

**ORDINANCE NO. 1539**

**AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AMENDING CHAPTER 19 OF THE CODE OF ORDINANCES ENTITLED, "UTILITIES", BY AMENDING ARTICLE VII, ENTITLED "STORMWATER UTILITY" AT DIVISION 3. ENTITLED "SURFACEWATER AND STORMWATER MANAGEMENT" TO AMEND THE DEVELOPMENT STANDARDS, PROCEDURES, AND PERMITTING REQUIREMENTS RELATING TO DRAINAGE, IMPERVIOUS SURFACES, AND STORMWATER INFRASTRUCTURE; PROVIDING FOR REPEAL, CONFLICTS, SEVERABILITY, CODIFICATION, AND FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of North Miami ("City") has established a stormwater utility to plan, construct, operate and maintain a stormwater management system to control discharges which are necessitated by rainfall events, incorporating methods to collect, convey, store, absorb, inhibit, treat, use or reuse water to prevent or reduce flooding, overdrainage, environmental degradation and water pollution or otherwise affect the quantity and quality of discharges from the system; and

**WHEREAS**, Miami-Dade County ("MDC") has adopted an ordinance relating to environmental protection and zoning in the incorporated and unincorporated areas, comprehensively revising development standards, procedures, and permitting requirements relating to drainage, impervious surfaces, and stormwater infrastructure; and

**WHEREAS**, MDC's ordinance revises environmental and zoning regulations, amends development standards and procedures related to drainage, impervious (including paved) surfaces, and stormwater infrastructure, and implements technical changes; and

**WHEREAS**, additionally, MDC's ordinance provides for municipalities to adopt or incorporate certain requirements by reference in their respective municipal codes and provides for municipalities to review, permit, and inspect non-structural impervious surface improvements on individual single-family and duplex properties, without additional DERM review, under certain conditions; and

**WHEREAS**, the proposed amendments to Chapter 19 of the City Code incorporate the requirements established by the MDC ordinance; and

**WHEREAS**, the Mayor and City Council have reviewed the proposed ordinance and have determined that it is in the best interest of the residents of the City to amend Chapter 19 to incorporate the required enforcement mechanisms.

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

**Section 1.** Chapter 19 of the City Code of Ordinances, entitled “Utilities,” is hereby amended at Article VII entitled “Stormwater Utility” as follows:

## CHAPTER 19. UTILITIES

\* \* \* \* \*

### ARTICLE VII. STORMWATER UTILITY

#### DIVISION 3. - SURFACEWATER AND STORMWATER MANAGEMENT

##### Sec. 19-254. - Title.

This division shall be known as the Surface and Stormwater Management (SSM) Ordinance of the city.

##### Sec. 19-255. - Definitions.

The following words, when used in this division, shall have the meanings respectively ascribed to them as follows:

*Applicant* means any individual, firm, limited liability company, association, partnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever who applies to the city for the applicable permits or approvals to undertake construction, demolition or renovation projects within the city.

*Best management practices ("BMPs")* means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce to the maximum extent practicable erosion, dust generation, off-site sedimentation, and pollution of City of North Miami waterways and storm drainage systems. BMPs also include treatment requirements, operating procedures, and practices to control site runoff, spillage or leaks, sludge or waste disposal, or drainage from material storage.

*Building permit* means a permit pursuant to the Florida Building Code.

*City* means the City of North Miami.

*Construction* means any onsite activity that will result in the creation of a new stormwater management system, including the building, assembling, expansion, modification, or alteration of the existing contours of the property, the erection of buildings or other structures, or any part thereof, or land clearing.

*Construction generic permit (CGP)* means the "permit" issued by the Florida Department of Environmental Protection for large and small construction activities which disturb one (1) acre or more.

*Construction permit* means a permit issued by the city to an entity with the legal ability to construct the stormwater management system in accordance with the system design and permit conditions.

*Control device* means the element of a discharge structure that allows the gradual release of water under controlled conditions, sometimes referred to as bleed-down.

*Control elevation* means the lowest elevation at which water can be released through the control device.

*Director* means the director, or designee, of the city's public works department.

*Detention* means the collection and temporary storage of stormwater in such a manner as to provide treatment through physical, chemical, or biological processes, with subsequent gradual release of the stormwater. There are two (2) types of detention, wet and dry:

- (1) Wet Detention is storage of stormwater at or below the design mean high water table.
- (2) Dry Detention is a storage of stormwater one (1) foot above the design mean high water table.
- (3) Examples of detention systems are excavated or natural depression storage areas, pervious pavement with subgrade, or above ground storage areas.

