## Chapter 17B METROPOLITAN MIAMI-DADE COUNTY DEMOLITION OF UNINHABITABLE STRUCTURES ORDINANCE [[1]](#BK_636C005A2B040C6B11A933057D535A94)

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Sec. 17B-1. Authority to enact chapter; 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 and may be cited as the "Metropolitan Miami-Dade County Demolition of Uninhabitable Structures Ordinance."

(Ord. No. 88-59, § 1, 7-5-88)

Sec. 17B-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 uninhabitable structures exist, the maintenance of which is often neglected by the owners thereof. It is furthermore found and declared by this Board that said 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 community at large, and that the demolition of uninhabitable 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. In particular, and without prejudice to the above findings, it is found and declared by the Board that said structures are often used for the distribution and consumption of narcotics and other controlled substances thereby constituting a health and safety hazard to the public and community at large.

The intent and purpose of this chapter is to protect the health, safety, morals, and welfare of all the people of Metropolitan Miami-Dade County, Florida, by establishing standards governing the demolition of certain structures; authorizing and establishing procedures for the demolition of the same and setting forth a procedure for the enforcement of this chapter by prohibiting human habitation in and ordering the demolition of structures found uninhabitable. 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. 88-59, § 1, 7-5-88)

Sec. 17B-3. Construction and applicability.

The provisions of this chapter and the standards set forth herein shall be applicable to the unincorporated and incorporated areas of Metropolitan Miami-Dade County, Florida. The provisions of this chapter shall apply irrespective of when such 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 structure or for the construction or repair of the structure prior to the effective date of this chapter.

(Ord. No. 88-59, § 1, 7-5-88)

Sec. 17B-4. Existing remedies preserved.

The provisions of this chapter shall be cumulative and supplemental to and not in derogation of any provisions of the Florida Statutes, the Code of Metropolitan Miami-Dade County or any other applicable law.

(Ord. No. 88-59, § 1, 7-5-88)

Sec. 17B-5. Definitions.

When used in this chapter the following terms shall have the meanings set forth below:

(1) *Uninhabitable structures:* Those structures which meet the criteria set forth in [Section 17B-15](../level2/PTIIICOOR_CH17BMEMIDECODEUNSTOR.docx#PTIIICOOR_CH17BMEMIDECODEUNSTOR_S17B-15UNST)

(2) *Owner:* The taxpayer with respect to the real property concerned as reflected in the most recently certified real property ad valorem tax roll of Metropolitan Miami-Dade County; provided, however, where the records of the Miami-Dade County Property Appraiser indicate that ownership of the property has changed, the owner shall be the taxpayer as reflected by such records.

(3) *Interested parties:* The owner as defined above and any other person or entity who has previously requested real property ad valorem tax notices with respect to the subject property in accordance with Section 197.344 Florida Statutes 1987, as the same may be renumbered or amended from time to time.

(4) *Minimum Housing Enforcement Officer:* Any employee of the enforcement agency charged with the responsibility of making inspections of structures and premises and issuing orders when necessary to effectuate the provisions of this chapter.

(Ord. No. 88-59, § 1, 7-5-88)

Sec. 17B-6. Violation.

It shall be a violation of this chapter for any person to erect, establish, maintain, owe, lease or allow to exist an uninhabitable structure as defined in [Section 17B-15](../level2/PTIIICOOR_CH17BMEMIDECODEUNSTOR.docx#PTIIICOOR_CH17BMEMIDECODEUNSTOR_S17B-15UNST). Any such violation shall be redressed by Metropolitan Miami-Dade County in the manner set forth in this chapter.

(Ord. No. 88-59, § 1, 7-5-88)

Sec. 17B-7. Minimum Housing Enforcement Officer; duties and powers.

In addition to the duties, functions, powers and responsibilities found in Sections [17-18](../level3/PTIIICOOR_CH17HO_ARTIIMEMIDECOMIHOST.docx#PTIIICOOR_CH17HO_ARTIIMEMIDECOMIHOST_S17-18RE), [17-48](../level3/PTIIICOOR_CH17HO_ARTIIICIMIMIHOST.docx#PTIIICOOR_CH17HO_ARTIIICIMIMIHOST_S17-48SAUTPO), and [17A-6](../level2/PTIIICOOR_CH17AVASTSTMI.docx#PTIIICOOR_CH17AVASTSTMI_S17A-6MIHOENOFOW) of the Code of Metropolitan Miami-Dade County, the Minimum Housing Enforcement Officer shall have the right to enforce the provisions of this chapter and any regulations promulgated hereunder.

