

Sponsored by: Commissioner Davis

ORDINANCE NO. XX-XX

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA AMENDING CHAPTER 13 OF THE CITY OF OPA-LOCKA'S CODE OF ORDINANCES, ENTITLED "LICENSES AND BUSINESS REGULATIONS", ARTICLE XIV ENTITLED "LANDLORD PERMIT", SPECIFICALLY AMENDING SECTION, 13-274(3) TO REQUIRE THAT ALL APARTMENT BUILDINGS WITH ONE HUNDRED FIFTY (150) UNITS OR MORE TO BE REQUIRED TO HAVE ONSITE 24-HOUR ARMED OFF-DUTY POLICE OFFICER SECURITY; AMENDING SECTION 13-278(5)(b) TO REQUIRE PERMIT APPLICANTS WITH ONE HUNDRED FIFTY (150) UNITS OR MORE APARTMENT UNITS TO COMPLETE A SEPARATE FORM TO BE CREATED BY CITY CONTAINING AN ACKNOWLEDGMENT THAT A DAILY LOG WILL BE KEPT CONTAINING THE NAMES OF ANY AND ALL ON-SITE 24-HOUR ARMED OFF-DUTY POLICE OFFICERS BEFORE A PERMIT SHALL BE ISSUED; PROVIDING FOR ADOPTION OF REPRESENTATIONS; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission of Opa-Locka is concerned about further curtailing crime and related offenses within the City of Opa-Locka ("City"); and

WHEREAS, on November 19, 2020, the City Commission of the City of Opa-Locka passed Ordinance No. 2020-20, requiring that all apartment buildings with One Hundred Fifty (150) Units or more to be required to have onsite armed off-duty police officer security and Landlord Permit Applicants with One Hundred Fifty (150) or more apartment units to complete a separate form, to be created by City, containing an

acknowledgment that a daily log will be kept containing the name of the on-site armed off-duty police officer before a Landlord Permit is issued; and

WHEREAS, due to the increased crime rate in the City, primarily occurring at larger apartment complexes, there is a great need for twenty-four (24) hour onsite armed off-duty police security; and

WHEREAS, in an effort to curtail a recent increase in crime and related offenses in apartment complexes with one hundred fifty (150) units or more, the City Commission deems it necessary for there to be onsite twenty-four (24) hour armed off-duty police officer security services to directly address the immediate concern of life, health, and safety of residents; and

WHEREAS, due to recent city events, the City finds that larger numbers of residents connected with larger unit apartment living warrants greater measures in place to curtail criminal activity; and

WHEREAS, Article VIII, Section 2 of the Florida Constitution and Chapter 166 of Florida Statutes, the City of Opa-Locka ("City") has been granted a broad exercise of home rule powers granted by the constitution which includes the power and authority to enact regulations for valid governmental purposes that are not prohibited by general or special law; and

WHEREAS, the City Commission of the City of Opa-Locka desires to make certain amendments to Chapter 13, Article XIV of the City's Code of Ordinances entitled

“Landlord Permit”, to amend section 13-274(3) and require all apartment buildings with One Hundred Fifty (150) or more units to verify an onsite twenty-four (24) hour armed off-duty police officer as a part of the permit process.

WHEREAS, the City Commission has determined that it will be in the best interest of the City to specifically amend the aforementioned sections of the City’s Code of Ordinances.

WHEREAS, upon adoption of this legislation, the City Manager will inform the management of all apartment complexes with 150 or more units of this requirement and allow them 30 days to be in compliance with this legislation.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, AS FOLLOWS:

Section 1. Adoption of Representations.

The foregoing “Whereas” clauses are hereby ratified and confirmed as being true, and the same are hereby made a specific part of this Ordinance.

Section 2. Amending Chapter 13 “Licenses and Business Regulations”, Article XIV entitled “Landlord Permit”, to amended Section 13-274(3) which shall read:

Chapter 13. Licenses and Business Regulations

ARTICLE XIV. - LANDLORD PERMIT

Sec. 13-274. - Landlord permit required.

Every owner of a dwelling or dwelling unit within the city, is required to apply for an annual landlord permit from the city manager or his/her designee prior to leasing, subleasing, renting or otherwise allowing the occupancy of any dwelling or dwelling unit

for the purpose of tenancy of unit to another natural person or other natural persons, whether or not for consideration. In the case of multiple owners of any such dwelling or dwelling unit, it shall be sufficient for any one of the owners to have obtained a permit on the dwelling or unit. The application shall be in writing and on a form provided by the city.

(1) It is hereby deemed unlawful for any person to lease, sublease, rent or allow the occupancy of any dwelling or dwelling unit for the purpose of tenancy, whether or not for consideration, without first obtaining the required landlord permit.

(2) No structure, single-family dwelling, two-family dwelling, three-family dwelling, four-family dwelling, multiple-family dwelling, rooming house, dormitory or other dwelling or dwelling unit used for the purpose of tenancy or leasing, subleasing, or rental shall be occupied by anyone other than an owner or his/her family member(s), without first obtaining a landlord permit therefor, from the city as may be required herein.

(3) All apartments buildings within the City with One Hundred Fifty (150) or more units shall be required to have an onsite property manager who shall live on the premises and be responsible to residents for addressing life, health and safety issues. In addition, there shall be twenty-four (24) hour armed off-duty police officer security ~~shall be~~ required to protect the life, health, safety and of tenants.