*Detention pond* means detention that consists of an open basin that intercepts the groundwater table and is used for storage to reduce stormwater peak flow rates or pollutants.

*Development* means any of the following: (1) Construction, installation, alteration, demolition or removal of a structure, impervious surface, or stormwater management system, or (2) Clearing, scraping, grubbing, or otherwise removing or killing the vegetation of a site; or (3) Adding, removing, exposing, excavating, leveling, grading, digging, dumping, or otherwise disturbing the soil or rock of a site in a manner that is contrary to the requirements of this division.

*Dewater* means to discharge off-site or on-site water including during construction or during maintenance of stormwater or other utility infrastructure, from an excavation, underground structure, stormwater infrastructure, trench, or depressed land; or discharge water from an on-site

lake to an on-site or off-site canal, ditch, other surface waters, or from one location to another, including stormwater or other utility infrastructure, in a similar manner.

Director means the director, or designee, of the city's public works department.

*Discharge structure* means a structural device, usually constructed of a material such as concrete, metal, or plastic, through which water from a stormwater management system is discharged to a receiving water body.

*Drainage area* means the watershed area contributing surface and stormwater runoff to the city's stormwater management system.

*Dry detention* means water storage with the bottom elevation at least one (1) foot above the control elevation. Sumps, swales, and other minor features may be at a lower elevation.

*Dust control* means providing temporary fencing to mitigate the effects of dust upon the surrounding community.

*Elevation* means the height, in feet above mean sea level, according to the National Geodetic Vertical Datum (NGVD).

*Engineer* means a professional engineer registered in Florida, or other person authorized pursuant to the provisions of F.S. ch. 471, who is competent in the fields of hydrology and stormwater management. Engineer shall not be a current employee of the city.

*Erosion* means the detachment, transport, and deposition of particulate matter by the action of wind, water, and gravity.

*Exfiltration* means the process by which stormwater flows out of a trench or a buried perforated pipe or structure into the surrounding ground.

*Historic discharge or volume* means the peak rate or volume at which stormwater runoff leaves a parcel of land in an undisturbed natural site condition by gravity or the legally allowable discharge at the time of permit approval.

*Impervious Area Setback (IAS)* means the minimum distance measured perpendicular from the property line inward to the closest impervious surface, excluding public rights-of-way.

*Impervious surface* means a surface that has been compacted or covered so that it is highly resistant to infiltration of water. surface area that does not allow penetration by water, including but not limited to, all structures, roof extensions, slabs, patios, porches, driveways sidewalks, parking areas, swimming pools, athletic courts, and decks.

*Infiltration* means the permeation of water to soak through the vegetation and soil or in the context of stormwater. This definition also includes, but is not limited to, the vertical downward

flow of stormwater through the ground into the Biscayne Aquifer, or the flow of groundwater into the surface waters in canals and ditches.

*Non-structural impervious surface improvements* means the installation or placement of pavement, slab, pavers, or other materials or items that reduce the pervious area; or the compaction of ground or fill in a manner that results in an impervious surface conducive to stormwater runoff, as determined by the Director.

*On-site* means within the boundaries of a facility location, property, project, or site including those sites spatially separated by public or private rights-of-way.

*On-site retention* means retention of stormwater.

*Operation permit* means an SSM permit issued by the city to an entity with the legal ability to operate and maintain the stormwater management system in accordance with the system design and permit conditions.

*Outfall* means the discharge point of water or other liquids into any surface water, retention system, or other land. This definition includes, but is not limited to, the outlet from which a pipe discharges into a lake, canal, wetland, other surface water, or retention system.

*Overflow elevation* means the design elevation of a discharge structure at which, or below which, water is contained behind the outlet of the control device, except for that which leaks out, or bleeds out, through a control device down to the control elevation.

*Percent pervious area (PPA)* means the ratio calculated as the total pervious area divided by the total property area measured within the property lines, excluding public rights-of-way, expressed as a percentage.

*Pervious area* means a surface area that allows the penetration of water. This definition shall not include impervious areas that minimally or incidentally allow the penetration of water, whether by design or defect. Examples of pervious areas include, but are not limited to: green areas and swales with soils classified as Group A in the Soil Survey promulgated by the United States Department of Agriculture Natural Resources Conservation Service (NRCS) and with a minimum permeability rate of 0.8 inches per hour (2 cm per hour); and pavers and pavement that are certified by the manufacturer to have a minimum permeability rate of 0.8 inches per hour (2 cm per hour).

