

ORDINANCE NO. 2012-01-274

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AMENDING SECTIONS 12-79 AND 12-81 OF THE CODE OF ORDINANCES ("MINIMUM HOUSING STANDARDS") TO INCLUDE REGULATIONS RELATING TO REMOVAL AND REMEDIATION OF MOLD IN LEASED PREMISES; PROVIDING FOR ADOPTION OF REPRESENTATIONS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN CODE; PROVIDING AN EFFECTIVE DATE

WHEREAS, the City has adopted Minimum Housing Standards as outlined in Chapter 12, Article II of the City's Code of Ordinances, and

WHEREAS, the purpose of the Minimum Housing Standards is to ensure that structures within the City of Miami Gardens are fit for human habitation, that they have the proper and adequate provisions for life, air and protection against certain fire, unsanitary, and health hazards, and

WHEREAS, Councilman Oliver Gilbert, III is recommending that the City Council amend the Minimum Housing Standards to include regulations relating to removal and remediation of mold in leased premises, and

WHEREAS, the proposed amendment will require that property owners remediate and remove mold and evidence of mold prior to renting or subleasing premises to another person,

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 paragraphs are hereby ratified and confirmed as being true, and the same are hereby made a specific part of this Ordinance.

Section 2. AMENDMENT OF THE ORDINANCE: Section 12-79 of the

City's Code of Ordinances is hereby amended as follows:

**Sec. 12-79. - Requirements relating to the safe and sanitary maintenance of dwellings and dwelling units.**

No person shall occupy, or let to another for occupancy, any dwelling or dwelling unit, for the purpose of living, sleeping, cooking, or eating therein, which does not comply with the following requirements:

- (1) All foundation walls shall be structurally sound, reasonably rodentproof, and maintained in good repair. Foundation walls shall be considered to be sound if they are capable of bearing imposed loads and are not deteriorated.
- (2) Every dwelling unit shall be reasonably weathertight, watertight and rodentproof. Floors, walls, ceilings and roofs shall be capable of affording adequate shelter and privacy and shall be kept in good repair. Windows and exterior doors shall be reasonably weathertight, watertight and rodentproof, and shall be maintained in good working condition. All parts of the structure that show evidence of rot or other deterioration shall be repaired or replaced.
- (3) Every inside and outside stairway, porch, and every appurtenance thereto, shall be maintained in a safe condition and be capable of supporting loads which normal use may impose.
- (4) Every chimney and smoke pipe, and all flue and vent attachments thereto, shall be maintained in such condition that there will be no leakage or backing up of smoke and noxious gases into the dwelling.
- (5) All exterior surfaces subject to deterioration shall be properly maintained and protected from the elements by paint or other approved protective coating applied in a workmanlike fashion.
- (6) Every plumbing fixture, water pipe, waste pipe and drain shall be maintained in good sanitary working condition, free from defects, leaks and obstructions.

- (7) The floor surface of every water closet compartment, bathroom and shower room shall be maintained so as to be reasonably impervious to water and so as to permit such floor to be easily kept in a clean and sanitary condition.
- (8) Every supplied facility, piece of equipment, or utility required in this article shall be maintained in a safe and satisfactory working condition. No owner or occupant shall cause any service, facility, equipment, or utility required in this article to be removed from or discontinued for any occupied dwelling or dwelling unit except for such temporary interruption as may be necessary while actual repairs, replacement, or alterations are in process.
- (9) Properties must be kept free of mold and evidence of mold.
- (9)(10) For these purposes, every owner of a building containing three or more dwelling units shall provide the continuing service of a person solely to assure that the minimum requirements of maintenance and sanitation, as provided by this article, are maintained on the premises at all times. The landlord shall provide the tenant with the name, address, and phone number of the person providing the continuing service. Said notice shall be given to the tenant by either posting the notice in a conspicuous place at the building site or by supplying the tenant with the information at the inception of the lease. The landlord is further charged with informing the tenant of any change of name, address, or phone number of the person providing the continuing service.

