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Sec. 19-1. Short title; application of chapter.

This chapter shall be known as the Responsible Property Owner and Merchant Act and shall be applicable as the minimum standard in the unincorporated areas of Miami-Dade County, Florida.

(Ord. No. 03-160, §§ 1, 2, 7-8-03)

Sec. 19-2. Declaration of legislative intent.

The Board finds and determines that the neglect of property by property owners and the rapid, continuous growth and urban development of the unincorporated areas of this County require the reasonable and effective control and regulation of excessive growth and accumulation of weeds, and other certain plant life to the extent and in such manner as to cause infestation by rodents and feral animals, the breeding of mosquitoes and vermin, or to threaten or endanger the public health, or otherwise adversely affect the welfare of adjacent property or occupants. Further, the Board finds and determines that the accumulation of garbage and trash in violation of [Chapter 15](../level2/PTIIICOOR_CH15SOWAMA.docx#PTIIICOOR_CH15SOWAMA), Miami-Dade County Code requires reasonable and effective controls to protect the public health, safety and welfare of the community. Further, the Board finds that the maintenance of exterior premises of all improved property serves a public purpose in keeping property operating in a safe, sanitary and litter-free manner to prevent neighborhood blight and the deterioration of neighborhood character which, if unchecked, would have deleterious effect on the quality of life and the economic vitality of Miami-Dade County.

That portion of any lot or parcel is exempt from the vegetative provisions of this chapter where that lot, or parcel is designated as a Natural Forest Community, Environmental Endangered Land, Native Plant Community, Native Habitat, or a wetland as defined and described in [Section 24-3](../level4/PTIIICOOR_CH24ENPRBIBAENDEAQPACOARBIBAENENTRFUENENLAPR_ARTIINGE_DIV1GEPR.docx#PTIIICOOR_CH24ENPRBIBAENDEAQPACOARBIBAENENTRFUENENLAPR_ARTIINGE_DIV1GEPR_S24-3RURE)(151) of the Code of Miami-Dade County or is owned by a governmental agency or not for profit company and is held, owned or maintained as a natural area.

That portion of any lot or parcel that currently has a bona fide agricultural use or has been given a State exemption for Agricultural Classification following generally accepted agricultural and management practices shall be processed in accordance with Sections [19-13](../level2/PTIIICOOR_CH19REPROWMEAC.docx#PTIIICOOR_CH19REPROWMEAC_S19-13MALORENEDI) and [19-14](../level2/PTIIICOOR_CH19REPROWMEAC.docx#PTIIICOOR_CH19REPROWMEAC_S19-14MASTLONSIZODI) of this Chapter.

(Ord. No. 03-160, §§ 1, 2, 7-8-03; Ord. No. 11-100, § 1, 12-6-11)

Sec. 19-3. Definitions.

(A) *Abandoned property.* This term shall relate to articles of personalty, including without limitation: motor vehicles; trailers; boats or other vessels; refrigerators, washing and drying machines, or other machinery; and plumbing fixtures. The following criteria shall be considered in determining whether property has been abandoned, but no single criterion shall be conclusive:

(1) Whether it has value other than nominal salvage value.

(2) Whether it is in sufficient repair to perform its intended purpose.

(a) Evidence of disrepair shall include missing, removed, or partially or completely dismantled parts; broken glass; or other signs of substantial deterioration.

(b) In making evaluations under this subsection, the compliance officer may require the owner to demonstrate the operability of the article.

(c) With regard to motor vehicles, trailers, or boats or other vessels, absence of a current license tag, decal, registration or inspection decal shall also be considered evidence under this subsection.

(3) Evidence that the personalty was involved in a collision or other incident during which it was physically damaged and that it has not been repaired.

(4) Evidence that the personalty has been left unprotected from the elements, including without limitation: growth of vegetation around the personalty; rust or other corrosion; the positioning of the personalty in other than an upright or operable manner; and vandalism.

(5) Evidence that the article has not moved from its present location and position and no repair activity has taken place over a 72-hour period, including evidence that one or more tires have been raised from the ground on jacks, blocks, lifts, or other structures.

Abandoned property shall also be deemed "junk" within the meaning of this chapter.

(AA) *Advertising device.* A machine or other device used to attract public attention to a product or business.

(B) *Bona fide agricultural use.* All ongoing conditions or activities by an owner, lessee, agent, independent contractor or supplier which occur on a farm in connection with the production of farm products and includes, but is not limited to, the marketing of produce at legally permitted roadside stands or farm markets; the operation of machinery and irrigation pumps; the generation of noise, odors, dust and fumes; ground or aerial seeding and spraying; the application of chemical fertilizers, conditioners, insecticides, pesticides, and herbicides; and the employment and use of labor. Examples of uses falling within this definition include, but are not limited to: fruit crops; row crops; live stock; horse boarding and breeding; pasture, both improved or semi-improved, or native pasture; nursery, either in-ground or above ground, or tree nursery, or ornamental nursery; and poultry, fish, rabbits, goats, sheep, worms, bees, hay, or tropical groves.