*Retention* means the prevention of, or to prevent the discharge of, a given volume of stormwater runoff into surface waters by complete onsite storage.

*Soil conservation plan* means a document prepared or approved by a local Soil and Water Conservation District Board organized pursuant to F.S. ch. 582, that outlines a system of management practices to control stormwater and soil erosion, reduce sediment loss, or protect receiving water quality on a specific parcel of property.

*Stormwater* means the flow of water that results from and occurs immediately following a rainfall event.

*Stormwater management plan* means a plan for receiving, handling, and transporting storm and surface-waters within the city's stormwater management system.

*Stormwater management system* includes all natural and manmade elements used to convey stormwater from the first point of impact with the surface of the earth to a suitable outlet location internal or external to the boundaries of the city. The stormwater management system includes all pipes, channels, streams, ditches, wetlands, sinkholes, detention/retention basins, ponds, and other stormwater conveyance and treatment facilities, whether public or private.

*Stormwater pollution prevention plan (the "plan")* means a written plan, approved by the city submitted by the applicant which identifies a strategy to minimize stormwater runoff that will be generated. The SWPPP shall follow the guidelines of the Florida Stormwater, Erosion, and Sedimentation Control Inspector's Manual published by the Florida Department of Environmental Protection.

*Surface water* means water that finds its way to an open channel without infiltrating into the soil.

*Surface and stormwater management (SSM) permit* means a construction or operation permit issued by the city in compliance with the provisions of this division.

*Swale* means a natural or manmade trench that:

- (1) Has a top width-to-depth ratio of the cross section equal to or greater than 6:1, or side slopes equal to or greater than three (3) feet horizontal to one (1) foot vertical; and
- (2) Contains contiguous areas of standing or flowing water only following a rainfall event; and
- (3) Is planted with or has stabilized vegetation suitable for soil stabilization, surface water treatment, and nutrient uptake; and
- 4) Is designed to take into account the soil erodibility, soil percolation, slope, slope length, and drainage area so as to prevent erosion and reduce pollutant concentration of any stormwater as defined in chapter 24 of the Miami-Dade County Water Quality Standards.

*Wet detention* means stormwater water storage at or below the design mean high water table, with the bottom elevation lower than one (1) foot below the control elevation of the system.

Sec. 19-256. - Permitting.

- (a) All construction and demolition sites and activities under the authority of the City of North Miami shall be required to contain and control all sediment and sediment-laden water on-site.
- (b) The provisions of this division shall apply to all land within the city. No person may subdivide, develop, change to a more intense land use, construct or reconstruct a structure, or change the size of a structure, except as exempted without first obtaining an SSM permit from the city. The city shall issue SSM permits as identified below:
  - (1) *Construction permits* shall be required prior to initiating any construction, development, or alteration activities.
  - (2) *Operation permits* shall be required prior to the occupancy or use of facilities authorized under a construction permit. An operation permit cannot be issued until an engineer has certified that construction has been completed according to permit conditions.
- (c) Nonconforming areas. An existing development must be brought into full compliance with this division when any of the following activities occur.
  - (1) *Impervious area expansion*. The gross impervious area of a property is expanded by more than five thousand (5,000) square feet. Repeated expansions of a development, constructed over a period of time commencing with the effective date of this division, shall be combined in determining whether the threshold has been reached.
  - (2) *Use change*. The use of a development changes to a more intense classification.
  - (3) *Site alteration*. A site alteration activity requires the submission of a development plan or amended development plan and involves ten (10) percent or more of the site area.
  - (4) *Reconstruction*. A structure is reconstructed following substantial destruction by fire or other calamity. A structure is considered substantially destroyed if the cost of reconstruction is fifty (50) percent or more of the fair market value of the structure before the calamity.
- (d) ~~Exemptions. The provisions of this division shall not apply to:~~
  - (1) ~~Land which is developed as single family residences;~~
  - (2) ~~Parcels of one-half (1/2) acre or less; or~~
  - (3) ~~Developments which increase the impervious area by five thousand (5,000) square feet or less.~~

Sec. 19-257. - Processing and fees.

Procedures for processing of permit applications shall be as follows:

(1) *Application.* SSM permit applications for both construction and operation shall be submitted to the building department for review, processing, and approval.

(2) *Fees.* A non-refundable permit application fee shall be paid when the application is submitted to cover the cost of plan\_review, administration and management of the permitting process, and inspection of project implementation and operation. A schedule of permit application and inspection fees shall be established pursuant to an administrative regulation by the city manager.