Section 3. Amending Chapter 13 "Licenses and Business Regulations", Article XIV entitled "Application procedures", to amend language of Section 13-278(5)(b) to require applicants with One Hundred Fifty (150) or more apartment units to maintain a daily log containing the names of any and all on-site twenty-four (24) hour armed off-duty police officers and shall read:

Sec. 13-278. - Application procedures.

(a) No landlord permit shall be issued or granted to any person unless an application is filed with the city manager, or his/her designee on forms provided for that purpose, disclosing the following:

(1) The landlord's name, address and telephone number, and any other emergency contact information. Any changes in such information during the period for which the

landlord permit is issued shall be made to the city manager or his/her designee, in writing.

(2) If the applicant is a corporation or partnership, the full name and address of the corporation or partnership and the state of incorporation. Applicant must submit a copy of the articles of incorporation.

(3) If the property is mortgaged, the name and address of the mortgagee.

(4) The number of dwelling units and number of bathrooms and bedrooms in each unit.

(5) Whether the applicant and/or its principals has ever been cited for, or found in violation of any required housing standards and if so, the date, jurisdiction, nature of violation and disposition of violation.

(b) All applicants and permits shall be assigned a number, which may be an individual's social security number, a corporation's federal tax number, or such other uniform method of numbering selected by the city manager or his designee. For all applications involving apartment buildings within the City with One Hundred Fifty (150) or more units, a separate form to be created by the City shall be completed by the applicant containing the name of the on-site property manager and an acknowledgment that a daily log will be kept containing the names of the any and all on-site twenty-four (24) hour armed off-duty police officers before a permit shall issue.

(c) Statement of accuracy: The application form shall contain the following language:

"The undersigned has carefully reviewed this application and all facts, figures, statements contained in this application are true, correct, and complete. The applicant also acknowledges and understands that the issuance of the City Landlord Permit is contingent upon a compliance inspection and in conjunction with the issuance of a Certificate of Occupancy. The undersigned understands that failure to comply with the City's Ordinances may result in revocation of said Landlord Permit."

(d) The applicant shall print and sign his or her name on the application immediately after the statement required in subsection (c) above. In the case of a corporation, an officer shall be required to sign the application in his individual capacity and not solely as a corporate agent.

(e) Dwelling or dwelling units that are required to obtain a certificate of occupancy pursuant to § 110 of the Florida Building Code, must do so prior to the issuance of a landlord permit. The city shall honor any certificate of occupancy issued by Miami-Dade County provided that the occupancy for which the certificate was issued remains the same.

(f) State license, certification, registration required. All premises regulated by the state must submit a copy of their current state license, certification, and/or registration prior to the issuance of their landlord permit and thereafter each year at time of renewal. Only the state license itself or receipt therefor shall constitute proof of current state license.

(g) Landlord permits shall not be issued unless:

(1) There has been a site inspection of the dwelling or dwelling unit(s) by the city.

(2) The city has verified compliance with all applicable laws and regulations and has collected all applicable fees due to the city.

Section 4. Other Language Remaining Same. All other language set forth in Chapter 13 that is not otherwise amended herein shall remain the same.

Section 5. Conflict & Repealer.

All ordinances, parts of ordinances or code provisions in conflict herewith ordinance are hereby repealed.

Section 6. Severability.

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions of the Code or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

Section 7. Inclusion In Code.

It is the intention of the City Commission of the City of Opa-Locka that the provisions of this Emergency Ordinance shall at some time in the future become and be made a part of the Code of Ordinances of the City of Opa-Locka and that the sections of this Ordinance may be renumbered or re-lettered and the word "Ordinance" may be

changed to "Chapter," "Section," "Article" or such other appropriate word or phrase, the use of which shall accomplish the intentions herein expressed; provided, however, that Section 1 hereof or the provisions contemplated thereby shall not be codified.

Section 8. Effective Date.

This Ordinance shall take effect upon the adoption of this Ordinance by the Commission of the City of Opa-Locka and upon a filing of a certified copy hereof with the Florida Department of State and is subject to the approval of the Governor or Governor's Designee.

PASSED FIRST READING this ____ day of _____ 2022.

PASSED SECOND READING this ____ day of _____ 2022.

Veronica J. Williams, Mayor

ATTEST:

Joanna Flores, City Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

Burnadette Norris-Weeks, P.A.

City Attorney

Moved by: _____

Seconded by: _____

VOTE:

Commissioner Bass	_____ (Yes)	_____ (No)
Commissioner Davis	_____ (Yes)	_____ (No)
Commissioner Dominguez	_____ (Yes)	_____ (No)
Vice-Mayor Taylor	_____ (Yes)	_____ (No)
Mayor Williams	_____ (Yes)	_____ (No)



City of Opa-locka Agenda Cover Memo

Department Director:			Department Director Signature:			
City Manager:	Darvin Williams		CM Signature:			
Commission Meeting Date:	06.08.2022	Item Type: <small>(Enter X in box)</small>	Resolution	Ordinance	Other	
				X		
Fiscal Impact: <small>(Enter X in box)</small>	Yes	No	Ordinance Reading: <small>(Enter X in box)</small>	1st Reading		2nd Reading
		X	Public Hearing: <small>(Enter X in box)</small>	Yes	No	Yes
					X	X
Funding Source: <small>Account# :</small>	<small>(Enter Fund & Dept)</small> Ex:		Advertising Requirement: <small>(Enter X in box)</small>	Yes		No
				X		
Contract/P.O. Required: <small>(Enter X in box)</small>	Yes	No	RFP/RFQ/Bid#:			
		X				
Strategic Plan Related <small>(Enter X in box)</small>	Yes	No	Strategic Plan Priority Area: Enhance Organizational <input checked="" type="checkbox"/> Bus. & Economic Dev <input type="checkbox"/> Public Safety <input checked="" type="checkbox"/> Quality of Education <input type="checkbox"/> Qual. of Life & City Image <input checked="" type="checkbox"/> Communication <input type="checkbox"/>	Strategic Plan Obj./Strategy: <small>(list the specific objective/strategy this item will address)</small>		
	X					
Sponsor Name	Commissioner Davis		Department: City Commission			

