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OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

MEMORANDUM

Amended
Agenda Item No. 7(G)

TO: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

DATE: January 22, 2009

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

SUBJECT: Ordinance providing emergency relief for construction affected by economic crisis

Ordinance No. 09-10

O#09-10

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Katy Sorenson.

R. A. Cuevas, Jr.
County Attorney

RAC/up

Memorandum

MIAMI-DADE COUNTY

Date: January 22, 2009

To: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

From: George M. Burgess
County Manager

Subject: Ordinance providing emergency relief for construction affected by economic crisis

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The ordinance providing emergency relief for construction affected by economic crisis will not have a fiscal impact to Miami-Dade County. The fee for extending the permit will be in accordance to the Building Department's fee schedule.

Alex Muñoz
Assistant County Manager

fis00609

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MEMORANDUM
(Revised)

TO: Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners

DATE: January 22, 2009

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

SUBJECT: Amended Agenda Item No. 7(G)

Please note any items checked.

✓	**"4-Day Rule" ("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
	Bid waiver requiring County Manager's written recommendation
	Ordinance creating a new board requires detailed County Manager's report for public hearing
	Housekeeping item (no policy decision required)
	No committee review

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Approved _____ Mayor
Veto _____
Override _____

Amended
Agenda Item No. 7(G)
1-22-09

ORDINANCE NO. **09-10**

ORDINANCE PROVIDING EMERGENCY RELIEF FOR CONSTRUCTION AFFECTED BY ECONOMIC CRISIS; ESTABLISHING PROCESS FOR PETITION, CONDITIONS AND CRITERIA FOR ISSUANCE OF STOP WORK ORDER; PROVIDING FOR ABATEMENT OF EXPIRATION OF PERMITS SUBJECT TO STOP WORK ORDER; ESTABLISHING FEE FOR REINSTATEMENT OF PERMIT; PROVIDING EXCEPTIONS; AMENDING SECTION 8-13 OF THE CODE; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS Miami-Dade County is experiencing a period of economic hardship; and

WHEREAS the economic slow down is having a severe impact in the areas of real estate development and construction; and

WHEREAS as a result of those conditions, many construction projects will be suspended or abandoned; and

WHEREAS the Building Code provides for the expiration of permits where the work is suspended or abandoned for specified periods; and

WHEREAS the expiration of building permits by operation of law carries with it serious consequences for the permit holder which may include the requirement of a new permit, the application of newly enacted codes to the construction, and the payment of a new permit fee; and

WHEREAS the Building Code also provides the Building Official with the authority to issue stop work orders when the work is being performed in a manner contrary to the provisions of the Building Code; and

WHEREAS this Board recognizes that work which has been suspended or abandoned is being performed in a manner contrary to the Code and wishes to create a process for voluntary application for a stop work order which would result in the suspension of the work and prevent

the expiration of the Building permit for qualifying property; and

WHEREAS such measure will provide needed relief to affected persons, provide incentives to the construction industry, and promote compliance with applicable codes, thereby promoting the health, safety and welfare of the citizens of our County,

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

Section 1. Section 8-13 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:[1]

Sec. 8-13. Revocation, suspension and reinstatement of permits.

* * *

>>(5) Stop Work Orders for Construction Affected by Economic Crisis

(a) Notwithstanding any provision of this Code to the contrary, and subject to the conditions and limitations of this subsection, a permit applicant may apply to the Building Official for the issuance of a stop work order in connection with a valid permit issued for affected construction. Affected construction shall mean any new residential or commercial construction with a valid permit issued for the first time on October 1, 2006 or thereafter with expiration dated on or before June 1, 2009, as such end date may be extended by resolution of the Board of County Commissioners, where the construction work is suspended or abandoned as a result of economic hardship. In the event that the construction work has not commenced, the Building Official may in his or her discretion issue the stop work order subject to compliance with minimum

[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.

safety requirements which may have been enacted subsequent to permit issuance. Economic hardship shall include bankruptcy, foreclosure, assignment for the benefit of creditors, demonstrated absence of credit short sales and slow sales as demonstrated by fewer than fifty percent (50%) of the units under construction being under sales contract.

(b) The Building Official shall issue a stop work order pursuant to application on forms devised for this purpose upon a finding to his or her reasonable satisfaction that:

(i) the work has been suspended or abandoned as a result of economic hardship and

(ii) the construction site is secure, does not pose a danger to the surrounding community, and is not otherwise unsafe as provided elsewhere in this Code.

(c) The duration of a permit shall be abated during the pendency of a stop work order issued pursuant to this Section, except that in addition to other remedies provided in this Code, the Building Official may lift the stop work order at any time for failure to comply with the conditions of its issuance. A stop work order issued pursuant to application under this Section shall not exceed six (6) months in duration, whereupon the period of abatement shall end. The Building Official may extend a stop work order issued pursuant to his section for good cause shown upon resolution of the Board of County Commissioners approving such further period(s) of extension.

(d) Any permit subject to a stop work order pursuant to this Section may be reinstated upon application to the Building Official for reinstatement and payment of a permit extension fee. The reinstated permit shall for all purposes be considered the same permit previously applied for. By exception, any construction requiring a material change to the plans or new evaluation, analysis or load calculations, as determined in the reasonable discretion of the Building Official, shall require the issuance of a new permit subject to all the requirements attendant to a new permit including

the payment of a new permit fee.

(e) Nothing in this subsection shall impair the Building Official's authority to issue stop work order as otherwise provided in this Code or to shall serve as a defense against the Building Official's enforcement of the provisions of this Code relating to unsafe structures, which shall remain unaffected.<<

Section 2. 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 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 relettered 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: **January 22, 2009**

Approved by County Attorney as to form and legal sufficiency: KMC

Prepared by Hugo Benitez HB

Prime Sponsor: Commissioner Katy Sorenson