

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 7(F)  
6-30-09

ORDINANCE NO. 09-56

ORDINANCE PROVIDING FOR EXTENSIONS OF TIME TO PERIODS FOR COMPLIANCE SET FORTH IN ORDERS OF THE UNSAFE STRUCTURES BOARD OR APPEAL PANEL; ESTABLISHING PROCEDURE; CREATING STANDARDS FOR GRANTING EXTENSIONS; ESTABLISHING LIMITATIONS; PROVIDING THAT APPELLATE REVIEW SHALL REMAIN UNAFFECTED NOT WITHSTANDING REQUEST FOR EXTENSION OF TIME; AMENDING CHAPTER 8 OF THE CODE; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

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

Section 1. Chapter 8 of the Code of Miami-Dade County is hereby amended as follows:<sup>1</sup>

\* \* \*

Chapter 8  
**Building Code**

**Art. I. Administration**

\* \* \*

**Sec. 8-5. Unsafe Structures**

\* \* \*

>>(m) Requests for Extensions of Time.

Any owner or authorized representative may seek an extension of the timeframes set forth in an Order of the Unsafe Structures Board or an Unsafe Structures Appeal Panel. Such request for a hearing to seek such extension must be in writing, directed to the Secretary of the Unsafe Structures Board or Appeal Panel (whichever body

<sup>1</sup> 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.

issued the order for which an extension is being sought). The Board or Appeal Panel shall not be authorized to extend any deadline for compliance, set forth in the order, unless the Secretary of the Board receives the written request for extension prior to the deadline specified in the initial order. >>For example, in the event the Board Order states that a permit must be obtained within a specified period, the request for extension of the deadline to obtain the permit must be received prior to the expiration of that specified period. If the same order provides a deadline for completion of the structure, the request for the extension for the deadline of completion must be received prior the deadline for completion, provided that the applicant has complied with the permit deadline.<<<sup>2</sup> In no event may the Board or Appeal Panel grant more than one extension of time for each initial order.

To obtain an extension, the owner or applicant must demonstrate to the reasonable satisfaction of the Board or Appeal Panel that the structure that is the subject of the order is secure at the time the extension is sought and that the owner or applicant has made a good faith attempt to comply with the order which has been impeded by changed circumstances or other circumstances outside of the owner or applicant's control. As a further condition of the extension, the owner or applicant must submit in writing, together with the petition for an extension, a written time timetable for compliance with the substantive provisions of the Order and for completion of all necessary repairs. The Board or Appeal Panel shall not reconsider the order, limiting its consideration of the petition to deciding whether the grounds for an extension have been satisfied in the manner set forth in this subsection.<<

[[m]]>>(n)<< Judicial Review.

Any owner or authorized representative aggrieved by a decision of the Unsafe Structures Board or an Unsafe Structures Appeal Panel may seek judicial review of that decision in accordance with Rule 9.110 (c) of the Florida Rules of Appellate Procedure. Accordingly, any order, requirement, decision, denial of a request for extension of time, or determination of the Unsafe Structures Board or an Unsafe Structures Appeal Panel shall be reviewed by the filing of a notice of appeal in the Circuit Court Appellate Division of the Eleventh Judicial Circuit in and for Miami-Dade County, Florida, within thirty (30) days of rendition of the order.

<sup>2</sup> Committee substitute are indicated as follows: words within double brackets and double strike-through are deleted, words within double arrows and double underlining are added.

This thirty (30) day time frame commences to run from the date that the Board's or Appeal Panel's order, requirement, decision or determination sought to be reviewed is transmitted to the Secretary >>and such timeframe shall not be tolled or otherwise affected by any request for extension of time for compliance set forth in Subsection (m) above.<< The Secretary or the Director of the Miami-Dade County Building Department shall affix to each order, requirement, decision or determination is transmitted. Moreover, the Secretary to the Board and Director of the Miami-Dade County Building Department shall comply with all requirements of the Florida Rules of Appellate Procedure.

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 re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate work.

Section 4. This ordinance shall become effective 180 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: **June 30, 2009**

Approved by County Attorney as  
to form and legal sufficiency.



Prepared by:



Hugo Benitez

Prime Sponsor:

Commissioner Dorrin D. Rolle