

MEMORANDUM

PSC
Substitute
Agenda Item No. 3 (J)

TO: Hon. Chairperson and Members
Board of County Commissioners

DATE: June 10, 2003

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Ordinance relating to
Chapter 19

The accompanying ordinance was prepared and placed on the agenda at the request of Senator Javier D. Souto.

This substitute differs from the original proposal in that it: provides the Director of Team Metro, in proposed Section 19-4.2, the authority to issue warning notices to first-time offenders; consolidates regulations concerning storage and disposal of solid waste in proposed Section 19-9, with reference to Chapter 15 of the Code governing solid waste management, and deletes proposed Sections 19-14(D) and 19-15.5(C), which concerned disposal of solid waste, as redundant; revises proposed Sections 19-13 and 19-14 to provide greater consistency between these provisions, which provide maintenance standards for lots in residential and non-residential zoned districts; deletes proposed Section 19-15.5(F), which restricted the placement of advertising flyers or handbills on vehicles and in common areas; deletes proposed Section 8CC-10 penalties for violations of proposed Sections 19-14 and 19-15.6, relating to disposal of solid waste, because they are redundant of the penalties already provided in Section 8CC-10 of the Code for violations of Ch. 15; and repeals Section 33-122.4 of the Code, which requires the placement of litter containers in certain commercial establishments, because it is now incorporated in proposed Section 19-15.5.


Robert A. Ginsburg
County Attorney

RAG/bw



MEMORANDUM

TO: Honorable Chairperson and Members
Board of County Commissioners

DATE:

SUBJECT: Ordinance relating to
Chapter 19

FROM: Steve Shiver
County Manager

This ordinance is a rewritten version of Chapter 19, a reorganization of code provisions from Chapter 33 and a brand new section that creates maintenance standards for business and commercial premises.

The reorganization of the Code involves the removal from Chapter 33 of sections dealing with items that include the storage of construction materials, flammable materials, rubbish, junk, bike racks, litter bins, informational signs and sign maintenance requirements and incorporates them into the rewritten Chapter 19. Team Metro already enforces these items therefore there is no new cost impact.

The new section on business and commercial premises maintenance standards incorporates some of the above items (bike racks, litter bins, sign maintenance) and creates new regulations for the maintenance of fences and walls, parking lots and the exterior condition of buildings, and the removal of litter from the adjacent swale areas. Team Metro will assess the number of complaints received and the impact of the added cases. The Department can accommodate a 5% increase in cases without a cost impact. If the impact exceeds that amount, the Department would have to determine how many additional compliance officer and case processor positions would be required to maintain existing levels of service.



MEMORANDUM

(Revised)

TO: Honorable Chairperson and Members
Board of County Commissioners

DATE: July 8, 2003

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No.

Please note any items checked.

- "4-Day Rule" ("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
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved _____ Mayor

Agenda Item No.

Veto _____

Override _____

ORDINANCE NO. _____

ORDINANCE REPEALING CHAPTER 19 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, IN ITS ENTIRETY AND ENACTING NEW CHAPTER 19, TITLED "RESPONSIBLE PROPERTY OWNER AND MERCHANT ACT" AND CREATING MINIMUM MAINTENANCE STANDARDS FOR PROPERTY IN THE INCORPORATED AND UNINCORPORATED AREAS OF MIAMI-DADE COUNTY; AMENDING SECTIONS 33-15 AND 33-15.1 AND REPEALING IN THEIR ENTIRETY SECTIONS 33-22, 33-28, 33-29, 33-97, AND 33-122.4; AMENDING SECTION 8CC-10 TO PROVIDE AUTHORITY FOR ENFORCEMENT BY CIVIL PENALTY; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

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

Section 1. Chapter 19 of the Code of Miami-Dade County, Florida, is hereby repealed in its entirety and a new Chapter 19 is enacted as follows: ¹

~~[[Chapter 19~~

~~LOT JUNK, GARBAGE AND TRASH CLEARING*~~

~~**Sec. 19-1. Short title; application of chapter.**~~

~~This chapter shall be known as the "Dade County Lot Junk, Garbage and Trash Clearing Ordinance," and shall be applicable in the unincorporated areas of Dade County, Florida.~~

~~**Sec. 19-2. Declaration of legislative intent.**~~

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.

~~The Board finds and determines that the rapid, continuous growth and urban development of the unincorporated areas of this County require the reasonable and effective control and regulation of excessive growth and accumulation of weeds, and other certain plant life to the extent and in such manner as to cause infestation by rodents and feral animals, the breeding of mosquitoes and vermin, or to threaten or endanger the public health, or otherwise adversely affect the welfare of adjacent property or occupants. Further, the Board finds and determines that the accumulation of garbage and trash in violation of Chapter 15, Miami Dade County Code and the accumulation, storage or maintenance of junk or trash in violation of Section 33-15, Miami Dade County Code, requires reasonable and effective controls to protect the public health, safety and welfare of the community.~~

~~That portion of any lot, or parcel is exempt from the vegetative provisions of this chapter where that lot, or parcel is designated as a Natural Forest Community, Environmental Endangered Land, Native Plant Community, Native Habitat, or a wetland as defined and described in Section 24-3(151) of the Code of Miami Dade County.~~

~~That portion of any lot, or parcel that currently has a bona fide agricultural use or has been given a State exemption for Agricultural Classification following generally accepted agricultural and management practices shall be processed in accordance with Section 19-12 of this Chapter.~~

Sec. 19-3. Definitions.

