

ORDINANCE NO. #2008 - 16

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, CREATING AND ADOPTING A CODE SECTION ENTITLED "MINIMUM HOUSING"; PROVIDING FOR APPLICABILITY; PROVIDING FOR DEFINITIONS; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING FOR DWELLINGS TO BE DECLARED UNFIT FOR HABITATION; PROVIDING FOR SANITARY STANDARDS; PROVIDING FOR STANDARDS FOR STRUCTURES; PROVIDING FOR OCCUPANCY STANDARDS; PROVIDING FOR CONFLICTS; PROVIDING FOR INCLUSION; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Doral is concerned about the protection of the residents living conditions within the City; and

WHEREAS, the City of Doral believes that it is necessary to establish minimum standards governing dwelling units; and

WHEREAS, the City of Doral wishes to impose certain responsibilities on property owners to ensure dwellings are fit for human habitation; and

WHEREAS, the Mayor and City Council through the adoption of this ordinance seeks to protect the public health, safety, and welfare for all of the City of Doral;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DORAL:

Section 1. The foregoing "WHEREAS" clauses are hereby ratified and confirm as being true and correct and hereby made a specific part of this Ordinance upon adoption hereof.

Section 2. That a new ordinance of the City of Doral, entitled, "Minimum Housing Code," shall be and it is hereby created to read as follows:

DIVISION 1. GENERALLY

Sec. 101. Purpose.

The purpose of this article is to protect the public health, safety, morals and welfare of the people of the city by establishing minimum standards governing the condition, occupancy, and maintenance of dwellings, dwelling units, rooming houses, rooming units and premises; establishing minimum standards governing utilities, facilities, and other physical components and conditions essential to make dwellings, dwelling units, rooming houses, rooming units, and premises safe, sanitary, and fit for human habitation; fixing certain responsibilities and duties of owners, operators, agents and occupants of dwellings, and dwelling units, rooming houses, and rooming units, and the condemnation and vacating of those dwellings, dwelling units, rooming houses, and rooming units unfit for human habitation; and fixing penalties for violation of any of the provisions of this article; and to authorize the charging of a fee for the issuance of a certificate of occupancy. This article is hereby declared to be remedial and essential to the public interest, and it is intended that this article be liberally construed to effectuate the purposes as stated above.

Sec. 102. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accessory use means a structure, the use of which is incidental to that of the main building, and which is attached thereto or located on the same premises.

Approved means approved by the Director of the Code Compliance Department.

Bathroom means a room containing one or more bathtubs, showers, or both, a toilet and lavatory.

Building means a structure that encloses space; a structure that gives protection or shelter for any occupancy. The term "building" shall be construed as if followed by the phrase "or part thereof."

Code enforcement agency means the Code Compliance Department of the city.

Director means the Director of the Code Compliance Department.

Dwelling means a building occupied exclusively for residential purposes and consisting of not more than one housekeeping unit used for cooking, living or sleeping purposes. The word "dwelling" shall be deemed to include dwellings, dwelling duplex, dwelling multiple, dwelling units, rooming houses, rooming units and premises.

Dwelling duplex means a building arranged, designed or used to house not more than two dwelling units.

Dwelling multiple means a building arranged, designed or used to house three or more dwelling units.

Dwelling unit means one or more rooms with living, cooking, sanitary, and sleeping facilities therein, arranged for one family with whom may reside not more than three lodgers or boarders if elsewhere provided for by an ordinance of the city.

Exterior property area means open space on the premises and vacant open space on adjacent premises.

Extermination means the control and elimination of insects, rodents, and vermin by eliminating their harborage places; by removing, or making inaccessible, materials that may serve as their food; by poisoning, spraying, fumigating, trapping; or by any other approved means of pest elimination.

Garbage means the animal, vegetable, and mineral waste resulting from the handling, preparation, cooking and consumption of food.

Habitable room means a room in a residential unit used for living, sleeping, eating or cooking, but excluding baths, toilets, storage spaces or corridors.

Head of code enforcement agency means the director of the Code Compliance Department for the city.

Infestation means the presence within or contiguous to a dwelling of insects, rodents, vermin or other pests.

Kitchen means a space, 40 square feet or more in floor area, with a minimum width of five feet, used for cooking or preparation of food, and deemed habitable space.

