

RESOLUTION NO. 08- 679

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, REVISING SECTION 8CC-10 OF THE TOWN CODE, TITLED "SCHEDULE OF CIVIL PENALTIES," TO MODIFY FINES AND CONSOLIDATE PENALTIES FROM ADOPTED ORDINANCES IN ONE LOCATION; AND TO PROVIDE FOR PENALTIES FOR VIOLATIONS OF CODE SECTIONS NOT SPECIFICALLY LISTED IN THE SCHEDULE OF CIVIL PENALTIES; 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 Miami-Dade County Code (the "Town Code") as its own, at the time of the Town's incorporation which included Section 8CC-10; and

WHEREAS, in Ordinance Number 02-17, the Town amended Chapter 8CC-10 pertaining to Code Enforcement; and

WHEREAS, subsequent to its adoption, the Town Code has been amended by various ordinances adopted by the Town of Miami Lakes (the "Code Amendment Ordinances") to better address and serve the needs of the Town; and

WHEREAS, the Town Council wishes revise the schedule of civil penalties in Chapter 8CC-10 of the Town Code to provide for civil penalties for violations identified in the Code Amendment Ordinances; and

WHEREAS, in Ordinance 07-87, the Town amended Section 8CC-1 to allow the Town Council to amend by Resolution, the schedule of civil penalties contained in Section 8CC-10; and

WHEREAS, the Town Council wishes to provide for penalties for violations not specifically listed in the schedule of civil penalties in Chapter 8CC-10 of the Town Code; and

WHEREAS, the Town Council finds that it is in the best interests of the residents of the Town to adopt the following revisions to the Town Code.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF TOWN OF MIAMI LAKES, FLORIDA, AS FOLLOWS: ¹

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

Section 2. The Schedule of Civil Penalties listed in Section 8CC-10 of the Town Code is amended and replaced in its entirety with the following Schedule of Civil Penalties:

<i>Code Section</i>	<i>Description of Violation</i>	<i>Civil Penalty</i>
<u>2-8.1</u>	<u>Disclosing false information</u>	<u>\$500</u>
<u>2-100(d)</u>	<u>Illegal object(s) in the right-of-way not conforming with Public Works Manual</u>	<u>200</u>
<u>2-103.1</u>	<u>Construction in right-of-way without permit</u>	<u>200</u>
<u>2-103.1</u>	<u>Construction in right-of-way nonconforming with public works manual</u>	<u>200</u>
<u>2-103.1</u>	<u>Illegal paving or drainage construction on private property</u>	<u>200</u>
<u>2-103.15(d)</u>	<u>Illegal signs in right-of-way which penetrate or injure a tree, first violation</u>	500 <u>50</u>
<u>2-103.15(d)(1)</u>	<u>Illegal signs in right-of-way which penetrate or injure a tree, second violation</u>	<u>200</u>
<u>2-103.15(d)(1)</u>	<u>Illegal signs in right-of-way which penetrate or injure a tree, third and subsequent violations</u>	<u>500</u>
<u>2-103.15(d)(2)</u>	<u>Illegal signs in the right of way affixed with an adhesive or glue, or secured with bricks, rocks, concrete blocks, metal rods or any other similar securing device that hinders the removal of the illegal sign</u>	<u>50</u>

¹ (Coding: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.)

