

ORDINANCE NO. 2021-06

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH AMENDING CHAPTER IX OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, TO CREATE A NEW SECTION ENTITLED "STORM SHUTTERS REGULATIONS" TO ESTABLISH GUIDELINES FOR THE PLACEMENT AND REMOVAL OF STORM SHUTTERS OR HURRICANE PROTECTION DEVICES SUBSEQUENT TO A HURRICANE; PROVIDING FOR CONFLICTS, SEVERABILITY, AND CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Mayor and City Commission desire to preserve and protect the quality of life of its residents; and

WHEREAS, the Mayor and City Commission find that the adoption of code provisions relating to the regulation of storm shutters and requiring their prompt removal will serve the best interest and promote the life safety of the residents of the City; and

WHEREAS, the City Manager and his staff determined that the proposed regulations would enhance public safety in the City and prevent unnecessary harm to the life and safety of residents subsequent to a hurricane; and

WHEREAS, the Mayor and City Commission of the City of North Miami Beach find that it is in the best interests of its residents to adopt this Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Commission of the City of North Miami Beach, Florida:

Section 1. That the recitals and finding contained in the forgoing "whereas" clauses are adopted by reference and incorporated as if fully set forth in this section.

Section 2. That Chapter IX of Code of Ordinances is amended to create a new section as follows (*deletions and additions are identified using a strike-through and underline format, respectively*):

Sec. 9-37- Storm Shutters Regulations.

- (A) Storm Shutters Placement. Protection from windborne debris is encouraged for all structures certified for occupancy in the City. Storm shutters or hurricane protection devices shall be designed and installed in accordance with the building code in effect at the time such hurricane protection was permitted by the Building Department. For the purpose of this section, hurricane protection devices shall mean any material used to board up windows or sliding glass doors on a structure certified for occupancy.
- (B) Storm Shutters Removal. Consistent with provisions regarding storm shutters as set forth in the Florida Building Code, as amended from time to time, it is prohibited to maintain storm shutters or hurricane protective devices which impede egress, light, and/or ventilation in a closed/secured position on occupied buildings or structures after a designated hurricane watch or warning has been terminated; and further it is prohibited to maintain any hurricane protective devices in a closed/secured position within fifteen (15) consecutive days unless:
 - (1) a hurricane occurs during the fifteen (15) day period, at which point the fifteen (15) day period begins anew the day after the hurricane conditions have subsided; or
 - (2) hurricane or tropical storm watch conditions are predicted to occur within forty-eight (48) hours after the fifteenth (15) day.
- (C) Penalties. Any person, firm, corporation or agent who violates any provisions of this Ordinance may, upon conviction, be punished by a fine not to exceed \$500.00.

Section 3. All ordinances or parts of ordinances in conflict with this Ordinance are repealed to the extent of such conflict.

Section 4. If any clause, section, other part or application of this Ordinance is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall not affect the validity of the remaining portions or applications of this Ordinance.

Section 5. It is the intention of the City Commission of the City of North Miami Beach and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of North Miami Beach, Florida. The Sections of this Ordinance

may be renumbered or re-lettered to accomplish this intention and the word "Ordinance" may be changed to "Section," "Article," or other word as the codified may deem appropriate.

Section 6. Effective Date. This Ordinance shall become effective ten (10) days after adoption on second reading.

APPROVED on this first reading this **20th day of July, 2021.**

APPROVED AND ADOPTED on second reading this **21st day of September, 2021.**

ATTEST:




ANDRISE BERNARD, CMC
CITY CLERK



ANTHONY F. DEFILLIPO
MAYOR

(CITY SEAL)

APPROVED AS TO FORM, LANGUAGE
AND FOR EXECUTION



HANS OTTINOT,
INTERIM CITY ATTORNEY

Sponsored by: Mayor and City Commission