

ORDINANCE NO. 2007-23-129

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AMENDING CITY ORDINANCE NUMBER 2005-13-51 DEALING WITH PROPERTY MAINTENANCE; AMENDING SECTION 6 ENTITLED "ASSISTANCE OF MIAMI-DADE POLICE DEPARTMENT IN ENFORCEMENT"; AMENDING SECTION 12 ENTITLED "MAINTENANCE OF PROPERTY, BUILDINGS, STRUCTURES, WALLS, FENCES, SIGNS, PAVEMENT AND LANDSCAPING"; AMENDING SECTION 16 ENTITLED "PROHIBITED DISPLAY OF VEHICLES FOR SALE OR AS ADVERTISING DEVICES"; AMENDING SECTION 17 ENTITLED "CONSTRUCTION SITE SECURITY"; CREATING REQUIREMENTS FOR DUMPSTER ENCLOSURES; RENUMBERING SECTIONS 18 THROUGH 22; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, City of Miami Gardens, adopted ordinance number 2005-13-61 in order to impose more stringent standards for property maintenance within the City, and

WHEREAS, there have been various enforcement related concerns involving property maintenance issues not captured by the original ordinance and the City would like to impose these additional requirements on the maintenance of property located within 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. AMENDING SECTION 6 ENTITLED "ASSISTANCE OF MIAMI-DADE POLICE DEPARTMENT IN ENFORCEMENT" as follows:

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 and/or Miami Gardens Police Department to effect the removal of the property.

SECTION 3. AMENDING SECTION 12 ENTITLED "MAINTENANCE OF PROPERTY, BUILDINGS, STRUCTURES, WALLS, FENCES, SIGNS, PAVEMENT AND LANDSCAPING" as follows:

(1) The owners of all lots, improved and unimproved, residential, and commercial, industrial and combination thereof 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 and approach, 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. Cracks, holes and other similar damage or deterioration shall be repaired in accordance with applicable codes.
 - (F.) Every parking lot, driveway and approach, 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 in accordance with the applicable code(s). 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 as well as all approved 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 (including easements, alleyways, and common 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:
 - 1. Said property shall be fully enclosed with either a natural barrier or berm, 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 at the discretion of the Director.
 - 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 at the discretion of the Director:
 - 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~~ any zoning district ~~and that is adjacent~~ to a City right-of-way to maintain the swale area

which abuts their property. Such swale or right of way shall be maintained in accordance with this code and the Public Works Manual.

(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.

(8) The property owner shall be required to maintain his or her property (parking lot, drive ways, sidewalks, alley ways, easements, 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.

(9) 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.

(10) 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 4 AMENDING SECTION 16 ENTITLED "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, or driven, pulled, or otherwise transported on any street. Any vehicle, trailer or other mobile article that remains in the same parked location for more than 72 hours, or routinely parked in a manner so as to appear as a sign, 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 5 AMENDING SECTION 17 ENTITLED "CONSTRUCTION SITE

SECURITY" is amended as follows:

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.~~ The site shall be secured with a six foot screened fence to be installed according to the Florida Building Code. The type of screening shall be approved by the City Manager or his/her designee. The site shall be gated and locked between the hours of 7:00 p.m. of each day to 7:00 a.m. of the next day and/or whenever construction activity is not taking place on the site. The use of a security guard may be required upon the determination of the City Manager or his/her designee.

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, approved screening, 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 6 CREATING SECTION 18 ENTITLED "DUMPSTER ENCLOSURES."

(1) All dumpsters shall be maintained in an enclosure with the service and access gate(s) closed except when being serviced by a commercial refuse/garbage collector or when being used to access the dumpster. Additionally all dumpsters shall be kept in the following manner:

A.. Dumpster lids shall be kept closed at all times when the dumpster is not being used or serviced.

B. Containment of garbage:

1. Garbage and trash shall be placed inside the dumpster and not on or around the dumpster or the enclosure. Loose garbage and trash in plain view is a violation of this Code, a health hazard, and aesthetically undesirable. The property owner shall be responsible for keeping the enclosure and surrounding area litter, garbage, and/or trash-free at all times.

2. It shall be a violation of the City Code of Ordinances to allow the dumpster to be filled to over capacity so that the dumpster lid is prevented from fully closing.

C.. Dumpster enclosures shall be kept in good repair at all times

D. The location on site of a dumpster enclosure shall require the prior approval of the Development Services Department.

(2) Specifications, materials and location of enclosure.

A. Placement.

1. A dumpster shall be kept in a place easily accessible to authorized collection vehicles at all times and no service shall be given to those placing or permitting objects, ground level or overhead obstructions, or vehicles, to hinder in any way whatsoever the servicing of bulk containers by authorized collection vehicles. Unless in a public right-of-way for purposes of collection only, all dumpsters shall be placed within an approved enclosure.