(C) *Business or Commercial Premises.* Within any parcel of land approved for non-residential uses, any vacant or occupied structure and accessory structure thereof and the parcel of land upon which it is located.

(D) *Corrective or maintenance action.* An owner is required to maintain, mow, cut, trim or bulldoze his or her lot, and clear, remove and legally dispose of all associated abandoned property, solid waste litter or junk.

(E) *Department.* Team Metro.

(F) *Director.* The Director of Team Metro or his or her designee.

(G) *Generally accepted agricultural and management practices.* Shall be determined by the appropriate agricultural agency for the commercial agricultural practice utilizing Florida Statute 823.14 as the basis of its determination.

(H) *Government lot.* The irregular lots or tracts established in the original surveys of Florida under the direction of the United States Government and shown on the official U.S. Government survey maps. The Government lots define, for conveyance purposes, those irregular parcels of land which do not fit into the normal Government-mandated sectionalized land breakdown system, including fractional sections abutting water boundaries, oversized sections, and undersized sections having hiatus and overlaps.

(I) *Improved lot.* Any lot with a building or an erected structure or an incomplete or partially demolished structure.

(J) *Junk.* Trash or abandoned property.

(1) Junk shall include, without limitation: old and dilapidated motor vehicles, trailers, boats or other vessels and parts thereof, household appliances, scrap, building material, scrap contractor's equipment, tanks, casks, cans, barrels, boxes, drums, piping, bottles, glass, old iron, machinery, rags, paper, excelsior, mattresses, beds, bedding, or any other kind of waste material.

(2) Personalty in a structure enclosed by four walls and a roof, such as a garage or utility shed shall not be construed as junk.

(K) *Lot.* Any tract or parcel of land shown on a recorded plat or on the official County zoning maps or any piece of land described by a legal recorded deed. A lot may be improved or unimproved.

(KK) *Open-Air Storage.* Placement of an article in an area other than in a structure enclosed by four walls and a roof, such as a garage or utility shed, that conceals it from public view shall be deemed to be open-air storage. Placement of an article under a carport or front porch that is not so enclosed shall be considered open-air storage.

(L) *Non-residential Zoned District.* Any zoning district that permits, as a matter of right, retail, commercial, industrial or manufacturing uses.

(M) *Owner.* Any and all persons with legal and/or equitable title to real property in Miami-Dade County, as their names and addresses are shown upon the record of the Property Appraiser Department.

(N) *Repeat Violator.* Any property owner who has failed to comply with any portion of this chapter within the last twenty-four (24) months, or has been either found guilty of said violation by a Hearing Officer at an 8CC Hearing and such finding was not overturned by the Circuit Court, or did not file for an appeal of such violation before an 8CC Hearing Officer within seven (7) calendar days from posting of the citation.

(O) *Residential Premises.* Within any parcel of land approved for residential zoned district, any vacant or occupied structure and accessory structure thereof and the parcel of land upon which it is located.

(P) *Right-of-way.* Construed throughout this section to include, without limitation, all proposed dedications of public rights-of-way set forth on official grading and drainage plans required to accompany approved and valid tentative plats, as well as all existing or dedicated rights-of-way.

(Q) *Solid waste.* Garbage, trash, yard trash (except for compost piles), litter, cuttings from vegetation, refuse, paper, bottles, rags, hazardous waste, construction and demolition debris, industrial waste, or other discarded materials, including material or containers from domestic, commercial or agricultural operations, as defined in [Chapter 15](../level2/PTIIICOOR_CH15SOWAMA.docx#PTIIICOOR_CH15SOWAMA), Dade County Code.

(R) *Structure.* Anything constructed or erected the use of which requires rigid location on the ground, or attachment to something having a permanent location on the ground, including buildings, walls, fences, signs, light stands, towers, tanks, etc.

(S) *Unimproved lot.* Any vacant lot or any lot without a structure.

(T) *Vacant Land.* Any parcel of land, whether divided or undivided, upon which there are no structures.

(Ord. No. 03-160, §§ 1, 2, 7-8-03; Ord. No. 04-90, § 1, 5-11-04)

Sec. 19-4. Responsibility for compliance.

It is the responsibility of each owner to maintain their property in accordance with the provisions of this Chapter. Where applicable, tenants or lessees shall receive enforcement notices in connection with enforcement; however, the owner is ultimately responsible for compliance with this chapter.

The holder and/or owner of any mortgage which is upon real property which is in violation of this chapter shall be a responsible party for compliance with this chapter 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 debt upon the real property. The responsibility for compliance with this chapter of a mortgage owner/holder shall be effective, in the case of a single-family residential unit, only during periods of time that the residential unit shall be vacant and in foreclosure. In all instances, the responsibility of a holder/owner of a mortgage shall remain until such time as the property is sold or transferred to a new owner, or the foreclosure action described herein is dismissed.

(Ord. No. 03-160, §§ 1, 2, 7-8-03; Ord. No. 08-134, § 1, 12-2-08)

Sec. 19-4.1. Unimproved subdivided lots; Method of enforcement.