<u>2-103.15(d)(3)</u>	<u>Illegal signs in the right-of-way constructed and/or framed in wood, metal, or any other non-paper or non-plastic material up to 22 x 28 inches in total size</u>	<u>50</u>
<u>2-103.15(d)(4)</u>	<u>Illegal signs in the right-of-way constructed and/or framed in wood, metal, or any other non-paper or non-plastic material over 22 x 28 inches in total size</u>	<u>500</u>
<u>2-103.15(d)(5)</u>	<u>Illegal signs in the right-of-way constructed of plastic or other similar plastic-like synthetic material</u>	<u>500</u>
<u>2-103.15(d)(6)</u>	<u>Illegal banners, pennants, or streamers in the right-of-way</u>	<u>200</u>
<u>2-103.16</u>	<u>Placing an article in the public right-of-way without a permit, or failing to remove a newsrack after a permit has been denied</u>	<u>100</u>
<u>8-1, of the Miami-Dade County code, as applicable to the Town*</u>	<u>Florida Building Code violations: Note: Sections relating to Florida Building Code will have the prefix "FBC". In the event of future amendments to the Florida Building Code, the description of the violation will control over the code section number.</u>	
<u>8-1</u>	<u>FBC § 105.1: Failure of owner-builder or contractor to obtain permit</u>	<u>500</u>
<u>8-1</u>	<u>FBC § 105.7: Failure to keep building permit on work site</u>	<u>100</u>
<u>8-1</u>	<u>FBC § 109: Failure of property owner or permit holder to allow inspections</u>	<u>500</u>
<u>8-1</u>	<u>FBC § 109.3: Failure to obtain required inspection</u>	<u>500</u>
<u>8-1</u>	<u>FBC § 110: Failure to obtain required Certificate of Occupancy ("CO") prior to use or occupancy or before a temporary CO expires</u>	<u>500</u>
<u>8-1</u>	<u>FBC § 111: Unlawfully connecting utility service</u>	<u>500</u>
<u>8-1</u>	<u>FBC § 114.3: Failure to comply with stop work order</u>	<u>500</u>
<u>8-1</u>	<u>FBC § 1817.1: Failure to properly underpin or protect a footing or foundation against settlement caused by an excavation</u>	<u>500</u>
<u>8-1</u>	<u>FBC § 1817.2: Unlawfully making an excavation which endangers adjoining property or buildings or is a menace to public health or safety</u>	<u>500</u>

8-1	All other Florida Building Code violations	200
8-11(c)(5)	Failure to post the required certificate of inspection for a boiler or pressure vessel	500
8-11(f)(iv)(1)	Failure of the owner of a 40-year-old building to furnish required written report to the Building Official	500
8-11(f)(iv)(5)	Failure of the owner of a 40-year-old building to complete required repairs or modifications	500
8-14	Failure to remove debris, equipment, materials or sheds	200
8-16	Failure to secure buildings and equipment	500
Ord. 01-08	Failure to obtain a Town of Miami Lakes occupational license	100 250
Ord. 05-69, Ch. 8AA, Art. III	Failure to comply with Communications Rights-of-Way Ordinance	250
Ch. 19	Overgrown grass, weeds, non-native undergrowth or dead-plant life, first violation	100
Ch. 19	Overgrown grass, weeds, non-native undergrowth or dead-plant life, second violation	500 200
Ch. 19	Overgrown grass, weeds, non-native undergrowth or dead-plant life, third and subsequent violations	200 500
Ch. 19	All other violations of Chapter 19, first violation	250
Ch. 19	All other violations of Chapter 19, second and subsequent violations	500
Ord. 05-71, 21.13a	Violation of sex offender residency prohibition, first violation	500
Ord. 05-71, 21.13a	Violation of sex offender residency prohibition, second and subsequent violations	1,000
Ord. 04-62, 21-20; Ord. 08-102, Div.5.9	Failure to maintain perimeter walls or fences	200
Ord. 04-50, 21-28	Noise violations	100
Ord. 04-50, 21-28(3)	Failure to obtain special event permit	100 250
21-34(a)	Obstructing, damaging, destroying, or interfering with canal, drain, ditch, watercourse, etc.	100
21-222	Failure to notify State one-call system prior to excavation	500

