

ORDINANCE NO. 08-105

AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA, AMENDING CHAPTER 19, "LOT JUNK, GARBAGE AND TRASH CLEARING" OF THE TOWN CODE; PROVIDING FOR INCLUSION IN THE TOWN CODE; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 8.3 of its Town Charter, the Town of Miami Lakes (the "Town") adopted as its own the Miami-Dade County Code (the "Town Code") as it existed, at the time of the Town's incorporation, which included Chapter 19, Lot Junk, Garbage And Trash Clearing; and

WHEREAS, the Town Council recognizes that the rapid, continuous growth and urban development of the Town requires the reasonable and effective control and regulation of excessive growth and accumulation of weeds, undergrowth, and other plant life for the protection of the public health, safety and welfare; and

WHEREAS, the Town Council finds and determines that the accumulation of junk, garbage, trash, abandoned property and building material and debris as well as the storage or maintenance of junk or trash upon any lot within the Town, requires reasonable and effective controls to protect the public health, safety and welfare of the community; and

WHEREAS, the Town Council finds that there is a need to address violations in a quick and expeditious manner while affording due process to property owners in order to serve the Town residents and protect the public health, safety and welfare of the community; and

WHEREAS, after holding several public workshops and meetings, the Town Council desires to amend Chapter 19 of the Town Code in its entirety to provide for lot maintenance standards, violations, expeditious remedies and due process; 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 THE TOWN OF MIAMI LAKES, FLORIDA, AS FOLLOWS:

Section 1. Recitals. Each of the above stated recitals are true and correct and are incorporated herein by this reference.

Section 2. Adoption. The Town Council hereby adopts the amendments to the Town of Miami Lakes Code of Ordinances as provided in Exhibit “A” attached hereto, and incorporated herein by this reference.

Section 3. Inclusion In The Code. It is the intention of the Town Council, and it is hereby ordained, that the provisions of this Ordinance shall become and be made part of the Town Code and that if necessary 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 4. 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 5. Repeal of Conflicting Provisions. All provisions of the Code of the Town of Miami Lakes that are in conflict with this Ordinance are hereby repealed.

Section 6. Effective Date. This Ordinance shall be effective 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 Michael Pizzi and upon being put to a vote, the vote was as follows:

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

PASSED AND ADOPTED on first reading this 17th day of June, 2008.

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


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

PASSED AND ADOPTED on second reading this 16th day of September, 2008.




Wayne Slaton
MAYOR

ATTEST:



DEBRA EASTMAN, MMC TOWN CLERK

APPROVED AS TO FORM AND LEGALITY FOR THE USE
AND BENEFIT OF THE TOWN OF MIAMI LAKES ONLY:



WEISS, SEROTA, HELLMAN, PASTORIZA,
COLE & BONISKE, P.L.
TOWN ATTORNEY

EXHIBIT 'A'

Chapter 19

~~LOT JUNK, GARBAGE AND TRASH CLEARING~~ Lot Maintenance

~~Sec. 19-1. Short title; application of chapter.~~

~~This chapter shall be known as the "Dade County Lot Junk, Garbage and Trash Clearing Ordinance," and shall be applicable in the unincorporated areas of Dade County, Florida.~~

~~Sec. 19-2. Declaration of legislative intent.~~

~~The Board finds and determines that the rapid, continuous growth and urban development of the unincorporated areas of this County require the reasonable and effective control and regulation of excessive growth and accumulation of weeds, and other certain plant life to the extent and in such manner as to cause infestation by rodents and feral animals, the breeding of mosquitoes and vermin, or to threaten or endanger the public health, or otherwise adversely affect the welfare of adjacent property or occupants. Further, the Board finds and determines that the accumulation of garbage and trash in violation of Chapter 15, Miami Dade County Code and the accumulation, storage or maintenance of junk or trash in violation of Section 33-15, Miami Dade County Code, requires reasonable and effective controls to protect the public health, safety and welfare of the community.~~

~~That portion of any lot, or parcel is exempt from the vegetative provisions of this chapter where that lot, or parcel is designated as a Natural Forest Community, Environmental Endangered Land, Native Plant Community, Native Habitat, or a wetland as defined and described in Section 24-3(151) of the Code of Miami Dade County.~~

~~That portion of any lot, or parcel that currently has a bona fide agricultural use or has been given a State exemption for Agricultural Classification following generally accepted agricultural and management practices shall be processed in accordance with Section 19-12 of this Chapter.~~

