

MEMORANDUM

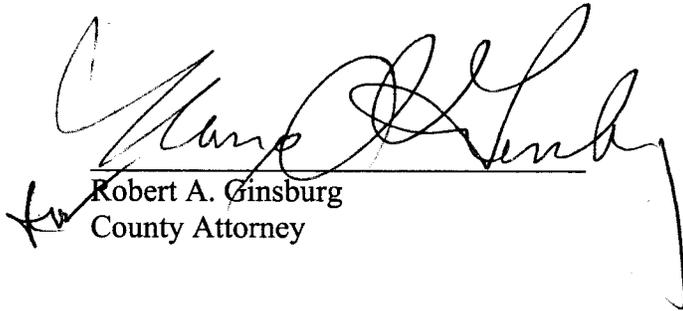
PSC
Agenda Item No. **3 (B)**

TO: Honorable Chairperson Barbara Carey-Shuler, Ed.D. **DATE:** **July 20, 2004**
and Members, Board of County Commissioners

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Ordinance pertaining to
minimum maintenance
standards for property in
unincorporated areas of
Miami-Dade County

The accompanying ordinance was prepared and placed on the agenda at the request of
Commissioner Jimmy L. Morales.


Robert A. Ginsburg
County Attorney

RAG/bw



MEMORANDUM

TO: Honorable Chairperson Barbara Carey-Shuler, Ed.D. **DATE:**
and Members, Board of County Commissioners

FROM: George M. Burgess
County Manager

A handwritten signature in black ink, appearing to read "G. Burgess", written over the printed name of George M. Burgess.

SUBJECT: Ordinance pertaining to
minimum maintenance
standards for property in
unincorporated areas of
Miami -Dade County

The ordinance pertaining to minimum maintenance standards for property in unincorporated areas of Miami-Dade County will not have an additional fiscal impact on Miami-Dade County.

fiscal/03904



MEMORANDUM

(Revised)

TO: Hon. Chairperson Barbara Carey-Shuler, Ed.D.
and Members, Board of County Commissioners

DATE: May 25, 2004

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No. 13(J)

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
Veto _____
Override _____

Agenda Item No. 13(J)
5-25-04

ORDINANCE NO. _____

ORDINANCE PERTAINING TO MINIMUM MAINTENANCE STANDARDS FOR PROPERTY IN THE UNINCORPORATED AREAS OF MIAMI-DADE COUNTY; MODIFYING CHAPTER 19 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA (THE "CODE"); AMENDING SECTION 19-13; PROVIDING 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. Sec. 19-13 of the Code of Miami-Dade County, Florida, is hereby amended as follows:¹

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;

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.

4

- (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.

- (D) Open-air storage in residential-zoned districts is subject to the following provisions:
 - (1) Open-air storage of the following materials is prohibited:
 - (a) Junk, as defined in this Chapter.
 - (b) Merchandise or manufacturing materials. Evidence of one or more of the following shall create a rebuttable presumption that merchandise or manufacturing materials are being stored on the premises:
 - (i) Multiple boxes of uniform appearance bearing shipping labels;
 - (ii) Multiple articles of similar type in unused condition, including without limitation raw materials for

5

- manufacturing furniture and computer components;
 - (iii) Pallets containing multiple boxes;
 - (iv) The residential address is being used as a business address or business delivery address.
 - (c) Commercial equipment, including without limitation vending machines.
 - (d) Motor vehicle parts, including without limitation automobile engines and transmissions.
 - (e) Household furniture, including without limitation sofas and recliners.
 - (f) Construction materials, including without limitation lumber and cement blocks.
 - (g) Construction and demolition equipment, including without limitation cement mixers, jack hammers, and roof tar pots, provided, however, that light-use equipment customarily used for do-it-yourself home repair, including without limitation hand tools, power tools, and table saws, shall not be prohibited.
- (2) Properties with bona fide agricultural uses shall be exempt from this subsection.

>> (E) Notwithstanding any other provision contained in the Code of Miami-Dade County, unimproved lots identified by the Board of County Commissioners as appropriate for infill housing pursuant to the "Infill Housing Initiative" of Chapter 17 of the Code shall be subject to the following standards:

- (1) Extended Compliance Time: Lots must be maintained in accordance with this Section; however, property owners shall have 30 days to comply with a warning notice. The Director, at his sole discretion, may provide additional compliance time.
- (2) Exemption from Height requirement: lots shall not be subject to the overgrowth height requirements of subsection (A)(2), provided that public access to the interior of the lot is prevented at all times by a fence or other appropriate means.
- (3) The County shall be responsible for remediating violations of Section 19-13 prior to the transfer or sale of the property pursuant to Section 17-124. The new property owner shall be responsible for maintaining the

lot in accordance with this section beginning on the day
the new owner takes title to the property.<<

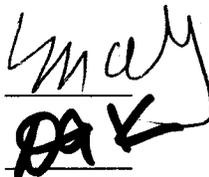
Section 2. Each section subsection, sentence, clause and phrase of this Ordinance is declared to be independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of the Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

Section 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:

Approved by County Attorney as
to form and legal sufficiency:



Prepared by:

Dennis A. Kerbel

Sponsored by Commission Jimmy L. Morales