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Sec. 17A-1. Authority to enact; short title.

This chapter [is] enacted under and pursuant to the provisions of the Home Rule Charter of Government for Miami-Dade County, Florida, [and] shall be known as and may be cited as the "Metropolitan Miami-Dade County Minimum Standards for Vacant Structures Ordinance."

(Ord. No. 80-65, § 1, 6-17-80; Ord. No. 95-228, § 1, 12-19-95)

Sec. 17A-2. Legislative findings and intent.

The Board of County Commissioners of Miami-Dade County, Florida, hereby finds and declares that in recent years and at present an increased number of vacant structures exists, especially in buildings which house multiple families, the maintenance and appearance of which are often neglected by the owners thereof, It is furthermore found and declared by this Board that said vacant structures often become open, unsecured, vandalized, or used for illicit purposes by trespassers, resulting in conditions that are unhealthy, unsafe, unsightly, and a blight upon the neighborhood and the community at large, and that the establishment of minimum standards for the maintenance and appearance of vacant structures will improve the security and quality of life in general of persons living nearby, will prevent blight and decay, and will safeguard the public health, safety, morals and welfare.

The intent and purpose of this chapter is to protect the public health, safety, morals and welfare of all the people of Metropolitan Miami-Dade County, Florida, by establishing minimum standards governing the maintenance and appearance of vacant structures; fixing certain responsibilities and duties of owners, operators and agents of vacant structures; authorizing and establishing procedures for the inspection of vacant structures; fixing penalties for the violation of the provisions of this chapter; setting forth a procedure for enforcement of this chapter and for the granting of variances to the enforcement of the provisions of this chapter in cases of extreme hardship, when the health, safety, welfare and morals of the neighborhood, community and the public at large will not be detrimentally affected thereby, and where literal enforcement of this chapter would offer no meaningful benefit or advantage to the neighborhood, community and public at large; and by prohibiting human habitation in vacant structures found unsafe and ordered secured until written approval is given by the enforcing agency. This chapter is hereby declared to be remedial and essential to the public interest, and it is intended that this chapter be liberally construed to effectuate the purposes as stated above.

(Ord. No. 80-65, § 1, 6-17-80; Ord. No. 95-228, § 1, 12-19-95)

Sec. 17A-3. Construction and applicability.

The provisions of this chapter and the standards therein shall be applicable to the incorporated and unincorporated areas of Metropolitan Miami-Dade County, Florida. Every portion of a vacant structure, as defined herein, shall comply with the provisions of this chapter, irrespective of when such vacant structure shall have been constructed, altered or repaired, and irrespective of any permits or licenses which shall have been issued for the use or occupancy of the vacant structure, for the construction repair of equipment or facilities, prior to the effective date of this chapter. This chapter is intended and shall be construed as establishing minimum standards for the maintenance and appearance of all vacant structures. It is not intended to replace, modify, supersede or diminish the standards established for the construction, repair, alteration or use of buildings, equipment or facilities by the South Florida Building Code (Ordinance No. 57-22, as amended). In any case where any provision of this chapter is found to be in conflict with a material and controlling provision of zoning regulations, the South Florida Building Code, or any other County or municipal ordinance, code or regulation, or any rules or regulations of the Florida State Board of Health, the provision which establishes the highest standard shall prevail. All County and municipal departments, officials and employees who have the duty, responsibility or authority to issue permits or licenses in regard to the use and occupancy of commercial stuctures, dwellings, dwelling units, rooming houses, or rooming units, as defined in [Chapter 17](../level2/PTIIICOOR_CH17HO.docx#PTIIICOOR_CH17HO) of the Code of Metropolitan Miami-Dade County, or similar facilities, shall conform to the provisions of this chapter, as a minimum standard. It shall be the duty and responsibility of municipal departments, officials and employees to enforce the minimum standards prescribed by the provisions of this chapter within the territorial limits of their respective municipalities.

(Ord. No. 80-65, § 1, 6-17-80; Ord. No. 95-228, § 1, 12-19-95)

Sec. 17A-4. Existing remedies preserved.

Nothing in this chapter shall be deemed to abolish or impair any existing remedies relating to the removal of demolition of any vacant structures which are deemed to be dangerous, unsafe or unsanitary. This chapter shall not affect violations of any other County or municipal ordinance, code or regulations existing prior to the effective date of this chapter, and such violations shall be governed and shall continue to be punished to the full extent of the law under the provisions of those ordinances, codes or regulations in effect at the time the violation was committed.

(Ord. No. 80-65, § 1, 6-17-80; Ord. No. 95-228, § 1, 12-19-95)

Sec. 17A-5. Definitions.

In construing the provisions of this chapter, where the context will permit and no definition is provided herein, the definitions provided in the Florida Building Code shall apply. The following words and phrases when used in this chapter shall have the meanings ascribed to them in this section:

(1) *Accessory structure* shall mean any secondary structure located on the parcel of land upon which a vacant structure is located, which is subordinate to and not forming an integral part of the major or principal building and may or may not be occupied for dwelling purposes; accessory structures shall include but not be limited to swimming pools, sheds, garages, barns and shacks.

