ORDINANCE NO. _____

AN ORDINANCE OF THE VICE MAYOR AS ACTING MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AMENDING CHAPTER 5 OF THE CODE OF ORDINANCES, ENTITLED "BUILDING STANDARDS AND REGULATIONS" TO INCLUDE PROVISIONS FOR MAINTENANCE OF PROPERTY, LANDSCAPING, WALLS, FENCES, AND EXTERIOR PROPERTY AREAS AND PROVIDING FOR THE RELOCATION OF ARTICLE VII ENTITLED "ABANDONED REAL PROPERTY REGISTRATION" TO CHAPTER 12 OF THE CODE OF ORDINANCES; PROVIDING FOR REPEAL, CONFLICTS, SEVERABILITY, CODIFICATION AND FOR AN EFFECTIVE DATE.

WHEREAS, the City is desirous of updating its building standards and regulations to facilitate the enforcement thereof and enhance the health, safety, and welfare of the community; and

WHEREAS, Section 163.3177(6)(f) of the Florida Statutes requires that a Housing Element be included in the City's Comprehensive Plan, which shall consist of standards, plans and principles related to the elimination of substandard dwelling conditions; and

WHEREAS, the Housing Element of the City's Comprehensive Plan provides that the City shall ensure the provision of decent, safe and sanitary housing through the elimination of substandard housing conditions; and

WHEREAS, the Vice Mayor as Acting Mayor and City Council of the City of North Miami have determined that the proposed amendments to Chapter 5 of the Code of Ordinances providing for enhanced minimum housing standards are in the best interest of the City and its residents.

NOW, THEREFORE, BE IT ORDAINED BY THE VICE MAYOR AS ACTING MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, THAT:

Section 1. Amendment to City Code. Chapter 5 of the City Code of Ordinances entitled "Building Standards and Regulations" is amended to read as follows:

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Chapter 5 - **BUILDING STANDARDS AND REGULATIONS**

ARTICLE I. IN GENERAL

Sec. 5-1. Compliance with comprehensive plan.

Prior to issuance of all development orders, development permits and building permits, the city's building official and/or other appropriate plan review personnel must review the plans and verify in writing on the comment review sheet that the issuance complies with the city's comprehensive plan ~~in the following manner~~ as follows:

(~~1~~a) will not reduce the levels of service below the level of service standards established in the comprehensive plan; and

(~~2~~b) will not exceed the density allowed by the comprehensive plan for that particular property; and

(~~3~~c) will meet applicable criteria contained in the various elements of the comprehensive plan of the city.

As used in this section "development order" and "development permit" shall be defined as provided in F.S. § 163.3164~~(6) and (7)~~. The term "building permit" shall be defined as provided in ~~section 301 of~~ the Florida Building Code.

~~Secs. 5-2 — 5-15. - Reserved.~~

Sec. 5-2. Definitions.

As used in this chapter, the following words and terms shall be defined as follows:

Accessory use means a structure, the use of which is incidental to that of the main building, and which is attached or located on the same premises.

Amenities and facilities include any elevator, laundry machine and/or room, swimming pool, playground equipment, clubhouse, gym equipment or other equipment provided for the use and enjoyment of residents.

Approved means approval by the community planning and development manager, the building and zoning manager or their designees.

Bathroom means a room containing one (1) or more bathtubs or showers or both, a toilet, lavatory, urinals and other plumbing fixtures.

Building means a structure which encloses space and gives protection of shelter for any occupancy. The term "building" shall be construed as if followed by the phrase "or part thereof."

Building and Zoning Division means the division responsible for supervision of construction activities, acceptance of building permit and zoning applications, issuance of all building and trade permits and verification of compliance with the Florida Building Code and North Miami Land Development Regulations.

Building Official means the building official of the city responsible for the oversight of the building division.

Clean and/or *sanitary* means a condition of reasonable cleanliness and sanitization which is fit for human habitation under contemporary community standards, unless otherwise specified in this division.

Code Compliance Division means the division responsible for enforcement of city codes, land development regulations, certificate of use regulations and business tax regulations.

Code Compliance Inspector means the designated employee of the code compliance division responsible for enforcement of city codes, land development regulations, minimum housing standards, certificate of use regulations and business tax regulations.

Drainage facility means any system or components of a system, including but not limited to: storm sewer inlets, catchbasins, curb and gutter, retention or detention ponds, swales, manholes, junction boxes, culverts, or other related components, designed to convey stormwater runoff and to dispose of runoff to appropriate and approved locations and/or methods.

Dwelling means any building or structure or part thereof used and occupied for human habitation or intended to be so used.

Dwelling unit means any room or group of rooms located within a dwelling and forming a single habitable unit with the facilities which are used or intended to be used for living, sleeping, cooking, or eating.

Exterior property areas mean open space on the premises and vacant open space on adjacent premises.

Extermination means the control and elimination of insects, rodents and vermin by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping; or by any other approved means of pest elimination.

Garbage means the animal, vegetable and mineral wastes resulting from the handling, preparation, cooking and consumption of food, and other general refuse associated with habitation.

Habitable room means a room in a residential unit used for living, sleeping, eating or cooking but excluding baths, toilets, storage spaces or corridors.

Housing Codes mean any law, ordinance or other governmental regulation, concerning the health, safety, sanitation or fitness for habitation, or the construction, maintenance, operation, occupancy, use, or appearance of any residential rental dwelling unit and related common area.

Infestation means the presence within or contiguous to a dwelling of insects, rodents, vermin or other pests to the extent that a threat to human health or a nuisance exists.

Inspector means any minimum housing officer or code enforcement officer.

Kitchen means a space of forty (40) square feet or more, in floor area used for cooking or the

preparation of food.

Kitchenette means a space of less than forty (40) square feet in floor area used for cooking or the preparation of food.

Manager means either the community planning and development manager or building and zoning manager, whichever is applicable.

Minimum housing code refers to the minimum standards for maintenance of residential properties in accordance with the City of North Miami and Miami-Dade County Code of Ordinances as may be amended from time to time.

Minimum housing officer means the designated employee of the building and zoning division responsible for minimum housing standards, re-occupancy inspections, building recertification, building with no permit compliance and certificate of use inspections, as amended from time to time.

Multi-family building means more than two (2) dwelling units, including condominiums and apartment buildings.

Occupant means any person living, sleeping, cooking or eating in or having actual possession of a dwelling unit.

Operator means any person who has charge, care or control of a multi-family building in which dwelling units are offered for occupancy.

Owner means any person, firm, corporation or legal entity who individually or jointly with others:

(a) Has legal or beneficial title to any building arranged, designed or used, in whole or in part, to house one (1) or more dwelling units; or

(b) Has charge, care or control of any building arranged, designed or used, in whole or in part, to house one (1) or more dwelling units, as owner or agent of the owner, or as a fiduciary of the estate of the owner or any officer appointed by the court. Any such person thus representing the actual owner shall be bound to comply with the terms of this chapter and any notice of rules and regulations issued pursuant thereto, to the same extent as if he were the owner; or

(c) Has been shown to be the property owner in the records of the Miami-Dade County property appraiser's office; has been identified on the city's abandoned/vacant real property registration form; has been a mortgagee in possession of real property or has been the plaintiff in a mortgage foreclosure claim, in which the abandoned real property is the subject of the lis pendens and foreclosure lawsuit. Any such person, persons, or entity shall have joint and independent obligations for compliance with the provisions of this chapter.

Person includes the owner, occupant, mortgagee, vendee in possession, assignee of rents, receiver, executor, trustee, lessee, agent or any other person, firm or corporation directly or indirectly in control of a building, real property or a dwelling.

Premises mean a lot, plot or parcel of land including the buildings or structures thereon.

Rubbish means all combustible and noncombustible waste, except garbage.

Structure means the combination of any materials, whether fixed or portable, forming a construction, including buildings. The word "structure" shall be construed as though followed by the words "or part thereof."

Supplied amenities mean amenities paid for, furnished or provided by, or under the control of, the owner or operator.

Temporary structure means any structure allowed to be erected on a temporary basis and for a specific period of time by the city's building official.

ARTICLE II. BUILDING STANDARDS

Sec. 5-~~163~~. Adoption of Florida Building Code.