- (A) ~~*Abandoned property.* As used in this section, "abandoned property" means any article of personalty which either lacks evidence of ownership or is wrecked or derelict personal property having no value other than nominal salvage value, if any, which has been left abandoned and unprotected from the elements and shall include wrecked, inoperative, or partially dismantled motor vehicles, trailers, boats, machinery, refrigerators, washing machines, plumbing fixtures, furniture, and any other similar article which has no value other than nominal salvage value.~~
- (B) ~~*Bona fide agricultural use.* The term shall mean a commercial application such as but 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.~~

- (C) ~~Corrective or maintenance action.~~ The term shall mean that 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 or junk.
- (D) ~~Director.~~ The word "Director" shall mean the Director of Team Metro or his or her designee.
- (E) ~~Generally accepted agricultural and management practices.~~ To be determined by the appropriate agricultural agency for the commercial agricultural practice utilizing Florida Statute 823.14 as the basis of its determination.
- (F) ~~Government lot.~~ Government lots refer to 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 original U. S. Government survey maps. The Government lots or tracts were established to define for conveyance purposes those irregular parcels of land which do not fit into the normal Government mandated sectionalized land breakdown system, including such cases as fractional sections abutting water boundaries, oversized sections, undersized sections having hiatus and overlaps.
- (G) ~~Improved lot.~~ Any lot with a building or an erected structure or an incomplete or partially demolished structure.
- (H) ~~Junk.~~ The accumulation, storage or maintenance of junk or trash or abandoned property including, but not limited to old and dilapidated automobiles, trucks, tractors, and other such vehicles and parts thereof, wagons and other kinds of vehicles and parts thereof, scrap, building material, scrap contractor's equipment, tanks, casks, cans, barrels, boxes, drums, piping, bottles, glass old iron, machinery, rags, paper, excelsior, mattresses, beds, or bedding or any other kind of scrap or waste material.
- (I) ~~Lot.~~ Any tract, or parcel of land shown on a recorded plat or on the official County zoning maps or any piece of land

- described by a legal recorded deed.
- (J) ~~Owner. Any and all persons with legal and/or equitable title to real property in Miami Dade County as their names and addresses are shown upon the record of the Property Appraiser Department.~~
 - (K) ~~Repeat Violator. Any property owner who has failed to comply with any portion of this chapter and has been cited for a violation of this chapter pursuant to Chapter 8CC of this Code within the last twenty four (24) months, and has been either found guilty of said violation by a Hearing Officer at an 8CC Hearing and such finding was not overturned by the Circuit Court, or did not file for an appeal of such violation before an 8CC Hearing Officer within seven (7) calendar days from posting of the citation.~~
 - (L) ~~Right of way. The term shall be construed throughout this section to include but not be limited to, 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.~~
 - (M) ~~Solid waste. The term shall mean the accumulation of 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 Chapter 15, Dade County Code.~~
 - (N) ~~Unimproved lot. Any vacant lot or any lot without a structure.~~
 - (O) ~~Violative conditions. The term shall mean one (1) of the following situations exist:
 - (1) ~~The growth or accumulation of any grass, weeds, non native undergrowth or other dead plant life on an improved lot which exceeds the height of twelve (12) inches from the ground for more than ten (10) percent of the area to be maintained.~~
 - (2) ~~The growth or accumulation of any grass, weeds,~~~~

~~non-native undergrowth or other dead plant life on an unimproved lot which exceeds the height of eighteen (18) inches from the ground for more than fifty (50) percent of the area to be maintained.~~

- ~~(3) Any storage or maintenance of junk, trash, abandoned personal property or any solid waste on an improved or unimproved lot.~~

Sec. 19-4. Prohibited conditions.

- ~~(A) It shall be the responsibility of the owner of an improved or unimproved lot to perform maintenance action on their property within their scheduled calendar month and to regularly maintain their property to prevent any occurrence of violative conditions.~~
- ~~(B) All lots, improved or unimproved, shall be maintained within one hundred (100) feet from the boundary line of any property with a building or structure and within one hundred (100) 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.~~
- ~~(C) Owners of improved or unimproved lots shall legally dispose of all abandoned property, solid waste or junk and shall not deposit, store, maintain or relocate such abandoned property, solid waste or junk to the right of way other than twenty four (24) hours prior to an authorized scheduled pick up conforming to the provisions set forth in Chapter 15 of the Miami Dade County Code. Abandoned property, solid waste or junk shall not be relocated to any lot other than a legal disposal site.~~
- ~~(D) It is the responsibility of the owner of the property adjacent to a County right of way to maintain the swale area which abuts their property.~~

Sec. 19-5. Schedule and failure to comply.

- ~~(A) Each owner of an improved or unimproved lot shall be required to maintain their lot in compliance with Section 19-4 and 19-6 of this chapter and the schedule contained herein.~~

- (B) ~~Each owner of an unimproved lot shall perform maintenance action between the first day and last day of each schedule month.~~
- (C) ~~Schedule.~~
- (1) ~~Unimproved lot. It shall be the responsibility of each owner of an unimproved lot to perform maintenance action on their lot every three (3) calendar months. An unimproved lot lying in more than one (1) township shall be cleared on the lowest township number schedule in which the property lies.~~
- (a) ~~Any lot lying within Township 52 or Township 53, in Miami Dade County shall be cleared within the months of January, April, July and October.~~
- (b) ~~Any lot lying within Township 54 or Township 55, including Government Lots shall be cleared within the months of February, May, August and November.~~
- (c) ~~Any lot lying within Township 56, 57, 58 or Township 59 shall be cleared within the months of March, June, September and December.~~
- (d) ~~Any owner of an unimproved lot may make a written request for a schedule change to the Director, two (2) weeks prior to the first day of the month in which the maintenance action is due, so long as the lot does not have a violative condition. The owner will be required to submit proof (photographs, etc.) that the lot does not have a violative condition.~~
- (e) ~~If the Director denies a schedule change a denial notice shall be given by registered or certified mail, addressed to the owner, and deemed complete and sufficient when so addressed and deposited in the United States~~

mail with proper postage prepaid.

- (2) ~~Improved lots. It shall be the responsibility of each owner of an improved lot to maintain their lot so that a violative condition does not exist, but not less than once every month.~~
- (D) Failure to comply.
- (1) ~~If an owner fails to comply with any portion of this chapter he shall be cited pursuant to Chapter 8CC of this Code and shall be given fourteen (14) calendar days from receipt or posting of the citation to correct the violation, or the owner has seven (7) calendar days from receipt or posting of the citation to file for an appeal before an 8CC Hearing Officer. Payment of the civil penalty is required within the timeframe listed on the citation where an appeal has not been filed.~~
- (2) ~~A repeat violator shall be given seven (7) calendar days from the posting of the citation to correct the violation, or seven (7) calendar days from the posting of the citation to file for an appeal before an 8CC Hearing Officer. Payment of the civil penalties is required within the timeframe listed on the citation where an appeal has not been filed.~~
- (3) ~~If the owner is found guilty by the Hearing Officer, the owner shall pay the fine in the amount pursuant to Chapter 8CC 10 and will be required to correct the violative condition within fourteen (14) days of the hearing.~~
- (4) ~~If the owner does not appeal or if the owner after being found guilty at the hearing does not correct the violative condition in the time frame specified in this section, the Director shall promptly cause the violative conditions to be remedied by the County as described in Section 19-7.~~

Sec. 19-6. Extraordinary clearing.