2. It shall be unlawful for any person to place or store, or allow to be placed or stored, a dumpster upon or in any public street, alley or right-of-way; provided, however, that such container or receptacle may be placed in the public right-of-way during the collection/emptying process.

B. Dumpster space designation and enclosure requirement:

All real property in any zoning classification utilizing dumpsters shall provide an enclosure of a size that would permit the moving in or out of the dumpster without damage to the enclosure and the enclosure height shall be a minimum of 12 inches above the dumpster.

C. Approved enclosure:

All enclosures shall consist of masonry, concrete or wood walls. Enclosures shall have a gate for collection equipment access, and may also have a gate for other user access. All walls and gates shall be totally opaque so as to prevent the dumpster from being visible or in plain view. In general enclosures shall be consistent with materials and architectural style of principle building(s). Enclosures shall be constructed of one of the following materials:

1. Masonry walls:

All exterior faces of the wall shall be finished and of professional quality such as stucco, prefinished blocks, stacked block and struck joints, shadow blocks, painted or similarly installed in a workmanlike manner and meeting with the approval of the Development Services Department.

2. Concrete walls:

Precast concrete walls of quality deemed acceptable to the Development Services Department.

3. Wood fencing:

Substantial wood fences of durable species, incorporating architectural design features to enhance appearance, of quality and design acceptable to the Development Services Department. In making this determination, consideration shall be given to:

a The thickness of the wood, which must be a minimum of 1/2 inches;

b Whether the wood is pressure treated or has a finish that protects the wood from the elements; and

c Minimum six inches by six inches corner post and four inches by four inches intermediate posts of pressure treated materials.

D. Maintenance:

Approved enclosures shall be maintained in good condition, repair and appearance at all times so as to allow for collection of materials and to eliminate odors.

E. Gates:

Dumpster enclosure gates may be constructed of wood mounted on a substantial steel frame, chain link fence with opaque inserts, steel, aluminum or other opaque materials which are installed in compliance with the Building Code. Servicing gates, upon opening, may not swing into the right-of-way and shall incorporate gate stops that are functional in the full open and closed positions. Hinge assemblies shall be strong and durable such that access and servicing gates do not sag and function properly. All gates for pedestrian access shall be no more than 48 inches in width and no less than 36 inches in width. Enclosure gates shall be closed at all times except for the time necessary to service the bulk container. Maze style openings shall be permitted in place of a pedestrian access gate. A maze style opening is an opaque wall or fence that can be located no more than 48 inches and no less than 36 inches from the enclosure opening and must be a minimum length of 1 1/2 times in length of the opening and shall be centered upon the opening. Enclosure openings shall be no more than 48 inches in width and no less than 36 inches in width.

F. Setbacks:

1. All dumpster enclosure walls and/or fences shall be located a minimum of five feet from adjoining commercial areas and 10 feet from adjoining residential uses unless not physically possible; and

2. A minimum of five feet from public and private rights of way unless not physically possible.

G. Garbage containers:

1. All receptacles and bulk containers which receive garbage, liquid waste or food from food-handling operations, including, but not limited to, bakeries, meat processing plants, restaurants, or any business establishment where it is determined that garbage, liquid waste or food will be accumulated, shall have a poured to grade level concrete slab. If available, dumpster site shall have facilities for washing containers and ability to drain to an acceptable sanitary disposal system. If the aforementioned facilities are available, or can be reasonably installed, then the dumpster shall have washout plugs. For purposes of this article, storm drains shall not be considered as an acceptable sanitary disposal system.

2. If no suitable drain, grease trap or sanitary disposal system is available, the dumpster containers shall be sealed so that no liquid gets on the pad or ground. Dumpster collection shall be frequent enough so as to keep odors to a minimum. Odors shall also be kept at a minimum through artificial means such as masking agents or whatever products are available to handle odors. Containers shall be constructed in accordance with the industry standards and must be approved by and meet the standards of subject regulating agencies.

H. All dumpsters and trash receptacles must comply with this article except for the following:

1. Dumpsters/receptacles located in properly screened service yards. (Those screened from public ways with a minimum six feet high fence and/or suitable dense landscaping, as approved by the Development Services Department). The dumpsters/receptacles must not be visible from the public's view.

2. Dumpsters/receptacles located at permitted construction sites.

3. Dumpsters/receptacles not visible from the public right-of-way, residential areas and/or the public's view.

SECTION 7 AMENDING SECTIONS 18 THROUGH 22 as follows:

Each section following the newly created section 18 entitled "Dumpster Enclosures" shall be re-number appropriately.

