# CODE OF MIAMI-DADE COUNTY, FLORIDA

\_\_\_\_\_\_\_\_\_\_\_\_

**VOLUME I**

\_\_\_\_\_\_\_\_\_\_\_\_

Published in 1992 by Order of the Board of County Commissioners

\_\_\_\_\_\_\_\_\_\_\_\_



OFFICIALS

of

METROPOLITAN DADE COUNTY

AT THE TIME OF THIS CODIFICATION

\_\_\_\_\_\_\_\_\_\_\_\_

Stephen P. Clark, Mayor

Mary Collins, District 1

Alexander Penelas, District 2

Arthur E. Teele, Jr., District 3

Sherman S. Winn, District 4

Harvey Ruvin, District 5

Joseph M. Gersten, District 6

Charles Dusseau, District 7

Larry Hawkins, District 8

*Board of County Commissioners*

\_\_\_\_\_\_\_\_\_\_\_\_

Joaquin G. Avino

*County Manager*

\_\_\_\_\_\_\_\_\_\_\_\_

Robert A. Ginsburg

*County Attorney*

\_\_\_\_\_\_\_\_\_\_\_\_

Marshall Ader

*Clerk of Circuit Court*

PREFACE

This Code constitutes a recodification of the ordinances of Dade County, Florida.

In the preparation of the Code, the 1957 Code, as supplemented through Ord. No. 92-20, adopted March 17, 1992, has been used. The section numbers assigned in the 1957 Code have been retained so that sections of this Code are also sections of the 1957 Code. The source of each section is included in the history note appearing in parentheses at the end thereof. By use of the comparative tables appearing in the back of this Code, the reader can locate any ordinance included herein. Notes which tie related sections of the Code together and which refer to relevant state law have been included. A table listing the state law citations and setting forth their location within the Code is included at the back of this Code.

*Numbering System*

The numbering system used in this Code is the same system used in many state and local government codes. Each section number consists of two component parts separated by a dash, the figure before the dash referring to the chapter number and the figure after the dash referring to the position of the section within the chapter. Thus, the second section of [Chapter 1](../level2/PTIIICOOR_CH1GEPR.docx#PTIIICOOR_CH1GEPR) is numbered 1-2 and the first section of [Chapter 4](../level2/PTIIICOOR_CH4AMMETRVE.docx#PTIIICOOR_CH4AMMETRVE) is [4-1](../level3/PTIIICOOR_CH4AMMETRVE_ARTIINGE.docx#PTIIICOOR_CH4AMMETRVE_ARTIINGE_S4-1LEIN). Under this system, each section is identified with its chapter and at the same time new sections or even whole chapters can be inserted in their proper place simply by using the decimal system for amendments. By way of illustration: If new material consisting of three sections that would logically come between sections 3-1 and 3-2 is desired to be added, such new sections would be numbered 3-1.1, 3-1.2 and 3-1.3, respectively. If new material is to be included between Chapters [12](../level2/PTIIICOOR_CH12EL.docx#PTIIICOOR_CH12EL) and [13](../level2/PTIIICOOR_CH13EX.docx#PTIIICOOR_CH13EX), it will be designated as Chapter 12A. Care should be taken that the alphabetical arrangement of chapters is maintained when including new chapters. New articles and new divisions may be included in the same way or, in the case of articles, may be placed at the end of the chapter embracing the subject, and, in the case of divisions, may be placed at the end of the article embracing the subject, the next successive number being assigned to the new article or division.

*Indexes*

The indexes have been prepared with the greatest of care. Each particular item has been placed under several headings, some of the headings being couched in lay phraseology, others in legal terminology, and still others in language generally used by local government officials and employees. There are numerous cross references within each index itself which stand as guideposts to direct the user to the particular item in which the user is interested.

*Looseleaf Supplements*

A special feature of this publication to which the attention of the user is especially directed is the looseleaf system of binding and supplemental servicing of the publication. With this system, the publication will be kept up-to-date periodically. Subsequent amendatory legislation will be properly edited and the appropriate page or pages affected will be reprinted. These new pages will be distributed to holders of copies of the publication, with instructions for the manner of inserting the new pages and deleting the obsolete pages.

