

# Residential & Commercial Property Owners Guide to Code Compliance



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# About this Guide

This Residential & Commercial Property Owners Guide was created by the City of Miami Gardens Code Enforcement & Licensing Department. It is designed to help property owners understand and comply with property-related codes and ordinances that are enforced by the City. The following pages contain the **most current information available on these codes and ordinances.**

**Disclaimer:** This guide booklet is intended as a summary of City policies and procedures. It does not cover all regulations, violations, questions asked, or other issues related to the enforcement of City of Miami Gardens codes and ordinances. Additionally, codes and ordinances are amended from time to time. Therefore, information contained in this guide may become obsolete. For the most current information, please call the City Code Enforcement Department at 305-622-8020.

## CITY OF MIAMI GARDENS GOVERNMENTAL STRUCTURE

The City of Miami Gardens, Florida, was incorporated on May 13, 2003. It is the third largest city in Miami-Dade County and the 33rd city to be incorporated in the County. Miami Gardens is also the largest majority-African American city in the State of Florida.

Miami Gardens has a Mayor-Council-Manager form of government, with seven elected members on the City Council, including the Mayor.

Council meetings are typically held twice per month. Information about Council activities and meetings can be obtained from the City Clerk's office at 305-622-8000 or at [www.miamigardens-fl.gov](http://www.miamigardens-fl.gov).



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# City Leaders



**RODNEY HARRIS**  
MAYOR



**REGGIE LEON**  
VICE MAYOR



**SHANNON CAMPBELL**  
COUNCILWOMAN • SEAT 1



**SHANNAN IGHODARO**  
COUNCILWOMAN • SEAT 3



**KATRINA WILSON**  
COUNCILWOMAN • SEAT 4



**LINDA JULIEN**  
COUNCILWOMAN • SEAT 5



**ROBERT STEPHENS, III**  
COUNCILMAN • SEAT 6

## CHARTER OFFICERS

**CAMERON D. BENSON**  
CITY MANAGER

**SONJA DICKENS**  
CITY ATTORNEY

**MARIO BATAILLE**  
CITY CLERK

# About The City Code Enforcement & Licensing Department

The City's Code Enforcement & Licensing Department serves citizens by enforcing state, county and City ordinances and codes that safeguard the wellbeing of all residents, business owners and visitors. These include:

- Florida Building Code, for construction and renovation
- City Zoning Ordinances, for property use
- Minimum Housing Standards, for property maintenance
- Public Works & Engineering Standards for swale and sidewalks, etc.

## OUR CODE TEAM

The Department works diligently to foster community partnerships; to gain voluntary compliance; and to ensure that the code and business licensing customer interaction is pleasant. Code Officers play multiple roles and aim to dispel property owners' anxieties by providing up to date information.

Contrary to a common myth that our work is primarily focused on fines, the assessment of fines and liens is incidental to the job. These only apply when property owners violate policy. Code Officers are trained to use enforcement techniques that build rapport and trust among community partners.

## OUR GOALS

The goal of Code Enforcement is to gain voluntary compliance with property-related codes and ordinances. The City focuses on

public education as a primary way of regulating code compliance, since many property owners inadvertently violate City regulations through lack of knowledge.

The goal of the Business Licensing Division is to ensure that all businesses in the City are operating legally (with required business licenses), and in compliance with all City, county, state or other requirements.

## CODE ENFORCEMENT EDUCATION PROGRAMS

**Community & Civic Meetings** – Staff of the Code Enforcement Department attend the meetings of neighborhood and homeowner associations, and crime prevention groups, along with most City-sponsored events, to distribute educational materials, answer questions, and make suggestions on how to avoid code violations. They also assist with resolving code and other issues.

**Code-on-the-Go** – Through this initiative, the Department brings information to the community at storefronts throughout the City. This initiative gives members of the community, who do not normally attend group meetings, the chance to interact with Department staff, ask questions and take home helpful information.

To request the presence of a Code Officer at your organizational meeting or storefront, please call 305-622-8020.

## WHAT WE DO

### CORE FUNCTIONS OF CODE ENFORCEMENT & LICENSING TEAMS

#### MONITOR & REGULATE

- Property Maintenance
- Towing Enforcement
- Illegal Vendors
- Commercial Vehicle Parking
- Yard Sales
- Public Nuisance Abatement
- Illegal Signs

#### ISSUE PERMITS & CERTIFICATIONS

- Landlord Permits
- Re-Occupancy Inspection & Certificates
- Special Events Permit
- Certificate of Use
- Business Tax Receipts

#### LIEN RESOLUTION

- Lien Searches
- Administrative Release of Lien & Partial Release of Liens
- Lien Amnesty & Lien Reduction
- Vacant & Abandoned Property Registration (through third party)

# Laws that Govern Code Enforcement

Code enforcement processes are guided by Florida Statute as well as U.S. and Florida constitutional laws.

## U.S. CONSTITUTIONAL LAW

### Fourth Amendment

This law protects residents against unreasonable searches and seizures, and hence, prohibits Code Officers from entering a structure on a private property without the owner's consent or an inspection warrant. Inspections cannot be carried out by forcible entry. In addition, Code Officers must inform property owners of their right to decline entry onto or into a property, for the sole purpose of enforcing a code or to look for code violations.

### Fourteenth Amendment

The Fourteenth Amendment speaks to fairness and equity and dictates there should be equal protection under the law. In this case, the law provides equal treatment to all property owners.

## FLORIDA LAW

### Florida Statute Chapter 162

Code Enforcement operates by the standards and legal authority of Florida Statute Chapter 162, which defines the rights of local governments to regulate property use and maintenance and sets guidelines that protect the rights of property owners. Government agencies are viewed as stronger than individuals. Hence, the statute strikes the balance: it protects municipalities against blight and harm towards residents, while protecting residents, from overreach of power and authority by cities.

### Special Master, Defined by Florida Constitution

The City of Miami Gardens uses a Special Master to hear and make decisions regarding code cases. Under Article V, Section 1 of the Florida Constitution, Special Masters may execute quasi-judicial



functions and act as judges to hold hearings, discover facts, and draw conclusions as a basis for official action and final orders. These individuals are qualified attorneys and members of the Bar Association. Special Masters are appointed and paid by the City of Miami Gardens and serve at the City's discretion. They have jurisdiction to enforce building, zoning, land development, environmental, and other non-criminal local ordinances.

Special Master hearings are similar to court proceedings. Evidence and testimony are presented by both sides. The Special Master makes a finding of fact based on the evidence; determines if the violation occurred; and whether the alleged violator was afforded due process. If it is determined that a violation occurred, fines and penalties may be levied, resulting in a lien.

### Appeals

A violator can appeal a Special Master order or ruling through the circuit court within thirty (30) days of execution of the order. However, an appeal is not a re-trial, and is limited to an appellate review of the record presented before the Special Master.

# Roads & Streets Ownership & Maintenance

The following roads run through the City of Miami Gardens but are owned and maintained by other agencies. All other roads and streets in Miami Gardens are maintained by the City Public Works Department.

