



## City of Miami Gardens Agenda Cover Memo

<b>Council Meeting Date:</b>	April 12, 2017		<b>Item Type:</b> <i>(Enter X in box)</i>	<b>Resolution</b>	<b>Ordinance</b>	<b>Other</b>	
<b>Fiscal Impact:</b> <i>(Enter X in box)</i>	<b>Yes</b>	<b>No</b>	<b>Ordinance Reading:</b> <i>(Enter X in box)</i>	<b>1<sup>st</sup> Reading</b>		<b>2<sup>nd</sup> Reading</b>	
	X		<b>Public Hearing:</b> <i>(Enter X in box)</i>	<b>Yes</b>	<b>No</b>	<b>Yes</b>	<b>No</b>
<b>Funding Source:</b>	General Fund		<b>Advertising Requirement:</b> <i>(Enter X in box)</i>	<b>Yes</b>		<b>No</b>	
				x			
<b>Contract/P.O. Required:</b> <i>(Enter X in box)</i>	<b>Yes</b>	<b>No</b>	<b>RFP/RFQ/Bid #:</b>				
<b>Strategic Plan Related</b> <i>(Enter X in box)</i>	<b>Yes</b>	<b>No</b>	<b>Strategic Plan Priority Area:</b>	<b>Strategic Plan Obj./Strategy:</b> <i>(list the specific objective/strategy this item will address)</i>			
			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"/>				
<b>Sponsor Name</b>	David Williams, Jr. Councilman		<b>Department:</b>	<i>Office of the Mayor &amp; Council</i>			

### 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.



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.

32  
33 Every vacant structure and vacant premises shall comply with the  
34 following requirements:

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

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 22<sup>nd</sup> DAY OF MARCH, 2017.

117 PASSED ON SECOND READING ON THE \_\_\_\_ DAY OF \_\_\_\_\_,  
118 2017.

119 ADOPTED AND PASSED BY THE CITY COUNCIL OF THE CITY OF  
120 MIAMI GARDENS AT ITS REGULAR MEETING HELD ON THE \_\_\_\_ DAY OF  
121 \_\_\_\_\_, 2017.

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123  
124 \_\_\_\_\_  
125 OLIVER GILBERT, III, MAYOR  
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127  
128 **ATTEST:**

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131 \_\_\_\_\_  
132 RONETTA TAYLOR, MMC, CITY CLERK  
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135 PREPARED BY: SONJA KNIGHTON DICKENS, ESQ., CITY ATTORNEY

Added language is underlined. Deleted language is stricken through.

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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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