<u>21-222</u>	<u>Excavation without clearance from owners of underground facilities</u>	<u>500</u>
<u>21-222(d)</u>	<u>Failure by an excavator to engage in exploratory digging when required</u>	<u>500</u>
<u>21-222(e)</u>	<u>Failure to use water based paint to mark locations</u>	<u>500</u>
<u>21-225</u>	<u>Excavation when utility markings are not visible</u>	<u>500</u>
<u>21-225</u>	<u>Willful removal of markings of underground facilities</u>	<u>500</u>
<u>21-225(b)</u>	<u>Failure to cease excavation after damaging an underground facility</u>	<u>500</u>
<u>21-225(b)</u>	<u>Failure by excavator causing damage to an underground facility to notify the owner of that facility</u>	<u>500</u>
<u>21-225(c)</u>	<u>Failure to disclose known conflicts on permit drawings</u>	<u>500</u>
<u>21-225(c)</u>	<u>Installation of new underground facilities which create a conflict with existing underground facilities without approval by permitting agency or the taking of measures to protect the maintenance, or operation of the existing facility as may be required</u>	<u>500</u>
<u>21-225(d)</u>	<u>Engaging in directional boring without the ability to monitor the location of the bore head or equivalent equipment</u>	<u>500</u>
<u>21-226</u>	<u>Failure to cease excavation upon contact with underground facility</u>	<u>250</u>
<u>21-227</u>	<u>Excavation after order to stop</u>	<u>500</u>
<u>21-253</u>	<u>Failure of adult group home to provide a suitable form of identification to incapacitated residents</u>	<u>200</u>
<u>21-253</u>	<u>Failure of adult home to promptly replace lost or worn form of identification</u>	<u>200</u>
<u>21-254</u>	<u>Failure of adult group home to have a sign with the term "Adult Congregate Living Facility" or "ACLF"; "Adult Family Care Home" or "AFC Home"; or "Nursing Home," as applicable</u>	<u>100</u>
<u>Ord. 02-16, 21-276(4)</u>	<u>Failure of user to file burglar alarm registration or pay registration fee</u>	<u>50</u>
<u>Ord. 02-16, 21-276(5)</u>	<u>Use of burglar alarm without required equipment</u>	<u>50</u>
<u>Ord. 02-16, 21-276(4) and (5)</u>	<u>Second and subsequent violations of subsection (4) or (5) by the burglar alarm user</u>	<u>100</u>

<u>Ord. 02-16, 21-276(6)</u>	<u>Failure to provide required forms and registration and/or failure to comply with company requirements</u>	<u>100</u>
<u>Ord. 02-16, 21-276(6)</u>	<u>Fourth false burglar alarm during registration period</u>	<u>50</u>
<u>Ord. 02-16, 21-276(6)</u>	<u>Fifth false burglar alarm during registration period</u>	<u>100</u>
<u>Ord. 02-16, 21-276(6)</u>	<u>Sixth and subsequent false burglar alarms during registration period</u>	<u>200</u>
<u>Ord. 02-16, 21-276(7)</u>	<u>Failure to verify burglar alarm signal prior to contacting MDPD personnel</u>	<u>100</u>
<u>Ord. 02-16, 21-276(8)</u>	<u>Failure of a burglar alarm monitoring company to notify the Miami-Dade Police Department within ten minutes of notice that an alarm was false</u>	<u>100</u>
<u>Ord. 07-93, 26-1</u>	<u>Violation of Parks and Recreation Rules and Regulations, first violation</u>	200 <u>100</u>
<u>Ord. 7-93, 26-1</u>	<u>Violation of Parks and Recreation Rules and Regulations, second violation</u>	<u>200</u>
<u>Ord. 7-93, 26-1</u>	<u>Violation of Parks and Recreation Rules and Regulations, third and subsequent violations</u>	<u>500</u>
<u>Ord. 02-19, 30-188.12 (c)</u>	<u>Failure to provide off-duty police officer(s)</u>	<u>500</u>
<u>33-13</u>	<u>Unlawfully establishing an unusual or new use without prior approval at public hearing</u>	<u>500</u>
<u>33-15</u>	<u>Illegally maintaining or depositing junk or trash</u>	<u>500</u>
<u>33-15(e)</u>	<u>Conducting auto repairs beyond what is permitted in a residential district</u>	<u>500</u>
<u>33-15.1</u>	<u>Failure to remove derelict/nonfunctioning property per order</u>	<u>500</u>
<u>33-16</u>	<u>Illegal excavation</u>	<u>500</u>
<u>33-19</u>	<u>Maintaining illegal donation collection bin</u>	<u>500</u>
<u>33-19.1(a)</u>	<u>Unlawfully displaying a vehicle for sale without a valid state license plate affixed to the vehicle</u>	<u>250</u>
<u>33-19.1(b)</u>	<u>Unlawfully displaying more than two (2) vehicles for sale in a residential district</u>	<u>250</u>
<u>33-20(a)</u>	<u>Illegally occupying a temporary accessory building tent, or similar structure without prior approval</u>	<u>200</u>
<u>33-20.1.1</u>	<u>Prima facie evidence of illegal multiple use or illegal subdivision of a residence</u>	<u>500</u>