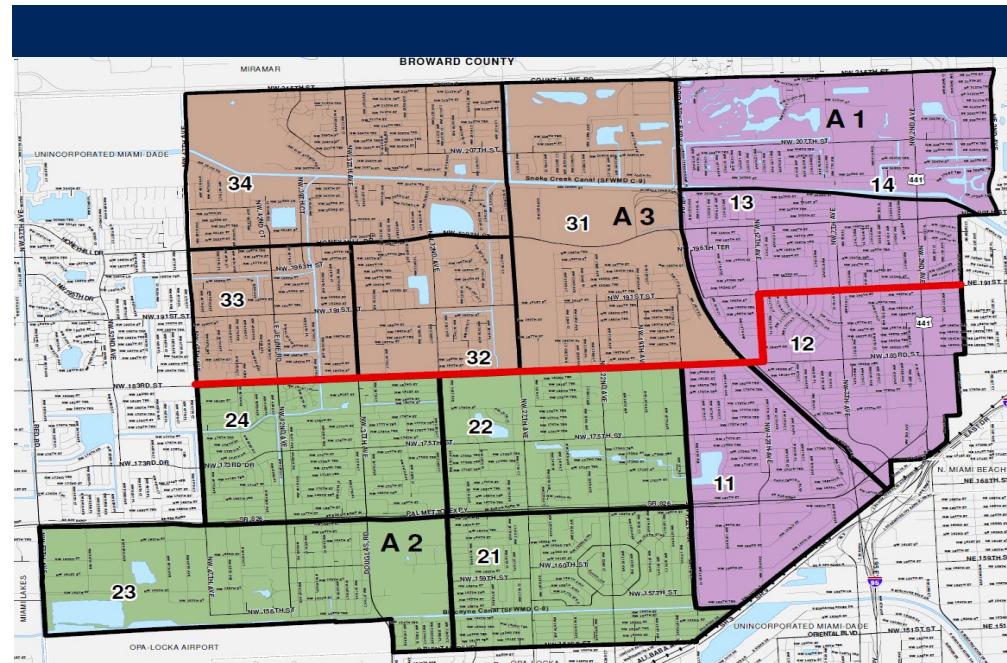
## COUNTY ROADS

- NW 151 Street from NW 37 Avenue to SR 9
- NW 173 /175 Street from NW 47 Avenue to East City limits
- NW 191 Street from NW 47 Avenue to North Miami Avenue
- NW 199 Street from 47 Avenue to NE 2 Avenue
- 37 Avenue from NW 151 Street to NW 215 Street (County Line Road)
- NW 22 Avenue from NW 151 Street to NW 199 Street
- County Line Road from NW 27 Avenue to NW 47 Avenue
- NW 32 Avenue from 151 Street to County line Road
- NW 47 Avenue from SR 826 to County Line Road

## STATE ROADS

- NW 27 Avenue ( State Road 817)
- NW 2 Avenue (State Road 7 or 441)
- NW 183 Street (Miami Gardens Drive - State Road 860)
- NW 215 Street (State Road 852) from NW 27 Avenue to NW 2 Avenue (State Road 441)
- Palmetto and NW 167 Street

## Official Boundaries of the City of Miami Gardens



## BOUNDARY LINES

DIRECTION	BOUNDARY LINE
North*	NW 215 St or County Line Road
East A. North of NW 199 St	NE 2 Ave
East B. South of NW 199 St	North Miami Ave
West A. South of Palmetto	NW 57 Ave
West B. North of Palmetto	NW 47 Ave
South	NW 151 Street

\*The North side of NW 215 Street is located in the City of Miramar

# Your Rights as a Property Owner

## OWNER'S RIGHTS VS. COMMUNITY EXPECTATION

The State of Florida ensures property owners' rights are protected. When a complaint is received by the City Code Enforcement Department, the assigned Code Officer must balance the legal rights of the alleged violator (the property owner), against the expectation of the person or entity making the complaint.

Although the Code Officer is often expected to go onto the property where the alleged violation exists, that does not happen. By law, Code Officers cannot walk into someone's yard to look for violations.

The Code Officer must see the code violations from the street, sidewalk or other locations where they are legally entitled to be. This means, the violation must be visible from a place where any member of the public may also observe it; or from a neighboring property, if that property owner grants access to the Code Officer.

There are two legally permitted ways for a Code Officer to gain entry onto or into a private property: (1) With the Consent of the Owner, or (2) With an Inspection Warrant (see details at right).

## OWNER'S CONSENT

An owner's consent is required for entry onto or into a private property. The property owner also has the right to deny or refuse entry or inspection and should be informed of this right by Code Enforcement Department staff. Tenants can give consent to enter into a rented private dwelling, dwelling unit, or space. However, that tenant must provide proof of legal tenancy.



## INSPECTION WARRANTS

Inspection warrants can be used to gain entry on, or into a private property, but must be secured through the courts. These are often requested as a last effort to address and correct dire conditions and concerns. In order for the warrant to be issued, the City must provide evidence proving the situation is life threatening, dire, and meets the threshold of being a danger to the community. The same type of consideration is given to properties that are vacant.

## SPECIAL NOTE ABOUT COMMERCIAL PROPERTIES

Commercial property owners do not have the same rights as residential property owners, since commercial venues have a limited expectation of privacy. For more details, call the City's Code Enforcement & Licensing Department at 305-622-8020.

# Common Misconceptions About Code Enforcement

## **The City should remove trash and cut the easement or alleyway or front of my yard outside my fence**

The Code Enforcement Department cannot physically remove any item from or cure a violation on a private property. The property owner is responsible for maintaining their property, as well as swale, easements and alleyways abutting their property. This means removing litter and keeping grass cut and sidewalks clean. The owner will be cited to resolve the issue. If a property is vacant and deemed a Public Nuisance by a Special Master, the City hires a vendor to abate the nuisance and places a lien on the property. If the property is not vacant, the City cannot, by law, hire a vendor to fix the problem, except under special circumstances and by order of the court.

## **You can climb a ladder to see the junk in my neighbor's yard**

Under Florida law, Code Officers cannot use any device to assist them in locating a violation on a property. The City's Code Officers cannot stand in the back of their trucks or climb on ladders, etc., to enable them to see code violations on a property.



## **A Code or Police Officer needs to stop the noise at my neighbor's house (e.g., loud music)**

Noise at night after 10 p.m. is enforceable by the Police Department. To make complaints, please call the Police Department's non-emergency number: 305-474-6473.

## **Leaves from my neighbor's tree are blowing into my yard**

Although troublesome, this is not a violation. No one can control where wind blows leaves. It is always good to form a relationship to work with the neighbor to keep both properties maintained.

## **My neighbor's tree branches overhang my yard or home**

This is a common complaint but is not a code violation. Affected property owners can cut overhanging branches but cannot cut or remove the tree.