Short Title:

An Ordinance of the City Commission of the City of Opa-locka amending Chapter 13 of the City of Opa-locka's Code of Ordinances, entitled "Licenses and Business Regulations", Article XIV entitled "Landlord Permit", specifically amending Section 13-274(3) to require that all apartment complexes with one hundred fifty (150) units or more to be required to have 24-hour onsite armed off-duty police security.

Staff Summary:

Due to the increased crime rate in the City, primarily occurring at apartment complexes, there is a great need for 24-hour onsite armed off-duty police in an effort to curtail crime and related offenses. Staff requests approval of this legislation to address the immediate concern of life, health, and safety of the residents. Armed off-duty police presence is currently required for these apartment complexes, but this amendment increases this requirement to around-the-clock.

Financial Impact- The City will incur no expense related to the proposed action.

Proposed Action:

Upon adoption of legislation, staff will inform the management of all apartment complexes with 150 or more units of this requirement and allow them 30 days to be in compliance with this legislation.

Attachment:

Ordinance No. 2020-20
Ordinance No. 19-14

ORDINANCE NO. 2020-20

AN EMERGENCY ORDINANCE OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA AMENDING CHAPTER 13 OF THE CITY OF OPA-LOCKA'S CODE OF ORDINANCES, ENTITLED "LICENSES AND BUSINESS REGULATIONS", ARTICLE XIV ENTITLED "LANDLORD PERMIT", SPECIFICALLY AMENDING SECTION, 13-274(3) TO REQUIRE THAT ALL APARTMENT BUILDINGS WITH ONE HUNDRED FIFTY (150) UNITS OR MORE TO BE REQUIRED TO HAVE ONSITE ARMED OFF-DUTY POLICE OFFICER SECURITY; AMENDING SECTION 13-278(5)(b) TO REQUIRE PERMIT APPLICANTS WITH ONE HUNDRED FIFTY (150) OR MORE APARTMENT UNITS TO COMPLETE A SEPARATE FORM TO BE CREATED BY CITY CONTAINING AN ACKNOWLEDGMENT THAT A DAILY LOG WILL BE KEPT CONTAINING THE NAME OF THE ON-SITE ARMED OFF-DUTY POLICE OFFICER BEFORE A PERMIT SHALL ISSUE; PROVIDING FOR ADOPTION OF REPRESENTATIONS; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Opa-Locka is concerned about the well-being of its citizens residing in apartment complexes; and

WHEREAS, this Ordinance was passed on first reading by the City Commission of the City of Opa-Locka on October 14, 2020; and

WHEREAS, due to scheduling errors, the Ordinance was not noticed in time to allow for proper publication to be read on at least two (2) separate days and run in a newspaper of general circulation within the municipality for at least 10 days prior to adoption; and

WHEREAS, pursuant to Section 166.041, Florida Statutes, the governing body of a municipality may, by a two-thirds vote, enact an emergency ordinance without complying with the requirements of Section 166.041(3)(a), so long as it does not establish or amend the actual zoning map designation of a parcel or parcels of land or that change the actual list of permitted, conditional, or prohibited uses within a zoning category; and

WHEREAS, in an effort to curtail a recent increase in crime and related offenses in apartment complexes with one hundred fifty (150) units or more, the City Commission deems it necessary for there to be armed off duty police officer security services to directly address the immediate concern of life, health, and safety of residents; and

WHEREAS, due to recent city events, including multiple shootings on November 18, 2020, the City finds that larger numbers of residents connected with larger unit apartment living warrants greater measures in place to curtail criminal activity; and

WHEREAS, the City Commission desires to incorporate additional requirements for security in connection with apartments buildings of one hundred fifty (150) or more units as a part of the City's permitting process; and

WHEREAS, Article VIII, Section 2 of the Florida Constitution and Chapter 166 of Florida Statutes, the City of Opa-Locka ("City") has been granted a broad exercise of home rule powers granted by the constitution which includes the power and authority

to enact regulations for valid governmental purposes that are not prohibited by general or special law; and

WHEREAS, the City Commission of the City of Opa-Locka desires to make certain amendments to Chapter 13, Article XIV of the City's Code of Ordinances entitled "Landlord Permit", to amend section 13-274(3) and requiring all apartment buildings with one hundred fifty (150) or more units to verify an onsite armed off-duty police officer as a part of the permit process.

WHEREAS, the City Commission of the City of Opa-Locka desires to Amend Chapter 13 "Licenses and Business Regulations", Article XIV entitled "Application procedures", to amend language of Section 13-278(5)(b) to require applicants with one hundred fifty (150) or more apartment units to complete a separate form, to be created by the City, containing the name of the on-site armed off-duty police officer; and

WHEREAS, the City Commission has determined that it will be in the best interest of the City to specifically amend the aforementioned sections of the City's Code of Ordinances.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, AS FOLLOWS:

Section 1. Adoption of Representations.