The Florida Building Code, as supplemented by the provisions of this chapter, and as ~~adopted and~~ amended by the state from time to time, shall be the building code for the city.

Sec. 5-~~174~~. Requirements for ground level enclosed parking areas.

All buildings designed so that the ground floor is used primarily for parking shall provide for enclosure for all space not used for access. Enclosure shall consist of ~~with~~ decorative cement grill block or other permanent enclosure material for all space not used for access. Provisions shall be made to protect the enclosure from damage by moving vehicles. Beams shall be designed or decorative valances shall be provided to screen from public view all lateral plumbing pipes, conduits, ducts~~,~~ and other parts otherwise visible from abutting property or from sidewalks, streets or alleys.

Sec. 5-~~185~~. Location surveys.

The building official may, before issuing a certificate of occupancy, for any building, require the applicant to submit ~~to him/her~~ a survey by a competent land surveyor~~,~~. This survey must show~~ing~~ the location of the building on the property concerned. ~~The~~ ~~f~~Failure or refusal of an applicant to submit such a survey upon request shall constitute good cause for denial of the issuance of a certificate of occupancy.

Sec. 5-~~196~~. Numbering of all buildings required.

(a) *Assignment of property address.* The building official shall assign a property address to each building upon the granting of the application for a permit to build. The property address shall be written by the building official on the building permit. Upon the completion of the

construction of the building it shall be the duty of the owner to place and maintain the property address on the premises.

(b) *Placement of property address.*

(1) *Front footage.* Any building situated on a lot, piece or parcel of real estate having a front footage on any street shall display in a conspicuous place and maintain on the building front the property address. In those instances where the building is situated on a lot, piece or parcel of real estate having a front footage on more than one (1) street, the owner of the building shall not be required to display more than one (1) property address on the premises.

(2) *Rear entrance.* Every commercial or industrial building shall place by the rear entrance(s) to said building a number or numbers designating the property address(es) thereof.

(3) *Canal and alleyway frontage.* Any residential property adjoining a canal and/or alleyway is required to have additional unobstructed property address displayed facing the canal and/or alleyway.

(4) *Size of property address numbers.* The number or numbers comprising the property address shall not be less than three (3) inches and shall not exceed six (6) inches in height.

(c) *Numbering of all apartments/units required.* Every multi-family dwelling unit shall permanently display an identification number or letter on or adjacent to the main entry door of each individual apartment and/or condominium unit which shall not be less than two (2) inches and shall not exceed four (4) inches in height.

Sec. 5-~~20~~7. Required roofing materials.

(a) For aesthetic purposes, all new roofs and re-roofing shall require one (1) of the following finishing materials to be installed:

(1) Asphalt shingles;

(2) Fiber glass shingles;

(3) Tile systems;

(4) Wood shingles;

(5) Wood shakes;

(6) Architectural metal roofs (standing seam);

(7) Gravel; or

(8) Other types of decorative finishing materials as approved by the building official.

(b) Flat roofs, where the surface cannot be seen from the ground at the property line, may be of other building code approved roofing systems material.

(c) All roofs and re-roofing shall meet the requirements of the Florida Building Code subject to approval by the building official.

(d) The board of adjustment of the city shall hear and decide requests for variances from the requirements of subsection (a) above.

ARTICLE III. STORM SHUTTERS

Sec. 5-~~21~~8. Storm shutters placed on structures certified for occupancy.

Storm shutters are encouraged for all structures certified for occupancy in the city. Permanently installed storm shutters shall be installed and designed in conformance with the standards set forth in the Florida Building Code, as amended from time to time, or such other building code that is applicable in Miami-Dade County, Florida.

Sec. 5-~~22~~9. Storm shutters placement.

In an effort to safeguard the health and safety of the residents of the City of North Miami, ~~I~~it is prohibited to maintain storm shutters on a structure beyond the officially declared hurricane season, unless hurricane conditions are expected to occur within thirty-six (36) hours. Consistent with the provisions regarding storm shutters as defined and set forth in the Florida Building Code, as amended from time to time, it is prohibited to maintain storm shutters during hurricane season in a closed/secured position on a structure for periods in excess of five (5) business days unless:

(~~1~~a) A hurricane occurs during the five-day period, at which point the five-day period begins a new the day after hurricane conditions have subsided;

(~~2~~b) Hurricane conditions are expected to occur within thirty-six (36) hours after the fifth day;

(~~3~~c) The structure is used for residential purposes, but no person is in residence for a period in excess of five (5) business days and the owner/occupant registers with the police department on a form prepared by the city; or

(~~4~~d) At least two (2) means of ingress and egress are provided through a door, window or garage.

ARTICLE IV. MINIMUM HOUSING STANDARDS

Sec. 5-~~23~~10. - Adoption of Miami-Dade County Minimum Housing Code ~~Ordinance No. 63-30 and other applicable codes.~~

(a) ~~Ordinance No. 63-30 of Miami-Dade County, which ordinance has been codified as in~~ Chapter 17, Article II of the Code of Ordinances of Miami-Dade County, Florida, establishing minimum housing standards, is hereby adopted as part of this Code, as if fully set forth herein.

(b) The NFPA 5000 Building Construction and Safety Code, the NFPA 101 Life Safety Code~~,~~ and the National Electrical Code are hereby adopted by reference as part of this Code, as if fully set forth herein.

(c) All ordinances or parts of ordinances in conflict or inconsistent herewith are hereby repealed but only insofar as such ordinances may be in inconsistent or in conflict with the provisions of this section.

Sec. 5-~~24~~11. Purpose.

The intent and purpose of this article is to protect the public health, safety, and welfare of the people of the city by establishing standards governing the condition, occupancy and maintenance of dwellings, dwelling units and premises; establishing standards governing utilities, facilities and other physical components; and setting penalties for violation of any of the provisions of this article.

(a) The purpose of this article is to provide housing standards which afford a greater level of protection of the public health, safety and welfare than the minimum standards provided by the county code.

(b) It is further found and declared that the establishment and maintenance of these housing standards are essential to the prevention of blight and decay, and the safeguarding of public health, safety, and welfare.

~~The intent and purpose of this article is to protect the public health, safety, and welfare of the people of the city by establishing standards governing the condition, occupancy and maintenance of dwellings, dwelling units and premises; establishing standards governing utilities, facilities and other physical components and conditions essential to make dwellings, dwelling of owners, operators, agents and occupants of dwellings and dwelling units; and fixing penalties for violation of any of the provisions of this article. This article is hereby declared to be remedial and essential to the public interest.~~

Sec. 5-~~25~~12. Applicability.

The provisions of this article shall be applicable as a minimum standard in the city. Every portion of a building or premises used or intended to be used for any dwelling purpose shall comply with the provisions of this ~~division~~ article irrespective of when such building ~~shall have been~~ was constructed, altered or repaired; and irrespective of any permits, licenses~~,~~ or business tax receipts which ~~shall have been~~ was issued for the use or occupancy of the building or premise, for the construction or repair of the building or for the installation or repair of equipment or facilities ~~prior to June 13, 1989~~ at any time. This article establishes minimum standards ~~otherwise established~~ for the construction, repair, alteration or use of buildings, equipment or facilities constructed at any time. In any case where a provision of this article is found to be in conflict with a provision of any zoning, building, electrical, plumbing, fire, safety or health ordinance, or any regulation adopted pursuant thereto, or any other ordinance, code or regulation of the city, the provisions which establish the highest standards shall prevail.

Sec. 5-~~26~~13. Existing remedies.

Nothing in this article shall be deemed to abolish or impair existing remedies of the city or its officers or agencies relating to the removal or demolition of any buildings which are deemed to be dangerous, unsafe or unsanitary; this article shall be deemed and treated as an addition ~~thereto,~~ and cumulative of the powers therein.

Sec. 5-27. - Definitions.

As used in this article the following words and terms shall have the definitions ascribed to them in this section:

Accessory use shall mean a structure, the use of which is incidental to that of the main building, and which is attached thereto or located on the same premises.

Amenities and facilities shall include any elevator; laundry machine and/or room; swimming pool; playground equipment; clubhouse; gym equipment; or other equipment provided for the use and enjoyment of residents.

Approved shall mean signed off by the director of building and zoning department and/or director of code enforcement or their designees.

Bathroom shall mean a room containing one (1) or more bathtubs or showers or both, a toilet and lavatory.

Building shall mean a structure which encloses space; a structure which gives protection of shelter for any occupancy. The term "building" shall be construed as if followed by the phrase "or part thereof."

Clean and/or *sanitary* shall mean a condition of reasonable cleanliness and sanitization which is fit for human habitation under contemporary community standards, unless otherwise specified in this division.

Code enforcement agency shall mean the code enforcement department and/or the building and zoning department of the city.

Director shall mean either the director of the building and zoning department or the director of the code enforcement department which ever is applicable.

Dwelling shall mean any building or structure or part thereof used and occupied for human habitation or intended to be so used.

Dwelling unit shall mean any room or group of rooms located within a dwelling and forming a single habitable unit with the facilities which are used or intended to be used for living, sleeping, cooking, or eating.

Exterior property areas shall mean open space on the premises and vacant open space on adjacent premises.

Extermination shall mean the control and elimination of insects, rodents and vermin by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spray, fumigating, trapping; or by any other approved means of pest elimination.

Garbage shall mean the animal, vegetable and mineral wastes resulting from the handling, preparation, cooking and consumption of food, and other general refuse associated with habitation.

Habitable room shall mean a room in a residential unit used for living, sleeping, eating or cooking but excluding baths, toilets, storage spaces or corridors.

Infestation shall mean the presence within or contiguous to a dwelling of insects, rodents, vermin or other pests to the extent that a threat to human health or a nuisance exists.

~~*Inspector* shall mean any minimum housing officer or code enforcement officer.~~

~~*Kitchen* shall mean space forty (40) square feet [or more] in floor area used for cooking or preparation of food.~~

~~*Kitchenette* shall mean space less than forty (40) square feet in floor area used for cooking or preparation of food.~~

~~*Minimum housing officer* shall mean the designated employee of the department of building and zoning responsible for minimum housing standards, re-occupancy inspections and building no permit compliance.~~

~~*Multi-family building* shall mean more than two (2) dwelling units; including condominiums, duplexes and apartment buildings.~~

~~*Occupants* shall mean any person living, sleeping, cooking or eating in, or having actual possession of, a dwelling unit.~~

~~*Operator* shall mean any person who has charge, care or control of a multi-family building, in which dwelling units are let or offered for occupancy.~~

~~*Owner* shall mean any person, firm, corporation or legal entity who alone or jointly or severally with others:~~

~~(1) Shall have legal or beneficial title to any building arranged, designed or used, in whole or in part, to house one (1) or more dwelling units;~~

~~(2) Shall have charge, care or control of any building arranged, designed or used, in whole or in part, to house one (1) or more dwelling units, as owner or agent of the owner, or as a fiduciary of the estate of the owner or any officer appointed by the court. Any such person thus representing the actual owner shall be bound to comply with the terms of this division and any notice of rules and regulations issued pursuant thereto, to the same extent as if he were the owner.~~

~~*Person* shall include the owner, occupant, mortgagee, or vendee in possession, assignee of rents, receiver, executor, trustee, lessee, agent or any other person, firm or corporation directly or indirectly in control of a building.~~

~~*Premises* shall mean a lot, plot or parcel of land including the buildings or structures thereon.~~

~~*Rubbish* shall mean all combustible and noncombustible waste, except garbage.~~

~~*Structure* shall mean the combination of any materials, whether fixed or portable, forming a construction, including buildings. The word "structure" shall be construed as though followed by the words "or part or parts thereof."~~

~~*Supplied amenities* shall mean amenities paid for, furnished or provided by, or under the control of, the owner or operator.~~

~~*Temporary structure* shall mean any structure allowed to be erected on a temporary basis and for a specific period of time by the city's building official.~~

~~*Toilet room or compartment* shall mean enclosed space containing one (1) or more toilets, which may also contain one (1) or more lavatories, urinals and other plumbing fixtures.~~

~~**Sec. 5-28. - Housing surveys.**~~

~~The code enforcement department and/or the building and zoning department shall be authorized to make surveys in any area of the city to determine the general condition of structures used for human habitation, lack of facilities, unsafe and unsanitary conditions, extent of overcrowding and other relevant factors. This survey shall assist in the determination of the allocation of enforcement personnel and resources.~~

Sec. 5-~~29~~14. Inspection of dwellings.

(a) ~~Inspectors~~ The city shall be authorized to make inspections to determine the condition of dwellings, dwelling units, rooming houses, rooming units, hotels, hotel units and premises in order to safeguard the health, safety, and welfare of the public. The city's ~~I~~inspectors shall be authorized to enter dwellings, dwelling units, rooming houses, rooming units, hotels, hotel units or premises at any reasonable time, or a such other times as may be necessary in an emergency, for the purpose of performing the duties of such office under this division, in accordance with the procedures ~~herein~~ prescribed herein. Except in emergencies endangering the public health, safety and welfare, the inspectors shall enter a dwelling, dwelling unit, rooming house, rooming unit, hotel, hotel unit or premise only upon the prior consent of the ~~person lawfully in occupancy thereof~~ lawful occupant or ~~the~~ person having the legal right of possession ~~thereof,~~ or in accordance with the provisions of this section or as otherwise authorized by law.

~~(b) There shall be assessed a minimum housing review fee of five dollars ($5.00) per unit on all buildings containing five (5) or more dwelling units. This fee shall be billed concurrently with the building's business tax levied pursuant to chapter 11 of this code.~~

(~~e~~b) ~~The inspector shall be authorized to obtain a search or inspection warrant to the fullest extent allowed by F.S. § 933.20 et. seq.~~ If any owner, occupant or other person in charge of a building, structure or premises subject to the provisions of this Code refuses, impedes, inhibits, interferes with, restricts or obstructs lawful entry or access to any part of the building, structure or premises where an inspection authorized by this Chapter is sought, the Inspector may seek an inspection warrant or any other means to enter the property as authorized by Florida Law.

(c) Failure to provide access to any part of the building, structure or premises where an inspection is sought shall constitute a violation of this Chapter.

(d) Failure to pass a minimum housing or code enforcement inspection shall constitute a violation of this Chapter.

~~**Sec. 5-30. Maintenance of private space.**~~

~~Every occupant of a dwelling or dwelling unit shall keep in clean and sanitary condition that part of the dwelling, or premises thereof, which he occupies or controls.~~

Sec. 5-15. General Maintenance of property.

The owners of all real property within the city shall maintain their lots, including any building structures (accessory or otherwise) walls, fences, signs, pavement, landscape and drainage facilities in good and safe condition, so as to present a healthy, clean and orderly appearance. All lots shall be kept free from any accumulation, storage, or maintenance of garbage, junk, abandoned property, trash, litter, or solid waste. All vegetation shall be maintained to minimize property damage and public safety hazards, including removal of dying or dead plant material, removal of low-hanging branches and trimming or removal of plant material extending beyond the property line and obstructing sidewalks, street lighting, street signs and traffic signals.

Sec. 5-~~31~~16. Maintenance of nondwelling structures, ~~and fences~~ walls, fences, signs, pavement and drainage facilities.

Every accessory structure used for nondwelling purposes such as a garage, carport, cabana, storage building, swimming pool, etc., and every fence, wall, sign and every parking lot, driveway, deck, patio, drainage facility and other paved surface shall comply with the following requirements~~.~~:

(~~1~~a) *Paved surfaces.* Every foundation and footer, exterior and interior wall, roof, floor, ceiling, window and ~~exterior~~ door, fence, sign, parking lot, driveway, deck, curbs, and wheel-stops, patio and other paved surfaces shall be structurally sound and maintained in good repair and with reasonable attractiveness.

(~~2~~b) *Accessory structures.* The exterior of ~~E~~every accessory structure shall be kept in a ~~reasonably~~ clean and sanitary condition ~~reasonably~~ free from junk, trash, rodents, insects and vermin. Accessory structures located on exterior property areas shall be kept in good repair, free from health, fire and accident hazards.

(~~3~~c) *Roofs.* ~~The~~ All roofs ~~of every~~ including accessory structures shall be adequately drained of rainwater and maintained in a waterproof condition. All roofs and gutters shall be kept free of debris, mold, mildew and faded or chipped paint and must be repainted, recovered or cleaned when ~~twenty-five (25) percent or more of any~~ exposed surface becomes discolored or is scaling.

(4d) *Exterior Surfaces.* All the exterior surfaces subject to deterioration shall be properly maintained and protected from the elements by paint or other approved protective coating, applied in a workmanlike fashion. All exterior surfaces including walls, trim, doors and signs shall be properly maintained in a clean and sanitary condition, free of dirt, mold, mildew and faded or chipped paint, and must be repainted, recovered or cleaned when ~~twenty-five (25) percent or more of~~ any exposed surface becomes discolored or peeling. All exterior surfaces shall be maintained free of graffiti.

(~~5~~e) *Drainage Facilities.* ~~Every plumbing fixture, water pipe, waste pipe and drain shall be maintained in good sanitary working condition, free form defects, leaks and obstruction.~~ Every parking lot and attendant drainage facility, driveway, deck or other paved surface shall be maintained free of cracks and potholes, and any required pavement markings

shall be maintained in a clearly legible condition. All drainage facilities shall be kept free of obstructions, sediments, or other waste materials and shall be inspected annually in compliance with this section. Repairs to parking and paved areas or drainage facilities shall require prior permit approval of the building and zoning division and the public works department. Repairs shall include application of seal coating, resurfacing, parking or alteration of paved areas, as well as the application of new striping. With the exception of single family homes and duplexes, all work shall be performed by a licensed contractor with required permits. Parking and paved areas shall be maintained free of deterioration including visible holes exceeding a depth of two inches and more than five square inches in area, damaged parking stops or missing striping or lot markings, including striping of parking spaces, required striping and pavement markings for disabled parking spaces, as well as access ramps and access paths for wheelchair traffic. Parking areas and paved areas shall be maintained in accordance with all applicable codes and laws.

(f) *Fences.* Items such as clothes, rugs, bedding or other miscellaneous items shall not be hung on, across or over fences, except in connection with a bona fide yard sale.

(g) *Property maintenance.* The property owner shall be required to maintain his or her property including parking lot, driveways, sidewalks, and common areas, as well as abutting right-of-way areas free and clear of litter and articles. Abutting area shall be defined as the public right-of-way immediately abutting the premises. The area to be maintained shall be from the edge of pavement to the property line and shall include sidewalk areas and swales.

(h) *Plumbing.* Every plumbing fixture, water pipe, waste pipe and drain shall be maintained in good sanitary working condition, free from defects, leaks and obstructions.

~~**Sec. 5-32. Maintenance of plumbing equipment.**~~

~~Every occupant of a dwelling or dwelling unit shall be responsible for the exercise of proper care and cleanliness in the use and operation of all plumbing fixtures, sanitary facilities, appliances and equipment therein.~~

~~**Sec. 5-33. Waste disposal.**~~

~~Every occupant of a dwelling or dwelling unit or place of business shall dispose of rubbish, garbage and other matter as provided in section 11-7 of this Code. In a dwelling containing three (3) or more dwelling units, adequate rubbish and garbage containers and necessary replacements shall be supplied by the owner as required by the ordinances of the city.~~

~~**Sec. 5-34. Extermination.**~~

~~Every occupant of a single dwelling unit shall be responsible for the extermination of any rodents, vermin or other pests therein or on the premises.~~

~~When three (3) or more dwelling units within a building are so infested, it shall be the responsibility of the owner to carry out the provisions of this division within such building as cited about with respect to extermination.~~

~~Sec. 5-35. Maintenance of public space.~~

~~Every owner of a building containing three (3) or more dwelling units shall be responsible for maintaining in a clean and sanitary condition the shared or public areas of the dwelling and premises thereof. For these purposes, every owner of a building containing three (3) or more dwelling units, shall provide the continuing services of a person or persons solely to assure that the minimum requirements of maintenance and sanitation, as provided by this division, and maintained on the premises at all times. The landlord shall provide the tenant with the name, address, and phone number posting the notice in a conspicuous place at the building site and by supplying the tenant with the information at the inception of the lease. The landlord is further charged with informing the tenant and city of any change of name, address, or phone number of the person or persons providing the continuing service.~~

~~Sec. 5-36. Supplied amenities and facilities.~~

~~Every owner of a dwelling unit shall be responsible for keeping all supplied amenities and facilities in proper operating condition and free from all defects.~~

~~Sec. 5-37. Discontinuance of utilities.~~

~~No owner, operator or occupant shall cause any service, facility, equipment or utility which is required to be supplied by the provisions of this division to be removed from, or shut off from, or discontinued for any occupied dwelling unit, except for necessary repairs, alterations or emergencies.~~

~~Sec. 5-38. Occupancy of vacant units.~~

~~No person shall occupy as owner-occupant or permit to be occupied by another any vacant dwelling or dwelling unit unless or until it is in good repair, clean, sanitary, in habitable condition, and in full compliance with all the provisions of this division.~~

~~Sec. 5-39. Additional remedies.~~

~~While chapter 9 of this Code makes provisions for disposal of garbage, trash, weeds, refuse and the like, it is intended that this division should provide additional and separate provisions for the treatment of these problems and nothing in this division shall be deemed to abolish or impair the provisions of chapter 9 of this Code, but on the contrary shall be deemed to provide additional or alternate remedies.~~

~~**Sec. 5-40. Hazardous conditions.**~~

~~Exterior property areas shall be free from conditions which are likely to create a health, accident or fire hazard, such as holes and excavations, sharp protrusions and other objects or conditions which might be a potential cause of personal injury.~~

~~**Sec. 5-41. Storm water drainage.**~~

~~Privately owned drainage facilities shall be maintained by the owner thereof in good working order.~~

~~**Sec. 5-42. Accessory structure.**~~

~~Accessory structure located on exterior property areas shall be kept in good repair, free from health, fire and accident hazards and vermin.~~

~~**Sec. 5-43. Depreciation of surrounding property.**~~

~~Exterior property areas shall be kept free from health, fire and accident hazards so as not to depreciate surrounding property.~~

Sec. 5-44<u>17</u>. Stairs, porches and railings.

The stairs, porches and railings ~~affixed to the exterior~~ of every structure used for human habitation shall be kept in good repair and structurally sound. They shall be free from holes and serious cracks and shall be capable of supporting imposed loads. <u>All stairs, balconies and stairwells shall be equipped with railings and any treads and risers which are broken, warped, or loosened shall be repaired or replaced.</u>

<u>Sec. 5-18. Maintenance and management of public space.</u>

(a) <u>Every owner of a building containing more than two (2) dwelling units shall be responsible for maintaining in a clean and sanitary condition, the shared or public areas of the dwelling and premises.</u>

(b) <u>Every owner of a building containing more than two (2) dwelling units, shall provide the continuing services of a person or persons solely to assure that the minimum requirements of maintenance and sanitation, as provided by this article, are maintained on the premises at all times.</u>

(c) <u>Every owner or owner agent of a building that has rental units shall post a sign in a conspicuous place, inside the vestibule or lobby of the building, indicating the names, addresses and telephone numbers, local and long distance, if any, of the owner or manager, but this subsection shall not apply where there is a resident agent on the premises.</u>

(d) <u>Every owner of a building shall be responsible for removing unauthorized signs, posters and graffiti from the building's exterior.</u>

(e) Every owner of a building shall comply with the provisions of the NFPA 5000 Building Construction and Safety Code, the NFPA 101 Life Safety Code, the National Electrical Code and the Florida Building Code.

Sec. 5-19. Depreciation of surrounding property.

The exterior of every structure shall be maintained in good repair and with reasonable attractiveness so as not to cause a substantial depreciation in property values in the immediate neighborhood. The exterior surfaces shall be kept free from excessive scaling of paint, excessive mildew, and materials, objects and conditions which will have an adverse effect on adjacent premises. Exterior property areas shall also be kept free from health, fire and accident hazards.

Sec. 5-4520. Weathertight and watertight conditions.

Every structure used for human habitation shall be so maintained that it will be weather tight and watertight. Exterior walls, roofs and all openings around doors, windows, chimneys and all other parts of the structure shall be so maintained as to keep water from entering the structure. Damaged materials, including the use of blue tarps, must be promptly ~~repaired or~~ replaced. All parts of the structure that show evidence of dry rot or other deterioration shall be repaired, replaced and refinished to be in conformity with the rest of the structure. Window panes permitting entrance of water shall be replaced.

~~**Sec. 5-46. Protective coating of surfaces.**~~

~~All exterior surfaces of a structure used for human habitation shall be painted as often as necessary with a protective coating, which is designed for exterior use or is approved by the building official, so that deterioration or peeling shall not occur.~~

Sec. 5-4721. Overhanging objects.

Every structure used for human habitation shall be free of loose overhanging objects. Exterior walls, roofs and all other parts of the structure shall be free from loose and unsecured objects and materials.

Sec. 5-4822. Screening.

All exterior windows that are not fixed, sliding doors, doors and other openings shall be screened or protected with wire mesh or other similar material to bar the passage of insects such as flies and mosquitoes. A residential entrance with a solid door shall not be required to be screened. Screens shall be maintained in good repair and with reasonable attractiveness.

~~**Sec. 5-49. Depreciation of surrounding property.**~~

~~The exterior of every structure shall be so maintained and kept in good repair so as not, in the case of excessive scaling of paint or excessive mildew, to tend to cause a substantial depreciation~~

~~in property values in the immediate neighborhood. The exterior surfaces shall be kept free from materials, objects and conditions which will have an adverse effect on adjacent premises.~~

~~**Sec. 5-50. Maintenance of floors, walls, ceilings, and stairs.**~~

~~(a) Every structure shall be required to maintain its floors, walls, ceilings, and interior stairs in a structurally sound condition, free from defects dangerous to life and limb. All stairs, balconies and stairwells shall be equipped with railings and any treads and risers which are broken warped or loosened shall be repaired or replaced;~~

~~(b) Floors, walls and ceilings shall be maintained in a clean and sanitary condition and be free from cracks, breaks, loose plaster and similar conditions so serious as to endanger the safety of occupants or to seriously mar the attractiveness of the premises; and~~

~~(c) Bathroom, shower room and toilet room or compartment floors shall be kept in a sanitary condition which is sufficient to deter the growth of bacteria and to deter the facilitation of disease.~~

Sec. 5-23. Landscaping on improved lots.

The owners of all improved lots within the city shall maintain the landscaping in accordance with the following requirements:

(a) Landscaping shall be maintained to prevent property damage and public safety hazards, including removal of diseased dying or dead plant material, removal of branches hanging low over adjoining streets or sidewalks and trimming or removal of plant material extending beyond the property line and obstructing sidewalks, parking lots, street lighting, street signs, and traffic signals.

(b) Landscaping should be kept free of visible signs of insects and disease and be maintained in a healthy condition. Additionally, existing landscaping shall be cultivated and maintained as required by the site plan or city code whichever controls.

(c) Lawns and other sodded areas shall be mowed on a regular basis so that the grass does not exceed eight (8) inches in height. It shall be the responsibility of each owner of an improved lot maintain their lot to be clean and free of weeds, brush and undergrowth every calendar month.

(d) All paved areas shall be edge-trimmed to prevent encroachment of sod and ground covers.

(e) Irrigation systems shall be maintained to prevent water loss due to damaged, missing or improperly operating sprinkler heads, emitters and pipes. The irrigation system shall not over-spray public roads or sidewalks.

(f) All lots should be maintained free of nuisance plant species as determined by the city's arborist.

(g) The property owner may be responsible for replacing any plant material required by this Code which has died or been removed.

(h)Roots that show evidence of damaging structures, utilities, streets, sidewalks or other paved areas shall be removed and appropriate root barriers shall be installed.

(i) Every property owner shall grade and maintain the exterior premises so as to prevent the accumulation of stagnant water on the premises and so as to not flow onto neighboring properties.

Sec. 5-24. Maintenance of unimproved or cleared lots.

The owners of all unimproved lots and cleared lots shall maintain the lots in accordance with the following requirements:

(a) Unimproved lots shall not have grass, weeds, and/or undergrowth that exceed the height of twelve (12) inches from the ground that occurs within 100 feet from the boundary line of any property with a building or structure or within 100 feet from the boundary line of any improved road. In the event that the remaining area constitutes less than 25 percent of the total square footage of the lot, then the entire lot shall require maintenance action.

(b) All unimproved lots shall be kept free from any accumulation of construction debris, garbage, trash or litter. It shall be the responsibility of each owner of an improved lot to maintain their lot every calendar month.

(c) Any vegetation shall be maintained to minimize property damage and public safety hazards, including removal of dead plant material, removal of low-hanging branches, and trimming or removal of plant material obstructing sidewalks, street lighting, street signs and traffic signals.

(d) All cleared lots shall be maintained in a condition to prevent blowing sand or dust and erosion onto adjoining properties, rights of way and bodies of water. Lots that have been cleared shall be cleaned of any demolition debris.

(e) All unimproved lots that have been the subject of two or more code enforcement actions, within any twelve (12) month period, involving illegal dumping, illegal vending, unauthorized vehicle sales, and/or other similar violations shall be subject to the following:

(1) The property shall be fully enclosed with either a natural barrier or burm, CBS concrete wall, wood wall or coated chainlink.

(2) No CBS, concrete wall, wood wall or coated chain link shall be placed on vacant property closer than five feet from front or side street property lines.

(3) The area between the fence and the side street property lines shall contain a continuous landscaped buffer that must be maintained in a good healthy condition. The landscaped buffer shall contain one or more of the following planting materials:

I. Shrubs and hedges with a minimum of three (3) feet in height when measured immediately after planting.

II. Vines with a minimum of thirty-six (36) inches in height.

III. Trees with a minimum height of ten (10) feet with a clear trunk of four (4) feet at time of planting. Trees shall be spaced twenty (20) feet on center.

(f) Every property owner shall grade and maintain the exterior premises so as to prevent the accumulation of stagnant water on the premises and so as to not flow onto neighboring properties.

Sec. 5-25. Construction materials on premises before permit issued; removal of materials.

Construction materials and equipment shall not be deposited on any lot in any zoning district prior to obtaining a building permit. Surplus materials and construction equipment shall be removed from the premises before the completed construction is approved and shall be removed even if the job is abandoned or the permit lapses.

Sec. 5-26. Premises lighting.

Premises lighting shall be maintained in a safe and operable condition in accordance with the required site plan and other applicable provisions of the Code of Ordinances. Fixtures that are not emitting light or inoperable shall be repaired. Lighting repairs shall be performed by a licensed electrician in accordance with the Florida Building Code requirements and other applicable code provisions. The property owner shall be responsible for ensuring that the scope of repairs or fixture replacement meets zoning standards for light spillage. It shall be unlawful to replace or change the configuration of the exterior premises lighting without first obtaining the required permits.

Sec. 5-27. Premises entrance, egress and public spaces.

(a) Premises entrances and egresses, including lighting, signage, and landscaping, shall be maintained so as not to cause visibility hazards to motorists or pedestrians. Entrances and egresses shall be maintained in accordance with the approved site plan.

(b) Exterior pedestrian walkways, parking lots, green areas and public rights-of-way shall remain free of obstructions, including, but not limited to tables and chairs, merchandise displays and store merchandise.

Sec. 5-28. Maintenance of dwellings and dwelling units.

Every dwelling or dwelling unit shall be kept in a clean, sanitary habitable condition and shall comply with the following requirements:

(a) *Plumbing.* All plumbing fixtures, sanitary facilities, appliances and equipment shall be maintained in a clean and operable condition.

(b) *Extermination.* Every dwelling unit shall be maintained to be free from any rodents, vermin or other pests therein or on the premises. When any dwelling unit within a building becomes infested, it shall be the responsibility of the owner to perform extermination in accordance with the provisions of this article within such building.

(c) *Supplied amenities and facilities.* Every owner or a dwelling unit shall be responsible for keeping all supplied amenities and facilities in proper operating condition and free from all defects.

(d) *Maintenance of floors, walls, and ceilings and paved surfaces.*

(1) All floors, paved surfaces, walls and ceilings shall be maintained in a structurally sound condition, free from dangerous defects; and

(2) All floors, paved surfaces, walls and ceilings shall be maintained in a clean and sanitary condition and be free from cracks, breaks, loose plaster and similar conditions; and

(3) Bathrooms or other rooms shall be kept in a sanitary condition which is sufficient to deter the growth of bacteria; and

(4) All property areas shall be free from conditions which are likely to create a health, accident or fire hazard.

Sec. 5-29. Plumbing, electrical, utilities, and cooking facilities.

(a) *Plumbing systems and fixtures.*

(1) Every stack, waste and sewer line located in a structure and every connecting sewer line shall be so installed and maintained as to function properly and not be a source of structural deterioration or a health hazard. All lines shall be kept free from obstructions, leaks and defects. All necessary repairs and installations shall be made in accordance with the plumbing code and other applicable regulations of the Florida Building Code.

(2) Every dwelling and dwelling unit shall have the following plumbing fixtures: kitchen sink, toilet, bathtub or shower, and lavatory in good working order. Kitchen sinks, bathtubs, showers and lavatories shall be properly connected to both hot and cold water lines. Required plumbing fixtures shall be installed in accordance with the Florida Building Code.

(3) All plumbing fixtures installed within a structure shall be connected to sewer lines that discharge into sewerage system or other approved means of disposal. Private sewerage systems shall be connected and repairs or additions made in accordance

with the applicable regulations of Florida Building Code and Miami-Dade County Code.

(b) *Electrical service*. Every dwelling unit shall be provided with electric service, properly connected, as required by the Florida Building Code.

(c) *Utilities*. No owner, operator or occupant shall cause any service, facility, equipment or utility which is required to be supplied by the provisions of this division to be removed from, or shut off from, or discontinued for any occupied dwelling unit, except for necessary repairs, alterations or emergencies.

(d) *Cooking facilities*. Every dwelling unit shall be provided with installed cooking facilities or utility connections for such facilities. Where cooking facilities are not supplied, adequate space and utility connections shall be provided where such connections are necessary.

(e) *Refrigerated space*. In every unit where perishable foods are kept, refrigerated space for their storage or appropriate utility connections shall be provided. Where refrigeration equipment is not provided, adequate space and utility connections shall be provided.

~~**Sec. 5-51. Plumbing systems and fixtures.**~~

~~(a) Every stack, waste and sewer line located in a structure and every connecting sewer line shall be so installed and maintained as to function properly and not be a source of structural deterioration or a health hazard. All lines shall be kept free from obstructions, leaks and defects. All necessary repairs and installations shall be made in accordance with the plumbing code and other applicable regulations of the Florida Building Code.~~

~~(b) Every dwelling and dwelling unit shall have the following plumbing fixtures: kitchen sink, toilet, bathtub or shower, and lavatory in good working order. Kitchen sinks, bathtubs, showers and lavatories shall be properly connected to both hot and cold water lines. Required plumbing fixtures shall be installed in accordance with the Florida Building Code.~~

~~(c) All plumbing fixtures installed within a structure shall be connected to sewer lines that discharge into sewerage system or other approved means of disposal. Private sewerage systems shall be connected and repairs or additions made in accordance with the applicable regulations of Florida Building Code and Miami-Dade County Code.~~

~~**Sec. 5-52. Electrical service.**~~

~~Every dwelling unit shall be provided with electric service, properly connected, as required by chapter 45 of the Florida Building Code.~~

~~**Sec. 5-53. Cooking facilities.**~~

~~Every dwelling unit shall be provided with installed cooking facilities or utility connections for such facilities. Where cooking facilities are not supplied, adequate space and utility connections shall be provided where such connections are necessary.~~

~~**Sec. 5-54. Refrigerated space.**~~

~~In every unit where perishable foods are kept, refrigerated space for their storage or appropriate utility connections shall be provided. Where refrigeration equipment is not provided, adequate space and utility connections shall be provided.~~

Sec. 5-~~55~~30. Occupancy standards.

~~(a) Overcrowding is declared to be a basic cause of blight and property deterioration Structures which were originally designed for single family occupancy shall be restricted to single family occupancy. The result of strain upon city services frequently causes a reduction of such services in proportion to those being served and thus adversely affects their application to the neighborhood. Planning for the needs of a neighborhood normally housing families in keeping with the original design and purpose of its structure is not too difficult. However, where structures designed for one (1) family are used to house additional families, adequate accommodation of their needs becomes difficult or impossible, and the resulting undesirable features cause the neighborhood as a whole to suffer.~~

~~The purpose of this division is to provide accepted occupancy and related standards for the purpose of preventing a decline of neighborhoods, and to promote the safety, health and general welfare of the public.~~

(~~b~~a) *Minimum floor area.* The minimum floor area of a dwelling unit shall be subject to the Land Development Regulations. ~~Every~~ Occupancy of dwelling units shall be regulated by the Miami-Dade County Minimum Housing Standards for overcrowding as defined by Chapter 17, Article II of the Miami- Dade County Code. ~~which require contain a minimum gross floor area of at least two hundred fifty (250) square feet for the first occupant, at least two hundred (200) square feet for each of the next three (3) occupants and at least one hundred seventy-five (175) square feet of gross floor area for each occupant thereafter. Every habitable room shall have a minimum ceiling height of seven (7) feet over fifty (50) percent of the floor area. Any portion of a room having a ceiling height of less than five (5) feet shall not be considered in computing the total floor area of such room.~~

~~(c) *Rooms occupied for sleeping.* In every dwelling unit of two (2) or more habitable rooms, every room occupied for sleeping purposes by one (1) occupant shall have a minimum gross floor area of fifty (50) square feet per occupant thereof. In the case of children under six (6) years of age, the requirement shall be thirty-five (35) square feet per child for two (2) or more children. Every room used for sleeping purposes and porches shall have a minimum width of eight (8) feet. Kitchens shall not be used for sleeping purposes and porches shall not be used as regular or permanent sleeping quarters.~~

~~Sec. 5-56.~~ (b) *Proper use of rooms.* No room other than a habitable room, as defined in this chapter, shall be used for living, sleeping or the preparation or eating of meals. This shall not preclude the lawful use of patio for household barbecue purposes, however balconies shall not be used for cooking or storage.

~~Sec. 5-57.~~ (c) *Subdivision of habitable rooms.* No habitable room shall be divided in any manner into space intended for living, sleeping, eating or cooking purposes by an installed partition or divider of any type.

Sec. 5-~~58~~31. ~~Defects constituting dwelling~~ Structures unfit for human habitation.

Any ~~dwelling~~ structure which is found to have any of the following defects shall be declared by the ~~director~~ city to be unfit for human habitation:

(~~1~~a) If so damaged, decayed, dilapidated, unsanitary, unsafe or vermin-infested that it creates a serious hazard to the health or safety of the occupants or of the public;

(~~2~~b) If it lacks illumination, ventilation ~~/~~or sanitation facilities adequate to protect the health or safety of the occupants or of the public;

(~~3~~c) Because its location, general condition, state of the premises or number of occupants is so unsanitary, unsafe, overcrowded or otherwise detrimental to health and safety that it creates a serious hazard to the occupants or the public; or

(~~4~~d) Because the owner or occupant fails to comply with such notices or orders issued pursuant to this division.

~~**Sec. 5-59. Responsibilities of owners and occupants.**~~

~~(a) All residential and commercial buildings, vacant or occupied, shall comply with the requirements of subsections (b) and (c) of this section.~~

~~(b) Every building shall be clean, sanitary and fit for occupancy.~~

~~(c) Every occupant of a building shall keep in a clean and sanitary condition that part of the building and premises he/she occupies and controls, including yards, lawns, courts and driveways.~~

~~(d) Every owner of a building containing two (2) or more units shall be responsible for maintaining in a clean and sanitary condition the shared or public areas of the building and premises.~~

~~(e) Exterior premises shall be kept free from the excessive growth of weeds, grass and other flora.~~

~~(f) Every property owner shall grade and maintain the exterior premises so as to prevent the accumulation of stagnant water on the premises.~~

~~(g) Every owner or owner agent of a building that has rental units shall post a sign in a conspicuous place, inside the vestibule or lobby of the building, indicating the names, addresses and telephone numbers, local and long distance, if any, of the owner or manager, but this subsection shall not apply where there is a resident agent on the premises.~~

~~(h) Every owner of a building shall be responsible for removing unauthorized signs, posters and graffiti from the building's exterior.~~

~~(i) Every owner or landlord of a dwelling shall be responsible for any violation of the occupancy level standards set forth in subsection (b).~~

~~(j) Every owner of a building shall comply with the provisions of the NFPA 5000 Building Construction and Safety Code, the NFPA 101 Life Safety Code, the National Electrical Code and the Florida Building Code.~~

ARTICLE V. - FEES AND PENALTIES

Sec. 5-~~60~~32. ~~Construction~~ Building permits ~~required; payment of fee; exception~~.

(a) It shall be unlawful to start any construction in the city without first obtaining a permit and paying the required fee~~; provided that fallout shelters, bomb shelters, or other emergency protective devices which are duly approved by the proper civilian defense authorities shall be exempted from the payment of a permit fee~~.

(b) Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the building official's approval or the necessary permits shall be subject to a penalty of one hundred (100) percent of the required permit fee, in addition to the required permit fees, plus any penalties assessed by the code enforcement special magistrate under code enforcement proceedings or civil violation tickets for the first, second and subsequent offenses.

Sec. 5-~~61~~33. Application for permits.

All applications for permit ~~for which a permit fee is required~~ shall be accompanied by a nonrefundable application fee and such drawings~~,~~ and information ~~as is~~ required by ~~section 105.3 of~~ the Florida Building Code. ~~A nonrefundable application fee of thirty-five dollars ($35.00), (fifteen dollars ($15.00) for signs) is required.~~

Sec. 5-~~62~~34. Building permit fees.

The ~~department of~~ building and zoning division shall charge fees for permits and services~~. The rates established pursuant to this article are attached as "Exhibit 1,"~~ and are subject to change by resolution of the city council. ~~The fees shall be available during normal business hours at~~ the department.

ARTICLE VI. FORTY YEAR BUILDING RECERTIFICATION

Sec. 5-~~63~~35. Forty-year building recertification ~~required; fees~~.

Miami-Dade County requires that all buildings and structures, except single-family residences, duplexes and minor structures as defined in the Miami-Dade County Code, shall be inspected for recertification, certifying that each ~~such~~ building or structure is structurally and electrically safe, in conformity with the minimum inspection procedural guidelines as issued by the county.

(~~1~~a) An application fee ~~of three hundred fifty-seven dollars ($357.00) per building or structure,~~ shall be assessed for the forty-year building recertification and for each subsequent recertification at ten-year intervals thereafter ~~pursuant to~~ in accordance with subsection 8-11(f) of Miami-Dade County Code, as may be amended from time to time.

(~~2~~b) If the building has not been recertified within the specified deadline provided by the county code section ~~enumerated~~ referenced in subsection (1), ~~above, as may be amended from time to time~~ the property owner shall pay a late compliance fee ~~of three hundred fifty dollars ($350.00)~~ per building or structure, in addition to the

recertification application fee. In the event a building is declared unsafe by the city building official, enforcement fines may also apply until such time as the violation is abated.

(~~3~~c) Whenever a property owner fails or refuses to comply with the forty-year building recertification requirement, or the property is deemed unsafe by the city's building official, the city ~~or his/her designee~~ may initiate enforcement proceedings through the city's special magistrate as provided in chapter 2 of this Code.

~~ARTICLE VI. - PENALTIES~~

Sec. 5-64~~3~~6. Penalties and enforcement.

Any person who violates any provisions of this chapter shall~~, upon conviction,~~ be punished by a fine as set forth in the ~~S~~schedule of ~~C~~civil ~~P~~penalties and ~~F~~fines in section 2-110 of this Code. Each day that a violation continues shall be deemed a separate violation.

This chapter shall be subject to enforcement by the Local Government Code Enforcement Boards Act, F.S. Ch~~.~~apter 162, as amended, through the city special magistrate. Enforcement may also be by suit for declaratory, injunctive or other appropriate relief in a court of competent jurisdiction.

~~ARTICLE VII. - ABANDONED REAL PROPERTY REGISTRATION~~

~~Sec. 5-65. Abandoned real property; purpose and intent.~~

~~It is the purpose and intent of the city to establish a process to address the amount of abandoned real property located within the city. It is the city's further intent to establish an abandoned residential property program as a mechanism to protect residential neighborhoods from becoming blighted through the lack of adequate maintenance of abandoned properties.~~

~~Sec. 5-66. Definitions.~~

~~The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:~~

~~*Abandoned real property* means any property that is vacant and is subject to a mortgage under a current notice of default and/or notice of mortgagee's sale, pending tax assessors lien sale and/or vacant properties that have been the subject of a foreclosure sale where the title was retained by the beneficiary of a mortgage involved in the foreclosure and any properties transferred under a deed in lieu of foreclosure or sale.~~

~~*Evidence of vacancy* means any condition that on its own, or combined with other conditions present would lead a reasonable person to believe that the property is vacant. Such conditions may include, but not be limited to: overgrown and/or dead vegetation, accumulation of abandoned personal property, statements by neighbors, passers-by, delivery agents or government agents, among other evidence that the property is vacant.~~

~~*Foreclosure* means the process by which a property, placed as security for a real estate loan, is sold at public sale to satisfy the debt if the borrower defaults.~~

Mortgagee means the person or entity who holds mortgaged property as security for repayment of a loan.

Owner means any person, persons, or entity having legal or equitable title, or any real or contingent interests in any real property; being shown to be the property owner in the records of the Miami-Dade County property appraiser's office; being identified on the abandoned/vacant real property registration form pursuant to this article; being a mortgagee in possession of real property; or the plaintiff in a mortgage foreclosure claim, in which the abandoned real property is the subject of the lis pendens and foreclosure lawsuit. Any such person, persons, or entity shall have joint and several obligations for compliance with the provisions of this article.

Property management company means a property manager, property maintenance company or similar entity or individual responsible for the maintenance of abandoned real property.

Vacant means any building/structure that is not legally occupied.

Sec. 5-67. Applicability.

This section shall be considered cumulative and not superseding or subject to any other law or provision for same, but shall rather be an additional remedy available to the city above and beyond any other state, county and/or local provisions for same.

Sec. 5-68. Penalties; schedule of civil penalties.

Any person who shall violate the provisions of this section shall, upon conviction, be punished as provided in this section.

(1) The following table shows the sections which may be enforced pursuant to the provisions of this regulation; and the dollar amount of civil penalty for the violation of these sections as they may be amended.

(2) The "description of violations" below are for informational purposes only and the civil penalties attached are meant only as proposed figures not intended to limit the nature, number of or amount of fines to be imposed for the violations that may be cited in this section. To determine the exact nature of the activity prescribed or required by this Code, the relevant code section, ordinance or treatise cited in the specific violation must be examined.

Code Section	*Description of Violation*	*Civil Penalty*
5-70	Failure to register abandoned real property	$500.00
5-70(d)	Failure to post property with contact information for property management company	500.00
5-70(h)	Failure to report change of information or change of status of property	500.00
5-71(g)	Failure to properly maintain abandoned real property	500.00
5-72(e)	Failure to properly secure abandoned real property	500.00
5-74	Interference with code enforcement officer	500.00

Sec. 5-69. Public nuisance.

All abandoned real property is hereby declared to be a public nuisance, the abatement of which pursuant to the police power is hereby declared to be necessary for the health, welfare, and safety of the residents of the city.

Sec. 5-70. - Registration of abandoned real property.

(a) Any mortgagee who holds a mortgage on real property located within the city shall upon default by the mortgagor and prior to the issuance of a notice of default, perform an inspection of the property that is the security for the mortgage. If the property is found to be vacant or shows evidence of vacancy, it shall be deemed abandoned real property and the mortgagee shall, within ten (10) days of the inspection, register the property with the code enforcement manager, or his or her designee, on forms provided by the city. A registration is required for each vacant property.

(b) If the property is occupied but the mortgage on the property remains in default, the property shall be inspected by the mortgagee or his designee monthly until (1) the mortgagor or other party remedies the default, or (2) it is found to be vacant or shows evidence of vacancy at which time it is deemed abandoned, and the mortgagee shall within ten (10) days of that inspection, register the property with the code enforcement manager, or his or her designee, on forms provided by the city.

(c) Registration pursuant to this section shall contain the name of the mortgagee, the direct mailing address of the mortgagee, a direct contact name and telephone number of mortgagee, a facsimile number and e-mail address for mortgagee, and the name and 24-hour contact phone number of the property management company responsible for the security and maintenance of the property. A non-refundable annual registration fee in the amount of two hundred dollars ($200.00) per property, shall accompany the registration form(s).

(d) At such time that property becomes abandoned property, the mortgagee shall promptly post it with the name and contact phone number of the local property manager. The posting shall be no less than eighteen (18) inches by twenty-four (24) inches, and shall be clearly visible and legible from an adjacent street. The posting shall contain the following language: THIS PROPERTY IS MANAGED BY: _____ TO REPORT PROBLEMS OR CONCERNS CALL: (XXX)XXX-XXXX.

(e) This section shall also apply to properties that have been the subject of a foreclosure sale where the title was transferred to the beneficiary of a mortgage involved in the foreclosure and any properties transferred under a deed in lieu of foreclosure/sale.

(f) Properties subject to this section shall remain under the registration requirement, security and maintenance standards of this section as long as they remain vacant.

(g) Any person or corporation that has registered a property under this section must report any change of information contained in the registration, including change in status of property from vacant to occupied, in writing within ten (10) days of the change to the code enforcement manager, or his or her designee.

(h) Failure of the mortgagee and/or property owner of record to properly register or to revise

~~the registration to reflect a change in circumstances as required by this chapter is a violation of the city's codes and may result in issuance of a civil violation ticket.~~

~~Sec. 5-71. Maintenance requirements.~~

~~(a) Properties subject to this section shall be kept free of weeds, overgrown brush, dead vegetation, trash, junk, debris, building materials, any accumulation of newspapers, circulars, flyers, notices (except those required by federal, state, or local law), abandoned vehicles, portable storage devices, discarded personal items including, but not limited to, furniture, clothing, large and small appliances, printed material or any other items that give the appearance that the property is abandoned.~~

~~(b) The property shall be maintained free of graffiti or similar markings by removal or painting over with an exterior grade paint that matches the color of the exterior structure.~~

~~(c) Front, side, and rear yards, including landscaping, shall be maintained in accordance with the city's Code of Ordinances.~~

~~(d) Yard maintenance shall include, but not be limited to, grass, ground covers, bushes, shrubs, hedges or similar plantings, decorative rock or bark or artificial turf/sod designed specifically for residential installation. Acceptable maintenance of yards and/or landscaping shall not include weeds, gravel, broken concrete, asphalt or similar material.~~

~~(e) Maintenance shall include, but not be limited to, watering, irrigation, cutting, and mowing of required ground cover and/or landscape and removal of all trimmings.~~

~~(f) Pools and spas shall be maintained so that the water remains free and clear of pollutants and debris. Pools and spas shall comply with all requirements of the city Code of Ordinances and Florida Building Code, as amended from time to time.~~

~~(g) Failure of the mortgagee and/or property owner of record to properly maintain the property may result in a violation of the city code and issuance of a civil violation ticket, citation or notice of violation/notice of hearing by a city code enforcement officer. Pursuant to a finding and determination by the city's special magistrate, the city may take the necessary action to ensure compliance with this section.~~

~~(h) In addition to the above, the property is required to be maintained in accordance with all applicable code(s) provisions.~~

~~Sec. 5-72. Security requirements.~~

~~(a) Properties subject to this section shall be maintained in a secure manner so as not to be accessible to unauthorized persons.~~

~~(b) A "secure manner" shall include, but not be limited to, the closure and locking of windows, doors, gates and other openings of such size that may allow a child to access the interior of the property and/or structure. Broken windows shall be secured by reglazing of the window.~~

~~(c) If the property is owned by a corporation and/or mortgagee that is unable or unwilling to perform maintenance and inspections itself, a property management company shall be contracted to perform bi-weekly inspections to verify compliance with the requirements of this section, and any other applicable laws.~~

(d) The mortgagee shall inspect or have inspected the property on a bi-weekly basis to ensure that the property is in compliance with this section.

(e) Failure of the mortgagee and/or property owner of record to properly maintain the property may result in a violation of the city code and issuance of a civil violation ticket, citation, or notice of violation/notice of hearing by a city code enforcement officer. Pursuant to a finding and determination by the city's special magistrate, the city may take the necessary action to ensure compliance with this section.

Sec. 5-73. Enforcement.

If the owner fails to comply with the requirements of this ordinance, the city may, pursuant to F.S. § 162.09, secure or cause to be secured and make all reasonable repairs to such vacant, blighted, unsecured or abandoned structures, which are required to bring the property into compliance and charge the violator with the reasonable cost of the repairs along with the fine imposed pursuant to this ordinance. Making such repairs does not create a continuing obligation on the part of the local governing body to make further repairs or to maintain the property and does not create any liability against the local governing body for any damages to the property if such repairs were completed in good faith.

If the work is done or caused to be done by the city, the enforcement officer shall keep an itemized accounting of expenses of the work done and the cost thereof and notify the owner of said expenses. If the statement is not paid within ten (10) days after the owner is notified, interest shall begin to accrue annually at the statutory rate until paid in full.

Any and all liens referenced or imposed based on the foregoing provisions shall be treated as special assessment liens against the subject real property, and until fully paid and discharged, shall remain liens equal in rank and dignity with the lien of ad valorem taxes, and shall be superior in rank and dignity to all other liens, encumbrances, titles, and claims in, to or against the real property involved. The maximum rate of interest allowable by law shall accrue to such delinquent accounts.

Sec. 5-74. Opposing, obstructing enforcement officer; penalty.

Whoever opposes, obstructs or resists any enforcement officer or any persons authorized by the enforcement office in the discharge of duties as provided in this section, upon conviction shall be punished by the imposition of a civil penalty in the amount of five hundred dollars ($500.00).

Sec. 5-75. Immunity of enforcement officer.

Any enforcement officer or any person authorized by the enforcement officer shall be immune from prosecution, civil or criminal, for reasonable, good faith trespass upon real property while in the discharge of duties imposed by this section.

Sec. 5-76. Additional authority.

The city manager, or his or her designee, shall have authority to require the mortgagee and/or owner of record of any property affected by this section, to implement additional maintenance

~~and/or security measures including, but not limited to, securing any and all door, window or other openings, employment of an on-site security guard, or other measures as may be reasonably required to prevent a decline of the property.~~

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Section 2. **Repeal.** All ordinances or parts of ordinances in conflict or inconsistent are repealed.

Section 3. **Conflict.** All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are repealed.

Section 4. **Saving Clause.** Article VII entitled "Abandoned Real Property Registration" which is repealed by this ordinance shall remain in force and effect until it is replaced in chapter 12 of the Code.

Section 5. **Severability.** If any word, clause, phrase, sentence, paragraph or Section of this Ordinance is held to be invalid by a court of competent jurisdiction, such declaration of invalidity shall not affect any other word, clause, phrase, sentence, paragraph or Section of this Ordinance.

Section 6. **Codification.** The provisions of this Ordinance may become and be made a part of the Code of Ordinances of the City of North Miami, Florida. The sections of the Ordinance may be renumbered or re-lettered to accomplish such, and the word "ordinance" may be changed to "section," "article" or any other appropriate word.

Section 7. **Effective Date.** This Ordinance shall become effective immediately upon adoption on second reading.

PASSED AND ADOPTED by a 4-0 vote of the Vice Mayor as Acting Mayor and City Council of the City of North Miami, Florida, on first reading this 23rd day of September, 2014.

PASSED AND ADOPTED by a _____ vote of the Vice Mayor as Acting Mayor and City Council of the City of North Miami, Florida, on second reading this _____ day of October, 2014.

PHILIPPE BIEN-AIME
VICE MAYOR AS ACTING MAYOR

ATTEST:

MICHAEL A. ETIENNE, ESQ.
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

REGINE M. MONESTIME
CITY ATTORNEY

SPONSORED BY: CITY ADMINISTRATION

Moved by: _____

Seconded by: _____

Vote:

Vice Mayor as Acting Mayor Philippe Bien-Aime	_____ (Yes)	_____ (No)
Councilperson Scott Galvin	_____ (Yes)	_____ (No)
Councilperson Carol Keys, Esq.	_____ (Yes)	_____ (No)
Councilperson Marie Erlande Steril	_____ (Yes)	_____ (No)