

ORDINANCE NO. 1217

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AMENDING THE CODE OF ORDINANCES CHAPTER 29 ENTITLED "APPENDIX A-ZONING," AMENDING SECTION 29-16(h) CERTIFICATE OF RE-OCCUPANCY; PROVIDING FOR CONFLICTS; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of North Miami, Florida, currently provides fees for the issuance of a re-occupancy certificates upon the sale of residential properties; and

WHEREAS, the fees, as provided for in the Code of Ordinances, have not been updated since the year 2000; and

WHEREAS, the Mayor and City Council are desirous of adjusting the fees to reflect the impact on the administration while considering recent market conditions.

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

**Section 1.** Chapter 29. Appendix A- Zoning, Section 29-16(h) Certificate of re-occupancy is amended to read as follows:

*Certificate of re-occupancy.*

(1) Single-family, duplex, triplex.

a. 1. It shall be unlawful for any person, firm or corporation to occupy or cause the occupancy of any single-family, duplex or triplex dwelling unit owned by such person, firm or corporation, which property has been sold, transferred or conveyed to such person, firm or corporation after the effective date of this subsection, [January 1, 1993] unless a certificate of re-occupancy has been issued by the director of the building and zoning department or his designee. The certificate of re-occupancy, if issued, shall state that the director or his designee has inspected the dwelling and has determined that the dwelling meets the provisions of subsection 29-4(b)(1) of the zoning code of the city pertaining solely to the requirement that each individual unit is used, designed or intended to be used for a single-family purpose only, as required by the zoning district

regulation. The certificate shall contain a notice in substantially the form set forth on Exhibit "B" attached hereto, and as may be amended by the city. A certificate of re-occupancy shall not be required for the original transfer or conveyance of a newly constructed single family, duplex, or triplex dwelling unit to any firm, corporation, or individual.

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(1) b. Application for a certificate of re-occupancy shall be made by the seller or owner or the designated agent, upon a form provided by the city and the payment of an inspection fee of seventy-five (\$75.00) dollars. The fee for reinspection shall be thirty-seven dollars and fifty cents (\$37.50). These fees shall be paid by the applicant. If dwelling must be inspected within ~~forty eight (48) hours~~ two (2) business days of receipt of the application, an inspection fee of ~~one hundred and fifty dollars (\$150.00)~~ three hundred dollars (\$300.00) shall be paid by the applicant.

(1) c. Upon receipt of the application and fee, a city inspector shall inspect the dwelling within ten (10) days and, if such dwelling is found to be in conformance with the provisions of paragraph a.1. above, a certificate of re-occupancy shall be issued. If the dwelling is not in conformance with such provisions, the director or the director's designee shall indicate by itemized list corrective action and the certificate of re-occupancy shall be withheld unless and until such provisions are complied with, to the reasonable satisfaction of the director or the director's designee.

(2) *Apartment complex,*

a. It shall be unlawful for any person, firm or corporation to buy, sell, convey or transfer an apartment complex consisting of four (4) or more units without first obtaining a an approved re-occupancy certificate issued by the director of the ~~community planning and development department~~ building and zoning department or the director's designee. Such certificate of re-occupancy, if issued, shall state that the director or the director's designee has inspected the apartment complex and has determined that the apartment complex meets the provisions of section 29-4(b)(1) of the zoning code of the city, pertaining solely to the requirement that each dwelling unit therein used, designed or intended to be used for a single-family purpose only, as required by the zoning district regulation, and that the dwelling complies with health and safety criteria specified herein in Exhibit "A"\* . The certificate shall contain a notice as set forth in substantial compliance with Exhibit "B"\* attached hereto and incorporated herein, and as may be amended by the city. A certificate of re-occupancy shall not be required for the original transfer or conveyance of a newly constructed Apartment Complex to any firm, corporation, or individual.