## **I should've been warned before I got a ticket, or my vehicle towed**

A ticket (also known as a Civil Violation Notice) is issued for a prohibited vehicle parked on a property. Prohibited vehicles on the swale may be towed immediately, without prior warning. In some cases, a sticker is placed on a vehicle to alert the owner that it will be towed, and when.

# Frequently Asked Questions

## **Q: What did you just put on my neighbor's door or what is going on over there?**

**A:** We understand the natural curiosity of neighbors. However, we typically do not share this information because we want to respect the privacy of all property owners.

## **Q: Why did you cite me and not my neighbor?**

**A:** You were cited because the City is performing routine work in your area and violations were spotted. Your neighbor may have also been cited. Staff will continue to work in the area, and other observable violations may be cited at a later date.

## **Q: How often are the codes changed and do the residents get to take part in the decision?**

**A:** Municipalities do not have a set schedule to change codes and ordinances. Changes are made on an as needed basis and usually in response to some specific issue or concern. However, prior to any ordinance being adopted, a public hearing is held which permits the public to have input by making public comments at City Council Meetings.

## **Q: How do I prevent others from parking in front of my home?**

**A:** Property owners are encouraged to place button stones (half round stones) or short, non-prickly shrubs on the swale to discourage parking. Shrubs must be maintained along with the grass. They should be kept low to allow visibility and should not encroach on the sidewalk or street. Please contact the City Planning & Zoning Department prior to planting, to find out whether a landscape permit is needed for what you intend to do and for guidance on suitable plants.

Please Note: Code and Police Officers cannot stop someone from parking in front of a home. It is not a violation or a crime.

## **Q: Why do I get only 30 days to fix the problem?**

**A:** Typically, thirty (30) days is the initial time frame given. However, if you encounter challenges in getting the violations fixed, contact the Code Officer, using the number on the notice, to request an extension.

## **Q: Why does Code Enforcement go around the community and check the residents' homes?**

**A:** Code Enforcement is designed to help homeowners in many ways. Therefore, periodic checks are important to ensure:

- Increased property values
- Decreased crime rate
- Improved community appearance
- Reduced harmful incidences
- Improved health and safety

## **ANIMAL-RELATED COMPLAINTS**

### **Rabbits or chickens on the loose**

This is not a code violation; no known agency is picking up rabbits or wild chickens (though chickens in a coop can be addressed by City Code Officers).

### **Raccoons or animals in my yard**

This is not a code violation. However, the Florida Fish & Wildlife Department may be able to assist in some cases. Call 888-404-3922.

### **Stray or feral cats in the area**

This is not a code violation; no known agency is currently handling complaints of this kind.

### **Dogs on the loose**

This can be reported to 311 or to Animal Control at 305-468-5900.

### **Dead animal in the street**

This can be reported to 311. The City does not have an in-house agency to dispose of dead animals.

### **Bees on your property**

Code Officers can address bees on vacant properties and in public areas, but not on privately-owned properties. Call a pest control company for help.

**See page 22 for additional contacts and resources.**

# City Property-Related Codes, a Partial List

This section covers some, but not all, property-related codes and ordinances that are enforced by the City Code Enforcement & Licensing Department. For more complete information, please call: 305-622-8020.

## MAINTENANCE-RELATED

### Ground Cover Required

Properties are required to have ground cover and not bare soil. Hence, property owners should plant grass seeds, lay sod, and grow lawns to provide ground cover and reduce bare soil areas on each property.

### Easement & Alleyway Maintenance

Easements and alleyways are shared spaces that provide access and allow utility companies (electric, etc.) to maintain equipment. It is the responsibility of property owners to maintain easements or alleys that abut their property. This means cutting the grass and removing shrubs, junk and trash. Code Officers are not required to know property boundaries; as a result, standard practice is to cite multiple property owners for easement and alleyway violations.

### Building Maintenance

All exterior walls of a building must be painted to protect them from the elements, and re-painted when paint is faded, stained, peeling, or discolored. Windows and doors should be weather tight and in good working condition. Roof, roof overhang and soffit, should be in



good repair and condition.

### Fence Maintenance

Fencing of any material (wall, metal, wood, etc.) should be structurally sound, in good repair and appearance, graffiti free, and painted, if needed.

Hazardous materials such as barb wire, electrical elements, and sharp objects should not be installed as a fence or part of a fence or wall in a residential area.

### Landscape Maintenance

All landscaping should be maintained in orderly appearance. Grass should be mowed frequently, trees and hedges trimmed, and roadways, curbs and sidewalks edged to prevent encroachment from adjacent turfed areas.

### Swimming Pool Maintenance

Pools should be kept clean, sanitary and

safe. Pools should be protected with fence and self-locking gate or privacy fence, or screen enclosure (please note, a permit is required to install safety devices). Water should be clean and clear, free from safety hazards or the potential for breeding mosquitoes.

### Driveways & Paved Surfaces

All driveways, driveway approaches, and paved surfaces should be in good repair and free of deterioration (e.g., cracks and potholes). Painted surfaces should be re-painted when paint fades or peels. Asphalt should be resealed and coated. Concrete surfaces should be free of discoloration, in good repair and clean.

## MAINTENANCE (CONT'D)

### Sidewalk Maintenance

Property owners are responsible for sidewalk maintenance but only to the extent of keeping sidewalks clean and free of discoloration, dirt, and grime. Property owners who receive a sidewalk violation notice who are 55 years or older and have difficulty curing the violation, can request City assistance. To report damage or for assistance, call the City Public Works Department at 786-279-1280.

### Swale Maintenance

The swale is the area of land that stretches from the sidewalk or property edge to the street edge. Areas where the swale is compacted soil (usually caused by extended parking), or has stones, asphalt, concrete, and other materials, will flood more since these materials/conditions slow storm water flow and the percolation of water into the ground. It is the responsibility of each property owner to maintain the swale and the right of way. Only grass should be installed; no other materials are acceptable, and the height of the swale should not be raised.

### Parking Lot Maintenance

All parking lots should be free of cracks, potholes, and signs of deterioration. They should be marked and restriped and required markings should be clearly legible.

## PARKING & VEHICLE-RELATED CODES

### RVs, Boats & Recreational Vehicles

Recreational vehicles and vessels should not be used or rented as a dwelling unit, or be connected to electricity, plumbing, water, or sewer services. Property owners are allowed to have one recreational vehicle or vessel parked, per property, and must secure an overnight parking permit to do so.

### Overnight Parking Permits

The City Planning & Zoning Department sets regulations for placement of recreational and commercial vehicles, and issues overnight parking permits. Only one such permit is issued per property. These permits expire on the same date as the vehicle registration and must be renewed yearly if the vehicle remains on the property. Tickets are issued for failure to renew permits. Permits should be available for inspection if requested by the City. Vehicles must also meet Planning & Zoning requirements and must be stored on a non-dust surface.

### Commercial Vehicles at Home

Commercial vehicles that meet weight and zoning standards may be allowed a parking permit. Semi-tractor trailers and cabs do not meet standards. Property owners with trailers parked will be issued tickets of \$500 for the first offense and \$1,000 for the second and successive offenses, up to \$5,000 maximum.

