

ORDINANCE NO. 2004 – 11-27

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA ESTABLISHING CODE ENFORCEMENT PROCEDURES; PROVIDING FOR DEFINITIONS; PROVIDING FOR CIVIL INFRACTIONS AND PENALTIES; PROVIDING FOR QUALIFICATIONS, APPOINTMENT, REMOVAL AND COMPENSATION OF SPECIAL MASTERS; SETTING FORTH THE POWERS OF SPECIAL MASTERS; PROVIDING FOR AUTHORITY TO INITIATE ENFORCEMENT; PROVIDING FOR ENFORCEMENT PROCEDURES; PROVIDING FOR CIVIL PENALTIES; PROVIDING FOR RIGHTS OF VIOLATORS; PROVIDING FOR PAYMENT OF FINES; PROVIDING FOR THE RIGHT TO APPEAL; PROVIDING FOR THE SCHEDULING AND CONDUCT OF HEARINGS; PROVIDING FOR A PROCEDURE FOR REDUCTION OF FINES/LIENS; PROVIDING REMEDIES TO RECOVER UNPAID CIVIL PENALTIES; PROVIDING FOR ADDITIONAL ENFORCEMENT POWERS; ESTABLISHING A SCHEDULE OF CIVIL PENALTIES; PROVIDING FOR ADOPTION OF REPRESENTATIONS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN CODE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Miami Gardens finds it necessary and in the best interest of the community to take over the enforcement of its codes and ordinances from Miami-Dade County, and

WHEREAS, pursuant to Chapter 162, Florida Statutes, the City has the authority to create its own code enforcement process, and

WHEREAS, the City will be providing for its own Special Master Hearings, the processing and collection of all fines, accrued penalties, enforcement liens, and all other enforcement procedures, but will be relying upon the civil penalties established by Miami-Dade County,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AS FOLLOWS:

Section 1. ADOPTION OF REPRESENTATIONS: The foregoing Whereas Clauses are hereby ratified and confirmed as being true, and the same are hereby made a specific part of this Ordinance.

Section.2 The City of Miami Gardens Code Enforcement Procedures are hereby adopted.

Section. 3 Definitions.

For the purposes of this Ordinance, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include future, words in the plural number include the singular number and vice versa. The word "shall" is always mandatory and not merely directory.

(A) "Code" means collectively the City of Miami Gardens Code of Ordinances and applicable sections of the Code of Miami-Dade County as made applicable to the City pursuant to Article 8, Section 8.3 of the City Charter, or such other land development regulations or ordinances as may be adopted by the City hereafter.

(B) "Code Enforcement Officer" means any authorized agent or employee of the City whose duty it is to enforce codes and ordinances enacted by the City. The term officer or inspector shall be interchangeable and shall have identical meaning.

(C) "Compliance" means the correction of a violation in accordance with the applicable code(s) including the payment of any outstanding civil penalties, liens, or any other special assessment liens and /or costs or fees due to the City for enforcement of the subject ordinance(s) violated.

(D) "Continuing Violation" means a violation which remains uncorrected beyond the time period for correction contained in either the civil violation notice or the final order of the Special Master, whichever is applicable.

(E) "Department" means the Code Enforcement and Licensing Department.

(F) "Director" means the Director of the Code Enforcement and Licensing Department, or the City Manager until such time as the Director of Code Enforcement and Licensing has been appointed by the City Manager.

(G) "Manager" means the City Manager or his designee.

(H) "Notice of Violation" means a civil violation notice issued to a Violator in accordance with the provisions of this Ordinance.

(I) "Person" means any individual, partnership, limited partnership, trust, corporation, association, or other entity.

(J) "Recurring Violation" means a violation for which a Warning Notice of Violation was previously issued and correction was made then the same violation involving the same violator, object or action violating the same Ordinance or Code section, recurs or is recommitted within a (12) month period.