~~Any improved or unimproved lot, regardless if it has been maintained in accordance with Section 19-5, that is found to have a~~

~~violative condition, shall be in violation of this chapter and the violative condition shall be processed in accordance with Section 19-5(D) of this chapter.~~

~~**Sec. 19-7. Condition may be remedied by County.**~~

- ~~(A) The Director shall correct any violating condition at the expense of the owner, on any lot, improved or unimproved, when the owner fails to perform maintenance action or remedy a violative condition on their lot in accordance with Section 19-5 and 19-6 of this chapter.~~
- ~~(B) After causing the condition to be remedied, the Director shall certify the expense incurred in remedying the condition, including advertising, clearing, hauling, disposal and other expenses, together with an administrative fee of one hundred dollars (\$100.00) or ten (10) percent of the total clearing expenses, which ever is greater, whereupon such expenses and administrative fee shall become payable within thirty (30) days, after which the Director shall cause a special assessment lien and charge to be immediately made upon the lot, which shall be payable with interest at the legal rate from the date of such certification until paid. The Director shall keep complete records relating to the amount payable for liens against lots remedied by the County.~~
- ~~(C) Such liens shall be enforceable in the same manner as a tax lien in favor of Miami Dade County and may be satisfied at any time by payment thereof including accrued interest. Upon such payment the Clerk of the Circuit Court shall, by appropriate means, evidence the satisfaction and cancellation of such lien upon the record thereof. Notice of such lien may be filed in the Office of the Clerk of the Circuit Court and recorded among the public records of Dade County, Florida.~~

~~**Sec. 19-8. County utilization of property as alternative remedy.**~~

- ~~(A) Any owner or an improved or unimproved lot may make a written request to the Director for County utilization consideration of any lot as a condition for the reduction or waiver of any cost, lien or fee to which the County would otherwise be entitled pursuant to this chapter.~~

- (B) ~~Notwithstanding any other provision of this chapter, Metropolitan Dade County shall be entitled with the consent of the owner and other interested parties, to utilize any lot subject to a violation under this chapter as a condition for the reduction or waiver of any cost, lien or fee to which the County would otherwise be entitled pursuant to this chapter. The decision of whether to utilize any lot made available to Metropolitan Dade County as a condition of the reduction or waiver of any applicable cost, lien or fee shall be made at the sole discretion of the Director when deemed in the County's best interest. Any use of a lot in the manner set forth in this section shall be subject to the express approval by the Director, which may include a lease or agreement, and which shall describe, at a minimum, the cost, lien or fee reduced or waived. The lot shall not contain a violative condition.~~
- (C) ~~If the Director denies the alternative remedy, a notice of denial shall be given by registered or certified mail, addressed to the owner, and deemed complete and sufficient when so addressed and deposited in the United States mail with proper postage prepaid.~~
- (D) ~~The owner, within ten (10) days after receipt of the denial notice may request an administrative review by the County Manager of the denial of alterative remedy.~~

~~Sec. 19-9. Action taken pursuant to chapter declared cumulative.~~

~~Any action taken pursuant to this chapter in regard to the disposal, abatement or removal of any violative condition shall be considered cumulative and in addition to penalties and other remedies provided elsewhere in this Code.~~

~~Sec. 19-10. Code enforcement.~~

~~Failure to comply with any provisions set forth in this chapter shall subject an owner to the civil penalties listed in Chapter 8CC-10 of the Dade County Code.~~

Sec. 19-11. ~~Team Metro; Delegation of enforcement power and duties.~~

~~Unless otherwise provided by ordinance, the Director of the Public Works Department shall delegate his enforcement powers and duties to the Director of Team Metro for the expressed purpose of enforcing the regulations of this chapter as specified in Section 2-969 or in an administrative order of the County Manager.~~

Sec. 19-12. ~~Agricultural properties.~~

- ~~(A) When concerns or complaints are raised about agricultural properties, a compliance officer will investigate. If the concern is deemed to be valid, a notice of evaluation will be issued to the property owner or lessee. The property owner or lessee will be given thirty (30) days from the date of such notice to correct the use or practice. If clarification of the use or practice is needed, an appropriate agricultural agency will be consulted for information.~~
- ~~(B) If the property owner or lessee fails to correct the condition, the condition shall be processed in accordance with Section 19-5(D) of this Chapter.]]~~

>>Sec. 19-1. Short title; application of chapter.

This chapter shall be known as the Responsible Property Owner and Merchant Act and shall be applicable as the minimum standard in the incorporated and unincorporated areas of Miami-Dade County, Florida.

Sec. 19-2. Declaration of legislative intent.

The Board finds and determines that the neglect of property by property owners and the rapid, continuous growth and urban development of the unincorporated areas of this County require the reasonable and effective control and regulation of excessive growth and accumulation of weeds, and other certain plant life to the extent and in such manner as to cause infestation by rodents and feral animals, the breeding of mosquitoes and vermin, or to threaten or endanger the public health, or otherwise adversely affect the welfare of adjacent property or occupants. Further, the Board finds and determines that the accumulation of garbage and trash in violation of Chapter 15, Miami-Dade County Code

requires reasonable and effective controls to protect the public health, safety and welfare of the community. Further, the Board finds that the maintenance of exterior premises of all improved property 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 which, if unchecked, would have deleterious effect on the quality of life and the economic vitality of Miami-Dade County.

That portion of any lot or parcel is exempt from the vegetative provisions of this chapter where that lot, or parcel is designated as a Natural Forest Community, Environmental Endangered Land, Native Plant Community, Native Habitat, or a wetland as defined and described in Section 24-3(151) of the Code of Miami-Dade County.

That portion of any lot or parcel that currently has a bona fide agricultural use or has been given a State exemption for Agricultural Classification following generally accepted agricultural and management practices shall be processed in accordance with Sections 19-13 and 19-14 of this Chapter.

Sec. 19-3. Definitions.

(A) Abandoned property. This term shall relate to articles of personalty, including without limitation: motor vehicles; trailers; boats or other vessels; refrigerators, washing and drying machines, or other machinery; and plumbing fixtures. The following criteria shall be considered in determining whether property has been abandoned, but no single criterion shall be conclusive:

(1) Whether it has value other than nominal salvage value.

