

ORDINANCE NO. 280

AN ORDINANCE OF THE CITY OF WEST MIAMI, FLORIDA, AMENDING CERTAIN PROVISIONS OF CHAPTER 6 OF THE WEST MIAMI CODE DEALING WITH SUB-STANDARD BUILDINGS OR STRUCTURES BY CHANGING TIME AND METHOD OF NOTIFICATION TO OWNERS, OCCUPANTS AND OTHER PARTIES HAVING AN INTEREST IN SUCH BUILDINGS TO REPAIR, DEMOLISH OR VACATE SAME; CHANGING THE TIME AND METHOD OF APPEAL FROM ORDERS PERTAINING TO SUCH BUILDINGS; AND PROVIDING FOR LIENS AGAINST SUCH BUILDINGS AND REAL ESTATE WHERE THE CITY IS REQUIRED TO REMOVE, REPAIR OR VACATE SAME, AND PROVIDING FOR METHOD OF ENFORCEMENT OF SUCH LIENS.

BE IT ENACTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF WEST MIAMI, FLORIDA:

Section 1. That Section 6-8 of the West Miami

Code be and is hereby amended to read as follows:

- "Sec. 6-8. Duties of building official..
The chief building official, or his deputies shall:
- (a) Inspect or cause to be inspected, whenever directed by the mayor or the city council, all public buildings, schools, halls, churches, theaters, hotels, tenements, commercial, manufacturing, loft buildings, or other buildings for the purpose of determining whether any conditions exist which render such places a 'sub-standard building or structure' within the terms of section 6-5.
 - (b) Inspect any building wall or structure reported (as hereinafter provided for) by the fire or police departments as probably existing in violation of the terms of this chapter.
 - (c) Notify in writing the owner and occupant of said building found by him to be a 'sub-standard building or structure' within the standards set forth in Sec. 6-5 of the West Miami Code, that: (1) that said parties must vacate, remove or repair, or demolish said building

or structure in accordance with the terms of the notice and this Chapter; (2) that said parties must vacate said building or may have it repaired in accordance with the notice and remain in possession; and (3) that said parties may file with the city clerk a written appeal to the city council within fifteen (15) days of the mailing of said notice, appealing from the determination of the building official that said building is a 'sub-standard building or structure' within the meaning of this Chapter. The notice provided above shall be given by registered or certified mail addressed to the occupant at the property address and addressed to the owner at the address shown therefor upon the tax rolls used by the city, and said notice shall require the owner and occupant to take the action described in said notice within a reasonable time after the mailing of such notice, which time shall not be less than fifteen (15) days nor more than ninety (90) days. The building official shall send copies of such notice to all other persons having an interest in said building as shown by the real estate records in the office of the clerk of the Circuit Court in and for Dade County, Florida, advising that such persons at their own risk may repair, remove or demolish said building or structure as required by the notice.

- (d) Set forth in the notice provided for in subsection (c) hereof a description of the building or structure deemed unsafe, a statement of the particulars which make the building or structure a 'sub-standard building or structure' and an order requiring the same to be put in such condition as to comply with the terms of this Chapter within such length of time, not exceeding ninety (90) days, as is reasonable.
- (e) Report to the mayor any noncompliance with the 'notice' provided for in subsections (c) and (d).
- (f) Appear at all hearings conducted by the city council and testify as to the condition of 'sub-standard building or structures'.
- (g) Place a notice on all 'sub-standard buildings or structures' reading as follows:
"This building has been found to be a sub-standard building by the building official. This notice is to remain on this building

until it is repaired, removed or demolished in accordance with this notice that has been given the owner, occupant, lessee, mortgagee or agent of this building, and all other persons having an interest in said building as shown by the records in the office of the Clerk of the Circuit Court in and for Dade County, Florida. It is unlawful to remove this notice until such notice is complied with."

Section 2. That Section 6-9 of the West Miami

Code be and is hereby amended to read as follows:

"Sec. 6-9. Hearing and Enforcement procedure.

