

MEMORANDUM

Agenda Item No. 5(C)

TO: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

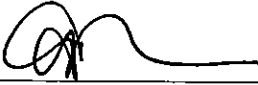
DATE: (Public Hearing 5-15-18)
May 1, 2018

FROM: Abigail Price-Williams
County Attorney

SUBJECT: 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 to provide individualized written notice to remaining businesses not in compliance

Ordinance No. 18-52

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Rebeca Sosa.



Abigail Price-Williams
County Attorney

APW/cp

Memorandum



Date: May 15, 2018

To: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez", written over a horizontal line.

Subject: Fiscal Impact for Ordinance Extending Amnesty Period and Limited Exception from Civil Penalties and Liens for Code Violations Related to Auto Repair Shop Businesses

The proposed ordinance extends the amnesty period created by Ordinance No. 16-24, which allows for a limited exception from civil penalties and liens for code violations relating to auto repair shop businesses upon compliance with the Code of Miami-Dade County. Exemption from penalties is contingent on the property owner correcting all Zoning and Building Code violations and paying all enforcement costs during the amnesty period.

Currently, the Neighborhood Enforcement Unit (Unit) maintains 26 active enforcement cases for auto repairs being conducted outside enclosed buildings. This is a very small percentage of the Unit's overall enforcement activities. Furthermore, since the exemption from civil penalties is conditional upon correction of the violation within the amnesty period and the County is allowed to recuperate direct enforcement costs, implementation of the proposed ordinance will not have a fiscal impact to the County.

A handwritten signature in black ink, appearing to read "Jack Osterholt", written over a horizontal line.

Jack Osterholt
Deputy Mayor


181073

Memorandum



Date: May 15, 2018

To: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

From: Carlos A. Gimenez 
Mayor

Subject: Social Equity Statement for Ordinance Extending Amnesty Period and Limited Exception
from Civil Penalties and Liens for Code Violations Related to Auto Repair Shop
Businesses

The proposed ordinance extends the amnesty period created by Ordinance No. 16-24, which allows for a limited exception from civil penalties and liens for code violations relating to auto repair shop businesses upon compliance with the Code of Miami-Dade County. Specifically, it extends the amnesty period for an additional nine months, commencing May 27, 2018 and ending February 21, 2019.

The current Code requires certain businesses, such as auto repair shops, to be in enclosed buildings to minimize potential compatibility issues; however, many auto repair shops perform work outside and move vehicles to ensure for proper ventilation. The proposed ordinance extends the amnesty period for auto repair businesses conducting operations outdoors in the front of the property, in violation of the Code. Exemption from penalties is contingent on the property owner correcting all Building and Zoning Code violations and paying all enforcement costs during the amnesty period.

This proposed ordinance will specifically benefit auto repair shop businesses that are not in compliance with the Code; however, any violation of the Building and Zoning Code must be addressed within the amnesty period. Any auto repair shop business that does not seek to remedy a Building or Zoning Code violation during the amnesty period will not be eligible for an exception of civil penalties and liens for such code violations.



Jack Osterholt
Deputy Mayor

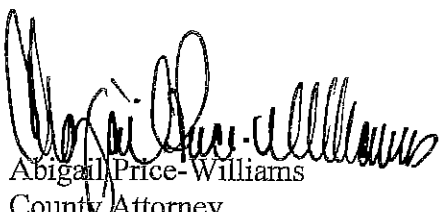


MEMORANDUM

(Revised)

TO: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

DATE: May 15, 2018

FROM: 
Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 5(C)

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
- ☐ Statement of social equity 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. 5(C)
5-15-18

ORDINANCE NO. 18-52

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

WHEREAS, auto repair shop businesses are unique in that the nature of the work performed requires access to open air for proper ventilation and the frequent movement of cars in and out of doors; and

WHEREAS, accordingly, some auto repair shop businesses have been conducting operations out of doors in the front of the property, in violation of the County Code, while other such businesses are properly following the requirements of the Code; and

WHEREAS, this Board has recognized that many auto repair shops are small businesses and that strict application of the County's system of fines and penalties relating to Code violations may work a hardship upon them; and

WHEREAS, accordingly, this Board adopted Ordinance No. 16-24 to create a limited exception from civil penalties and liens resulting from Building Code and Zoning Code violations for auto repair shop businesses with operations being conducted out of doors in the front of the property; and

WHEREAS, this Board adopted Ordinance No. 16-24 to encourage compliance with the County Code while being mindful of the potential hardship on small business owners; and

WHEREAS, Ordinance No. 16-24 provided a period of 18 months in which businesses would have the opportunity to come into compliance with the Building Code and Zoning Code (the "Amnesty Period"); and

WHEREAS, Ordinance No. 17-49 extended the Amnesty Period for an additional nine months to allow these small businesses additional time to comply with the Code; and

WHEREAS, in the time since Ordinance No. 17-49 was adopted, five businesses have come into compliance, but 27 others still remain out of compliance; and

WHEREAS, this Board wishes to continue to encourage compliance and to give the remaining businesses that are not in compliance one additional limited opportunity to rectify their Code violations; and

WHEREAS, in connection with this limited additional opportunity, the County shall provide individualized notices to these businesses to ensure that they understand that this shall be the final opportunity for compliance, exactly what must be done in each case to comply with the Code, and that non-compliance shall result in the taking of enforcement action, including the imposition of fines and liens and the possible revocation of a Certificate of Use; and

WHEREAS, this Board now wishes to extend the Amnesty Period for an additional nine months in the manner more particularly set forth below,

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:**

Section 1. The Amnesty Period created by Ordinance No. 16-24 and extended by Ordinance No. 17-49 shall be extended for an additional nine months, commencing May 27, 2018 and ending February 21, 2019.

Section 2. The County Mayor or designee is directed to provide individualized written notice to the remaining businesses not in compliance specifying the particular Code violations that are outstanding as to each business, what must be done to rectify them, and that non-compliance shall result in the taking of enforcement action, including the imposition of fines and liens and the possible revocation of a Certificate of Use. Such notice shall also state that the limited extension of the Amnesty Period hereby provided shall constitute the final opportunity for compliance.

Section 3. The County Mayor or designee is directed to implement the necessary procedures and to develop the necessary documents to give effect to the intent of this ordinance.

Section 4. This ordinance shall not apply in the event that the County has commenced a civil action to collect on the civil penalties or to foreclose a lien. This ordinance shall not serve as a defense against any such action or against any enforcement action brought by the County.

Section 5. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 6. It is the intention of this Board, and it is hereby ordained that the provisions of this ordinance, shall be excluded from the Code of Miami-Dade County.

Section 7. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED: May 15, 2018

Approved by County Attorney as
to form and legal sufficiency:

Prepared by:

James Eddie Kirtley

A handwritten signature in black ink, appearing to read 'GBK for', with a large, stylized flourish underneath.

Prime Sponsor: Commissioner Rebeca Sosa