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CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

MEMORANDUM

Agenda Item No. 11(A)(11)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: September 3, 2014

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Resolution directing the County Mayor to take appropriate enforcement action pursuant to the Junk Dealers and Scrap Metal Processors Ordinance previously approved by this Board; further directing the County Mayor to provide reports
Resolution No. R-782-14

This item was amended at the 7-10-14 Land Use and Development Committee to add: "to date" to the requirements for a staff report on enforcement.

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Audrey M. Edmonson.

R. A. Cuevas, Jr.
County Attorney

RAC/cp

MEMORANDUM

(Revised)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: September 3, 2014

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 11(A)(11)

Please note any items checked.

_____ **"3-Day Rule" for committees applicable if raised**

_____ **6 weeks required between first reading and public hearing**

_____ **4 weeks notification to municipal officials required prior to public hearing**

_____ **Decreases revenues or increases expenditures without balancing budget**

_____ **Budget required**

_____ **Statement of fiscal impact required**

_____ **Ordinance creating a new board requires detailed County Mayor's report for public hearing**

_____ **No committee review**

_____ **Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous _____) to approve**

_____ **Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(11)
9-3-14

RESOLUTION NO. R-782-14

RESOLUTION DIRECTING THE COUNTY MAYOR OR MAYOR'S DESIGNEE TO TAKE APPROPRIATE ENFORCEMENT ACTION PURSUANT TO THE JUNK DEALERS AND SCRAP METAL PROCESSORS ORDINANCE PREVIOUSLY APPROVED BY THIS BOARD; FURTHER DIRECTING THE COUNTY MAYOR OR MAYOR'S DESIGNEE TO PROVIDE REPORTS

WHEREAS, on April 4, 2011, the Board of County Commissioners enacted Ordinance No. 11-17, the Junk Dealers and Scrap Metal Processors Ordinance, codified at Section 8A-9 of the Code of Miami-Dade County; and

WHEREAS, the purpose of the Junk Dealers and Scrap Metal Processors Ordinance is to protect the public health, safety and welfare by impeding the sale of stolen regulated metals property and thereby deterring the theft of regulated metals property in the incorporated and unincorporated areas of Miami-Dade County; and

WHEREAS, the Junk Dealers and Scrap Metal Processors Ordinance provides a minimum standard of recordkeeping that requires a legible record of all purchase transactions to which a junk dealer or scrap metal processor is a party; and

WHEREAS, the Junk Dealers and Scrap Metal Processors Ordinance further requires all records to be maintained for a minimum of five years and at all reasonable times be subject to inspection by any local law enforcement officer commissioned in the State and the Miami-Dade Inspector General's Office; and

WHEREAS, the Junk Dealers and Scrap Metal Processors Ordinance provides criminal penalties of up to 60 days imprisonment and up to a $500 fine upon conviction and civil penalties of up to $1000 for every individual violation of the ordinance's recordkeeping provisions; and

WHEREAS, there have been reports that there are Junk Dealers and Scrap Metal Processors who are not complying with the Junk Dealers and Scrap Metal Processors Ordinance; and

WHEREAS, Junk Dealers and Scrap Metal Processors who are complying with the law are being placed at a disadvantage to those businesses that are not complying with the law; and

WHEREAS, section 8A-9.2(d) provides that the Miami-Dade Police Department shall provide a report annually to the Board on compliance with and enforcement of the Junk Dealers and Scrap Metal Processors Ordinance; and

WHEREAS, this Board would like to direct the County Mayor or Mayor's designee to take appropriate enforcement action based on the Junk Dealers and Scrap Metal Processors Ordinance previously approved by this Board, and to provide periodic reports to the Board on enforcement actions that are taken,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board:

Section 1. Directs the County Mayor or Mayor's designee to take appropriate enforcement action pursuant to the Junk Dealers and Scrap Metal Processors Ordinance previously approved by this Board.

Section 2. Directs the County Mayor or Mayor's designee to provide a report to the Board within 60 days of the effective date of this resolution on enforcement actions that have been taken >>to date<<,[1] and to provide annual reports as required by the Junk Dealers and Scrap Metal Processors Ordinance.

[1] Committee amendments are indicated as follows: Words stricken through and/or [[double bracketed]] are deleted, words underscored and/or >>double arrowed<< are added.

The Prime Sponsor of the foregoing resolution is Commissioner Audrey M. Edmonson. It was offered by Commissioner **Sally A. Heyman**, who moved its adoption. The motion was seconded by Commissioner **Lynda Bell** and upon being put to a vote, the vote was as follows:

Rebeca Sosa, Chairwoman			**aye**
Lynda Bell, Vice Chair			**aye**
Bruno A. Barreiro	**absent**	Esteban L. Bovo, Jr.	**aye**
Jose "Pepe" Diaz	**absent**	Audrey M. Edmonson	**aye**
Sally A. Heyman	**aye**	Barbara J. Jordan	**aye**
Jean Monestime	**aye**	Dennis C. Moss	**aye**
Sen. Javier D. Souto	**aye**	Xavier L. Suarez	**absent**
Juan C. Zapata	**aye**		

The Chairperson thereupon declared the resolution duly passed and adopted this 3rd day of September, 2014. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: ***Christopher Agrippa***
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Lauren E. Morse