In cases where the compliance officer finds two or more contiguous lots within the same subdivision and under the same ownership, the lots shall be consolidated as one single enforcement action for the purposes of imposing civil penalties. Nothing in this subsection shall exempt the property owner from meeting the compliance standards or from paying the cumulative costs of enforcement and remediation for all of the lots.

(Ord. No. 03-160, §§ 1, 2, 7-8-03)

Sec. 19-4.2. Failure to Comply; Penalties.

Except as otherwise specifically provided, the County shall issue a warning notice the first time a property owner is cited for a violation of this Chapter, and shall provide the property owner, or other responsible party, a reasonable time to come into compliance before the County pursues further enforcement procedures. Thereafter, the County shall have the option to enforce this Chapter as follows:

(A) Issuance of civil penalties under [Chapter 8CC](../level2/PTIIICOOR_CH8CCCOEN.docx#PTIIICOOR_CH8CCCOEN)

(B) Petition for injunctive relief in the Circuit Court;

(C) Filing of criminal charges; Penalties of this chapter are punishable by 60 days in jail or a fine of $500 per offense.

Except as otherwise stated in this Chapter, the Director of Team Metro shall have the authority to determine the enforcement procedures for each subsection of this Chapter.

(Ord. No. 03-160, §§ 1, 2, 7-8-03; Ord. No. 08-134, § 2, 12-2-08)

Sec. 19-4.3. Penalties Are Cumulative in Nature.

Each incidence of violation shall constitute a separate offense. Any action taken pursuant to this chapter in regard to the disposal, abatement or removal of any nuisance condition shall be considered cumulative and in addition to penalties and other remedies provided elsewhere in this Code.

(Ord. No. 03-160, §§ 1, 2, 7-8-03)

Sec. 19-4.4. Appellate Procedures for Civil Penalty—First-Time Violator; Time for correction.

For first-time violators receiving a civil violation notice, the owner, or other responsible party, shall have fourteen (14) calendar days from service of the notice pursuant to Miami-Dade County Code [section 8CC-3](../level2/PTIIICOOR_CH8CCCOEN.docx#PTIIICOOR_CH8CCCOEN_S8CC-3ENPR)(c) to correct the violation, or seven (7) calendar days from service to file for an appeal. The appeal shall be in the manner described within the Uniform Civil Violation Notice.

(Ord. No. 03-160, §§ 1, 2, 7-8-03; Ord. No. 08-134, § 3, 12-2-08)

Sec. 19-4.5. Appellate Procedures for Civil Penalty—Repeat Violator; Time for Correction.

A repeat violator shall be given seven (7) calendar days from service of the civil violation notice pursuant to Miami-Dade County Code [Sec. 8CC-3](../level2/PTIIICOOR_CH8CCCOEN.docx#PTIIICOOR_CH8CCCOEN_S8CC-3ENPR)(e) to correct the violation, or to file for an appeal. The appeal shall be in the manner described within the Uniform Civil Violation Notice.

(Ord. No. 03-160, §§ 1, 2, 7-8-03)

Sec. 19-4.6. Time for Correction Upon Finding of Guilt.

If the owner, or other responsible party, is found guilty by the Hearing Officer, the Hearing Officer shall set a compliance date that shall not exceed 14 days beyond the date of the finding of guilt.

(Ord. No. 03-160, §§ 1, 2, 7-8-03; Ord. No. 08-134, § 4, 12-2-08)

Sec. 19-4.7. County's Authority to Abate Public Nuisance.

Failure to comply with or appeal the terms of this Chapter shall constitute a continuing public nuisance. The Director shall then have the authority to promptly abate the public nuisance, in whole or in part, at the expense of the owner, or other responsible party.

(Ord. No. 03-160, §§ 1, 2, 7-8-03; Ord. No. 08-134, § 5, 12-2-08)

Sec. 19-4.7.1. County's Authority to Abate Public Nuisance Emergency.

The Director shall have the authority to promptly abate a public nuisance that poses an immediate risk to the health, safety, and welfare of pedestrians, young children, and the general public, regardless of whether notice of the violation has been previously provided to the owner. Examples of such nuisances include, without limitation, abandoned property that is within a 1,500 foot radius surrounding schools, parks or Public Housing property. The Director shall have the authority to order the immediate removal of the abandoned property.

(Ord. No. 03-160, §§ 1, 2, 7-8-03; Ord. No. 07-64, § 1, 5-8-07)

Sec. 19-4.8. Assistance of Miami-Dade Police Department in enforcement.

If the enforcement officer is unable to successfully remove any property subject to seizure or removal under this Chapter, the enforcement officer or his designated representatives may secure the assistance of the Miami-Dade Police Department to effect the removal of the property.

(Ord. No. 03-160, §§ 1, 2, 7-8-03)

Sec. 19-4.9. Obstructing enforcement officer in the performance of duties.

Whoever opposes, obstructs or resists the enforcement officer or other person authorized by the enforcement officer in the discharge of his duty as provided in this Chapter, upon conviction, shall be guilty of a misdemeanor of the second degree and shall be subject to punishment as provided by law.