~~Sec. 19-3. Definitions.~~

~~(A) *Abandoned property.* As used in this section, "abandoned property" means any article of personalty which either lacks evidence of ownership or is wrecked or derelict personal property having no value other than nominal salvage value, if any, which has been left abandoned and unprotected from the elements and shall include wrecked, inoperative, or partially dismantled motor vehicles, trailers, boats, machinery, refrigerators, washing machines, plumbing fixtures, furniture, and any other similar article which has no value other than nominal salvage value.~~

~~(B) *Bona fide agricultural use.* The term shall mean a commercial application such as but not limited to: fruit crops; row crops; live stock; horse boarding and breeding; pasture, both improved or semi-improved, or native pasture; nursery, either in-ground or above-ground, or tree nursery, or ornamental nursery; and poultry, fish, rabbits, goats, sheep, worms, bees, hay, or tropical groves.~~

~~(C) *Corrective or maintenance action.* The term shall mean that an owner is required to maintain, mow, cut, trim or bulldoze his or her lot, and clear, remove and legally dispose of all associated abandoned property, solid waste or junk.~~

~~(D) *Director.* The word "Director" shall mean the Director of Team Metro or his or her designee.~~

~~(E) Generally accepted agricultural and management practices. To be determined by the appropriate agricultural agency for the commercial agricultural practice utilizing Florida Statute 823.14 as the basis of its determination.~~

~~(F) Government lot. Government lots refer to the irregular lots or tracts established in the original surveys of Florida under the direction of the United States Government and shown on the official original U. S. Government survey maps. The Government lots or tracts were established to define for conveyance purposes those irregular parcels of land which do not fit into the normal Government mandated sectionalized land breakdown system, including such cases as fractional sections abutting water boundaries, oversized sections, undersized sections having hiatus and overlaps.~~

~~(G) Improved lot. Any lot with a building or an erected structure or an incomplete or partially demolished structure.~~

~~(H) Junk. The accumulation, storage or maintenance of junk or trash or abandoned property including, but not limited to old and dilapidated automobiles, trucks, tractors, and other such vehicles and parts thereof, wagons and other kinds of vehicles and parts thereof, scrap, building material, scrap contractor's equipment, tanks, casks, cans, barrels, boxes, drums, piping, bottles, glass old iron, machinery, rags, paper, excelsior, mattresses, beds, or bedding or any other kind of scrap or waste material.~~

~~(I) Lot. Any tract, or parcel of land shown on a recorded plat or on the official County zoning maps or any piece of land described by a legal recorded deed.~~

~~(J) Owner. Any and all persons with legal and/or equitable title to real property in Miami-Dade County as their names and addresses are shown upon the record of the Property Appraiser Department.~~

~~(K) Repeat Violator. Any property owner who has failed to comply with any portion of this chapter and has been cited for a violation of this chapter pursuant to Chapter 8CC of this Code within the last twenty-four (24) months, and has been either found guilty of said violation by a Hearing Officer at an 8CC Hearing and such finding was not overturned by the Circuit Court, or did not file for an appeal of such violation before an 8CC Hearing Officer within seven (7) calendar days from posting of the citation.~~

~~(L) Right of way. The term shall be construed throughout this section to include but not be limited to, all proposed dedications of public rights of way set forth on official grading and drainage plans required to accompany approved and valid tentative plats, as well as all existing or dedicated rights of way.~~

~~(M) Solid waste. The term shall mean the accumulation of garbage, trash, yard trash (except for compost piles) litter, cuttings from vegetation, refuse, paper, bottles, rags, hazardous waste, construction and demolition debris, industrial waste or other discarded materials including material or containers from domestic, commercial or agricultural operations as defined in Chapter 15, Dade County Code.~~

~~(N) Unimproved lot. Any vacant lot or any lot without a structure.~~

~~(O) Violative conditions. The term shall mean one (1) of the following situations exist:~~

~~(1) The growth or accumulation of any grass, weeds, non-native undergrowth or other dead plant life on an improved lot which exceeds the height of twelve (12) inches from the ground for more than ten (10) percent of the area to be maintained.~~

~~(2) The growth or accumulation of any grass, weeds, non-native undergrowth or other dead plant life on an unimproved lot which exceeds the height of eighteen (18) inches from the ground for more than fifty (50) percent of the area to be maintained.~~

