MEMORANDUM

Agenda Item No. 4 (E)
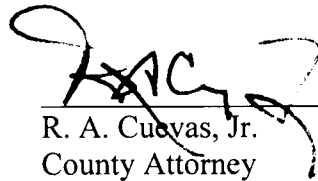
TO:	Honorable Chairman Joe A. Martinez and Members, Board of County Commissioners	**DATE:** October 4, 2011
FROM:	R. A. Cuevas, Jr. County Attorney	**SUBJECT:** Ordinance amending Section 19-13(A)(2) of the Code to require the same level of maintenance of residential lots whether improved or unimproved

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

R. A. Cuevas, Jr.
County Attorney

RAC/up

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MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez   DATE: October 4, 2011
and Members, Board of County Commissioners

FROM: R. A. Cuevas, Jr.   SUBJECT: Agenda Item No. 4(E)
County Attorney

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 Manager'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**

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ORDINANCE NO. _____

ORDINANCE AMENDING SECTION 19-13(A)(2) OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA TO REQUIRE THE SAME LEVEL OF MAINTENANCE OF RESIDENTIAL LOTS WHETHER IMPROVED OR UNIMPROVED; 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.   Section 19-13 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:[1]

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

(A)   In accordance with Section 19-14, it shall be the responsibility of the responsible party for 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[[;]]>>.<<

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[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.

[[(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.~~]]

*   *   *

Section 2.   If any section, subsection, sentence, clause or provision of this ordinance

is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

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

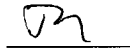changed to "section," "article," or other appropriate word.

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:

Thomas H. Robertson

Prime Sponsor: Senator Javier D. Souto