
Sec. 58-299. Responsibilities of owners of vacant buildings, vacant structures and vacant or unimproved lots.

- (a) All vacant buildings, vacant structures, and vacant and unimproved lots shall comply with the requirements of subsections (b)—(k) of this section.
- (b) Every owner of a vacant building, structure or lot shall keep the premises in clean and sanitary condition, including yards, lawns, courts and driveways.
- (c) Exterior premises shall be kept free from the excessive growth of weeds, grass and other flora. The term "excessive" shall be interpreted as detrimental to the health, safety or welfare of the occupants or the public.
- (d) Every owner of a vacant building, structure or lot shall grade and maintain the exterior premises so as to prevent the accumulation of stagnant water on the premises.
- (e) Animals and pets shall not be kept on the premises in such manner as to create unsanitary conditions or constitute a nuisance.
- (f) Every owner of a vacant building, structure or lot shall keep the premises free from rodents, insects and vermin.
- (g) The roof of every vacant building or structure shall be well drained of rain water.
- (h) All exterior surfaces shall be properly maintained and protected from the elements by paint or other approved protective coating applied in a workmanlike fashion.
- (i) Every owner of a vacant building, structure or lot shall be responsible for removing unauthorized signs, posters and graffiti from the building's exterior; those signs authorized or exempted by the city's zoning ordinance are exempted from this subsection.
- (j) Every owner of a vacant building or structure shall secure and maintain in secure condition all entrances and all other openings of the building or structure, including but not limited to windows and doorways. Such vacant building or structure shall be secured as follows:
 - (1) Ground floor entrances, windows and other openings shall be secured and sealed with concrete block or other materials of the same durability as determined by the building official. For purposes of this subsection the words "ground floor entrances" shall include all openings readily accessible to a person six feet in height without use of a ladder or other climbing aid.
 - (2) All other unsecure entrances, windows and openings not covered by subsection (j)(1) of this section shall be secured by wood or other similar materials approved by the building official. Entrances and windows above the ground floor shall be regarded as secure if the entrances are locked and not otherwise open to entry and the windows contain glass that is not cracked or broken or shutters that prevent entry.
 - (3) As an alternative to subsections (1) and (2) above, vacant buildings and structures may be secured in accordance with a total building security plan if approved by the building official.
- (k) All materials used to secure a vacant building or structure shall be painted in a workmanlike fashion in the same color as its other exterior walls.

(Code 1964, § 17B-29; Ord. No. 92-2789, § 1, 7-22-92; Ord. No. 98-3110, § 7, 6-3-98)

Sec. 58-300. Unsanitary vacant properties declared nuisances; enclosure required; action by city when owner fails to enclose.

- (a) *Unsanitary vacant properties declared nuisances.* The existence of excessive accumulation or untended growth of weeds or either dead or living plant life or any garbage or rubbish upon any vacant lot, tract or parcel of land or any land containing a vacant building or vacant structure and located within 200 feet of the boundary line of any improved property within the city to the extent and in the manner that such property is or may become infested or inhabited by rodents, vermin or wild animals, or may furnish a breeding place for mosquitos, or threatens or endangers the public health, safety or welfare, or may reasonably cause disease, or adversely affects and impairs the economic welfare of adjacent property is hereby prohibited and declared to be a public nuisance.
- (b) *Enclosure required.*
- (1) Any vacant building, structure or lot not completely enclosed by a wall or a black or green vinyl coated fence and which is found in violation of subsection (a) of this section or of section 58-299(j)(1) or (2) by the city's special magistrate in accordance with chapter 30 of this Code on two separate occasions in any 18-month period, or any such vacant lot that has been cleared by the city due to the owner's failure to comply with the forestated lot maintenance requirements on three separate occasions within any 18-month period, shall be enclosed by its owner(s) by a wall or a black or green vinyl coated fence five feet in height. The code inspector shall notify the owner by certified mail when a wall or a black or green vinyl coated fence is required pursuant to this subsection, and the owner shall have 45 days from receipt of the notice to cause the wall or a black or green vinyl coated fence to be erected.
 - (2) If an owner believes that the code inspector has erred in determining that enclosure is required pursuant to subsection (a) of this section, that determination may be appealed to the special magistrate as provided in section 58-233. If the special magistrate determines that enclosure is required, the owner shall have 30 days from the date of determination to enclose the property.
 - (3) Where the city's zoning ordinance permits walls or fences to exceed five feet in height, the owner may choose to erect a wall or a black or green vinyl coated fence exceeding five feet in height in keeping with the zoning ordinance. Walls or fences erected pursuant to this section shall also conform to all requirements of the zoning ordinance, including those pertaining to the type of fencing materials permitted and required above, and to the requirements of the South Florida Building Code.
- (c) *Action by city when owner fails to enclose.* If within 45 days after mailing of the notice, as stated in subsection (b)(1) of this section, or, if an appeal is requested, within 30 days of the determination of the special magistrate as stated in subsection (b)(2) of this section, the required wall or fence has not been erected, the city manager or his designee may cause the subject property to be enclosed by a black or green vinyl coated five-foot fence at the property owner's expense. Chain link shall be used for this purpose where permitted by the zoning ordinance.
- (d) *Unpaid costs to be special assessment lien.* The city manager or his designee shall certify the expense incurred by the city in enclosing the subject property, whereupon such expenses shall be billed to the property owner and shall become due and payable within 30 days of the mailing of the bill. Any such expenses that have not been paid within the 30-day period shall become a special assessment lien upon the property, equal in rank and dignity with the lien of ad valorem taxes, and shall be superior in rank and dignity to all other liens, encumbrances, titles and claims in, to or against the property. This lien shall be payable with interest at the legal rate from the date of the certification until paid and may be foreclosed in the manner provided by law or ordinance.