(2) *Approval* shall mean approved by the head of the enforcement agency or his authorized representative.

(3) *Basement* shall mean that portion of a building having less than one-half its clear floor-to-ceiling height below the average finished grade of the ground adjoining the building and its ceiling not more than six (6) feet above said grade.

(4) *Cellar* shall mean that portion of a building having one-half or more than one-half of its clear floor-to-ceiling height below the average finished grade of the ground adjoining the building.

(5) *Dwelling* shall mean any building 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.

(6) *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.

(7) *Enforcing agency* shall mean the Minimum Housing Enforcement Officer of Metropolitan Miami-Dade County as defined and established in [Section 17-7](../level3/PTIIICOOR_CH17HO_ARTIIMEMIDECOMIHOST.docx#PTIIICOOR_CH17HO_ARTIIMEMIDECOMIHOST_S17-7MIHOENOFFFESAPTEEXCLSESA) of the Code of Metropolitan Miami-Dade County.

(8) *Enforcing officer* shall mean any employee of the enforcement agency charged with the responsibility of making inspection of buildings and premises and issuing violation notices when necessary. The term shall be synonymous with "inspecting officer."

(9) *Extreme hardship* shall describe a condition existing in a case before the Minimum Housing Appeals Board when a vacant housing structure or vacant premises does not fully comply with the provisions of this chapter but is structurally sound and does not have safety deficiencies and when the repair of such structure or premises, in order to assure compliance with the Code, would result in great economic hardship to the owner, with commensurately little benefit to the owner, to the neighborhood, and to the public at large.

(10) *Garbage* shall mean the animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

(11) *Head of enforcement agency* shall mean the Minimum Housing Enforcement Officer of Metropolitan Miami-Dade County.

(12) *Hotel* shall mean any dwelling or commercial building, or any part of any dwelling or commercial building, containing one (1) or more hotel units in which space is let by the owner or operator on a predominantly temporary basis to three (3) or more persons who are not husband or wife, son or daughter, mother or father, sister or brother of the owner or operator. Motels and buildings offering dormitory-type sleeping accommodations shall be included in this category.

(13) *Hotel unit* shall mean any room or group of hotel rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking and eating purposes. Motel units and dormitory-type sleeping accommodations shall be included in this category.

(14) *Infestation* shall mean the presence of any insects, rodents, vermin, or other pests.

(15) *Inspecting officer* shall be synonymous with the term "enforcing officer" as previously defined.

(16) *Occupant* shall mean any person living, sleeping, cooking, eating in, or having actual possession of, a dwelling, dwelling unit, hotel unit or rooming unit.

(17) *Operator* shall mean any person who has charge, care or control of vacant dwellings, vacant dwelling units, vacant hotels, vacant hotel units, vacant rooming houses, vacant rooming units, or vacant premises. Upon the filing of a lis pendens and/or an action, the purpose of which is to foreclose upon the mortgage or similar instrument that secures a debt upon the property, the owner and holder of the note and mortgage or other similar instrument shall be considered an operator of a vacant property for purposes of the maintenance of the vacant property as set forth in this Chapter. This status as an operator shall remain until such time as the property is sold or transferred to a new owner or the foreclosure action described herein is dismissed.

(18) *Owner* shall mean any person, firm, trust, partnership, joint venture, corporation or other legal entity, who individually, or jointly or severally with others, holds the legal or beneficial title to any vacant dwellings, vacant dwelling units, vacant hotels, vacant hotel units, vacant rooming houses, vacant rooming units, or vacant premises subject to the provisions of this chapter. The term "chapter" shall include, but not be limited to, the owner's duly authorized agent, a purchaser, devisee, fiduciary, property holder, or any other person, firm, trust, partnership, joint venture, corporation or other legal entity having a vested or contingent interest in the vacant housing structures aforesaid, or, in the case of leased premises, the legal holder, beneficiary or lessee of a lease in the vacant housing structures aforesaid. It is intended that this term shall be construed as applicable to the person, firm, trust, partnership, joint venture, corporation or other legal entity responsible for the maintenance or operation of the vacant housing structures aforesaid.

(19) *Rooming house* shall mean any dwelling, or part of any dwelling, containing one (1) or more rooming units in which space is let by the owner or operator on a predominantly permanent basis to three (3) or more persons who are not husband or wife, son or daughter, mother or father, sister or brother of the owner or operator. For the purpose of this Code, boardinghouses are included in this category.

(20) *Rooming unit* shall mean any room or group of rooms, forming a single habitable unit, used or intended to be used for living and sleeping but not for cooking or eating purposes.

(21) *Rubbish* shall mean all combustible and noncombustible waste materials except garbage. The term shall include residue from the burning of wood, coal, coke, and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metal, mineral matter, glass and crockery.

(22) *Supplied* shall mean paid for, furnished, or provided by or under control of the owner or operator.

(23) *Temporary housing* shall mean any tent, trailer, or other structure used for human shelter which is designed to be transportable and which is not attached to the ground, to another structure, or in a permanent manner to any utilities system. For the purpose of this Code, living quarters for migratory agricultural workers shall be defined as temporary housing.