Kitchenette means a space, less than 40 square feet in floor area, used for cooking or preparation of food, and not deemed habitable space.

Multiple family, as in a building, means more than two families or household living independently of each other and doing cooking within their living quarters and includes apartments, tenements and flats.

Occupant means any person over one year of age, living, sleeping, cooking or eating in, or having actual possession of, a dwelling unit or rooming unit.

Operator means any person, who has charge, care, or control of a multiple residence or roominghouse, in which dwelling units or rooming units are let or offered for occupancy.

Owner means any person, who alone or jointly or severally with others shall have:

(1) Legal title to any building arranged, designed or used, in whole or in part, to house one or more dwelling units; or

(2) Charge, care or control of any building arranged, designed or used, in whole or in part, to house one or more dwelling units, as owner or agent of the owner, or as a fiduciary of the estate of the owner or any officer appointed by the court. Any such person thus representing the actual owner shall be bound to comply with the terms of this article and any notice or rules and regulations issued pursuant thereto, to the same extent as if he were the owner.

Premises means a lot, plot, or parcel of land including the buildings or structures thereon.

Rooming unit means any room or group of rooms forming a single habitable unit used or intended to be used for living or sleeping, but not for cooking or eating purposes.

Rubbish means all combustible and noncombustible waste, except garbage.

Structure means a combination of any materials, whether fixed or portable, forming a construction, including buildings. The word "structure" shall be construed as though followed by the words "or part thereof."

Supplied facilities means facilities paid for, furnished, or provided by, or under control of the owner or operator.

Temporary housing means any tent, trailer or other structure used for human shelter designed to be transportable and which is not attached to the ground, to another structure, or to any utility system for more than 30 consecutive days. Any tent, trailer, or

other structure occupied for more than 30 consecutive days shall meet all requirements of this Code. This shall not be construed as permitting its existence unless specifically provided for by other ordinances.

Toilet room or compartment means an enclosed space containing one or more toilets, which may also contain one or more lavatories, urinals, and other plumbing fixtures.

Sec. 103. Declaration of enforcement policy.

In the effective use of this article and its application to correct slum and blighting influences existing in the city, it is recognized by the commissioners that varying degrees of enforcement will be necessary to secure the maximum results intended to be achieved. The provisions of this article shall only be applicable to the dwelling units and/or areas as designated in this section. Upon recommendation of the city manager the city commission may designate specific areas to be classified as follows:

(1) A conservation area where correction of minor conditions in one or more dwelling units would prevent the formation or spread of the causes of blight.

(2) A rehabilitation area where one or more dwelling units are detrimental to the health, welfare, safety and morals of the residents of such an area and which requires the uniform application of the housing code and other related ordinances.

Sec. 104. Applicability to all dwellings.

Every portion of a building or premises, used or intended to be used for any dwelling purpose shall comply with the provisions of this article, irrespective of when such building 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 building or premises, for the construction or repair of the building or for the installation or repair of equipment or facilities prior to the effective date of the ordinance from which this article was derived. This article establishes minimum standards for the initial and continued occupancy of all buildings and does not replace or modify standards otherwise established for the construction, repair, alteration, or use of buildings, equipment or facilities except as provided in this.

Sec. 105. Conflict with other regulations, codes, ordinances, etc.

In any case where a provision of this article is found to be in conflict with a provision of any zoning, building, electrical, plumbing, fire, safety, or health ordinance, or any regulation adopted pursuant thereto, or any other ordinance, code, or regulation of the city, the provisions in force in such ordinances shall prevail.

Sec. 106. Conflict of permits and licenses.

All departments, officials, and employees of the city, who have the duty or the authority to issue permits or licenses in regard to the construction, installation, repair, use or occupancy of dwellings, equipment or facilities, shall conform to the provisions of this article, and no such permit or license shall be issued, if such would be in conflict with this chapter, except as provided in this section.

Sec. 107. Rules and regulations.

The director is authorized to make and adopt such written rules and regulations as may be necessary for the proper enforcement and interpretation of this article and to secure the intent thereof. Such rules and regulations shall not be in conflict with the provisions of this article or any ordinance of the city nor shall they have the effect of waiving any provisions of this article or any ordinance. Such rules and regulations shall have the same force and effect as the provisions of this article and penalty for violation thereof shall be the same as the penalty for violation of the provisions of this article. Such rules and regulations shall be submitted by the director through the appeal board to the city commission for commission approval.