<u>33-25</u>	<u>Illegally maintaining a houseboat</u>	<u>500</u>
<u>33-38</u>	<u>Failure to comply with a stop work order</u>	<u>500</u>
<u>33-38.1</u>	<u>Resisting or obstructing enforcement</u>	<u>500</u>
<u>33-39.3</u>	<u>Violation of the terms of a consent agreement</u>	<u>500</u>
<u>33-51</u>	<u>Maintaining a structure in the setback in a business or industrial district</u>	<u>500</u>
<u>33-122.2(a)</u>	<u>Failure to provide parking spaces for persons transporting young children and strollers</u>	<u>200</u>
<u>33-122.2(b)</u>	<u>Improperly located parking space for persons transporting young children and strollers</u>	<u>200</u>
<u>33-122.2(c)</u>	<u>Improperly painted or posted parking spaces for person transporting young children and strollers</u>	<u>200</u>
<u>33-122.3</u>	<u>Failure to install bicycle racks or other means of storage that can secure at least four (4) bicycles</u>	<u>500</u>
<u>33-122.3(a)</u>	<u>Failure to provide required number of bicycle parking spaces</u>	<u>200</u>
<u>33-122.3(c)(1)</u>	<u>Failure to locate bicycle parking spaces near principle entrance</u>	<u>200</u>
<u>33-122.3(c)(2)</u>	<u>Failure to install bicycle parking spaces near entrances to buildings served by the lots</u>	<u>200</u>
<u>33-122.3(c)(3)</u>	<u>Failure to provide bicycle parking spaces in visible, lighted location that does not impede pedestrian or handicap accessibility</u>	<u>200</u>
<u>33-122.3(c)(4)</u>	<u>Illegal bicycle parking spaces in the County or Town maintained right-of-way</u>	<u>200</u>
<u>33-122.3(c)(5)</u>	<u>Failure to provide properly designed bicycle rack</u>	<u>200</u>
<u>33-122.3(c)(6)</u>	<u>Failure to maintain a bicycle rack</u>	<u>200</u>
<u>33-122.3(e)</u>	<u>Failure to provide signage and markings for bicycle parking spaces</u>	<u>200</u>
<u>33-124</u>	<u>Failure to provide adequate number of off-street parking spaces</u>	<u>500</u>
<u>33-124.1(b)2</u>	<u>Unlawfully parking, storing or otherwise keeping more than two (2) commercial vehicles in a residential zoned district</u>	<u>500</u>
<u>33-126</u>	<u>Failure to provide proper surface for parking area</u>	<u>200</u>
<u>33-131</u>	<u>Improper use of parking areas as commercial parking lot</u>	<u>500</u>