~~(3) Any storage or maintenance of junk, trash, abandoned personal property or any solid waste on an improved or unimproved lot.~~

Sec. 19-4. Prohibited conditions:

~~_____ (A) It shall be the responsibility of the owner of an improved or unimproved lot to perform maintenance action on their property within their scheduled calendar month and to regularly maintain their property to prevent any occurrence of violative conditions.~~

~~_____ (B) All lots, improved or unimproved, shall be maintained within one hundred (100) feet from the boundary line of any property with a building or structure and within one hundred (100) feet from the boundary line of any improved road. In the event that the remaining area constitutes less than twenty-five (25) percent of the total square footage of the lot then the entire lot shall require maintenance action.~~

~~_____ (C) Owners of improved or unimproved lots shall legally dispose of all abandoned property, solid waste or junk and shall not deposit, store, maintain or relocate such abandoned property, solid waste or junk to the right-of-way other than twenty-four (24) hours prior to an authorized scheduled pick-up conforming to the provisions set forth in Chapter 15 of the Miami-Dade County Code. Abandoned property, solid waste or junk shall not be relocated to any lot other than a legal disposal site.~~

~~_____ (D) It is the responsibility of the owner of the property adjacent to a County right-of-way to maintain the swale area which abuts their property.~~

Sec. 19-5. Schedule and failure to comply:

~~_____ (A) Each owner of an improved or unimproved lot shall be required to maintain their lot in compliance with Section 19-4 and 19-6 of this chapter and the schedule contained herein.~~

~~_____ (B) Each owner of an unimproved lot shall perform maintenance action between the first day and last day of each schedule month.~~

~~_____ (C) Schedule:~~

~~_____ (1) *Unimproved lot.* It shall be the responsibility of each owner of an unimproved lot to perform maintenance action on their lot every three (3) calendar months. An unimproved lot lying in more than one (1) township shall be cleared on the lowest township number schedule in which the property lies.~~

~~_____ (a) Any lot lying within Township 52 or Township 53, in Miami-Dade County shall be cleared within the months of January, April, July and October.~~

~~_____ (b) Any lot lying within Township 54 or Township 55, including Government Lots shall be cleared within the months of February, May, August and November.~~

~~_____ (c) Any lot lying within Township 56, 57, 58 or Township 59 shall be cleared within the months of March, June, September and December.~~

~~_____ (d) Any owner of an unimproved lot may make a written request for a schedule change to the Director, two (2) weeks prior to the first day of the month in which the maintenance action is due, so long as the lot does not have a violative condition. The owner will be required to submit proof (photographs, etc.) that the lot does not have a violative condition.~~

~~_____ (e) If the Director denies a schedule change a denial notice shall be given by registered or certified mail, addressed to the owner, and deemed complete and sufficient when so addressed and deposited in the United States mail with proper postage prepaid.~~

~~_____ (2) *Improved lots.* It shall be the responsibility of each owner of an improved lot to maintain their lot so that a violative condition does not exist, but not less than once every month.~~

~~———— (D) ——— Failure to comply.~~

~~———— (1) ——— If an owner fails to comply with any portion of this chapter he shall be cited pursuant to Chapter 8CC of this Code and shall be given fourteen (14) calendar days from receipt or posting of the citation to correct the violation, or the owner has seven (7) calendar days from receipt or posting of the citation to file for an appeal before an 8CC Hearing Officer. Payment of the civil penalty is required within the timeframe listed on the citation where an appeal has not been filed.~~

~~———— (2) ——— A repeat violator shall be given seven (7) calendar days from the posting of the citation to correct the violation, or seven (7) calendar days from the posting of the citation to file for an appeal before an 8CC Hearing Officer. Payment of the civil penalties is required within the timeframe listed on the citation where an appeal has not been filed.~~

~~———— (3) ——— If the owner is found guilty by the Hearing Officer, the owner shall pay the fine in the amount pursuant to Chapter 8CC-10 and will be required to correct the violative condition within fourteen (14) days of the hearing.~~

~~———— (4) ——— If the owner does not appeal or if the owner after being found guilty at the hearing does not correct the violative condition in the time frame specified in this section, the Director shall promptly cause the violative conditions to be remedied by the County as described in Section 19-7.~~

Sec. 19-6. Extraordinary clearing.

