

RESOLUTION NO. 24 - 2010

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA SEEKING SUPPORT FROM THE STATE OF FLORIDA'S FIRE MARSHAL; PROVIDING INSTRUCTIONS TO THE CLERK; PROVIDING FOR INCORPORATION OF RECITALS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Miami Lakes (the "Town") residents and business owners have been harmed by the negative effects of rock-mine blasting; and

WHEREAS, the negative effects of blasting include deterioration and damage to real property; and

WHEREAS, currently the law of the State of Florida curtails the remedies available to homeowners, and the venue in which homeowners' grievances can be heard; and

WHEREAS, current regulation of rock-mine blasting activity has been pre-empted by the State of Florida, limiting the ability of local county and city governments to address and curtail the effects of blasting within their respective jurisdictions; and

WHEREAS, rock-mine blasting damage is not exclusive to the Town's residents and businesses, but also affects neighboring municipalities including, without limitation, the cities of Hialeah, Hialeah Gardens, Homestead, Miramar, Miami Gardens, Sweetwater, and Medley, as well as unincorporated areas of Miami-Dade County, Broward County, Lee County, and Collier County; and

WHEREAS, under Florida law, the Florida State Fire Marshal has the sole and exclusive authority to adopt standards, limits, and regulations on rock-mine blasting activities, including, without limitation, the authority to set limits on ground vibration; and

WHEREAS, the Town seeks meaningful action from the Florida State Fire Marshal in the form of immediate relief to residents and businesses affected by rock-mine blasting by exercising its authority under Florida law to adopt standards, limits, and regulations on rock-mine blasting activities, including, without limitation, the authority to set limits on ground vibration.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL FOR THE TOWN OF MIAMI LAKES, FLORIDA, AS FOLLOWS:

Section 1. Recitals. The foregoing recitals are true and correct and are incorporated herein by reference.

Section 2. Urging the Florida State Fire Marshal to Meaningful Action on Rock-Mine Blasting. The Town Council of Miami Lakes urges the Florida State Fire Marshal to provide residents and businesses in the Town, as well as those in the cities of Hialeah, Hialeah Gardens, Homestead, Miramar, Miami Gardens, Sweetwater, and Medley, as well as unincorporated areas of Miami-Dade County, Broward County, Lee County, Collier County, and other jurisdictions with immediate relief from the negative effects of rock-mine blasting by exercising its authority under Florida law to amend Rule 69A-2.024 (*as adopted as of the Effective Date of this Resolution*) to provide that blasting within one (1) mile of an urban development shall not exceed a peak particle velocity of more than 0.15 inches per second.

Section 3. Urging the Florida State Fire Marshal to Advocate for Meaningful Legislative Reform. The Town Council of Miami Lakes further urges the Florida State Fire Marshal to advocate for legislative reform of rock-mining activity in order to allow for greater relief to those affected, to provide local governments with the ability to regulate rock-mining activity within their respective jurisdictions, and provide those affected with greater access to judicial courts in order to address their grievances.

Section 4. Availability of Information and Resources. The Town Council advises the State Fire Marshal that it has information, resources, and materials which have been gathered, created, and developed over the course of several years; such information, resources, and materials are ready to be shared with the State Fire Marshal to provide data-backed evidence of, among other things: (i) the need for immediate relief; (2) that a peak particle velocity of 0.15 inches per second for blasting activities within one (1) mile of an urban development is a reasonable blasting limit that will prevent further property damage without causing a significant economic impact on the rock-mining companies' ability to conduct their business; and (3) that the effects of blasting are uniquely destructive in South Florida due to the way the Biscayne Aquifer allows the blast wave to carry further and stronger than in other parts of the State.

Section 5. **Instructions to the Town Clerk.** The Town Clerk is instructed to submit a copy of this resolution to the Florida State Fire Marshal and the Florida Chief Financial Officer.

Section 6. **Effective Date.** This Resolution shall be effective immediately upon adoption.

Passed and adopted this 9th day of July 2024.

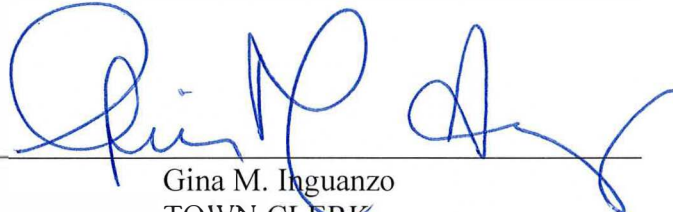
The foregoing resolution was offered by Councilmember Morera who moved its adoption. The motion was seconded by Councilmember Dieguez and upon being put to a vote, the vote was as follows:

Mayor Manny Cid	Absent
Vice Mayor Tony Fernandez	Yes
Councilmember Luis E. Collazo	Yes
Councilmember Josh Dieguez	Yes
Councilmember Ray Garcia	Yes
Councilmember Bryan Morera	Yes
Councilmember Marilyn Ruano	Yes



Manny Cid
MAYOR

Attest:



Gina M. Inguanzo
TOWN CLERK

Approved as to form and legal sufficiency:



Lorenzo Cobiella
Gastesi, Lopez and Mestre, PLLC
DEPUTY TOWN ATTORNEY