



City of Miami Gardens Agenda Cover Memo

Council Meeting Date:	March 22, 2017		Item Type: <i>(Enter X in box)</i>	Resolution X	Ordinance	Other
Fiscal Impact: <i>(Enter X in box)</i>	Yes	No	Ordinance Reading: <i>(Enter X in box)</i>	1st Reading		2nd Reading
	X			Public Hearing: <i>(Enter X in box)</i>	Yes	No
Funding Source:	General Fund		Advertising Requirement: <i>(Enter X in box)</i>	Yes		No X
Contract/P.O. Required: <i>(Enter X in box)</i>	Yes	No	RFP/RFQ/Bid #:			
Strategic Plan Related <i>(Enter X in box)</i>	Yes	No	Strategic Plan Priority Area: Enhance Organizational <input type="checkbox"/> Bus. & Economic Dev <input type="checkbox"/> Public Safety <input type="checkbox"/> Quality of Education <input type="checkbox"/> Qual. of Life & City Image <input type="checkbox"/> Communication <input type="checkbox"/>	Strategic Plan Obj./Strategy: <i>(list the specific objective/strategy this item will address)</i>		
Sponsor Name	David Williams, Jr. Councilman		Department:	Office of the Mayor & Council		

Short Title:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AMENDING CHAPTER 28, ARTICLE VI, SECTION 28-295 (STANDARDS FOR MAINTENANCE OF VACANT STRUCTURES) OF THE CODE OF ORDINANCES; PROVIDING FOR ADOPTION OF REPRESENTATIONS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN CODE; PROVIDING AN EFFECTIVE DATE.

Staff Summary:

Chapter 28, Article VI, Section 28-295 of the City’s Code of Ordinances establishes the standards for maintenance and appearance of vacant structures and vacant premises. Section 28-295, requires vacant structures be secure at all times.

Councilman David Williams, Jr., is recommending the City Council amend Chapter 28, Article VI, Section 28-295 of the City's Code of Ordinances to require owners or operators of a vacant or abandoned property is deemed commercial property and remains vacant or abandoned after six (6) months to erect fences along the parameter of the property to prevent unauthorized entry of persons, animals, or other elements

Proposed Action:

That the City Council approves the Ordinance.

Attachment:

None.

ORDINANCE NO. 2017_____

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3 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
4 OF MIAMI GARDENS, FLORIDA, AMENDING CHAPTER
5 28, ARTICLE VI, SECTION 28-295 (STANDARDS FOR
6 MAINTENANCE OF VACANT STRUCTURES) OF THE
7 CODE OF ORDINANCES; PROVIDING FOR ADOPTION
8 OF REPRESENTATIONS; REPEALING ALL ORDINANCES
9 IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE;
10 PROVIDING FOR INCLUSION IN CODE; PROVIDING AN
11 EFFECTIVE DATE.

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13 WHEREAS, Chapter 28, Article VI, Section 28-295 of the City's Code of
14 Ordinances establishes the standards for maintenance and appearance of
15 vacant structures and vacant premises, and

16 WHEREAS, Section 28-295, requires vacant structures be secure at all
17 times, and

18 WHEREAS, Councilman David Williams, Jr., is recommending the City
19 Council amend Chapter 28, Article VI, Section 28-295 of the City's Code of
20 Ordinances to require owners or operators of a vacant or abandoned commercial
21 property to erect fences along the parameter of the property to prevent
22 unauthorized entry of persons, animals, or other elements,

23 NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF
24 THE CITY OF MIAMI GARDENS, FLORIDA, AS FOLLOWS:

25 Section 1. ADOPTION OF REPRESENTATIONS: The foregoing
26 Whereas paragraphs are hereby ratified and confirmed as being true, and the same
27 are hereby made a specific part of this Ordinance.

Added language is underlined. Deleted language is stricken through.

28 Section 2. AMENDMENT: Chapter 28, Article VI, Section 28-295 of the
29 City's Codes of Ordinances is hereby amended as follows:

30 Sec. 28-295. - Standards for maintenance and appearance of vacant
31 structures and vacant premises.

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33 Every vacant structure and vacant premises shall comply with the
34 following requirements:

