

ORDINANCE NO. 02-19

AN ORDINANCE OF TOWN OF MIAMI LAKES, FLORIDA, AMENDING SECTION 30-388.12 OF THE TOWN CODE TITLED "OBSTRUCTION OF PUBLIC STREETS, HIGHWAYS, ETC." TO REQUIRE THAT OFF-DUTY POLICE OFFICERS BE PROVIDED TO DIRECT TRAFFIC ON ANY PUBLIC ROAD WITHIN THE TOWN WHERE CONSTRUCTION ACTIVITY IMPEDES THE FLOW OF TRAFFIC AND THREATENS PUBLIC SAFETY DURING THE REGULAR WEEKDAY RUSH HOURS; AMENDING SECTION 8CC-10 OF THE TOWN CODE, TITLED "SCHEDULE OF CIVIL PENALTIES;" PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council finds that construction activity on property within the boundaries of the Town oftentimes impacts the proper and safe flow of vehicular traffic during the normal weekday rush hours and threatens public safety; and

WHEREAS, the Town Council finds that requiring off-duty police officers be present to direct traffic on public roads during the regular weekday rush hours will protect the public, enhance public safety, and is in the best interest of the Town.

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

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

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

Section 2. Section 30-388.12 of the Town Code¹ is hereby amended to read as

follows:

Section 30-388.12. Obstruction of public streets, highways, etc.

(a) It is unlawful for any person or persons to willfully obstruct the free, convenient and normal use of any public street, highway or road, by impeding, hindering, stifling, retarding or restraining traffic or passage thereon, or by endangering the safe movement of vehicles or pedestrians traveling thereon.

(b) All persons engaged in construction activity on property located within the Town shall provide at least one off-duty police officer to direct traffic on public roads within the Town that directly service the property where the construction activity impedes the safe flow of vehicular traffic during the normal weekday rush hours. The Town Manager or designee shall determine whether appropriate circumstances exist to waive this requirement.

(c) Off-duty police officers shall be obtained from the Town Police Department.

(d) “Normal weekday rush hours” are defined as the time periods from 6:30 a.m. to 9:30 a.m. and from 3:00 p.m. to 6:30 p.m., Monday through Friday. This term does not include recognized public holidays, Saturdays or Sundays.

(e) Penalties. Each violation of Section 30-388.12(c) shall be punished by a fine of \$500 or imprisonment in the County jail not to exceed sixty (60) days or both such fine and imprisonment. Each day that a violation continues shall be deemed a separate violation. Nothing contained herein shall prohibit the Town from enforcing its Code by any other means including, but not limited to, any enforcement provisions provided in Chapter 162, Florida Statutes, or a civil action for appropriate relief in a court of competent jurisdiction. 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 the Town Code.

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

^{1/} Pursuant to Section 8.3 of the Town Charter, the Code of Miami-Dade County, Florida, currently serves as the Town Code.

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>
<u>30-388.12(c)</u>	<u>Failure to provide off-duty police officer(s)</u>	<u>\$500.00</u>

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 Collins, who moved its adoption on first reading. The motion was seconded by Vice Mayor Alonso 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 first reading this **14th** day of **May**, 2002.


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

Councilmember Mary Collins	Yes
Councilmember Robert Meador, II	Yes

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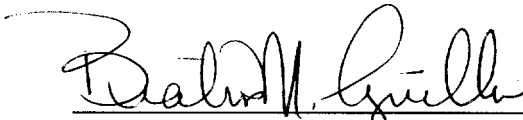
Councilmember Michael Pizzi	Yes
Councilmember Nancy Simon	Yes
Councilmember Peter Thomson	Yes
Vice Mayor Roberto Alonso	Yes
Mayor Wayne Slaton	Yes

PASSED AND ADOPTED on second reading this **11th** day of **June**, 2002.



Wayne Slaton, Mayor

ATTEST:



BEATRIS M. ARGUELLES, CMC
TOWN CLERK

APPROVED AS TO FORM:



TOWN ATTORNEY