Successfully keeping this publication up-to-date at all times will depend largely upon the holder of the publication. As revised sheets are received, it will then become the responsibility of the holder to have the amendments inserted according to the attached instructions. It is strongly recommended by the publisher that all such amendments be inserted immediately upon receipt to avoid misplacing them and, in addition, that all deleted pages be saved and filed for historical reference purposes.

*Acknowledgments*

This publication was under the direct supervision of the editoral staff of the Municipal Code Corporation, Tallahassee, Florida. Credit is gratefully given to the other members of the publisher's staff for their sincere interest and able assistance throughout the project.

The publisher is most grateful to Ms. Dianne S. Smith, Assistant County Attorney, and Mr. Raymond Reed, Deputy Clerk, for their cooperation and assistance during the progress of the work on this publication.

MUNICIPAL CODE CORPORATION

Tallahassee, Florida

ORDINANCE NO. 59-41

*An Ordinance Adopting and Enacting A Code of Metropolitan Dade County, Florida; Establishing the Same; Providing for the Repeal of Certain Ordinances Not Included Therein, Except as Herein Expressly Provided; Providing for the Manner of Amending Such Code of Ordinances; Providing for A General Penalty for the Violations of the Code; And Providing When This Ordinance Shall Become Effective.*

WHEREAS, Section 11 of Article VIII of the Florida Constitution provides that the Home Rule Charter of Government for Dade County, Florida, may grant full power and authority to the Board of County Commissioners to pass ordinances relating to the affairs, property and government of Dade County and to provide suitable penalties for the violation thereof, and to do everything necessary to carry on a central metropolitan government in Dade County; and

WHEREAS, [Section 1.02](../level2/PTICOAMCH_ART1BOCOCO.docx#PTICOAMCH_ART1BOCOCO_S1.02REOR)(H) of the Home Rule Charter provides that, within two years after adoption of the Charter, the County Commission shall have prepared a general codification of all County ordinances and resolutions having the effect of law, and that such general codification shall be adopted by the County Commission in a single ordinance; and that after adoption the County Commission shall have the codification printed immediately in an appropriate manner, together with the Charter, and such rules and regulations as the County Commission may direct.

*Be It Ordained By The Board of County Commissioners of Dade County, Florida:*

Section 1. That the accompanying revision and codification of the ordinances and resolutions of a general and permanent nature of Dade County, Florida, enacted from May 21, 1957, to and including April 28, 1959, as supplemented through Ord. No. 92-20, adopted March 17, 1992, is hereby adopted and enacted as the official "Code of Metropolitan Dade County, Florida," and shall be treated and considered as a new and original comprehensive ordinance which shall supersede all ordinances and resolutions of a general and permanent nature enacted by the County Commission prior to April 28, 1959, except such ordinances and resolutions as by reference thereto are expressly saved from repeal or continued in force and effect for any purpose.

Section 2. That all provisions of this Code shall become effective on November 6, 1992, and all ordinances of a general and permanent nature of the County of Dade, enacted on final passage prior to April 28, 1959, and not contained in such Code or recognized and continued in force by reference therein are hereby repealed from and after the effective date of this ordinance, except as hereinafter provided; no ordinance passed after April 28, 1959, is hereby repealed.