(K) "Repeat Violation" means a violation of a provision of a ordinance or Code section by a person whom the Special Master has previously found to have violated, or who admits to violating the same provision of the Ordinance or Code section within 5 years prior to the violation. Notwithstanding that the violations occur at different locations. A Repeat Violation can occur only after correction of the previous violation has been made.

(L) "Special Master" means a person appointed pursuant to Section 5 of this Ordinance.

(M) "City Council" means the City Council of the city of Miami Gardens.

(N) "City" means the City of Miami Gardens.

(O) "Violator" means that person or entity responsible for a violation of the Code and, if different, the owner of the property involved.

(P) "Uncorrectable Violation" means a violation, which is irreparable or irreversible in nature, and which cannot be remedied after the violation has been committed because the violation constitutes a single prohibited act rather than an ongoing condition or circumstance.

Section 4. Civil Infractions and Penalties.

A violation of the Code shall constitute a civil offense punishable by civil penalty in the amounts prescribed herein.

Section 5. Qualifications of Special Masters. Appointment and Removal. Compensation.

Appointments of Special Masters shall be made by the Manager, as needed, on the basis of experience, skills, and abilities and, whenever possible shall include persons with legal, and zoning, engineering and/or construction experience. Such appointments shall be made for a term of one (1) year. First time appointments shall be submitted to the City Council for ratification of the Manager's appointments.

(A) Special Masters need not be residents of the City but shall possess outstanding reputations for civic pride, interest, integrity, responsibility and business or professional ability.

(B) Special Masters may be reappointed or removed, without cause, at the discretion of the Manager, subject to ratification by the City Council. Appointments to fill any vacancy shall be for the remainder of the unexpired term. Upon the termination of a term of an appointment as Special Master each Special Master shall continue to serve as Special Master until a new appointment of a replacement as Special Master has been made by the City Manager and such new appointment has been ratified by the City Council. The Special Masters so appointed shall serve on a rotating basis.

(C) Special Masters shall not be City employees and shall be compensated at a rate not to exceed \$300.00 per hearing date, which fee shall include case preparation, execution of final orders, attendance at all hearings including appeals, if necessary.

(D) If a Special Master is removed from a case in the event of a conflict of interest, the case may be assigned to another Special Master.

Section 6. Powers of the Special Master.

Special Masters shall have the power to:

(A) Apply the rules for the conduct of hearings adopted by the City Council.

(B) Subpoena alleged Violators and witnesses for hearings; subpoenas shall be served by the City Police Department, or a certified process server.

(C) Subpoena evidence to hearings.

(D) Take testimony under oath and review evidence to make findings of fact and draw conclusions of law.

(E) Assess and order the payment of civil penalties as provided herein.

(F) Issue orders having the force of law to command whatever steps are necessary to bring a violation into compliance.

(G) Assess administrative costs of not less than \$60.00.

(H) Assess, levy, and/or impose an additional civil penalty not to exceed \$1000.00 per day per violation for the first violation, \$ 5,000.00 per day per violation for a repeat violation, and up to \$15,000.00 per violation if the Special Master finds the violation to be irreparable or irreversible in nature.

(I) Impose additional fines to cover all costs incurred by the local government in enforcing its codes and all costs of repairs pursuant to Section 162, Florida Statutes.

Section 7. Authority to Initiate Enforcement Proceedings.

Code Enforcement Officers shall have the authority to initiate code enforcement proceedings and to issue notices and/or civil violations as provided below. Special Masters shall not have such authority. A Code Enforcement Officer shall not by such designation have powers of arrest or subject the officer to the requirements of Sections 943.085-943.255, Florida Statutes, as may be amended.

Section 8. Enforcement Procedures.

(A) A Code Enforcement Officer is authorized to issue a Warning Notice of Violation, in a form approved by the Department Director, prior to the issuance of a Civil Violation Notice to a person based upon personal investigation, if the officer has reason to believe that the Violator has committed a civil infraction in violation of a duly enacted Ordinance. The Warning Notice of violation shall specify a reasonable time period (warning period), not to exceed thirty (30) calendar days, within which the Violator must correct the violation. This determination shall be based on consideration of fairness; practicality; ease of correction, ability to correct; severity of violation; nature, extent, and probability of danger or damage to the public; degree of nuisance to neighbors and neighborhood; and other relevant factors relating to the reasonableness of the time period prescribed.

