

ORDINANCE NO. 23-311

AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA; AMENDING CHAPTER 17 BY CREATING SECTION 17-3 OF THE TOWN OF MIAMI LAKES CODE OF ORDINANCE; PROVIDING FOR INCLUSION INTO THE CODE; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE TOWN CODE; AND PROVIDING FOR AN EFFECTIVE DATE. (DIEGUEZ)

WHEREAS, during the January 2023 Town of Miami Lakes (the “Town”) Council Meeting, the Town Council directed the Town Attorney to prepare an Ordinance defining abandoned vehicles as a public nuisance, and providing for penalties and enforcement of abandoned vehicles located on Town right-of-ways; and

WHEREAS, on April 11, 2023, the Town Council met and passed the proposed Ordinance in First Reading; and

WHEREAS, on May 9, 2023, the Town Council met and passed the proposed Ordinance in Second Reading; and

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

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

Section 2. **Amending Chapter 17, and creating Section 17-3 of the Town Code.** The Town Council hereby amends Chapter 17 by creating Section 17-3 defined as “Abandoned Vehicles” as described in Exhibit “A.”

Section 3. 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 All provisions of the Code of the Town of Miami Lakes that are in conflict with this Ordinance are hereby repealed.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 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. Inclusion in the Town 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 “Article”, “Division” or other appropriate word.

Section 6. Effective Date. That this Ordinance shall be effective immediately upon its adoption on second reading.

FIRST READING

The foregoing ordinance was offered by Councilmember Collazo who moved its adoption on first reading. The motion was seconded by Councilmember Fernandez and upon being put to a vote, the vote was as follows:

Mayor Manny Cid	No
Vice Mayor Carlos O. Alvarez	Yes
Councilmember Luis E. Collazo	Yes
Councilmember Joshua Dieguez	Yes
Councilmember Tony Fernandez	Yes
Councilmember Ray Garcia	Yes
Councilmember Marilyn Ruano	Yes

Passed on first reading this 11th day of April, 2023

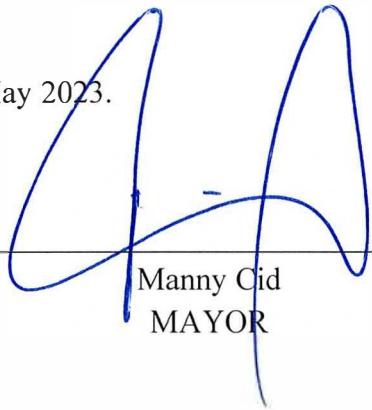
Additions to the Ordinance in First Reading shall be reflected by underlined, and deletions shall be reflected as ~~strike throughs~~. Additions to the Ordinance between first reading and second reading shall be reflected by a double underline, and deletions between first reading and second reading shall be reflected by a ~~double strike through~~.

SECOND READING

The foregoing ordinance was offered by Councilmember Dieguez who moved its adoption on second reading. The motion was seconded by Vice Mayor Alvarez and upon being put to a vote, the vote was as follows:


Mayor Manny Cid	No
Vice Mayor Carlos O. Alvarez	Yes
Councilmember Luis E. Collazo	Absent
Councilmember Joshua Dieguez	Yes
Councilmember Tony Fernandez	Yes
Councilmember Ray Garcia	Yes
Councilmember Marilyn Ruano	Yes

Passed and adopted on second reading this 9th of May 2023.



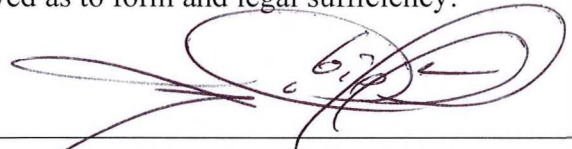
Manny Cid
MAYOR

Attest:



Gina M. Inguanzo
TOWN CLERK

Approved as to form and legal sufficiency:



Lorenzo Cobiella
Gastesi, Lopez and Mestre, PLLC
DEP. TOWN ATTORNEY

Additions to the Ordinance in First Reading shall be reflected by underlined, and deletions shall be reflected as ~~strike throughs~~. Additions to the Ordinance between first reading and second reading shall be reflected by a double underline, and deletions between first reading and second reading shall be reflected by a ~~double strike through~~.

EXHIBIT A

CHAPTER 17, SECTION 17-3, TITLED “VEHICLES”

Sec. 17-3.1. Definitions.

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

Abandoned vehicle means any motor or other vehicle in a wrecked, junked, dilapidated condition on public or private property in the Town. The vehicle is presumed to be abandoned if it is maintained on cement blocks, has flat tires, is partially dismantled, has paint missing, is inoperable or is not registered or insured.

