

ORDINANCE NO. 2005-13-51

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, REPEALING CHAPTER 19 AND SECTION 33-4.25 OF THE MIAMI DADE COUNTY CODE OF ORDINANCES, AS MADE APPLICABLE TO THE CITY OF MIAMI GARDENS BY VIRTUE OF SECTION 8.3 OF THE CITY'S CHARTER; CREATING A NEW PROPERTY MAINTENANCE ORDINANCE TO IMPOSE MORE STRINGENT STANDARDS FOR MAINTENANCE OF PROPERTY, BUILDINGS, STRUCTURES, WALLS, FENCES, SIGNS, PAVEMENT AND LANDSCAPE; PROVIDING FOR DEFINITIONS; PROVIDING FOR COMPLIANCE; PROVIDING FOR REGULATIONS FOR ABANDONED PROPERTY; PROVIDING FOR ENFORCEMENT; PROVIDING FOR NOTICE; PROVIDING FOR THE ABATEMENT OF CERTAIN NUISANCES; PROVIDING FOR GENERAL PENALTIES FOR VIOLATIONS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN CODE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, City of Miami Gardens, by virtue of Section 8.3 of the City Charter adopted the Code of Miami-Dade County as its own, and

WHEREAS, the City would like to impose more stringent requirements on the maintenance of property located within the City, in order to improve and enhance the aesthetic environment of the City, and

WHEREAS, the City wishes to include in these maintenance actions, walls, fences, signs, pavement, landscaping, improved and unimproved lots, residential and commercial properties, and construction sites, and

WHEREAS, enforcing proper maintenance efforts serves a public purpose in keeping property operating in a safe, sanitary and litter-free manner to prevent neighborhood blight and the deterioration of neighborhood character,

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY

OF MIAMI GARDENS, 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. REPEAL: Chapter 19 and Section 33-4.2 of the Miami-Dade County Code of Ordinances, as made applicable to the City of Miami Gardens, are hereby repealed.

SECTION 3. CREATION OF PROPERTY MAINTENANCE ORDINANCE: There is hereby created an ordinance to regulate property maintenance in the City as follows:

SECTION 4. DEFINITIONS.

- A. *Abandoned property.* This term shall relate to articles of property, including without limitation: motor vehicles; trailers; boats or other vessels; refrigerators, washing and drying machines, or other machinery; and plumbing fixtures. Abandoned property shall also be deemed "junk" within the meaning of this Ordinance.
- B. *Advertising device.* A machine or other device used to attract public attention to a product or business.
- C. *Bona fide agricultural use.* All ongoing conditions or activities by an owner, lessee, agent, independent contractor or supplier which occur on a farm in connection with the production of farm products and includes, but is not limited to, the marketing of produce at legally permitted roadside stands or farm markets; the operation of machinery and irrigation pumps; the generation of noise, odors, dust and fumes; ground or aerial seeding and spraying; the application of chemical fertilizers, conditioners, insecticides, pesticides, and herbicides; and the employment and use of labor. Examples of uses falling within this definition include, but are not limited to: fruit crops; row crops; live stock; horse boarding and breeding; pasture, both improved or semi-improved, or native pasture; nursery, either in-ground or above ground, or tree nursery, or ornamental nursery; and poultry, fish, rabbits, goats, sheep, worms, bees, hay, or tropical groves.
- D. *Business or Commercial Premises.* Within any parcel of land approved for non-residential uses, any vacant or occupied structure and accessory structure thereof and the parcel of land upon which it is located.

E. *Code Enforcement Officer* means authorized agent or employee of the City whose duty it is to enforce codes and ordinances enacted by the City. The term officer or inspector shall be interchangeable and shall have identical meaning.

F. *Construction Site*. Includes all sites where new construction, remodeling, or additions take place, other than just interior work, which is not visible to the exterior of the premises.

G. *Corrective or maintenance action*. An owner is required to maintain, mow, cut, trim or bulldoze his or her lot, and clear, remove and legally dispose of all associated abandoned property, solid waste litter or junk.