(2) Whether it is in sufficient repair to perform its intended purpose.

(a) Evidence of disrepair shall include missing, removed, or partially or completely dismantled parts; broken glass; or other signs of substantial deterioration.

(b) In making evaluations under this subsection, the compliance officer may require the owner to demonstrate the operability of the

article.

- (c) With regard to motor vehicles, trailers, or boats or other vessels, absence of a current license tag, decal, registration or inspection decal shall also be considered evidence under this subsection.
- (3) Evidence that the personalty 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 personalty has been left unprotected from the elements, including without limitation: growth of vegetation around the personalty; rust or other corrosion; the positioning of the personalty in other than an upright or operable manner; and vandalism.
- (5) The length of time the personalty has remained in its present location.

Abandoned property shall also be deemed "junk" within the meaning of this chapter.

- (B) *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.
- (C) *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.

- (D) 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.
- (E) Department. Team Metro.
- (F) Director. The Director of Team Metro or his or her designee.
- (G) 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.
- (H) 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.
- (I) Improved lot. Any lot with a building or an erected structure or an incomplete or partially demolished structure.
- (J) Junk. Trash or abandoned property.
 - (1) 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.
 - (2) Personalty in a garage or a carport shall not be

construed as junk.

- (K) Lot. Any tract or parcel of land shown on a recorded plat or on the official County zoning maps or any piece of land described by a legal recorded deed. A lot may be improved or unimproved.
- (L) Non-residential Zoned District. Any zoning district that permits, as a matter of right, retail, commercial, industrial or manufacturing uses.
- (M) Owner. Any and all persons with legal and/or equitable title to real property in Miami-Dade County, as their names and addresses are shown upon the record of the Property Appraiser Department.
- (N) Repeat Violator. Any property owner who has failed to comply with any portion of this chapter within the last twenty-four (24) months, or has been either found guilty of said violation by a Hearing Officer at an 8CC Hearing and such finding was not overturned by the Circuit Court, or did not file for an appeal of such violation before an 8CC Hearing Officer within seven (7) calendar days from posting of the citation.
- (O) Residential Premises. Within any parcel of land approved for residential zoned district, Any vacant or occupied structure and accessory structure thereof and the parcel of land upon which it is located.
- (P) 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.
- (Q) 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 Chapter 15, Dade County Code.
- (R) 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.

- (S) Unimproved lot. Any vacant lot or any lot without a structure.
- (T) Vacant Land. Any parcel of land, whether divided or undivided, upon which there are no structures.

Sec. 19-4. Owner Responsibility for Compliance.

It is the responsibility of each owner to maintain their property in accordance with the provisions of this Chapter. Where applicable, tenants or lessees shall receive enforcement notices in connection with enforcement; however, the owner is ultimately responsible for compliance with this chapter.

Sec. 19-4.1. Unimproved subdivided lots; Method of enforcement.

In cases where the compliance officer finds two or more contiguous lots within the same subdivision and under the same ownership, the lots shall be consolidated as one single enforcement action for the purposes of imposing civil penalties. Nothing in this subsection shall exempt the property owner from meeting the compliance standards or from paying the cumulative costs of enforcement and remediation for all of the lots.

Sec. 19-4.2. Failure to Comply; Penalties.

The County shall have the option to pursue enforcement of this chapter as follows:

- (A) Issuance of warning notices to first time offenders;
- (B) Issuance of civil penalties under Chapter 8CC;
- (C) Petition for injunctive relief in the Circuit Court;
- (D) Filing of criminal charges; Penalties of this chapter are punishable by 60 days in jail or a fine of \$500 per offense.

Except as otherwise stated in this Chapter, the Director of Team

Metro shall have the authority to determine the enforcement procedures and the initial enforcement action for each subsection of this Chapter.

Sec. 19-4.3. Penalties Are Cumulative in Nature.

Each incidence of violation shall constitute a separate offense. Any action taken pursuant to this chapter in regard to the disposal, abatement or removal of any nuisance condition shall be considered cumulative and in addition to penalties and other remedies provided elsewhere in this Code.

Sec. 19-4.4. Appellate Procedures for Civil Penalty—First-Time Violator; Time for correction.

For first-time violators receiving a civil violation notice, the owner shall have fourteen (14) calendar days from service of the notice pursuant to Miami-Dade County Code Sec. 8CC-3(e) to correct the violation, or seven (7) calendar days from service to file for an appeal. The appeal shall be in the manner described within the Uniform Civil Violation Notice.

Sec. 19-4.5. Appellate Procedures for Civil Penalty—Repeat Violator; Time for Correction.

A repeat violator shall be given seven (7) calendar days from service of the civil violation notice pursuant to Miami-Dade County Code Sec. 8CC-3(e) to correct the violation, or to file for an appeal. The appeal shall be in the manner described within the Uniform Civil Violation Notice.

Sec. 19-4.6. Time for Correction Upon Finding of Guilt.

If the owner is found guilty by the Hearing Officer, the Hearing Officer shall set a compliance date that shall not exceed 14 days beyond the date of the finding of guilt.

Sec. 19-4.7. County's Authority to Abate Public Nuisance.

Failure to comply with or appeal the terms of this Chapter shall constitute a continuing public nuisance. The Director shall then have the authority to promptly abate the public nuisance, in whole or in part, at the expense of the owner.

Sec. 19-4.7.1. County's Authority to Abate Public Nuisance

Emergency.

The Director shall have the authority to promptly abate a public nuisance that poses an immediate risk to the health, safety, and welfare of pedestrians, young children, and the general public, regardless of whether notice of the violation has been previously provided to the owner. Examples of such nuisances include, without limitation, abandoned property that is within walking distance of schools, parks or major routes to schools. The Director shall have the authority to order the immediate removal of the abandoned property.

Sec. 19-4.8. 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 Chapter, the enforcement officer or his designated representatives may secure the assistance of the Miami-Dade Police Department to effect the removal of the property.

Sec. 19-4.9. Obstructing enforcement officer in the performance of duties.

Whoever opposes, obstructs or resists the enforcement officer or other person authorized by the enforcement officer in the discharge of his duty as provided in this Chapter, upon conviction, shall be guilty of a misdemeanor of the second degree and shall be subject to punishment as provided by law.

