

ORDINANCE NO. 07-87

AN ORDINANCE OF TOWN OF MIAMI LAKES, FLORIDA, AMENDING SECTION 8CC-1 OF THE TOWN CODE, TITLED "CIVIL OFFENSES AND PENALTIES; HEARING OFFICERS," TO ALLOW FOR REVISIONS OF THE SCHEDULE OF CIVIL PENALTIES BY RESOLUTION; AMENDING SECTION 8CC-10 OF THE TOWN CODE, TITLED "SCHEDULE OF CIVIL PENALTIES," TO ADD VIOLATIONS OF THE TOWN CODE RELATING TO OVERNIGHT PARKING ON THE SWALE, TO REPLACE REFERENCES TO THE SOUTH FLORIDA BUILDING CODE WITH THE FLORIDA BUILDING CODE, TO ADD REFERENCES TO CHAPTER 8 OF THE MIAMI-DADE COUNTY CODE, AS APPLICABLE TO THE TOWN; AND TO PROVIDE FOR PENALTIES FOR VIOLATIONS OF CODE SECTIONS NOT SPECIFICALLY LISTED IN THE SCHEDULE OF CIVIL PENALTIES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 8.3 of its Town Charter, the Town of Miami Lakes (the "Town") adopted the Miami-Dade County Code (the "Town Code") as its own, at the time of the Town's incorporation which included Section 8CC-10; and

WHEREAS, in Ordinance Number 02-17, the Town amended Chapter 8CC-10 pertaining to Code Enforcement; and

WHEREAS, the Town Council wishes to provide for the amendment of the schedule of civil penalties in Chapter 8CC-10 of the Town Code to provide for civil penalties for violations relating to overnight parking in the swale; and

WHEREAS, the Town Council wishes to provide for the amendment of the schedule of civil penalties in Chapter 8CC-10 of the Town Code to replace references to the repealed South Florida Building Code with the Florida Building Code; and

WHEREAS, the Town Council wishes to provide for the amendment of the schedule of civil penalties in Chapter 8CC-10 of the Town Code to refer to section of Chapter 8 of the Miami-Dade County Code , as applicable to the Town; and

WHEREAS, the Town Council wishes to provide for penalties for violations not specifically listed in the schedule of civil penalties in Chapter 8CC-10 of the Town Code; and

WHEREAS, the Town Council wishes to provide for the future amendment to the schedule of civil penalties in Chapter 8CC-10 of the Town Code by resolution of the Town Council; and

WHEREAS, the Town Council finds that it is in the best interests of the residents of the Town to adopt the following amendments to the Town Code.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF TOWN OF MIAMI LAKES, FLORIDA, AS FOLLOWS:¹

Section 1. **Recitals.** The above recitals are true and correct and are incorporated herein by reference.

Section 2. Section 8CC-1 of the Town Code is hereby amended to read as follows:

Sec. 8CC-1. Civil offenses and penalties; hearing officers.

¹ (Coding: Words in ~~struck-through~~ type are deletions from existing law; words underscored are additions.)

The violation of any Town ordinance ~~listed in Section 8CC-10 of this chapter~~ shall constitute a civil offense punishable by civil penalty in the amount prescribed in Section 8CC-10 and as modified by Section 8CC-4 of this chapter. Accordingly, there is hereby created and established a code enforcement position to be filled by hearing officers to enforce the ordinances listed in Section 8CC-10 which are contained in and enacted pursuant to this Code. The Town may enforce any ordinance not specifically listed in Section 8CC-10. The Town Council may amend the schedule of civil penalties contained in Section 8CC -10 by resolution.

Section 3. Section 8CC-10 of the Town Code is hereby amended to read as follows:

Sec. 8CC-10. Schedule of civil penalties.

The following table shows the section of this Code, as they may be amended from time to time, which may be enforced pursuant to the provisions of this chapter; and the dollar amount of civil penalty for the violation of these sections as they may be amended.

The “descriptions of violations” below are intended for informational purposes only and are not meant to limit or define the nature of the violations or the subject matter of the listed Code sections, except to the extent that different types of violation of the same Code section may carry different civil penalties. For each Code section listed in the schedule of civil penalties, the entirety of that section may be enforced by the mechanism provided in this Chapter 8CC, regardless of whether all activities proscribed or required within that particular section are described in the “Description of Violation” column. To determine the exact nature of any activity proscribed or required by this Code, the relevant Code section must be examined.