### Storing Junk Vehicles

Property owners should not place or store abandoned, inoperable, or junked vehicles or vessels on any property, unless stored in a permitted junkyard. Junk vehicles and vessels should be restored to good working condition,

kept in a garage or properly covered. The cover itself should be in good condition.

### Proof of Operability

Property owners who are storing junk vehicles or vessels may be asked for proof of operability. That is, to demonstrate to the Code Officer that the vehicle can perform the function for which it was designed (e.g., by driving a car).

### Mechanic Work at Home

Only minor repairs can be done on personal vehicles in a residential area. Repair activity should occur only during daylight hours in a, side or rear yard, when these areas are accessible. Vehicle repairs should be confined to mechanic shops holding a Certificate of Use.

### Selling Multiple Cars from Home

A property owner can have one car advertised for sale in a residential area, but it must be on the property, not on the swale or sidewalk. It is a violation to advertise multiple vehicles for sale on a property that is not a car dealership.

### Vehicle Towing

Vehicles parked or abandoned on swale or public rights of way may be towed, including RVs, boats, trailers, and unregistered vehicles. Vehicles parked on the street, on jacks, or the sidewalk, posing a danger, may also be towed. If your vehicle is towed, call the Police Department at 305-474-6473. The Police will provide you the name of the towing company and location where the vehicle is impounded.

**Note:** All arrangements to retrieve the vehicle must be made with the towing company. The City cannot negotiate fines or payment plans.

# City Codes, a Partial List (Cont'd)

## ADDRESS & DISPLAY CODES

### House Address Numbers

All houses must display address numbers that are a minimum height of 4 inches, securely mounted on the building front, or any fixed accessory structure located in front of the building. Address numerals should be in sharply contrasting color or background from that of the house.

### Commercial Premises Addresses

All commercial buildings must have an address. Numerals and letters used should not be less than 10 inches in height. The address should be placed above the exterior primary entrance and must be clearly visible and legible from the street fronting the property, with contrasting background color. Street address or suite numbers must be posted on or adjacent to rear access doors, for easy access by the Fire Department. In enclosed shopping malls, the business name and space number must be posted on rear doors.

### United States Flag Display

Display of the US flag should comply with United States Flag Code (36 USC 173—178). The US flag is to be flown at the top when flown with other flags. Flags and flag poles should be maintained in good condition and orderly appearance at all times.

### Flags in Mass Advertising

It is a violation to use flags in mass as an advertising device.

### Use of City Seal and Logo

It is unlawful to use the City seal or logo in any form for the purpose of advertising or for publishing on any document or items of merchandise. It is also unlawful to simulate the City seal or logo without the expressed, written permission of the City Manager and City Attorney or City Council.

### Safe Sight Distance Triangle

There should be no form of obstruction at the safe sight distance triangle (an area that provides drivers approaching an intersection an unobstructed view of any conflicting vehicles or pedestrians). This area should be free of grass, ground covers, shrubs, vines, hedges, trees, walls, vehicles, fences, etc., at a height of 2.5 feet or more above the pavement.

### Donation & Collection Bins

No donation or collection bins should be placed, stored, or maintained on any lot, tract or parcel of land in the City.

### Temporary Signs

Some temporary signs are permitted, if they serve the public good. Advertising signs such as snipe and tax signs contribute to blight throughout the City, especially during tax season. These signs are prohibited. The City removes snipe signs as often as they are

placed on the streets. Individuals caught in the act of placing signs on streets may be charged for littering.

### Temporary Noncommercial Speech Signs

Political signs are one type of speech sign that richly occupy the landscape of City streets during elections. These signs should conform to Planning & Zoning requirements in type, size, and placement. Candidates and campaign managers are responsible for maintaining all signs throughout the election to ensure they are not damaged or down, causing littering. Signs are allowed up to ninety (90) days before elections. Candidates are responsible for removing all signs from all locations within five (5) days after elections, except when advancing to a runoff. Signs in conflict with codes and those posing safety risks, are prohibited.

### Signs at Business Locations

Businesses should contact Planning & Zoning before erecting, altering, or removing signs, including window, wall and monument signs. Permits are required even if signs are temporary. Signs, and associated landscaping, must meet all zoning requirements and be maintained in good condition at all times to present an appealing appearance.

### Graffiti

Graffiti should be removed immediately from buildings, structures, fences, walls, etc. as soon as they are observed.

# I City Codes, a Partial List (Cont'd)

## CONSTRUCTION PERMITS

Work without a permit is one of the most frequently occurring code violations. The City Building Department regulates all construction, alterations, demolition, roof installation, AC change out, plumbing, electrical, and other. Please consult the Building Department before starting a project. If work is done without a permit, the property owner will be required to obtain permits to legalize the work done or bring the structure back to its original state. This is often an after the fact permit that may attract penalties or result in demolition of the structure. Work requiring a permit includes:

- Fence construction
- Hurricane shutters
- Door & window installations
- Shed installation
- Screen enclosures
- Pool and safety barriers
- Pouring patio slabs
- Building gazebos
- Plumbing & electrical work
- A/C change outs
- Room additions
- Sea walls

**Please Note:** The above list is not inclusive of all work requiring permits. For more information, call the Building Department at 305-622-8027 or visit [www.miamigardens-fl.gov/194/Permits-Enforcement](http://www.miamigardens-fl.gov/194/Permits-Enforcement).

## OTHER PERMITS

### Landlords and Landlord Permits

Property owners who rent or lease their property (landlords) must maintain the property in a safe and sanitary condition at all times; and must regularly monitor the property to prevent violations. All landlords must obtain a Landlord Permit, which is renewable annually, on or before March 31. To obtain the permit, submit a completed permit application and the permit fee, with the names and birthdates of ALL occupants, and a copy of a national background check on occupants aged 15 and over.

### Certificate of Re-Occupancy

A Certificate of Re-occupancy is required prior to the purchase, sale, conveyance and transfer of title of any real property. The turnaround time for receipt of the Certificate, if all information is provided, is five (5) to seven (7) business days. This Certificate helps the City track changes made to structures and keep them safe. Properties that have been altered in any way without a permit, must come into compliance by legalizing the work done (i.e., securing a permit). In the case of altered spaces, new property dimensions and details, such as added square footage and living spaces, is reported to the County, to update the property record and apply the correct amount of taxes, if applicable.

Violations on the property do not prevent a sale from happening, as long as the buyer

enters into a stipulation agreement with the City committing to fix the problem(s). For more information, call 305-622-8000, ext. 2624 or 2659 or email: [reoccupancy@miamigardens-fl.gov](mailto:reoccupancy@miamigardens-fl.gov)

### Special Event & Noise Permits

A Special Event Permit is required for all special events in the City but not for private parties held in homes. A Noise Permit is required from the Police Department for a house party, if live music will be provided.

## STORAGE CODES

### Portable on Demand Storage (PODS)

It is unlawful to store commercial storage containers and to fail to remove PODs or other similar temporary moving aids within thirty (30) calendar days.