(24) *Vacant commercial structure* shall mean any vacant structure intended to be utilized in commerce or for commercial activities.

(25) *Vacant dwelling* shall mean any building which is wholly or partially equipped for living, sleeping, cooking and eating but which is neither actually used nor intended by the owner to be used for living, sleeping, cooking and eating.

(26) *Vacant dwelling unit* shall mean any room or group of rooms located within a dwelling or vacant dwelling which forms a single unit wholly or partially equipped for living, sleeping, cooking and eating but which is neither actually used nor intended by the owner to be used for living, sleeping, cooking and eating.

(27) *Vacant hotel* shall mean any vacant commercial building containing one (1) or more vacant hotel units.

(28) *Vacant hotel unit* shall mean any room or group of rooms located within a hotel, motel, or vacant hotel which forms a single unit wholly or partially equipped only for living and sleeping but not for cooking and eating and which is neither actually used nor intended by the owner to be used for living and sleeping.

(29) *Vacant premises* shall mean any vacant structure and accessory structure thereof and the parcel of land upon which it is located.

(30) *Vacant rooming house* shall mean any vacant building containing one (1) or more vacant rooming units.

(31) *Vacant rooming unit* shall mean any rooms or group of rooms located within a rooming house or vacant rooming house which forms a single unit wholly or partially equipped for only living and sleeping but not for cooking and eating and which is neither actually used nor intended by the owner to be used for living and sleeping.

(32) *Vacant structure* shall mean vacant commercial structures, vacant dwellings, vacant dwelling units, vacant hotels, vacant hotel units, vacant rooming units, and vacant premises.

Whenever the words "vacant commercial structure, "vacant dwelling," "vacant dwelling unit," "vacant hotel," "vacant hotel unit," "vacant rooming house," "vacant rooming unit," "vacant premises," and "vacant housing structure" are used in this chapter, they shall be construed as though they were followed by the words "or any part thereof." Any reference in this chapter to the words "approved," "adequate," "adequately," "properly installed," "properly connected," or "properly constructed," shall have reference to those standards set out in the South Florida Building Code, the rules of the State Board of Health, Chapters 5, 15 and [26A](../level2/PTIIICOOR_CH26ASANU.docx#PTIIICOOR_CH26ASANU) of the Metropolitan Code, and any other enactment of law applicable to the structure or particular portion or system of the structure under inspection by the enforcing agency.

(Ord. No. 80-65, § 1, 6-17-80; Ord. No. 89-52, § 1, 6-6-89; Ord. No. 95-228, § 1, 12-19-95; Ord. No. 08-134, § 9, 12-2-08)

Sec. 17A-6. Minimum Housing Enforcement Officer—Powers.

In addition to the powers found in Sections [17-8](../level3/PTIIICOOR_CH17HO_ARTIIMEMIDECOMIHOST.docx#PTIIICOOR_CH17HO_ARTIIMEMIDECOMIHOST_S17-8SAOW) and [17-48](../level3/PTIIICOOR_CH17HO_ARTIIICIMIMIHOST.docx#PTIIICOOR_CH17HO_ARTIIICIMIMIHOST_S17-48SAUTPO) of the Code of Metropolitan Miami-Dade County, the Minimum Housing Enforcement Officer shall have the following powers:

(1) The enforcement of the provisions of this chapter and any rules and regulations promulgated hereunder.

(2) Investigate complaints and institute actions to correct violations of this chapter and initiate action through private contractors or his own employees to have vacant housing structures secured as warranted. In addition to inspections resulting from complaints, inspections may be made at the request of the owner of the subject property, provided such requested inspections are for the purpose of qualifying for participation in a governmental program. The Minimum Housing Enforcement Officer shall have the power and authority to charge and collect for making such inspections.

The fees charged shall be as set forth in the Team Metro fee schedule as established by resolution of the Board of County Commissioners of Miami-Dade County, Florida, as amended from time to time.

(3) To make appropriate surveys and inspections to determine whether the provisions of this chapter are being complied with in Metropolitan Miami-Dade County and make recommendations for methods by which this chapter can be more effectively enforced and the standards herein raised.

(4) To render all possible assistance and technical advice to owners and operators.

(5) To publish and disseminate information to the public concerning all matters relating to this chapter.

(6) Render all possible assistance and cooperation to federal, State and local agencies and officials in the accomplishment of effective minimum standards and controls.

(7) The Minimum Housing Enforcement Officer shall have the power and authority to charge and collect fees in accordance with the Team Metro fee schedule as amended from time to time and recover the costs of enforcement as provided for in this chapter.

(8) To perform such other administrative duties as may be assigned by the County Manager.

(Ord. No. 80-65, § 1, 6-17-80; Ord. No. 81-14, § 1, 2-17-81; Ord. No. 88-29, § 1, 4-19-88; Ord. No. 89-52, § 1, 6-6-89; Ord. No. 95-215, § 1, 12-5-95; Ord. No. 95-228, § 1, 12-19-95; Ord. No. 98-125, § 11, 9-3-98)

Sec. 17A-7. Identification of Minimum Housing Enforcement Officer; conflict of interest.