The foregoing "Whereas" clauses are hereby ratified and confirmed as being true, and the same are hereby made a specific part of this Ordinance.

Section 2. Amending Chapter 13 "Licenses and Business Regulations", Article XIV entitled "Landlord Permit", to amended Section 13-274(3) which shall read:

Chapter 13. Licenses and Business Regulations

ARTICLE XIV. - LANDLORD PERMIT

Sec. 13-274. - Landlord permit required.

Every owner of a dwelling or dwelling unit within the city, is required to apply for an annual landlord permit from the city manager or his/her designee prior to leasing, subleasing, renting or otherwise allowing the occupancy of any dwelling or dwelling unit for the purpose of tenancy of unit to another natural person or other natural persons, whether or not for consideration. In the case of multiple owners of any such dwelling or dwelling unit, it shall be sufficient for any one of the owners to have obtained a permit on the dwelling or unit. The application shall be in writing and on a form provided by the city.

(1) It is hereby deemed unlawful for any person to lease, sublease, rent or allow the occupancy of any dwelling or dwelling unit for the purpose of tenancy, whether or not for consideration, without first obtaining the required landlord permit.

(2) No structure, single-family dwelling, two-family dwelling, three-family dwelling, four-family dwelling, multiple-family dwelling, rooming house, dormitory or other dwelling or dwelling unit used for the purpose of tenancy or leasing, subleasing, or rental shall be occupied by anyone other than an owner or his/her family member(s), without first obtaining a landlord permit therefor, from the city as may be required herein.

(3) All apartment buildings within the City with one hundred fifty (150) or more units shall be required to have an onsite property manager who shall live on the premises and be responsible to residents for addressing life, health and safety issues. In addition, armed off-duty police officer security shall be required to protect the life, health, safety and of tenants.

Section 3. Amending Chapter 13 "Licenses and Business Regulations", Article XIV entitled "Application procedures", to amend language of Section 13-278(5)(b) to require applicants with one hundred fifty (150) or more apartment units to maintain a daily log containing the name of the on-site armed off-duty police officer and shall read:

Sec. 13-278. - Application procedures.

(a) No landlord permit shall be issued or granted to any person unless an application is filed with the city manager, or his/her designee on forms provided for that purpose, disclosing the following:

(1) The landlord's name, address and telephone number, and any other emergency contact information. Any changes in such information during the period for which the landlord permit is issued shall be made to the city manager or his/her designee, in writing.

(2) If the applicant is a corporation or partnership, the full name and address of the corporation or partnership and the state of incorporation. Applicant must submit a copy of the articles of incorporation.

(3) If the property is mortgaged, the name and address of the mortgagee.

(4) The number of dwelling units and number of bathrooms and bedrooms in each unit.

(5) Whether the applicant and/or its principals has ever been cited for, or found in violation of any required housing standards and if so, the date, jurisdiction, nature of violation and disposition of violation.

(b) All applicants and permits shall be assigned a number, which may be an individual's social security number, a corporation's federal tax number, or such other uniform method of numbering selected by the city manager or his designee. For all applications involving apartment buildings within the City with one hundred fifty (150) or more units, a separate form to be created by the City shall be completed by the applicant containing the name of the on-site property manager and an acknowledgment that a daily log will be kept containing the name of the on-site armed off-duty police officer before a permit shall issue.

(c) Statement of accuracy: The application form shall contain the following language:

"The undersigned has carefully reviewed this application and all facts, figures, statements contained in this application are true, correct, and complete. The applicant also acknowledges and understands that the issuance of the City Landlord Permit is contingent upon a compliance inspection and in conjunction with the issuance of a Certificate of Occupancy. The undersigned understands that failure to comply with the City's Ordinances may result in revocation of said Landlord Permit."

(d) The applicant shall print and sign his or her name on the application immediately after the statement required in subsection (c) above. In the case of a corporation, an officer shall be required to sign the application in his individual capacity and not solely as a corporate agent.

(e) Dwelling or dwelling units that are required to obtain a certificate of occupancy pursuant to § 110 of the Florida Building Code, must do so prior to the issuance of a landlord permit. The city shall honor any certificate of occupancy issued by Miami-Dade County provided that the occupancy for which the certificate was issued remains the same.

(f) State license, certification, registration required. All premises regulated by the state must submit a copy of their current state license, certification, and/or registration prior to the issuance of their landlord permit and thereafter each year at time of renewal. Only the state license itself or receipt therefor shall constitute proof of current state license.

(g) Landlord permits shall not be issued unless:

(1) There has been a site inspection of the dwelling or dwelling unit(s) by the city.

(2) The city has verified compliance with all applicable laws and regulations and has collected all applicable fees due to the city.

Section 4. Other Language Remaining Same. All other language set forth in Chapter 13 that is not otherwise amended herein shall remain the same.

Section 5. Conflict & Repealer.

All ordinances, parts of ordinances or code provisions in conflict herewith ordinance are hereby repealed.

Section 6. Severability.

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions of the Code or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

Section 7. Inclusion In Code.

It is the intention of the City Commission of the City of Opa-Locka that the provisions of this Emergency Ordinance shall at some time in the future become and be made a part of the Code of Ordinances of the City of Opa-Locka and that the sections of this Ordinance may be renumbered or re-lettered and the word "Ordinance" may be changed to "Chapter," "Section," "Article" or such other appropriate word or phrase, the use of which shall accomplish the intentions herein expressed; provided, however, that Section 1 hereof or the provisions contemplated thereby shall not be codified.