<i>Code Section</i>	<i>Description of Violation</i>	<i>Civil Penalty</i>
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8-1, of the <u>Miami-Dade County code, as applicable to the Town*</u>	<u>South Florida Building Code violations: Note: Sections relating to Florida Building Code will have the prefix "FBC" prefix. In the event of future amendments to the Florida Building Code, the description of the violation will control over the code section number.</u>	

	§ 104.9(d)(1): Failure of the owner of a 40 year old building to furnish required written report to the Building Official	500.00
	§ 104.9(d)(5): Failure of the owner of a 40 year old building to complete required repairs or modifications	500.00
	§ 105.1(a): Failure to maintain a building or structure in a safe condition; failure to maintain devices or safeguards in good working order	500.00
	§ 105.2: Failure to remove debris, equipment, materials or sheds	200.00
	§§ 105.3, 305.3, 3326: Failure to secure buildings and equipment	500.00
	§ 201.1(b)(1): Failure of property owner or permit holder to allow entry	500.00
	§§ 201.1(e), 201.3(e): Failure to comply with lawful stop work order	500.00
	§ 301: Failure of owner builder or contractor to obtain permit	500.00
	§ 304.1: Failure to display permit card	100.00
	§ 305.2: Failure to obtain mandatory inspection	500.00
	§ 307.1: Failure to obtain required Certificate of Occupancy ("CO") prior to use or occupancy or before a temporary CO expires	500.00
	§ 307.5: Unlawfully connecting utility service	500.00
	§ 308.1: Failure to obtain required Certificate of Completion ("CC") prior to use or occupancy or before a temporary CC expires	500.00
	§ 515: Failure to provide required handicapped accessibility	500.00
	§ 2402.1: Failure to properly guard and protect an excavation	500.00
	§ 2402.1: Failure to properly underpin or protect a footing or foundation against settlement caused by an excavation	1,000.00
	§ 2402.2: Unlawfully making an excavation which endangers adjoining property or buildings or is a menace to public health or safety	1,000.00
	§ 3203.3: Failure of owner or owner's agent to promptly notify	500.00

	the Building Official of an accident involving any equipment the owner is required to maintain under Section 3203.2	
	§ 3203.3: Failure of owner or owner's agent to obtain the approval of the Building Official prior to placing any equipment the owner is required to maintain under Section 3203.2 back into service after an accident	1,000.00
	§ 3203.3: Unlawfully removing from the premises any damaged construction or operating mechanism prior to inspection by the Building Official	1,000.00
	§ 3203.4(b): Unlawfully placing a new, altered, or moved elevator, dumbwaiter, escalator, transporting assembly or amusement device into operation without first obtaining the required certificate of operation	1,000.00
	§ 3203.4(e)(1)(bb): Unlawfully operating a passenger or freight elevator, dumbwaiter, escalator, transporting assembly, amusement device, building hoist or other lifting apparatus without a post current, valid certificate of operation	1,000.00
	§ 3203.4(e)(2): Failure to properly post the required certificate of operation	500.00
	§ 3203.4(e)(3)(cc): Failure to properly post the required limited certificate of operation	500.00
	§ 3203.7: Failure to use metal in replacement of wood overhead beams, guide rails and carframes	500.00
	§ 3604.2: Failure to illuminate parking lots, alleys and access thereto for groups A, B, C, and J occupancies	500.00
	§ 3604.3: Failure to illuminate parking lots, alleys and access thereto for group D occupancy	500.00
	§ 3604.4: Failure to illuminate parking lots, alleys and access thereto for groups E and F occupancies	500.00
	§ 3604.5: Failure to illuminate parking lots, alleys and access thereto for group G occupancy	500.00
	§ 3604.6: Failure to illuminate parking lots, alleys and access thereto for group H occupancy	500.00
	§ 4006.6(a): Failure to obtain a certificate of inspection prior to placing in operation or continuing in operation any boiler or pressure vessel	1,000.00