The Minimum Housing Enforcement Officer and all assistants shall be furnished with official identification cards signed by the County Manager, which identification cards shall contain the name of the officer, his photograph, and pertinent descriptive identifying information, and such other matters designed to facilitate recognition by the public of the status of such official. Upon request, the Minimum Housing Enforcement Officer and assistants shall exhibit such identification when entering any vacant commercial structure, vacant dwelling, vacant dwelling unit, vacant rooming house, vacant rooming unit, vacant hotel, vacant hotel unit, or vacant premises. The requirements of this section shall not in any wise be construed as relieving the Minimum Housing Enforcement Officer or assistants from compliance with the procedures prescribed in this chapter for making inspections.

No official, board member or employee charged with the enforcement of this law shall have any financial interest, directly or indirectly, in any repairs, corrections, construction or demolition which may be required.

(Ord. No. 80-65, § 1, 6-17-80; Ord. No. 95-228, § 1, 12-19-95)

Sec. 17A-8. Inspection of vacant housing structures and vacant premises.

The Minimum Housing Enforcement Officer and enforcing officers shall be authorized to make inspections to determine the condition of vacant commercial structures, vacant dwellings, vacant dwelling units, vacant rooming houses, vacant rooming units, vacant hotels, vacant hotel units, and vacant premises in order to safeguard the health, safety, morals and welfare of the public. The Minimum Housing Enforcement Officer and enforcing officers shall be authorized to enter any vacant commercial structure, vacant dwelling, vacant dwelling unit, vacant rooming house, vacant rooming unit, vacant hotel, vacant hotel unit or vacant premises at any reasonable time, or at such other time as may be necessary in an emergency, for the purpose of performing the duties of such office under this chapter, in accordance with the procedures herein prescribed. Except in emergencies endangering the public health, safety and welfare, the Minimum Housing Enforcement Officer and enforcing officers shall enter a vacant commercial structure, vacant dwelling, vacant dwelling unit, vacant rooming house, vacant rooming unit, vacant hotel, vacant hotel unit, or vacant premises only upon the prior consent of the owner, operator or the person having legal right of possession thereof, or in accordance with the provisions of this section. When the Minimum Housing Enforcement Officer or any enforcing officer has reason to believe that any vacant commercial structure, vacant dwelling, vacant dwelling unit, vacant rooming house, vacant rooming unit, vacant hotel, vacant hotel unit or vacant premises is in violation of the provisions of this chapter, or when such officer deems it necessary to make an inspection to determine whether a vacant structure or vacant premises is in violation of the standards established by this chapter, such officer shall request permission to make an inspection from the owner or operator thereof or from the person having the legal right of possession thereof. In the event that such person refuses to consent to the inspection the Minimum Housing Enforcement Officer or enforcing officer may apply to the County Court or Circuit Court for the issuance of an inspection warrant to be served by an officer duly authorized by law to serve inspection warrants and make arrests for violations of this chapter. The inspection warrant shall issue in accordance with the requirements of law, including Florida Statutes, Sections 933.20—933.30, and shall authorize entry into and inspection of the premises described therein. Refusal to permit an inspection pursuant to an inspection warrant authorized by this section shall constitute a violation of this chapter and shall subject the violator to the penalties prescribed herein.

(Ord. No. 80-65, § 1, 6-17-80; Ord. No. 86-47, § 2, 6-17-86; Ord. No. 95-228, § 1, 12-19-95)

Sec. 17A-9. Notice of violations.

Whenever the Minimum Housing Enforcement Officer or his or her assistant finds and determines that there has been a violation of the standards established by this chapter, he or she shall give notice of such violation to the owner and any operators. Such notice shall be in writing, shall specify the violation, and shall specify the time for compliance. Such notice shall specify that the violation must be corrected or a building permit for the work required to correct the violation must be obtained from Team Metro or appropriate municipal Building and Zoning Department and that final compliance must conform to the requirements of the South Florida Building Code. Such notice shall contain an outline of the remedial action which, if taken, will constitute compliance with the requirements of this chapter. Such notice shall inform the owner and any operators of the right to apply to the Minimum Housing Appeals Board for a hearing and review of matters within the notice and advise that failure to comply or appeal may result in the Minimum Housing Enforcement Officer's securing the vacant structure without further notice to the owner or a hearing. Such notice may also inform the person or persons to whom it is directed that failure to comply may result in enforcement action as provided for in [Section 17A-13](../level2/PTIIICOOR_CH17AVASTSTMI.docx#PTIIICOOR_CH17AVASTSTMI_S17A-13REENHIOBMIHOENOF) or [Chapter 8CC](../level2/PTIIICOOR_CH8CCCOEN.docx#PTIIICOOR_CH8CCCOEN) of this Code. Such notice shall be served upon the owner and any operators. Such notice shall be deemed to be properly served and binding upon the owner and upon any operators and upon the vacant structure or vacant premises involved if a copy is served by certified mail return receipt requested, addressed to the owner's and/or operator's last known address. If the owner cannot be served by certified mail, a copy of the notice shall be posted in a conspicuous place on the vacant structure or vacant premises involved. Such notice shall state the date of posting.

