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CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

MEMORANDUM

Agenda Item No. 7(P)

TO: Honorable Chairman Jean Monestime and Members, Board of County Commissioners

DATE: October 6, 2015

FROM: R. A. Cuevas, Jr. County Attorney

SUBJECT: Ordinance amending section 17A-9 of the Code; relating to vacant structures; requiring the posting of notices on vacant structures and premises; requiring that certain information be included in said notices

Ordinance No. 15-116

This item was amended at the 8-25-15 Unincorporated Municipal Service Area Committee to add the words "if practicable" to the requirement that signs be posted at a height of 6 feet.

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Senator Javier D. Souto and Co-Sponsor Commissioner Rebeca Sosa.

R. A. Cuevas, Jr.
County Attorney

RAC/smm

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Memorandum

MIAMI-DADE COUNTY

Date: October 6, 2015

To: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

Subject: Ordinance Relating To Vacant Structures

The proposed ordinance amends Section 17A-9 of the Code relating to vacant structures, requiring the posting of notices on vacant structures and premises requiring that certain information be included on the notices. Specifically, it mandates that the name and contact information of the property owner be included in notices that are issued by Enforcement Officers on confirmed violations of the provision of Chapter 17A. This ordinance would also require that a copy of the notice always be posted at the site, placed at a height of six feet on a sign that measures 2'x3'.

Currently, as a matter of standard procedure, the department of Regulatory and Economic Resources (RER) includes on all 'Notices of Violation' issued the name and contact information of the property owner, as documented on the Miami-Dade Property Appraiser's records. In addition, as a matter of standard procedure, RER currently posts a 10"x12" placard in a conspicuous area of the property that is in violation of the provisions of Chapter 17A. In the last year (July 2014 – July 2015), the department opened 604 open, vacant, and abandoned cases and 74 cases for unsecured pools.

The adoption of this ordinance would affect RER's current enforcement practices only to the extent that the size of the placard would be required to be larger in size and placed at a height of six feet. The additional costs of a larger placard will not be absorbed by the department since hard costs are passed along to violators. Therefore, it is anticipated that the implementation of this ordinance would have no additional fiscal impact.

Jack Osterholt
Deputy Mayor

fis08015

MEMORANDUM
(Revised)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: October 6, 2015

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 7(P)

Please note any items checked.

_____	**"3-Day Rule" for committees applicable if raised**
✓	**6 weeks required between first reading and public hearing**
✓	**4 weeks notification to municipal officials required prior to public hearing**
_____	**Decreases revenues or increases expenditures without balancing budget**
_____	**Budget required**
_____	**Statement of fiscal impact required**
_____	**Ordinance creating a new board requires detailed County Mayor's report for public hearing**
_____	**No committee review**
_____	**Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous _____) to approve**
_____	**Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 7(P)
10-6-15

ORDINANCE NO. 15-116

ORDINANCE AMENDING SECTION 17A-9 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; RELATING TO VACANT STRUCTURES; REQUIRING THE POSTING OF NOTICES ON VACANT STRUCTURES AND PREMISES; REQUIRING THAT CERTAIN INFORMATION BE INCLUDED IN SAID NOTICES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, Chapter 17A of the Code of Miami-Dade County provides minimum standards for vacant structures in Miami-Dade County; and

WHEREAS, Chapter 17A also provides for a mechanism for enforcement of the provisions contained in that chapter; and

WHEREAS, this Board desires to amend this chapter to make it a requirement that a certain notice be placed on vacant structures and premises that are in violation of that chapter,

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Sec. 17A-9 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:[1]

Sec. 17A-9. Notice of violations.

Whenever the Minimum Housing Enforcement Officer or his or her assistant finds and determines that there has been a violation of the standards established by this chapter, he or she shall give notice of such violation to the owner and any operators. Such notice shall be in writing, shall specify the violation, and shall specify the time for compliance.

[1] Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

>>Such notice shall indicate the name of the owner(s) of the structure(s) and premises and contact information for the owner(s).<< Such notice shall specify that the violation must be corrected or a building permit for the work required to correct the violation must be obtained from Team Metro or appropriate municipal Building and Zoning Department and that final compliance must conform to the requirements of the South Florida Building Code. Such notice shall contain an outline of the remedial action which, if taken, will constitute compliance with the requirements of this chapter. Such notice shall inform the owner and any operators of the right to apply to the Minimum Housing Appeals Board for a hearing and review of matters within the notice and advise that failure to comply or appeal may result in the Minimum Housing Enforcement Officer's securing the vacant structure without further notice to the owner or a hearing. Such notice may also inform the person or persons to whom it is directed that failure to comply may result in enforcement action as provided for in Section 17A-13 or Chapter 8CC of this Code. Such notice shall be served upon the owner and any operators. Such notice shall be deemed to be properly served and binding upon the owner and upon any operators and upon the vacant structure or vacant premises involved if a copy is served by certified mail return receipt requested, addressed to the owner's and/or operator's last known address. [[~~If the owner cannot be served by certified mail, a~~]] >>A<< copy of the notice shall be posted in a conspicuous place on the vacant structure or vacant premises. Such notice shall state the date of posting. >>The posted sign shall be 2 x 3 feet in size and shall<< >>, if practicable,<<[2] >>be posted at a height of 6 feet.<<

Section 2. If any section, subsection, sentence, or clause of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

[2] Committee amendments are indicated as follows: Words double stricken through and/or [[double bracketed]] are deleted, words double underlined and/or >>double arrowed<< are added.

Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 4. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and, if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED: October 6, 2015

Approved by County Attorney as
to form and legal sufficiency:

Prepared by:

Daniel Frastai

Prime Sponsor: Senator Javier D. Souto
Co-Sponsor: Commissioner Rebeca Sosa