(3) To obtain a permit for construction projects which disturbs 0.25 or more acres of land or is part of a larger common plan of development that will collectively disturb such quantity of land, a signed and sealed Stormwater Pollution Prevention Plan ("SWPP") demonstrating stabilization measures and pollution prevention controls designed to prevent erosion and sediment loss in areas exposed by the construction process. ~~will disturb over one (1) acre of soil, the applicant must develop and implement a plan in accordance with the requirements of the "permit" or local erosion and sedimentation control standards and codes, whichever is more stringent. Construction sites with areas of disturbed soil between one half (½) acre and one (1) acre may use an alternative format, approved by the city, provided it supplies all the information required by the permit.~~ The plan must be approved by the City of North Miami Department of Public Works prior to the commencement of construction activities. The plan shall describe the current and final conditions of the construction site, the nature of the work to be performed, the BMPs to be implemented to prevent stormwater pollution, control erosion and prevent off-site sedimentation, who will implement these measures, the schedule of implementation, and include a narrative section; site plan; details, specifications, notes; and calculations.

(4) *Sufficiency review.* An application sufficiency review shall be conducted by the director, and within ten (10) days from the submittal date, written comments shall be provided to the applicant regarding the completeness of the application and requesting additional information, if necessary.

(5) *Issuance.* If the director determines that the permit application submittal is in compliance with all provisions of this division, a permit may be issued. If the director determines that the permit application submittal does not conform with all provisions of this division, permit issuance shall be denied and a written statement as to the reasons for the denial shall be provided to the applicant.

(6) *Appeals.* Any applicant who believes that a permit application is denied without sufficient cause and that the submittal conforms with all provisions of this division may petition in writing to the director. If the applicant is again denied a permit, that denial may be appealed to the City of North Miami Board of Adjustment, whose decision shall be final.

Sec. 19-258. - Permit submittal and conditions.

(a) *Submittals.* An SSM permit application shall be submitted to the city using appropriate forms as provided by the building department. A permit application shall contain sufficient information to allow the director to determine whether the project complies with the requirements of this division. The following specific items are minimum submittal requirements for a permit application:

(1) *Applicant information,* including the name, address, and telephone number of the applicant and proof of ownership for the property to be permittees.

- (2) *Aerial photograph* of the project vicinity, taken not more than three (3) years before the application date, coveting the project area and the total lands that contribute runoff.
- (3) *Topographic map* of the project area, showing the location and elevation of benchmarks, including at least one (1) benchmark for each control structure.
- (4) *Land use map* showing both current and proposed conditions for the drainage area that contributes runoff.
- (5) *Soils and vegetation map* displaying the most recent U.S. Soil Conservation Service information and encompassing both the project area and the drainage area that contributes runoff.
- (6) *Proposed grading, drainage, paving, and building plan* showing details of proposed grading, drainage, paving, and buildings.
- (7) *Erosion and sediment control plan* identifying the type, location, and schedule for implementing erosion and sediment control measures, including total disturbed area and appropriate provisions for maintenance and disposition of temporary measures. All inspections shall be conducted in accordance with the Florida Stormwater, Erosion, and Sedimentation Control Inspector's Manual, published by Florida Department of Environmental Protection (FDEP) Stormwater/Nonpoint Source Management Section.
- (8) *Technical report* prepared by an engineer, describing the assumptions, calculations, and procedures used for determining compliance with the performance criteria established by this division.
- (9) *Operation and maintenance plan* prepared by an engineer, describing the activities and schedule required to operate and maintain the permitted facilities.

- (b) Each permit issued by the city shall be subject to the following conditions.
  - (1) *Area.* The development, including associated construction, shall be conducted only within the area specified in the approved permit.
  - (2) *Execution.* Activities requiring an SSM permit shall not be commenced until the construction permit is approved and posted in a conspicuous place. The construction permit shall be protected from weather and shall remain posted until an operation permit has been issued.
  - (3) *Inspections.* A schedule of inspections to be carried out during the construction and operation phases of permitting shall be established as conditions to the permit.
  - (4) *Duration.* Unless revoked or otherwise modified, the duration of a construction permit issued pursuant to this division shall be consistent with the building permits issued for the development. If the permitted project discharge structure is completed prior to expiration, the construction permit duration can be extended to cover the project duration. Operation permits are subject to annual review by the director.
  - (5) *Maintenance.* Operation and maintenance activities, as specified in the approved operation and maintenance plan, shall be executed routinely, with scheduled reporting to the director, as long as the operation permit is in effect.
  - (6) *Modifications.* If the activity authorized by the permit is not completed according to the approved schedule and permit conditions, the director shall be notified in writing by the permit holder. For revisions resulting in a schedule extension of more than thirty (30) days, or if deviations from the permit conditions are expected to occur, approval of a permit modification is required.
  - (7) *Revocation.* An SSM permit may be revoked if the approved schedule and permit conditions are violated without an approved permit modification.