H. *Department*. The Code Enforcement Department

I. *Director*. The City Manager or his/her designee.

J. *Generally accepted agricultural and management practices*. Shall be determined by the appropriate agricultural agency for the commercial agricultural practice utilizing Florida Statute 823.14 as the basis of its determination.

K. *Government lot*. The irregular lots or tracts established in the original surveys of Florida under the direction of the United States Government and shown on the official U.S. Government survey maps. The Government lots define, for conveyance purposes, those irregular parcels of land which do not fit into the normal Government-mandated sectionalized land breakdown system, including fractional sections abutting water boundaries, oversized sections, and undersized sections having hiatus and overlaps.

L. *Improved lot*. Any lot with a building or an erected structure or an incomplete or partially demolished structure.

M. *Junk*. *Trash or abandoned property*. Junk shall include, without limitation: old and dilapidated motor vehicles, trailers, boats or other vessels and parts thereof, household appliances, scrap, building material, scrap contractor's equipment, tanks, casks, cans, barrels, boxes, drums, piping, bottles, glass, old iron, machinery, rags, paper, excelsior, mattresses, beds, bedding, or any other kind of waste material. Property in a structure enclosed by four walls and a roof, such as a garage or utility shed shall not be construed as junk.

N. *Lot*. Any tract or parcel of land shown on a recorded plat or on the official Miami-Dade County or City zoning maps or any piece of land described by a legal recorded deed. A lot may be improved or unimproved.

O. *Open-Air Storage*. Placement of an article in an area other than in a structure enclosed by four walls and a roof, such as a garage or utility shed that conceals it from public view shall be deemed to be open-air storage. Placement of an article under a carport or front porch that is not so enclosed shall be considered open-air storage.

P. *Non-residential Zoned District*. Any zoning district that permits, as a matter of right, retail, commercial, industrial or manufacturing uses.

Q. *Owner*. Any and all persons with legal and/or equitable title to real property in City of Miami Gardens, as their names and addresses are shown upon the record of the Property Appraiser Department.

R. *Repeat Violator*. Any property owner who has failed to comply with any portion of this Ordinance within the last twenty-four (24) months, or has been either found guilty of said violation by a Hearing Officer and such finding was not overturned by the Circuit

Court, or did not file for an appeal of such violation before a Hearing Officer within seven (7) calendar days from issuance of the citation.

S. *Residential Premises.* Any parcel of land used for a residential purpose and any vacant or occupied structure and accessory structure thereof and the parcel of land upon which it is located.

T. *Right-of-way.* Construed throughout this section to include, without limitation, all proposed dedications of public rights-of-way set forth on official grading and drainage plans required to accompany approved and valid tentative plats, as well as all existing or dedicated rights-of-way.

U. *Secure.* In reference to items, includes fastening down or removing all hazardous objects such as construction shacks, temporary toilets, roofing tile, building materials, trash, forms, insecure structures, temporary electric service poles, and protection of exposed glass areas with storm shutters. The term "secure," as applied to site access, includes protecting the construction site, during the hours as prescribed herein, by way of a locked fence surrounding the perimeter of the site and/or the provision of a security guard.

V. *Solid waste.* Garbage, trash, yard trash (except for compost piles), litter, cuttings from vegetation, refuse, paper, bottles, rags, hazardous waste, construction and demolition debris, industrial waste, or other discarded materials, including material or containers from domestic, commercial or agricultural operations, as defined in the City Code of Ordinances.

W. *Structure.* Anything constructed or erected the use of which requires rigid location on the ground, or attachment to something having a permanent location on the ground, including buildings, walls, fences, signs, light stands, towers, tanks, etc.

X. *Unimproved lot.* Any vacant lot or any lot without a structure.

Y. *Vacant Land.* Any parcel of land, whether divided or undivided, upon which there are no structures.

SECTION 5. ENFORCEMENT.

Violations of this Ordinance shall be enforced in accordance with the City's Code Enforcement Ordinance number 2004-11-27, except as otherwise state herein.

SECTION 6. ASSISTANCE OF MIAMI-DADE POLICE DEPARTMENT IN ENFORCEMENT.

