

**ORDINANCE NO. 02-18**

**AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA, ESTABLISHING A ONE HUNDRED EIGHTY (180) CALENDAR DAY AMNESTY PERIOD COMMENCING WITH THE EFFECTIVE DATE OF THIS ORDINANCE; AUTHORIZING THE ISSUANCE OF "AFTER THE FACT" PERMITS WITHOUT PENALTIES FOR PROPERTY OWNERS WITH UNPERMITTED STRUCTURES OR BUILDINGS SO AS TO BRING THEM INTO COMPLIANCE WITH THE TOWN CODE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Miami Lakes (the "Town") incorporated on December 5, 2000; and

**WHEREAS**, prior to the incorporation of the Town, all building permits were processed and issued by Miami-Dade County (the "County"); and

**WHEREAS**, the County has continued to process and issue building permits for the Town subsequent to the Town's incorporation pursuant to an interlocal agreement; and

**WHEREAS**, the Town intends to assume responsibility for processing and issuing permits as of April 1, 2002; and

**WHEREAS**, since the date of the Town's incorporation construction work may have been performed without a building or development permit because of confusion as to which government body was responsible for the issuance of such permits; and

**WHEREAS**, unpermitted work poses a risk to the health, safety and welfare to the residents of the Town because such work may be substandard or incomplete; and

**WHEREAS**, the Town desires to establish an amnesty period to encourage any person

who may have initiated construction work without obtaining proper permits to secure the required permits for the construction work pursuant to the Town Code;<sup>1</sup> and

**WHEREAS**, it is the intent of this Ordinance to ensure that structures that were constructed, restored or rehabilitated or renovated without permits are brought into compliance with the Town Code, and to eliminate buildings made unsafe by unpermitted construction, restoration or rehabilitation work within the Town of Miami Lakes; and

**WHEREAS**, in order to obtain a certificate of occupancy under the Town Code for work performed without appropriate permits, a person may apply for an "after-the-fact" permit by paying a penalty of double the fee specified as the cost of the permit plus an additional fee of either \$100.00, \$200.00 or \$500.00 (the "Penalty")<sup>2</sup>; and

**WHEREAS**, in order to encourage those persons who initiated construction work without proper permits to obtain a permit, the Town Council finds that it is in the best interest of the Town to waive the Penalty during the Amnesty Period created by this Ordinance.

**NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, THAT:**

**Section 1.    Recitals.** The foregoing Recitals are true and correct and are incorporated herein by this reference.

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<sup>1/</sup> The Miami-Dade County Code in effect on December 5, 2000, is made applicable to the Town pursuant to Section 8.3 of the Town Charter.

<sup>2/</sup> Miami-Dade County Ordinance No. 99-137, Exhibit D establishes the Penalty that was in effect on December 5, 2000, for "after-the-fact" permits. Pursuant to Section 8.4 of the Town Charter, all municipal fees imposed within the Town boundaries by Miami-Dade County as the municipal government for unincorporated Miami-Dade County which were in effect on December 5, 2000, shall continue at the same rate and on the same conditions as if the fees had been adopted by the Town.

**Section 2. Application.** This Ordinance shall apply to all buildings or structures constructed, restored, rehabilitated, renovated, or demolished between December 5, 2000 and the amnesty period created by this Ordinance (the “Amnesty Period”).

**Section 3. Amnesty Period.** A one hundred eighty (180) calendar day Amnesty Period is created commencing upon the effective date of this Ordinance. During the Amnesty Period, any person who has initiated any unpermitted construction work on any structure or building may apply for any necessary building permit or development approval without payment of a penalty as provided for by Section 8.4 of the Town Charter, Section 8-5 of the Town Code, and Miami-Dade County Ordinance 99-137, Exhibit D. Notwithstanding any contrary provision of the Town Code, the Town Building Official is authorized to waive any Penalty that would otherwise be assessed for buildings or structures that were constructed, restored, rehabilitated, renovated or demolished without a Town permit; provided, that no waiver of any Penalty be shall be granted nor shall a permit be issued until the owner or contractor furnish evidence satisfactory to the Town Building Official that the construction, restoration, rehabilitation, renovation, or demolition of the structure or building satisfies the requirements of the Town Code in effect on the effective date of this Ordinance. The provisions of Section 8-4 of the Town Code providing for suspension or revocation of a contractor's permit privileges for initiating construction work without first obtaining a building permit shall be waived for construction started by the contractor during the Amnesty Period provided the contractor obtains the necessary building permit.

**Section 4. Enforcement of the Code.** Notwithstanding the provisions of this Ordinance, the Town may at all times continue enforcement of the Town Code through any authorized code compliance methods specified in Chapter 8CC of the Town Code or other authorized means, including but not limited to, issuance of and prosecution of a notice of violation or the issuance of a citation. This section shall not be construed or interpreted to serve as a defense against any enforcement action brought by the Town based on non-compliance with the current requirements of the Town Code.

**Section 5. Severability.** If any section, subsection, sentence, clause or provision of this Ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

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

The foregoing Ordinance was offered by Councilmember Thomson who moved its adoption on first reading. The motion was seconded by Councilmember Collins and upon being put to a vote, the vote was as follows: 6-0

Councilmember Mary Collins	Yes
Councilmember Robert Meador, II	Yes
Councilmember Michael Pizzi	Yes
Councilmember Nancy Simon	Yes
Councilmember Peter Thomson	Yes
Vice Mayor Roberto Alonso	Absent
Mayor Wayne Slaton	Yes

PASSED AND ADOPTED on first reading this **12th** day of **March**, 2002.

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

Councilmember Mary Collins	Yes
Councilmember Robert Meador, II	Yes
Councilmember Michael Pizzi	Yes
Councilmember Nancy Simon	Yes
Councilmember Peter Thomson	Yes
Vice Mayor Roberto Alonso	Yes
Mayor Wayne Slaton	Yes

PASSED AND ADOPTED on second reading this 9<sup>th</sup> day of April, 2002.

/s/ Wayne Slaton  
WAYNE SLATON, MAYOR

ATTEST:

/s/ Beatris M. Arguelles  
BEATRIS M. ARGUELLES, CMC  
TOWN CLERK

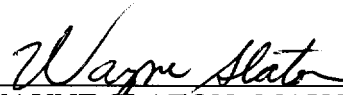
APPROVED AS TO FORM:

/s/ Allison Bieler  
WEISS, SEROTA, HELFMAN, PASTORIZA & GUEDES, P.A.  
TOWN ATTORNEY

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

Councilmember Mary Collins	Yes
Councilmember Robert Meador, II	Yes
Councilmember Michael Pizzi	Yes
Councilmember Nancy Simon	Yes
Councilmember Peter Thomson	Yes
Vice Mayor Roberto Alonso	Yes
Mayor Wayne Slaton	Yes

PASSED AND ADOPTED on second reading this 9<sup>th</sup> day of April, 2002.

  
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WAYNE SLATON, MAYOR

ATTEST:

  
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BEATRIS M. ARGUELLES, CMC  
TOWN CLERK

APPROVED AS TO FORM:

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WEISS, SEROTA, HELFMAN, PASTORIZA & GUEDES, P.A.  
TOWN ATTORNEY