(Ord. No. 80-65, § 1, 6-17-80; Ord. No. 88-29, § 1, 4-19-88; Ord. No. 89-52, § 1, 6-6-89; Ord. No. 95-215, § 1, 12-5-95; Ord. No. 95-228, § 1, 12-19-95; Ord. No. 98-125, § 11, 9-3-98; Ord. No. 08-134, § 10, 12-2-08)

Sec. 17A-10. Notice as final order.

Any notice of violation provided for in [Section 17A-9](../level2/PTIIICOOR_CH17AVASTSTMI.docx#PTIIICOOR_CH17AVASTSTMI_S17A-9NOVI) hereof shall automatically become a final order in the event that no written appeal from the notice of violation is filed with the Minimum Housing Appeals Board within ten (10) days after the date of service of the notice of violation.

(Ord. No. 80-65, § 1, 6-17-80)

Sec. 17A-11. Recording of final order.

Whenever a notice of violation has become a final order, or whenever the violations specified in the notice have not been corrected within the time specified in the notice, the Minimum Housing Enforcement Officer shall file a copy of such final order, or other appropriate instrument indicating that violations of the standards established by this chapter exist upon the property involved, in the office of the Clerk of the Circuit Court of Miami-Dade County, Florida, who shall cause the same to be recorded among the public records of Miami-Dade County in an appropriate book provided for such purpose. The recordation of such final order or other appropriate instrument as herein provided shall constitute constructive notice to any subsequent purchasers, transferees, grantees, mortgagors, mortgagees, lessees, lienors, and all persons having, claiming or acquiring any interest in the property described therein, or affected thereby. When the violations specified in the said final order shall have been corrected, and all costs of enforcement as provided hereinafter are paid, the Minimum Housing Enforcement Officer shall have recorded a certificate certifying that the violations have been corrected and cancelling the final order. All such final orders shall contain the proper legal description of the property involved. The cost of recording the original final order and the certificate of cancellation shall also be recoverable as costs from the owner of record of the property prior to recording the certificate of cancellation. Any person acquiring any interest in or to property described in a final order after recordation thereof shall be bound by the provisions thereof and shall take the property subject to the violations set forth in the final order. All such persons acquiring an interest in or to property for which a final order has been recorded under this section shall comply with the requirements thereof, and shall be subject to all of the other provisions of this chapter. Provided, however, that if the time for appeal from the final order as provided in Sections [17A-10](../level2/PTIIICOOR_CH17AVASTSTMI.docx#PTIIICOOR_CH17AVASTSTMI_S17A-10NOFIOR) and [17A-15](../level2/PTIIICOOR_CH17AVASTSTMI.docx#PTIIICOOR_CH17AVASTSTMI_S17A-15APACDEMIHOENOF) has not run as of the time of conveyance, the new owner or transferee of an interest in or to property shall have ten (10) days from the date upon which the transfer of property interest is effective as to him within which to appeal the final order to the Minimum Housing Appeals Board. If an appeal of the final order has been perfected but a final decision of the Minimum Housing Appeals Board has not been rendered, the new owner or transferee may exercise all of the rights of appeal which would have been accorded to the prior owner or transferor.

(Ord. No. 80-65, § 1, 6-17-80; Ord. No. 80-139, § 1, 12-16-80; Ord. No. 88-29, § 1, 4-19-88)

Sec. 17A-12. Reserved.

**Editor's note—**

Ord. No. 88-29, § 1, adopted April 19, 1988, repealed [§ 17A-12](../level2/PTIIICOOR_CH17AVASTSTMI.docx#PTIIICOOR_CH17AVASTSTMI_S17A-12RE), which pertained to records and searches, as derived from Ord. No. 80-65, § 1, adopted June 17, 1980.

Sec. 17A-13. Remedies for enforcement; hindering or obstructing Minimum Housing Enforcement Officer.

(a) It shall be unlawful for any person to fail to comply with the minimum standards established by this article, or to fail or refuse to comply with the requirements of any final order issued in accordance with the provisions of this article. Each day of continued violation shall be considered as a separate offense.

(b) If any person shall knowingly fail or refuse to obey or comply with, or wilfully violates, any of the provisions of this article, or any lawful final order issued hereunder, such person, upon conviction of such offense, shall be punished by a fine not to exceed five hundred dollars ($500.00) or by imprisonment not to exceed sixty (60) days in the County Jail, or both, in the discretion of the court.

(c) The provisions of this article and final orders issued in accordance with the provisions of this article may be enforced by mandatory injunction, or other appropriate civil action. The Minimum Housing Enforcement Officer may institute a civil action in a court of competent jurisdiction to impose and recover a civil penalty for each violation in an amount of not more than five thousand dollars ($5,000.00) per offense. Each day, during any portion of which, such violation occurs constitutes a separate offense.