(8) *Transfer*. No transfer, assignment, or sale of the rights granted by virtue of an approved permit shall be made without prior written approval from the director.

(9) *Special conditions*. Any additional special conditions, as deemed appropriate by the director, shall be established to address specific project needs or circumstances.

Sec. 19-259. - Performance criteria.

Except as otherwise provided herein, a development must be designed, constructed, operated, and maintained to comply with the following performance criteria:

(1) *Floodplain management*. Provisions for floodplain management criteria shall be consistent with those contained in applicable Building Codes and the Flood Damage Prevention Ordinance of the city.

(2) *Water quality*. All stormwater management systems, serving areas of one (1) acre or more, shall be evaluated based on their ability to prevent degradation of receiving waters and adverse impacts on the site's natural systems, their efficiency in removing pollutants, and their ability to conform to state water quality standards as established in Chapters 17-3 and 17-4 of the Florida Administrative Code and local water quality standards as established by section 24-11(4) of the Code of Miami-Dade County.

(3) *Single-family and duplex residences*

Lots shall retain, at a minimum, the runoff from a 25-year/10-minute storm event with zero off-site discharge. The following is considered equivalent to a 25-year/10-minute storm event with zero off-site discharge retention.

For lots with an area of 5,500 square feet or less: a minimum of 5 feet of pervious area setback on a minimum of 3 sides of the property, with a 6-inch-deep swale along the property perimeter, and a minimum of 20 percent of pervious lot area; or a minimum of 2.5 feet of pervious area setback on a minimum of 2 sides of the property and 10 feet of pervious area setback on a minimum of 1 side, with a 6-inch-deep swale along the property perimeter, and a minimum of 20 percent of pervious lot area.

For lots larger than 5,500 square feet: a minimum of 5 feet of pervious area setback on a minimum of 3 sides of the property, with a 6-inch-deep swale along the property perimeter, and a minimum of 25 percent of pervious lot area; or a minimum of 2.5 feet of pervious area setback on a minimum of 2 sides of the property and 10 feet of pervious area setback on a minimum of 1 side, with a 6-inch-deep swale along the property perimeter, and a minimum of 25 percent of pervious lot area.

The elevations along the perimeter of the property should match the existing elevations of the adjacent properties. If the proposed grading raises the property more than 1.5 feet compared to the elevations of the adjacent properties, a retaining wall or equivalent feature shall be required.

(4) *All other developments and improvements*. Onsite retention shall be designed for a minimum of a 25-year/3-day storm event with zero off-site discharge.

(35) *Peak discharge*. The post-development peak rate of surface discharge for new developments must not exceed the pre-development discharge for the 25-year, 3-day storm.

(46) *Runoff volume.* The post-development volume of surface runoff must not exceed the pre-development volume of surface runoff for the 25-year, 3-day storm event.

(57) *Treatment volume.* Detention or retention treatment volume in the stormwater management system shall be provided according to one (1) of the following criteria:

a. Wet detention treatment volume shall be provided for the first inch of runoff from the project site, including offsite areas draining to the system, or the total of two and one-half (2½) inches times the percentage of imperviousness, whichever is greater.

b. Dry detention treatment volume shall be provided equal to seventy-five (75) percent of the amount established above for wet detention.

c. Retention treatment volume shall be provided equal to fifty (50) percent of the amount established above for wet detention.

(68) *Pretreatment volume.* Commercial or industrial project categories shall provide at least one-half (½) inch of dry detention or retention pretreatment of site runoff in addition to the base treatment volume required for all sites.

(79) *Oil and grease separation.* Stormwater management systems receiving runoff from areas with greater than fifty (50) percent impervious surface or containing a potential source of oil and grease contamination shall include a baffle, skimmer, grease trap, or other suitable oil and grease separation mechanism.

(10) Non-structural impervious surface improvements shall not cause stormwater runoff onto adjacent parcels.

Sec. 19-260. - Maintenance responsibility.