~~Any improved or unimproved lot, regardless if it has been maintained in accordance with Section 19-5, that is found to have a violative condition, shall be in violation of this chapter and the violative condition shall be processed in accordance with Section 19-5(D) of this chapter.~~

Sec. 19-7. Condition may be remedied by County.

~~———— (A) ——— The Director shall correct any violating condition at the expense of the owner, on any lot, improved or unimproved, when the owner fails to perform maintenance action or remedy a violative condition on their lot in accordance with Section 19-5 and 19-6 of this chapter.~~

~~———— (B) ——— After causing the condition to be remedied, the Director shall certify the expense incurred in remedying the condition, including advertising, clearing, hauling, disposal and other expenses, together with an administrative fee of one hundred dollars (\$100.00) or ten (10) percent of the total clearing expenses, which ever is greater, whereupon such expenses and administrative fee shall become payable within thirty (30) days, after which the Director shall cause a special assessment lien and charge to be immediately made upon the lot, which shall be payable with interest at the legal rate from the date of such certification until paid. The Director shall keep complete records relating to the amount payable for liens against lots remedied by the County.~~

~~———— (C) ——— Such liens shall be enforceable in the same manner as a tax lien in favor of Miami Dade County and may be satisfied at any time by payment thereof including accrued interest. Upon such payment the Clerk of the Circuit Court shall, by appropriate means, evidence the satisfaction and cancellation of such lien upon the record thereof. Notice of such lien may be filed in the Office of the Clerk of the Circuit Court and recorded among the public records of Dade County, Florida.~~

Sec. 19-8. County utilization of property as alternative remedy.

~~———— (A) ——— Any owner or an improved or unimproved lot may make a written request to the Director for County utilization consideration of any lot as a condition for the reduction or waiver of any cost, lien or fee to which the County would otherwise be entitled pursuant to this chapter.~~

~~———— (B) ——— Notwithstanding any other provision of this chapter, Metropolitan Dade County shall be entitled with the consent of the owner and other interested parties, to utilize any lot subject to a violation under this chapter~~

~~as a condition for the reduction or waiver of any cost, lien or fee to which the County would otherwise be entitled pursuant to this chapter. The decision of whether to utilize any lot made available to Metropolitan Dade County as a condition of the reduction or waiver of any applicable cost, lien or fee shall be made at the sole discretion of the Director when deemed in the County's best interest. Any use of a lot in the manner set forth in this section shall be subject to the express approval by the Director, which may include a lease or agreement, and which shall describe, at a minimum, the cost, lien or fee reduced or waived. The lot shall not contain a violative condition.~~

~~———— (C) ——— If the Director denies the alternative remedy, a notice of denial shall be given by registered or certified mail, addressed to the owner, and deemed complete and sufficient when so addressed and deposited in the United States mail with proper postage prepaid.~~

~~———— (D) ——— The owner, within ten (10) days after receipt of the denial notice may request an administrative review by the County Manager of the denial of alternative remedy.~~

~~**Sec. 19-9. Action taken pursuant to chapter declared cumulative.**~~

~~Any action taken pursuant to this chapter in regard to the disposal, abatement or removal of any violative condition shall be considered cumulative and in addition to penalties and other remedies provided elsewhere in this Code.~~

~~**Sec. 19-10. Code enforcement.**~~

~~Failure to comply with any provisions set forth in this chapter shall subject an owner to the civil penalties listed in Chapter 8CC-10 of the Dade County Code.~~

~~**Sec. 19-11. Team Metro; Delegation of enforcement power and duties.**~~

~~Unless otherwise provided by ordinance, the Director of the Public Works Department shall delegate his enforcement powers and duties to the Director of Team Metro for the expressed purpose of enforcing the regulations of this chapter as specified in Section 2-969 or in an administrative order of the County Manager.~~

~~**Sec. 19-12. Agricultural properties.**~~

~~———— (A) ——— When concerns or complaints are raised about agricultural properties, a compliance officer will investigate. If the concern is deemed to be valid, a notice of evaluation will be issued to the property owner or lessee. The property owner or lessee will be given thirty (30) days from the date of such notice to correct the use or practice. If clarification of the use or practice is needed, an appropriate agricultural agency will be consulted for information.~~

~~———— (B) ——— If the property owner or lessee fails to correct the condition, the condition shall be processed in accordance with Section 19-5(D) of this Chapter.~~