Sec. 108. Administrative liability.

No officer, agent or employee of the city and/or the director shall render themselves personally liable for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this article. Any suit brought against any officer, agent or employee of the city and/or director, as a result of any act required or permitted in the discharge of his duties under this article, shall be defended by the city attorney until the final determination of the proceedings therein.

Sec. 109. Duties of city attorney.

The city attorney shall, upon complaint of the director, or upon their own motion, institute appropriate action to restrain, prevent, enjoin, abate or correct any and all violations under this article, and to take such other legal action as may be necessary to carry out the terms and provisions of this article. The remedies provided for herein shall be cumulative and not exclusive, and shall be in addition to any other remedies provided by law; and all remedies may be pursued concurrently or consecutively and the pursuit of any remedy shall not be construed as an election or the waiver of the right to pursue any and all of the others.

Sec. 110. Existing remedies.

Nothing in this article shall be deemed to abolish or impair existing remedies of the city or its officers, or agencies, relating to the removal or demolition of any buildings which are deemed to be dangerous, unsafe, or unsanitary; but this chapter shall be deemed and treated as an addition thereto, and cumulative of the powers therein.

Sec. 111. Violation of prior existing regulations.

This article shall not affect violations of any ordinance, code or regulation of the city existing prior to the effective date of the ordinance from which this article was derived, and such violation shall be governed and shall continue to be punishable to the full extent of the law under the provisions of those ordinances, codes, or regulations in effect at the time the violation was committed.

Sec. 112. Penalty for violation of chapter provisions; person defined.

(a) *Person defined.* The term "person," as used in this section shall include the owner, occupant, mortgagee, or vendee in possession, assignee of rents, receiver, executor, trustee, lessee, agent or any other person, firm or corporation directly or indirectly in control of a building.

(b) *Penalty.* Any person who shall knowingly and willfully violate or assist in the violation of this article shall upon conviction be punished as provided in this section.

(c) *Separate offenses.* Each day's violation of any of the terms of this article shall be deemed and considered and is hereby specifically declared to be a separate and distinct violation of the terms of this article and punishable as such.

Sec. 113. Penalty for violation of article.

Any owner of leased premises failing to comply with the provisions of this article shall automatically forfeit any rental rights which he may have, and any further renting of such premises shall be deemed to constitute a violation of the Land Development Code.

UNFIT DWELLINGS

Sec. 114. Described and designated.

Any dwelling which is found to have any of the following defects shall be declared by the director to be unfit for human habitation:

- (1) Is so damaged, decayed, dilapidated, unsanitary, unsafe or vermin-infested that it creates a serious hazard to the health or safety of the occupants or of the public.
- (2) Lacks illumination, ventilation or sanitation facilities adequate to protect the health or safety of the occupants or of the public.
- (3) Because of its location, general condition, state of the premises or number of occupants, if so unsanitary, unsafe, overcrowded or otherwise detrimental to health and safety that it creates a serious hazard to the occupants or of the public.
- (4) Because of the failure of the owner or occupant to comply with such notices or orders issued pursuant to this article, is unfit for human habitation.

Sec. 115. Placarding building unfit for human habitation.

Any dwelling which is declared unfit for human habitation as provided in this section shall be so designated and placarded by the director and shall be vacated within such time as may have been ordered by the director, except in the cases of this section requiring that the dwelling shall not be placarded unless ten days' prior notice shall have been served upon the premises.

Sec. 116. Vacation of placard order.

No dwelling that has been placarded as unfit for human habitation shall again be used for human habitation until written approval is secured from and such placard is removed by the director.

Sec. 117. Placards not to be defaced.

No person shall deface or remove the placard from a dwelling that has been declared unfit for human habitation by the director except as provided in this division.

Sec. 118. Vacant dwellings made secure.

The owner, agent or operator of any dwelling which has been designated as unfit for human habitation and vacated, shall make such dwelling safe and secure in whatever manner the director shall deem necessary provided same is required by this article. Any vacant building, open at the doors and windows, if unguarded, shall be deemed dangerous to human life and a nuisance within the meaning of this provision.

