

## MEMORANDUM

Agenda Item No. 7(F)

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**TO:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

**DATE:** (Second Reading 12-3-13)  
October 22, 2013

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

**SUBJECT:** Ordinance relating to the  
Property Owner and Merchant  
Act; modifying provisions for  
maintenance of building  
surfaces, walls and fences;  
amending Sections 19-15.10  
and 19-15.11 of the Code

Ordinance No. 13-118

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The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Dennis C. Moss.



R. A. Cuevas, Jr.  
County Attorney

RAC/jls

# Memorandum



**Date:** December 3, 2013

**To:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

**From:** Carlos A. Gimenez  
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez", written over a horizontal line.

**Subject:** Ordinance Relating to the Property Owner and Merchant Act; Modifying Provisions for Maintenance of Building Surfaces, Walls and Fences; Amending Sections 19-15.10 and 19-15.11 of the Code

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The proposed ordinance relates to the property owner and merchant act; modifies provisions for maintenance of building surfaces, walls, and fences; and amends sections 19-15.10 and 19-15.11 of the Code. Implementation of this ordinance will not have a fiscal impact to the County.

A handwritten signature in black ink, appearing to read "Jack Osterholt", written over a horizontal line.

Jack Osterholt  
Deputy Mayor

Fis0714



**MEMORANDUM**  
(Revised)

**TO:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

**DATE:** December 3, 2013

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

**SUBJECT:** Agenda Item No. 7(F)

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

Agenda Item No. 7(F)  
12-3-13

Veto \_\_\_\_\_

Override \_\_\_\_\_

ORDINANCE NO. 13-118

ORDINANCE RELATING TO THE PROPERTY OWNER AND MERCHANT ACT; MODIFYING PROVISIONS FOR MAINTENANCE OF BUILDING SURFACES, WALLS AND FENCES; AMENDING SECTIONS 19-15.10 AND 19-15.11 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; 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 19-15.10 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:<sup>1</sup>

Sec. 19-15.10. Exterior Building Surfaces.

~~[[Exterior walls, rooftops, and other features of structures shall be maintained free of peeling paint and graffiti.]]~~ >>All exterior building walls, rooftops and other structural parts including fascia, soffits and balconies shall be maintained in a manner, free of chipping, rotting, pitting, cracking, graffiti, and peeling. All exterior surfaces subject to deterioration shall be properly maintained and protected from the elements by paint or other approved protective coating or treatment applied in a workmanlike fashion. All cornices, trim, windows and window frames that are damaged, sagging or otherwise deteriorated shall be repaired or replaced and all exposed materials shall be properly maintained and protected from the elements by paint, or other protective treatment or coating applied in a workmanlike fashion.<<

Section 2. Section 19-15.11 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

<sup>1</sup> 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.

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.]]>>Walls and fences shall be maintained in a manner free of chipping, pitting, cracking, rotting, graffiti or peeling. Such walls and fences shall be protected from the elements by paint or other protective treatment or coating applied in a workmanlike fashion.<<~~

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

Section 3. 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 4. 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 5. 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: December 3, 2013

Approved by County Attorney as  
to form and legal sufficiency:



Prepared by:



Lauren E. Morse

Prime Sponsor: Commissioner Dennis C. Moss