SECTION 8 CONFLICT

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

SECTION 9 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 10 INCLUSION IN THE CODE

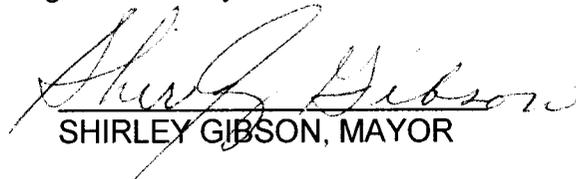
It is the intention of the City Council of the City of Miami Gardens that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Miami Gardens and that the sections of this Ordinance may be renumbered or relettered and the word "Ordinance" may be changed 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 11 EFFECTIVE DATE

This Ordinance shall become effective immediately upon its final passage.

PASSED ON FIRST READING ON THE 24th DAY OF OCTOBER, 2007.

PASSED AND ADOPTED on second reading this 14th day of November, 2007


SHIRLEY GIBSON, MAYOR

ATTEST:


RONETTA TAYLOR, OMC, CITY CLERK

Reviewed by SONJA K. DICKENS ESQ.
City Attorney

SPONSORED BY: Danny O. Crew, City Manager

MOVED BY: Councilman Braynon
SECONDED BY: Councilman Bratton

VOTE: 4-0

Mayor Shirley Gibson	<input type="checkbox"/> (Yes)	<input type="checkbox"/> (No)	Not present
Vice Mayor Barbara Watson	<input checked="" type="checkbox"/> (Yes)	<input type="checkbox"/> (No)	
Councilman Melvin L. Bratton	<input checked="" type="checkbox"/> (Yes)	<input type="checkbox"/> (No)	
Councilman Aaron Campbell, Jr.	<input type="checkbox"/> (Yes)	<input type="checkbox"/> (No)	Not present
Councilman Oscar Braynon, II	<input checked="" type="checkbox"/> (Yes)	<input type="checkbox"/> (No)	
Councilman André Williams	<input checked="" type="checkbox"/> (Yes)	<input type="checkbox"/> (No)	
Councilwoman Sharon Pritchett	<input type="checkbox"/> (Yes)	<input type="checkbox"/> (No)	Not present

City of Miami Gardens

1515-200 NW 167th Street
Miami Gardens, Florida 33169



Mayor Shirley Gibson
Vice Mayor Barbara Watson
Councilman Melvin L. Bratton
Councilman Oscar Braynon II
Councilman Aaron Campbell Jr.
Councilwoman Sharon Pritchett
Councilman André Williams

Agenda Cover Page

Date: **November 14th, 2007**

Fiscal Impact: No **X** Yes

(If yes, explain in Staff Summary)

Funding Source: **General Fund**

Contract/P.O. Requirement: Yes No **X**

Sponsor Name/Department: **Dr. Danny O. Crew, City Manger**

Public hearing

Ordinance **X**

1st Reading

Advertising requirement:

Quasi-Judicial

Resolution

2nd Reading X

Yes **X** No

RFP/RFQ/Bid # **N/A**

Title

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AMENDING CITY ORDINANCE NUMBER 2005-13-51 DEALING WITH PROPERTY MAINTENANCE; AMENDING SECTION 6 ENTITLED "ASSISTANCE OF MIAMI-DADE POLICE DEPARTMENT IN ENFORCEMENT"; AMENDING SECTION 12 ENTITLED "MAINTENANCE OF PROPERTY, BUILDINGS, STRUCTURES, WALLS, FENCES, SIGNS, PAVEMENT AND LANDSCAPING"; AMENDING SECTION 16 ENTITLED "PROHIBITED DISPLAY OF VEHICLES FOR SALE OR AS ADVERTISING DEVICES"; AMENDING SECTION 17 ENTITLED "CONSTRUCTION SITE SECURITY"; CREATING REQUIREMENTS FOR DUMPSTER ENCLOSURES; RENUMBERING SECTIONS 18 THROUGH 22;

Staff Summary

On March 9th, 2005 the City Council adopted ordinance number 2005-13-61 in order to impose more stringent standards for property maintenance within the City. As the City has grown and developed various enforcement related concerns have arisen involving property maintenance issues not initially captured or addressed by the original ordinance. Staff has recommended several clarifications and additional requirements which further enhance the City's property maintenance regulations.

These recommendations include requiring: that all property owners' maintain the right of way abutting their property, as well as abutting easements, alley ways, and common areas; and that property owners' maintain their driveway approaches. Additionally, the amended regulation imposes these restrictions on all current and future zoning districts and requires that all repairs are to be completed in compliance with applicable building, public works, and zoning codes. Finally, the amended code creates additional restrictions on the use of vehicles for advertising; construction site security; more specific requirements for no littering signs; and imposes the requirement that all dumpsters are to be kept in proper enclosures.

Recommendation

It is recommended that the City Council adopt this ordinance, thereby further strengthening the enforcement of proper property maintenance within the City.

Attachment.

**I-1) ORDINANCE
2ND READING
PROPERTY MAINTENANCE**