	<u>§ 4006.6(g): Failure to post the required certificate of inspection for a boiler or pressure vessel</u>	<u>500.00</u>
<u>8-1</u>	<u>FBC § 105.1: Failure of owner-builder or contractor to obtain permit</u>	<u>500.00</u>
<u>8-1</u>	<u>FBC § 105.7: Failure to keep building permit on work site</u>	<u>100.00</u>
<u>8-1</u>	<u>FBC § 109: Failure of property owner or permit holder to allow inspections</u>	<u>500.00</u>
<u>8-1</u>	<u>FBC § 109.3: Failure to obtain required inspection</u>	<u>500.00</u>
<u>8-1</u>	<u>FBC § 110: Failure to obtain required Certificate of Occupancy ("CO") prior to use or occupancy or before a temporary CO expires</u>	<u>500.00</u>
<u>8-1</u>	<u>FBC § 111: Unlawfully connecting utility service</u>	<u>500.00</u>
<u>8-1</u>	<u>FBC § 114.3: Failure to comply with stop work order</u>	<u>500.00</u>
<u>8-1</u>	<u>All other South Florida Building Code violations</u>	<u>200.00</u>
<u>8-1</u>	<u>FBC § 1817.1: Failure to properly underpin or protect a footing or foundation against settlement caused by an excavation</u>	<u>500.00</u>
<u>8-1</u>	<u>FBC § 1817.2: Unlawfully making an excavation which endangers adjoining property or buildings or is a menace to public health or safety</u>	<u>500.00</u>
<u>8-11(c)(5)</u>	<u>Failure to post the required certificate of inspection for a boiler or pressure vessel</u>	<u>500.00</u>
<u>8-11(f)(iv)(1)</u>	<u>Failure of the owner of a 40-year-old building to furnish required written report to the Building Official</u>	<u>500.00</u>
<u>8-11(f)(iv)(5)</u>	<u>Failure of the owner of a 40-year-old building to complete required repairs or modifications</u>	<u>500.00</u>
<u>8-14</u>	<u>Failure to remove debris, equipment, materials or sheds</u>	<u>200.00</u>
<u>8-16</u>	<u>Failure to secure buildings and equipment</u>	<u>500.00</u>
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<u>Ordinance 04-63, Section 5.8 A. 1.</u>	<u>Overnight parking in swale</u> <u>First Violation</u> <u>Second Violation</u> <u>Third Violation</u>	<u>\$50.00</u> <u>\$100.00</u> <u>\$250.00</u>

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* - All references to code sections in Chapter 8 refer to Chapter 8 of the Miami-Dade County Code, as applicable to the Town.

Section 4. Repeal Of Conflicting Provisions. All provisions of the Code of Miami-Dade County as made applicable to the Town by Article VIII, Section 8.3 of the Town Charter which are in conflict with this Ordinance are hereby repealed.

Section 5. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 6. Inclusion In The Code. It is the intention of the Town Council that the provisions of this Ordinance shall become and made a part of the Town of Miami Lakes Code; that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 7. Effective Date. This Ordinance shall become effective immediately upon adoption on second reading.

The foregoing Ordinance was offered by Councilmember Roberto Alonso, who moved its adoption on first reading. The motion was seconded by Mayor Wayne Slaton and upon being put to a vote, the vote was as follows:

Mayor Wayne Slaton	yes
Vice Mayor Mary Collins	absent
Councilmember Roberto Alonso	yes
Councilmember Robert Meador	yes
Councilmember Michael Pizzi	yes
Councilmember Richard Pulido	yes
Councilmember Nancy Simon	no

PASSED AND ADOPTED on first reading this 12th day of December, 2006.

The foregoing Ordinance was offered by Councilmember Michael Pizzi, who moved its adoption on second reading. The motion was seconded by Vice Mayor Mary Collins, and upon being put to a vote, the vote was as follows:


Mayor Wayne Slaton	yes
Vice Mayor Mary Collins	yes
Councilmember Roberto Alonso	yes
Councilmember Robert Meador	yes
Councilmember Michael Pizzi	yes
Councilmember Richard Pulido	yes
Councilmember Nancy Simon	yes

PASSED AND ADOPTED on second reading this ninth day of January, 2007.




Wayne Slaton
MAYOR

ATTEST:



DEBRA EASTMAN, MMC
TOWN CLERK

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY FOR USE ONLY BY THE
TOWN OF MIAMI LAKES:



WEISS, SEROTA, HELFMAN, PASTORIZA,
COLE & BONISKE
TOWN ATTORNEY