

**BCC Meeting: May 15, 2018
Research Notes**

Item No. 5C

File No. 181073

Researcher: JFP Reviewer: TD

ORDINANCE EXTENDING FOR AN ADDITIONAL NINE MONTHS, COMMENCING MAY 27, 2018 AND ENDING FEBRUARY 21, 2019, THE AMNESTY PERIOD CREATED BY ORDINANCE NO. 16-24 AND EXTENDED BY ORDINANCE NO. 17-49; EXTENDING A LIMITED EXCEPTION FROM CIVIL PENALTIES AND LIENS FOR CODE VIOLATIONS RELATING TO AUTO REPAIR SHOP BUSINESSES UPON AN OWNER'S COMPLIANCE WITH THE BUILDING AND ZONING CODES; DIRECTING THE COUNTY MAYOR OR DESIGNEE TO PROVIDE INDIVIDUALIZED WRITTEN NOTICE TO REMAINING BUSINESSES NOT IN COMPLIANCE; PROVIDING SEVERABILITY, EXCLUSION FROM THE CODE, AND AN EFFECTIVE DATE

ISSUE/REQUESTED ACTION

Whether the Board should approve the extension of the amnesty period it created in Ordinance No. 16-24, which provides for a limited exception from civil penalties and liens for code violations relating to auto repair shop businesses upon a compliance with the County Code. If approved, this Ordinance would extend the Amnesty Period for an additional nine months, commencing May 27, 2018 and ending February 21, 2019.

APPLICABLE LEGISLATION/POLICY

Ordinance No. 16-24, adopted by the Board on February 17, 2016, created the amnesty period, authorizing a limited exception from civil penalties and liens for code violations relating to auto repair shop businesses upon an owner's compliance with the County Code.

<https://www.miamidade.gov/cob/library/Registry/Ordinances/Board-of-County-Commissioners/2016/16-24.pdf>

Ordinance No. 17-49, adopted by the Board on July 18, 2017, extended the amnesty period created by Ordinance No. 16-24 for an additional nine months, commencing August 26, 2017 and ending May 26, 2018

<https://www.miamidade.gov/cob/library/Registry/Ordinances/Board-of-County-Commissioners/2017/17-49.pdf>

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Rebeca Sosa, District 6

Department/Requester: None

This proposed Ordinance was adopted on first reading at the May 1, 2018 BCC meeting, and set for public hearing before the BCC on Tuesday, May 15, 2018, at 9:30 a.m.

FISCAL IMPACT

According to the Fiscal Impact Statement, the Neighborhood Enforcement Unit (Unit) maintains 26 active enforcement cases for auto repairs being conducted outside enclosed buildings, comprising a very small percentage of the Unit's overall enforcement activities. Given that the exemption from civil penalties is conditional upon correction of all Zoning and Building Code violations and paying all of the County's enforcement costs within the amnesty period, implementation of the proposed ordinance will not have a fiscal impact to the County.

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ANALYSIS

The proposed Ordinance extends the amnesty period first created in February 2016, waiving civil penalties and liens for code violations relating to auto repair shop businesses upon compliance with the County Code, for an additional nine months (through February 21, 2019).

It is a violation of County Code to conduct auto repair outside in front of the property. The amnesty period was enacted by the Board February 17, 2016 with the intent of encouraging compliance with the Code while being mindful that many auto repair shops are small businesses, potentially making strict application of the County's system of fines and penalties relating to Code violations a hardship upon them.

This proposed second extension would allow more time for these auto repair shop businesses to come into compliance, and continue incentivizing them to do so. Since the adoption of Ordinance No. 17-49 (first extension), five business have come into compliance, leaving 26 active enforcement cases for auto repairs being conducted outside enclosed buildings.

The Resolution states that this will be the final opportunity to gain amnesty for compliance, and the auto repair shop businesses will be notified as such. In these notices, the County will detail exactly what must be done in each case to comply with the Code, as well as warn that non-compliance will result in enforcement action, involving a possible revocation of a Certificate of Use in addition to the imposition of fines and liens.

The proposed ordinance does not apply in the event that the County has commenced a civil action to collect on the civil penalties or to foreclose a lien.

Below is a timeline depicting the life cycle of the amnesty period for auto repair shop businesses:



ADDITIONAL INFORMATION

While the Broward County Broward County Code of Ordinances regulates motor vehicle repair, body, structural, and/or paint facilities, the County does not have an amnesty program providing an exception from civil penalties and liens for code violations upon an owner's compliance with their Code.

<http://www.broward.org/Consumer/ConsumerProtection/AutoRepair/Pages/default.aspx>