If the enforcement officer is unable to successfully remove any property subject to seizure or removal under this Ordinance, the enforcement officer or his designated representatives may secure the assistance of the Miami-Dade Police Department to effect the removal of the property.

SECTION 7. STORING JUNK OR TRASH; DEPOSITING JUNK; CHARACTERISTICS OF JUNK PROPERTY; APPLICATION TO ALL ZONING DISTRICTS; PROHIBITION OF JUNK YARDS IN RESIDENTIAL DISTRICTS; PROHIBITION ON EXPANSION OF EXISTING JUNKYARDS IN NON-RESIDENTIAL DISTRICTS.

(A) It shall be unlawful to deposit, store, or maintain, or to permit to be deposited, stored, or maintained, junk as defined in this Ordinance, in or on any lot, parcel or tract of land or body of water in any zoning district, except within a legally established junkyard. The deposit of junk in a location authorized for waste collection is exempted from this section, provided the junk is not or does not become a nuisance, and provided the junk is collected by Miami-Dade County or a County and City authorized commercial waste collector.

(B) Junk property which would be visible, at ground level, from a street or other public or private property but for the concealment of such junk property behind a wall, fence, hedge or other plant material or by the use of a vehicle cover, plastics, fabrics or other materials to form a tent, curtain partition or similar makeshift structure or device, shall be subject to this section.

SECTION 8. SOLID WASTE DISPOSAL.

The depositing, storage, keeping, maintaining or disposal of Solid Waste on any lot shall conform to the provisions set forth in Chapter 15 of the City of Miami Gardens Code.

SECTION 9. FLAMMABLE RUBBISH.

Waste paper, boxes, shavings, rubbish or other flammable materials, shall not be allowed to accumulate on any lots. Brush, wood, and other flammable material shall not be allowed within fifty (50) feet of containers of gas, gasoline, dynamite or other highly flammable or explosive materials.

SECTION 10. CONSTRUCTION MATERIALS ON PREMISES BEFORE PERMIT ISSUED; REMOVAL OF MATERIALS.

Construction materials and equipment shall not be deposited on any lot in any zoning district prior to the obtaining of a building permit. Surplus materials and construction equipment shall be removed from the premises before occupancy of the completed structure is approved and shall be removed even if the job is abandoned or the permit lapses.

SECTION 11. ABANDONED PROPERTY ON PUBLIC PROPERTY.

(A)The following criteria shall be considered in determining whether property has been abandoned, but no single criterion shall be conclusive:

- (1) Whether it is in sufficient repair to perform its intended purpose.
- (2) Evidence of disrepair shall include missing, removed, or partially or completely dismantled parts; broken glass; or other signs of substantial deterioration.
- (3) Evidence that the property was involved in a collision or other incident during which it was physically damaged and that it has not been repaired.
- (4) Evidence that the property has been left unprotected from the elements, including without limitation: growth of vegetation around the property; rust or other corrosion; the positioning of the property in other than an upright or operable manner; and vandalism.
- (5) Evidence that the article has not moved from its present location and position and no repair activity has taken place over a 72-hour period, including evidence that one or more tires have been raised from the ground on jacks, blocks, lifts, or other structures.
- (6) With regard to motor vehicles, trailers, or boats or other vessels, absence of a current license tag, decal, and registration or inspection decal shall be considered evidence that the property is abandoned.

(B) In making evaluations under this subsection, the enforcement officer may require the owner to demonstrate the operability of the article.

(C) Whenever the enforcement officer ascertains that abandoned property is present on public property, the officer shall place a notice upon the abandoned property in substantially the following form:

NOTICE TO THE OWNER OR THE AUTHORIZED AGENT OF THE OWNER OF THE
ATTACHED PROPERTY

This property (setting forth brief description) is unlawfully upon public property known as (setting forth brief description of location) and shall be removed within five (5) days from the date of this notice; otherwise a notice of violation shall be issued and the property shall be presumed to be abandoned, and shall be removed and destroyed at the owner's expense. You may within five (5) days from the date of this notice, request an opportunity to show cause for your failure to remove this property by writing to the Code Enforcement Department at 1515 N.W. 167 Street Building 5 Suite 200 Miami Gardens, Florida 33169. Dated this: (setting forth the date of posting of notice) Signed: (setting forth name, title, address and telephone number of enforcement officer) Such notice

shall be not less than eight (8) inches by ten (10) inches and shall be sufficiently weatherproof to withstand normal exposure to the elements. In addition, at the time of posting, the enforcement officer shall make a reasonable effort to ascertain the name and address of the last owner of said property. If the name and address is obtained by the enforcement officer, he shall mail, via certified mail, a copy of such notice to the last owner.

(B) If, at the end of five (5) days after posting such notice, or, in the case where notice is mailed, five (5) days after mailing, the owner or the authorized agent of the owner of the abandoned article or articles described in such notice has not removed the article or articles from public property or requested an opportunity to show reasonable cause for failure to do so, the enforcement officer shall issue a notice of violation and may cause the article or articles of abandoned property to be removed and destroyed, and the salvage value, if any, of such articles or articles may be retained by the City to be applied against the cost of removal and destruction thereof.

(C) Reasonable cause under this subsection shall be determined by the code enforcement special master, at a hearing on the matter if requested in writing by the owner within five (5) days after notice has been posted on the article or mailed to the last owner, whichever is later. The request shall make reference to the number on the notice, which was posted on the property. The hearing shall be subject to the enforcement provisions outlined in Ordinance No. 2004-11-27.

(D) If reasonable cause for failure to remove the article has been demonstrated, the article shall not be subject to removal and destruction as abandoned property.

SECTION 12. MAINTENANCE OF PROPERTY, BUILDINGS, STRUCTURES, WALLS, FENCES, SIGNS, PAVEMENT AND LANDSCAPING.

(1) The owners of all lots, improved and unimproved, residential and commercial; within the City shall maintain said lots, including any building structures (accessory or otherwise) walls, fences, signs, pavement and landscape in good and safe condition, so as to present a healthy, clean and orderly appearance. All lots shall be kept free from any accumulation, storage, or maintenance of garbage, junk, abandoned property, trash, litter, or solid waste. All vegetation shall be maintained to minimize property damage and public safety hazards, including removal of dying or dead plant material, removal of low-hanging branches and trimming or removal of plant material obstructing sidewalks, street lighting and safe sight distance triangles.

(2) Every building, every accessory structure, including but not limited to garages, carports, cabanas, storage buildings and swimming pools, every wall, fence and sign and every parking lot, driveway, deck, patio and other paved surface shall comply with the following requirements:

- (A.) Every foundation and footer, every exterior and interior wall, roof, floor, ceiling, window and door, every wall, fence and sign and every parking lot, driveway, deck, patio and other paved surface shall be structurally sound and maintained in good repair.
- (B.) Every building and structure shall be kept in a clean and sanitary condition free from junk, trash, rodents, insects and vermin.
- (C.) Every exterior yard, parking lot driveway, patio, swimming pool and deck shall be kept in a clean and sanitary condition free from junk, trash, rodents and vermin.
- (D.) The roof of every building and structure shall be maintained in a waterproof condition and be well drained of rainwater. All roofs and gutters shall be kept free of debris, mold, mildew and faded or chipped paint and must be repainted, recovered or cleaned when twenty-five (25%) percent or more of any exposed surface becomes discolored or is scaling.
- (E.) All exterior surfaces subject to deterioration shall be properly maintained and protected from the elements by paint or other approved coating, applied in a workmanlike fashion. All exterior surfaces including walls, trim, doors and signs shall be properly maintained in a clean and sanitary condition, free of dirt, mold, mildew and faded or chipped paint, and must be repainted, recovered or cleaned when twenty-five (25%) percent or more of any exposed surface becomes discolored or is peeling. Exterior walls, rooftops, and other exterior features of structures shall be maintained free of graffiti.
- (F.) Every parking lot, driveway, deck or other paved surface shall be maintained free of cracks and potholes, and any required pavement markings shall be maintained in a clearly legible condition. Repairs to parking and paved areas shall require prior permit approval of the Development Services and Public Works Departments. Repairs shall be defined as: application of seal coating, resurfacing parking or alteration of paved areas, including the application of new striping. All work shall be performed by a licensed contractor. Parking and paved areas shall be maintained free of deterioration. Deterioration shall be defined as visible holes exceeding a depth of two inches and more than 5 square inches in area, damaged parking stops or missing striping or lot markings, including striping of parking spaces, required striping and pavement markings for disabled parking spaces, as well as access ramps and access paths for wheelchair traffic. Parking areas and paved areas shall be maintained in accordance with the approved site plan and public works, building or zoning permits and all other applicable codes and laws.