Section 3. AMENDMENT OF THE ORDINANCE: Section 12-81 of the

City's Code of Ordinances is hereby amended as follows:

**Sec. 12-81. - Responsibilities of owners and occupants.**

No person shall occupy, or let to another for occupancy, any dwelling or dwelling unit for the purpose of living therein, which does not comply with the following requirements:

- (1) Every dwelling unit shall be clean, sanitary and fit for human habitation.
- (2) Every occupant of a dwelling or dwelling unit shall keep in a clean and sanitary condition that part of the dwelling, dwelling unit and premises thereof which he/she occupies and controls, including yards, lawns, courts and driveways. The provisions of this subsection shall also apply to vacant lots and to premises of business establishments located in proximity to dwellings and dwelling units.
- (3) Every owner of a building containing three or more dwelling units shall be responsible for maintaining in a clean and sanitary condition the shared or public areas of the dwelling and premises thereof. For this purpose, every owner of a building containing three or more dwelling units shall provide the continuing services of a person solely to assure that minimum requirements of maintenance and sanitation as provided by this article are maintained on the premises at all times.
- (4) Exterior premises shall be kept free from the excessive growth of weeds, grass and other flora. The term "excessive" shall be interpreted as detrimental to the health, safety, or welfare of the occupants or the public. The provisions of this subsection shall also apply to vacant lots and to the premises of building establishments located in proximity to dwellings and dwelling units.
- (5) Every occupant of a dwelling unit shall keep all plumbing fixtures, sanitary facilities, appliances and equipment therein in a clean and sanitary condition and shall exercise reasonable care in the proper use and operation thereof.
- (6) Every occupant of a dwelling or dwelling unit shall dispose of rubbish, garbage and other waste materials in an approved sanitary manner. Garbage shall be placed in the garbage disposal facilities or storage containers required by this article.
- (7) Every occupant of a dwelling containing a single dwelling unit shall be responsible for the

extermination of any insects, rodents, vermin, or other pests therein or on the premises. Every occupant of a dwelling unit in a building containing more than one dwelling unit shall be responsible for such extermination whenever his/her dwelling unit is the only one infested, except that whenever such infestation is caused by the failure of the owner to carry out the provisions of this article, extermination shall be the responsibility of the owner. In every dwelling containing one or more units, the owner shall exterminate all infestations of any insects, rodents, vermin or other pests therein or on the premises except where such pests are the responsibility of the occupant as provided in the preceding sentence.

- (8) Every owner of a dwelling or dwelling unit shall, before renting or subletting to another occupant, provide approved door and window screens whenever such screens are required under the provisions of this article and shall repair or replace them when necessary.
- (9) Every owner of a dwelling shall grade and maintain the exterior premises so as to prevent the accumulation of stagnant water thereon.
- (10) Animals and pets shall not be kept in any dwelling or dwelling unit or on any premises in such a manner as to create insanitary conditions or constitute a nuisance.
- (11) Every owner of a dwelling or dwelling unit shall, before renting or subletting to another occupant, remediate any mold or evidence of mold in accordance with standard environmental practices and to the satisfaction of the city, and may be required to produce proof of remediation.
- ~~(11)~~(12) Every owner of a building containing three or more dwelling units shall provide the continuing services of a person solely to assure that the minimum requirements of maintenance and sanitation, as provided by this article, are maintained on the premises at all times. The landlord shall provide the tenant with the name, address, and phone number of the person providing the continuing service. Said

notice shall be given to the tenant by either posting the notice in a conspicuous place at the building site or by supplying the tenant with the information at the inception of the lease. The landlord is further charged with informing the tenant of any change of name, address, or phone number of the person providing the continuing service.

Section 4. CONFLICT: All ordinances or Code provisions in conflict herewith are hereby repealed.

Section 5. 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.

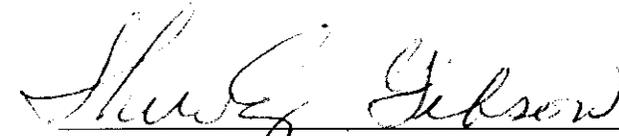
Section 6. INCLUSION IN CODE: It is the intention of the City Council of the City of Miami Gardens that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Miami Gardens and that the section of this Ordinance may be renumbered or relettered and the 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.

Section 7. EFFECTIVE DATE: This Ordinance shall become effective immediately upon its final passage.

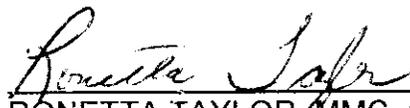
PASSED ON FIRST READING ON THE 8<sup>TH</sup> DAY OF FEBRUARY, 2012.

PASSED ON SECOND READING ON THE 22<sup>ND</sup> DAY OF FEBRUARY,  
2012.

ADOPTED AND PASSED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS AT ITS REGULAR MEETING HELD ON THE 22<sup>ND</sup> DAY OF FEBRUARY, 2012.

