

ORDINANCE NO. 1451

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" ARTICLE I, IN GENERAL, SPECIFICALLY AT SECTION 5-2 TO ADD A DEFINITION FOR BOARD UP MATERIALS AND ARTICLE III STORM SHUTTERS, SPECIFICALLY, AT SECTION 5-9 ENTITLED, "STORM SHUTTERS PLACEMENT" BY REMOVING SECTION 3 AND 4 AND ALLOWING FOR CLARIFICATION OF REMOVAL OF BOARD UP MATERIALS AND THEIR USE; PROVIDING FOR REPEAL, CONFLICTS, SEVERABILITY, CODIFICATION AND 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, the City is also interested in establishing a safe and effective method for removal of storm shutters post hurricane season; and

WHEREAS, the removal of board up materials is important in case of an emergency to properly locate residents; and

WHEREAS, Section 3 in the ordinance is unenforceable and therefore cannot be applied.

WHEREAS, in order to preserve the aesthetic appeal of the City, removal of board up materials post hurricane or hurricane warning is essential; and

WHEREAS, the Mayor and City Council of the City of North Miami have determined that the proposed amendment to Chapter 5 of the Code of Ordinances is in the best interest of the City.

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

Section 1. Amendment to City Code. Chapter 5, section 5-2, of the City Code of Ordinances entitled "Definitions" and Chapter 5, section 5-9, of the City Code of

Ordinances entitled "Building Standards and Regulations", specifically, Storm Shutters Placement, is amended to read as follows:

Chapter 5 - BUILDING STANDARDS AND REGULATIONS

ARTICLE I. – IN GENERAL

Sec. 5-2. Definitions.

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 or more doors, windows or other openings into a structure by any type of material.

Chapter 5 - BUILDING STANDARDS AND REGULATIONS

ARTICLE III. – STORM SHUTTERS

Sec. 5-9. Storm shutters placement.

In an effort to safeguard the health and safety of the residents of the city, it is prohibited to maintain storm shutters and or "board-up" materials on a structure beyond the officially declared tropical storm warning, hurricane warning, or hurricane, season, unless hurricane conditions are expected to occur within thirty-six (36) hours. Hurricane shutters and/or "board up" materials may be installed temporarily when there is a tropical storm warning, hurricane warning, hurricane, or other similar large-scale weather event provided that they are removed no later than seventy-two (72) hours after the dissipation of said weather condition unless the structure is registered with the City as required in the Abandoned Real Property provision outlined in Chapter 12-32 of the City Code.

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 and or "board up" materials during hurricane season in a closed/secured position on a structure for periods in excess of five (5) business days unless:

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

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

~~(3) 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) At least two (2) means of ingress and egress are provided through a door, window or garage.~~

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.

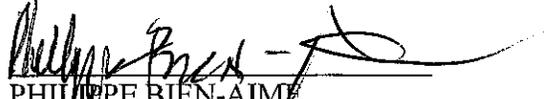
Section 4. **Severability.** If any word, clause, phrase, sentence, paragraph or Section of this Ordinance is held to be invalid by a court of competent jurisdiction, such declaration of invalidity shall not affect any other word, clause, phrase, sentence, paragraph or Section of this Ordinance.

Section 5. **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 6. **Effective Date.** This Ordinance shall be effective immediately upon adoption on second reading.

PASSED AND ADOPTED by a 3-2 vote of the Mayor and City Council of the City of North Miami, Florida, on first reading this 11th day of February, 2020.

PASSED AND ADOPTED by a 3-2 vote of the Mayor and City Council of the City of North Miami, Florida, on second reading this 25th day of February, 2020.


PHILIPPE BIEN-AIME
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: Galvin

Seconded by: Estimé-Irvin

Vote:

Mayor Philippe Bien-Aime	<u>X</u>	(Yes)	_____	(No)
Vice Mayor Alix Desulme, Ed.D.	_____	(Yes)	<u>X</u>	(No)
Councilman Scott Galvin	<u>X</u>	(Yes)	_____	(No)
Councilwoman Carol Keys, Esq.	_____	(Yes)	<u>X</u>	(No)
Councilwoman Mary Estimé-Irvin	<u>X</u>	(Yes)	_____	(No)

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