(3) The owners of all improved lots within the City shall maintain the landscaping on said lot in accordance with the following requirements:

- (A) Landscaping shall be maintained to prevent property damage and public safety hazards, including removal of diseased dying or dead plant material, removal of branches hanging low over adjoining streets or sidewalks, and trimming or removal of plant material obstructing sidewalks, parking lot and street lighting and safe sight distance triangles.
- (B) Landscaping should be kept free of visible signs of insects and disease, and be irrigated and fertilized to maintain a healthy condition. Additionally, existing landscaping shall be irrigated, cultivated, and otherwise maintained as required by the site plan or City Code whichever controls.
- (C) Lawns and other sodded areas shall be mowed on a regular basis so that the grass does not exceed eight (8) inches in height. It shall be the responsibility of each owner of an improved lot to undertake maintenance action on their lot to maintain clean and free of weeds, brush and undergrowth every calendar month.
- (D) All pavement areas shall be edge-trimmed to prevent encroachment of sod and ground covers.
- (E) Irrigation systems shall be maintained to prevent water loss due to damaged, missing or improperly operating sprinkler heads, emitters and pipes. The irrigation system shall not over-spray public roads or sidewalks.
- (F) All lots should be maintained free of nuisance plant species, including but not limited to Brazilian Pepper, Australian Pine, and Melaleuca.
- (G) The property owner is responsible for replacing any plant material required by this Code which has died or been removed.
- (H) Roots that show evidence of damaging structures, utilities, streets, sidewalks or other paved areas shall be removed and appropriate root barriers shall be installed.

(4) The owners of all unimproved lots, including cleared lots, shall maintain said lots in accordance with the following requirements:

- (A) On all *unimproved* lots, grass, weeds, and/or undergrowth that exceeds the height of twelve (12) inches from the ground that occurs within one hundred and fifty (150) feet from the boundary line of any property with a building or structure or within one hundred and fifty (150) feet from the boundary line of any improved road. In the event that the remaining area

constitutes less than twenty-five (25) percent of the total square footage of the lot then the entire lot shall require maintenance action.

- (B) All unimproved lots shall be kept free from any accumulation of construction debris, garbage, trash or litter. It shall be the responsibility of each owner of an improved lot to undertake maintenance action on his or her lot every calendar month.
- (C) Any vegetation shall be maintained to minimize property damage and public safety hazards, including removal of dead plant material removal of low-hanging branches, and trimming or removal of plant material obstructing sidewalks, street lighting and safe sight distance triangles.
- (D) All cleared lots shall be maintained in a condition to prevent blowing sand or dust and erosion onto adjoining properties, rights of way and water bodies. Lots that have been cleared shall be cleaned of any demolition debris.
- (E) All unimproved lots that have been the subject of two or more code enforcement actions, within any 12 month period, involving illegal dumping, illegal vending, unauthorized vehicle sales, and/or other similar violative conditions shall be subject to the following at the discretion of the Director:
 - 1. Said property shall be fully enclosed with either a natural barrier or burm, CBS concrete wall, wood wall or coated chain link.
 - 2. No CBS, concrete wall, wood wall or coated chain link shall be placed on vacant property closer than five (5') feet from front or side street property lines.
 - 3. The area between the fence and the side street property lines shall contain a continuous extensively landscaped buffer that must be maintained in a good healthy condition by the property owner. The landscaped buffer shall contain one or more of the following planting materials:
 - a. Shrubs and Hedges -- shall be a minimum of three (3') in height when measured immediately after planting.
 - b. Vines -- shall be a minimum of 36 inches in height.
 - c. Trees shall a have a minimum height of ten (10') feet with a clear trunk of four (4') feet at time of planting. Trees shall be spaced 20' on center.

