

ORDINANCE No. 2009-24-196

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AMENDING ORDINANCE NO. 2005-14-52, "LANDLORD PERMITS" TO AUTHORIZE THE CITY TO DENY, REFUSE TO RENEW OR TO REVOKE A LANDLORD PERMIT WHEN PROPERTY HAS BEEN DEEMED A CHRONIC NUISANCE, IN ACCORDANCE WITH THE DEFINITION CONTAINED HEREIN; PROVIDING FOR AN AMENDMENT TO THE DEFINITION SECTION; PROVIDING FOR ADOPTION OF REPRESENTATIONS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN CODE; PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Council previously adopted Ordinance No. 2005-14-52 the Landlord Permit Ordinance to require landlords who rent premises within the City to apply for a permit and permitting the City the right to inspect premises prior to them being leased, and

WHEREAS, there are some properties that are subject to the landlord/tenant permit, which have become "chronic nuisances" within the City, and that they have been the subject of numerous police calls relating to situations that affect the health, safety, and welfare of neighboring properties, and

WHEREAS, it is being recommended, that City Council amend the Landlord Permit Ordinance to authorize the City to deny, revoke, refuse to renew a landlord permit when a subject property has been the subject of a "chronic nuisance" as defined herein, and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AS FOLLOWS:

Section 1. ADOPTION OF REPRESENTATIONS: The foregoing Whereas paragraphs are hereby ratified and confirmed as being true, and the same are hereby made a specific part of this Ordinance.

Section 2. AMENDMENT: Section 3 of Ordinance No. 2005-14-52 is hereby amended as follows:

Section 3. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates different meaning:

***Certificate of Occupancy*** is a document issued by the Building Official certifying that he/she reasonably believes a building, or part thereof, and its occupancy to be in compliance with the minimum standards of safety, as set forth in the South Florida Building Code, prior to the buildings occupancy and after its inspection and that said building is in conformity with all other applicable laws and regulations.

***City*** shall refer to the City of Miami Gardens and/or the City Manager, or his/her Designee.

***Chronic nuisance.*** Chronic nuisance shall mean an instance where there have been three (3) or more unrelated disturbance calls made at a particular dwelling or dwelling unit within a six (6) month period.

***Disturbance call.*** Disturbance call shall mean any police call, the result of which negatively affect the quality of life of neighboring residents including, but not limited to, drugs, prostitution, assault and battery and that requires the City of Miami Gardens to respond to a dwelling or dwelling unit.

***Dwelling*** shall mean any building, including, to the extent not inconsistent with State or Federal law, a manufactured home or mobile home, which is wholly or partly used or intended to be used for living, sleeping, cooking and eating, provided that temporary housing as hereinafter defined shall not be regarded as a dwelling. The term dwelling shall be used interchangeably with the term dwelling unit.

***Dwelling unit*** shall mean any room or group of rooms located within a dwelling and forming a single habitable unit with facilities used or intended to be used for living, sleeping, cooking and eating. The term dwelling unit shall be used interchangeably with the term dwelling.

**Person** means any individual, firm, partnership, joint venture, syndicate, or other group or combination acting as a unit, association, corporation, estate, trust, business trust, trustee, executor, administrator receiver or other fiduciary.

Section 3. AMENDMENT: Section 9 of Ordinance No. 2005-14-52 is hereby amended as follows:

Section 9. Grounds for denial/Non renewal.