<u>33-149</u>	<u>Failure to provide any or proper street address number</u>	<u>100</u>
<u>33-150</u>	<u>Illegal sale of alcoholic beverages</u>	<u>500</u>
<u>33-150(H)</u>	<u>Illegal band or orchestra music, dancing or entertainment</u>	<u>500</u>
<u>Ord. 03-36, Ch. 33.151</u>	<u>Illegal outdoor dining area</u>	<u>500</u>
<u>33-196.1(c)</u>	<u>Maintaining a group home less than 1,000 feet from another group home</u>	<u>500</u>
<u>33-243; 33-251.1; 33-353.5; 33-356.4</u>	<u>Illegal sale of fruit or merchandise from trucks, wagons, open stands or vacant lots</u>	<u>500</u>
<u>33-244; 33-251.2; 33-253.6; 33-260; 33-263; 33-266.1; 33-270</u>	<u>Failure to conduct a business from within a completely enclosed building</u>	<u>500</u>
<u>33-244; 33-251.2; 33-253.6; 33-256.5; 33-260; 33-263; 33-266.1; 33-270</u>	<u>Illegal storage of materials or products or illegal storage of materials above the height of a wall or fence</u>	<u>500</u>
<u>33-245; 33-251.3; 33-253.7; 33-256.6</u>	<u>Failure to maintain the wall required to separate business from residential property</u>	<u>500</u>
<u>Ord. 08-102, Div. 3</u>	<u>Illegal use or occupancy of land or structure without prior public hearing approval</u>	<u>200</u>
<u>Ord. 08-102, Div. 3.1</u>	<u>Failure to comply with the condition of a resolution</u>	<u>500</u>
<u>Ord. 08-102, Div. 4, Div. 5</u>	<u>Maintaining a structure encroaching in required setbacks</u>	<u>200</u>
<u>Ord. 08-102, Div. 4.10</u>	<u>Failure to maintain required setback between animals and adjacent property or building</u>	<u>200</u>
<u>Ord. 08-102, Div. 5.8</u>	<u>Overnight parking in swale</u> <u>First violation</u> <u>Second violation</u> <u>Third and subsequent violations</u>	<u>50</u> <u>100</u> <u>250</u>
<u>Ord. 08-102, Div. 5.8</u>	<u>Parking on lawn (inside property)</u> <u>First Violation</u> <u>Second Violation</u> <u>Third and subsequent violations</u>	<u>100</u> <u>200</u> <u>500</u>
<u>Ord. 08-102, Div. 5.9</u>	<u>Over-height fence, hedge, wall, or barbed wire fence</u>	200 <u>250</u>
<u>Ord. 08-102, Div. 5.9</u>	<u>Improperly located fence, wall, or hedge</u>	200 <u>250</u>
<u>Ord. 08-102, Div. 5.12</u>	<u>Unlawfully maintaining more than one (1) satellite dish antenna</u>	<u>200</u>
<u>Ord. 08-102, Div. 5.13</u>	<u>Failure to erect or maintain proper swimming pool fence or barrier</u>	<u>500</u>
<u>Ord. 08-102, Div. 6.1</u>	<u>Failure to maintain structure in good repair and in clean and sanitary condition</u>	200 <u>250</u>
<u>Ord. 08-102, Div. 6.1</u>	<u>Failure to maintain structure protected from the elements with paint or other protective coating</u>	200 <u>500</u>