Section 8. Effective Date.

This Ordinance shall take effect upon the adoption of this Ordinance by the Commission of the City of Opa-Locka and upon a filing of a certified copy hereof with the Florida Department of State and is subject to the approval of the Governor or Governor's Designee.

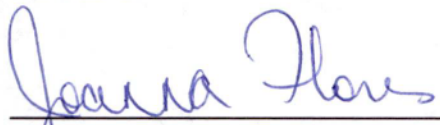
PASSED FIRST READING this 14th day of October, 2020.

PASSED SECOND READING this 19th day of **November**, 2020.



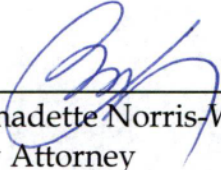
Matthew A. Pigatt, Mayor

ATTEST:



Joanna Flores, City Clerk

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:**



Burnadette Norris-Weeks, Esq.
City Attorney

Moved by: COMMISSIONER KELLEY

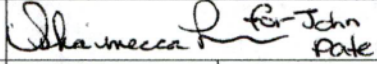
Seconded by: VICE MAYOR DAVIS

VOTE: 5-0

Commissioner Bass	YES
Commissioner Burke	YES
Commissioner Kelley	YES
Vice-Mayor Davis	YES
Mayor Pigatt	YES



**City of Opa-Locka
Agenda Cover Memo**

Department Director:			Department Director Signature:				
City Manager:	John E. Pate		CM Signature:				
Commission Meeting Date:	11.19.20		Item Type: <small>(Enter X in box)</small>	Resolution	Ordinance	Other	
Fiscal Impact: <small>(Enter X in box)</small>	Yes	No	Ordinance Reading: <small>(Enter X in box)</small>	1st Reading		2nd Reading	
		X	Public Hearing: <small>(Enter X in box)</small>	Yes	No	Yes	No
					X	X	
Funding Source: <small>Account# :</small>	<small>(Enter Fund & Dept) Ex:</small>		Advertising Requirement: <small>(Enter X in box)</small>	Yes		No	
				X			
Contract/P.O. Required: <small>(Enter X in box)</small>	Yes	No	RFP/RFQ/Bid#:				
	X						
Strategic Plan Related <small>(Enter X in box)</small>	Yes	No	Strategic Plan Priority Area: Enhance Organizational <input checked="" type="checkbox"/> Bus. & Economic Dev <input type="checkbox"/> Public Safety <input checked="" type="checkbox"/> Quality of Education <input type="checkbox"/> Qual. of Life & City Image <input checked="" type="checkbox"/> Communication <input type="checkbox"/>	Strategic Plan Obj./Strategy: <small>(list the specific objective/strategy this item will address)</small>			
	X						
Sponsor Name	City Manager		Department:	City Manager			

Short Title:

An emergency ordinance authorizing the City Manager to establish a requirement for apartment complexes with 150 units or more to have on-site off duty police officers on the property.

Staff Summary:

Due to the increase crime rate in the City of Opa-locka, primarily occurring at apartment complexes there is a great need for on-site off duty police in an effort to curtail crime and related offenses. It is necessary to approve this legislation to address the immediate concern of life, health, and safety of the residents.

Financial Impact- The City will incur no expense related to the proposed action.

Proposed Action:

Upon adoption of legislation staff will inform the management team for all apartment complexes with 150 units more of the requirements. ...

Attachment:

Ordinance No. 19-14

1st Reading/Public Hearing: October 9, 2019
2nd Reading/Public Hearing: November 13, 2019
Adopted: November 13, 2019
Effective Date: January 1, 2020
Sponsored By: Commissioner Kelley and Vice Mayor Davis

ORDINANCE NO. 19-14

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, AMENDING CHAPTER 13 OF THE CITY OF OPA-LOCKA'S CODE OF ORDINANCES, ENTITLED "LICENSES AND BUSINESS REGULATIONS", ARTICLE XIV ENTITLED "LANDLORD PERMIT", SPECIFICALLY AMENDING SECTION, 13-274 TO ADD NEW SECTION (3) REQUIRING ALL APARTMENT BUILDINGS WITH FORTY (40) UNITS OR MORE TO BE REQUIRED TO HAVE AN ONSITE PROPERTY MANAGER AND 24 HOUR ARMED SECURITY SERVICES; AMENDING SECTION 13-278(5)(b) TO REQUIRE PERMIT APPLICANTS WITH FORTY (40) OR MORE APARTMENT UNITS TO COMPLETE A SEPARATE FORM TO BE CREATED BY CITY; PROVIDING FOR ADOPTION OF REPRESENTATIONS; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Opa-Locka is concerned about the well-being of its citizens residing in apartment complexes; and

WHEREAS, in an effort to curtail crime and related offenses in apartment complexes with forty (40) units or more, the City Commission deems it necessary for there to be an on-site property manager, and armed twenty-four (24) hour security services to address the immediate concern of life, health, and safety of residents; and

WHEREAS, due to recent city events, including shootings, the City finds that larger numbers of residents connected with apartment living warrants greater measures in place to curtail criminal activity; and

WHEREAS, the City Commission desires to incorporate additional requirements for security in connection with apartments buildings of forty (40) or more units as a part of the City's permitting process; and

WHEREAS, Article VIII, Section 2 of the Florida Constitution and Chapter 166 of Florida Statutes, the City of Opa-Locka ("City") has been granted a broad exercise of home rule powers granted by the constitution which includes the power and authority to enact regulations for valid governmental purposes that are not prohibited by general or special law; and

WHEREAS, the City Commission of the City of Opa-Locka desires to make certain amendments to Chapter 13, Article XIV of the City's Code of Ordinances entitled "Landlord Permit", to add new section (3) to 13-274 and requiring all apartment buildings with forty or more units to verify an onsite property manager and twenty-four (24) hour armed security as a part of the permit process.

