

# MEMORANDUM

Agenda Item No. 7(B)

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**TO:** Honorable Chairman Jose "Pepe" Diaz  
and Members, Board of County Commissioners


**DATE:** (Second Reading: 3-15-22)  
October 5, 2021

**FROM:** Geri Bonzon-Keenan  
County Attorney

**SUBJECT:** Ordinance creating amnesty  
period; creating 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 implement  
procedures, develop necessary  
documents, and provide notice  
to effectuate the purposes of  
this ordinance

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The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Senator Javier D. Souto.

  
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Geri Bonzon-Keenan  
County Attorney

GBK/smm

# Memorandum



**Date:** March 15, 2022

**To:** Honorable Chairman Jose "Pepe" Diaz  
and Members, Board of County Commissioners


**From:** Daniella Levine Cava   
Mayor

**Subject:** Fiscal Impact Statement for Ordinance Relating to Amnesty Period for Auto Repair Shop

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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 one additional year, commencing on the effective date of this ordinance. 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.

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, therefore, implementation of the proposed ordinance should not have a fiscal impact to the Department of Regulatory and Economic Resources.

  
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Jimmy Morales  
Chief Operations Officer

# Memorandum



**Date:** March 15, 2022

**To:** Honorable Chairman Jose “Pepe” Diaz  
and Members, Board of County Commissioners

**From:** Daniella Levine Cava  
Mayor

A handwritten signature in blue ink that reads "Daniella Levine Cava".

**Subject:** Social Equity Statement for Ordinance Relating to Amnesty Period for Auto Repair Shops

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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 one additional year, commencing on the effective date of this ordinance and ending one year thereafter. 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.

The current Code requires certain businesses, such as auto repair shops, to be in enclosed buildings to minimize potential compatibility issues. 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. The proposed ordinance will specifically benefit auto repair shops, many of which are small 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.

A handwritten signature in blue ink, appearing to read "Jimmy Morales".

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Jimmy Morales  
Chief Operations Officer


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**MEMORANDUM**  
(Revised)

**TO:** Honorable Chairman Jose "Pepe" Diaz  
and Members, Board of County Commissioners

**DATE:** March 15, 2022

**FROM:**   
Gen Bonzon-Keenan  
County Attorney

**SUBJECT:** Agenda Item No. 7(B)

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 present \_\_\_\_, 2/3 membership \_\_\_\_, 3/5's \_\_\_\_, unanimous \_\_\_\_, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) \_\_\_\_, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) \_\_\_\_, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) \_\_\_\_ ) 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. 7(B)  
3-15-22

ORDINANCE NO. \_\_\_\_\_

ORDINANCE CREATING AMNESTY PERIOD; CREATING 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 COUNTY MAYOR'S DESIGNEE TO IMPLEMENT PROCEDURES, DEVELOP NECESSARY DOCUMENTS, AND PROVIDE NOTICE TO EFFECTUATE THE PURPOSES OF THIS ORDINANCE; PROVIDING SEVERABILITY, EXCLUSION FROM THE CODE, SUNSET PROVISION, AND AN EFFECTIVE DATE

**WHEREAS**, auto repair 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 businesses are 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 recognizes 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, on February 17, 2016 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 for businesses to come into compliance with the Building Code and Zoning Code; and

**WHEREAS**, on July 18, 2017, this Board adopted Ordinance No. 17-49, which extended the amnesty period for an additional nine months to allow these small businesses additional time to comply with the Code; and

**WHEREAS**, on May 15, 2018, this Board adopted Ordinance No. 18-52, which extended the amnesty period for an additional nine months to allow these small businesses additional time to comply with the Code; and

**WHEREAS**, the amnesty period created by Ordinance No. 16-24 and extended by Ordinance Nos. 17-49 and 18-52 expired on February 21, 2019; and

**WHEREAS**, since March 2020, Miami-Dade County has been significantly impacted by the COVID-19 pandemic; and

**WHEREAS**, in response to the COVID-19 pandemic, public health officials and the CDC encouraged “social distancing” to reduce the spread of the virus, including recommendations to, when possible, conduct activities outdoors to reduce indoor transmission; and

**WHEREAS**, while these precautions were established to keep people safe, they have had and continue to have a negative financial impact on many County businesses and residents; and

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

**WHEREAS**, in connection with this limited additional opportunity, the Board wishes for these auto repair businesses to understand that (a) this shall be the final opportunity to bring their properties into compliance with the Code, and (b) 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**, to accomplish these purposes, this Board now wishes to create a limited exception from civil penalties and liens resulting from Code violation for auto repair businesses that are conducting operations out of doors in the front of the property, in the manner more particularly set forth below,

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

**Section 1.** Upon application of a business owner of property on which an auto repair business is operated, the County shall waive any and all civil penalties related to the enforcement of the Building or Zoning Code in connection with operations that are being conducted out of doors in front of the property, and all liens related to such civil penalties, provided the business owner satisfies each of the following conditions:

- (a) Where there is a structure in violation of the Building Code, a permit must be applied for and issued to bring the structure into compliance with the Building Code within the Amnesty Period as defined in this ordinance;
- (b) Where a structure is in violation of the Building Code, the structure is brought into compliance with the Building Code within the period provided in the Code for completion of the work under the permit obtained within the Amnesty Period;

(c) Where there is a use in violation of the Zoning Code, the use must be brought into compliance with the Zoning Code within the Amnesty Period as defined in this ordinance; and

(d) All direct costs incurred by the County in connection with prior enforcement of the non-compliant structure or use, as documented by the relevant department, shall be satisfied in full.

For purposes of this ordinance, a business owner shall be understood as the person with direct and beneficial ownership of the affected structure, but shall not include a financial institution which has acquired the property through foreclosure.

**Section 2.** The Amnesty Period shall commence on the effective date of this ordinance and end one year thereafter (“Amnesty Period”). 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 taken by the County.

**Section 3.** The County Mayor or County Mayor’s designee is hereby directed to implement the necessary procedures and to develop the necessary documents, in consultation with the County Attorney, to give effect to the intent of this ordinance. The County Mayor or County Mayor’s designee is further directed to provide individualized notices to all impacted auto repair businesses that shall include the following information: (a) a statement that this shall be the final opportunity for compliance, (b) a description of exactly what must be done in each case to comply with the Code, and (c) a reminder 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.



**Section 4.** 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 5.** It is the intention of the Board of County Commissioners, and it is hereby ordained, that the provisions of this ordinance, including any sunset provision, shall be excluded from the Code of Miami-Dade County, Florida.

**Section 5.** 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.

**Section 6.** This ordinance shall stand repealed one year from its effective date.

PASSED AND ADOPTED:

Approved by County Attorney as  
to form and legal sufficiency:

Handwritten signature 'GBK' in blue ink above a handwritten signature 'MBV' in black ink.

Prepared by:

Michael B. Valdes

Prime Sponsor: Senator Javier D. Souto