



To: Walter Foeman

From: Craig E. Leen, City Attorney for the City of Coral Gables

A handwritten signature in blue ink, appearing to be "C. Leen", is written over the name of the City Attorney.

RE: Legal Opinion Regarding Appeal: Code Enforcement Board

Date: March 21, 2012

In answer to your inquiry, the Zoning Code provisions mentioned in your email do not apply, and there is no appeal permitted here to the City Commission. Instead, the governing provision is section 101-169 of the City Code, entitled "Appeal of ruling," which states as follows at subsection (a):

"The named violator or the city may appeal a final administrative order of the code enforcement board by filing petition for certiorari review in circuit court in and for the county in accordance with the procedures and within the time provided by the Florida Rules of Appellate Procedure for the review of administrative action. An appeal shall be filed within 30 days of the date of the written order appealed."

Hernandez, Cristina

From: Leen, Craig
Sent: Wednesday, March 21, 2012 6:47 PM
To: Osle, Zilma; Hernandez, Cristina
Cc: Alfonsin, Lourdes
Subject: FW: Appeal: Code Enforcement Board
Attachments: City Code Section 101-169.pdf

Please place this in my opinion folder. Thanks.

Craig E. Leen
City Attorney
City of Coral Gables
405 Biltmore Way
Coral Gables, Florida 33134
Phone: (305) 460-5218
Fax: (305) 460-5264
Email: cleen@coralgables.com

From: Leen, Craig
Sent: Wednesday, March 21, 2012 6:46 PM
To: Foeman, Walter
Cc: Alfonsin, Lourdes
Subject: RE: Appeal: Code Enforcement Board

Walter,

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A copy of section 101-169 in its entirety is attached to this email for your convenience.

Craig E. Leen
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Fax: (305) 460-5264
Email: cleen@coralgables.com

From: Foeman, Walter
Sent: Wednesday, March 21, 2012 2:13 PM
To: Leen, Craig

Cc: Alfonsin, Lourdes

Subject: Appeal: Code Enforcement Board

Request is hereby made to provide this office with an advisory opinion in connection with the herein below referenced issue:

- (1) Whether or not an applicant, namely Mr. Mike Freeman, who is desirous of appealing a decision from the Code Enforcement Board must follow the same provisions as more particularly outlined in Section 3-606 of the Zoning Code, when in fact there is no expressed provision referencing said Board; however, in Section 3-602 of the Zoning Code, under appeals it specifically references those affected boards who may appeal (see attached), and further provides for an Other Appointed Boards designation concerning those additional boards whose decisions may be appealed?

In closing your expeditious response to this request is appreciated.

Sec. 101-169. - Appeal of ruling.

- (a) The named violator or the city may appeal a final administrative order of the code enforcement board by filing petition for certiorari review in circuit court in and for the county in accordance with the procedures and within the time provided by the Florida Rules of Appellate Procedure for the review of administrative action. An appeal shall be filed within 30 days of the date of the written order appealed.
- (b) Nothing contained in this section shall prohibit the city from enforcing its codes by any other means. It is the legislative intent to provide an additional or supplemental means of obtaining compliance with local codes.

(Code 1958, § 8B-9; Code 1991, § 2-69; Ord. No. 3610, § 1, 12-17-2002)

State law reference— Similar provisions, F.S. § 162.11.