(a) *Dedication.* Those stormwater management systems approved in compliance with this division that will function as an integral part of the city's maintained system, as determined by the director, shall be dedicated to the city. All areas and/or structures to be dedicated to the City of North Miami must be dedicated by plat or separate instrument and accepted by the City of North Miami.

(b) *Approved entities.* All stormwater management systems accepted as dedications by the city shall be maintained by the city. Maintenance of all other stormwater management systems approved in compliance with this division shall be accomplished by the legal entity responsible for maintenance, which may include an approved entity as identified below:

(1) *Local government.* A county, municipality, municipal service taxing unit, special district, or other appropriate governmental unit.

(2) *Special district.* An active water control district created pursuant to Chapter 298 of the Florida Statutes, a drainage district created by special act, a community development district created pursuant to Chapter 190 of the Florida Statutes, or a special assessment district created pursuant to Chapter 170 of the Florida Statutes.

(3) *State or federal agency.* An appropriate state or federal agency.

(4) *Public utility.* An officially franchised, licensed, or approved communication water, sewer, electrical stormwater, or other public utility.

(5) *Developer or property owner.* A developer or property owner who provides a bond or other assurance of continued financial capability to operate and maintain stormwater management systems and who executes a maintenance and annual certification agreement with the director.

(6) *Property owner association.* Property owner associations able to comply with the following provisions.

- a. The association provides a binding legal instrument through which it assumes full responsibility for stormwater management system operation and maintenance.
- b. The association has sufficient powers to operate and maintain the system, establish rules, assess members, contract for services, exist perpetually, and, if dissolved, to provide alternate operation and maintenance services.
- c. The association can provide a bond or other assurance of financial capability to operate, maintain and certify the system.

(7) *Periodic Maintenance.* For all pervious areas, the property owner shall be responsible for periodic maintenance to avoid clogging and soil compaction or other substantial reduction of permeability. Maintenance of pervious area includes but is not limited to maintenance of swales as required by Chapter 12.

All systems not dedicated to the city shall have adequate easements to permit the city to inspect and, if necessary, to take corrective action should the responsible entity fail to properly maintain the system.

(c) *Inspections.* As part of the construction permit approval process, a construction inspection schedule shall be established to address the critical milestones of a project. Under the approved inspection schedule, no work shall proceed until the director inspects and authorizes work to proceed beyond each schedule milestone. Any portion of the work that does not comply with the permit conditions shall be specified in writing by the director and promptly corrected by the permittee. Annual inspections by the director to ensure continued maintenance of the stormwater management system after construction is complete will be established as conditions to the operation permit. An annual inspection fee shall be paid when the application to renew the operating permit is submitted.

Sec. 19-261. - Enforcement and penalties.

(a) *Public nuisance.* Any development activity commenced without obtaining an SSM permit approved pursuant to this division, or any activity conducted contrary to such a permit, shall be deemed a public nuisance and may be restrained by injunction or otherwise abated in a manner provided by law. The city may institute injunctive, mandamus, or other appropriate action for the enforcement of this division.

(b) *Violations.* Violations of this division or failure to meet a requirement of this division, shall constitute a violation of the City Code and the City's Code Compliance Department is authorized to initiate enforcement proceedings under Chapter 21 of the Code of Ordinances.

(c) *Corrective action.* A person or entity found to be in violation of this division might be required to restore any alteration of the affected property to its undisturbed condition. In the event that restoration is not undertaken within a reasonable time after notice, the city may take necessary corrective action, the cost of which shall become a special assessment lien upon the property until paid.

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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 relettered to accomplish such intentions; and that 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 25th day of November, 2025.

**PASSED AND ADOPTED** by a 4 - 0 vote of the Mayor and City Council of the City of North Miami, Florida, on second reading this 9th day of December, 2025.



\_\_\_\_\_  
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: Estime-Irvin

Seconded by: Charles

**Vote:**

Mayor Alix Desulme, Ed.D.	<u>      </u> (Yes) <u>      </u> (No) <u>Absent</u>
Vice Mayor Kassandra Timothe, MPA	<u>X</u> (Yes) <u>      </u> (No)
Councilman Kevin A. Burns	<u>X</u> (Yes) <u>      </u> (No)
Councilwoman Mary Estimé-Irvin	<u>X</u> (Yes) <u>      </u> (No)
Councilman Pierre Frantz Charles, M.Ed.	<u>X</u> (Yes) <u>      </u> (No)

Additions shown by underlining. Deletions shown by ~~everstriking~~.