(Ord. No. 88-59, § 1, 7-5-88)

Sec. 17B-8. Inspection of uninhabitable structures.

The Minimum Housing Enforcement Officer has the authority to inspect any structure for the purpose of determining whether the same is unhabitable.

(Ord. No. 88-59, § 1, 7-5-88)

Sec. 17B-9. Notice; contents and posting.

If, after inspection, the Minimum Housing Enforcement Officer finds a structure to be uninhabitable, the Officer shall issue a notice stating that the structure has been found to be uninhabitable. Such notice shall be posted in a conspicuous location on the structure which the Officer has determined to be uninhabitable, and shall be in substantially the following form:

 ORDER TO DEMOLISH UNINHABITABLE STRUCTURE

This structure has been found by the Minimum Housing Enforcement Officer to be uninhabitable pursuant to [Chapter 17B](../level2/PTIIICOOR_CH17BMEMIDECODEUNSTOR.docx#PTIIICOOR_CH17BMEMIDECODEUNSTOR) of the Code of Metropolitan Miami-Dade County. THIS STRUCTURE SHALL BE VACATED—SHALL NOT BE OCCUPIED. The owner or holder of a secured interest in this structure shall demolish the same within twenty (20) days of this order or the same may be subject to demolition by Metropolitan Miami-Dade County or the municipality. THE OWNER OR HOLDER OF A SECURED INTEREST IN THIS PROPERTY MAY APPEAL THIS FINDING WITHIN TWENTY (20) DAYS OF THE DATE INDICATED BELOW BY SUBMITTING A WRITTEN PETITION TO:

Chairman, Minimum Housing Appeals Board

ADDRESS

CAUTION: FAILURE TO APPEAL MAY RESULT IN THE DEMOLITION OF THIS STRUCTURE WITHOUT FURTHER NOTICE OF HEARING.

|  |  |
| --- | --- |
| DATE: \_\_\_\_\_ | \_\_\_\_\_ |
|  | (Signature, name, address, phone # of Minimum Housing Enforcement Officer) |

(Ord. No. 88-59, § 1, 7-5-88; Ord. No. 98-125, § 12, 9-3-98)

Sec. 17B-10. Written notice.

Within seventy-two (72) hours of posting the order to demolish an uninhabitable structure pursuant to [Section 17B-9](../level2/PTIIICOOR_CH17BMEMIDECODEUNSTOR.docx#PTIIICOOR_CH17BMEMIDECODEUNSTOR_S17B-9NOCOPO), the Minimum Housing Enforcement Officer shall send the owner and any interested parties a written notice setting forth the defects which render the structure uninhabitable and the time within which the structure must be demolished or appeal requested. Such notice shall be sent by certified or first class mail addressed to all such parties' last known addresses as reflected in the records of the Miami-Dade County Property Appraiser. The lack of a signed return receipt shall not constitute a failure to notify interested parties.

(Ord. No. 88-59, § 1, 7-5-88)

Sec. 17B-11. Notice by publication.

A notice shall be published by the Minimum Housing Enforcement Officer in a newspaper of general circulation in Miami-Dade County once a week for two (2) consecutive weeks. The published notice shall contain the street address of the subject property and the names of the owner and any interested parties. The notice required by this section shall state that the subject property has been found to be uninhabitable and is subject to demolition, and that the finding may be appealed by written petition to the Minimum Housing Appeals Board within the applicable time period.

(Ord. No. 88-59, § 1, 7-5-88)

Sec. 17B-12. Final order.

The order to demolish an uninhabitable structure as provided for in [Section 17B-9](../level2/PTIIICOOR_CH17BMEMIDECODEUNSTOR.docx#PTIIICOOR_CH17BMEMIDECODEUNSTOR_S17B-9NOCOPO) shall automatically become a final order authorizing demolition in the event that no written appeal from the notice is received by the Minimum Housing Appeals Board twenty (20) days after the date of posting.