(Ord. No. 03-160, §§ 1, 2, 7-8-03)

Sec. 19-5. Collection of Enforcement and Remediation Costs.

The Director shall certify the expense incurred in remedying a public nuisance under [section 19-4.7](../level2/PTIIICOOR_CH19REPROWMEAC.docx#PTIIICOOR_CH19REPROWMEAC_S19-4.7COAUABPUNU) of this Chapter, including advertising, clearing, hauling, disposal and other expenses, together with an administrative fee as authorized in the Department's administrative fee schedule. The owner, or other responsible party, shall pay the cost within thirty (30) days. If the owner, or other responsible party, fails to pay the costs, the Director shall place a special assessment lien against the lot for the total amount due. Such a lien shall accrue interest at the legal rate from the date of certification until it is paid. The Director shall keep among his records the documentation relating to the amount payable for liens against lots remedied by the County.

A special assessment lien shall be enforceable in the same manner as a tax lien in favor of Miami-Dade County and may be satisfied at any time by payment thereof, including accrued interest. Upon payment the Clerk of the Circuit Court shall, by appropriate means, evidence the satisfaction and cancellation of such lien upon the record thereof. Notice of a special assessment lien may be filed in the Office of the Clerk of the Circuit Court and recorded among the public records of Dade County, Florida.

(Ord. No. 03-160, §§ 1, 2, 7-8-03; Ord. No. 08-134, § 6, 12-2-08)

Sec. 19-6. Team Metro Director; Enforcement Power and Duties.

The Director shall be responsible for the enforcement of this Chapter and shall have the authority to amend and modify the administration of the Department's operating procedures to carry out this Chapter.

(Ord. No. 03-160, §§ 1, 2, 7-8-03)

Sec. 19-7. Reserved.

Sec. 19-8. Storing junk or trash; depositing junk; characteristics of junk property; application to all zoning districts; prohibition of junk yards in residential districts; prohibition on expansion of existing junkyards in nonresidential districts.

(A) Notwithstanding the maintenance schedules in this chapter, it shall be unlawful to deposit, store, or maintain, or to permit to be deposited, stored, or maintained, junk as defined in Sec. 19.3(J) of this Code, in or on any lot, parcel or tract of land or body of water in any zoning district, except within a legally established junkyard. The deposit of junk in a location authorized for waste collection is exempted from this section, provided the junk is not or does not become a nuisance, and provided the junk is collected by Miami-Dade County or a County-authorized commercial waste collector.

(B) Pursuant to Miami-Dade County Code [Sec. 33-15](../level3/PTIIICOOR_CH33ZO_ARTIINGE.docx#PTIIICOOR_CH33ZO_ARTIINGE_S33-15JUREAUREDI), no junkyard shall be permitted in a residential district.

(C) Junk property which would be visible, at ground level, from a street or other public or private property but for the concealment of such junk property behind a wall, fence, hedge or other plant material or by the use of a vehicle cover, plastics, fabrics or other materials to form a tent, curtain partition or similar makeshift structure or device, shall be subject to this section.

(Ord. No. 03-160, §§ 1, 2, 7-8-03; Ord. No. 04-90, § 2, 5-11-04)

Sec. 19-9. Solid waste disposal.

The depositing, storage, keeping, maintaining or disposal of Solid Waste on any lot shall conform to the provisions set forth in [Chapter 15](../level2/PTIIICOOR_CH15SOWAMA.docx#PTIIICOOR_CH15SOWAMA) of the Miami-Dade County Code.

(Ord. No. 03-160, §§ 1, 2, 7-8-03)

Sec. 19-10. Flammable rubbish.

Waste paper, boxes, shavings, rubbish or other flammable materials, shall not be allowed to accumulate on any lots. Brush, wood, and other flammable material shall not be allowed within fifty (50) feet of containers of gas, gasoline, dynamite or other highly flammable or explosive materials.

(Ord. No. 03-160, §§ 1, 2, 7-8-03)

Sec. 19-11. Construction materials on premises before permit issued; removal of materials.

Construction materials and equipment shall not be deposited on any lot in any zoning district prior to the obtaining of a building permit. Surplus materials and construction equipment shall be removed from the premises before occupancy of the completed structure is approved and shall be removed even if the job is abandoned or the permit lapses.

(Ord. No. 03-160, §§ 1, 2, 7-8-03; Ord. No. 04-90, § 3, 5-11-04)

Sec. 19-12. Abandoned property on public property.

(A) Whenever the enforcement officer ascertains that abandoned property is present on public property, the officer shall place a notice upon the abandoned property in substantially the following form:

NOTICE TO THE OWNER OR THE  
AUTHORIZED AGENT OF THE OWNER  
OF THE ATTACHED PROPERTY

This property (setting forth brief description) is unlawfully upon public property known as (setting forth brief description of location) and shall be removed within five (5) days from the date of this notice; otherwise a civil violation shall be issued and it shall be presumed to be abandoned property and shall be removed and destroyed by order of Miami-Dade County at owner's expense. You may within five (5) days from the date of this notice, request an opportunity to show cause for your failure to remove this property by writing to the Team Metro Director, 111 N.W. First Street, Miami, Florida 33128.