(B) If upon re-inspection of the violation, which prompted the issuance of the Warning Notice of Violation, said violation has not been corrected; the Violator shall be subject to the issuance of a Civil Violation Notice and liable for the associated civil penalties.

(C) If a Code Enforcement Officer has reason to believe that a violation represents a serious threat to the public health, safety or welfare, if the violation is a recurring violation as defined herein, or if the violation is an Uncorrectable Violation as defined herein, the warning period shall not be applicable and the Civil Violation Notice may issue immediately.

Section 9. Contents and Service of the Civil Violation Notice.

(A) A Civil Violation Notice (sometimes referred to as a "citation") shall contain:

- (1) The date and time of issuance.
- (2) The name and address of the person to whom the citation is issued.
- (3) The date and time the civil infraction was committed.
- (4) The facts constituting reasonable cause.
- (5) The number or section of the Code or Ordinance violated.
- (6) The name and authority of the Code Enforcement Officer.
- (7) The procedure to be followed in order to pay the civil penalty or contest the citation.
- (8) The applicable civil penalty if the person elects to contest the citation.
- (9) The applicable civil penalty if the person elects not to contest the citation.
- (10) A conspicuous statement that if the person fails to pay the civil penalty within the time allowed, or fails to appeal or contest the citation within seven (7) days after service of the Civil Violation Notice, the person shall be deemed to have waived his

or her right to contest the citation and that, in such case, judgment may be entered against the person for an amount up to the maximum civil penalty.

- (11) A statement that the Violator may be liable for reasonable administrative hearing costs should they be found guilty.

(B) Service of the Civil Violation Notice or Citation to the Violator shall be effected by hand delivery to the Violator, by leaving the Civil Violation Notice at the Violator's usual place of residence with any person residing therein who is 15 years of age or older and informing such person of the contents of the Civil Violation Notice; by overnight courier; by certified mail (return receipt requested) to the Violator's usual place of residence or other property, which service shall be deemed completed upon signing of the receipt; or by posting the Civil Violation Notice in a conspicuous place on the premises or real property upon which the violation was observed. Notice shall also be given to the owner of the property in question at the address listed in the tax collectors office for tax notices and at any other address provided to the local government by such property owner. Any method of service of the Civil Violation Notice described above, shall be deemed proper service, and the time for compliance stated in the Civil Violation Notice shall commence with the date of such posting.

Section 10. Civil Penalties and Related Terms Construed.

(A) Penalties for violations of the provisions to be enforced through this Ordinance shall be in the amounts prescribed in the schedule of civil penalties contained herein. Provided however, that the maximum allowable civil penalty shall be \$500.00 for a single violation; this part does not limit the authority of a Special Master as prescribed in section 6 herein. If the violation is continuing or repetitive, a single violation will occur each day beyond the time for correction set forth in the civil violation notice. Failure to pay the imposed fine(s) even after correction of the violation may be considered non-compliance and a continuing violation for the purposes of assessing continuing penalties.

(B) For each day of a Continued Violation, an additional penalty in the same amount as that prescribed for in the original violation shall be added.

(C) Civil penalties assessed as provided herein are due and payable to the City on the last day of the period allowed for the filing of an appeal of the Code Enforcement Officer's decision, or if proper appeal is made, when the appeal has been finally decided adversely against the named violator.

(D) For the first Repeat Violation, the amount of the civil penalty shall not exceed \$500.00.

(E) A Repeat Violation which remains uncorrected beyond the time prescribed for correction in the Notice of Violation shall be treated as a Continuing Violation, and the additional penalty for each day of continued violation shall be double the amount due for the first day of the Repeat Violation.

