

MEMORANDUM

Agenda Item No. 5(A)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners


DATE: July 17, 2012

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

SUBJECT: Ordinance extending
Amnesty Period created by
Ordinance 11-64 providing for
a limited exception from civil
penalties and liens for
building code violation upon a
homeowner's compliance with
the Building Code; clarifying
application of the amnesty

Ordinance No. 12-59

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Chairman Joe A. Martinez.



R. A. Cuevas, Jr.
County Attorney

RAC/jls

Memorandum



Date: July 17, 2012

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez", written over a horizontal line.

Subject: Ordinance Extending Amnesty Period Created by Ordinance 11-64 for a Limited Exception From Civil Penalties and Liens for Building Code Violations

The proposed ordinance extends the amnesty period created by Ordinance 11-64 for a limited exception from civil penalties and liens for building code violations for an additional one year period. As a result of continuing to waive civil penalties and liens previously assessed by the County, a fiscal impact will continue to occur. To date, the Regulatory and Economic Resources (RER) department has successfully completed 108 cases under the provisions of this ordinance. Total civil penalties and liens assessed amounted to \$1,221,011, of which the relief to property owners totaled \$1,159,293. The extent of the fiscal impact will depend on the number of homeowners that opt to be covered during the extension period.

A handwritten signature in black ink, appearing to read "Jack Osterholt", written over a horizontal line.

Jack Osterholt
Deputy Mayor

Fis8512



MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: July 17, 2012

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

SUBJECT: Agenda Item No. 5(A)

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 Manager'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

Agenda Item No. 5(A)

Veto _____

7-17-12

Override _____

ORDINANCE NO. 12-59

ORDINANCE EXTENDING AMNESTY PERIOD CREATED BY ORDINANCE 11-64 PROVIDING FOR A LIMITED EXCEPTION FROM CIVIL PENALTIES AND LIENS FOR BUILDING CODE VIOLATIONS UPON A HOMEOWNER'S COMPLIANCE WITH THE BUILDING CODE; CLARIFYING APPLICATION OF THE AMNESTY; PROVIDING SEVERABILITY, EXCLUSION FROM THE CODE, AND AN EFFECTIVE DATE

WHEREAS, this Board adopted Ordinance 11-64 to create a limited exception from civil penalties and liens resulting from Building Code violations upon a homeowner's compliance with the Building Code as a result of the severe economic crisis that exists in Miami-Dade County during a six-month Amnesty Period; and

WHEREAS, this Board wishes to continue to encourage compliance with the Building Code while being mindful of the hardships that result to homeowners from the strict application of the County's system of fines and penalties relating to building code violations; and

WHEREAS, Miami-Dade County remains in the midst of the severe economic crisis; and

WHEREAS, through the enactment of Ordinance 12-06 this Board previously extended the limited exemption contained in Ordinance 11-64 for a period of six (6) months; and

WHEREAS, this Board wishes to extend the Amnesty Period for an additional one (1) year in the manner more particularly set forth below and to clarify its application,

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

Section 1. Upon application of a homeowner, the County shall waive any and all civil penalties related to the enforcement of the Building Code in connection with a structure, and all liens related to such civil penalties, provided the homeowner satisfies each of the following conditions:

- (a) A permit is issued to bring the structure into compliance with the Building Code within the Extended Amnesty Period as defined in this ordinance; and
- (b) The structure is brought into compliance with the Building Code within the period provided in the Building Code for completion of the work under the permit obtained within the Extended Amnesty Period; and
- (c) All direct costs of the Building and Neighborhood Compliance Department in connection with prior enforcement in connection with the structure, as documented by the Building and Neighborhood Compliance Department, shall be satisfied in full.

For purposes of this ordinance, a homeowner shall be understood as the person with direct and beneficial ownership of the affected structure. A homeowner may be a natural or legal person and shall include lessors. The term homeowner shall not include a financial institution which has acquired the home through foreclosure.

Section 2. The Extended Amnesty Period shall commence on the latter of the effective date of this ordinance or the expiration of the Amnesty Period in Ordinance 11-64, as extended, and end one year thereafter. This ordinance shall not operate as a defense in the event that the County has commenced a civil action to collect on the civil penalties or to foreclose a lien or against any enforcement action brought by the County.

Section 3. The Building Official is hereby directed to implement the necessary procedures and to develop the necessary documents to give effect to the intent of this ordinance.

Section 4. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 5. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, shall be excluded from the Code of Miami-Dade County.


Section 6. 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: July 17, 2012

Approved by County Attorney as
to form and legal sufficiency:



Prepared by:



Hugo Benitez

Prime Sponsor: Chairman Joe A. Martinez