(e) *Other responsibilities.* Notwithstanding anything contained in this section, and regardless of whether or not a property is enclosed by a wall or fence, property owners shall be required to comply at all times with the requirements of section 58-299, including the requirement to keep properties clean.

(Ord. No. 93-2833, § 2, 1-20-93; Ord. No. 2021-4431, 7-28-21)

Sec. 58-301. Lot clearance by city; liens; foreclosure.

(a) As an alternative to the enforcement procedures set forth in section 58-201, upon the failure of the owner of any lot, parcel or tract of land within the city to keep such premises clean and free of vegetation and debris as required by section 58-299, the city manager or his designee shall give notice requesting the owner to remedy the condition within 15 days after service of such notice.

(b) Such notice shall be given by certified mail, addressed to the owner of the property described, as recorded in the current county tax rolls, and shall be deemed complete and sufficient notice when so addressed and deposited in the United States mail with proper postage prepaid. The notice shall be in substantially the following form:

"Date

"Name of owner

"Address of owner

"Our property records indicate you to be the owner(s) of the following described property in the City of Miami Beach:

"An inspection of this property discloses, and the city manager has found and determined, it to be in such condition as to be in violation of section 58-299 of the Code of the City of Miami Beach because (state why property is in violation, i.e., height of weeds, grass or undergrowth, debris, dead trees, etc.).

"Section 58-301(a) of the Code of the City of Miami Beach provides that it shall be unlawful for you to permit this condition to continue, and you are hereby notified that unless this condition is remedied so as to make it nonviolative of section 58-299 of the Code of the City of Miami Beach within 15 days from the date hereof, the City of Miami Beach will proceed to remedy such condition, and the cost of such work will be imposed as a lien upon this property. The estimated cost to remedy this condition would be _____, plus \$75.00 for administrative charges, for a total cost of _____.

"This notice will be the only notice given to you in a period of one year from this date. Any other violations occurring under this section shall be remedied by the city without further notice.

	Very truly yours,
	City Manager"

(c) Upon failure of the owner of property to remedy the conditions existing in violation of the requirements of section 58-299 within 15 days after service of notice to do so, the city manager or his designee shall proceed to have such condition remedied by contract or direct labor, or both; and the cost thereof shall become a special assessment lien against such property 30 days after notice of completion of the work by the city. The special assessment lien shall be equal in rank and dignity with the lien of ad valorem taxes and shall be superior in rank and dignity to all other liens, encumbrances, titles and claims in, to or against the property. The lien shall be payable with interest at the legal rate from the date of the certification until paid, and may

be foreclosed in the manner provided by law or ordinance. Repeated violations of section 58-299 occurring within 12 months of the initial notice may be remedied by the city without further notice to the violator.

- (d) Notwithstanding section 58-233, the filing of an appeal from the city's determination of the need for lot clearance by the city shall not delay action by the city as described in subsection (c) of this section. An aggrieved property owner may appeal this determination, and this appeal shall be heard by a special magistrate appointed by the city commission upon recommendation of the city manager. The hearing will be conducted in accordance with the procedures set forth in sections 102-384 and 102-385 of this Code. If the special magistrate determines that lot clearance was unnecessary, the property shall not be assessed for the cost of the lot clearance.

(Ord. No. 93-2842, § 2, 4-21-93; Ord. No. 2021-4431, 7-28-21)