(F) A Repeat Violation includes a violation committed by an entity that has one or more officers, major shareholders or general partners in common with another entity, which violated the

same code provision within five (5) years of the current violation. For purposes of this Section a major shareholder shall be one who owns at least 25% of the shares of that corporation. This paragraph shall apply only where the common officer (s), major shareholder(s), or general partner(s) are or were actively involved in the management of the entity committing the violation at the time when the violation occurred.

(G) Continuing Violation penalties shall accrue from the date of correction given in the Civil Violation Notice until the correction is made, and compliance is obtained or until a request for administrative hearing is filed, whichever comes first. If the named Violator requests an administrative hearing and loses his appeal, the Special Master shall determine a reasonable time period within which correction of the violation must be made, based on the considerations set forth herein. If correction is not made within the period set by the Special Master, Continuing Violation penalties shall begin to accrue after the time allowed for correction has run. No continuing violation penalties shall accrue during the time period from the date of the civil violation notice until the date of the administrative hearing, if the named violator timely requests an administrative hearing to appeal the decision of the Code Inspector. Continuing violation penalties cannot be imposed by the hearing officer for uncorrectable violations.

(F) Civil penalties assessed pursuant to this Chapter by the Special Master are due and payable to the City at the close of the hearing, or, if a proper appeal of the Special Master's decision is made, when the appeal has been finally decided adversely against the named Violator.

Section 11. Rights of Violators; Payment of Fine; Right to Appeal; Failure to Pay and Correct or to Appeal.

(A) A Violator who has been served with a Civil Violation Notice shall elect to:

- (1) Pay the civil penalty in the manner and within the time indicated on the Civil Violation Notice and correct the violation within the time specified on the Civil Violation Notice; or
- (2) Request an administrative hearing before a Special Master to appeal the decision of the Code Enforcement Officer that resulted in the issuance of the Civil Violation Notice.

(B) An appeal of the Civil Violation Notice shall be accomplished by filing a written request with the Office of the City Clerk not later than seven (7) calendar days after the service of the Civil Violation Notice.

(C) If the named Violator, after notice, fails to pay the civil penalty and correct the violation within the time specified, or to timely request an administrative hearing before a Special Master, the Director shall be informed of such failure by affidavit from the Code Enforcement Officer. Failure of the named Violator to appeal the decision of the Code Enforcement Officer within the prescribed time period shall constitute a waiver of the Violator's right to administrative hearing before the Special Master. A waiver of the right to administrative hearing shall be treated as an admission of the violation, and penalties may be assessed accordingly.

(D) Any person who willfully refuses to sign and accept a citation issued by a code enforcement officer shall be guilty of a misdemeanor of the second degree, as per Chapter 162 of Florida Statutes.

Section 12. Scheduling and Conduct of Hearing.

(A) Upon receipt of a named Violator's timely request for an administrative hearing or a written hearing request from the Code Enforcement Officer as provided herein, the Office of the City Clerk, in consultation with the Special Master, shall set the matter down for hearing on the next regularly scheduled hearing date or as soon thereafter as practicable.

(B) The Office of the City Clerk shall send a notice of hearing by first class mail, or by certified mail to the named Violator at his last known address. The Code Enforcement and Licensing Department may post the hearing notice, at the request of the City Clerk. The notice of hearing shall include, but not be limited to, the following:

- (1) Name of the Code Enforcement Officer who issued the Civil Violation Notice.
- (2) Factual description of the alleged violation.
- (3) Date of alleged violation.
- (4) Section of the Code allegedly violated.
- (5) Place, date and time of the hearing.
- (6) Right of Violator to be represented by an attorney.
- (7) Right of Violator to present evidence, witnesses and cross-examine witnesses.
- (8) Notice that failure of Violator to attend the hearing may result in civil penalty and administrative hearing costs being assessed.
- (9) Notice that requests for continuances will not be considered if not received by the Special Master at least five (5) calendar days prior to the date set for the hearing.

(C) If there are cases to be heard, the Special Master shall call hearings on a monthly basis or upon the request of the Director. Except for such circumstances as described, no hearing shall be set sooner than ten (10) calendar days from the date of service not including Saturdays, Sundays and holidays.

(D) A hearing date shall not be postponed or continued at the request of an alleged Violator, unless a request for continuance, showing good cause for such continuance, is received in writing by the Special Master at least five (5) calendar days prior to the date set for the hearing. This Section shall not apply to the City.

- (E) All hearings of the Special Master shall be open to the public. All testimony shall be under oath. Assuming proper notice, a hearing may proceed in the absence of the named Violator.
- (F) The proceedings at the hearing shall be recorded by the Office of the City Clerk.
- (G) The City Clerk shall provide clerical services and administrative personnel as may be reasonably required by each Special Master for the proper performance of his/her duties.
- (H) Each case before a Special Master shall be presented by the Director or his designee.
- (I) The hearing need not be conducted in accordance with the formal rules relating to evidence and witnesses, but fundamental due process shall be observed and shall govern the proceedings. Any relevant evidence shall be admitted if the Special Master finds it competent and reliable, regardless of the existence of any common law or statutory rule to the contrary.
- (J) Each party shall have the right to call and examine witnesses; to introduce exhibits; to cross-examine opposing witnesses on any matter relevant to the issues even though that matter was not covered in the direct examination; to impeach any witnesses regardless of which party first called that witness to testify; and to offer rebuttal of the evidence,
- (K) The Special Master shall make findings of fact and conclusions of law based on evidence of record. In order to make a finding upholding the Code Enforcement Officer's decision, the Special Master must find that substantial competent evidence indicates that the named Violator was responsible for the violation of the relevant section of the Code.
- (L) The time for correction given by the Code Enforcement Officer to the named Violator and contained in the Civil Violation Notice is rebuttably presumed to have been a reasonable time for correction. Upon presentation of relevant evidence by the named Violator that the time for correction was not reasonable, however, the Special Master may make a re-determination as to the time period being insufficient. If the Special Master determines that the time given for correction was insufficient, the penalty for a Continuing Violation shall be calculated from the date determined by the Special Master to be a reasonable date for correction.
- (M) If the named Violator is found guilty of the violation, s/he may be held liable for the reasonable cost of the administrative hearing, at the discretion of the Special Master.
- (N) The fact-finding determination of the Special Master shall be limited to whether or not the violation alleged occurred, and, if so, whether the person named in the Civil Violation Notice may be held responsible for that violation. Based upon this fact-finding determination, the Special Master shall either affirm or reverse the decision of the Code Enforcement Officer. If the Special Master reverses the decision of the Code Enforcement Officer and finds the named Violator not responsible for the Code violation in the alleged in the Civil Violation Notice because the department did not present substantial competent evidence to indicate that such violator is responsible for the violation, then, and in that case, the named Violator shall not be liable for the payment of any civil penalty, absent reversal of the Special Master's findings pursuant to any circuit court appeals.

(O) The decision the Special Master affirming the decision of the Code Enforcement Officer, shall include the following elements:

- (1) Amount of civil penalty.
 - (a) Prescribed in the scheduled of civil penalties as adopted herein.
 - (b) Gravity of the violation.
 - (c) Actions taken to correct said violation.
 - (d) Any previous violations committed by the violator of a similar nature.
 - (e) The Special Master may reduce the fine amount imposed.
- (2) Administrative costs of the hearing, which shall represent the average of actual costs incurred in preparation by the City for the conduct of the specific hearing.
- (3) Date by which the violation must be corrected to prevent resumption of Continuing Violation penalties, if any.

Section 13. Appeal of Order of the Special Master.

(A) An aggrieved party, including the City, may appeal a final order of a Special Master to the circuit court. Such an appeal shall not be a hearing de novo but shall be limited to appellate review of the record created before the Special Master. An appeal shall be filed within thirty (30) calendar days of the issuance of the order sought to be overturned. Failure to make such appeal within the prescribed thirty (30) day period shall render the findings of the Special Master conclusive, binding and final.

(B) Unless the findings of the Special Master are overturned, said findings of the Special Master shall be admissible in any proceeding to collect unpaid penalties.

(C) No aggrieved party other than the City may apply to the court for relief unless such party has first exhausted the remedies provided for in this Ordinance and has taken all available steps provided in this Ordinance. It is the intention of the City that all steps provided by this Ordinance shall be taken before any application is made to the court for relief, and no application shall be made by any aggrieved party other than the City to a court for relief except from an order issued by a Special Master pursuant to this Chapter. It is the intention of the City that, notwithstanding anything in this Ordinance to the contrary, the City shall retain all rights and remedies otherwise available to it to secure compliance with or prevent violations of the Code. For purposes of an appeal, the Clerk shall make available, for public inspection and copying, the record upon which each final order of a Special Master is based. The Clerk shall make a reasonable charge commensurate with the cost for the preparation of the official record on appeal and transmittal thereof to the circuit court for making certified copies of any record or portion thereof.

Section 14. Procedure for Request for Lien/Fine Reduction; conditions and criteria therefore

(A) The owner of real property against which a fine or lien has been imposed pursuant to this Ordinance may apply to the Special Master, through the City Manager or his designee, for a satisfaction of such fine or lien with less than full payment thereof, on forms to be provided by the City. The Special Master shall not consider an application until the applicant has first shown that:

(1) All ad valorem property taxes, special assessments, City utility charges, and other government-imposed liens against the subject real property have been paid.

(2) The applicant is not personally indebted to the City for any reason.

(3) All City Code violations have been corrected under necessary permits issued therefore.

(B) In considering an application to reduce a fine or, no satisfaction thereof shall be approved by the Special Master with less than full payment thereof, unless the Special Master shall make a specific finding that no violation of any City Code exists on the subject real property.

(C) The balance of any fine or lien that is reduced by the Special Master shall be paid within the time limit set forth in the Special Master's order reducing said fine or lien, or the reduction shall be deemed null and void.

(D) If the Special Master issues an order relating to a request for a reduction of a fine or lien, pursuant to this Section, the owner of real property against which a fine or lien has been imposed pursuant to this Ordinance may not reapply for a reduction of the fine or lien, for a period of one (1) year, unless the property has been transferred to a new Owner during that time period.

Section 15. Recovery of Unpaid Civil Penalties, Unpaid Penalties to Constitute a Lien; Foreclosure.

(A) A certified copy of an order imposing a civil penalty shall be recorded in the public records and thereafter shall constitute a lien against the property on which the violation exists and upon any other real or personal property owned by the Violator; upon petition to the circuit court, such order may be enforced in the same manner as a court judgment by the sheriffs of this State, including levy against the personal property, but such order shall not be deemed to be a court judgment except for enforcement purposes. A civil penalty imposed pursuant to this Ordinance shall continue to accrue until the Violator complies or until judgment is rendered in a suit to foreclose a lien filed pursuant to this Chapter, whichever occurs first. After three (3) months from the date of filings of any such lien that remains unpaid, the City may foreclose or otherwise execute the lien.

(1) Prior to the filing of the order imposing any civil penalties, the Code Enforcement and Licensing Department shall endeavor, but not be required to notify the subject property owner of any civil penalties due to the City as follows:

- (a) A "Second Notice" detailing the nature of the penalties and amount(s) due if payment of the penalties is not received by the due date prescribed in the Civil Violation Notice or the Order of the Special Master.
 - (b) A final notice titled "Notice of Intent to Lien" thereafter if the subject property owner fails to pay the amounts due within 10 calendar days of the service of the "Second Notice."
- (2) No such notices shall be required if the alleged violator fails to appear at the subject Special Master Hearing. In such a case the order of the Special Master shall be the final notice of intent to lien.
 - (3) Any and all orders recorded by the Office of the City Clerk that imposes penalties as prescribed herein shall not be satisfied without the approval of the Office of the City Attorney in conjunction with the Special Master based on a recommendation from the Director of the Code Enforcement and Licensing Department, except in cases involving litigation, in which such cases the determination of satisfaction shall be left to the determination of the City Attorney and City Council.

(B) The City may institute proceedings in a court of competent jurisdiction to compel payment of civil penalties and code enforcement liens.

(C) No lien provided under this Ordinance shall continue for a period longer than twenty (20) years after the certified copy of an order imposing a fine has been recorded, unless within that time an action to foreclose on a lien is commenced in a court of competent jurisdiction. In an action to foreclose on a lien, the prevailing party may recover interest and all costs, including a reasonable attorney's fee, incurred in the foreclosure. The continuation of the lien affected by the commencement of the action shall not be good against creditors or subsequent purchasers for valuable consideration without notice, unless a notice of lis pendens is recorded.

Section 16. Provisions Contained Herein are Supplemental.

Nothing contained in this Ordinance shall prohibit the City from enforcing its Code by any other means, 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.

Section 17. Additional Enforcement Powers.

In addition to the powers and authority given to the Special Masters for the City pursuant to this Ordinance, the City may, in its discretion, exercise any powers given to municipalities or their special masters by Florida Statute, Chapter 162, as amended.

Section 18. Schedule of Civil Penalties.

(A) The schedule of civil penalties, as may be amended from time to time, shall be the same as set forth in Section 8CC-10 of the Code of Miami-Dade County

(B) For violations of any section of this Code for which a specific penalty is not prescribed herein a penalty shall be imposed which shall not be less than \$25.00 nor more than \$500.00 per day for a first violation and shall not be less than \$50.00 nor more than \$750.00 per day for a repeat violation. For the purposes of continuing violations, each day shall constitute a separate violation.

Section 19. CONFLICT.

Except for Section 8CC-10 (Schedule of Civil Penalties) that shall remain in full force and effect, the remaining sections of Chapter 8CC of the Miami-Dade County Code as made applicable to the City by Article 8, Section 8.3 of the City Charter are hereby repealed.

Section 20. SEVERABILITY.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

Section 21. INCLUSION IN CODE.

It is the intention of the City Council of the City of Miami Gardens that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Miami Gardens and that the sections of this Ordinance may be renumbered or relettered and the word "Ordinance" may be changed to "Chapter," "Section," "Article" or such other appropriate word or phrase, the use of which shall accomplish the intentions herein expressed; provided, however, that Section 1 hereof or the provisions contemplated thereby shall not be codified

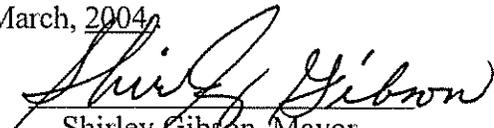
Section 22. EFFECTIVE DATE.

This Ordinance shall become effective ten days after adoption on second reading.

PASSED AND ADOPTED ON FIRST READING this 10th day of March, 2004.

PASSED AND ADOPTED ON SECOND READING this 24th day of March, 2004.

ADOPTED AND PASSED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS AT ITS REGULAR MEETING HELD ON THE 24th DAY OF March, 2004.


Shirley Gibson, Mayor

ATTEST:



Ronetta Taylor, City Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY BY:

Sonja Knighton, City Attorney
Sponsored By: City Manager

Moved by: Councilwoman King
Seconded by: Councilwoman Watson

VOTE: 5-0

Mayor Gibson	(	x	)yes	(	)no
Vice Mayor Campbell	(	x	)yes	(	)no
Council Member Bratton	(	x	)yes	(	)no
Council Member Braynon	(	)	yes	(	)no Out of room
Council Member King	(	x	)yes	(	)no
Council Member Pritchett	(	)	yes	(	)no Out of room
Council Member Watson	(	x	)yes	(	)no