- (a) Upon the filing of a notice of appeal by the owner or occupant of a building as provided in Section 6-8 (c), or upon receipt of a report of the building inspector as provided in Section 6-8 (e), the Mayor shall give written notice to the owner, occupant, mortgagee, lessee, agent and all other persons having an interest in said building as shown by the records in the office of the Clerk of the Circuit Court in and for Dade County, Florida, to appear before the city council on the date specified in the notice to show cause why the building or structure reported to be a 'sub-standard building or structure' should not be repaired, removed or demolished in accordance with the statement of particulars set forth in the building inspector's notice provided for herein in Section 6-8.
- (b) The city council shall promptly hold a hearing after written notice as provided above and hear such testimony as the building inspector or the owner, occupant, mortgagee, lessee or any other person having an interest in said building as shown by the records in the office of the Clerk of the Circuit Court in and for Dade County, Florida, shall offer relative to the 'sub-standard building or structure.'
- (c) The council shall thereupon determine whether or not the building in question is a 'sub-standard building or structure' within the terms of Section 6-5 hereof.
If the council shall determine that the building in question is not a 'sub-standard building or structure' within the terms of this Chapter it shall then order the findings and notice of the building inspector

revoked. If the council shall determine that the building in question is a 'sub-standard building or structure' within the terms of this Chapter, it shall direct the Mayor to issue an order directing the owner and occupants to remove and repair or demolish such building within ninety (90) days from date of mailing said order by certified or registered mail to the occupant at the address of said property and to the owner at the address shown therefor upon the tax rolls used by the city. Copies of such order shall be mailed to all other persons having an interest in said building as shown by the real estate records in the office of the Clerk of Circuit Court in and for Dade County, Florida.

- (d) If the owner, occupant, mortgagee or lessee fails to comply with the order provided in sub-section 6-9 (c) hereof within ninety (90) days, the Mayor shall cause such building or structure to be repaired, vacated or demolished as the facts may warrant under the standards hereinbefore provided in Section 6-5 of this Chapter and the costs of such repair, vacation or demolition shall thereupon be and become a lien or charge against the land on which the building existed and against said building or structure and the materials contained therein; upon the filing by the city of a notice of lien with the Clerk of the Circuit Court in and for Dade County, Florida, and the Mayor, with the assistance of the city attorney, shall thereupon take such steps to perfect the lien of the city against such land, building and materials. The liens herein provided for shall bear interest at the rate of six percent (6%) per annum from date of filing until paid; and shall remain in full force and effect for a period of ten (10) years, or until earlier satisfied. Such liens may be enforced by suit in Chancery in the manner provided by law for enforcement of other liens upon real estate. In the alternative the city may collect the costs of repair, vacation or demolition by suit at common law or by any other procedure or method provided by law.
- (e) Removal or demolition of any such building or structure shall be carried out by the Mayor in the manner deemed by him most economical and considered by him to best preserve property interest therein for

the owner or owners. He shall have authority to sell salvaged material in such manner as he shall deem proper and apply all proceeds from such sales against the expense of removing or demolishing such building or structure."

Section 3. That Section 6-10 of the West Miami Code be and is hereby amended to read as follows:

"Sec. 6-10. Where Owner Absent from the City. In cases, except emergency cases, where the owner, occupant, lessee, or mortgagee is absent from the city copies of all notices or orders provided for herein shall be posted in a conspicuous place on the sub-standard building to which it relates in addition to service by mail as hereinabove provided."

Section 4. Any person violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not exceeding Five Hundred Dollars, or be imprisoned in the City Jail not exceeding sixty days, or by both such fine and imprisonment.

Section 5. If any provision or portion of this Ordinance shall be declared to be invalid the remaining portion shall not be affected, but shall remain in full force and effect.

Section 6. This Ordinance shall become effective January 1, 1967:

Section 7. This Ordinance is enacted pursuant to Article I Section 28 of the City Charter, and shall be incorporated into the City Code and for such purpose may be renumbered or relettered.

PASSED and ADOPTED this 21st day of December, 1966.

Harvey H. Stahl
President, City Council

Attest:

Bessie Blum
City Clerk

APPROVED:

Samuel Cooper
Mayor