

Demolition Notice Ordinance

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 14, ENTITLED "BUILDING REGULATIONS," OF THE CITY CODE BY AMENDING DIVISION 2, CREATING A NEW SECTION 14-421, ENTITLED "NOTICE OF DEMOLITION TO AFFECTED PERSONS;" IN ORDER TO PROVIDE FOR NOTICE TO AFFECTED PERSONS WHEN THE CITY ISSUES A DEMOLITION PERMIT FOR STRUCTURES THAT ARE THREE (3) OR MORE STORIES; PROVIDING FOR PENALTIES; PROVIDING FOR CODIFICATION; REPEALER; SEVERABILITY; APPLICABILITY; AND AN EFFECTIVE DATE.

WHEREAS, Chapter 14, entitled "Building Regulations" provides the authority of the City to regulate Buildings, Structures and Unsafe Structures; and

WHEREAS, in order to ensure that surrounding properties potentially affected by a proposed demolition are properly aware of an active demolition site, the City proposes the following amendment to Chapter 14 of the City Code; and

WHEREAS, the City of Miami Beach desires to amend Chapter 14, to amend Division 2, of the City Code, to create new Section 14-421, entitled "Notice of Demolition to Affected Persons," which section shall provide notice procedures to affected persons when the City issues a demolition permit for that is for three (3) or more stories; and

WHEREAS, the amendments set forth below are necessary to accomplish all of the above objectives.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA.

SECTION 1. Chapter 14 of the City Code, entitled "Building Regulations," Division 2, entitled "Demolition," is hereby amended by creating a new Section, entitled "Notice of Demolition to Affected Persons," as follows:

* * *

CHAPTER 14

BUILDING REGULATIONS

* * *

DIVISION 2. - ~~RESERVED~~ DEMOLITION

~~Secs. 14-421 -- 14-440. -- Reserved.~~

Sec. 14-421. Notice to Demolition to Affected Persons.

(a) Prior to demolition of any building, facility or other structure, consisting of three (3) or more stories, the contractor or property owner of the site seeking demolition shall be required to provide written notice, by regular United States mail, to all affected persons, ten (10) calendar days prior to the start of work to demolish such building, facility or other structure, for which a city demolition permit is required.

(b) For purposes of this section, an "affected person" shall be defined as any property owner within a 375 foot radius of the address stated on the city demolition permit. Moreover, the affected person shall be the taxpayer as reflected in the certified real property ad valorem tax roll of Miami-Dade County no less than six (6) months from the date of notice; provided however, where the records of the Miami-Dade County Property Appraiser indicate that ownership has changed, the owner shall be the taxpayer as reflected in those records.

(c) The mail notice shall include the anticipated starting date and completion date of the demolition work; the address at which the demolition work will be performed; and the contact information of the contractor or other person performing the demolition work. The contractor or property owner shall be required to pay all costs associated with such notice.

(d) At least 10 days prior to the commencement of work for demolition, contractor or the property owner shall also post notice on every street frontage of the demolition site in a location visible from the public right-of-way. The posted notice shall be a minimum dimension of 11 inches by 17 inches. The contractor or property owner shall be required to pay all associated costs relating to the posted notice. The posted notice shall read substantially as follows:

Date:

DEMOLITION NOTICE for [(a) address of site to be demolished; (b) folio number; (c) legal description of the property]. The building or structure referenced above is to be DEMOLISHED ON _____ (Date).

Number of stories to be demolished:

Any affected person should contact the contractor or property owner:

Name of Contractor:

Phone number of Contractor:

Email address of Contractor:

Or

Name of Property Owner

Phone Number of Property Owner:

Email Address of Property Owner:

The beginning of work to demolish a building, facility or other structure for which a permit is required under the City of Miami Beach Code shall be on (date), and end (date).

The following roads may be closed: (list).

The following additional buildings shall be vacated for safety purposes: (list).

(e) The contractor or property owner shall be required to pay all associated costs relating to the mail notice.

(f) Simultaneously with issuing the mail notice required in subsection (a) hereof, the contractor or property owner shall provide an affidavit to the Building Official swearing or affirming, under oath, to having mailed out the notice of demolition required herein. The affidavit shall affirm, in substantial form, the following:

"This is to certify that the attached ownership list, map and mailing labels are a complete and accurate representation of the real estate property and property owners within 375 foot radius of the external boundaries of the subject property to be demolished. This notice reflects the most current records in the file in the Miami-Dade County Property Appraiser's office. The information utilized herein is no more than six (6) months old from the date of the notice of demolition."

(h) Enforcement:

Violations by a contractor or property owner of this section shall be subject to the following fines. The special master may not waive or reduce fines set by this section.

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|-----|---|---------------------|
| (1) | <u>If the violation is the first (1st) violation</u> | <u>\$ 2,500.00;</u> |
| (2) | <u>If the violation is the second (2nd) violation within the preceding 18 months</u> | <u>\$ 7,500.00;</u> |
| (3) | <u>If the violation is the third (3rd) violation</u> | |

- within the preceding 18 months \$12,500.00;
and
 (4) If the violation is the fourth (4th) or greater
violation within the preceding 18 months \$20,000.00.

* * *

Sec 14-422 through 14-440 Reserved.

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SECTION 2. REPEALER

All ordinances or parts of ordinances and all section and parts of sections in conflict herewith be and the same are hereby repealed.

SECTION 3. CODIFICATION

It is the intention of the City Commission, and it is hereby ordained, that the provisions of this Ordinance shall become and be made part of the Code of the City of Miami Beach, as amended; that the sections of this Ordinance may be re-numbered or re-lettered to accomplish such intention; and that the word "ordinance" may be changed to "section" or other appropriate word.

SECTION 4. SEVERABILITY.

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

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect ten (10) days following adoption.

PASSED and ADOPTED this ____ day of _____, 2018.

ATTEST:

 Dan Gelber, Mayor

 Rafael E. Granado, City Clerk

First Reading:
 Second Reading:

(Sponsor: Commissioner Michael Góngora)

APPROVED AS TO
 FORM & LANGUAGE
 & FOR EXECUTION

David Covit

 City Attorney

9/4/18

 Date