

ORDINANCE No. 2014-28

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, AMENDING THE CITY CODE BY CREATING ARTICLE I, "PROPERTY MAINTENANCE STANDARDS," IN CHAPTER 30, "PROPERTY MAINTENANCE", PROVIDING FOR GENERAL PROPERTY MAINTENANCE STANDARDS TO PROMOTE, PROTECT AND IMPROVE THE HEALTH, SAFETY AND WELFARE OF THE CITIZENS OF THE CITY; PROVIDING FOR ENFORCEMENT; PROVIDING FOR PENALTIES; PROVIDING FOR INCORPORATION INTO THE CITY CODE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Mayor, City Councilmembers, residents, and personnel of the City of Doral (the "City") have expressed an interest in maintaining the appearance of properties within the City; and

WHEREAS, the City has observed conditions at construction sites that create nuisance, unsanitary, and/or dangerous conditions in the City that may deleteriously affect the health, safety, and welfare of citizens in the City; and

WHEREAS, the policies as recommended by the City's administration in this Ordinance allow for the City to work towards maintaining and improving the aesthetics and the quality of life of the City through the code enforcement process; and

WHEREAS, the Mayor and the City Council find that the policies contained herein are in the best interest of the community.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, AS FOLLOWS:

Section 1. Recitals. The above Recitals are confirmed, adopted, and incorporated herein and made a part hereof by this reference.

CODING: Words in ~~struck through~~ type are deletions from existing law;
Words in underscored type are additions.

Section 2. Code Amended. The Code of Ordinances of the City of Doral is hereby amended by the addition of Article I, "Property Maintenance Standards," in Chapter 30, "Property Maintenance," which shall read as follows:

CHAPTER 30. PROPERTY MAINTENANCE

ARTICLE I – PROPERTY MAINTENANCE STANDARDS

Section 30-1. Applicability.

The provisions of this Chapter shall apply to all private properties located within the City.

Section 30-2. Definitions.

As used in this section, the term:

- (1) "Deterioration" shall mean the condition of appearance of a building or property, characterized by holes, breaks, rot, chipping, crumbling, peeling, rusting, or other evidence of physical decay, neglect, or lack of maintenance.
- (2) "Excessive Growth" shall mean:
 - (a) The growth of vegetation, including, but not limited to, grass, weeds, bushes, hedges, undergrowth, trees, or roots, that is detrimental to the public health, safety, and welfare by creating a public nuisance, obstacle or dangerous condition in the public way;
 - (b) The growth of vegetation that generally detracts from the appearance of the neighborhood for lack of landscape maintenance; or
 - (c) The growth of grass, weeds, or undergrowth that exceeds the height as specified in Sec. 20-53 (1) of the city code.
- (3) "Maintenance or corrective action" shall mean the action required to comply with the provisions of this Article including, but not limited to maintaining, cleaning, clearing, mowing, cutting, trimming, watering,

CODING: Words in ~~struck through~~ type are deletions from existing law;
Words in underscored type are additions.

irrigating, painting, or repairing, a lot or structure, as applicable, and removing and legally disposing of all associated solid waste.

- (4) “Responsible Party” means the current owner of the property in addition to any other party who has possession of the property, or any utility company having possession of the property or portion thereof, or any contractor working for the owner or person in possession of the property or any successor owners, agents, or parties in possession of the property.

Section 30-3. Standards for maintenance and appearance of property generally.

- (1) Every Responsible Party shall comply with the following:

- (a) Every structure, foundation and exterior wall, fence, window, and roof, shall be structurally sound, maintained in good repair, kept clean and free of stains, debris, mold, discoloration, or deterioration.
- (b) All exterior areas of any structure or surfaces, that show evidence of graffiti or similar markings, damage, rot, rust, or other deterioration shall be cleaned, repaired, removed or replaced and painted over with an exterior grade paint or other protective coating that matches the color of the existing exterior area, as applicable.
- (c) Every exterior stairway, porch and appurtenance shall be structurally sound, maintained in good repair and kept reasonably clean. All exterior floors, paving, driveways, and sidewalks, shall be kept reasonably clean and free of stains, debris, mold, discoloration, or deterioration.
- (d) The exterior premises shall remain free of hazards which include, but are not limited to, the following:
- a. Dead and dying trees and limbs.
 - b. Loose and overhanging objects which, by reason of location above ground level, constitute a danger of falling on persons in the vicinity thereof.
 - c. Holes, excavations, breaks, projections, or obstructions.
 - d. Sources of infestation of rodents, vermin, and other pests.

CODING: Words in ~~struck through~~ type are deletions from existing law;
Words in underscored type are additions.

- (e) Every utility connection shall be properly maintained.
- (f) Swimming pools and spas and other water features shall be maintained so the water remains free and clear of algae, insects, fish, amphibians, pollutants, and debris. Pools and spas that do not comply with the requirements of the City Code and other applicable law, may be secured by draining, covering, fencing, or by using another method approved by the City.
- (g) The Responsible Party shall maintain utility easements and the abutting public right-of-way in such a manner to prevent and to correct any violations of this Chapter including, but not limited to, keeping the utility easements or swale free of Excessive Growth, stagnant water, and shall also keep the abutting public right-of-way free of any holes, obvious or hidden dangers, obstructions, depressions or other excavations. Moreover, the Responsible Party shall remove from the public right-of-way any mud, dirt, soil, or other debris resulting from any construction or work that is performed on a lot or its abutting public right-of-way.
- (h) Flags and flagpoles shall be maintained free of tears, stains, mold, discoloration, or deterioration.