The City shall have the authority to deny or to refuse to renew an application for Landlord Permit on the following grounds:

- (1) That the applicant has failed to disclose or has misrepresented a material fact or any information required by this article in the application.
- (2) That the applicant has failed to obtain a Certificate of Occupancy as required by Section 307 of the Florida Building Code.
- (3) The Certificate of Occupancy for the location has been denied, suspended or revoked for any reason.
- (4) The issuance of a Landlord Permit is based on the applicant's compliance with specific provisions of federal, state, city, or county law and the applicant has violated such specific provisions.
- (5) The applicant has violated any provision of this article and has failed or refused to cease or correct the violation within thirty (30) calendar days after notification thereof.
- (6) The premises have been condemned by the local health authority for failure to meet sanitation standards or the local authority has condemned the premises because the premises are unsafe or unfit for human occupancy.
- (7) The applicant is delinquent in the payment of any permit fee imposed under this Article; Code Enforcement Lien; Special Assessment Lien and/or any other debt or obligation due to the City under State or Local Law.
- (8) The applicant fails to allow inspection by the City as required and prescribed herein.
- (9) Any person, whose application has been denied as provided herein in this Ordinance, shall have the right to request a public hearing. Such

application shall be governed by the applicable provisions of the City Code Enforcement Ordinance.

(10) The applicant has failed to obtain any and all other required licenses, certifications, or permits required by the City.

(11) The property has been determined to be a chronic nuisance in accordance with Section 3 herein.

Section 4. AMENDMENT: Section 14 of Ordinance No. 2005-14-52 is hereby amended as follows:

Section 14. Revocation of Landlord Permits.

The City is granted the authority and charged with the duty of revoke, refuse to renew or suspend any Landlord Permit as follows:

(A) Landlord Permit issued under this Ordinance may be revoked, suspended, or renewal of said Permit refused on the following grounds;

(1) The Permit holder has failed to disclose or has misrepresented a material fact or information required by this article in the application.

(2) The Permit holder does not engage in the rental activity as described in the application or has changed the use without authorization.

(3) The Permit holder allows the premises to be utilized for solicitation for prostitution, pandering, lewd and lascivious behavior, sale, distribution or display of obscene materials or conduct; sale or possession of any controlled substances or narcotics, or for any other illegal purpose.

(4) The Certificate of Occupancy for the location has been denied, suspended or revoked for any reason.

(5) The issuance of a Landlord Permit is based on the applicant's compliance with specific provisions of federal, state, city or county law and the applicant has violated such specific provisions including but not limited to violations of Federal, State, or County criminal statutes, and/or violations of County and/or City Zoning, Occupational Licensing, and related Ordinances.

(6) The applicant has violated any provisions of this article and has failed or refused to cease or correct the violation(s) after notification thereof.

(7) The premises have been condemned by the local health authority for failure to meet sanitation standards or the premises have

been condemned by the local authority because the premises are unsafe or unfit for human occupancy.

(8) The applicant is delinquent in the payment of any certification fee imposed under this Article; Code Enforcement Lien; Special Assessment Lien and/or any other debt or obligation due to the City under State or Local Law.

(9) The applicant has failed to obtain any and all other required licenses, certifications, or permits required by the City.

(10) The property has been determined to be a chronic nuisance in accordance with Section 3 herein.

\* \* \* \* \*

Section 5. CONFLICT: All ordinances or Code provisions in conflict herewith are hereby repealed.

Section 6. SEVERABILITY: If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

Section 7. INCLUSION IN CODE: It is the intention of the City Council of the City of Miami Gardens that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Miami Gardens and that the section of this Ordinance may be renumbered or relettered and the word "Ordinance" may be changed to "Chapter," "Section," "Article" or such other appropriate word or phrase, the use of which shall accomplish the intentions herein expressed;

Section 8. EFFECTIVE DATE: This Ordinance shall become effective immediately upon its final passage.

PASSED ON FIRST READING ON THE 8<sup>th</sup> DAY OF SEPTEMBER, 2009.

ADOPTED AND PASSED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS AT ITS REGULAR MEETING HELD ON THE 21<sup>ST</sup> DAY OF SEPTEMBER, 2009.