### Open Air Storage

Open-air storage is prohibited. This could include storage of junk, junk vehicles, furniture, merchandise, manufacturing or construction materials, motor vehicle parts, construction materials, construction and demolition equipment, commercial storage containers, tires, appliances, and other.

### Construction Equipment Materials

Construction materials and equipment should not be stored on any property or lot, in any zoning district, before getting a building permit or before occupancy is approved or after a job is abandoned or the permit lapses.

# City Codes, a Partial List (Cont'd)

## STATE-REGULATED FACILITIES

### **Assisted Living Facilities (ALFs)**

ALFs are state-regulated but must have a City Business Tax Receipt and Certificate of Use. City Code Enforcement does not regulate their operations but will cite code violations on the outside of the property and building exterior.

### **Halfway Houses**

Halfway houses are state-regulated entities, and do not require a Business Tax Receipt or Certificate of Use, though City of Miami Gardens zoning approval is required during the state application process. Applicants must obtain Special Exception approval from the City Council at a public hearing. Though City Code Enforcement does not regulate their operations, Code Officers will cite code violations on the outside of the property and building exterior.

## VENDING CODES

### **Illegal Vending**

Sidewalk solicitation is not allowed. No one should sell, serve, or otherwise dispose of any food, goods, wares, or merchandise in the public rights-of-way, including streets, sidewalks or other public property.

### **Yard Sales**

Each homeowner in the City is entitled to a

maximum of two (2) yard sales each year. However, the Code Enforcement Department must be informed that a yard sale will be held. Please call 305-622-8020. The homeowner holding the yard sale must provide their address and the date and time of the sale. Food or drinks cannot be sold at a yard sale. Any signs advertising the sale must be placed at the location of the sale. Signs are permitted in neighboring yards, if permission is obtained from those homeowners. Signs must not be placed on rights of way or on poles at any other location in the City.

## MISCELLANEOUS

### **Natural Drying**

Some property owners like to make use of the sun to naturally dry certain items such as clothes, rugs, and bedding. These items should not be hung on, across or over fences, balconies, trees, outdoor rails, etc. They should be placed to dry where they are obscured from public view.

### **Farm Animals**

Chickens, ducks, goats, cows, etc. are considered farm animals and are not allowed in residential areas.

### **Lighting Fires**

Lighting uncontrolled fires is prohibited; so, do not set fires or burn trash in the yard. It is unlawful to build fires against or adjacent to any building, structure, tree, or plant; or near the property of others; or to drop,

throw and permit to be scattered, hot coals, lighted matches, burning tobacco products or other flammable material.

### **Fire Hydrant**

Fire hydrants are placed throughout the City for the purpose of fire protection. Areas surrounding fire hydrants should be kept free of any obstructions. Nothing should be built or maintained close to them. No fence, wall, hedge, plant, car, truck, vessel, water connection, or any other apparatus should be in close proximity to a fire hydrant.

### **Water Restrictions**

During periods of drought, all must comply with water restriction guidelines and comply with the watering restrictions of the South Florida Water Management District.

### **Storm Water Drains**

Storm water drains control water that runs off from streets and properties. No one should place, sweep, scatter, dump, throw litter, or discard any unsanitary or hazardous material into storm water drains.

### **Garbage Containers / Cans**

Solid waste receptacles and garbage containers should not be placed on the curb except when placed there for collection. Garbage cans should be stored on the property where they are not readily seen. Receptacles should not be placed on the curb before 7 p.m. the day before a waste collection and must be removed by 11:59 p.m. on the day of collection.

# How to Report a Code Violation

Citizens can help keep Miami Gardens beautiful by reporting suspected violations of City codes and ordinances. All concerns, except those reported anonymously, will be investigated by Code Enforcement.

**Some of the most common types of code violations include:**

- Illegal dumping
- Properties with junk, trash, overgrown grass, litter, or inoperable vehicles
- Commercial vehicles parked on private or public property in residential areas
- Construction work without a permit
- Vacant properties with open windows or doors allowing human entry
- Recreational vehicles, boats and vessels used for living purposes
- Rearing farm animals in cages and coops
- Dwellings with unsanitary conditions

## REPORT A SUSPECTED VIOLATION

Code violation complaints make up a large part of the City's Code Enforcement activities. You can report a suspected code violation to Code Enforcement by mail, email, or phone, or by visiting City Hall.

**Call:** 305-622-8020

**E-mail:** [CodeManagement@MiamiGardens-FL.gov](mailto:CodeManagement@MiamiGardens-FL.gov)

**Visit or Mail:** City Hall, 18605 NW 27th Avenue, Miami Gardens, FL 33056  
All complaints are investigated, except

## REPORT ILLEGAL DUMPING IMMEDIATELY

POLICE NON-EMERGENCY LINE

**305-474-6473**



those made anonymously. As a first step, a Code Officer determines whether the complaint is **valid** (can be substantiated as a violation) or **invalid** (is not a violation or cannot be substantiated). If a complaint is valid, the Officer will initiate the code enforcement process to resolve the issue.

### Response Time

The normal response time, from when a complaint is received until an investigation is conducted, is typically 24 to 72 hours or three (3) business days. Most complaints are investigated as soon as they come in. Complaints of an urgent nature such as illegal dumping in progress or vendors on the street, are handled immediately.

### Anonymous Complaints

Per Florida law ([CS/SB 60](#)), anonymous complaints cannot be investigated. Complaints to the Police Department do not fall under this law. You can still report a crime without disclosing your identity.

### Witness Affidavits

Some complainants provide photos of suspected violations and ask that they be used as evidence. Unfortunately, under the

law, if a Code Officer does not personally see or have knowledge of the violation, they cannot use the photos provided. If the photos are to be used, the complainant who took them must sign a witness affidavit and have it notarized; and must also testify before the Special Master at a hearing, if the case moves to the hearing phase.

## REPORT ILLEGAL DUMPING

Illegal dumping and littering are prohibited in all areas of the City as first degree misdemeanors {Florida Litter Law 403.413 (4)(a) through (4)(c)}. Dumping and littering often take place at night in secluded areas. These activities decrease property values, encourage crime, and prevent residents and guests from enjoying beautiful surroundings.

**To report illegal dumping in progress, call the Police Department's Non-Emergency number: 305-474-6473.**

**WARNING:** It is not advised that you communicate with the violator or attempt to intervene.

# Summary: How Code Cases are Resolved



## 1. Warning Notice is Issued

A Warning Notice is issued for the most common code violations such as landscape maintenance, junk and trash. The Notice states how long the violator has to cure the violation. This time frame is different for each type of violation. Violations that are harder and more expensive to fix are allowed more time to become compliant. Warnings are posted in a conspicuous place at the location of the violation. If the owner's mailing address is different from that address, the Notice is mailed certified to the owner and to the registered agent, if one exists.

## 2. The Allowed Time to Cure the Violation Begins

## 3. Owners May Request Time Extension

If a property owner has started curing a violation but needs more time to complete it, they can request an extension in writing via an email or via a letter or note mailed or dropped off at the City. The Code Officer's email address and phone number are included on the Notice. Calling and asking for more time is also an option.