Section 30-4. Standards for maintenance and appearance of property upon which construction or demolition is being performed.

- (1) Maintenance of construction sites. All construction sites are to be maintained in a reasonably clean and orderly condition throughout the construction process. All construction sites shall water the construction site, as needed, in order to minimize the dust being emitted from construction activities. In order to maintain the appearance, a dumpster shall be located on site throughout the construction process. The dumpster shall be emptied when it becomes full. All construction debris, materials, trailers, and the like shall be contained within the boundaries of the construction site. Dumpsters will not be required for additions or remodeling of single-family dwellings so long as debris does not become a nuisance.
- (2) Removal of construction materials or debris in public right-of-way. Under no circumstances shall any construction materials or debris be allowed to be placed in the public right-of-way. Any construction materials or debris shall be removed, even if it inadvertently lands within the public right-of-way due to weather conditions. The public right-of-way, in front of the

CODING: Words in ~~struck through~~ type are deletions from existing law;
Words in underscored type are additions.

construction site and the immediately adjacent lots, shall be kept clean and free of all construction materials or debris.

- (3) Maintenance of the roadway and public rights-of-way. The roadway and all public rights-of-way in front of a construction site shall be kept clean from dirt, sediment, and construction dust. Upon the request of the Building, Code Compliance or Public Works Director, the Responsible Party shall remove dust and dirt which are the result of construction from the roadway and public rights-of-way. If any swale or sidewalk is damaged during the course of construction, the responsible party shall repair the damaged swale or sidewalk.
- (4) Parking. All construction vehicles shall be parked within the construction site.

Section 30-5. Penalties.

Violations of this section shall be enforced in accordance with Chapter 11 of the City Code, with penalties as provided therein. Any person who has been issued a notice or citation for committing an act in violation of a section of this chapter may contest the Citation before the City's special magistrate, the decision of which may be appealed to the appellate division of the Miami-Dade County Circuit Court. Any person who willfully refuses to sign and accept a citation issued by an Code Inspector shall be guilty of a misdemeanor of the second degree, punishable as provided by sections 775.082, 775.083, or 775.084, Florida Statutes.

* * *

Section 3. Implementation. The City Manager, City Clerk, and City Attorney are hereby authorized and directed to implement the provisions of this Ordinance and to take any and all necessary administrative actions as may be appropriate by their position to execute the purpose of this Ordinance.

Section 4. Incorporation into the Code. The provisions of this Ordinance, to the extent appropriate, shall become and be made a part of the Code of Ordinances of the City of Doral. The City Clerk is authorized to take all actions necessary to

CODING: Words in ~~struck through~~ type are deletions from existing law;
Words in underscored type are additions.

incorporate the provisions of this Ordinance into the Code of Ordinances, including, but not limited to, renumbering or relettering sections and to change and that the word “ordinance” may be changes to “section,” “article,” or such other appropriate word or phrase in order to accomplish such intention.

Section 5. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 6. Conflicts. All ordinances or parts of ordinances, resolution or parts of resolutions, in conflict herewith, are repealed to the extent of such conflict.

Section 7. Effective Date. This Ordinance shall become effective immediately upon adoption.

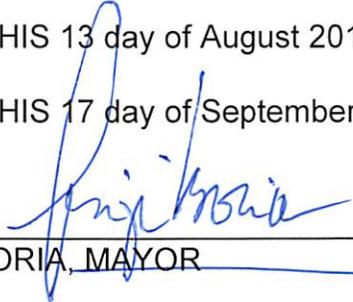
CODING: Words in ~~struck through~~ type are deletions from existing law;
Words in underscored type are additions.

The foregoing Ordinance was offered by Councilmember Rodriguez, who moved its adoption. The motion was seconded by Councilmember Rodriguez Aguilera, and upon being put to a vote, the vote was as follows:

Mayor Luigi Boria	Yes
Vice Mayor Christi Fraga	Yes
Councilwoman Ana Maria Rodriguez	Yes
Councilwoman Bettina Rodriguez Aguilera	Yes
Councilwoman Sandra Ruiz	Yes

PASSED AND ADOPTED on FIRST READING THIS 13 day of August 2014.

PASSED AND ADOPTED on FIRST READING THIS 17 day of September 2014.



LUIGI BORIA, MAYOR

ATTEST:



BARBARA HERRERA, CITY CLERK

APPROVED AS TO LEGAL FORM AND SUFFICIENCY
FOR THE SOLE USE AND RELIANCE OF THE CITY OF DORAL



WEISS SEROTA HELFMAN PASTORIZA COLE & BONISKE, PL
CITY ATTORNEY

CODING: Words in ~~struck through~~ type are deletions from existing law;
Words in underscoring type are additions.