  
SHIRLEY GIBSON, MAYOR

**ATTEST:**

  
RONETTA TAYLOR, MMC, CITY CLERK

Prepared by SONJA KNIGHTON DICKENS, ESQ.  
City Attorney

SPONSORED BY: DANNY CREW, CITY MANAGER

Moved by: Vice Mayor Gilbert  
Second by: Councilwoman Watson

**VOTE:** 7-0

Mayor Shirley Gibson	<u>  X  </u> (Yes)	____ (No)
Vice Mayor Oliver Gilbert III	<u>  X  </u> (Yes)	____ (No)
Councilman Melvin L. Bratton	<u>  X  </u> (Yes)	____ (No)
Councilman Aaron Campbell	<u>  X  </u> (Yes)	____ (No)
Councilman Andre' Williams	<u>  X  </u> (Yes)	____ (No)
Councilwoman Sharon Pritchett	<u>  X  </u> (Yes)	____ (No)
Councilwoman Barbara Watson	<u>  X  </u> (Yes)	____ (No)





## City of Miami Gardens Agenda Cover Memo

<b>Council Meeting Date:</b>	September 21, 2009		<b>Item Type:</b>	<b>Resolution</b>	<b>Ordinance</b>	<b>Other</b>	
					X		
<b>Fiscal Impact:</b>	Yes	No	<b>Ordinance Reading:</b>	<b>1<sup>st</sup> Reading</b>		<b>2<sup>nd</sup> Reading</b>	
		X				X	
			X	<b>Public Hearing:</b>	Yes	No	Yes
							X
<b>Funding Source:</b>	N/A		<b>Advertising Requirement:</b>	<b>Yes</b>		<b>No</b>	
				X			
<b>Contract/P.O. Required:</b>	Yes	No	<b>RFP/RFQ/Bid #:</b>				
		X					
<b>Sponsor Name</b>	Danny Crew, City Manager		<b>Department:</b>	City Manager			

**Short Title:**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AMENDING ORDINANCE NO. 2005-14-52, "LANDLORD PERMITS" TO AUTHORIZE THE CITY TO DENY, REFUSE TO RENEW OR TO REVOKE A LANDLORD PERMIT WHEN PROPERTY HAS BEEN DEEMED A CHRONIC NUISANCE, IN ACCORDANCE WITH THE DEFINITION CONTAINED HEREIN; PROVIDING FOR AN AMENDMENT TO THE DEFINITION SECTION; PROVIDING FOR ADOPTION OF REPRESENTATIONS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN CODE; PROVIDING AN EFFECTIVE DATE

**Staff Summary:**

On March 9, 2005, the City Council adopted ordinance 2005-14-52, which enacted the Landlord Permit process in Miami Gardens. While the landlord permit has worked to address some of the minimum housing issues that existed with rental properties in the City, the legislation lacked provisions to address rental properties that negatively impacted the surrounding residents' quality of life due to excessive disturbances or criminal activity at the property. These "chronic nuisance properties" are defined in the proposed ordinance amendment as follows:

- **Chronic nuisance.** Chronic nuisance shall mean an instance where there have been three (3) or more unrelated disturbance calls made at a particular dwelling or dwelling unit within a six (6) month period.

**ITEM I-3) ORDINANCE  
SECOND READING/PUBLIC HEARING  
Amending Landlord Permit Ordinance**

- **Disturbance call.** Disturbance call shall mean any police call, the result of which negatively affect the quality of life of neighboring residents including, but not limited to, drugs, prostitution, assault and battery and that requires the City of Miami Gardens to respond to a dwelling or dwelling unit.

The proposed amendment also provides that the City shall have the ability to revoke or deny a landlord permit if said property is deemed a “chronic nuisance”. Landlords who have their permit revoked/denied and continue to rent property in violation of the ordinance will be subject to the city’s code enforcement fine procedures, which may include the placement of code enforcement liens and or foreclosure action.

This amendment will be a powerful tool for both Code Compliance and Police officers to use in improving the quality of life in both single family and multifamily communities in the City.

**Proposed Action:**

That City Council approve the attached ordinance amending ordinance 2005-14-52 “Landlord Permits”.

**Attachment:**

Attachment A: Ordinance 2005-14-52