Sec. 119. Notice of intent to demolish.

Whenever the director designates a building unfit for human habitation and determines that the cost necessary to correct the violation is not reasonable in relation to the value of the building, he shall include within the notice of violation a statement of his intent to order the demolition of the structure. The owner may demolish such structure or correct the violation regardless of cost but in compliance with the building and zoning code then in effect in the city.

Sec. 120. Agency to make repairs or demolish.

Whenever a notice or order to remove a violation or to secure, vacate or demolish a building has not been complied with and when such failure to comply is deemed by the director to constitute a nuisance, he may proceed to cause the structure to be demolished, repaired, altered, secured, or vacated, or to take such other action as is necessary to abate the nuisance. Whenever the director determines that such nuisance exists, he shall record sufficient proof to support such determination, and the owner, occupant, lessee, or mortgagee shall be notified of such finding. Abatement authorized by this section shall not commence until at least ten days after service of such notice.

Sec. 121. Recovery of expenses.

The expenses incurred pursuant to this section shall be paid by the owner or occupant of the premises, or by the person who caused or maintained such nuisance or other matter. The Code Compliance Department shall file among its records an affidavit stating with fairness and accuracy the items of expense and the date of execution of actions authorized by these sections. The director may institute a suit to recover such expenses against any person liable for such expenses to be charged against the property as a lien. Except with respect to a lien imposed for expenses incurred in demolition, nothing herein shall be construed as placing a lien upon the property that supersedes the lien of any mortgage on such property executed and recorded prior to the existence of a lien herein authorized.

SANITARY STANDARDS

Sec. 122. Freedom from health, accident or fire hazards.

Exterior property areas shall be free from conditions that might create a health, accident, or fire hazard, such as holes and excavations, sharp protrusions and other objects or conditions which might be a potential cause of personal injury. Undergrowth shall not exceed a height of 12 inches.

Sec. 123. Freedom from rubbish and garbage.

Exterior property areas shall be kept free from organic and inorganic material that might become a health, accident, or fire hazard, whether or not said areas are used for human habitation. Metal containers with covers shall be provided for the temporary storage of garbage and rubbish. Materials of an inflammable nature shall be safely stored or removed from the premises. Rubbish, trash, debris, dead trees or other unsightly or unsanitary matter shall be removed by owner or occupant or both.

Sec. 124. Discharge of sewage.

Sewage must be discharged into a public sewer system, if same is provided by the city or into other means of disposal approved by the city.

Sec. 125. Stormwater drainage.

Stormwater causing recurrent or excessive ponding shall be eliminated through proper filling or grading of ground. The ground should be graded away from the building and foundation, but not so as to cause the water to drain into adjoining property or city rights-of-way, streets or parkways.

Sec. 126. Noxious weeds and plants.

Exterior property areas shall be free from species of weeds or plant growth which is noxious or detrimental to the public health.

Sec. 127. Insect and rodent harborage.

Exterior property areas shall be kept free from sources of insect, vermin, and rodent breeding, harborage, and infestation. Where insect, rodent, or vermin breeding areas, harborage or infestation exist, such areas, harborage, or infestation shall be eliminated.

Sec. 128. Domestic animals and pets.

Domestic animals and pets shall not be kept on any premises in such a manner as to create unsanitary conditions or constitute a nuisance. They may be maintained only in accordance with applicable regulation of the city.

Sec. 129. Accessory structures; repair, freedom from hazards.

Accessory structures, located on exterior property areas, shall be kept in good repair, free from health, fire, and accident hazards, and vermin.

Sec. 130. Depreciation of surrounding property.

Exterior property areas shall be kept free from health, fire and accident hazards so as not to depreciate surrounding property.

Sec. 131. Maintenance--Private space.

Every occupant of a dwelling or dwelling unit shall keep in clean and sanitary condition that part of the dwelling, or premises thereof, which he occupies or controls.

Sec. 132. Plumbing equipment.

Every occupant of a dwelling or dwelling unit shall be responsible for the exercise of proper care and cleanliness in the use and operation of all plumbing fixtures, sanitary facilities, appliances, and equipment therein.

Sec. 133. Waste disposal.

