ORDINANCE NO. 26-366

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, ESTABLISHING RESTRICTED HOURS ON SCHOOL DAYS FOR WORK THAT INTERRUPTS THE FLOW OF VEHICULAR TRAFFIC IN PUBLIC RIGHTS-OF-WAY; PROVIDING FOR APPLICABILITY, EXCEPTIONS, AND ENFORCEMENT; PROVIDING FOR IMPLEMENTATION, SEVERABILITY, INCLUSION IN THE CODE, CONFLICTS, AND AN EFFECTIVE DATE.

WHEREAS, the Town of Miami Lakes (the "Town") is a duly constituted municipality possessing the powers and authority conferred upon municipalities by the Florida Constitution, Chapter 166, Florida Statutes, and the Town Charter; and

WHEREAS, maintaining the safe and efficient flow of traffic throughout the Town is important to the mobility and quality of life of its residents, and traffic conditions may be impacted by accidents, roadway construction, utility work, lane closures, and other events, particularly during periods of peak vehicular activity, making effective traffic management and coordination important to the safety and mobility of motorists, pedestrians, students, and first responders; and

WHEREAS, the Town recognizes the benefit of establishing consistent and uniform standards governing the hours during which work that interrupts the flow of vehicular traffic may be conducted within public rights-of-way on school days, including work performed pursuant to Memoranda of Understanding, franchise agreements, permits, and other Town-authorized projects, in order to promote effective traffic management and coordination and enhance the safe and efficient movement of motorists, pedestrians, students, and first responders; and

WHEREAS, the heaviest and most time-sensitive traffic conditions in the Town occur on days when schools are in session, during the morning arrival and commuting period and the afternoon dismissal and evening commuting period; and

WHEREAS, at its September 15, 2026 Regular Council Meeting, the Town Council considered the item titled "Restricting Traffic Impact," sponsored by Councilmember Alex Sanchez, and, upon a motion by Councilmember Sanchez, seconded by Vice Mayor Bryan Morera, directed the preparation of an ordinance providing that work impacting the movement of vehicular traffic shall not interrupt the free flow of traffic except between the hours of 9:00 a.m. and 2:00 p.m. and between the hours of 8:00 p.m. and 7:00 a.m., such restriction to apply on days when school is in session; and

WHEREAS, Section 337.401, Florida Statutes, authorizes local governmental entities having jurisdiction and control over public roads to prescribe and enforce reasonable rules and regulations concerning the placement and maintenance of utilities and other structures within the rights-of-way under their jurisdiction, subject to the limitations provided by law, and the Town possesses home rule authority pursuant to Article VIII, Section 2(b) of the Florida Constitution and Chapter 166, Florida Statutes, to regulate matters of municipal concern, including the management and use of its public rights-of-way, consistent with applicable law; and

WHEREAS, the Town Council finds that establishing uniform and predictable hours for work that interrupts the flow of vehicular traffic within public rights-of-way constitutes a reasonable regulation of the time and manner of such work and will promote the safe and efficient movement of traffic during peak travel periods, provide greater predictability for residents and commuters, enhance the safety of motorists, pedestrians, and students, and establish a clear and consistently applicable standard for current and future projects affecting Town roadways; and

WHEREAS, the Town Council finds that the adoption of this Ordinance is necessary and in the best interest of the public health, safety, and welfare of the residents of the Town.

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

Section 1. Recitals Adopted. Each of the above-stated recitals is hereby adopted, confirmed, and incorporated herein by this reference.

Section 2. Amendment to Chapter 35, Article I of the Town Code. That Chapter 35, Article I, "In General," of the Code of Ordinances of the Town of Miami Lakes, Florida, is hereby amended to read as follows:[1]

ARTICLE I. IN GENERAL

Sec. 35-2. Obstruction of public streets, highways, etc.

(a) It is unlawful for any person 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~~the off-duty police officer requirement.

(c) Lane closures and partial traffic interruptions for purposes of construction, right-of-way maintenance, or any other activities on public roads shall only occur as follows:

(1) Lane closures and partial traffic interruptions within local residential roads shall be limited to the hours of 9:00 a.m. to 4:00 p.m., unless otherwise approved by the Town Manager or designee.

(2) Lane closures and partial traffic interruptions within arterial or collector roads that are under the Town's jurisdiction shall be limited to the hours of 9:00 a.m. to 2:00 p.m. and 10:00 p.m. to 6:00 a.m., unless otherwise approved by the Town Manager or designee.

(3) Exemptions. The time limitations set forth in paragraphs (1) and (2) of this subsection shall not apply to the following:

[1] Coding: Double underlined words are additions to existing text; ~~double-struck-through~~ words are deletions from existing text. Existing text that remains unchanged is shown without formatting.

a. Town Capital Improvement projects or emergencies, as deemed necessary by the Town Manager or their designee; and

b. Town repair and maintenance activities, including work performed by contractors on behalf of the Town.

(4) For purposes of this subsection, "partial traffic interruption" means a temporary restriction or alteration of vehicular traffic that reduces the normal capacity or availability of one or more travel lanes but does not completely prohibit vehicular passage through the affected roadway.