WHEREAS, the City Commission of the City of Opa-Locka desires to Amend Chapter 13 "Licenses and Business Regulations", Article XIV entitled "Application procedures", to add new language to Section 13-278(5)(b) to require applicants with forty (40) or more apartment units to complete a separate form to be created by the City; and

WHEREAS, the City Commission has determined that it will be in the best interest of the City to specifically amend the aforementioned sections of the City's Code of Ordinances.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF
THE CITY OF OPA-LOCKA, FLORIDA, AS FOLLOWS:**

Section 1. Adoption of Representations.

The foregoing "Whereas" clauses are hereby ratified and confirmed as being true, and the same are hereby made a specific part of this Ordinance.

Section 2. Amending Chapter 13 "Licenses and Business Regulations", Article XIV entitled "Landlord Permit", to add new Section 13-274(3) which shall read:

Chapter 13. Licenses and Business Regulations

ARTICLE XIV. - LANDLORD PERMIT

Sec. 13-274. - Landlord permit required.

Every owner of a dwelling or dwelling unit within the city, is required to apply for an annual landlord permit from the city manager or his/her designee prior to leasing, subleasing, renting or otherwise allowing the occupancy of any dwelling or dwelling unit for the purpose of tenancy of unit to another natural person or other natural persons, whether or not for consideration. In the case of multiple owners of any such dwelling or dwelling unit, it shall be sufficient for any one of the owners to have obtained a permit on the dwelling or unit. The application shall be in writing and on a form provided by the city.

(1) It is hereby deemed unlawful for any person to lease, sublease, rent or allow the occupancy of any dwelling or dwelling unit for the purpose of tenancy, whether or not for consideration, without first obtaining the required landlord permit.

(2) No structure, single-family dwelling, two-family dwelling, three-family dwelling, four-family dwelling, multiple-family dwelling, rooming house, dormitory or other dwelling or dwelling unit used for the purpose of tenancy or leasing, subleasing, or rental shall be occupied by anyone other than an owner or his/her family member(s), without first obtaining a landlord permit therefor, from the city as may be required herein.

(3) All apartments buildings within the City with forty (40) or more units shall be required to have an onsite property manager who shall live on the premises and be responsible to residents

for addressing life, health and safety issues. In addition, twenty-four (24) hour armed security services shall be required to protect the life, health, safety and of tenants.

Section 3. Amending Chapter 13 "Licenses and Business Regulations", Article XIV entitled "Application procedures", to add new language to Section 13-278(5)(b) to require applicants with forty (40) or more apartment units to complete a separate form to be created by the City and shall read:

Sec. 13-278. - Application procedures.

(a) No landlord permit shall be issued or granted to any person unless an application is filed with the city manager, or his/her designee on forms provided for that purpose, disclosing the following:

(1) The landlord's name, address and telephone number, and any other emergency contact information. Any changes in such information during the period for which the landlord permit is issued shall be made to the city manager or his/her designee, in writing.

(2) If the applicant is a corporation or partnership, the full name and address of the corporation or partnership and the state of incorporation. Applicant must submit a copy of the articles of incorporation.

(3) If the property is mortgaged, the name and address of the mortgagee.

(4) The number of dwelling units and number of bathrooms and bedrooms in each unit.

(5) Whether the applicant and/or its principals has ever been cited for, or found in violation of any required housing standards and if so, the date, jurisdiction, nature of violation and disposition of violation.

(b) All applicants and permits shall be assigned a number, which may be an individual's social security number, a corporation's federal tax number, or such other uniform method of numbering selected by the city manager or his designee. For all applications involving apartment buildings within the City with forty (40) or more units, a separate form to be created by the City shall be completed by the applicant containing the name of the on-site property manager and the name of the armed security service before a permit shall issue.

(c) Statement of accuracy: The application form shall contain the following language:

"The undersigned has carefully reviewed this application and all facts, figures, statements contained in this application are true, correct, and complete. The applicant also acknowledges and understands that the issuance of the City Landlord Permit is contingent upon a compliance inspection and in conjunction with the issuance of a Certificate of Occupancy. The undersigned understands that failure to comply with the City's Ordinances may result in revocation of said Landlord Permit."

(d) The applicant shall print and sign his or her name on the application immediately after the statement required in subsection (c) above. In the case of a corporation, an officer shall be required to sign the application in his individual capacity and not solely as a corporate agent.

(e) Dwelling or dwelling units that are required to obtain a certificate of occupancy pursuant to § 110 of the Florida Building Code, must do so prior to the issuance of a landlord permit. The city shall honor any certificate of occupancy issued by Miami-Dade County provided that the occupancy for which the certificate was issued remains the same.

(f) State license, certification, registration required. All premises regulated by the state must submit a copy of their current state license, certification, and/or registration prior to the issuance of their landlord permit and thereafter each year at time of renewal. Only the state license itself or receipt therefor shall constitute proof of current state license.

(g) Landlord permits shall not be issued unless:

(1) There has been a site inspection of the dwelling or dwelling unit(s) by the city.