(d) The Minimum Housing Enforcement Officer or his assistant, may, in the Minimum Housing Enforcement Officer's or his assistant's discretion, terminate an investigation or an action commenced under the provisions of this chapter upon execution of a written consent agreement between the Minimum Housing Enforcement Officer or his assistant and the record owner of the land or an operator of the land which is the subject of the investigation or action. The consent agreement shall provide written assurance of voluntary compliance with all the applicable provisions of this chapter by the record owner or operator. The consent agreement shall provide the following: Repayment of costs of the county for investigation, enforcement, and litigation, including attorneys' fees; and remedial or corrective action. The consent agreement may, in the discretion of the Minimum Housing Enforcement Officer upon agreement of the owner or operator, provide for compensatory damages, punitive damages and civil penalties. An executed written consent agreement shall neither be evidence of a violation of this chapter nor shall such agreement be deemed to impose any limitations upon any investigation or action by the Minimum Housing Enforcement Officer or his assistant, in the enforcement of this chapter. The consent agreement shall not constitute a waiver of or limitation upon the enforcement of any federal, state or local laws and ordinances. Executed written consent agreements are hereby deemed to be lawful orders of the Minimum Housing Enforcement Officer or his assistant. Each violation of any of the terms and conditions of an executed written consent agreement shall constitute a separate offense under this chapter by the owner or operator who executed the consent agreement, his respective officers, directors, agents, servants, employees and attorneys; and by those persons in active concert or participation with any of the foregoing persons and who receive actual notice of the consent agreement punishable in accordance with the provisions of [Section 17A-13](../level2/PTIIICOOR_CH17AVASTSTMI.docx#PTIIICOOR_CH17AVASTSTMI_S17A-13REENHIOBMIHOENOF) and [Chapter 8CC](../level2/PTIIICOOR_CH8CCCOEN.docx#PTIIICOOR_CH8CCCOEN) of this Code. Each day during any portion of which each such violation occurs constitutes a separate offense under this chapter. Decisions and action of the Minimum Housing Enforcement Officer or his assistant, pursuant to [Section 17A-13](../level2/PTIIICOOR_CH17AVASTSTMI.docx#PTIIICOOR_CH17AVASTSTMI_S17A-13REENHIOBMIHOENOF)(c) of this Code and written consent agreements executed thereunder, shall not be subject to appeal to or review by the Minimum Housing Appeals Board pursuant to [Section 17A-15](../level2/PTIIICOOR_CH17AVASTSTMI.docx#PTIIICOOR_CH17AVASTSTMI_S17A-15APACDEMIHOENOF) of the Code of Metropolitan Miami-Dade County, Florida.

(e) If the owner or operator shall fail to comply with a final order within the time stipulated therein, the Minimum Housing Enforcement Officer may cause such vacant structure or vacant premises to be vacated if occupied, and initiate action through private contractors or his or her own employees to secure the vacant structure or vacant premises.

(f) Any person who hinders, obstructs or resists the Minimum Housing Enforcement Officer or his assistant in the discharge of his duty as provided in this chapter, upon conviction thereof in the County Court, shall be punished by a fine not to exceed five hundred dollars ($500.00) or by imprisonment in the county jail for not more than sixty (60) days, or by both such fine and imprisonment.

(Ord. No. 80-65, § 1, 6-17-80; Ord. No. 88-29, § 1, 4-19-88; Ord. No. 89-52, § 1, 6-6-89; Ord. No. 95-228, § 1, 12-19-95; Ord. No. 08-134, § 11, 12-2-08)

Sec. 17A-13.1. Recovery of enforcement costs.

(a) The entire costs incurred by the Minimum Housing Enforcement Officer in enforcing the provisions of this chapter shall be paid by the owner, including but not limited to the cost of enforcement inspections, securing vacant housing structures, preparation of enforcement reports, photographs, title searches, postage and other administrative costs for enforcement and collection. The costs of enforcement shall be paid within thirty (30) days of the owner's receipt of Team Metro's bill itemizing the enforcement costs incurred in enforcing the provisions of this chapter.

(b) The Minimum Housing Enforcement Officer shall file among his records a fair and accurate statement of each item of expense with the date of execution of any action authorized by this chapter.

(c) Team Metro may institute a civil suit to recover such expenses against the property or may cause such expenses to be charged against the real property as a lien, upon recordation of an enforcement lien in the public records of Miami-Dade County, Florida. A lien will remain on the real property after recordation as provided herein until such costs are fully paid and discharged, or barred by law.

(d) Liens, imposed pursuant to [Section 17A-13](../level2/PTIIICOOR_CH17AVASTSTMI.docx#PTIIICOOR_CH17AVASTSTMI_S17A-13REENHIOBMIHOENOF)(c), may be discharged and satisfied by paying to Team Metro the amount specified in the notice of lien, together with interest thereon from the date of the filing of the lien computed at the rate of eighteen (18) percent per annum, together with the administrative costs, filing and recording fees and fees paid to file a satisfaction of the lien in the public records. When any such lien has been discharged, Team Metro shall promptly cause evidence of the satisfaction and discharge of such lien to be recorded in the public records. Any person, firm, corporation or legal entity, other than the present owner of the property involved, who pays any such unsatisfied lien shall be entitled to receive an assignment of the lien held by the County and shall be subrogated to the rights of the County in respect to the enforcement of such lien, as permitted by law.