## 4. If Violation is Not Cured, A Civil Violation Notice (CVN) is Issued

Once the time to comply expires on a Warning Notice, if the property owner did not request an extension and did not make contact with the Code Officer, the notice goes to the next stage: A Civil Violation Notice (commonly called a CVN or ticket).

Once a CVN is issued, a **daily fine begins to accrue** and will run until the property comes into compliance. The property owner can stop daily fines from accruing by requesting an administrative hearing (see step 5).

## 5. Request Administrative Hearing

To stop fines from running on a CVN, the property owner can request an Administrative Hearing in writing through the City Clerk office. This should be done within seven (7) days of the Notice. Once the request for this hearing is submitted, fines remain at the value previously assigned until the hearing, but no daily fines will accrue. In the meantime, the property owner can address the violation, pay the face value of the ticket or a reduced amount and the case will be closed. If the case is not closed, the Administrative Hearing takes place.

## 6. City Schedules a Massey Hearing

If the owner **did not** request an Administrative Hearing, the City issues a Notice of Intent to Lien or a Massey Hearing Notice instructing the owner to appear in court. At the Hearing, a Special Master will make a finding of fact to determine if a violation occurred, and whether due process was given to the owner. If the violation still exists, and the Special Master finds the property to be in violation, fines and an administrative fee are assessed against the property. Daily fines run until the property is made compliant. After the Hearing, a lien is imposed on the property.

# City Policies for Citing & Resolving Violations

## Why the City Cites Multiple Violations at Once

Though property owners often complain that Code Officers cite several violations at once, this method is suggested by Florida Statute for good reason. This procedure prevents "stringing out" violations. On re-inspection, the Officer may also cite new violations that have surfaced since the last inspection. This method streamlines the process and keeps the property compliant for a longer period of time. It also reduces inefficiencies and reinforces the integrity of the enforcement hearing process.

## Reasonable Time to Cure

A Code Officer must give reasonable time for an owner to correct a violation. This time frame varies by violation type, e.g., a violation for a pile of trash in a yard requires less time to cure than a damaged roof. Reasonable time to cure a violation is based on the discretionary power assigned to Code Officers. It should be noted that reasonable time does not apply to repeat violators; violations that present serious threats to public health, safety, or welfare; or violations causing irreparable or irreversible harm or damage. Standard procedure is to grant no more than thirty (30) days, but extensions can be requested.

## Extensions

Code Officers grant extensions based on observable good faith effort to cure a violation or when special circumstances

prevent the owner from fixing a problem.

## Types of Notifications

Notifications of violations are issued in several forms, including:

- (1) Verbal Warning
- (2) Warning Notice
- (3) Civil Violation Notice (CVN)
- (4) Notice of Intent to Lien

The Warning Notice and CVN are the two primary notice types. The Warning is usually the first notice issued for violations. It does not impose a fine. This Notice is posted at the address where the violation is located but is not mailed if the location is the same as the mailing address on the Property Appraiser's record.

A CVN is usually the second notice. It is often issued after a violator fails to respond to the Warning. The CVN imposes a fine and is usually posted at the location where the violation exists. A CVN is always mailed Certified to the property owner, even if their mailing address is the same as the location of the violation. The City also notifies the Registered Agent by mail (if one is recorded on Sunbiz.org).

## Service of Notices

The City uses a combination of methods to carry-out legal service of notice, including:

- Certified mail with required return receipt
- Hand delivery
- Posting at the violation location



- Posting at City Hall
- Leaving notice with a manager at a business
- Publication of notice

## Due Process & Proof of Same

Due process must be provided to all property owners after a notice has been served. Due process entails the following:

- The right to reasonable notice and opportunity to appear and be heard
- The right to be heard by testimony
- The right to provide proof or evidence contesting jurisdiction evidence
- The right to an appeal before the circuit court of appeals

## Homeowners Association (HOA) By-Laws & Deed Restrictions

Although HOAs often seek help from the City to enforce their regulations, local municipalities do not enforce HOA rules, bylaws or deed restrictions, unless the infraction is one that violates City codes. The City will enforce all City codes, inside all communities over which it has jurisdiction.

# City Policies for Citing & Resolving Violations (Cont'd)

## Special Master Hearings

When a violation is not cured or outstanding fines are not paid, and the case has gone through the enforcement process, it finally goes to a Special Master Hearing.

*However, if the property owner wants to cure the problem and avoid the Hearing, a signed, notarized, stipulation agreement is entered into by the owner and the City.*

## The Stipulation Agreement

On the day of the hearing, a property owner can enter a stipulation agreement with a Code Officer, agreeing to fix the violation and pay outstanding fines by a specific date. It is approved by the Special Master and recorded by the City Clerk. No lien is placed on the property at this time. If the violation is cured and the fine is paid as agreed, the case is closed. If the violator does not comply, this is a breach of stipulation, and the case goes back to court. Fines revert to the original amount and accrue daily for the period of the agreement. An administrative fee is assessed, and a lien placed on the property. Daily fines may continue, even after the lien is filed with the County.

## Special Masters Decision

The Special Master takes a number of factors into consideration when making a final determination in the case, such as:

- The gravity of the violation
- The time it took the violator to comply
- Previous violations



- Impact of the violation.

A guilty finding results in liens placed on the property and administrative fees applied. Special Master orders are legally binding. Fines assessed by the Special Master vary by violation type, from \$50 to \$5,000.

## Communication

Communication is critical to resolving violation cases. It is advised that the property owner communicate via email with the Code Officer to inform them of any unforeseen challenges that surface, and to notify the Department of compliance or changes that occur at any stage in the process, even after the case is heard in court. The phone number and email of the Officer can be located on the notices.

## Liens

Florida Statute Section 162.09 (3) states that a lien may be filed against the land on

which a violation exists. Regardless of who commits the infraction - tenants, business operators or unrelated parties - the owner is technically the violator and is solely responsible for maintaining the property in good condition. Hence the property owner is always notified of a violation on their property. A lien on one property may also result in a lien cross attached to other real properties owned by the same person.

## Lien Amnesty & Lien Reduction

Liens against a property can be mitigated. A Lien Reduction applies to commercial properties. Lien Amnesty applies to residential properties. Both are done on a case by case basis, provided that:

- The property is in compliance when the request is submitted
- A lien amnesty or lien reduction application has been submitted and the application fee is paid

# Tips for Hurricane Preparedness

Property owners can minimize hurricane-related damage and costs. The City recommends these protocols to prepare for a hurricane.

## TREE TRIMMING

It is wise to cut trees that are overhanging structures, walkways, and parking areas in preparation for hurricane season.