(5) It shall be the responsibility of the owner of property in a residential-zoned district and adjacent to a City right-of-way to maintain the swale area which abuts their property.

(6) It shall be the responsibility of the property owner to maintain their property in accordance with the provisions of this section. Where applicable, tenants or lessees may receive enforcement notices in connection with enforcement; however, the property owner is ultimately responsible for compliance

(7) Open-air storage in residential-zoned and commercial-zoned districts is subject to the following provisions:

(A) Open-air storage in a residential zoned district including but not limited to the following items and materials is prohibited:

1. Junk, as defined in this Ordinance.
2. Merchandise or manufacturing materials. Evidence of one or more of the following shall create a rebuttable presumption that merchandise or manufacturing materials are being stored on the premises:
 3. Multiple boxes of uniform appearance bearing shipping labels;
 4. Multiple articles of similar type in unused condition, including without limitation raw materials for manufacturing furniture and computer components;
 5. Pallets containing multiple boxes;
 6. Commercial equipment, including without limitation vending machines.
 7. Motor vehicle parts, including without limitation automobile engines and transmissions.
 8. Household furniture, including without limitation sofas and recliners.
 9. Construction materials, including without limitation lumber and cement blocks.
 10. Construction and demolition equipment, including without limitation cement mixers, jack hammers, and roof tar pots, provided, however, that light-use equipment customarily used for do-it-yourself home repair, including without limitation hand tools, power tools, and table saws, shall not be prohibited.
 11. Commercial Storage containers; except that PODs or other similar temporary moving aids shall be removed within thirty (30) calendar days.
 12. All other outside storage of any similar items and materials.
 13. Properties with bona fide agricultural uses shall be exempt from this subsection.
 14. The above listed restrictions are in addition to and cumulative with the City Zoning code.
 15. Open Air-Storage on commercial zoned property shall be governed by the City Zoning Code.

(9) The property owner shall be required to maintain his or her property (parking lot, drive ways, sidewalks, and common areas), as well as abutting right-of-way areas free and clear of litter and articles. Abutting area shall be defined as the public right-of-way immediately abutting the premises. The area to be maintained shall be from the edge of pavement to the property line and shall include sidewalk areas and swales.

(10) All shopping centers, strip malls, grocery stores, restaurants or commercial establishments that sell takeout beverages or food shall provide a litter container near every entrance and at every 100 feet along any established pedestrian walkway within the footprint of such property. Litter containers shall be well designed and secured in a manner that will cause them to remain stationary where placed. They shall be maintained free of graffiti and overflow trash. Placement of the containers shall not interfere with access to the facilities by pedestrians or by individuals with disabilities, as required by the Americans with Disabilities Act Accessibility Guidelines in the Code of Federal Regulation, Title 36, Pt. 1191, App. A. The civil penalty for a violation of this section is \$100.00.

(11) All establishments that sell merchandise or food for take out, shall post an anti-litter sign in a prominently visible location outside the establishment, as well as at all drive through lanes for restaurants and retail sales establishments. All signs required under this section shall be a minimum of 14" by 14" in size and shall state: "Littering is Prohibited by Law- Punishable by a Minimum Fine of \$250.00 per violation.

SECTION 13. PREMISES LIGHTING.

Premises lighting shall be maintained in a safe and operable condition in accordance with the required site plan and other applicable provisions of the Code of Ordinances. Fixtures that are not emitting light shall be defined as inoperable. Lighting repairs shall be performed by a licensed electrician in accordance with the Florida Building Code requirements and other applicable provisions of the Code of Ordinances. The property owner shall be responsible for ensuring that the scope of repairs or fixture replacement meets zoning standards for light spillage. It shall be illegal to replace or change the configuration of the exterior premises lighting without first obtaining the required permit(s).

