



AGENDA ITEM COVER PAGE

File ID: #12809

Ordinance

Second Reading

Sponsored by: Christine King, Commissioner

AN ORDINANCE BY THE MIAMI CITY COMMISSION AMENDING CHAPTER 2/ARTICLE X/SECTION 2-817 OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, TITLED "ADMINISTRATION/CODE ENFORCEMENT/ADMINISTRATIVE COSTS, FINES; LIENS," TO AMEND AND PROVIDE FOR THE ALLOWANCE OF 501(C)(3) AND ELEEMOSYNARY ORGANIZATION TO OBTAIN MITIGATIONS OF CODE LIENS BEFORE THE CODE ENFORCEMENT BOARD; CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.



City of Miami
Legislation
Ordinance

Enactment Number: 14123

File Number: 12809

Final Action Date: 11/17/2022

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"INCOMPLETE (ITEM WAS ADOPTED WITH MODIFICATIONS). PENDING FINAL APPROVAL AS TO FORM AND CORRECTNESS BY CITY ATTORNEY."

WHEREAS, Section 2-817(d) of the Code of the City of Miami, Florida, as amended ("City Code"), was amended to streamline mitigations before both the Code Enforcement Board or Special Magistrate (collectively, "CEB") on March 10, 2022 under Ordinance 14057; and

WHEREAS, the amended Section does not take into consideration that much like homeowners, 501(c)(3) and eleemosynary organization have faced certain difficulties; and

WHEREAS, 501(c)(3) and eleemosynary organizations hold a special status under the law due to their required charitable qualifications or existence being dependent on charity; and

WHEREAS, it is the goal of the City to incentivize properties to come into compliance, assure that fines are timely paid, and properties are cleared of any outstanding violations; and

WHEREAS, this amendment is in the best interests of the community;

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

Section 1. The recitals and findings contained in the Preamble to this Ordinance are adopted and incorporated as if fully set forth in this Section.

Section 2. Chapter 2, Article X of the City Code is amended in the follow particulars:¹

"CHAPTER 2
ADMINISTRATION
* * *
ARTILCE X

¹ Words/and or figures stricken through shall be deleted. Underscored words and/or figures shall be added. The remaining provisions are now in effect and remain unchanged. Asterisks indicate omitted and unchanged material.

CODE COMPLIANCE

* * *

Sec. 2-817. Administrative costs, fines; liens.

* * *

(d) Mitigation of outstanding fine/lien by code enforcement board or special magistrate.

(1) Mitigation of fine for homestead properties. An enforcement board or special magistrate may reduce an outstanding fine of a homestead property based on the criteria above once a violator has complied with the order, after the city has collected its costs as determined by the city manager or designee, and for good cause shown.

(2) Mitigation of fine for non-homestead properties. The board or special magistrate is hereby authorized to mitigate fines with non-homestead violators, provided that the total amount of the daily fine imposed by the enforcement board or special magistrate may only be reduced to the percentage stated in the schedule below (the percentage on the chart below refers to percentage of the lien to be paid. One hundred percent as reflected in the chart means no mitigation is allowed and the total lien shall be paid):

Number of Days Fine Outstanding	Total Fine Mitigation (percent)
1—30	25
31—60	30
61—90	35
91—120	40
121—150	50
151—180	60
181—210	70
211—240	80
241—270	90
271 and up	100

(3) If the subject fine is reduced and a violator fails to pay said reduced fine within a period of 20 days from the day the mitigation is made, then the original fine shall be reinstated. In

addition to daily fines, violators shall pay cost(s) of prosecution, if any, which have been incurred by the city with respect to such violation.

(4) Exceptions. The above chart and restrictions shall not apply to:

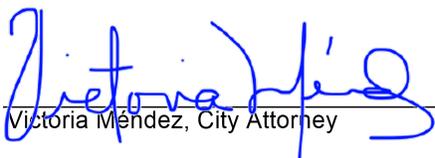
- a. ~~m~~Matters set for hearing at the time of the adoption of this subsection;
- b. ~~for b~~Bankruptcy matters, or matters in which the city has a litigation settlement which may be heard by the city commission;
- c. 501(c)(3) and eleemosynary organizations and Single-family and duplex residential properties and vacant land, where the immediate, previous use was as single family or duplex structure shall be allowed to obtain mitigation in the same manner as properties which have Homestead Exemption under Subsection (d)(1). Eleemosynary is defined as a private corporation created for charitable and benevolent purposes.

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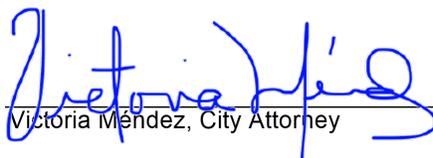
Section 3. If any section, part of a section, paragraph, clause, phrase, or word of this Ordinance is declared invalid, the remaining provisions of this Ordinance shall not be affected.

Section 4. This Ordinance shall become effective immediately after final reading and adoption thereof.²

APPROVED AS TO FORM AND CORRECTNESS:


Victoria Méndez, City Attorney

10/18/2022


Victoria Méndez, City Attorney

11/6/2022

² This Ordinance shall become effective as specified herein unless vetoed by the Mayor within ten (10) days from the date it was passed and adopted. If the Mayor vetoes this Ordinance, it shall become effective immediately upon override of the veto by the City Commission or upon the effective date stated herein, whichever is later.