Sec. 19-5. Collection of Enforcement and Remediation Costs.

The Director shall certify the expense incurred in remedying a public nuisance under section 19-4.7 of this Chapter, including advertising, clearing, hauling, disposal and other expenses, together with an administrative fee as authorized in the Department's administrative fee schedule. The owner shall pay the cost within thirty (30) days. If the owner fails to pay the costs, the Director shall place a special assessment lien against the lot for the total amount due. Such a lien shall accrue interest at the legal rate from the date of certification until it is paid. The Director shall keep among his records the documentation relating to the amount payable for liens against lots remedied by the County.

A special assessment lien shall be enforceable in the same manner as a tax lien in favor of Miami-Dade County and may be satisfied at any time by payment thereof, including accrued interest. Upon payment the Clerk of the Circuit Court shall, by appropriate means, evidence the satisfaction and cancellation of such lien upon the record thereof. Notice of a special assessment lien may be filed in the Office of the Clerk of the Circuit Court and recorded among the public records of Dade County, Florida.

Sec. 19-6. Team Metro Director; Enforcement Power and Duties.

The Director shall be responsible for the enforcement of this Chapter and shall have the authority to amend and modify the administration of the Department's operating procedures to carry out this Chapter.

Sec. 19-7. Enforcement by local municipal code enforcement officer.

This Chapter shall be enforced as the minimum standard throughout Miami-Dade County. Enforcement and remediation within municipalities shall be by the local municipal code enforcement officer or other municipal authority.

Sec. 19-8. 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) Notwithstanding the maintenance schedules in this chapter, it shall be unlawful to deposit, store, or maintain, or to permit to be deposited, stored, or maintained, junk 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-authorized commercial waste collector.

(B) Pursuant to Miami-Dade County Code Sec. 33-15, no junkyard shall be permitted in a residential district.

- (C) 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 plastics, fabrics or other materials to form a tent, curtain partition or similar makeshift structure or device, shall be subject to this section.

Sec. 19-9. 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 Miami-Dade County Code.

Sec. 19-10. 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.

Sec. 19-11. 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.

Sec. 19-12. Abandoned property on public property.

- (A) 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 ten (10) days from the date of this notice; otherwise it shall be presumed to be abandoned property and shall be removed and destroyed by order of Miami-Dade County at owner's expense. You may within ten (10) days from the date of this notice, request an opportunity to show cause for your failure to remove this property by writing to the Team Metro Director, 111 N.W. First Street, Miami, Florida 33128.

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 personalty. If the name and address is obtained by the officer, he shall mail, via certified mail, a copy of such notice to the last owner.

(B) If, at the end of ten (10) days after posting such notice, or, in the case where notice is mailed, ten (10) 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 civil citation 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 county to be applied against the cost of removal and destruction thereof.

(C) Reasonable cause under this subsection shall be determined by the Director at a hearing on the matter if requested in writing by the owner within ten (10) 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 personalty. The hearing shall be conducted pursuant to the procedures set forth in Chapter 8CC of the Code of Miami-Dade

County, except that written request for the hearing shall be made within the time herein set forth.

- (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.

Sec. 19-13. Maintenance of Lots in Residential-Zoned Districts.

- (A) It shall be the responsibility of the owner of any lot in a residential-zoned district to regularly maintain their property to prevent the following:

(1) Storage or maintenance of junk, trash, abandoned property or solid waste on any lot;

(2) The growth or accumulation of any grass, weeds, non-native undergrowth or other dead plant life:

(a) on *improved lots*, that exceeds the height of twelve (12) inches from the ground for more than ten (10) percent of the area to be maintained;

(b) on *unimproved lots*, that exceeds the height of eighteen (18) inches from the ground that occurs within one hundred (100) feet from the boundary line of any property with a building or structure or within one hundred (100) 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) It shall be the responsibility of the owner of property in a residential-zoned district and adjacent to a County right-of-way to maintain the swale area which abuts their property.

- (C) *Agricultural use within residential districts.* When concerns or complaints are raised about agricultural use properties, a compliance officer shall investigate. If the concern or complaint is deemed to be valid, a notice of evaluation

shall be issued to the property owner or lessee. The property owner or lessee shall be given thirty (30) days from the date of such notice to correct the use or practice. If clarification of the use or practice is needed, an appropriate agricultural agency shall be consulted for information. If the property owner or lessee fails to correct the condition, enforcement action shall commence to require compliance with this code.

Sec. 19-14. Maintenance Standards for Lots in Non-Residential Zoned Districts.

(A) It shall be the responsibility of the owner of any lot in a non-residential zoned district to regularly maintain their property to prevent the following:

(1) The growth or accumulation of any grass, weeds, non-native undergrowth or other dead plant life that exceeds the height of eighteen (18) inches from the ground for more than fifty (50) percent of the area to be maintained;

(2) Storage or maintenance of junk, trash, abandoned property or solid waste on any lot.

All lots shall be maintained within one hundred (100) feet from the boundary line of any property with a building or structure or within one hundred (100) 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) It shall be the responsibility of the owner of the property adjacent to a County right-of-way and in a non-residential zoned district to maintain the swale area which abuts their property.

(C) Agricultural zoned property. When concerns or complaints are raised about agricultural properties, a compliance officer shall investigate. The Department shall apply the definition in Section 19-3(B) to determine a bonafide agricultural use. If the concern or complaint is deemed to be valid, a notice of evaluation shall be issued to the property owner or lessee. The property owner or lessee

shall be given thirty (30) days from the date of such notice to correct the use or practice. If clarification of the use or practice is needed, an appropriate agricultural agency shall be consulted for information. If the property owner or lessee fails to correct the condition, enforcement action shall commence to require compliance with this code.

Sec. 19-15. Maintenance of Business and Commercial Premises.

All business or commercial premises shall meet the standards set forth in Secs. 19-15.1 through 19-15.12.

Sec. 19-15.1. Owner Responsibility for Compliance.

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

Sec. 19-15.2. Compliance with this Section.

Upon verification of a violation of this section, the enforcement officer shall issue a courtesy warning notice to the property and business lessee where applicable. Failure to comply with this notice shall result in the issuance of a civil citation in accordance with Chapter 8CC. The issuance of citations for repeat offenses shall be in the manner discussed in Chapter 8CC.

Sec. 19-15.3. Parking and paved areas.