~~**Sec. 19-1. Declaration of legislative intent.**~~

~~The Town Council finds and determines that the rapid, continuous growth and urban development of the Town requires the reasonable and effective control and regulation of excessive growth and accumulation of weeds, undergrowth, and other plant life to the extent and in such manner as to ensure such growth and accumulation does not foster infestation by rodents and feral animals, the breeding of mosquitoes and vermin; threaten or endanger the public health, or otherwise adversely affect the welfare of adjacent property or occupants. Further, the Town Council finds and determines that the accumulation of junk, garbage, trash, and abandoned property upon any lot within the Town, requires reasonable and effective controls to protect the public health, safety and welfare of the community.~~

~~That portion of any lot, or parcel is exempt from the vegetative provisions of this Chapter where that lot, or parcel is designated as a Natural Forest Community, Environmental Endangered Land, Native Plant Community, Native Habitat, or a wetland as defined in the Town of Miami Lakes Code of Ordinances.~~

Any bona fide agricultural use or agricultural use which has been given a State exemption for Agricultural Classification, shall be maintained in accordance with generally accepted agricultural and management practices utilizing Section 823.14, Florida Statutes, and generally accepted agricultural and management practices as the basis for evaluation.

Sec. 19-2. Definitions.

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

- (A) “Abandoned property” means any article of personalty which either lacks evidence of ownership or is wrecked or derelict personal property, which has been left abandoned and unprotected from the elements and shall include wrecked, inoperative, or partially dismantled motor vehicles, trailers, boats, machinery, refrigerators, washing machines, plumbing fixtures, furniture, and any other similar article.
- (B) “Bona fide agricultural use” shall mean a commercial application such as, but not limited to, fruit crops; row crops; horse boarding and breeding; improved, unimproved, or native pasture; tree, ornamental, in-ground, or above ground nurseries; raising livestock, poultry, fish, rabbits, goats, sheep, worms, and bees, or growing hay, or tropical groves.
- (C) “Corrective or maintenance action” shall mean whatever action is necessary to remedy or remove those conditions which constitute a violation of this Chapter, including, but not limited to maintaining, mowing, cutting, trimming or bulldozing a lot, and clearing, removing and legally disposing of all associated junk, garbage, trash, abandoned property, or solid waste.
- (D) “Improved lot” shall mean any lot with a building or an erected structure or an incomplete or partially demolished structure.
- (E) “Garbage” shall mean every waste accumulation of animal or vegetable matter which relates to the preparation, use, cooking, processing, handling or storage of meats, fish, fowl, fruits, vegetables or other matter which is subject to decomposition, decay, putrefaction or degeneration of noxious or offensive gases or odors, or with storing or after decay, may serve as breeding or feeding material for flies, insects or animals, including, but not limited to, all lumber and all other decayable or combustible materials used or useful in building and construction.
- (F) “Interested party” shall mean the owner and any other person or entity who has previously requested real property ad valorem tax notices with respect to the subject property in accordance with Section 197.344, Florida Statutes, as the same may be renumbered or amended from time to time.
- (G) “Junk” shall mean the accumulation, storage or maintenance of junk, trash or abandoned property including, but not limited to, old and dilapidated automobiles, trucks, tractors, and other such vehicles and parts thereof, wagons and other kinds of vehicles and parts thereof, scrap, building material, scrap contractor’s equipment, tanks, casks, barrels, boxes, drums, piping, glass, old iron, machinery, mattresses, beds, or bedding or any other kind of scrap or waste material.
- (H) “Lot” shall mean any improved or unimproved tract, or parcel of land shown on a recorded plat or on the official Town zoning maps or any piece of land described by a legal, recorded deed.
- (I) “Owner” shall mean any and all persons with legal or equitable title to real property in the Town of Miami Lakes as their names and addresses are shown upon the record of the Miami-Dade County Property Appraiser.
- (J) “Restricted Access” shall mean the inability to enter or access a lot or part of a lot because of a gate, fence, wall or other means, with or without a lock. Restricted access to a portion of a lot

shall not prevent other portions of a lot from having unrestricted access for purposes of this Chapter.