  
SHIRLEY GIBSON, MAYOR

**ATTEST:**

  
RONETTA TAYLOR, MMC, CITY CLERK

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

SPONSORED BY: COUNCILMAN OLIVER GILBERT, III

Moved by: Councilman Gilbert  
Second by: Councilman David Williams Jr.

**VOTE: 7-0**

|                                |                    |            |
|--------------------------------|--------------------|------------|
| Mayor Shirley Gibson           | <u>  X  </u> (Yes) | _____ (No) |
| Vice Mayor Aaron Campbell, Jr. | <u>  X  </u> (Yes) | _____ (No) |
| Councilman David Williams Jr   | <u>  X  </u> (Yes) | _____ (No) |
| Councilwoman Lisa Davis        | <u>  X  </u> (Yes) | _____ (No) |
| Councilman Oliver Gilbert, III | <u>  X  </u> (Yes) | _____ (No) |
| Councilwoman Felicia Robinson  | <u>  X  </u> (Yes) | _____ (No) |
| Councilman Andre' Williams     | <u>  X  </u> (Yes) | _____ (No) |



## City of Miami Gardens Agenda Cover Memo

|                                |                                |           |  |  |                  |                               |           |
|--------------------------------|--------------------------------|-----------|--|--|------------------|-------------------------------|-----------|
| <b>Council Meeting Date:</b>   | February 22, 2012              |           | <b>Item Type:</b>  | <b>Resolution</b>  | <b>Ordinance</b> | <b>Other</b>                  |           |
|                                |                                |           | (Enter X in box)   |  | X                |                               |           |
| <b>Fiscal Impact:</b>          | <b>Yes</b>                     | <b>No</b> | <b>Ordinance Reading:</b>  | <b>1<sup>st</sup> Reading</b>  |                  | <b>2<sup>nd</sup> Reading</b> |           |
| (Enter X in box)               |                                | X         | (Enter X in box)   |  |                  | x                             |           |
|                                |                                |           | <b>Public Hearing:</b>   | <b>Yes</b>   | <b>No</b>        | <b>Yes</b>                    | <b>No</b> |
|                                |                                |           | (Enter X in box)   |  |                  | x                             |           |
| <b>Funding Source:</b>         | N/A                            |           | <b>Advertising Requirement:</b>  | <b>Yes</b>   |                  | <b>No</b>                     |           |
|                                |                                |           | (Enter X in box)   | x  |                  |                               |           |
| <b>Contract/P.O. Required:</b> | <b>Yes</b>                     | <b>No</b> | <b>RFP/RFQ/Bid #:</b>  | N/A  |                  |                               |           |
| (Enter X in box)               |                                | X         |  |  |                  |                               |           |
| <b>Strategic Plan Related</b>  | <b>Yes</b>                     | <b>No</b> | <b>Strategic Plan Priority Area:</b>   | <b>Strategic Plan Obj./Strategy:</b> (list the specific objective/strategy this item will address) |                  |                               |           |
| (Enter X in box)               |                                | X         | Enhance Organizational <input type="checkbox"/><br>Bus. & Economic Dev <input type="checkbox"/><br>Public Safety <input type="checkbox"/><br>Quality of Education <input type="checkbox"/><br>Qual. of Life & City Image <input type="checkbox"/><br>Communcation <input type="checkbox"/> | N/A  |                  |                               |           |
| <b>Sponsor Name</b>            | Councilman Oliver Gilbert, III |           | <b>Department:</b>   | Office of Mayor and City Council   |                  |                               |           |

### Short Title:

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### Staff Summary:

The City has adopted Minimum Housing Standards as outlined in Chapter 12, Article II of the City's Code of Ordinances. The purpose of the Minimum Housing Standards is to ensure that structures within the City of Miami Gardens are fit for human habitation, that they have the proper and adequate provisions for life, air and protection against certain fire, unsanitary, and health hazards.

**ITEM I-1) ORDINANCE  
SECOND READING/PUBLIC HEARING  
Minimum Housing Standards**

Councilman Oliver Gilbert, III is recommending that the City Council amend the Minimum Housing Standards to include regulations relating to the removal and remediation of mold in leased premises. These regulations will require that property owners remediate and remove mold and evidence of mold prior to renting or subleasing premises to another person. Violations of the Minimum Housing Standards are handled through the City's Code Enforcement process.

**Proposed Action:**

That the City Council adopts proposed Ordinance.

**Attachment:**

None