

RESOLUTION NO. 10- 796

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, REVISING SECTION 8CC-10 OF THE TOWN CODE, TITLED "SCHEDULE OF CIVIL PENALTIES," TO PROVIDE FOR PENALTIES FOR VIOLATIONS OF CODE SECTIONS NOT SPECIFICALLY LISTED IN THE SCHEDULE OF CIVIL PENALTIES; 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**, subsequent to its adoption, the Town Code has been amended by various ordinances adopted by the Town of Miami Lakes (the "Code Amendment Ordinances") to better address and serve the needs of the Town; and

**WHEREAS**, the Town Council wishes revise the schedule of civil penalties in Chapter 8CC-10 of the Town Code to provide for civil penalties for violations identified in the Code Amendment Ordinances; and

**WHEREAS**, in Ordinance 07-87, the Town amended Section 8CC-1 to allow the Town Council to amend by Resolution, the schedule of civil penalties contained in Section 8CC-10; and

**WHEREAS**, the Town Council finds 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 additional reasonable and effective controls to protect the public health, safety and welfare of the community; and

**WHEREAS**, in Ordinance 08-105 the Town identified that it shall be unlawful to allow 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 any 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; and

**WHEREAS**, the Town Council wishes to provide for increased penalties for violations which result in a menace to life, property and the public health or public welfare; and

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

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF TOWN OF MIAMI LAKES, FLORIDA, AS FOLLOWS:**<sup>1</sup>

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

**Section 2.** The Schedule of Civil Penalties listed in Section 8CC-10 of the Town Code is hereby amended as follows:

<i>Code Section</i>	<i>Description of Violation</i>	<i>Civil Penalty</i>
Ch. 19	Overgrown grass, weeds, non-native undergrowth or dead-plant life, first violation	100
Ch. 19	Overgrown grass, weeds, non-native undergrowth or dead-plant life, second violation	200

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

Ch. 19	Overgrown grass, weeds, non-native undergrowth or dead-plant life, third and subsequent violations	500
Ch. 19	All other violations of Chapter 19, first violation	250
Ch. 19	All other violations of Chapter 19, first violation	500
Ch. 19	<u>Any violation of Chapter 19, on any lot within the Town to the extent and in a 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, first and subsequent violations</u>	500

**Section 3. Inclusion In The Code.** It is the intention of the Town Council that the provisions of this Resolution shall become and made a part of the Town of Miami Lakes Code; that the sections of this Resolution may be renumbered or re-lettered to accomplish such intentions; and that the word "Resolution" or shall be changed to "Section" or other appropriate word.

**Section 4. Effective Date.** This Resolution shall become effective immediately upon adoption.


**[THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK]**

PASSED AND ADOPTED this 9 day of March, 2010.

Motion to adopt by Pizzi, second by Meador.

FINAL VOTE AT ADOPTION

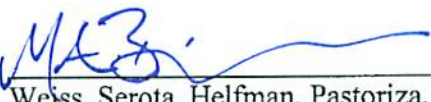
Mayor Michael Pizzi	<u>yes</u>
Vice Mayor Nick Perdomo	<u>yes</u>
Councilmember Mary Collins	<u>yes</u>
Councilmember George Lopez	<u>yes</u>
Councilmember Robert Meador II	<u>yes</u>
Councilmember Richard Pulido	<u>yes</u>
Councilmember Nancy Simon	<u>yes</u>

  
\_\_\_\_\_  
Michael Pizzi  
MAYOR

ATTEST:

  
\_\_\_\_\_  
Marjorie Tejeda  
TOWN CLERK

Approved as to form and legality for the use  
and benefit of the Town of Miami Lakes only:

  
\_\_\_\_\_  
Weiss, Serota, Helfman, Pastoriza, Cole & Boniske, P.A.  
TOWN ATTORNEY