Dated this: (setting forth the date of posting of notice) Signed: (setting forth name, title, address and telephone number of enforcement officer)

Such notice shall be not less than eight (8) inches by ten (10) inches and shall be sufficiently weatherproof to withstand normal exposure to the elements. In addition, at the time of posting, the enforcement officer shall make a reasonable effort to ascertain the name and address of the last owner of said personalty. If the name and address is obtained by the officer, he shall mail, via certified mail, a copy of such notice to the last owner.

(B) If, at the end of five (5) days after posting such notice, or, in the case where notice is mailed, five (5) days after mailing, the owner or the authorized agent of the owner of the abandoned article or articles described in such notice has not removed the article or articles from public property or requested an opportunity to show reasonable cause for failure to do so, the enforcement officer shall issue a civil citation and may cause the article or articles of abandoned property to be removed and destroyed, and the salvage value, if any, of such articles or articles may be retained by the county to be applied against the cost of removal and destruction thereof.

(C) Reasonable cause under this subsection shall be determined by the Director at a hearing on the matter if requested in writing by the owner within five (5) days after notice has been posted on the article or mailed to the last owner, whichever is later. The request shall make reference to the number on the notice which was posted on the personalty. The hearing shall be conducted pursuant to the procedures set forth in [Chapter 8CC](../level2/PTIIICOOR_CH8CCCOEN.docx#PTIIICOOR_CH8CCCOEN) of the Code of Miami-Dade County, except that written request for the hearing shall be made within the time herein set forth.

(D) If reasonable cause for failure to remove the article has been demonstrated, the article shall not be subject to removal and destruction as abandoned property.

(Ord. No. 03-160, §§ 1, 2, 7-8-03; Ord. No. 04-24, § 2, 2-3-04; Ord. No. 04-90, § 4, 5-11-04)

Sec. 19-13. Maintenance of Lots in Residential-Zoned Districts.

(A) In accordance with [Section 19-14](../level2/PTIIICOOR_CH19REPROWMEAC.docx#PTIIICOOR_CH19REPROWMEAC_S19-14MASTLONSIZODI), it shall be the responsibility of the responsible party for any lot in a residential-zoned district that is within 330 feet of a residential structure to regularly maintain their property to prevent the following:

(1) Storage or maintenance of junk, trash, abandoned property or solid waste on any lot;

(2) The growth or accumulation of any grass, weeds, non-native undergrowth or other dead plant life that exceeds the height of twelve (12) inches from the ground for more than ten (10) percent of the area to be maintained;

(B) It shall be the responsibility of the responsible party for property in a residential-zoned district and adjacent to a County right-of-way to maintain the swale area which abuts their property.

(C) *Agricultural use within residential districts.* When concerns or complaints are raised about agricultural use properties, a compliance officer shall investigate. If the concern or complaint is deemed to be valid, a notice of evaluation shall be issued to the property owner or lessee. The property owner or lessee shall be given thirty (30) days from the date of such notice to correct the use or practice. If clarification of the use or practice is needed, an appropriate agricultural agency shall be consulted for information. If the property owner or lessee fails to correct the condition, enforcement action shall commence to require compliance with this code.

(D) Open-air storage in residential-zoned districts is subject to the following provisions:

(1) Open-air storage of the following materials is prohibited:

(a) Junk, as defined in this Chapter.

(b) Merchandise or manufacturing materials. Evidence of one or more of the following shall create a rebuttable presumption that merchandise or manufacturing materials are being stored on the premises:

(i) Multiple boxes of uniform appearance bearing shipping labels;

(ii) Multiple articles of similar type in unused condition, including without limitation raw materials for manufacturing furniture and computer components;

(iii) Pallets containing multiple boxes;

(iv) The residential address is being used as a business address or business delivery address.

(c) Commercial equipment, including without limitation vending machines.

(d) Motor vehicle parts, including without limitation automobile engines and transmissions.

(e) Household furniture, including without limitation sofas and recliners.

(f) Construction materials, including without limitation lumber and cement blocks.

(g) Construction and demolition equipment, including without limitation cement mixers, jack hammers, and roof tar pots, provided, however, that light-use equipment customarily used for do-it-yourself home repair, including without limitation hand tools, power tools, and table saws, shall not be prohibited.

(2) Properties with bona fide agricultural uses shall be exempt from this subsection.

(Ord. No. 03-160, §§ 1, 2, 7-8-03; Ord. No. 04-90, § 5, 5-11-04; Ord. No. 08-134, § 7, 12-2-08; Ord. No. 11-100, § 2, 12-6-11)

Sec. 19-14. Maintenance Standards for Lots in Non-Residential Zoned Districts.

(A) It shall be the responsibility of the responsible party for any lot in a nonresidential zoned district to regularly maintain their property to prevent the following:

(1) The growth or accumulation of any grass, weeds, non-native undergrowth or other dead plant life that exceeds the height of eighteen (18) inches from the ground for more than fifty (50) percent of the area to be maintained;

(2) Storage or maintenance of junk, trash, abandoned property or solid waste on any lot.