- (K) "Right-of-way" shall include, but is not limited to, all proposed dedications of public rights-of-way set forth on official grading and drainage plans required to accompany approved and valid tentative plats, as well as all existing or dedicated rights-of-way.
- (L) "Solid waste" shall mean the accumulation of yard trash (except for compost piles), litter, cuttings from vegetation, refuse, hazardous waste, construction and demolition debris, industrial waste or other discarded materials, including material or containers from domestic, commercial or agricultural operations.
- (M) "Trash" shall mean every waste accumulation of abandoned property, paper, sweepings, dust, bottles, cans, paper cartons, cardboard, cardboard cartons, excelsior, rags or other matter of any kind including, but not limited to, metal, glass, wood, plastics, vehicles, appliances, or other such materials.
- (N) "Unimproved lot" shall mean any vacant lot or any lot without a structure.
- (O) "Unrestricted Access" shall mean the ability to readily enter upon or access a lot or a portion of a lot, that has no fence, gate, wall, or other means of limiting access.

Sec. 19-3. Lot Maintenance Requirements.

It shall be the responsibility of the owner of an improved or unimproved lot to regularly maintain their lot to meet the Lot Maintenance Requirements of this Section.

- (A) The growth or accumulation of any grass on an improved lot shall not exceed the height of twelve (12) inches from the ground for more than ten (10) percent of the area to be maintained.
- (B) The growth or accumulation of any weeds, non-native undergrowth or other dead plant life on an improved lot shall not exceed the height of six (6) inches from the ground for more than ten (10) percent of the area to be maintained.
- (C) The growth or accumulation of any grass on an unimproved lot shall not exceed the height of twelve (12) inches from the ground for more than fifty (50) percent of the area to be maintained.
- (D) The growth or accumulation of any weeds, non-native undergrowth or other dead plant life on an unimproved lot shall not exceed the height of six (6) inches from the ground for more than fifty (50) percent of the area to be maintained.
- (E) There shall be no storage or maintenance of junk, garbage, trash, abandoned property or any solid waste on an improved or unimproved lot.
- (F) Owners of improved or unimproved lots shall legally dispose of all junk, garbage, trash, abandoned property or solid waste and shall not deposit, store, maintain or relocate such junk, garbage, trash, abandoned property or solid waste to the right-of-way other than twenty-four (24) hours prior to an authorized scheduled pick up by Miami-Dade County Solid Waste Department. Junk, garbage, trash, abandoned property or solid waste shall not be relocated to any lot other than a legal disposal site.
- (G) It is the responsibility of the owner of a lot adjacent to a public right-of-way to maintain the swale area which abuts the lot in the same manner and subject to the same maintenance requirements as the lot.
- (H) It shall be unlawful for any owner of any lot to allow, permit or place any junk, garbage, trash,

abandoned property or any solid waste, or to allow or permit and grass, weeds, non-native undergrowth or other dead plant life, on any lot within the Town to the extent and in the manner that it constitutes or may reasonably become a menace to life, property, the public health, or the public welfare; create a fire hazard; or provide a nesting and breeding ground for sandflies, mosquitoes, rats, mice, other rodents, snakes, wild iguanas, muscovy ducks, and other types of pests and vermin.

Sec. 19-4. Violations.

A violation of this Chapter shall occur when any lot does not comply with the Lot Maintenance Requirements of Section 19-3 and shall be processed in accordance with Section 19-5 of this Chapter.

Sec. 19-5. Failure to Comply.

In addition to those existing penalties and remedies established under the Town Code of Ordinances, the following penalties and remedies may also be utilized by the Town Manager or his or her designee to remedy violations of this Chapter. Nothing contained in this Section shall prohibit the Town Manager or his or her designee from enforcing its ordinances by other means. All violations on a lot may be processed together, however, this shall not preclude the Town Manager or his or her designee from processing those violations on a lot which have restricted access under Subsection (A) and independently processing those violations which have unrestricted access under Subsection (B).

(A) Properties (occupied or unoccupied) with restricted access to violations:

- (1) If an owner fails to comply with any portion of this Chapter he shall be cited pursuant to Chapter 8CC of this Code and shall be given fourteen (14) calendar days from receipt or posting of the citation to correct the violation, or the owner has seven (7) calendar days from receipt or posting of the citation to file for an appeal before the Code Compliance Hearing Officer. Payment of the civil penalty is required within the timeframe listed on the citation where an appeal has not been filed.
- (2) A repeat violator shall be given seven (7) calendar days from the posting of the citation to correct the violation, or seven (7) calendar days from the posting of the citation to file for an appeal before the Code Compliance Hearing Officer. Payment of the civil penalties is required within the timeframe listed on the citation where an appeal has not been filed.
- (3) If the owner is found in violation by the Code Compliance Hearing Officer, the owner shall pay the fine in the amount pursuant to Chapter 8CC-10 and will be required to correct the violation within fourteen (14) days of the hearing.
- (4) If the owner does not appeal or if the owner, after being found guilty at the hearing, does not correct the violation in the time frame specified in this section, the Town Manager or his or her designee shall promptly cause the violations to be remedied by the Town as described in Section 19-5(B).
- (5) Upon being cited for a repeat violation under this Sub-Section, and a finding of a violation by the Code Compliance Hearing Officer, the Code Compliance Hearing Officer may provide for on-going enforcement pursuant to the procedures of 19-5(B).

(B) Properties (occupied or unoccupied) with unrestricted access to violations or upon failure to comply with the Code Compliance Hearing Officer's Order or pursuant to the Order of the Code Compliance Hearing Officer under 19-5(A)(5).

- (1) The Town shall, itself, or through authorized private contractors, correct any violation on any improved or unimproved lot with unrestricted access to the violation or upon failure of an owner to comply with an Order of the Code Compliance Hearing Officer or

pursuant to the Order of the Code Compliance Hearing Officer under 19-5(A)(5), at the expense of the owner, when the owner fails to take corrective action or remedy a violation in accordance with this Chapter.

- (2) Not later than ten days prior to correcting a violation of this Chapter, the Town shall give notice to the owner of the lot and interested parties that the Town will correct the violation if it is not otherwise corrected by the date specified in the notice and that all costs incurred will become a lien against the property.
- (3) Such notice shall be effected by delivering the notice to the owner or his agent, or by leaving the notice at the owner's usual place of abode with any person residing therein who is fifteen (15) years of age or older and informing that person of its contents. If such delivery cannot be effected, the notice may be sent by certified mail, return receipt requested, or by posting of the notice in a conspicuous place on the lot upon which the violation has been observed or by mailing to or posting the notice at the lot owner's mailing address as listed in the tax records of Miami-Dade County. Such posting of the notice shall be deemed proper service, and the time for compliance, stated in the notice, shall commence with the date such notice is posted.
- (4) The cost to remedy the violation(s) and other expenses, including but not limited to advertising, legal due diligence, hauling and disposal, together with an administrative fee of one hundred dollars (\$100.00) or ten (10) percent of the total clearing expenses, whichever is greater, shall become payable within thirty (30) days, after which the Town Manager or his or her designee shall cause a special assessment lien and charge to be immediately made upon the lot, which shall be payable with interest at the legal rate from the date corrective action is taken until paid.
- (5) Such liens shall be enforceable in the same manner as a tax lien in favor of the Town of Miami Lakes and may be satisfied at any time by payment thereof including accrued interest. Upon such payment the Town Manager or his or her designee shall, by appropriate means, evidence the satisfaction and cancellation of such lien upon the record thereof. Notice of such lien may be filed in the Office of the Clerk of the Circuit Court and recorded among the public records of Miami-Dade County, Florida.
- (6) Notwithstanding the billing and lien requirements of this Section, when a violation is identified on an unimproved lot as the result of illegal dumping, the Town will remedy the violation and may, one time only, waive the costs and fines if the Town Manager finds the owner is not responsible for the dumping.
 - (a) Upon correction of the violation, the owner of an unimproved lot which has been used as an illegal dumping ground may, upon approval of the Town Manager or his or her designee, fence the entire property notwithstanding other prohibitions of the Town of Miami Lakes Code of Ordinances.
 - (b) Any subsequent violations will be remedied under the appropriate procedures of this Section, dependent on the access to the violations, at the expense of the owner as provided in this Section.

Sec. 19-6. Action taken pursuant to this Chapter declared cumulative.

Nothing contained in this Chapter shall prohibit the Town of Miami Lakes from enforcing its Code by any other means. The enforcement procedures outlined herein are cumulative to all others and shall not be deemed to be prerequisites to filing suit for the enforcement of any Section of this Code.

Sec. 19-7. Code enforcement.

Failure to comply with any provisions set forth in this Chapter shall subject an owner to the civil penalties listed in Chapter 8CC-10 of the Town Code. In the event corrective action is taken by the Town Manager or his or her designee, the owner shall remain liable for the fines accrued during the time the violation existed.