Dilapidated means decayed, deteriorated, or fallen into partial ruin, especially through neglect or misuse.

Enforcement officer means the Town Commander, or any other officers with delegated authority provided by the Town Commander enforce the provisions of this division.

Junk motor vehicle means an inoperable motor vehicle which is incapable of being propelled or driven by its own engine; a wrecked motor vehicle is one which has property damage, the cost of repair of which exceeds the sum of \$500.00; a stripped motor vehicle in which parts have been removed; a dilapidated motor vehicle which has fallen into partial ruin especially through neglect or misuse; and/or an unlicensed motor vehicle where there is no current license tag.

Public property means lands and improvements owned by the federal government, the state, the county or the Town lying within the Town, and includes buildings, grounds, parks, playgrounds, streets, sidewalks, parkways, rights-of-way and other similar property.

Sec. 17-3.2 Abandoned or junk motor vehicles on public or private property prohibited and providing for exceptions.

(a) It shall be unlawful for any person to park, store, or leave any motor or other vehicle maintained on cement blocks, with flat tires, partially dismantled, not properly registered or insured, or in a wrecked, junked, dilapidated or abandoned condition on public or private property in the Town:

(1) Unless it is in connection with a purpose or business enterprise lawfully situated and licensed.

(2) Or if the vehicle is kept on private property, the vehicle shall be kept under a form-fitting car cover with clips or drawstrings.

(3) A maximum of two vehicles shall be allowed under car covers on or within the property lines on any private property within the Town and must be parked on an approved parking surface as provided in the Town zoning code.

(b) Violations of this section are punishable as provided in section _____.

Sec. 17-3.3 Declared nuisance.

All vehicles within the terms of this division are hereby declared to be a public nuisance.

Sec. 17-3.4. Procedure for removal and destruction.

The procedure for removal and destruction of abandoned vehicles shall be as follows:

(1) *Abandoned vehicle on public property.*

- a. Whenever the enforcement officer shall ascertain that an abandoned vehicle is present on public property within the limits of the Town, the officer shall cause a notice to be placed upon such abandoned vehicle and proceed in compliance with F.S. §§ 705.101 and 705.1015.
- b. Whenever the enforcement officer shall ascertain that an abandoned vehicle is present on public property within the limits of the Town, the Enforcement Officer shall cause a notice to be placed upon such abandoned vehicle in substantially the following form:

NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED PROPERTY. This property, to wit: (setting forth a brief description of location) is improperly stored and is in violation of: (setting forth the ordinance or section of Town Code violated) and must be removed within five days from date of this notice; otherwise it shall be presumed to be abandoned and will be removed and destroyed by order of the Town of Miami Lakes. Dated this: (setting forth date of posting notice). Signed: (setting forth name, title, address and telephone number of enforcement officer).

NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED PROPERTY. This property, to wit: (setting forth a brief description) is unlawfully upon public property known as: (setting forth a brief description of location) and must be removed within five days; otherwise, it will be removed and disposed of pursuant to chapter 705, Florida Statutes. The owner will be liable for the costs of removal, storage, and publication of notice. Dated this: (setting forth the date of posting of notice), signed: (setting forth name, title, address, and telephone number of law enforcement officer).

Such notice shall be sent to the owner of the vehicle in the same fashion as set forth in F.S. §705.103, allowing the enforcement officer to initiate enforcement proceedings. ~~to be heard by the code enforcement board.~~

- c. The notice, as set forth in subsection (1)b of this section, shall be not less than eight inches by ten inches and shall be sufficiently weatherproof to withstand normal exposure to the elements. In addition to posting, the enforcement officer shall make reasonable effort to ascertain the name and address of the owner, and if such is reasonably available to the enforcement officer, he/she shall mail a copy of such notice to the owner on or before the date of posting. The Town shall contact the state department of highway safety and motor vehicles in order to determine the name and address of the owner and any person who has filed a lien on the vehicle as provided in F.S. §319.27(2) or (3). On receipt of this information, the enforcement agency shall mail a copy of the notice by certified mail, return receipt requested, to the owner and to the lienholder, if any.
- d. If, at the end of five days after posting and mailing the notice as set forth in subsections (1)b and c of this section, the owner or any person interested in the abandoned vehicle described in such notice has not removed the same and complied with the ordinance or section of this Code cited in the notice, or shown reasonable cause for failure to do so, the enforcement officer may cause the abandoned vehicle to be removed and destroyed, and the salvage value, if any, of such abandoned vehicle shall be retained by the Town to be applied against the cost of removal and destruction thereof.

(2) *Abandoned vehicle on private property.* Whenever a private property owner wishes to have any vehicle parked on his or her property removed, said owner shall comply with the provisions of F.S. §715.07.