All lots shall be maintained within one hundred (100) feet from the boundary line of any property with a building or structure or within one hundred (100) feet from the boundary line of any improved road. In the event that the remaining area constitutes less than twenty-five (25) percent of the total square footage of the lot, then the entire lot shall require maintenance action.

(B) It shall be the responsibility of the responsible party for the property adjacent to a County right-of-way and in a non-residential zoned district to maintain the swale area which abuts their property.

(C) *Agricultural zoned property.* When concerns or complaints are raised about agricultural properties, a compliance officer shall investigate. The Department shall apply the definition in [Section 19-3](../level2/PTIIICOOR_CH19REPROWMEAC.docx#PTIIICOOR_CH19REPROWMEAC_S19-3DE)(B) to determine a bonafide agricultural use. If the concern or complaint is deemed to be valid, a notice of evaluation shall be issued to the property owner or lessee. The property owner or lessee shall be given thirty (30) days from the date of such notice to correct the use or practice. If clarification of the use or practice is needed, an appropriate agricultural agency shall be consulted for information. If the property owner or lessee fails to correct the condition, enforcement action shall commence to require compliance with this code.

(Ord. No. 03-160, §§ 1, 2, 7-8-03; Ord. No. 08-134, § 8, 12-2-08)

Sec. 19-15. Maintenance of Business and Commercial Premises.

All business or commercial premises shall meet the standards set forth in Secs. [19-15.1](../level2/PTIIICOOR_CH19REPROWMEAC.docx#PTIIICOOR_CH19REPROWMEAC_S19-15.1OWRECO) through [19-15.12](../level2/PTIIICOOR_CH19REPROWMEAC.docx#PTIIICOOR_CH19REPROWMEAC_S19-15.12PRDIVESAADDE).

(Ord. No. 03-160, §§ 1, 2, 7-8-03)

Sec. 19-15.1. Owner Responsibility for Compliance.

It is the responsibility of the property owner to maintain their property in accordance with the provisions of this section. Where applicable, tenants or lessees shall receive enforcement notices in connection with enforcement; however, the property owner is ultimately responsible for compliance.

(Ord. No. 03-160, §§ 1, 2, 7-8-03)

Sec. 19-15.2. Compliance with this Section.

Upon verification of a violation of this section, the enforcement officer shall issue a courtesy warning notice to the property and business lessee where applicable. Failure to comply with this notice shall result in the issuance of a civil citation in accordance with [Chapter 8CC](../level2/PTIIICOOR_CH8CCCOEN.docx#PTIIICOOR_CH8CCCOEN). The issuance of citations for repeat offenses shall be in the manner discussed in [Chapter 8CC](../level2/PTIIICOOR_CH8CCCOEN.docx#PTIIICOOR_CH8CCCOEN).

(Ord. No. 03-160, §§ 1, 2, 7-8-03)

Sec. 19-15.3. Parking and paved areas.

Parking and paved areas shall be maintained free of deterioration. Deterioration shall be defined as visible holes exceeding a depth of two inches and more than 5 square inches in area, damaged parking stops or missing striping or lot markings, including striping of parking spaces, required striping and pavement markings for disabled parking spaces, as well as access ramps and access paths for wheelchair traffic, as required under Article II, [Section 30-442](../level3/PTIIICOOR_CH30TRMOVE_ARTIIPASPDIPE.docx#PTIIICOOR_CH30TRMOVE_ARTIIPASPDIPE_S30-442PASPPRGOAGCEDIPE) of the Code of Miami-Dade County and Section 553.5041(6) of the Florida Statutes, and required striping and pavement markings for parking spaces for persons transporting young children and strollers, as required by [Section 33-122.2](../level3/PTIIICOOR_CH33ZO_ARTVIIOREPA.docx#PTIIICOOR_CH33ZO_ARTVIIOREPA_S33-122.2PASPPETRYOCHST) of this Code. Parking areas and paved areas shall be maintained in accordance with the approved site plan and public works, building or zoning permits.

For all commercial parking lots, the parking spaces shall be marked with double striping on each side of the space to identify and facilitate their use. All striping shall be of a color (typically white) contrasting with the pavement. Dimension requirements shall be as noted in [Sec. 33-122](../level3/PTIIICOOR_CH33ZO_ARTVIIOREPA.docx#PTIIICOOR_CH33ZO_ARTVIIOREPA_S33-122REDEPASP) of the Code of Miami-Dade County.

(Ord. No. 03-160, §§ 1, 2, 7-8-03; Ord. No. 04-90, § 6, 5-11-04)

Sec. 19-15.4. Parking Lot Repairs Require a Permit.

Repairs to parking and paved areas shall require prior permit approval of the Building, Planning and Zoning and Public Works Departments. Repairs shall be defined as: application of seal coating, resurfacing parking or alteration of paved areas, including the application of new striping. All work shall be performed by a licensed contractor.

(Ord. No. 03-160, §§ 1, 2, 7-8-03)

Sec. 19-15.5. Bicycle Racks and Litter Containers; Anti-littering Signage and Right-of-way and Overall Cleanliness of premises; Compliance with Site Plan Requirements.