Every occupant of a dwelling or dwelling unit shall dispose of rubbish, garbage, and other matter as provided in Section 161. In a dwelling containing three or more dwelling units, adequate rubbish and garbage containers and necessary replacements shall be supplied by the owner.

Sec. 134. Extermination.

Every occupant of a single dwelling unit shall be responsible for the extermination of any rodents, vermin or other pests therein or on the premises. Every occupant of a dwelling unit in a building containing more than one dwelling unit shall be responsible for such extermination whenever his dwelling unit is the only one infested, except that whenever such infestation is caused by the failure of the owner to carry out the provisions of this article, extermination shall be the responsibility of the owner. When three or more dwelling units within a building are so infested, it shall be the responsibility of the owner to carry out the provisions of this article within such building, as cited above with respect to extermination.

Sec. 135. Maintenance of public space.

Every owner of a building containing three or more dwelling units shall be responsible for maintaining in a clean and sanitary condition the shared or public areas of the dwelling and premises thereof.

Sec. 136. Supplied facilities.

Every owner of a dwelling shall be responsible for keeping supplied facilities in proper operating condition.

Sec. 137. Discontinuance of utilities.

No owner, operator, or occupant shall cause any service, facility, equipment, or utility which is required to be supplied by the provisions of this article to be removed from, or shut off from, or discontinued for any occupied dwelling unit, except for necessary repairs, alterations, or emergencies.

Sec. 138. Occupancy of vacant units.

No person shall occupy as owner-occupant or permit to be occupied by another any vacant dwelling or dwelling unit, unless or until it is in good repair, clean, sanitary, in habitable condition, and in full compliance with all the provisions of this article.

Sec. 139. Hot water.

Every dwelling shall have an adequate supply of hot water, properly connected to kitchen sink, laundry trays or washing machine, lavatory, tub and/or shower. Water heating equipment, except where a solar water heater is installed, shall be properly

maintained and capable of delivering water at a minimum temperature of 120 degrees Fahrenheit at each hot water outlet.

Sec. 140. Required plumbing fixtures.

Bathtubs, showers, and lavatories shall be properly connected to both hot and cold water lines. All fixtures shall be so located as to be accessible to the occupant of each rooming unit sharing the use of such facilities, without his going through a dwelling unit or rooming unit of another occupant.

Sec. 141. Plumbing fixtures connected to sewer lines.

All plumbing fixtures installed within a structure used for human habitation shall be connected to sewer lines that discharge into a public sewerage system or other approved means of disposal such as septic tank. Private sewerage systems shall be connected and repairs or additions made in accordance with the applicable regulations of the Miami-Dade County Health Department and the Florida Building Code.

Sec. 142. Plumbing fixtures required.

Every dwelling and dwelling unit shall have the following plumbing fixtures: kitchen sink, toilet, bathtub or shower, and lavatory. Kitchen sinks, bathtubs, showers, and lavatories shall be properly connected to both hot and cold water lines. Required plumbing fixtures shall be installed in accordance with the Florida Building Code.

Sec. 143. Electrical service.

Every dwelling, dwelling unit, and rooming unit shall be provided with electric service, properly connected.

Sec. 144. Cooking facilities.

Every dwelling unit shall be provided with installed cooking facilities or utility connections for such facilities. Where cooking facilities are not supplied, adequate space and utility connections shall be provided where such connections are necessary.

Sec. 145. Refrigerated space.

In every dwelling unit where perishable foods are kept, refrigerated space for their storage or appropriate utility connections shall be provided. Where refrigeration equipment is not provided, adequate space and utility connections shall be provided.

Sec. 146. Maintenance of plumbing fixtures.

Every water line, plumbing fixture, and drain located in a structure shall be properly installed, connected, and maintained, and capable of performing the function for which it was designed. All repairs to installations must be made in accordance with the plumbing regulation of the Florida Building Code.

STANDARDS FOR STRUCTURES

Sec. 147. Foundation walls.

The foundation walls of every structure shall be maintained in good repair and be structurally sound. Foundation walls shall be considered to be in good repair and structurally sound if found free from damage or defects and capable of bearing imposed loads.

Sec. 148. Stairs, porches and Railings.