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, as required under Article II, Section 30-442 of the Code of Miami-Dade County and Section 553.5041(6) of the Florida Statutes. Parking areas and paved areas shall be maintained in accordance with the approved site plan and public works, building or zoning permits.

For all commercial parking lots, the parking spaces shall be

marked with double striping on each side of the space to identify and facilitate their use. All striping shall be of a color (typically white) contrasting with the pavement. Dimension requirements shall be as noted in Sec. 33-122 of the Code of Miami-Dade County.

Sec. 19-15.4. Parking Lot Repairs Require a Permit.

Repairs to parking and paved areas shall require prior permit approval of the Building, Planning and Zoning 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.

Sec. 19-15.5. Bicycle Racks and Litter Bins; Anti-littering Signage and Right-of-way and Overall Cleanliness of premises.

- (A) Bicycle racks and litter bins shall be installed and maintained in accordance with the approved site plan and Section 33-122.3 of Miami-Dade County Code. Notwithstanding the approved site plan, the property owner shall be responsible for placing and maintaining bicycle racks and litter bins as required by County Code. It shall be prohibited to maintain litter bins and trash receptacles with overflowing trash and litter.

The bicycle parking spaces shall be located near one of the principal entrances to the building. The bicycle parking spaces should be in a highly visible, well lighted location that provides enough clear space to facilitate easy use and does not impede pedestrian traffic or handicap accessibility and is protected from the weather by being located under roof overhangs and canopies. The parking spaces may not be placed on the County maintained right-of-way. The design of the bicycle rack should permit the locking of the frame and at least one (1) wheel with a standard size "U" lock and accommodate the typical range of bicycle sizes. The bicycle rack shall: resist removal; be constructed to resist rust, corrosion and vandalism; and be properly maintained. All bicycle parking spaces shall be posted with a permanent and properly maintained above-ground sign. The bottom of the sign shall be at least five (5) feet above grade when attached to a building or seven (7) feet above

grade for a detached sign, which may not be installed in the County maintained right-of-way. No permit shall be required for such signs.

- (B) The property owner or lessee 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.
- (C) 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 as required by Sec. 33-122.4 of the Code of Miami-Dade County. 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.
- (E) 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 under Section 8CC-10 of the Code of Miami Dade County".

Sec. 19-15.6. Premises lighting.

Premises lighting shall be maintained in a safe and operable condition in accordance with the required site plan and Chapter 8C of this Code. Fixtures that are not emitting light shall be defined as inoperable. Lighting repairs shall be performed by a licensed

electrician in accordance with the building code requirements and Chapter 8C. 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 a permit from the Building or Department of Planning and Zoning.

Sec. 19-15.7. 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 County 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 under Article II, Section 30-442 of the Code of Miami-Dade County and Section 553.5041(6) of the Florida Statutes.

Sec. 19-15.8. General Maintenance of Signs.

In addition to the foregoing, all signs shall be maintained in accordance with this subsection.

- (a) It shall be illegal to repair or replace a sign or sign lettering or to move a sign without first obtaining approval from the Department of Planning and Zoning. Property owners shall be required to remove signs that are associated to a business that has vacated the premises.
- (b) All signs shall be properly maintained in a safe and legible condition at all times. In the event that a use having a sign is discontinued for a period of forty-five (45) days, all signs identifying the use are to be removed from the site or in the case of a painted sign, painted out. All exterior commercial signs shall have permits as required by Code and any non-permitted sign shall be removed immediately. Sign removal shall be the responsibility of the owner of the property. Illuminated marquee signs, stand alone signs and wall signs shall be properly illuminated from sunset to sunrise and shall be maintained in proper repair, including the proper illumination of all letters in signs with illuminated stand

alone letters.

- (c) Latticework, painting, and screening. Where the rear of any sign is visible from a street, waterway, park, residence, or from an EU, RU, or BU District, the exposed structural members of the sign shall be either concealed by painted latticework or slats or be suitably painted or decorated, and such back screening shall be designed, painted, and maintained to the satisfaction of the Director.
- (d) Cutting weeds. The owner of each sign not attached to a building shall be responsible for keeping the weeds cut on his property within a radius of fifty (50) feet or to the nearest highway or waterway.
- (e) Removal of dilapidated signs. The Director may require the removal of any sign which shows neglect or becomes dilapidated or where the area around such sign is not maintained as provided herein after due notice has been given. The owner of the sign and/or the property shall be financially responsible for the removal of the sign.

Sec. 19-15.9. Premises Entrance and Egress; Exterior Pedestrian Walkways, Parking Lots, Green Areas And Public Rights-Of-Way.

- (a) 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.
- (b) 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.

Sec. 19-15.10. Exterior Building Surfaces.

Exterior walls, rooftops, and other exterior features of structures shall be maintained free of peeling paint and graffiti.

Sec. 19-15.11. Maintenance of Masonry Walls, Fences, Landscape Buffers and Entrance

Features

Masonry walls, fences, landscape buffers, and entrance features shall be maintained in accordance with County Code and zoning site plans. Masonry walls, fences and entrance features shall be maintained in working order and shall be free from structural deterioration, sagging, disrepair, or other deterioration or defects. Walls and fences shall be painted and maintained free from peeling paint and graffiti.

Existing landscaping shall be irrigated, cultivated, and otherwise maintained as required by the site plan or Chapter 18A, whichever controls.

Sec. 19-15.12. 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 has a zoning certificate of use for the sale of new or used vehicles
- (B) No vehicle shall be allowed to be used as an advertising sign in a parking lot or right-of-way when it has lettering and advertising benefiting the property owner of business lessees. Any vehicle, trailer or other mobile article that remains in the same parked location for more than 48 hours or that meets the junk criteria in this Chapter shall be a prima facie violation of this subsection.
- (C) All violations of this section shall be punishable by a civil violation notice 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. The County may place a lien on the vehicle and any real property owned by the violator in Miami-Dade County until all fines, enforcement costs, and administrative costs are paid by the violator. Any vehicle in violation of this section shall be 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 2. Section 33-15 of the Code of Miami-Dade County, Florida, is hereby

amended to read as follows:

Sec. 33-15. Junkyards; ~~[[depositing junk; characteristics of junk property; and]]~~ repair of automobiles in residential districts.

