Article 27
PENALTIES, REMEDIES AND MISCELLANEOUS

Sec. 27-1 - Violation and penalties.

For any and every violation of the provisions of this Code the owner, general agent or contractor of a building or premises where such violation has been committed or shall exist, and the lessee or tenant of any part of a building or premises in which part such violation has been committed or shall exist, and the general agent, architect, builder, contractor, subcontractor or any person who commits, takes part in or assists in such violation or who maintains any building or premises in which any such violations shall exist, shall for each and every violation and for each and every day or part thereof that such violation continues, be subject to a fine of not more than five-hundred ($500.00) dollars, or imprisonment in the county jail for a term not exceeding sixty (60) days, or both, at the discretion of the County Judge. Legal remedies for violations shall be had and violations shall be prosecuted in the same manner, as is prescribed by law or ordinance for the prosecution of violations of other ordinances of the City of Coral Gables.

Sec. 27-2 - Remedies.

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land is used in violation of this Code or any other ordinances or lawful regulations, the Code Enforcement Officer shall take the following action:

(a) Upon receipt of a complaint of an alleged code violation, report back to the complainant, within a period of ten (10) days, the disposition of the alleged violation.

(b) Where it has been determined that a violation exists, issue a written notice specifying the violation and directing the owner to correct such violation within a period of seven (7) days at which time a reinspection shall be made of the premises to verify the continuing violation.

(c) Should the reinspection determine that the violation still remains, the Code Enforcement Officer shall issue a second violation notice to the owner by Certified Mail, Return Receipt Requested, specifying that if said violation is not corrected within a period of fourteen (14) days from the date of the first notice, the case shall be set for a hearing before the Code Enforcement Board of the City of Coral Gables.

(d) Where it has been determined that a violation exists which can be corrected within twenty-four (24) hours, said offense shall be known as a minor violation. The Code Enforcement Officer shall issue a written notice specifying the minor violation and directing the owner and occupant to correct such minor violation within a period of forty-eight (48) hours at which time a reinspection shall be made of the premises to verify that the minor violation has been corrected.

(e) Should the reinspection determine that the minor violation still remains, the Code Enforcement Officer shall issue a second violation notice to the owner by Certified Mail, Return Receipt Requested, specifying that if said minor violation is not corrected within seventy-two (72) hours of the owner's receipt of notice, the case shall be set for a hearing before the Code Enforcement Board of the City of Coral Gables.

(f) Whenever a property owner is cited at least three (3) times for the same violation at the same location within a period of twelve (12) consecutive months, said offense shall be known as a continuous violation. On the third occurrence of said continuous violation, the case shall be forthwith set for a hearing before the Code Enforcement Board of the City of Coral Gables and the property owner and occupant shall be notified by Certified Mail, Return Receipt Requested, of the hearing. The proper authorities of the City of Coral Gables, in addition to the remedies herein provided for, may institute any appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, or to impose a penalty for such violation or to restrain, correct or abate such violation in order to prevent the occupancy or use of said building, structure or land contrary to the provision hereof, or to prevent any

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illegal act, conduct, business or use in or about such premises.

Sec. 27-3 - Validity of ordinance repeal.

If any section, paragraph, subdivision, clause, sentence or provision of this ordinance shall be adjudged by any court of competent jurisdiction to be invalid, such judgement shall not affect, impair, invalidate or nullify the remainder of this ordinance, but in effect thereof shall be confined to the section, paragraph, subdivision, clause, sentence or provision immediately involved in the controversy in which such judgement or decree shall be rendered.

Sec. 27-4 - Effect of present ordinances.

This ordinance shall not be construed as repealing or modifying any other valid ordinance of The City of Coral Gables now in effect which restricts the location of industries, enterprises, occupations, establishments or entertainments of any kind, except insofar as this ordinance shall be in conflict therewith.

Sec. 27-5 - Postponement of applications of the Planning and Zoning Board and scheduled for consideration by the City Commission shall adhere to the following provisions for postponement. (3562)

(a) First postponement. Requests for initial postponement must be requested in writing to the Office of the City Manager. A copy of the request shall be forwarded to the Board Secretary and the City Clerk. The request shall include a specific time frame for postponement. No more than 90 calendar days may be requested and will be automatically granted.

(b) Second postponement. Requests for second postponement must be required in writing to the Office of the City Manager. A copy of the request shall be forwarded to the Board Secretary and City Clerk. The second postponement request may not exceed 30 calendar days. The City manager Office shall evaluate the request and may administratively grant the request or schedule the request for City Commission review and approval.

(c) Third postponement. If the application is not considered by the City Commission within the 120 calendar days as provided above, the application shall be scheduled for City Commission consideration at the next available City Commission. The City Commission shall evaluate the application and determine if additional postponements are warranted. The maximum time frame an application was scheduled for City Commission consideration is 180 days.

(d) Application postponement fees. The applicant shall be required to pay all applicable cost for postponement which as a minimum shall include a three-hundred ($300.00) dollars postponement fee to cover all applicable administrative costs in connection with the above requests. If the City Commission requests adjacent property owners be notified or advertised, all costs shall be the responsibility of the applicant.

(e) Applicant responsibility. It shall be the responsibility of the applicant to adhere to the requirements provided herein, which shall include monitoring and insure the application proceeds forward for City Commission consideration. Failure of the applicant to follow the above provisions shall render the application as expired.

(f) Application review expiration. Applications which do not secure City Commission consideration as provided in section (b) above or are not considered by the City Commission within six (6) months shall be deemed abandoned and void. The applicant shall be required to resubmit as new application subject to all applicable application review and code provisions.

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