The stairs, porches and railings affixed to the exterior of every structure used for human habitation shall be kept in good repair and structurally sound. They shall be free from holes and serious cracks, and shall be capable of supporting imposed loads.

Sec. 149. Weather and watertightness.

Every structure used for human habitation shall be so maintained that it will be weather and watertight. Exterior walls, roofs and all openings around doors, windows, chimneys and all other parts of the structure shall be so maintained as to keep water from entering the structure and to prevent undue heat loss. Damaged materials must be repaired or replaced. All parts of the structure that show evidence of dry rot or other deterioration shall be repaired, replaced and refinished to be in conformity with the rest of the structure. Window panes permitting entrance of water shall be replaced.

Sec. 150. Protective coating for wood surfaces.

All exterior wood surfaces of a structure that are not of a species inherently resistant to decay shall be treated with a protective coating or other preservative as often as extensive and serious evidence of deterioration shall appear. The protective coating shall be approved as to use and color by the Planning and Zoning Department.

Sec. 151. Overhanging objects.

Every structure shall be free of loose overhanging objects. Exterior walls, roofs, and all other parts of the structure shall be free from loose and unsecured objects and materials.

Sec. 152. Vermin and rodent free.

The exterior of every structure shall be so maintained as to be vermin and rodent free. All exterior windows that are not fixed, doors, and other openings, up to four feet aboveground level, shall be screened or protected with acceptable wire mesh or other approved materials. Defects, cracks, or holes shall be tightly sealed to prevent the entrance of vermin and rodents.

Sec. 153. Screening required.

Every window, door, and other opening to outdoor space in the exterior of every structure shall be effectively protected against the entrance of insects. Such doors and other openings to outdoor space shall be supplied with either a self-closing device or a self-closing screen door. Every window and other opening to outdoor space shall be equipped with approved screening.

Sec. 154. Depreciation of surrounding property.

The exterior of every structure shall be so maintained with reasonable attractiveness so as not, in the case of excessive scaling of paint or excessive mildew, to cause a substantial depreciation in property values in the immediate neighborhood. The exterior wall surfaces shall be kept free from materials, objects, and conditions which will have an adverse effect on adjacent premises.

Sec. 155. Freedom from dampness.

To the end that crawl spaces in every structure may be free from dampness to prevent conditions conducive to decay or deterioration of the structure, cross ventilation shall be provided, consisting of at least one opening located near each corner of the structure, except in case of poured slab.

Sec. 156. Structural members.

Supporting structural members of every structure used for human habitation shall be structurally sound, and free of any evidence of deterioration.

Sec. 157. Chimneys, flues, and vents.

Chimneys and all flue and vent attachments thereto of every structure used for human habitation, and all other flues and vents, shall be structurally sound, free from defects, performing the function for which they were designed and are used. Chimneys, flues, gas vents, or other draft producing equipment shall provide sufficient draft to develop the rated output of the connected equipment. Chimneys, flue linings, where required, flues, gas vents, and their supports shall be structurally safe, durable, smoketight, and capable of withstanding the action of flue gases.

Sec. 158. Stairs and railings.

Interior stairs of every structure used for human habitation shall be structurally sound and free from defects dangerous to life and limb. Railings shall be provided for stairs, balconies, and stairwells. Treads and risers that are broken, wrapped or loosened shall be repaired or replaced.

Sec. 159. Floors, walls and ceilings.

Floors, walls and ceilings of every structure shall be structurally sound, and maintained in a clean and sanitary condition. They shall be free from cracks, breaks, loose plaster and similar conditions so serious as to endanger the safety of occupants or to seriously mar the attractiveness of the premises.

Sec. 160. Bathroom floors.

Bathroom, shower room, and toilet room or compartment floors, of every structure, shall be water resistant and shall be kept in a dry, clean and sanitary condition.

Sec. 161. Interior free from rubbish and garbage.

The interior of every structure used for human habitation shall be maintained free from rubbish and garbage that might become a health, accident, or fire hazard. Containers with covers shall be provided for the temporary storage of rubbish and garbage and

other refuse. Materials of an inflammable nature shall be stored safely or removed from the premises.

Sec. 162. Insect and rodent harborage.

The interior of every structure used for human habitation shall be kept free from insect, rodent, and vermin infestation. Where insect, rodent, or vermin infestation, harborage, or breeding areas exist, such areas, harborage, or infestation shall be eliminated.