(Ord. No. 88-29, § 1, 4-19-88; Ord. No. 89-52, § 1, 6-6-89; Ord. No. 95-215, § 1, 12-5-95; Ord. No. 98-125, § 11, 9-3-98)

Sec. 17A-14. Power to act in emergencies.

Whenever the Minimum Housing Enforcement Officer finds that a violation of the provisions of this chapter exists which requires immediate action to abate a direct and continuing hazard or immediate danger to the health, safety or welfare of the occupants or the public, such officer may, without prior notice, issue an order or civil violation notice pursuant to [Chapter 8CC](../level2/PTIIICOOR_CH8CCCOEN.docx#PTIIICOOR_CH8CCCOEN) of this Code citing the violation and directing that such action be taken as may be necessary including but not limited to condemning the property and ordering the premises to be vacated until the hazard or danger is removed or abated. Notwithstanding any other provisions of this chapter, such emergency order shall be effective immediately upon service and shall be complied with immediately, or as otherwise provided.

(Ord. No. 80-65, § 1, 6-17-80; Ord. No. 88-29, § 1, 4-19-88; Ord. No. 95-30, § 1, 2-7-95)

Sec. 17A-15. Appeals from actions or decisions of Minimum Housing Enforcement Officer.

Any person aggrieved by any action or decision of the Minimum Housing Enforcement Officer may appeal to the Minimum Housing Appeals Board by filing with the Board, within ten (10) days after the date of the action or decision complained of, a written notice of appeals which shall set forth concisely the action or decision appealed from and the reasons or grounds for the appeal. The Board shall set such appeal for hearing at the earliest possible date and cause notice thereof to be given to the appellant and the Minimum Housing Enforcement Officer. The Board shall hear and consider all facts material to the appeal and render a decision promptly. The Board may affirm, reverse or modify the action or decision appealed from, provided that the Board shall not take any action which conflicts or nullifies any of the provisions of this chapter. The Board shall specifically state in its decision the date by which compliance must be made. The decision of the Board shall be final. No rehearing or reconsideration shall be considered except when granted by majority vote of the Board. Any person aggrieved by any decision of the Board on appeal taken to it, including, but not limited to, the Minimum Housing Enforcement Officer, may apply to the Circuit Court of Miami-Dade County for a review by writ of certiorari in accordance with the applicable Florida Appellate Rules.

(Ord. No. 80-65, § 1, 6-17-80)

Sec. 17A-16. Standards for maintenance and appearance of vacant structures and vacant premises.

Every vacant structure and vacant premises shall comply with the following requirements:

(1) Every foundation wall shall be structurally sound, reasonably rodentproof, and maintained in good repair.

(2) Exterior walls and roofs shall be kept in good repair.

(3) Windows and exterior doors shall be weathertight, watertight and rodentproof and shall be maintained in good condition.

(4) All exterior areas that show evidence of rot or other deterioration shall be repaired or replaced.

(5) Every exterior stairway, porch and appurtenance shall be maintained in good repair.

(6) All exterior surfaces subject to deterioration shall be properly maintained and protected from the elements by paint or other approved protective coating applied in a workmanlike fashion.

(7) Every utility connection shall be free from defects, disconnected, removed or otherwise made safe.

(8) Vacant dwelling units shall be provided with utility connections for the following type of facility: an installed nonportable cooking facility which shall not be capable of being carried easily by one (1) person and which shall have at least two (2) top burners.

(9) Every plumbing fixture, waterpipe, wastepipe, and drain shall be free from defects, leaks, and obstructions.

(10) Exterior premises shall be kept free from the excessive growth of weeds, grass, and other flora. The term "excessive growth" shall mean growth which is detrimental to the public health, safety, and welfare and which generally detracts from the appearance of the neighborhood.

(11) Vacant housing structures shall be weathertight, watertight, clean, sanitary, and free from infestation, rubbish, and garbage.

(12) Vacant structures shall be secure at all times. The owner or operator of any vacant structure found unguarded and open as aforesaid shall be given notice of such violation by the enforcing officer unless enforcement action is initiated by the Building Official in accordance with the provisions of the South Florida Building Code, in which case notice of the violation will be provided as required therein. The notice shall require immediate action to secure and seal the vacant structure in a manner that abates temporarily the unsafe conditions by using concrete blocks, storm shutters, or other materials of the same durability as determined by the Minimum Housing Enforcement Officer and construction methods which are in keeping with good workmanship and appearance, and are otherwise in compliance with the South Florida Building Code. In no event shall a vacant structure remain secured by the use of concrete blocks, storm shutters, or similar materials for a period exceeding one hundred eighty (180) days as that period may be extended pursuant to the South Florida Building Code. Prior to the expiration of the stated period, the vacant structure must be completed and brought into full compliance with the South Florida Building Code. Failure to comply with this requirement shall constitute a violation of this section. Swimming pools are to be secured by filling in with sand, or by fencing or by using another approved method as determined by the minimum housing enforcement officer. Vacant structures temporarily ordered secured as provided aforesaid shall not be used or occupied until written approval is given by the enforcing agency. The provisions of this section shall be complementary to, and not in derogation of, the provisions of the South Florida Building Code relating to unsafe structures.