(5) Nothing in this subsection shall be construed to authorize work during hours otherwise prohibited by the Town Code, including the Town's noise regulations, or by any other applicable law. Where this subsection and any other regulation apply to the same work, the more restrictive provision shall govern.

(d~~e~~) Off-duty police officers shall be obtained from the Town Police Department when available.

(e~~d~~) The term "normal weekday rush hours" is defined as the time periods from 6:0~~3~~0 a.m. to 9:0~~3~~0 a.m. and from 4~~3~~:00 p.m. to 6:30 p.m., Monday through Friday. This term does not include recognized public holidays, Saturdays or Sundays.

(f~~e~~) Each violation of this section shall be punished by a fine of $500.00 or imprisonment ~~in the County jail~~ not to exceed 60 days in a municipal detention facility or other facility as authorized by law or both such fine and imprisonment to the extent permissible by applicable laws. Each day that a violation continues shall be deemed a separate violation ~~guilty of an offense~~. Nothing contained herein shall prohibit the Town from enforcing this Code by any other means including, but not limited to, any enforcement provisions provided in F.S. ch. 162 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 this Code.

For purposes of law enforcement, the penalties and enforcement methods set forth in this subsection shall apply only to the extent authorized and enforceable under the Miami-Dade County Code, Chapter 162, Florida Statutes, or other applicable Florida law. Nothing herein limits the Town's authority to pursue civil code enforcement or other lawful remedies.

(g) Applicability. The requirements of subsections (b) and (c) of this section shall not apply to construction or other work on any County-owned right-of-way or easement, on any road over which Miami-Dade County exercises permitting jurisdiction pursuant to Section 2-103.1 of the Code of Miami-Dade County, or on any state road, to the extent the Town's

regulation of such work is preempted by the Code of Miami-Dade County or state law. Such work shall comply with the maintenance of traffic requirements of the governmental entity having jurisdiction over the right-of-way. For avoidance of doubt, this subsection applies to County-owned or County-maintained rights-of-way and to any other roadway, right-of-way, construction work, or activity over which Miami-Dade County exercises exclusive permitting or regulatory jurisdiction under Section 2-103.1 or other applicable law.

(h) Enforcement and savings clause. This section may be enforced by the Town through any lawful enforcement mechanism available to the Town, including code enforcement pursuant to Chapter 8 of this Code and Chapter 162, Florida Statutes. Nothing in this section shall be construed to supersede, conflict with, or authorize enforcement inconsistent with the Miami-Dade County Code, Florida law, or other applicable law. Enforcement of this section by a law enforcement officer shall be limited to those provisions and circumstances that such officer is legally authorized to enforce under applicable County or state law. The inability or lack of authority of a law enforcement officer to enforce a particular provision of this section shall not preclude enforcement of such provision by the Town through code enforcement, civil action, or any other lawful means. In the event of a conflict, applicable County, state, or other superior law shall control.

(Ord. No. 02-19, § 2, 6-11-2002)

Sec. 35-3. Sidewalks.

(a) Intent. It is the stated intent of the town, as part of its broader mobility plan, to provide for sidewalk interconnectivity throughout the town. This section seeks to achieve this intent by establishing provisions that ensure sidewalk infrastructure~~, where missing, or~~ is provided where missing or where inadequately planned and constructed.

(b) Sidewalk plans shown. All plans submitted to the town in connection with any development permit application, including a building permit or development order pursuant to Chapter 13, Article 3, of the Land Development Code, upon any parcel of land in the town abutting a public right-of-way, shall show the location of any existing sidewalks.

(c) All permits for construction, shall provide for repair of existing sidewalks adjacent to the subject property that were damaged by the construction activity. No final certificate of completion or occupancy shall be issued until such repair work is completed with inspection approvals.

(d) Applicability. All new construction on unimproved land shall provide sidewalks along all street frontages, as part of that development.

(e) Complete streets. Sidewalks to be constructed within the Town shall conform to the Town's Complete Street Program to the greatest extent possible.

(f) Permitting. No building permit shall be issued for the construction of improvements for the projects required to provide sidewalk interconnectivity as provided above, unless the proposed plans include the location of sidewalks, and said sidewalks are to be constructed by the applicant in accordance with the requirements imposed by the town, and no certificate of completion or occupancy shall be granted unless such sidewalks are completed in accordance with the proposed plans.

(Ord. No. 18-228, § 2, 7-17-2018)

Sec. 35-4. Rights-of-way permit.

(a) All ~~permit's~~permits granted shall expire after 45 days of issuance, unless otherwise restricted ~~to be~~by existing Florida State Statute or Federal Law. Extensions in increments of 45 days may be granted by the Public Works Director.

(b) Except as otherwise provided in the Code, no person may construct in any rights-of-way without first having obtained a permit from the Public Works Director.

(c) A permit will allow the holder to construct in that part of the rights-of-way described in such permit and to hinder free and open passage over the specified portion of the rights-of-way by placing facilities described therein, to the extent and for the duration specified therein.

(d) A permit is valid only for the dates and the area of rights-of-way specified in the permit, unless modified by the public works director.

(e) No person may construct in the rights-of-way beyond the date or dates specified in the permit unless such permit is modified by the Public Works Director.

(f) Permits issued under this article shall be conspicuously displayed at all times at the indicated work site and shall be available for inspection by Department Inspectors and authorized Town personnel.

(g) The Public Works Director may impose reasonable conditions, upon issuance of the permit and the performance of the person requesting the permit thereunder in order to protect the public health, safety and welfare, to ensure the structural integrity of the rights-of-way, to protect the property and safety of other users of the rights-of-way, and to minimize the disruption and inconvenience to the traveling public.

(Ord. No. 19-238, § 2(Exh. A), 3-12-2019)

Sec. 35-5. Rights-of-way permit fees.

(a) *Established.* The fees related to rights-of-way permits shall be established by resolution of the Town Council.

(b) *Payment of permit fees.* To the extent permit fees are not prohibited under the communications services ~~tax~~tax simplification law, no permit ~~fee~~ shall be issued without prior payment of permit fees, unless, at the discretion of the Town Manager, or designee, the Town allows the person or entity requesting the permit to pay such fees within thirty (30) calendar days of billing.

(c) *Non-refundable fees.* Any and all permit fees that were paid for a permit that the town has revoked for breach are not refundable.

(d) *Preservation of rights-of-way.* Existing rights-of-way located within the town's jurisdictional boundaries, including sidewalks, curbs, gutters, and landscaping must be restored to their legally permissible preexisting condition, including any aesthetic enhancements thereto and any adjacent private property damaged during construction, upon expiration or closing of the permit, which ever should occur first. Any entity failing to restore the right-of-way to its preexisting condition or better within the time permitted shall be subject to a civil fine of $500.00 per violation per day until such time as the right-of-way is restored, as well as $500.00 per day for each affected adjacent private property until it is restored.

(Ord. No. 19-238, § 2(Exh. A), 3-12-2019)

Sec. 35-6. Enforcement.

In addition to any other remedy available by law or ordinance, enforcement against a person, firm, corporation or benefactor that violates this ~~section~~article by un-lawfully placing items on a right-of-way or failing to preserve the right-of-way shall be dealt with as provided in Chapter 8 of this Code. Enforcement by a law enforcement officer shall be limited to the extent authorized by the Miami-Dade County Code, Florida law, and other applicable law; provided, however, that any such limitation on law enforcement authority shall not preclude enforcement by the Town through Chapter 8, Chapter 162, Florida Statutes, civil action, or any other lawful means.

(Ord. No. 19-238, § 2(Exh. A), 3-12-2019)

Sec. 35-7. Permit ~~fess~~fees waiver.

The Town Manager or Public Works director may waive all or part of a right-of-way permit fees.

(Ord. No. 19-238, § 2(Exh. A), 3-12-2019)

Secs. 35-8—35-24. Reserved.

Section 3. Implementation. The Town Manager is hereby authorized to take any and all actions necessary to implement the purposes of this Ordinance, including, but not limited to, providing written notice of this Ordinance to all utilities, communications services providers, registrants, franchisees, contractors, and parties to Town-authorized agreements performing work within the public rights-of-way of the Town; incorporating the requirements of this Ordinance into all applicable permits and agreements; and requesting that the Florida Department of Transportation and Miami-Dade County observe the restricted hours established herein for work on roadways within the Town under their jurisdiction.

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, and it is hereby ordained, that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the Town of Miami Lakes; that the sections of this Ordinance may be renumbered or relettered to accomplish such intention; and that the word "Ordinance" may be changed to "Section," "Article," or other appropriate word.

Section 6. Conflicts. All ordinances or parts of ordinances, and all resolutions or parts of resolutions, in conflict herewith are hereby repealed to the extent of such conflict.

Section 7. Effective Date. This Ordinance shall become effective immediately upon adoption on second reading.

FIRST READING

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

Mayor Joshua Dieguez	Yes
Vice Mayor Bryan Morera	Yes
Councilmember Juan Carlos Fernandez	Yes
Councilmember Angelo Cuadra-Garcia	Yes
Councilmember Ray Garcia	Yes
Councilmember Steven Herzberg	Yes
Councilmember Alex Sanchez	Yes

Passed on first reading on the 24th day of September 2026.

SECOND READING

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

Mayor Joshua Dieguez	Yes
Vice Mayor Bryan Morera	Yes
Councilmember Juan Carlos Fernandez	Yes
Councilmember Angelo Cuadra-Garcia	Yes
Councilmember Ray Garcia	Yes
Councilmember Steven Herzberg	Yes
Councilmember Alex Sanchez	Yes

Passed and adopted on second reading on the 13th day of October 2026.

Joshua Dieguez
Mayor

Attest:

Gina M. Inguanzo
Town Clerk

Approved as to form and legal sufficiency:

Lorenzo Cobiella
Gastesi, Lopez and Mestre, PLLC

Deputy Town Attorney