(A) Bicycle racks and litter bins shall be installed and maintained in accordance with the approved site plan and [Section 33-122.3](../level3/PTIIICOOR_CH33ZO_ARTVIIOREPA.docx#PTIIICOOR_CH33ZO_ARTVIIOREPA_S33-122.3REBIRAOTMEST) of Miami-Dade County Code. Notwithstanding the approved site plan, the property owner shall be responsible for placing and maintaining bicycle racks and litter bins as required by County Code. It shall be prohibited to maintain litter bins and trash receptacles with overflowing trash and litter.

The bicycle parking spaces shall be located near one of the principal entrances to the building. The bicycle parking spaces should be in a highly visible, well lighted location that provides enough clear space to facilitate easy use and does not impede pedestrian traffic or handicap accessibility and is protected from the weather by being located under roof overhangs and canopies. The parking spaces may not be placed on the County maintained right-of-way. The design of the bicycle rack should permit the locking of the frame and at least one (1) wheel with a standard size "U" lock and accommodate the typical range of bicycle sizes. The bicycle rack shall: resist removal; be constructed to resist rust, corrosion and vandalism; and be properly maintained. All bicycle parking spaces shall be posted with a permanent and properly maintained above-ground sign. The bottom of the sign shall be at least five (5) feet above grade when attached to a building or seven (7) feet above grade for a detached sign, which may not be installed in the County maintained right-of-way. No permit shall be required for such signs.

(B) The property owner or lessee shall be required to maintain his or her property (parking lot, drive ways, sidewalks, and common areas), as well as abutting right-of-way areas free and clear of litter and articles. Abutting area shall be defined as the public right-of-way immediately abutting the premises. The area to be maintained shall be from the edge of pavement to the property line and shall include sidewalk areas and swales.

(C) All shopping centers, strip malls, grocery stores, restaurants or commercial establishments that sell takeout beverages or food shall provide a litter container near every entrance and at every 100 feet along any established pedestrian walkway within the footprint of such property. Litter containers shall be well designed and secured in a manner that will cause them to remain stationary where placed. They shall be maintained free of graffiti and overflow trash. Placement of the containers shall not interfere with access to the facilities by pedestrians or by individuals with disabilities, as required by the Americans with Disabilities Act Accessibility Guidelines in the Code of Federal Regulation, Title 36, Pt. 1191, App. A. The civil penalty for a violation of this section is $100.

(D) All establishments that sell merchandise or food for take out, shall post an anti-litter sign in a prominently visible location outside the establishment, as well as at all drive through lanes for restaurants and retail sales establishments. All signs required under this section shall be a minimum of 14" by 14" in size and shall state: "Littering is Prohibited by Law - Punishable by a Minimum Fine of $250 under [Section 8CC-10](../level2/PTIIICOOR_CH8CCCOEN.docx#PTIIICOOR_CH8CCCOEN_S8CC-10SCCIPE) of the Code of Miami Dade County".

(F) All establishments shall provide screening for service areas, including waste disposal areas, if required by [Chapter 33](../level2/PTIIICOOR_CH33ZO.docx#PTIIICOOR_CH33ZO) of this Code, and shall otherwise comply with the site plan approved pursuant to [Sec. 33-245.2](../level3/PTIIICOOR_CH33ZO_ARTXXIVNEBUDI.docx#PTIIICOOR_CH33ZO_ARTXXIVNEBUDI_S33-245.2PLREST) of this Code.

(Ord. No. 03-160, §§ 1, 2, 7-8-03; Ord. No. 04-90, § 7, 5-11-04)

Sec. 19-15.6. Premises lighting.

Premises lighting shall be maintained in a safe and operable condition in accordance with the required site plan and [Chapter 8C](../level2/PTIIICOOR_CH8CBUSEME.docx#PTIIICOOR_CH8CBUSEME) of this Code. Fixtures that are not emitting light shall be defined as inoperable. Lighting repairs shall be performed by a licensed electrician in accordance with the building code requirements and [Chapter 8C](../level2/PTIIICOOR_CH8CBUSEME.docx#PTIIICOOR_CH8CBUSEME). The property owner shall be responsible for ensuring that the scope of repairs or fixture replacement meets zoning standards for light spillage. It shall be illegal to replace or change the configuration of the exterior premises lighting without first obtaining a permit from the Building Department or Department of Planning and Zoning.

(Ord. No. 03-160, §§ 1, 2, 7-8-03)

Sec. 19-15.7. Maintenance of Informational or Directional Signs.

Informational or directional signs shall be maintained in a safe and visible manner and free of graffiti. It shall be unlawful to maintain or allow to be maintained missing or damaged signs required to designate disabled, bicycle area, baby stroller or other signage required by County Code, including the required striping and pavement markings for disabled parking spaces, as well as access ramps and access paths for wheelchair traffic, as required under Article II, [Section 30-442](../level3/PTIIICOOR_CH30TRMOVE_ARTIIPASPDIPE.docx#PTIIICOOR_CH30TRMOVE_ARTIIPASPDIPE_S30-442PASPPRGOAGCEDIPE) of the Code of Miami-Dade County and Section 553.5041(6) of the Florida Statutes.