(Ord. No. 88-59, § 1, 7-5-88)

Sec. 17B-13. Recording of final order.

Whenever the order to demolish an uninhabitable structure becomes a final order authorizing demolition, as provided in [Section 17B-12](../level2/PTIIICOOR_CH17BMEMIDECODEUNSTOR.docx#PTIIICOOR_CH17BMEMIDECODEUNSTOR_S17B-12FIOR) or pursuant to a decision by the Minimum Housing Appeals Board as provided in [Section 17B-14](../level2/PTIIICOOR_CH17BMEMIDECODEUNSTOR.docx#PTIIICOOR_CH17BMEMIDECODEUNSTOR_S17B-14APMIHOAPBO), the Minimum Housing Enforcement Officer shall file a copy of such final order, together with the street address or legal description of the subject property, with 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. 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.

(Ord. No. 88-59, § 1, 7-5-88)

Sec. 17B-14. Appeals to the Minimum Housing Appeals Board.

The owner, the holder of a secured interest in the property, or any interested party may appeal the findings of the Minimum Housing Enforcement Officer to the Minimum Housing Appeals Board by submitting a written petition within twenty (20) days of the date indicated on the posted notice to:

Chairman, Minimum Housing Appeals Board

ADDRESS

The Board shall hear and consider all facts material to the appeal and may affirm, reverse or modify the findings of the Minimum Housing Enforcement Officer. Any person aggrieved by the decision of the Board may seek judicial review in accordance with the applicable Florida Appellate Rules.

(Ord. No. 88-59, § 1, 7-5-88; Ord. No. 98-125, § 12, 9-3-98)

Sec. 17B-15. Uninhabitable structures.

(1) A structure shall be uninhabitable when:

(a) It is visited by persons for the purpose of unlawfully procuring or using any controlled substance, as defined under Chapter 893 of the Florida Statutes, or any drugs, as defined in Chapter 499 of the Florida Statutes; or

(b) It is used for the illegal keeping, selling or delivering of such controlled substances or drugs;

and the structure is found to have one (1) or more of the following characteristics:

(i) It is vacant, unguarded and open at doors or windows,

(ii) There is an unwarranted accumulation of debris or other combustible material therein,

(iii) The structure's condition creates hazards with respect to means of egress and fire protection as provided for the particular occupancy,

(iv) There is a falling away, hanging loose or loosening of any siding, block, brick, or other building material,

(v) There is deterioration of the structure or structural parts,

(vi) The structure is partially destroyed,

(vii) There is an unusual sagging or leaning out of plumb of the structure or any parts of the structure and such effect is caused by deterioration or over-stressing,

(viii) The electrical or mechanical installations or systems create a hazardous condition, or

(ix) An unsanitary condition exists by reason of inadequate or malfunctioning sanitary facilities or waste disposal systems.

(2) A structure shall be presumed to be utilized for the purpose set forth in (1)(a) or (b) above when there are one (1) or more arrests or police reports of incidents which involve the keeping, consumption, or delivery of controlled substances or drugs on the premises of the subject structure during the period of six (6) months preceding the posting of notice by the Minimum Housing Enforcement Officer.

(3) A structure found to be uninhabitable as provided herein shall be subject to demolition.

(Ord. No. 88-59, § 1, 7-5-88)

Sec. 17B-16. Recovery of cost; liens.

(1) All costs incurred pursuant to this chapter shall be paid by the owner.

(2) The Minimum Housing Enforcement Officer shall file among his records an affidavit stating the items of expense and the date of execution of actions authorized by this chapter.

(3) The enforcing agency may institute a suit to recover such expenses against the owner and may cause such expenses to be charged against the property as a lien. Any lien imposed for demolition shall constitute a special assessment lien against the real property and until fully paid, discharged released or barred by law shall remain a lien equal in rank and dignity to a lien of county ad valorem taxes and superior in rank and dignity to all other liens, encumbrances, titles and claims in, to or against the real property involved.

(Ord. No. 88-59, § 1, 7-5-88)

FOOTNOTE(S):

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**Cross reference—** Building code, Ch. 8; housing, Ch. 17; vacant housing structures minimum standards, Ch. 17A; urban renewal, Ch. 30A. [(Back)](#BK_4BA60A9E7482CF9AAF2467A2B445AFB3)