

ORDINANCE NO. 1436

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI AMENDING CHAPTER 5 OF THE CODE OF ORDINANCES ENTITLED “BUILDING STANDARDS AND REGULATIONS,” AT ARTICLE V. “CONSTRUCTION FEES AND REGULATIONS”, SECTION 5-36 OF THE NORTH MIAMI CODE OF ORDINANCES ENTITLED “CONSTRUCTION SITE MAINTENANCE” TO ADD A REQUIREMENT THAT THERE SHALL BE NO ACCUMULATION OF DEBRIS AROUND CONSTRUCTION SITES; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, in April 2017, the City of North Miami (“City”) enacted Ordinance Number 1413 which updated the City’s building standards and regulations to facilitate the enforcement thereof and enhance the health, safety, and welfare of the community; and

WHEREAS, the City created Section 5-36 entitled “Construction Site Maintenance” to, in part, create regulations requiring maintenance of construction sites; and

WHEREAS, the City deems it in its best interest to further amend Section 5-36 to require builders to maintain the cleanliness of the areas immediately surrounding their projects.

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

**Section 1. Recitals Adopted.** That the recitals set forth above are true and correct and incorporated herein by reference.

**Section 2. Section 5-36 “Construction Site Maintenance” amended.**

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) *Construction Fencing.* Construction sites shall provide temporary 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.

- (c) *Construction Debris.* Dumpster shall be onsite to contain any and all debris or shall be hauled from the site on a daily basis. No accumulation of debris shall be permitted on or around the construction site.

\* \* \* \* \*

**Section 2.** **Repeal.** All ordinances or parts of ordinances in conflict herewith are repealed.

**Section 3.** **Conflicts.** In the event that the provisions of this Ordinance are in conflict with any other ordinance, rule or regulation, the provisions of this Ordinance shall prevail.

**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 by a court of competent jurisdiction, 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” may be changed to “section,” “article” or any other appropriate word.

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

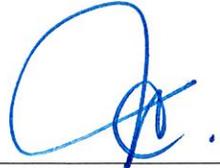
**PASSED AND ADOPTED** by a 5-0 vote of the Mayor and City Council of the City of North Miami, Florida, on first reading this 26th day of February, 2019.

**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 12th day of March, 2019.



DR. SMITH JOSEPH  
MAYOR

ATTEST:



MICHAEL A. ETIENNE, ESQ.  
CITY CLERK

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:



JEFF P. H. CAZEAU, ESQ.  
CITY ATTORNEY

SPONSORED BY: COUNCILMAN SCOTT GALVIN

Moved by: Galvin

Sponsored by: Keys

**Vote:**

- Mayor Smith Joseph, D.O., Pharm. D.
- Vice Mayor Philippe Bien-Aime
- Councilman Scott Galvin
- Councilwoman Carol Keys, Esq.
- Councilman Alix Desulme

<u>X</u>	(Yes)	<u>        </u>	(No)
<u>X</u>	(Yes)	<u>        </u>	(No)
<u>X</u>	(Yes)	<u>        </u>	(No)
<u>X</u>	(Yes)	<u>        </u>	(No)
<u>X</u>	(Yes)	<u>        </u>	(No)

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