



City of Miami

Legislation

Ordinance

City Hall
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Miami, FL 33133
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File Number: 14-00659

Final Action Date:

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING CHAPTER 10 OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, ENTITLED "BUILDINGS", MORE PARTICULARLY BY CREATING ARTICLE VIII, ENTITLED "SQUATTERS", CREATING DEFINITIONS AND PROVIDING FOR PENALTIES AND ENFORCEMENT; PROVIDING A SEVERABILITY CLAUSE AND AN IMMEDIATE EFFECTIVE DATE.

WHEREAS, squatting in vacant or abandoned properties in the City of Miami ("City") has become an increasing problem; and

WHEREAS, the unauthorized occupation of a residence by squatters poses numerous public safety concerns to the lawful owner or lessee and to the surrounding community thereby creating a public nuisance; and

WHEREAS, the City Commission wishes to prevent future instances of squatting in the City and to ensure that due process provisions are in place to remove squatters from properties being unlawfully occupied in an efficient manner;

NOW THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF MIAMI, FLORIDA:

Section 1. The recitals and findings contained in the Preamble to this Ordinance are adopted by reference and incorporated as fully set forth in this Section.

Section 2. Chapter 10/Article VIII of the Code of the City of Miami, Florida, as amended, is further amended in the following particulars: {1}

"CHAPTER 10

BUILDINGS

* * *

ARTICLE VIII. SQUATTERS

Sec. 10-120. Definitions.

Unless otherwise expressly stated, the following terms shall, for the purpose of this article, have the meanings indicated in this section:

Dwelling means a building or structure of any kind, including any attached porch, whether such building or structure is temporary or permanent, mobile or immobile, which has a roof over it and is designed to be occupied by people lodging therein at night, together with the curtilage thereof.

Lessee is defined to include the lessee, any sublessee, or any other legal occupant of the property.

Owner is defined as the person(s), legal entity, or other party having any legal ownership interest in real property, including but not limited to, owners identified on the blighted, unsecured or abandoned structures registration form; or a purchaser, devisee, lessee, fiduciary, or holder of an unrecorded deed. This term shall not apply to the city.

Property is defined as any 'structure' or 'dwelling' as defined by this section of the City Code .

Squatting is defined as the occupation of private property, a structure, or a dwelling without authorization from the owner or lessee.

Squatters are defined as occupants of private property, a structure, or a dwelling without authorization from the owner or lessee.

Structure means a building of any kind, either temporary or permanent, which has a roof or partial roof over it, together with the curtilage thereof.

Sec. 10-121. Squatting prohibited.

Squatting is a public nuisance and is strictly prohibited in the City of Miami.

Sec. 10-122. Action to remove squatters.

A property owner or lessee is required to take all lawful measures to prevent or remove squatters from their property.

Sec. 10-123. Penalties.

Any violation of the provisions of this section may be cited pursuant to chapter 2, article X of the City Code and shall result in a fine of \$500.00 for each day the violation remains uncured. These penalties shall not preclude any other remedies available at law or in equity, including, injunctive relief in the circuit court.

Sec. 10-124. Notice and hearing.

The city, through its code enforcement or police personnel, shall post a notice at the property indicating its intent to remove squatters and secure the property at least five (5) days in advance of any such action. The city shall also make reasonable efforts to separately notify the property owner or lessee via certified and regular mail. The city may provide shorter notice, or act immediately without prior notice, where warranted by an emergency, such as a danger to the occupants or threat to public safety. Any appeal of the notice must be received by the city within three (3) days of posting. The failure to appeal constitutes an admission that the occupants are squatters and an agreement to the remedy of removal. If an appeal is timely received, the city shall set an administrative hearing before a special master, and the matter shall be heard on an expedited basis prior to the removal of the occupants, unless such prior removal is warranted by an emergency, such as a danger to the occupants (unsafe structure or dwelling) or a threat to public safety and welfare, in which event the hearing shall be held on an expedited basis following the removal.

Sec. 10-125. Removal of squatters and special assessment lien for costs of such removal.

The city is authorized to remove squatters from private property and to secure the property. The property owner or lessee shall reimburse the city for the expenses incurred in removing the squatters and securing the property. If the property owner or lessee does not reimburse the city for the cost of removing the squatters and securing the property within 30 days of the date the city sends an invoice, then the city may lien the property with such cost, along with an administrative fee of \$500.00 to recover administrative personnel service costs. The lien created shall be considered a special assessment lien that may be recorded in the public records of Miami-Dade County. The lien shall accrue interest at the maximum legal rate allowed by law from the date of the city's invoice until the costs and administrative fee are paid. The city may foreclose on such lien pursuant to Sec. 2-827 of this City Code. Such lien shall have equal dignity with a tax lien.

Sec. 10-126. Presumption.

Squatting may be presumed where the occupant of the property is unable to produce a written document, such as a lease, license, or other written proof of authorization from the property owner or lessee, demonstrating that the occupant has permission to be on the property. Squatting may also be presumed where a property is listed on the vacant, blighted, unsecured or abandoned structure registry pursuant to Sec. 10-63 and 10-64 of the City Code and yet is occupied. Such presumptions may be rebutted if the occupant provides competent, substantial evidence demonstrating authorization to occupy the property. The presumptions stated herein are not the exclusive method for determining whether squatting is occurring on a specific property.

Sec. 10-127. Other remedies.

The remedies referenced in this division are cumulative with other available remedies pursuant to state law, including but not limited to an arrest and prosecution pursuant to criminal statutes, civil remedies, and fines, and are not exclusive. The city may remove trespassers from a property pursuant to state laws, including in cases where a lawful trespass warning has been provided and the occupants refuse to vacate the property.

Sec. 10-128. Liability.

Law enforcement officers and code enforcement officers, as well as city staff and agents, are immune from civil or criminal liability for actions taken to remove squatters and secure property pursuant to the authority provided herein.


Sec. 10-129 -10-130. Reserved.

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Section 3. If any section, part of a section, paragraph, clause, phrase or word of this Ordinance is declared invalid, the remaining provision of this Ordinance shall not be affected.

Section 4. This Ordinance shall become effective immediately after final reading and adoption thereof.{2}

APPROVED AS TO FORM AND CORRECTNESS:


VICTORIA MÉNDEZ
CITY ATTORNEY

Footnotes:

{1} Words and/or figures stricken through shall be deleted. Underscored words and/or figures shall be added. The remaining provisions are now in effect and remain unchanged. Asterisks indicate omitted and unchanged material.

{2} This Ordinance shall become effective as specified herein unless vetoed by the Mayor within ten days from the date it was passed and adopted. If the Mayor vetoes this Ordinance, it shall become effective immediately upon override of the veto by the City Commission.