Sec. 163. Maintenance of plumbing systems.

Every stack, waste, and sewer line located in a structure used for human habitation and every connecting sewer line shall be so installed and maintained as to function properly and not be a source of structural deterioration or a health hazard. All lines shall be kept free from obstructions, leaks, and defects. All necessary repairs and installations shall be made in accordance with the plumbing code and other applicable regulations of the city.

Sec. 164. Installation of heating equipment.

Every heating, cooking, and water heating device located in a structure used for human habitation shall be properly installed, connected and capable of performing the function for which it was designed. All such equipment burning solid fuels should be rigidly connected to a chimney, or flue, and such heating equipment burning liquid or gaseous fuels, shall be rigidly connected to a supply line and, where required, to a chimney, flue or vent. Such installations shall be made in a manner to avoid dangerous concentration of fumes and gases. All installations or repairs shall be made in accordance with the Florida Building Code.

Sec. 165. Maintenance and operation of heating equipment.

Every heating, cooking and water heating device located in a structure used for human habitation shall be so maintained and operated as to be free from fire, health, and accident hazards. All such equipment shall be free from leaks and obstructions. Repairs shall be made in accordance with the Florida Building Code.

Sec. 166. Storage of fuels.

All fuels stored on the premises for the operation of heat producing equipment shall be stored in a safe manner. Fuels shall be stored in accordance with generally accepted practice and in a manner that will minimize the danger of fire. No fuel oil, gasoline, or highly inflammable fuel shall be stored within any structure used for human habitation, except in a manner approved by the Miami-Dade Fire Department.

Sec. 167. Maintenance of electrical wiring and devices.

Electrical wiring and devices located in a structure used for human habitation shall be so designed, installed, and maintained as not to be a potential source of ignition of combustible material or an electrical hazard. The rating or setting of over-current devices shall not be in excess of the carrying capacity of the circuit conductor. Defective

wiring and equipment shall be repaired or replaced. No temporary wiring shall be installed as a permanent method of wiring. Extension cords shall be run directly from portable electrical fixtures or appliances to outlets and shall not lie under floor covering or extend through doorways, transoms, or other openings through structural elements. When the capacity of circuits within a building is insufficient to carry the load imposed by normal use of appliances and fixtures, as indicated by the nameplate rating of such appliances, additional circuits shall be provided or the use of excessive appliances discontinued. Necessary repairs, alterations, and installations shall be made in accordance with the Florida Building Code.

OCCUPANCY STANDARDS

Sec. 168. Required space in dwelling units.

Every dwelling unit shall contain a minimum gross floor area of at least 150 square feet for the first occupant, at least 100 square feet for each of the next two occupants, and at least 75 square feet of gross floor area for each occupant thereafter. Every habitable room shall have a minimum ceiling height of seven feet over 50 percent of the floor area. Any portion of a room having a ceiling height of less than five feet shall not be considered in computing the total floor area of such room.

Sec. 169. Efficiency Apartments.

Every dwelling unit which is occupied by two or more occupants, and which contains a room not intended primarily for cooking or sleeping but which is properly designed and equipped or especially furnished with a kitchenette and bed furniture properly designed for daytime storage or other daytime uses to be maintained as a combination of regular living and efficiency sleeping, may contain 100 square feet less gross floor area than required in this section. Every habitable room shall have a minimum ceiling height of seven feet over 50 percent of the floor area. Any portion of a room having a ceiling height of less than five feet shall not be considered in computing the total floor area of such room.

Sec. 170. Required space in sleeping rooms.

In every dwelling unit of two or more habitable rooms, every room occupied for sleeping purposes by one occupant shall have a minimum gross floor area of at least 70 square feet. Every room occupied for sleeping purposes by more than one occupant shall have a minimum gross floor area of 50 square feet per occupant thereof. In the case of children under six years of age, the requirement shall be 35 square feet per child for two or more children. Every room used for sleeping purposes, shall have a minimum width of seven feet. Kitchens shall not be used for sleeping purposes. Every habitable room shall have a minimum ceiling height of seven feet over 50 percent of the floor area. Any portion of a room having a ceiling height of less than five feet shall not be considered in computing the total floor area of such room.