<u>Ord. 08-102, Div. 6.2</u>	<u>Illegally establishing or maintaining a home office</u>	<u>500 250</u>
<u>Ord. 08-102, Div. 6.5</u>	<u>Failure to comply with lake slope provisions</u>	<u>200</u>
<u>Ord. 08-102, Div. 6.6</u>	<u>Illegal boat and watercraft storage</u>	<u>200 250</u>
<u>Ord. 08-102, Div. 6.7</u>	<u>Illegally maintaining recreational vehicle or camping equipment</u>	<u>200 250</u>
<u>Ord. 08-102, Div. 6.7</u>	<u>Illegally parking or keeping commercial vehicle or equipment on residential property</u>	<u>500 250</u>
<u>Ord 08-102, 33-29</u>	<u>Illegally maintaining or storing construction materials or equipment without active building permit</u>	<u>250</u>
<u>Ord 08-102, Div. 6.7; 33-124.1</u>	<u>Parking of commercial or recreational vehicles in residential or agricultural districts</u>	<u>250</u>
<u>Ord. 08-102, Land Development Code and Ch. 33</u>	<u>Unauthorized use within a district</u>	<u>500</u>
<u>Ord. 07-74, Div. 9.3.A, 9.3.L</u>	<u>Erecting or maintaining a prohibited sign</u>	<u>500.00</u>
<u>Ord. 07-74, Div. 9.3.B(1), 9.5.B(2)</u>	<u>Erection, construction, posting, etc. of a sign without required development approvals</u>	<u>200.00</u>
<u>Ord. 07-74, Div. 9.3.B(2)</u>	<u>Failure to obtain written consent from the property owner</u>	<u>200.00</u>
<u>Ord. 07-74, Div. 9.3.F</u>	<u>Expired sign zoning permit</u>	<u>200.00</u>
<u>Ord. 07-74, Div. 9.3.G</u>	<u>Failure to properly identify permit holder on sign</u>	<u>200.00</u>
<u>Ord. 07-74, Div. 9.3.J</u>	<u>Failure to maintain sign</u>	<u>500.00</u>
<u>Ord. 07-74, Div. 9.3.K.10</u>	<u>Failure to remove holiday decorations</u>	<u>100</u>
<u>Ord. 07-74, Div. 9.4.D.1</u>	<u>Failure to use cohesive design and color for directional sign</u>	<u>200.00</u>
<u>Ord. 07-74, Div. 9.4.D.3</u>	<u>Maintaining a temporary sign in excess of 90 days</u>	<u>250.00</u>
<u>Ord. 07-74, Div. 9.4.D.6(a)</u>	<u>Failure to display flag on a regular daily basis</u>	<u>200.00</u>
<u>Ord. 07-74, Div. 9.4.D.6(b)</u>	<u>Excessive number of flagpoles on a nonresidential site</u>	<u>500.00</u>
<u>Ord. 07-74, Div. 9.4.D.6(b)</u>	<u>Excessive number of flagpoles on a residential site</u>	<u>200.00</u>
<u>Ord. 07-74, Div. 9.4.D.6(c)</u>	<u>Excessive flagpole height</u>	<u>500.00</u>
<u>Ord. 07-74, Div. 9.4.D.6(d)</u>	<u>Failure to maintain flag and flagpole in good repair and condition</u>	<u>500.00</u>
<u>Ord. 07-74, Div. 9.5.A.1(d)</u>	<u>Failure to remove illegal sign</u>	<u>500.00</u>
<u>Ord. 07-74, Div. 9.5.B(3)</u>	<u>Non-permitted sign on public property</u>	<u>500.00</u>

<u>Ch. 33 and Land Development Code</u>	<u>Any other violation in a residential district</u>	<u>250</u>
<u>Ch. 33 and Land Development Code</u>	<u>Any other violation in a non-residential or mixed-use district</u>	<u>500</u>
<u>Violations of all other Code sections not listed</u>		<u>250</u>
<u>For violations of all sections of the Miami-Dade County Code applicable to the Town that are not listed in this schedule, the amount of the civil penalty in the Miami-Dade County Schedule of Civil Penalties, as amended, shall apply.</u>		

* - All references to code sections in Chapter 8 refer to Chapter 8 of the Miami-Dade County Code, as applicable to the Town.

Section 3. Inclusion In The Code. It is the intention of the Town Council that the provisions of this Resolution shall become and made a part of the Town of Miami Lakes Code; that the sections of this Resolution may be renumbered or re-lettered to accomplish such intentions; and that the word “Resolution” or shall be changed to “Section” or other appropriate word.

Section 4. Effective Date. This Resolution shall become effective immediately upon adoption.

[THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK]

PASSED AND ADOPTED this 8 day of July, 2008.

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

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>

Wayne Slaton

Wayne Slaton
MAYOR

ATTEST:

Debra Eastman

DEBRA EASTMAN, MMC
TOWN CLERK

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY FOR USE ONLY BY THE
TOWN OF MIAMI LAKES:

WSS

WEISS, SEROTA, HELFMAN, PASTORIZA,
COLE & BONISKE
TOWN ATTORNEY