~~[[(a) It shall be unlawful to deposit, store, keep or maintain or to permit to be deposited, stored, kept or maintained junk or trash in or on any lot, parcel or tract of land or body of water in any zoning district, except within a legally established junkyard; provided it is not the intent hereof to prohibit the deposit of trash or junk in a usual location for waste collection provided it is not or will not become, a nuisance and the same will be collected by Miami Dade County or a County authorized commercial waste collector.]]~~

>>(a)<< ~~[[(b)]]~~ No junkyard shall be permitted in a residential district. No junkyard shall be established or enlarged without a permit from the Department, and the permit shall not be issued unless the same has been approved by the appropriate zoning board, after public hearing.

- (1) Junkyards shall be surrounded by a solid wall eight (8) feet high, and this wall shall be of C.B.S. construction and painted and maintained in order to present a good appearance.

In lieu of a C.B.S. wall, an eight-foot-high cyclone-wire type fence with top rail may be substituted, such wire fence to be interwoven with wooden, metal or plastic strips to create a solid screening site barrier. If wire fencing is used, a two-foot concrete (on footing) or heavy sheet metal curb (imbedded at least two (2) feet in the ground) shall be placed immediately adjacent to and inside such fence to prevent runoff of oil, transmission fluid and other contaminants onto adjacent properties or into adjacent waterways that may result from junking operations.

Whether a C.B.S. or interwoven cyclone-wire fence is used, all gates shall be of the cyclone-wire type, interwoven with wooden, metal or plastic slats in order to screen the interior of the yard when the gates are closed.

- (2) In addition, whether a fence or wall encloses the junkyard, an appropriate hedge made up of native tree or plant species such as southern red cedar or other species approved by the Department shall be planted outside the walls or fences, such tree or plant species to be not less than four (4) feet in height at time of planting, five (5) feet on the center and two and one-half (2 1/2) feet from the wall or hedge. In no event shall the junk or scrap be piled higher than the wall or fence unless the hedge around the entire site grows above the wall or fence and forms a solid screen; in that event the scrap or junk may be piled up to the height of the hedge.
- (3) All existing junk and scrap yards shall be made to comply to all of the foregoing requirements within a period of two (2) years from the effective date of the ordinance from which this section derives and if not so made to comply, they shall be removed and the use discontinued.

~~[(4) All walls, fences, interwoven material, curbs and hedges shall be continuously maintained in good condition and appearance and in such a manner that the purpose of screening and water runoff prevention is served.~~

~~(e) When evaluating property to make a determination as to whether articles deposited in any location other than a legally established junkyard constitute junk or trash, the Department shall consider the following:~~

- ~~(1) Whether the article has only nominal salvage value;~~
- ~~(2) Whether the article is not in sufficient repair to perform its intended function; provided, however, that any motor vehicle which is at least twenty (20) years old and is licensed as an antique vehicle by the State of Florida as evidenced by a current license tag, decal or registration shall not be deemed to be included within the definition of junk property;~~

~~In making evaluations under (e)(2), the Director or~~

~~his designated representative may require the owner to demonstrate the operability of this article;~~

- ~~(3) Whether the article is derelict and has been left unprotected as evidenced by growth of vegetation about the article, direct exposure to the elements, positioning of the article in other than an upright or operable manner, or vandalism. With respect to a motor vehicle, evidence under this subsection shall include removed or flat tires, partial or complete dismantling or removal of parts, broken glass, missing major parts, broken glass, missing major parts such as lights, doors, hoods or motor parts essential for the lawful, safe operation of the vehicle or other signs of deterioration;~~
 - ~~(4) Whether the article lacks a current license tag, and/or decal and/or registration; and~~
 - ~~(5) The length of time the article has remained in its present location and position.~~
- (d) ~~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 plastics, fabrics or other materials to form a tent, curtain partition or similar makeshift structure or device, shall be subject to the same restriction that is applicable to junk property which is visible.~~
- (e)]>>(b)<< In residential zoning districts, a property owner or tenant on improved property having a principal building may repair or otherwise put into operative condition an automobile of his property, only if all of the following requirements are met:
- (1) The property owner or tenant owns the automobile being repaired;
 - (2) The repair activity takes places only during daylight hours;
 - (3) While under repair the automobile shall not be parked in front of the principal building on the

property unless the side yard and/or the rear yard are not accessible; and

- (4) The work undertaken at the premises to repair or otherwise put the automobile into operative condition shall be limited to minor repairs only. The term "minor repair" includes any work which is completed within seventy-two (72) hours including, but not limited to, change of tires, replacement of batteries, change of oil, replacement of brakes and engine tune-up. Any other work, including work wherein the vehicle engine or transmission is removed or lifted from the vehicle for repair or replacement, >>or the vehicle is placed on blocks with the tires removed,<< is prohibited.

Section 3. Section 33-15.1 of the Code of Miami-Dade County, Florida, is hereby deleted in its entirety.

Section 4. Section 33-22 of the Code of Miami-Dade County, Florida, is hereby deleted in its entirety.

Section 5. Section 33-28 of the Code of Miami-Dade County, Florida, is hereby deleted in its entirety.

Section 6. Section 33-29 of the Code of Miami-Dade County, Florida, is hereby deleted in its entirety.

Section 7. Section 33-97 of the Code of Miami-Dade County, Florida, is hereby deleted in its entirety.

Section 8. Section 33-122.4 of the Code of Miami-Dade County, Florida, is hereby deleted in its entirety.

Section 9. Section 8CC-10 of the Code of Miami-Dade County, Florida is hereby amended to read as follows:

Sec. 8CC-10. Schedule of civil penalties.

The following table shows the sections of this Code, as they may be amended from time to time, which may be enforced pursuant to the provisions of this chapter; and the dollar amount of civil penalty for the violation of these sections as they may be amended.

