

RESOLUTION NO. 07- 600

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, APPROVING AN ADMINISTRATIVE POLICY REGARDING WORK WITHOUT PERMIT; FOR CASES WHERE THE COUNTY'S PERMIT RECORDS WERE DESTROYED; AUTHORIZING THE TOWN MANAGER TO IMPLEMENT THE POLICY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Miami-Lakes (the "Town") incorporated in the year 2000; and

WHEREAS, prior to the incorporation of the Town, Miami-Dade County (the "County") was responsible for issuance, inspection and closure of building permits for all real property located within the Town; and

WHEREAS, the County has advised the Town that certain building department permit records were destroyed, specifically, for the years 1961 through 1972 for residential property and portions of 1973 through 1979 as well; and

WHEREAS, many property owners are not the original owners of the parcels and do not have access to historical permitting records; and

WHEREAS, for structures built prior to the date of incorporation, there may be times when the historical records do not reflect the existence of a permit for the structure; and

WHEREAS, the Town Council desires to implement a policy to address Work Without Permit; For Cases Where The County's Permit Records Were Destroyed (the "Policy"); and

WHEREAS, the Policy would provide for a method for a property owner who is unable to produce a permit for the structure to maintain the improvement on the parcel provided that the property owner is able to produce sufficient evidence pursuant to the Policy that the structure meets certain conditions.

NOW THEREFORE, BE IT RESOLVED 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 this reference.

Section 2. **Approval of Policy.** The Town Council approves the Policy Regarding Work Without Permit; For Cases Where The County's Permit Records Were

Destroyed, attached hereto and incorporated herein as Exhibit "A."

Section 3. Authorization of Town Manager. The Town Manager is authorized to implement the Policy.

Section 4. Effective Date. This Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED this 11 day of December, 2007.

Motion to adopt by Nancy Simon, second by Mary Collins.

FINAL VOTE AT ADOPTION

Mayor Wayne Slaton	<u>yes</u>
Vice Mayor Nancy Simon	<u>yes</u>
Councilmember Roberto Alonso	<u>yes</u>
Councilmember Mary Collins	<u>yes</u>
Councilmember Robert Meador	<u>absent</u>
Councilmember Michael Pizzi	<u>yes</u>
Councilmember Richard Pulido	<u>yes</u>

PASSED AND ADOPTED this 11 day of December 2007.

ATTEST:

Debra Eastman
Debra Eastman, MMC
TOWN CLERK

Wayne Slaton
Wayne Slaton
MAYOR

Approved as to form and legal sufficiency
for use only by the Town of Miami Lakes:



Weiss Serota Helfman Pastoriza
Cole & Boniske, PL.
TOWN ATTORNEY

EXHIBIT A

POLICY REGARDING WORK WITHOUT PERMIT(S); FOR CASES WHERE MIAMI-DADE COUNTY'S PERMIT RECORDS WERE DESTROYED

Recently, a few code enforcement cases have come up where the owner alleges that a structure was built a long time ago but, the Miami-Dade County Building Department (the "MDC") destroyed the records of any permit(s) for the property. The below policy (the "Policy") takes into account the legality of bringing a case where the records were destroyed, but also allows the Town of Miami Lakes (the "Town") to fully comply with its duty to enforce its code.

POLICY

If the Town opens a code enforcement case, either through a complaint or otherwise, for a structure built without a permit, the Town shall conduct an investigation to determine whether the structure was permitted.

The Town must first determine from its records and/or MDC's if a permit was issued and appropriate final inspections were approved. In that event, the code enforcement case will be closed.

Otherwise, the following procedure will be followed:

- A. Determine the age of the structure and the address of the property.
- B. If the structure was built after the establishment of the Town's Building Department, the Town will review its records and if no permit was pulled, the case will continue the code enforcement process.
- C. If the structure was built prior to the establishment of the Town's Building Department, the Town will then inquire with MDC about the permit information relating to such property within that time frame.
 - 1) If the records exist and no permit was pulled, the case will continue the code enforcement process.
 - 2) If the records do not exist, the Town will request a letter from MDC stating that the records no longer exist.
 1. The case will be submitted to the Zoning Official to determine if the addition/improvement would have been permissible under the zoning code that existed at the time the structure was built.

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For Cases Where Miami-Dade County's
Permit Records Were Destroyed
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- a. If it was permissible, the Town will research whether the addition/improvement was reflected as part of the Miami-Dade County Property Appraiser's Tax records for the property since the approximate date that the structure was built.
 - i) If the structure is reflected on the records, the case shall be closed.
 - ii) If the structure is not reflected on the records, the property owner must obtain a permit for the structure by providing an as-built certificate from an architect or engineer indicating that the structure was built in accordance with the building code in existence at that time or current code.
- b. If the structure was not permissible, the case will be referred back to code enforcement for processing.