(2) The city has verified compliance with all applicable laws and regulations and has collected all applicable fees due to the city.

Section 4. Other Language Remaining Same. All other language set forth in Chapter 13 that is not otherwise amended herein shall remain the same.

Section 5. Conflict & Repealer.

All ordinances, parts of ordinances or code provisions in conflict herewith ordinance are hereby repealed.

Section 6. **Severability.**

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions of the Code or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

Section 7. **Inclusion In Code.**

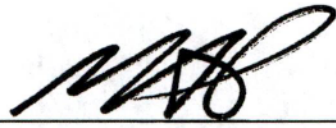
It is the intention of the City Commission of the City of Opa-Locka that the provisions of this Ordinance shall at some time in the future become and be made a part of the Code of Ordinances of the City of Opa-Locka and that the sections of this Ordinance may be renumbered or re-lettered and the word "Ordinance" may be changed to "Chapter," "Section," "Article" or such other appropriate word or phrase, the use of which shall accomplish the intentions herein expressed; provided, however, that Section 1 hereof or the provisions contemplated thereby shall not be codified.

Section 8. **Effective Date.**

This Ordinance shall take effect on January 1, 2020 and upon approval by the State of Florida.

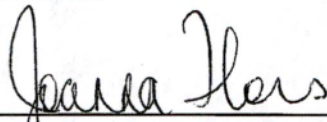
PASSED FIRST READING this 9th day of October, 2019.

PASSED SECOND READING this 13th day of November, 2019.



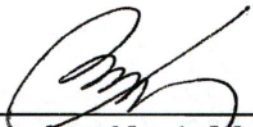
Matthew A. Pigatt, Mayor

ATTEST:



Joanna Flores, City Clerk

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:**



Burnadette Norris-Weeks, Esq.
City Attorney

Moved by: Commissioner Kelley

Seconded by: Commissioner Bass

VOTE: 4-1

Commissioner Bass:	YES
Commissioner Burke:	YES
Commissioner Kelley:	YES
Vice-Mayor Davis:	YES
Mayor Pigatt:	NO

1st Reading: 02/25/2009
2nd Reading: 03/11/2009
Public Hearing: 03/11/2009
Adopted: 03/11/2009
Effective Date: 03/11/2009
Commissioner D. Johnson

ORDINANCE NO. 09-05

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OPA-LOCKA, FLORIDA; REPEALING ORDINANCE 07-02, CODIFIED AS CHAPTER 7, ARTICLE I, SECTION 7-12 OF THE OPA-LOCKA CODE OF ORDINANCES ENTITLED "APARTMENT BUILDINGS WITH TWENTY-FOUR UNITS OR MORE"; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City Commission of the City of Opa-locka ("City Commission") adopted Ordinance 07-02, which was later codified into the City of Opa-locka Code of Ordinances as Chapter 7, Article I, Section 7-12, entitled "Apartment Buildings with Twenty-Four Units or More"; and

WHEREAS, the City Commission has determined that it will be in the best interest of the City to specifically repeal Chapter 7, Article I, Section 7-12 of the City's Code of Ordinances entitled "Apartment Buildings with Twenty-Four Units or More".

THE COMMISSION OF THE CITY OF OPA-LOCKA HEREBY ORDAINS:

Section 1. The recitals to the preamble herein are incorporated by reference.

Section 2. Ordinance 07-02, later codified into the City of Opa-locka Code of Ordinances as Chapter 7, Article I, Section 7-12, entitled "Apartment Buildings With Twenty-Four (24) Units" is hereby repealed, and shall be of no further force and effect.


Ordinance No. 09-05

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

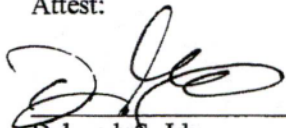
Section 4. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity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

Section 5. This Ordinance shall, upon adoption, become effective as specified by the City of Opa-locka Code of Ordinances and the City of Opa-locka Charter.

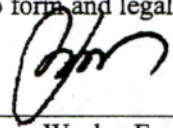
PASSED AND ADOPTED this 11 day of MARCH, 2009.


JOSEPH L. KELLEY
MAYOR

Attest:


Deborah S. Irby
City Clerk

Approved as to form and legal sufficiency:


Burnadette Norris-Weeks, Esq.
City Attorney

Moved by:	<u>JOHNSON</u>
Seconded by:	<u>TAYLOR</u>
Commission Vote:	<u>5-0</u>
Commissioner Tydus:	<u>YES</u>
Commissioner Holmes:	<u>YES</u>
Commissioner Johnson:	<u>YES</u>
Vice-Mayor Taylor:	<u>YES</u>
Mayor Kelley:	<u>YES</u>

1st Reading: DECEMBER 13, 2006
2nd Reading/Public Hearing: FEBRUARY 14, 2007
Adopted: february 14, 2007
Effective Date: FEBRUARY 14, 2007
Sponsored by: D. Johnson

Ordinance No. 07-02

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, ESTABLISHING A REQUIREMENT FOR ALL APARTMENT BUILDINGS WITH TWENTY-FOUR (24) UNITS OR MORE BE REQUIRED TO HAVE AN ON-SITE PROPERTY MANAGER AND ARMED SECURITY SERVICES; CONTAINING A REPEALER PROVISION AND SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE AND CODIFICATION THE CODE OF ORDINANCES

WHEREAS, the City Commission is concerned about the well-being of its citizens residing in apartment complexes; and

WHEREAS, in an effort to curtail crime and related offenses in complexes with twenty-four units or more, the City Commission deems it advisable to have an on-site property manager, and armed security services to address the immediate concern of life, health and safety of the residents.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA:

Section 1. The recitals to the preamble herein are incorporated by reference.

