

MEMORANDUM

Agenda Item No. 7(E)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: (Second Reading: 9-1-22)
June 1, 2022

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Ordinance relating to existing
buildings and unsafe structures;
amending chapter 8 of the Code;
requiring notices of unsafe
buildings to be in English,
Spanish, and Haitian Creole

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


Geri Bonzon-Keenan
County Attorney

GBK/smm

Memorandum



Date: September 1, 2022

To: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

From: Daniella Levine Cava
Mayor


A handwritten signature in blue ink that reads "Daniella Levine Cava". The signature is written in a cursive, flowing style.

Subject: Fiscal Impact Statement for Ordinance Relating to Existing Buildings and Unsafe Structures

The implementation of this ordinance relating to existing buildings and unsafe structures requiring that notices be posted in English, Spanish and Haitian Creole will not have a fiscal impact to Miami-Dade County.


A handwritten signature in blue ink, appearing to read "Jimmy Morales". The signature is written in a cursive, flowing style.

Jimmy Morales
Chief Operations Officer

Date: September 1, 2022
To: Honorable Chairman Jose “Pepe” Diaz
and Members, Board of County Commissioners
From: Daniella Levine Cava 
Mayor
Subject: Social Equity Statement for Ordinance Relating to Existing Buildings and Unsafe Structures

The proposed ordinance relating to existing buildings and unsafe structures amends Chapter 8-5 of the Code of Miami-Dade County to require that notices of unsafe buildings be posted in English, Spanish and Creole.

The proposed ordinance is anticipated to have a positive social equity benefit to Miami-Dade County by communicating important public safety information to the multi-cultural population in the community by providing the notice in three languages.



Jimmy Morales
Chief Operations Officer


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MEMORANDUM
(Revised)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: September 1, 2022

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 7(E)

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
- Statement of social equity 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 present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 7(E)
9-1-22

ORDINANCE NO. _____

ORDINANCE RELATING TO EXISTING BUILDINGS AND UNSAFE STRUCTURES; AMENDING CHAPTER 8 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; REQUIRING NOTICES OF UNSAFE BUILDINGS TO BE IN ENGLISH, SPANISH, AND HAITIAN CREOLE; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, Miami-Dade County is home to a multi-ethnic community, and 70 percent of County residents speak a primary language other than English; and

WHEREAS, the English, Spanish, and Haitian Creole languages are deeply rooted in the historical and current culture of the County; and

WHEREAS, this Board recognizes that communicating important public safety information to all members of our multi-ethnic community is an important and essential responsibility; and

WHEREAS, under section 8-5 of the Code of Miami-Dade County, Florida, building officials and law enforcement personnel are authorized to post notices on buildings or structures that have been determined to be unsafe to inform the building owner, any inhabitants, and members of the public that the building or structure should be vacated and not occupied; and

WHEREAS, this Board finds that it is in the public interest to require such notices to be in English, Spanish, and Haitian Creole,

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

Section 1. Chapter 8-5 of the Code of Miami-Dade County, Florida is hereby amended as follows:¹

Chapter 8-5 – UNSAFE STRUCTURES

* * *

(c) *Grow houses.*

- (1) A building or structure that has been identified by any law enforcement officer as being used to grow or manufacture controlled substances as defined by Chapter 893 of the Florida Statutes or any drugs, as defined in Chapter 499 of the Florida Statutes (a "Grow House") shall be presumed to be unsafe if any one of the following criteria has been satisfied:
 - (i) There is an open and obvious modification or addition to any of the structure's electrical wiring or electrical components, or there exists any exposed wires or exposed electrical components; or
 - (ii) There is an open and obvious modification or addition to any of the structure's plumbing, and/or any discharge of water or other effluent that is not into an ordinarily available drain; or
 - (iii) The structure's interior walls have been destroyed, moved, or modified in any way. This may be evidenced by marks on the ceiling and/or floor that are indicative of a wall having been moved or removed, holes or passages in a wall that are not ordinary, and may be unfinished in appearance. This list shall not be considered exhaustive such that any other evidence of walls being destroyed, moved or modified shall be proper; or

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.