SECTION 14. MAINTENANCE OF INFORMATIONAL OR DIRECTIONAL SIGNS.

Informational or directional signs shall be maintained in a safe and visible manner and free of graffiti. It shall be unlawful to maintain or allow to be maintained missing or damaged signs required to designate disabled, bicycle area, baby stroller or other signage required by City Code, including the required striping and pavement markings for disabled parking spaces, as well as access ramps and access paths for wheelchair traffic, as required.

SECTION 15. PREMISES ENTRANCE AND EGRESS; EXTERIOR PEDESTRIAN WALKWAYS, PARKING LOTS, GREEN AREAS AND PUBLIC RIGHTS-

OF-WAY.

- (1) Premises entrances and egresses, including lighting, signage, and landscaping, shall be maintained so as not to cause visibility hazards to motorists or pedestrians. Entrances and egresses shall be maintained in accordance with the approved site plan.
- (2) Exterior pedestrian walkways, parking lots, green areas and public rights-of-way shall remain free of obstructions, including but not limited to tables and chairs, merchandise displays, and store merchandise.

SECTION 16. PROHIBITED DISPLAY OF VEHICLES FOR SALE OR AS ADVERTISING DEVICES.

- (A) No vehicle shall be displayed for sale in a business or commercial premise unless the parcel is zoned for such use and has a certificate of use for such use.
- (B) No vehicle, trailer, or other mobile article shall be allowed to be used solely as an advertising device in a parking lot or nearby right-of-way. Any vehicle, trailer or other mobile article that remains in the same parked location for more than 72 hours and that contains commercial advertising or that meets the junk criteria in this Ordinance shall be a prima facie violation of this subsection.
- (C) All violations of this section shall be punishable by a fine in the amount of one hundred dollars (\$100.00) for the first vehicle on a first offense and five hundred dollars (\$500.00) per vehicle for each additional vehicle and any repeat violation of this section. Any vehicle in violation of this section is subject to being towed if not removed by the owner. Vehicle owners shall be responsible for all fines, towing fees, storage fees, and any administrative and enforcement fees that result from the enforcement of this section.

SECTION 17. CONSTRUCTION SITE SECURITY

- A. The owner, occupant or user of a construction site shall not engage in any activity which poses a danger to persons located on or off the construction site, from debris, materials or activities carried on at the construction site, and shall take necessary precautions to secure same. A contractor engaging in work at a site or pulling a building permit for a site constitutes a "user" of a site.
- B. The owner, occupant or user of construction site shall secure the site from unauthorized access between the hours of 7:00 p.m. of each day to 7:00 a.m. of the next day by the use of a locked fence and/or security guard.
- C. The owner, occupant or user of construction site shall keep all access roads to the construction site clear of debris for safe travel by authorized persons.

D. In the event that a hurricane watch is issued by the United States Weather Bureau, the owner, occupant or user of a construction site shall comply with the requirements Florida Building Code, by taking all steps necessary to secure the construction site, including removal or securing of hazardous or loose objects.

E. Any person receiving notice from the City for failure to comply with this section or any section of the South Florida Building Code shall not fail or neglect to promptly comply unless otherwise provided by the Florida Building Code.

F. Parking of any construction vehicle or construction employee vehicles shall either be on the site as defined herein, or at a public parking lot or along a public street where parking is permitted. Parking at any other site, unless permitted by the City in writing, is strictly prohibited and shall result in a fine of \$250.00 per day.

G. Construction sites must be maintained so as to reduce the production of dust that may negatively impact surrounding properties. User or contractor shall be responsible for taking necessary preventative and or corrective action to eliminate and or reduce blowing sands, soil, and or dust thru means approved by the City Manager or his designee including but not limited to the use of water trucks and other dust hindering devices or applications.

H. It shall be the joint responsibility of the owner of any property upon which construction is occurring and any contractor responsible for said construction to ensure that all construction materials, waste and trash are contained upon the property. Additionally:

1. The property owner and contractor are responsible for ensuring that all streets and sidewalks adjoining the construction site remain free of any construction materials, debris or waste.
2. All construction waste and debris shall be kept within containers or within a specifically designated area that is fenced or otherwise enclosed.
3. Upon a warning of severe weather, the contractor is responsible for securing loose construction material and debris.