**HOWEVER, DO NOT CUT TREE BRANCHES IF UTILITY LINES RUN THROUGH THEM. CALL FLORIDA POWER & LIGHT (FPL) FOR HELP USING THE NUMBER ON YOUR UTILITY BILL.**

- Cut back trees and shrubbery blocking safe sight distance triangles for traffic (2.5 feet in height).
- Cut low hanging branches over the sidewalk allowing at least 8.5 feet of clearance for people to walk.
- Cut branches hanging low over the street to allow access for emergency vehicles such as fire trucks (to 14.5 feet).
- Cut back or remove branches blocking streetlights to enhance visibility.
- Trim back tree branches encroaching on the sidewalk or the street.
- Remove dead or dying plants and trees, which can fall without warning.
- Place sod or replace dead or missing grass on the swale to aid water



percolation during the storm.

## TRASH

- Avoid placing trash on the curb a few days prior to the storm. It might not be picked up and could become missiles during the storm.
- After the hurricane, sort the trash; place plant material in one pile and household items in another.
- Remove litter, trash and any trip hazards. Do not place any object with a sharp edge on the swale.

## ROOFS & AC UNITS

- If the roof is being replaced, and tiles are on it, ask the contractor to strap them.
- Cover damaged roofs to prevent leaking or caving in and secure broken windows, or doors. Use a tarp to protect leaking

roofs but have it properly installed.

- Avoid using cinder blocks or sandbags to secure the tarp to prevent harm to those inside the building.
- Repair AC units that are not working after a hurricane and get the permit for the repairs later.

## SANITATION & SAFETY

- Remove water where it presents danger, causes damage and mold or breeds mosquitoes.
- Keep dumpsters clean with lids closed to prevent breeding flies and spreading diseases.
- Pressure clean the sidewalk adjoining the property to remove dirt and grime that may become a slip hazard.
- If emergency work is done, apply for and obtain 'after the fact permit' for the work.

# Guide to Doing Business in Miami Gardens

## REQUIRED LICENSING

Any person and/or corporation looking to operate a business establishment in Miami Gardens must obtain business licensing, including a Business Tax Receipt (BTR), a Certificate of Use (CU), and a Certificate of Occupancy (CO). Failure to obtain licensing may result in fines, liens, exclusion from grant funds, and other penalties. This requirement applies to:

- New businesses
- Businesses moving to a new address within the City
- Businesses with licensing from Miami-Dade County, but not from the City
- Businesses transferring to a new owner
- Non-profits, including places of religious assembly
- Educational facilities, including daycares
- Businesses adding secondary uses, e.g., ATM, Vending Machine or Outdoor Dining

**Please Note:** Home-based businesses do not require a CU or CO, but must still apply, pay for, and obtain a BTR.

## STEPS TO OBTAIN LICENSING

### 1 Consult the City Planning & Zoning Department

Request a Zoning Approval Letter from the Planning & Zoning (P&Z) Department by emailing [ZoningInfo@miamigardens-fl.gov](mailto:ZoningInfo@miamigardens-fl.gov). P&Z determines whether a business falls

within Permitted Uses in that zoning district. Please note that P&Z approval is required in order to move forward in the business licensing process. Do NOT establish or open a business or enter into a lease agreement until P&Z approval is secured.

### 2 Complete the Applications for Business Licensing

If P&Z approves the location, the next step is to apply and pay application fees for the Business Tax Receipt (BTR) and Certificate of Use (CU) from the City Code Enforcement & Licensing Department. Application fees are based on the business type (for the BTR) and the square footage of the space in which the business will be conducted (for the CU).

For licensing questions, call 305-622-8000, ext. 2620 or 2625 or email:

[Licensing@miamigardens-FL.gov](mailto:Licensing@miamigardens-FL.gov).

To find BTR and CU application forms:  
[www.miamigardens-fl.gov/150/Documents-Forms](http://www.miamigardens-fl.gov/150/Documents-Forms).

### 3 Obtain Certificate of Occupancy

You must have a Certificate of Occupancy (CO) prior to opening a business. If you are planning any interior work or exterior improvements, you must obtain a building permit prior to starting work on the site. In addition, a building permit is required if you are changing the use from the previous tenant or increasing the capacity (see next page for details).

For more details, email [BuildingPermitQuestions@miamigardens-fl.gov](mailto:BuildingPermitQuestions@miamigardens-fl.gov).

## EXAMPLES of Change of Use or Increase in Capacity

- Increasing the number of seats in a restaurant from 50 to 100...
- Adding K-6th grade students to a daycare facility....
- Moving a restaurant into a space that was previously used as a retail storefront

## IMPORTANT NOTES FOR ALL LICENSEES

- Business licenses must be renewed yearly; the BTR and CU expire on September 30<sup>th</sup> of each year. Renewals after this date will attract a late fee.
- The BTR & CU may not qualify for renewal, and may be denied or revoked, if the business is in violation of codes and ordinances.
- A Cease and Desist Order may also be issued, and the business ordered closed.
- All violations and resulting liens are attached to the property on which such violations occurred and are the sole responsibility of the property owner. Therefore, property owners who are renting or leasing locations must inform tenants and lessees of all City requirements.

# Requirements for New Occupancy & Use Types

## BUILDING PERMITS

Building permits are required to construct, enlarge, alter, repair, move, remove or demolish any building, structure or part thereof. Building permits are also required for any change in occupancy, even if no alterations are being done (see details under Occupancy & Use Changes, at right).

If the internal configuration of the building in which the business is to be opened will be changed by the business, then a building permit is required. If the new business is totally different from the business that previously existed at that site, and the building must be redesigned, a permit is required to make the changes.

### EXAMPLES of Interior Work

- Adding a grease trap
- Adding sinks or changing plumbing
- Adding or removing walls

### EXAMPLES of Exterior Work

- Regrading or restriping a parking lot
- Adding ADA parking spaces to a site
- Removing trees or installing new landscaping or landscape islands
- Constructing a privacy wall
- Erecting a fence to enclose a dumpster
- Installing a new sign

**Please Note:** Alterations that may appear simple could adversely affect the structural integrity of the building. Please contact the City Building Department for help and clarity on intended actions, at 305-622-8027 or

[buildingpermitquestions@miamigardens-fl.gov](mailto:buildingpermitquestions@miamigardens-fl.gov) or visit the Building Department webpage for permit applications at [www.miamigardens-fl.gov/191/Building-Division](http://www.miamigardens-fl.gov/191/Building-Division).

## OCCUPANCY & USE CHANGES

Florida Building Code requires a new Certificate of Occupancy (CO) to be issued when the use or occupancy type of a building changes. All changes in use or occupancy require you to complete a Building Permit Application and receive a Change of Occupancy Permit even if no alterations are being done.

Following issuance of the Change of Occupancy Permit, a Building and Fire Safety Inspection will be necessary prior to issuance of a New CO.

If there is a change in the occupancy classification or use, as defined in the Florida Building Code, the proposed building or space shall be made to comply with all current codes including accessibility provisions.