Sec. 171. Required space in rooming units.

Rooms let to one or more persons shall contain a minimum gross floor area for sleeping purposes of 90 square feet for a single occupant, and every such room occupied by more than one occupant shall contain a minimum gross floor area of 60 square feet per

occupant thereof. Every habitable room shall have a minimum ceiling height of seven feet over 50 percent of the floor area. Any portion of a room having a ceiling height of less than five feet shall not be considered in computing the total floor area of such room.

Sec. 172. Habitable rooms only.

No room other than a habitable room shall be used for living, sleeping, or the preparation or eating of meals.

Sec. 173. Subdivision of habitable rooms.

No habitable room shall be divided in any manner into space intended for living, sleeping, eating or cooking purposes by an installed partition or divider of any type above four feet in height unless each such subdivided part complies with the requirements for a habitable room.

Sec. 174. Notice of maximum occupancy.

Every owner or operator shall advise the occupant in writing or by insertion in the lease between the parties of the maximum number of occupants permitted in the occupied premises under this article. A copy of such notice or lease shall be available to the director.

Sec. 175. Natural light in habitable rooms.

Every habitable room shall have at least one window facing directly to the outdoors. The minimum aggregate area available for unobstructed light shall be not less than ten percent of the floor area of such rooms.

Sec. 176. Light--Uninhabitable space.

Every stair and hallway located in a structure used for human habitation shall have either adequate natural or artificial light available at all times with not less than three footcandles of light measured at any point.

Sec. 178. Public halls and stairways.

Every public hall and common stairway located in a structure used for human habitation and which is used primarily for ingress and egress in connection with two or more dwelling units or rooming units shall be supplied with a proper amount of natural light or lighting facilities controllable by the occupants of the structure and be available at all times. Such light shall not be less than five footcandles measured in the darkest portions of normally traveled stairs and passageways during the darkest hours of the day.

Sec. 179. Electric outlets.

Every habitable room shall have electric outlets and/or electric fixtures properly connected to a source of power. There shall be a minimum of one outlet and one fixture or two outlets.

Sec. 180. Ventilation--Habitable rooms.

Every habitable room shall be ventilated by either openable areas equal to 50 percent of the required window area or by equivalent mechanical ventilation.

Sec. 181. Ventilation--Bathrooms.

Every bathroom, shower room, toilet room or compartment located in a structure used for human habitation shall be ventilated as prescribed in the city's building code.

Section 3. Severability. That if any section, subsection, sentence, clause, phrase, word or amount of this ordinance shall be declared unconstitutional or invalid by competent authority, then the remainder of the ordinance shall not be affected thereby, and shall remain in full force and effect.

Section 4. Repeal of Conflicting Provisions. That all ordinances or parts of ordinances or resolutions of the County Code made inconsistent or in conflict herewith shall be and they are hereby repealed in their entirety as there is conflict or inconsistency.

Section 5. Inclusion in Code. It is the intention of the Mayor and City Council and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the City of Doral Code; that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 6. Effective Date. This Ordinance shall become upon adoption on second reading.

The foregoing Ordinance was offered by Councilman Van Name who moved its adoption. The motion was seconded by Councilman DiPietro and upon being put to a vote, the vote was as follows:

Mayor Juan Carlos Bermudez	Yes
Vice Mayor Peter Cabrera	Yes
Councilmember Michael DiPietro	Yes
Councilwoman Sandra Ruiz	Yes
Councilmember Robert Van Name	Yes

PASSED AND ADOPTED upon first reading the 10TH day of September, 2008.

PASSED AND ADOPTED upon second reading the 8th day of October, 2008.

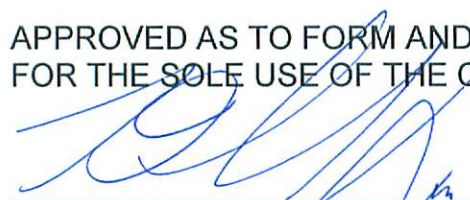


JUAN CARLOS BERMUDEZ, MAYOR

ATTEST:


BARBARA HERRERA, CITY CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY
FOR THE SOLE USE OF THE CITY OF DORAL:



JOHN J. HEARN, CITY ATTORNEY