(Ord. No. 80-65, § 1, 6-17-80; Ord. No. 88-29, § 1, 4-19-88; Ord. No. 89-52, § 1, 6-6-89; Ord. No. 93-56, § 1, 5-20-93; Ord. No. 95-228, § 1, 12-19-95)

Sec. 17A-17. Judicial review.

Any person or persons, jointly or severally, aggrieved by any final action taken or final decision rendered pursuant to the provisions of this chapter, may seek to have such action or decisions reviewed by the Circuit Court of Miami-Dade County by petition for certiorari in the manner prescribed by the rules of court, provided such person or persons shall have first exhausted the administrative remedies provided for herein.

(Ord. No. 80-65, § 1, 6-17-80)

Sec. 17A-18. Purpose and intent.

It is the intent of the Board of County Commissioners, through the enactment of sections [17A-18](../level2/PTIIICOOR_CH17AVASTSTMI.docx#PTIIICOOR_CH17AVASTSTMI_S17A-18PUIN) to [17A-20](../level2/PTIIICOOR_CH17AVASTSTMI.docx#PTIIICOOR_CH17AVASTSTMI_S17A-20REINENPR) to provide a registry of single-family residential dwelling units, including condominium, duplexes and townhome units, where the individual unit is the subject of a Foreclose Action. Through this registry, residences that are at risk of or have become vacant, overgrown, dilapidated or in poor repair can be tracked and remediated to prevent blight or unsightly conditions. The definitions contained in [section 17A-5](../level2/PTIIICOOR_CH17AVASTSTMI.docx#PTIIICOOR_CH17AVASTSTMI_S17A-5DE) shall apply throughout this section.

(Ord. No. 08-134, § 12, 12-2-08)

Sec. 17A-19. Registration of single-family dwelling units subject to foreclosure.

Upon the filing of a lis pendens or an action to foreclose upon a mortgage or other instrument of debt which debt is secured by the real property of a single-family dwelling unit, whether a house, townhouse, condominium or duplex, the holder or owner of said mortgage or other debt instrument, or the party bringing the foreclosure action, shall immediately register the single-family dwelling unit with the Office of Neighborhood Compliance. The registration shall be upon forms as are designated by the Director of the Department and shall be accompanied by the approved registration fee as established in the Department's duly enacted fee schedule.

(Ord. No. 08-134, § 13, 12-2-08)

Sec. 17A-20. Registration inspection and enforcement procedure.

Upon registration of any dwelling unit as set forth in [section 17A-19](../level2/PTIIICOOR_CH17AVASTSTMI.docx#PTIIICOOR_CH17AVASTSTMI_S17A-19RESIMIDWUNSUFO), the Minimum Housing Enforcement Officer or his or her assistant shall conduct an inspection of the registered real property to determine its compliance with the provisions of this [Chapter 17A](../level2/PTIIICOOR_CH17AVASTSTMI.docx#PTIIICOOR_CH17AVASTSTMI) and/or the provisions of [Chapter 19](../level2/PTIIICOOR_CH19REPROWMEAC.docx#PTIIICOOR_CH19REPROWMEAC) of the County Code.

(Ord. No. 08-134, § 14, 12-2-08)

Sec. 17A-21. Repeal clause.

This chapter is intended and shall be construed as constituting minimum standards for all governmental units in Metropolitan Miami-Dade County for vacant housing structures and vacant premises, in accordance with the provisions of [Section 1.01](../level2/PTICOAMCH_ART1BOCOCO.docx#PTICOAMCH_ART1BOCOCO_S1.01PO)(A)(18) of the Home Rule Charter of Government for Miami-Dade County, Florida. To the extent of the standards herein provided, all county and municipal ordinances and resolutions, municipal charters, and special laws applying only to Miami-Dade County, or any general law which the Board of County Commissioners is 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 with the standards herein established, are hereby repealed and superseded.

(Ord. No. 80-65, § 1, 6-17-80)

**Editor's note—**

Ord. No. 08-134 added provisions designated as §§ [17A-18](../level2/PTIIICOOR_CH17AVASTSTMI.docx#PTIIICOOR_CH17AVASTSTMI_S17A-18PUIN)—17A-20. In order to avoid duplication of section numbers former [§ 17A-18](../level2/PTIIICOOR_CH17AVASTSTMI.docx#PTIIICOOR_CH17AVASTSTMI_S17A-18PUIN) has been redesignated to read as herein set out.

FOOTNOTE(S):

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**Cross reference—** Housing and Urban Development Department, § 2-186 et seq.; building code, Ch. 8; housing generally, Ch. 17; demolition of uninhabitable structures, Ch. 17B; urban renewal, Ch. 30A. [(Back)](#BK_4F40B9ABB74DD84F0708118BCA8FDC64)