- (iv) Any exterior window has been modified or covered in such a way, so as to inhibit or reduce egress or which inhibits or prevents normal use for ventilation purposes; this shall not include curtains and other ordinary window coverings; or
- (v) Any of the structure's exterior or interior doors have been modified or covered in such a way to prevent or inhibit ingress or egress.

Upon observation of any one of the above criteria, any law enforcement personnel shall be authorized to post and shall post a notice in a conspicuous location on the building or structure that has been determined to be unsafe. The posted notice shall >>be clearly legible in English, Spanish, and Haitian Creole and<< read substantially as follows:

UNSAFE BUILDING. This building or structure is, in the opinion of the Miami-Dade Police Department, unsafe. THIS BUILDING SHALL BE VACATED—SHALL NOT BE OCCUPIED. The owner should contact the Miami-Dade County Building Department immediately. THIS NOTICE SHALL NOT BE REMOVED EXCEPT BY THE BUILDING OFFICIAL. DATE (insert date posted).

- (2) Entry to any structure posted with such a notice shall be prohibited except by an Order issued by a Court of competent jurisdiction, until such time as all necessary inspections listed in (6)(i) have been completed.

* * *

(g) Unsafe structures meeting valuation criteria for immediate demolition.

- (1) The provisions of this Subsection (f) shall apply to structures meeting the valuation criteria for demolition set forth above.
- (2) The Building Official shall prepare a notice of violation. The notice shall state in summary form the nature of the defects which constitute a violation of this Section and shall order the structure to be demolished within such time as is reasonable, subject to extension when requested in writing within the reasonable discretion of the Building Official. The notice shall state that the specific details concerning the violations can be obtained in writing from the Building Official upon request. In addition, the

notice will explain the right of appeal of the decision of the Building Official to the Unsafe Structures Board or an Unsafe Structures Appeal Panel, and advise that unless the decision is appealed, the building or structure shall be demolished without further notice.

- (3) The notice of violation shall be affixed to the structure concerned. The Building Official shall also affix to the structure notice of the hearing of the Unsafe Structures Board or Unsafe Structures Appeal Panel scheduled to consider any appeal of the decision of the Building Official in connection with the structure. The notice of hearing shall be issued by the Secretary of the Unsafe Structures Board where applicable and the Director of the Building Department or his designee for appeals to an Unsafe Structures Appeal Panel advising persons to appear before the board or panel to show cause why the decision of the Building Official should not be carried out. The hearing shall not be scheduled earlier than thirty days following the date of posting of the notice of hearing and notice of violation.
- (4) The Building Official shall post a notice bearing his or her facsimile signature in a conspicuous location on the building or structure that has been determined to be unsafe. The posted notice shall >>be clearly legible in English, Spanish, and Haitian Creole and<< read substantially as follows: "UNSAFE BUILDING". This building or structure is, in the opinion of the Building Official, unsafe. "THIS BUILDING SHALL BE VACATED—SHALL NOT BE OCCUPIED." Action shall be taken by the owner as prescribed by written notice. "THIS NOTICE SHALL NOT BE REMOVED EXCEPT BY THE BUILDING OFFICIAL. DATE...."
- (5) Within ten (10) working days of posting the notice of violation and notice of hearing, the Building Official shall send written notice of violation and notice of hearing to the owner and any interested party. For these purposes, the owner shall be the taxpayer as reflected in the most recently certified real property ad valorem tax roll of Miami-Dade County; provided however, where the records of the Dade County Property Appraiser indicate that ownership has changed, the owner shall be the taxpayer as reflected in those records. An interested party shall be the owner and any other person or entity who has previously requested real property ad valorem tax notices with respect to the subject property in accordance with Section 197.344 of the Florida Statutes, as the same may be renumbered or amended from time to time. The notice of violation and notice of hearing shall be sent

by certified or first class mail to all such parties' last known addresses as reflected in the records of the Miami-Dade County Property Appraiser. Failure to receive such notice, or the lack of a signed return receipt shall not invalidate the notice.

* * *

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:

GKS for GBK

Prepared by:

MBV

Michael B. Valdes

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