Section 2. The City Commission hereby requires of all apartment buildings in the City of Opa-locka with twenty-four (24) units or more:

“All apartment buildings within the city with twenty-four (24) units or more shall be required to have an on site property manager who shall live on the premises and be responsible to residents for addressing all life, health, and safety issues pertaining to the general welfare and maintenance of the property. In addition, armed security services shall be required to protect the life, health and safety of the tenants.”

Section 3. Any ordinances or parts of ordinances in conflict herewith are hereby


repealed.

Section 4. If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding in no way affects the validity of the remaining portions of this Ordinance.

Section 5. This Ordinance shall become effective in the manner provided by law.

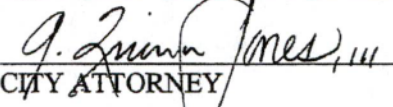
Section 6. This ordinance shall, upon adoption, be codified in the City of Opa-locka Code of Ordinances.

PASSED AND ADOPTED this 14 day of FEBRUARY, 2007.


MAYOR

Attest: 
CITY CLERK

Approved as to form and legal sufficiency:


CITY ATTORNEY

2/8/07
DATE

Moved by: VICE MAYOR JOHNSON
Second by: COMMISSIONER TYDUS
Commission Vote: 3-1
Commissioner Holmes: NO
Commissioner Tydus: YES
Vice-Mayor: Johnson YES
Mayor Kelley: YES

D:Ordinance/Apartment buildings with Managers on site-revised-02-07

Part 1 Crime Stats for Complexes of 150 Units or more

Addresses	Barracks 220 Dunad Ave	Barracks 190 Fisherman Street	Barracks 193 Fisherman Street	Barracks 300 Fisherman St	Barracks 301 Fisherman St	Barracks 192 Sabur Lane	Barracks 200 Sabur Lane	Barracks 1125 Sharazad Blvd	Glorieta Gardens 13002 Alexandria Dr
Offenses									
22 - Stolen Vehicle	0	0	0	0	0	1	0	0	1
26 - Burglary	0	1	1	0	0	0	1	0	0
26 - Commercial Burglary	0	0	0	0	0	0	0	0	0
26 - Residential Burglary	0	0	0	0	0	0	0	0	0
26 - Burglary Vehicle	0	1	0	0	0	4	0	0	1
27 - Theft	0	0	0	0	0	0	0	1	0
29 - Robbery	0	0	0	0	0	0	0	0	0
29 Strongarm Robbery	0	0	0	0	0	0	0	0	0
30 - Shooting	0	0	0	0	0	0	0	0	0
31 - Homicide	0	0	0	0	0	0	0	0	0
32 - Aggravated Assault	1	0	0	0	1	0	0	1	0
32 Aggravated w/ injuries	0	0	0	1	0	0	0	0	0
33 - Sexual Offense	0	0	0	0	0	0	0	0	0
49 - Arson (Fire)	0	0	0	0	0	0	0	0	0

Aswan Apts 13105 N.W. 30th Avenue No Data to report

13124 N.W. 32nd Court

13235 Alexandria Drive No data

13006 Alexandria Drive No data

13010 Alexandria Drive No data

13112 Alexandria Drive No data

13114 Alexandria Drive No data

13116 Alexandria Drive No data

13122 NW. 32nd Court No data

13004 Alexandria Drive No Data

13006 Alexandria Drive No data

Created: 10/09/2020

Revised:

Part 1 Crime Stats for Complexes of 150 Units or more

Addresses	Glorieta Gardens			
	13008 Alexandria Drive	13118 Alexandria Drive	13120 Alexandria Drive	13124 N.W. 32nd Court
Offenses				
22 - Stolen Vehicle	0	0	0	0
26 - Burglary	0	0	0	0
26 - Commercial Burglary	0	0	0	0
26 - Residential Burglary	0	0	0	0
26 - Burglary Vehicle	0	1	0	0
27 - Theft	0	0	0	0
29 - Robbery	0	0	0	0
29 Strongarm Robbery	0	0	0	0
30 - Shooting	0	0	0	1
31 - Homicide	0	0	0	0
32 - Aggravated Assault	0	0	1	1
32 Aggravated w/ injuries	0	0	0	1
33 - Sexual Offense	0	0	0	0
49 - Arson (Fire)	1	0	0	0

Part 1 Crime Stats for Complexes of 150 Units or more

Addresses	Offenses	Glorieta Gardens 13128 N.W. 32nd Court	Glorieta Gardens 13144 N.W. 32nd Court	Cordoba 13875 NW 22nd Ave
		0	0	5
22 - Stolen Vehicle		0	1	0
26 - Burglary		0	0	0
26 - Commercial Burglary		0	0	0
26 - Residential Burglary		0	0	2
26 - Burglary Vehicle		0	0	1
27 - Theft		0	0	0
29 - Robbery		0	0	1
29 Strongarm Robbery		0	0	7
30 - Shooting		0	0	0
31 - Homicide		1	0	10
32 - Aggravated Assault		0	0	2
32 Aggravated w/ injuries		0	0	0
33 - Sexual Offense		0	0	1
49 - Arson (Fire)		0	0	

Created: 10/09/2020

Revised: