

ORDINANCE NO. 2005-39-77

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AMENDING ORDINANCE NO. 2005-14-52 "LANDLORD PERMITS" TO PROVIDE AN EXEMPTION FOR DWELLING UNITS OWNED BY GOVERNMENTAL ENTITIES THAT ARE SUBJECT TO MANDATORY ANNUAL INSPECTIONS PURSUANT TO STATE OR FEDERAL LAW AND REGULATIONS; PROVIDING FOR ADOPTION OF REPRESENTATIONS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN CODE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Miami Gardens adopted a Ordinance No. 2005-4-52 Landlord Permit Ordinance, whereby the City requires an annually renewable landlord permit that allows the City the legal means to routinely inspect local rental properties to ensure compliance with all applicable codes, thereby helping to ensure the safe and legal operation of said rental properties within the City, and

WHEREAS, the Landlord Permit Ordinance applies to all rental dwellings units in the City, and

WHEREAS, the Miami-Dade County, by and through its department Miami-Dade Housing Agency ("Housing Authority") is the designated public housing authority in Miami-Dade County, and

WHEREAS, the Housing Authority owns 250 public housing units in the City of Miami Gardens, and

WHEREAS, the United States Department of Housing and Urban Development requires that the Housing Authority inspect its rental units on an annual basis to ensure that the units are safe, sanitary and in good repair, and

WHEREAS, in addition to the Housing Authority, there may be other governmental entities who own property that are subject to annual inspections pursuant to State or Federal law, and

WHEREAS, the City Council deems it appropriate to exempt those rental units, owned by governmental entities, that are required to be inspected on an annual basis pursuant to State or Federal law and regulations from the Landlord Permit Ordinance,

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AS FOLLOWS:

SECTION 1. ADOPTION OF REPRESENTATIONS: The foregoing Whereas Clauses are hereby ratified and confirmed as being true, and the same are hereby made a specific part of this Ordinance

SECTION 2. AMENDMENT: Section 4 of Ordinance No. 2005-14-52 ("Landlord Permits") is hereby amended as follows:

Section 4. Landlord Permit Required/Exemption.

Every owner of a dwelling or dwelling unit within the city, is required to apply for and obtain an annual landlord permit from the City Manager or his/her designee prior to leasing, subleasing, renting or otherwise allowing the occupancy of any dwelling or dwelling unit for the purpose of tenancy of such unit to another natural person or other natural persons, whether or not for consideration. In the case of multiple owners of any such dwelling or dwelling unit, it shall be sufficient for any one of the owners to have obtained a permit on the dwelling or unit. The application shall be in writing and on a form provided by the City.

(A) It is hereby deemed unlawful for any person to lease, sublease, rent or allow the occupancy of any dwelling or dwelling unit for the purpose of tenancy, whether or not for consideration, without first obtaining the required Landlord Permit.

(B) No structure, single-family dwelling, two-family dwelling, three-family dwelling, four-family dwelling, multiple-family dwelling, rooming house or other dwelling or

dwelling unit used for the purpose tenancy or leasing, subleasing, or rental without first obtaining a Landlord Permit therefore from the City as may be required herein.

(C) This ordinance shall not apply to dwelling units owned by governmental entities, which units are subject to mandatory annual inspections pursuant to state or federal law and regulations, to ensure that they are safe, sanitary and in good repair, provided that a copy of the annual inspection report be provided to the City within 30 days of such inspection . Such dwelling units shall be subject to compliance with all of the City's codes and ordinances.

SECTION 3. CONFLICT: All ordinances or Code provisions in conflict herewith are hereby repealed.

SECTION 4. SEVERABILITY: If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 5. INCLUSION IN CODE: It is the intention of the City Council of the City of Miami Gardens that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Miami Gardens and that the sections of this Ordinance may be renumbered or relettered and the word "Ordinance" may be changed to "Chapter," "Section," "Article" or such other appropriate word or phrase, the use of which shall accomplish the intentions herein expressed, provided, however, that Section 1 hereof or the provisions contemplated thereby shall not be codified.

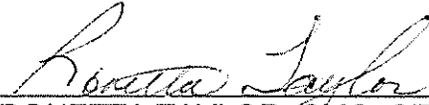
SECTION 6. EFFECTIVE DATE: This Ordinance shall become effective immediately upon its final passage.

PASSED ON FIRST READING ON THE 12TH DAY OF OCTOBER, 2005.

ADOPTED AND PASSED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS AT ITS REGULAR MEETING HELD ON THE 9TH DAY OF NOVEMBER, 2005.


SHIRLEY GIBSON, MAYOR

ATTEST.


RONETTA TAYLOR, CMC, CITY CLERK

Prepared by SONJA KNIGHTON DICKENS, ESQ.
City Attorney

SPONSORED BY: DANNY O. CREW, CITY MANAGER

MOVED BY: Vice Mayor Braynon

SECONDED BY: Councilwoman Watson

VOTE: 7-0

Mayor Shirley Gibson	<u>x</u> (Yes)	___ (No)
Vice Mayor Oscar Braynon, III	<u>x</u> (Yes)	___ (No)
Councilman Melvin L. Bratton	<u>x</u> (Yes)	___ (No)
Councilman Aaron Campbell Jr	<u>x</u> (Yes)	___ (No)
Councilman Ulysses Harvard	<u>x</u> (Yes)	___ (No)
Councilwoman Sharon Pritchett	<u>x</u> (Yes)	___ (No)
Councilwoman Barbara Watson	<u>x</u> (Yes)	___ (No)

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