(Ord. No. 03-160, §§ 1, 2, 7-8-03)

Sec. 19-15.8. General Maintenance of Signs.

All signs shall be maintained in accordance with [Section 33-97](../level4/PTIIICOOR_CH33ZO_ARTVISI_DIV2GEPR.docx#PTIIICOOR_CH33ZO_ARTVISI_DIV2GEPR_S33-97MASI) of the Code of Miami-Dade County. In addition:

(a) It shall be illegal to repair or replace a sign or sign lettering or to move a sign without first obtaining approval from the Department of Planning and Zoning, but excluding signs designed specifically to advertise daily and/or weekly specials, movie showings, religious services, school activities, community events/meetings and the like. Property owners shall be required to remove signs that are associated with a business that has vacated the premises.

(b) Illuminated marquee signs, stand alone signs and wall signs shall be properly illuminated from sunset to sunrise and shall be maintained in proper repair, including the proper illumination of all letters in signs with illuminated stand alone letters.

(Ord. No. 03-160, §§ 1, 2, 7-8-03)

Sec. 19-15.9. Premises Entrance and Egress; Exterior Pedestrian Walkways, Parking Lots, Green Areas And Public Rights-Of-Way.

(a) Premises entrances and egresses, including lighting, signage, and landscaping, shall be maintained so as not to cause visibility hazards to motorists or pedestrians. Entrances and egresses shall be maintained in accordance with the approved site plan.

(b) Exterior pedestrian walkways, parking lots, green areas and public rights-of-way shall remain free of obstructions, including but not limited to tables and chairs, merchandise displays, and store merchandise.

(Ord. No. 03-160, §§ 1, 2, 7-8-03)

Sec. 19-15.10. Exterior Building Surfaces.

Exterior walls, rooftops, and other exterior features of structures shall be maintained free of peeling paint and graffiti.

(Ord. No. 03-160, §§ 1, 2, 7-8-03)

Sec. 19-15.11. Maintenance of Masonry Walls, Fences, Landscape Buffers and Entrance Features

Masonry walls, fences, landscape buffers, and entrance features shall be maintained in accordance with County Code and zoning site plans. Masonry walls, fences and entrance features shall be maintained in working order and shall be free from structural deterioration, sagging, disrepair, or other deterioration or defects. Walls and fences shall be painted and maintained free from peeling paint and graffiti.

Existing landscaping shall be irrigated, cultivated, and otherwise maintained as required by the site plan or [Chapter 18A](../level2/PTIIICOOR_CH18AMIDECOLAOR.docx#PTIIICOOR_CH18AMIDECOLAOR), whichever controls.

(Ord. No. 03-160, §§ 1, 2, 7-8-03)

Sec. 19-15.12. Prohibited Display of Vehicles for Sale or as Advertising Devices.

(A) No vehicle shall be displayed for sale in a business or commercial premise unless the parcel has a zoning certificate of use for the sale of new or used vehicles.

(B) No vehicle, trailer, or other mobile article shall be allowed to be used solely as an advertising device in a parking lot or nearby right-of-way. Any vehicle, trailer or other mobile article that remains in the same parked location for more than 72 hours and that contains commercial advertising or that meets the junk criteria in this Chapter shall be a prima facie violation of this subsection.

(C) All violations of this section shall be punishable by a civil violation notice in the amount of one hundred dollars ($100.00) for the first vehicle on a first offense and five hundred dollars ($500.00) per vehicle for each additional vehicle and any repeat violation of this section. The County may place a lien on the vehicle and any real property owned by the violator in Miami-Dade County until all fines, enforcement costs, and administrative costs are paid by the violator. Any vehicle in violation of this section shall be towed if not removed by the owner. Vehicle owners shall be responsible for all fines, towing fees, storage fees, and any administrative and enforcement fees that result from the enforcement of this section.

(Ord. No. 03-160, §§ 1, 2, 7-8-03; Ord. No. 04-90, § 8, 5-11-04)

FOOTNOTE(S):

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**Editor's note—** Ord. No. 03-160, §§ 1, 2, repealed chapter 19, sections 19-1—19-12, in its entirety and replaced it with a new chapter 19, sections 19-1—19-4, 19-4.1—19-4.9, 19-5, 19-6, 19-8—19-15, 19-15.1—19-15.12. Former chapter 19 pertained to lot junk, garbage and trash clearing and derived from Ord. No. 94-207, § 1, adopted Nov. 1, 1994; Ord. No. 95-215, § 1, adopted Dec. 5, 1995; Ord. No. 96-86, § 4, adopted June 4, 1996; Ord. No. 99-93, § 1, 7-27-99. [(Back)](#BK_C3FBC826D960AA709CC6076A08773132)

**Cross reference—** Dumps and landfill sites, Ch. 11B; accumulations of garbage and trash, disposal, Ch. 15. [(Back)](#BK_C3FBC826D960AA709CC6076A08773132)