b. Application for a certificate of re-occupancy shall be made by the seller or his designated agent, upon a form provided by the city and the payment of an inspection fee of one hundred and fifty dollars (\$150.00) for the first four (4) units and an additional seven dollars and fifty cents (\$7.50) per for each additional unit. The reinspection fee shall be seventy-five dollars (\$75.00) for the first four (4) units and an additional seven dollars and fifty cents (\$7.50) for each additional unit.

c. Upon receipt of the application and fee, a city inspector shall inspect the apartment complex within ten (10) days and, if such apartment complex is found to be in conformance with the provisions of (2)a. above, a certificate of re-occupancy shall be issued. If dwelling must be inspected within ~~forty-eight (48) hours~~ two business days of receipt of the application, an inspection fee of ~~three hundred dollars (\$300.00)~~ six hundred dollars (\$600.00) for the first four (4) units and an additional ~~ten dollars (\$10.00)~~ twenty dollars (\$20.00) per for each additional unit. If the apartment complex or any dwelling unit therein is not in conformance with the above provisions, the director of his designee shall indicate by itemized list corrective action and a certificate of re-occupancy shall be withheld unless and until such provisions are complied with, to the reasonable satisfaction of the director or his designee.

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(4) *City manager authority.* The city manager shall have authority to enter into settlement agreements and issue conditional certificates of reoccupancy, which shall be executed by the buyer and seller. A conditional certificate of reoccupancy shall not be issued where life-safety violations exist on the property. The fee for a conditional certificate of reoccupancy shall be ~~one hundred dollars (\$100.00)~~ five hundred dollars (\$500.00).

**Section 2.** **Conflict.** All ordinances or parts of ordinances in conflict or inconsistent with the provisions of this Ordinance are repealed.

**Section 3.** **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 4.** **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 relettered to accomplish such, and the word "ordinance" may be changed to "section," "article" or any other appropriate word.

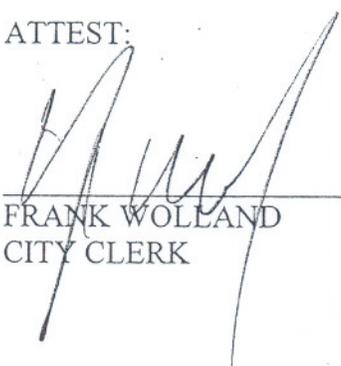
**Section 5. Effective Date.** This Ordinance shall be effective immediately upon adoption on second reading.

**PASSED AND ADOPTED** by a 5-0 vote of the Mayor and City Council of the City of North Miami, Florida, this 23 day of January, 2007.

**PASSED AND ADOPTED** by a 5-0 vote of the Mayor and City Council of the City of North Miami, Florida, this 13 day of February, 2007

  
\_\_\_\_\_  
KEVIN A. BURNS  
MAYOR

ATTEST:

  
\_\_\_\_\_  
FRANK WOLLAND  
CITY CLERK

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:

  
\_\_\_\_\_  
V. LYNN WHITFIELD  
CITY ATTORNEY

SPONSORED BY: COUNCILMAN SCOTT GALVIN

Moved by: Councilman Galvin

Seconded by Councilwoman Steril

**Vote:**

Mayor Kevin A. Burns	<u>x</u>	(Yes)	_____	(No)
Vice-Mayor Scott Galvin	<u>x</u>	(Yes)	_____	(No)
Councilperson Marie Erlande Steril	<u>x</u>	(Yes)	_____	(No)
Councilperson Jacques A. Despinosse	<u>x</u>	(Yes)	_____	(No)
Councilperson Michael R. Blynn	<u>x</u>	(Yes)	_____	(No)

Additions shown by underlinings, and deletions shown by ~~overstriking~~

PROPOSED ADDITIONAL LANGUAGE FOR RE-OCCUPANCY ORDINANCE

(5) PENALTIES. Any property for which an application for re-occupancy inspection and certificate is not filed prior to the sale of said property shall be subject to a fine equivalent to double the application fee, payable at the time the late application is filed.