- 35
36 (1) Every foundation wall shall be structurally sound, reasonably
37 rodentproof, and maintained in good repair.
38 (2) Exterior walls and roofs shall be kept in good repair.
39 (3) Windows and exterior doors shall be weathertight, watertight and
40 rodentproof and shall be maintained in good condition.
41 (4) All exterior areas that show evidence of rot or other deterioration shall
42 be repaired or replaced.
43 (5) Every exterior stairway, porch and appurtenance shall be maintained
44 in good repair.
45 (6) All exterior surfaces subject to deterioration shall be properly
46 maintained and protected from the elements by paint or other
47 approved protective coating applied in a workmanlike fashion.
48 (7) Every utility connection shall be free from defects, disconnected,
49 removed or otherwise made safe.
50 (8) Vacant dwelling units shall be provided with utility connections for the
51 following type of facility: an installed nonportable cooking facility
52 which shall not be capable of being carried easily by one person and
53 which shall have at least two top burners.
54 (9) Every plumbing fixture, waterpipe, wastepipe, and drain shall be free
55 from defects, leaks, and obstructions.
56 (10) Exterior premises shall be kept free from the excessive growth
57 of weeds, grass, and other flora. The term "excessive growth" shall
58 mean growth which is detrimental to the public health, safety, and
59 welfare and which generally detracts from the appearance of the
60 neighborhood.
61 (11) Vacant housing structures shall be weathertight, watertight,
62 clean, sanitary, and free from infestation, rubbish, and garbage.
63 (12) Vacant structures shall be secure at all times. ~~The owner or~~
64 ~~operator of any vacant structure found unguarded and open as~~
65 ~~aforesaid shall be given notice of such violation by the enforcing~~
66 ~~officer unless enforcement action is initiated by the building official in~~
67 ~~accordance with the provisions of the Florida Building Code, in which~~
68 ~~case notice of the violation will be provided as required therein. The~~
69 ~~notice shall require immediate action to secure and seal the vacant~~

Added language is underlined. Deleted language is stricken through.

~~structure in a manner that abates temporarily the unsafe conditions by using concrete blocks, storm shutters, or other materials of the same durability as determined by the code enforcement officer and construction methods which are in keeping with good workmanship and appearance, and are otherwise in compliance with the Florida Building Code. In no event shall a vacant structure remain secured by the use of concrete blocks, storm shutters, or similar materials for a period exceeding 180 days as that period may be extended pursuant to the Florida Building Code. Prior to the expiration of the stated period, the vacant structure must be completed and brought into full compliance with the Florida Building Code. Failure to comply with this requirement shall constitute a violation of this section. Swimming pools are to be secured by filling in with sand, or by fencing or by using another approved method as determined by the code enforcement officer. Vacant structures temporarily ordered secured as provided aforesaid shall not be used or occupied until written approval is given by the enforcing agency. The provisions of this section shall be complementary to, and not in derogation of, the provisions of the Florida Building Code relating to unsafe structures.~~

(13) All windows, doors, gates, fences or any other opening of such size that may allow access of persons, animals, or other elements, to the interior of the property, building or structure shall be secured, locked, closed, or maintained in such a manner so as to prevent unauthorized entry and create an attractive nuisance.

(14) If the property is deemed commercial property and remains vacant or abandoned after six (6) months, the owner or operator of the vacant or abandoned commercial property shall erect fencing along the parameter of the property to prevent unauthorized entry of persons, animals, or other elements.

Section 3. CONFLICT: All ordinances or Code provisions in conflict herewith are hereby repealed.

Section 4. SEVERABILITY: If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

Added language is underlined. Deleted language is stricken through.

107 Section 5. INCLUSION IN CODE: It is the intention of the City
108 Council of the City of Miami Gardens that the provisions of this Ordinance shall
109 become and be made a part of the Code of Ordinances of the City of Miami
110 Gardens and that the section of this Ordinance may be renumbered or relettered
111 and the word "Ordinance" may be changed to "Chapter," "Section," "Article" or
112 such other appropriate word or phrase, the use of which shall accomplish the
113 intentions herein expressed.

114 Section 6. EFFECTIVE DATE: This Ordinance shall become effective
115 immediately upon its final passage.

116 PASSED ON FIRST READING ON THE ____ DAY OF _____,
117 2017.

118 PASSED ON SECOND READING ON THE ____ DAY OF _____,
119 2017.

120 ADOPTED AND PASSED BY THE CITY COUNCIL OF THE CITY OF
121 MIAMI GARDENS AT ITS REGULAR MEETING HELD ON THE ____ DAY OF
122 _____, 2017.

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125 _____
126 OLIVER GILBERT, III, MAYOR
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129 **ATTEST:**
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132 _____
133 RONETTA TAYLOR, MMC, CITY CLERK
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Added language is underlined. Deleted language is stricken through.

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PREPARED BY: SONJA KNIGHTON DICKENS, ESQ., CITY ATTORNEY

SPONSORED BY: COUNCILMAN DAVID WILLIAMS JR.

Moved by: _____

Second by: _____

VOTE: _____

Mayor Oliver Gilbert, III	_____ (Yes)	_____ (No)
Vice Mayor Erhabor Ighodaro, Ph.D.	_____ (Yes)	_____ (No)
Councilwoman Lisa C. Davis	_____ (Yes)	_____ (No)
Councilman Rodney Harris	_____ (Yes)	_____ (No)
Councilwoman Lillie Q. Odom	_____ (Yes)	_____ (No)
Councilwoman Felicia Robinson	_____ (Yes)	_____ (No)
Councilman David Williams Jr	_____ (Yes)	_____ (No)

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