the health and safety of the citizens, all in the manner prescribed in this Section, when the municipality elects to have such appeals heard by the Appeal Panels rather than the Board. Notwithstanding the provisions of this Section, a municipality may establish by ordinance its own administrative process to address unsafe structures within municipal boundaries, including a process for appeal of decisions of the Building Official that structures are unsafe. Following adoption of such ordinance, the municipality shall be solely responsible for the conduct of its own process and appeals, and for the enforcement of the laws governing unsafe structures within its jurisdiction. A municipality adopting such

ordinance shall also be authorized to establish its own standards for declaring a structure to be unsafe, and for the repair or demolition of an unsafe structure, all consistent with the provisions of the Florida Building Code. If such structure has been designated historic and is under the County's historic preservation jurisdiction, demolition procedures shall still abide by the process as set out in the Miami-Dade County's historic preservation ordinance as found in Chapter 15A.

- (2) Buildings or structures that are, or hereafter shall become, unsafe, unsanitary or deficient, facilities with inadequate means of egress, or which constitute a fire or windstorm hazard, or are otherwise dangerous to human life or public welfare by reason of illegal or improper use, occupancy or maintenance, or which have been substantially damaged by the elements, acts of God, fire, explosion or otherwise, shall be deemed unsafe structures and a permit shall be obtained to demolish the structure or where specifically allowed by this section, to bring the building into compliance with the applicable codes as provided herein.
- (3) Incomplete buildings commenced without a permit or for which the permit has expired, or completed buildings commenced without a permit or for which the permit has expired, prior to completion and no Certificate of Occupancy has been issued, shall be presumed and deemed unsafe and a permit shall be obtained to demolish the structure or bring the building into compliance with the applicable codes as provided herein.
- (4) Buildings which meet the physical criteria of unsafe structures set forth in this section, and are ordered to be repaired by the Building Official, an Unsafe Structures Appeal Panel or the Unsafe Structures

Board, in the manner more particularly set forth below, which are not completed or repaired and brought into full compliance with the Building Code within the reasonable time allowed by the Building Official or the Unsafe Structures Board, will be demolished.

- (5) Swimming pools that contain stagnant water are deemed unsanitary and dangerous to human life and public welfare. If the stagnant water is not removed and all repairs made and brought into full compliance with the Building Code within the reasonable time allowed by the Building Official, then these swimming pools will be demolished.
- (6) Buildings or structures subject to the recertification requirements in Section 8-11(f) of this Code which the owner fails to timely respond to the Notice of Required Inspection or fails to make all required repairs or modifications found to be necessary resulting from the recertification inspection by the deadline specified in the Code or any written extension granted by the Building Official will be demolished.

>>(7) The Building Official shall obtain a court order prior to demolition of any occupied structure declared to be an unsafe structure in accordance with this Section.<<

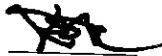
Section 2. If any section, subsection, sentence, or clause of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 4. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and, if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:


D.F.

Prepared by:

Daniel Frastai

Prime Sponsor: Chairwoman Rebeca Sosa