Section 3. That the repeal provided for in Section 2 hereof shall not affect any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date of this ordinance; nor shall such repeal affect any ordinance or resolution promising or guaranteeing the payment of money for the County, or authorizing the issuance or any bonds of the County or any evidence of the County's indebtedness, or any contract or obligation assumed by the County; nor shall such repeal affect the administrative ordinances or resolutions of the County; nor shall such repeal affect any right granted by any ordinance or resolution of the County to any person, firm or corporation; nor shall such repeal affect the annual appropriation ordinance; nor shall such repeal affect any ordinance levying or imposing taxes not included herein; nor shall such repeal affect the zoning maps or any amendments thereto; nor shall such repeal affect any ordinance providing for local improvements and assessing taxes therefor; nor shall such repeal affect any resolution dedicating or accepting any plat or subdivision in the County; nor shall such repeal affect any ordinance extending the boundaries of any city in the County; nor shall such repeal affect the South Florida Building Code, or any other Code or public record adopted by reference and not contained herein; nor shall such repeal be construed to revive any ordinance or part thereof that has been repealed by this ordinance. Each of the abovementioned ordinances shall in no way be repealed by this Code, except as the same may be in conflict with the provisions of this Code.

Section 4. That any and all additions or amendments to such Code, when passed in such form as to indicate the intention of the County to make the same a part thereof, shall be deemed to be incorporated in such Code so that reference to the "Code of Metropolitan Dade County, Florida" shall be understood and intended to include such additions and amendments.

Section 5. That at least one copy of this Code as enacted on this date and at least one copy of the Code as amended shall be kept on file in the office of the County Clerk without change. It shall also be the duty of the County Clerk to maintain at least one other copy of this Code up to date by inserting the new ordinances into their proper places, at such time as the new ordinances are published in Supplements for insertion into this Code.

Section 6. That in case of the amendment of any section of such Code for which a penalty is not provided, the general penalty as provided in [Section 1-5](../level2/PTIIICOOR_CH1GEPR.docx#PTIIICOOR_CH1GEPR_S1-5GEPECOCILICRLIPE) of such Code shall apply to the section as amended; or in case such amendment contains provisions for which a penalty other than the aforementioned general penalty is provided in another section in the same chapter, the penalty so provided in such other section shall be held to relate to the section so amended; unless such penalty is specifically repealed therein.

Section 7. That it shall be unlawful for any person, firm or corporation to change or amend by additions or deletions, any part or portion of such Code, or to insert or delete pages, or portions thereof, or to alter or tamper with such Code in any manner whatsoever which will cause the law of Dade County, Florida to be misrepresented thereby. Any person, firm or corporation violating this section shall be punished as provided in [Section 1-5](../level2/PTIIICOOR_CH1GEPR.docx#PTIIICOOR_CH1GEPR_S1-5GEPECOCILICRLIPE) of the Code of Metropolitan Dade County, Florida.

Section 8. All County or municipal ordinances, County and municipal resolutions, municipal charters, special laws applying to Dade County and general laws applying only to Dade County or any general law which the County Commission is expressly authorized by the Constitution to supersede, nullify or amend, and any part of any such ordinance, resolution, charter or law, in conflict with or inconsistent to any provision contained herein or in the Code of Metropolitan Dade County, Florida, are hereby repealed.

Section 9. This ordinance and the provisions of the Code of Metropolitan Dade County, Florida, shall become effective on December 1, 1959.

Section 10. If any section, subsection, sentence, clause or provision of the Code of Metropolitan Dade County, Florida, is held invalid, the remainder thereof shall not be affected thereby; provided this section shall not be applicable to any codified ordinance which specifically provides for nonseverability, whether said nonseverability provision is included within the Code or not. (Ord. No. 72-79, § 1, 10-31-72)

PASSED AND ADOPTED: November 3, 1959

|  |  |
| --- | --- |
| STATE OF FLORIDA | ) |
|  | )  SS: |
| COUNTY OF DADE | ) |

I, E.B. LEATHERMAN, Clerk of the Circuit Court in and for Dade County, Florida, and Ex-Officio Clerk of the Board of County Commissioners of said County, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Ordinance No. 59-41, adopted by the said Board of County Commissioners at its meeting held on November 3rd, 1959.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this 6th day of November, A.D. 1959.

|  |  |
| --- | --- |
|  | E.B. LEATHERMAN, Ex-Officio Clerk |
|  | Board of County Commissioners |
|  | Dade County, Florida |
|  | By /s/ WM. F. RUSSELL |
|  | Deputy Clerk |
| SEAL |  |