The "descriptions of violations" below are for informational purposes only and are not meant to limit or define the nature of the violations or the subject matter of the listed Code sections, except to the extent that different types of violations of the same Code section may carry different civil penalties. For each Code section listed in the schedule of civil penalties, the entirety of that section may be enforced by the mechanism provided in this Chapter 8CC, regardless of whether all activities proscribed or required within that particular section are described in the "Description of Violation" column. To determine the exact nature of any activity proscribed or required by this Code, the relevant Code section must be examined.

| <i>Code Section</i> | <i>Description of Violation</i> | <i>Civil Penalty</i> |
|---------------------|---|----------------------|
| >> <u>19-8 (A)</u> | <u>Unlawfully depositing, storing or maintaining junk</u> | <u>250.00</u> |
| <u>19-8 (B)</u> | <u>Unlawfully maintaining a junkyard in a residential district</u> | <u>500.00</u> |
| <u>19-10</u> | <u>Unlawful accumulation of flammable rubbish or material</u> | <u>250.00</u> |
| <u>19-11</u> | <u>Unlawful storage of construction materials without having active building permit</u> | <u>250.00</u> |
| <u>19-12(B)</u> | <u>Failure to remove junk vehicle after notice</u> | <u>\$250.00</u> |
| <u>19-13 (A)</u> | <u>Failure to perform lot maintenance in residential district</u> | <u>\$250.00</u> |
| <u>19-13(B)</u> | <u>Failure to maintain right-of-way swale area abutting private property</u> | <u>\$250.00</u> |

| | | |
|-------------------|---|-----------------|
| <u>19-13(C)</u> | <u>Failure to correct agricultural practice or use</u> | <u>\$250.00</u> |
| <u>19-14(A)</u> | <u>Failure to perform lot maintenance in non-residential zoned district</u> | <u>\$250.00</u> |
| <u>19-14(B)</u> | <u>Failure to maintain right-of-way swale area abutting private property</u> | <u>\$250.00</u> |
| <u>19-14(C)</u> | <u>Failure to correct agricultural practice or use</u> | <u>\$250.00</u> |
| <u>19-15.3</u> | <u>Failure to maintain parking lot surface</u> | <u>\$250.00</u> |
| <u>19-15.3</u> | <u>Failure to maintain required parking lot striping or pavement markings</u> | <u>\$250.00</u> |
| <u>19-15.4</u> | <u>Failure to obtain parking lot repair permit prior to commencing work</u> | <u>\$250.00</u> |
| <u>19-15.5(A)</u> | <u>Failure to maintain or provide litter bins</u> | <u>\$250.00</u> |
| <u>19-15.5(A)</u> | <u>Failure to provide required bicycle parking signage</u> | <u>\$250.00</u> |
| <u>19-15.5(A)</u> | <u>Failure to provide bicycle racks of code approved design description</u> | <u>\$250.00</u> |

| | | |
|-------------------|--|-----------------|
| <u>19-15.5(B)</u> | <u>Failure to remove litter from premises or abutting right-of-ways</u> | <u>\$100.00</u> |
| <u>19-15.5(C)</u> | <u>Failure to provide litter containers in required locations</u> | <u>\$100.00</u> |
| <u>19-15.5(C)</u> | <u>Failure to secure litter bins</u> | <u>\$100.00</u> |
| <u>19-15.5(C)</u> | <u>Failure to maintain litter bins free of graffiti or overflow</u> | <u>\$100.00</u> |
| <u>19-15.5(D)</u> | <u>Failure to post required anti-littering sign</u> | <u>\$100.00</u> |
| <u>19-15.6</u> | <u>Failure to maintain premises lighting</u> | <u>\$250.00</u> |
| <u>19-15.6</u> | <u>Altering premises lighting configuration or design without first obtaining a permit</u> | <u>\$250.00</u> |
| <u>19-15.7</u> | <u>Failure to maintain informational or directional sign in safe or visible manner</u> | <u>\$250.00</u> |
| <u>19-15.7</u> | <u>Failure to maintain informational or directional sign free of graffiti</u> | <u>\$250.00</u> |
| <u>19-15.8(a)</u> | <u>Failure to repair or replace a sign without first obtaining a permit</u> | <u>\$250.00</u> |
| <u>19-15.8(b)</u> | <u>Failure to remove sign of discontinued business or tenant</u> | <u>\$250.00</u> |

| | | |
|-------------------|---|-----------------|
| <u>19-15.8(b)</u> | <u>Failure to maintain illuminated signs or marquee signs in functional state</u> | <u>\$250.00</u> |
| <u>19-15.8(c)</u> | <u>Failure to maintain sign surfaces or screening</u> | <u>\$250.00</u> |
| <u>19-15.8(d)</u> | <u>Failure to maintain required sign free of weeds</u> | <u>\$250.00</u> |
| <u>19-15.8(e)</u> | <u>Failure to remove dilapidated or abandoned sign</u> | <u>\$250.00</u> |
| <u>19-15.9(a)</u> | <u>Allowing an unsafe condition to exist at premises entrance or egress</u> | <u>\$250.00</u> |
| <u>19-15.9(a)</u> | <u>Failure to maintain entrance or egress areas in accordance with the approved site plan</u> | <u>\$250.00</u> |
| <u>19-15.9(b)</u> | <u>Unlawfully obstructing walkway, parking lot, green area or right-of-way</u> | <u>\$250.00</u> |
| <u>19-15.10</u> | <u>Failure to maintain building exterior surfaces free of peeling paint or graffiti</u> | <u>\$250.00</u> |
| <u>19-15.11</u> | <u>Failure to maintain Masonry walls, fences or landscape buffers in accordance with the approved site plan</u> | <u>\$250.00</u> |
| <u>19-15.11</u> | <u>Failure to maintain fences or masonry walls free of structural or visual deterioration</u> | <u>\$250.00</u> |

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| <u>19-15.11</u> | <u>Failure to maintain landscape in accordance with approved site plan</u> | <u>\$250.00</u> |
| <u>19-15.11</u> | <u>Failure to maintain landscape in accordance with Chapter 18A</u> | <u>\$250.00</u> |
| <u>19-15.12(A)</u> | <u>Unlawful display of vehicle for sale</u> | <u>\$100.00</u> |
| <u>19-15.12(B)</u> | <u>Unlawful use of vehicle as business advertising display</u> | <u>\$100.00</u> |
| <u>19-15.12(C)</u> | <u>Second or subsequent offense of illegal display of vehicle for sale</u> | <u>\$500.00</u> |
| <u>19-15.12(C)</u> | <u>Second or subsequent offense of illegal use of vehicle as business adverting display</u> | <u>\$500.00<<</u> |

Section 10. Each section subsection, sentence, clause and phrase of this Ordinance is declared to be independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of the Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

Section 11. 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 12. This ordinance shall become effective ninety (90) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an

override by this Board.

Section 13. This ordinance does not contain a sunset provision.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:

Prepared by:

Dennis A. Kerbel

Sponsored by Senator Javier D. Souto

RAG
DJK