

ORDINANCE NO. 02-27

AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA, PROVIDING FOR A FEE TO CLOSE EXPIRED PERMITS PREVIOUSLY ISSUED BY MIAMI-DADE COUNTY; WAIVING PENALTIES; PROVIDING FOR ENFORCEMENT OF THE CODE; PROVIDING FOR SEVERABILITY; 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 Code of Miami-Dade County (the "County") as its own, at the time of the Town's incorporation; and

WHEREAS, the Town's building and permitting is governed by the Florida Building Code which became effective on March 1, 2002; and

WHEREAS, the Florida Building Code provides a procedure to address expired permits; and

WHEREAS, approximately 120 permits were issued by the County for properties within the boundaries of the Town (the "Properties"), and such permits have expired without being closed; and

WHEREAS, under the Town's Code, renewal of an expired permit is subject to certain penalties and additional fees; and

WHEREAS, the Town Council desires to encourage the final closeout of such expired permits for a specified time period and waiver of any such penalties.

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

Section 1. **Expired Permit Fee.** For a period of 180 days from the effective date of this Ordinance, the Town's Building Official shall charge a fee of \$150 to renew and close expired permits previously issued by the County, provided that the applicant submits to the Town's Building Official an affidavit from a registered architect or engineer that satisfies the requirements of the Florida Building Code to renew and close the expired permit, and that the affidavit includes evidence that the construction was completed prior to March 1, 2002.

Section 2. **Waiver of Penalties.** Notwithstanding any contrary provision of the Town Code, the Town Building Official is authorized to waive any penalty that would otherwise be assessed to renew the expired permit; provided that no waiver of any penalty shall be granted nor shall an expired permit be closed unless the applicant first complies with the provisions of Section 1 of this Ordinance.

Section 3. **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 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 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 6. 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 (6-0-1):

Councilmember Mary Collins	Yes
Councilmember Robert Meador, II	Absent
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 12th day of **November**, 2002.

The foregoing Ordinance was offered by Councilmember **Thomson**, 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
Councilmember Michael Pizzi	Yes

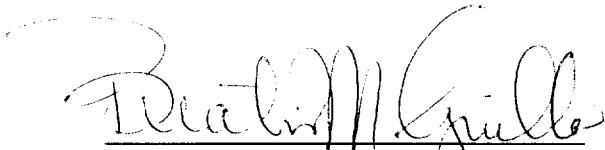
Councilmember Nancy Simon	Yes
Councilmember Peter Thomson	Yes
Vice Mayor Roberto Alonso	Yes
Mayor Wayne Slaton	Yes

PASSED AND ADOPTED on second reading this 16th day of December, 2002.




WAYNE SLATON, MAYOR

ATTEST:



BEATRIS M. ARGUELLES, CMC
TOWN CLERK

APPROVED AS TO FORM:



WEISS, SEROTA, HELFMAN, PASTORIZA & GUEDES
TOWN ATTORNEY