### Examples of Changes of Building Uses and Occupancies:

- Print shop (business) to retail store (mercantile)
- Retail store (mercantile) to daycare (educational)
- Single family residence (Res-Group 3) to a realty office (business)

- Attorney's office (business) to a dollar store (mercantile)
- Warehouse (Storage S-1) to a restaurant (business, if under 50 occupants, or assembly, if more than 50)
- Dentist's office (business) to a daycare (educational)

## DERM REQUIREMENTS

Some businesses must also contact Miami-Dade **Department of Regulatory and Economic Resources Management (DERM)** if a Miami-Dade County Approval of Municipal Application for Certificate of Use or Business License is required. Entities that require a DERM Certificate include barber shops, restaurants, nail shops, gas stations, childcare sites, places of worship, medical offices, funeral homes, health clubs, private schools, and manufacturers, among others. To secure a DERM Certificate:

- **First**, complete the City of Miami Gardens Certificate of Use (CU) application form as outlined in Step 2 on the previous page.
- **Next**, request DERM approval online at: [www.miamidade.gov/Apps/RER/EPSPortal](http://www.miamidade.gov/Apps/RER/EPSPortal). Once there, go to "Submit for Review & Approval a Municipal Certificate of Use." You will see buttons to upload a completed Certificate of Use application and the Zoning Approval Letter provided by the City Planning & Zoning Department.

# Helpful Phone Numbers & Information

## COMMUNITY PARTNERSHIPS

Community partnerships are part of the City's comprehensive effort to instill community pride. Here are ways our community partners can help.

### HOMEOWNERS CAN...

- Remove litter from swale abutting their property on a regular basis
- Remove junk and trash from the property; dispose of these items at trash collection centers or by calling 311 for bulk waste pick up

### BUSINESSES CAN...

- Remove litter from all areas of their locations at the start and end of each business day
- Ask employees to dispose of trash in the appropriate receptacles

### LANDLORDS CAN...

- Post signs to encourage customers, guests and residents to avoid littering
- Ensure dumpsters are placed in dumpster enclosures and are maintained regularly
- Monitor locations on a regular basis

## BULKY WASTE PICKUP

All property owners can take advantage of two (2) free bulk pick-ups per year. Use this curbside pickup service to get rid of large and oversized items such as mattresses, sofas, tree limbs and branches.

Visit [www.miamidade.gov/bulkywaste](http://www.miamidade.gov/bulkywaste) to set

an appointment for a pick-up. Please schedule the pickup before placing items on the curb. The new **Miami Dade Bulky Appointment System** allows residents to select the day their bulky trash pile is to be collected at curbside. Trash should be placed at the curb no more than three (3) days in advance of the appointment. For more detail, call

311 or email [dswm@miamidade.gov](mailto:dswm@miamidade.gov).

You may also dump household trash and items at the following Trash & Recycling Centers (TRCs):

1. North Dade - 21500 NW 47th Avenue
2. Norwood - 19901 NW 7th Avenue
3. Golden Glades - 140 NW 160 Street

## HELPFUL CONTACTS

### CITY OF MIAMI GARDENS CODE ENFORCEMENT & LICENSING

General Information & Complaints	305-622-8020
Business Licensing	305-622-8000, ext. 2620 or 2625
Re-Occupancy Certificate	305-622-8000, ext. 2624 or 2659

### OTHER CITY OF MIAMI GARDENS CONTACTS

Noise Permits (Police Department)	305-474-6473
General Information Line	305-622-8000
Police Department (Non- Emergency)	305-474-6473
Parks & Recreation	305-622-8000, ext. 2524 or 2526
Public Works Department	786-279-1260
Public Works Pressure Cleaning Program	786-279-1280
Building Department	305-622-8027, or 305-622-8000 ext. 2652
Find City Codes and Ordinances	<a href="http://www.municode.com">www.municode.com</a> City codes and ordinances

### MIAMI-DADE COUNTY CONTACTS

Department of Regulatory & Economic Resources Management	501 Palm Avenue, Hialeah, FL 305-492-2004 <a href="http://www.miamidade.gov/Apps/RER/EPSPortal">www.miamidade.gov/Apps/RER/EPSPortal</a>
Fire Department (Non-Emergency) County Information Line	786-331-4800 305-468-5900

# Glossary of Terms

**Abutting:** An abutting property is one that touches the property in question or directly faces (and, in the case of a corner lot, diagonally faces) the property in question.

**Community Partnerships:** Multi-faceted efforts by City Code Enforcement to engage the community in strategies that create change, build community pride, foster better relationships and develop strong allies.

**Due Process:** A process required by law that gives an alleged violator the right to provide testimony and proof or evidence controverting jurisdiction evidence; to receive reasonable notice; and to appear and be heard; as well as the right to an appeal before a higher authority (in this case, the circuit court of appeals).

**Driveway Approach:** An improved area of public right of way, between a public roadway or street and a private property, which provides access to the private property.

**Easement:** Shared spaces which provide access, and allow utility companies (electric, cable, water, etc.) to maintain their equipment. It is the responsibility of each property owner, next to an easement or alleyway, to maintain it.

**Illegal Dumping:** Items such as garbage, trash, furniture, old appliances, cars, boats, tires, or construction waste, etc., that are disposed of improperly and illegally, instead of using an authorized curbside

collection or depositing items at an authorized dump site.

**Inspection Warrants:** Warrants secured through the courts and used to gain entry on, or into a private property to investigate a code violation.

**Junk Vehicles & Vessels:** Derelict, junked, abandoned, or inoperable motor vehicles or vessels that can no longer perform the normal functions for which such vehicles or vessels were designed.

**Lien:** A claim or legal form of security interest granted over an item of property to secure payment of a debt or performance of some other obligation.

**Litter:** Trash, such as paper, cans, and bottles that are left lying in an open or public place, or waste products discarded incorrectly, at an unsuitable location.

**Open Air Storage:** Visible storage of goods, merchandise or equipment, or personal items such as appliances and furniture, in the open air or unenclosed portions of buildings.

**Owner's Consent:** The legal permission of a property owner or tenant for entry into or onto a private property.

**Notice Posting:** Placing the notice in a conspicuous place at the physical location where the violation occurred or at City Hall

**Property Owner or Owners:** The person(s) or entity(ies) who are owners of record of real

property.

**Reasonable Time:** The time that is realistic for a property owner to fix a specific code violation and to come into compliance with City codes and ordinances.

**Response Time:** The time it takes from receiving a complaint to investigating it and producing a finding.

**Stipulation Agreement:** A written, signed and notarized agreement between the City and the property owner to fix a cited violation and or to pay a fine by a specific date.

**Time Extension:** Extra or additional time given to a violator who demonstrates observable good faith efforts to fix a violation in order to come into compliance.

**Violator:** Property owner or non-property owner such as a business operating on the property or any person unrelated.

**Witness Affidavit:** The complainant who claimed to have witnessed a code violation providing evidentiary support and testimony to the violation which was not observed by a Code Officer.



# Residential & Commercial Property Owners Guide to Code Compliance

Updated March 2022

[www.miamigardens-fl.gov/148/Code-Enforcement-Business-Licensing](http://www.miamigardens-fl.gov/148/Code-Enforcement-Business-Licensing)