SECTION 18. UNSANITARY VACANT PROPERTIES DECLARED A NUISANCE.

The existence of excessive accumulation or untended growth of leaves or either dead or living plant material, any garbage or rubbish upon a vacant lot, tract, or parcel of land, or any land containing a vacant building or vacant structure and located within 200 feet of the boundary line of any improved property within the City to the extent and in the manner that such property is or may become infested or inhabited by rodents, vermin or wild animals or may furnish a breeding place for mosquitoes, or threatens or endangers the public health, safety or welfare or may reasonably cause disease or adversely affect

or impair the economic welfare of the adjacent property, is hereby prohibited and declared to be a public nuisance.

SECTION 19. CITY'S AUTHORITY TO ABATE PUBLIC NUISANCE.

The City shall then have the authority to promptly abate the public nuisance, in whole or in part, at the expense of the owner, in accordance with Chapter 162, Florida Statutes.

SECTION 20. ENFORCEMENT AND REMEDIATION COSTS.

A. The Director shall certify the expense incurred in remedying a public nuisance under this Ordinance, including advertising, clearing, hauling, disposal and other expenses, together with an administrative fee, which includes staff time. The owner shall pay the cost within thirty (30) days.

B. If the owner fails to pay the costs, the Director shall place a lien against the lot for the total amount due in accordance with the City's Code Enforcement Ordinance number 2004-11-27.

SECTION 21. ACTION TAKEN PURSUANT TO THIS ORDINANCE IS DECLARED CUMULATIVE.

Any action taken pursuant to this Ordinance in regard to maintenance of property shall be considered cumulative and in addition to penalties and other remedies provided elsewhere in the City's Code.

SECTION 22. PENALTIES FOR VIOLATIONS.

Unless otherwise specified herein, the failure to strictly comply with any provision of this Ordinance shall result in a fine of \$250 per day imposed in accordance with the City's Code Enforcement Ordinance number 2004-11-27.

SECTION 23. CONFLICT

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

SECTION 24. 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.

SECTION 25. INCLUSION IN CODE

It is the intention of the City Council of the City of Miami Gardens that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Miami Gardens and that the sections of this Ordinance may be renumbered or relettered 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.

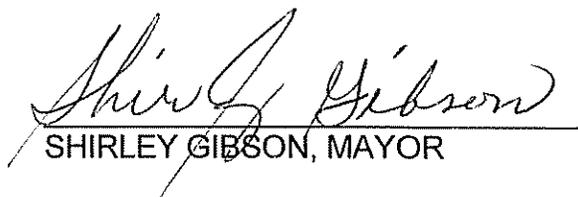
SECTION 26. EFFECTIVE DATE

This Ordinance shall become effective immediately upon its final passage.

PASSED ON FIRST READING ON THE 23rd DAY OF FEBRUARY, 2005.

PASSED ON SECOND READING ON THE 9TH DAY OF
MARCH, 2005.

ADOPTED AND PASSED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS AT ITS REGULAR MEETING HELD ON THE 9TH DAY OF MARCH, 2005.


SHIRLEY GIBSON, MAYOR

ATTEST:


RONETTA TAYLOR, CMC, CITY CLERK

Reviewed by SONJA K. DICKENS ESQ.
City Attorney

SPONSORED BY: Danny O. Crew, City Manager

MOVED BY: Councilwoman Watson

SECONDED BY: Councilman Bratton

VOTE: 6-0

Mayor Gibson	<u>x</u> (Yes)	___ (No)
Vice Mayor Campbell	<u>x</u> (Yes)	___ (No)
Councilman Melvin L. Bratton	<u>x</u> (Yes)	___ (No)
Councilman Oscar Braynon, II	___ (Yes)	___ (No) Not present

Councilwoman Audrey J. King
Councilwoman Sharon Pritchett

(Yes) (No)
 (Yes) (No)