

ORDINANCE NO. 1517

**AN ORDINANCE OF THE MAYOR AND CITY COUNCIL
OF THE CITY OF NORTH MIAMI, FLORIDA, AMENDING
CHAPTER 5 OF THE CODE OF ORDINANCES
ENTITLED, "BUILDING STANDARDS AND
REGULATIONS", AT SECTION 5-2 ENTITLED
"DEFINITIONS", SECTION 14 ENTITLED "MINIMUM
HOUSING INSPECTIONS", AND AT SECTION 5-36
ENTITLED "CONSTRUCTION SITE MAINTENANCE" TO
REFLECT ORGANIZATIONAL CHANGES AND TO
PROVIDE STANDARDS FOR MAINTENANCE OF
CONSTRUCTION SITES; PROVIDING FOR CONFLICT
AND SEVERABILITY; PROVIDING FOR CODIFICATION;
AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the City of North Miami ("City") has recently established the Neighborhood Services Department and the Development Services Department as part of its reorganization of the former code enforcement, building and zoning, and community planning and development departments; and

WHEREAS, as part of the City's reorganization efforts, and to provide clarity in the enforcement of the Code of Ordinances, the proposed changes to Chapter 5 will reflect the overall changes in the divisions responsible for enforcement of the minimum housing standards and building codes; and

WHEREAS, in an effort to address ongoing concerns about construction site standards, City staff recommends the establishment of additional construction site standards including a construction site management plan and temporary fencing; and

WHEREAS, the Mayor and City Council recognize the need to update the City Code to reflect the organizational changes in structure and to address the City's construction site standards.

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

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

CHAPTER 5. BUILDING STANDARDS AND REGULATIONS

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ARTICLE I. IN GENERAL

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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.

Board up means the covering of any one (1) or more doors, windows or other openings into a structure by any type of material.

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 services 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 plan reviewers, inspectors, and permit approvals.

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, catch basins, 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. the designated employee responsible for enforcement of city codes, land development regulations, minimum housing standards, certificate of use regulations and business tax regulations.~~

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.

Neighborhood services department means the department responsible for enforcement of city codes, land development regulations, certificate of use regulations and business tax regulations.

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:

(1) 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

(2) 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

(3) 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.

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ARTICLE IV. MINIMUM HOUSING STANDARDS

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Sec. 5-14. - Inspection of dwellings.

(a) 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 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 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 lawful occupant or person having the legal right of possession or in accordance with the provisions of this section or as otherwise authorized by law.

(b) 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.

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ARTICLE V. CONSTRUCTION FEES AND REGULATIONS

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Sec. 5-36. - Construction site maintenance.

This section shall govern site conditions of any and all properties performing any types of construction.

(a) *Site maintenance.* The property shall be maintained in an orderly, neat and clean condition at all times.

(b) *Site Management Plan.* Unless otherwise approved by the development services director, no permit for construction shall be issued within the City without an approved site management plan that shall be submitted to the City's building division for review and approval. The site management plan shall address:

(1) The construction parking plan describing where motor vehicles used by construction workers and others involved in the construction project shall be parked. Motor vehicles shall not be parked off the construction site except in an area or location which shall be first approved by the development services director in writing. Parking areas are to be properly screened, unless in an existing developed parking lot, from the public and shall not be detrimental to the surrounding neighborhood. Review of the requests for off-site construction parking shall be based on assuring that public streets or rights-of-way are not blocked, adequate parking remains for existing residences and businesses, and any impact to public parking resources is mitigated.

(2) At the conclusion of the project, any damaged area within the public right-of-way authorized for off-street parking shall be restored to an equal or better condition as approved by the Public Works Department. This includes, but is not limited to, resodding of grass areas, reconstruction of hard surfaces, improvement to drainage, reinstallation of signage, replanting of trees.

(3) The daily job maintenance schedule where the owner, occupant, or user of a construction site shall complete job site maintenance prior to the conclusion of each day's work. Daily job site maintenance shall include the following:

a. Sweeping of public roadways which are directly affected by construction site dust, debris or activities;

- b. Pick up and disposal of litter and construction debris at or generated by the construction site;
- c. Washing down of any street signs or public facilities which are impacted by dust or debris from the construction site activity;
- d. Stacking of materials and equipment which are visible from a public right-of-way in an orderly appearance;
- e. Stacking of construction materials in a manner which assures that the materials and the material packaging will not fall or be transported off of the construction site; and
- f. Additional job maintenance requirements deemed necessary by the City Manager or designee for the protection of public health, safety, and welfare.

(4) If applicable, any construction vehicles or equipment at a site which blocks a public roadway or right-of-way shall require a City right-of-way use permit and approval seventy (72) hours in advance.

(5) The working hours, and the name and phone number of the contractor's emergency contact shall be prominently posted at all construction sites twenty-four (24) hours a day.

(b) (c) *Construction Temporary perimeter fencing.* Construction sites shall provide temporary perimeter fencing with screening to secure the site during the construction process to mitigate the effects of vagrant activity and dust and debris upon the surrounding community in accordance with the following standards:

(1) In addition to meeting the standards required in the Florida Building Code, all construction sites shall provide a fence, no less than six (6) feet in height, around the entire perimeter of the property prior to and during all phases of the construction. The development services director shall have the discretion to approve a temporary perimeter fence up to ten (10) feet in height and no less than four (4) feet in height based upon the construction and site conditions.

(2) Temporary perimeter fencing for construction sites shall be either plywood, aluminum panels, or the equivalent solid construction on a wood or metal frame or shall be chain link fencing with a solid and securely fastened green nylon mesh or silk material running the full height and length of the fence. Fence materials made of wood shall be painted or otherwise covered by an approved graphic or mural. Paint colors are subject to prior approval by the development services director.

(3) Graphics and Murals. Graphics and murals on temporary perimeter fencing shall be prohibited unless the graphic or mural has been approved as part of a site plan application, is a graphic or mural design which has been approved for use on temporary

perimeter fencing or is approved by the City Manager or designee for aesthetic enhancement of the fence and advertisement of the project to be constructed.

(4) Barbed wire, razor wire or electrically charged fences shall be prohibited.

(6) Height of fence: The height of the fence shall be measured from grade. Temporary perimeter fencing shall be six (6) feet above grade, unless otherwise approved by the development services director. The development services director shall have the discretion to increase the height of the fence up to ten (10) feet or decrease the height down to four (4) feet based upon the construction and construction site conditions.

(7) Duration of fence: Temporary perimeter fencing shall be utilized for a period of no longer than eighteen (18) months, provided they are neatly designed and maintained as approved by development services director, who may extend the duration of temporary perimeter fencing for a period not to exceed six (6) additional months. Any extensions beyond two (2) years shall be subject to meeting all other requirements of this section and approval by the City Manager upon a finding of good cause, such as a force majeure event which delays construction activities, the extensions shall be consistent with the event causing the delay.

(8) Condition of fence: All fencing required under this section shall be maintained in good condition throughout the duration that such fencing is installed. The fence shall be installed to not create a public hazard and the fence gate shall be locked during non-working hours. Fence materials made of wood shall be painted. All painted surfaces shall be maintained in a neat and attractive manner, paint shall not be faded, peeling or otherwise unsightly. Paint colors are subject to approval by the development services director.

(9) Fence location: Temporary perimeter fencing may be placed within the front yard or primary corner yard if the design was approved by the development services director, or designee. Perimeter fencing shall not block site visibility triangles at intersections and driveway entrances.

~~(e) (d) Construction debris and litter.~~ Dumpster(s) shall be onsite to contain any and all debris and litter or shall be hauled from the site on a daily basis. No accumulation of litter and debris shall be permitted on or around the construction site.

~~(d) (e) Hazardous weather conditions.~~ During such periods of time as the National Weather Service has issued a severe weather advisory that is in effect for Miami-Dade County, all construction sites shall be secured and the following conditions adhered to:

(1) Dumpster shall be removed from the site or secured in a way to prevent debris and litter from becoming a nuisance to the surrounding community.

(2) All material shall be secured inside any structure or removed from the site.

(3) No material shall be delivered to the site if a weather warning of any kind has been declared.

(4) All roofing material that has not been installed shall be removed from the roof and secured as detailed above.

(5) All fence screening shall be dropped and any fence sections whose poles are not securely installed into the ground shall be removed from the property or secured on the property.

~~(e)~~ (f) *Penalties.* Any violations of this section shall be subject to civil penalties pursuant to chapter 21 of this Code. Additionally, no final inspection shall be granted until such time as all code violations have been abated.

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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 herewith be and the same are hereby repealed.

Section 4. Severability. The provisions of this Ordinance are declared to be severable, and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 5. Codification. It is the intention of the City Council of the City of North Miami, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of North Miami, Florida. The sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions, and the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 6. Effective Date. This Ordinance shall become effective immediately upon adoption on second reading.

PASSED AND ADOPTED by a 5 - 0 vote of the Mayor and City Council of the City of North Miami, Florida, on first reading this 26th day of March, 2024.

PASSED AND ADOPTED by a 5 - 0 vote of the Mayor and City Council of the City of North Miami, Florida, on second reading this 9th day of April, 2024.


ALIX DESULME, ED.D.
MAYOR

ATTEST:


VANESSA JOSEPH, ESQ.
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:


JEFF P. H. CAZEAU, ESQ.
CITY ATTORNEY

SPONSORED BY: CITY ADMINISTRATION

Moved by: Desulme

Seconded by: Galvin

Vote:

Mayor Alix Desulme, Ed.D.	<input checked="" type="checkbox"/> (Yes) _____ (No) _____
Vice-Mayor Mary Estimé-Irvin	<input checked="" type="checkbox"/> (Yes) _____ (No) _____
Councilman Scott Galvin	<input checked="" type="checkbox"/> (Yes) _____ (No) _____
Councilwoman Kassandra Timothe, MPA	<input checked="" type="checkbox"/> (Yes) _____ (No) _____
Councilman Pierre Frantz Charles, M.Ed.	<input checked="" type="checkbox"/> (Yes) _____ (No) _____

Additions shown by underlining. Deletions shown by ~~overstriking~~.