

ORDINANCE NO. 24-327

AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA; AMENDING CHAPTER 4, ARTICLE III, CREATING SECTION 4-43, TITLED “EXEMPTIONS”; PROVIDING FOR INCLUSION INTO THE CODE; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (FERNANDEZ)

WHEREAS, during the July 9, 2024, Town of Miami Lakes (the “Town”) Council Meeting, the Town Council directed the Town Attorney to work with the Town Building Department, and prepare an Ordinance creating a “Accessibility Improvement Permit Fee Elimination Program” to aid disabled residents; and

WHEREAS, Florida Statutes Chapter 553 provides municipal building departments with latitude and discretion, to set a permit fee schedule; and

WHEREAS, the newly established “Accessibility Improvement Permit Fee Elimination Program” benefits are similar to those provided in Florida Statute §295.16, which provides relief from all building permit fees; and

WHEREAS, unlike Florida Statutes §295.16, this Ordinance will provide relief only from those fees that are associated with the operation of the Town’s building department, all others will not be disturbed; and

WHEREAS, on September 10, 2024 the Town Council met and passed the proposed Ordinance in Second Reading; and

THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES AS FOLLOWS:

Section 1. **Recitals.** Each of the above stated recitals is true and correct and is incorporated herein by this reference.

Section 2. Amending Chapter 4, Article III, creating Chapter 4-43 of the Town Code. The Town Council hereby amends Chapter 4, Article III, creating Chapter 4-43, titled the “Accessibility Improvement Permit Fee Elimination Program”, further described in Exhibit “A.”

Section 3. Repeal of Conflicting Provisions. All provisions of the Code of the Town of Miami Lakes that are in conflict with this Ordinance are hereby repealed.

Section 4. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 5. Inclusion in the Town Code. It is the intention of the Town Council, and it is hereby ordained, that the provisions of this Ordinance shall become and be made part of the Town Code and that if necessary, the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and that the word “Ordinance” shall be changed to “Article”, “Division” or other appropriate word.

Section 6. Effective Date. That this Ordinance shall be effective immediately upon its adoption on second reading.

FIRST READING

The foregoing ordinance was offered by Vice Mayor Fernandez who moved its adoption on first reading. The motion was seconded by Councilmember Garcia and upon being put to a vote, the vote was as follows:

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

Passed on first reading this 13th day of August 2024

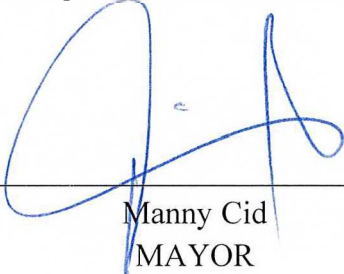
Additions to the Ordinance in First Reading shall be reflected by underlined, and deletions shall be reflected as ~~strike throughs~~. Additions to the Ordinance between first reading and second reading shall be reflected by a double underline, and deletions between first reading and second reading shall be reflected by a ~~double strike through~~.

SECOND READING

The foregoing ordinance was offered by Vice Mayor Fernandez who moved its adoption on second reading. The motion was seconded by Councilmember Morera and upon being put to a vote, the vote was as follows:

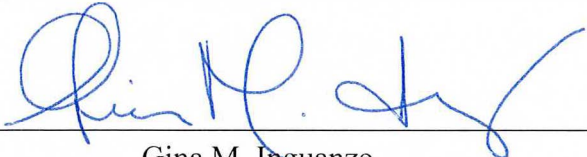
| | |
|-------------------------------|--------|
| Mayor Manny Cid | Yes |
| Vice Mayor Tony Fernandez | Yes |
| Councilmember Luis E. Collazo | Absent |
| Councilmember Josh Dieguez | Yes |
| Councilmember Ray Garcia | Yes |
| Councilmember Bryan Morera | Yes |
| Councilmember Marilyn Ruano | Yes |

Passed and adopted on second reading this 10th day of September 2024.




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

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EXHIBIT A

CHAPTER 4, BUILDINGS AND BUILDING REGULATIONS
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ARTICLE III, BUILDING AND RELATED PERMITS
.....

Sec. 4-43., Accessibility Improvement Permit Fee Elimination Program

A Town of Miami Lakes Resident, that provides proof of ownership, through evidence of a recorded deed in their individual name and registration of their real property as their homestead through Miami-Dade County’s Office of the Property Appraiser, and a government issued proof of disability for either themselves, or any house hold members upon submittal of a building permit application may obtain an exemption from applicable Town issued permit fees for the purpose of making their home habitable and accessible for themselves or any household members. The application is subject to the approval of the Town’s Building Department Designee. Any building permit fees adopted by the Town, and amended from time to time, are eligible for exemptions, including but not limited to, base fees, scanning fees, general fees, and technology fees. However, this exemption does not apply to any permit fees required by outside, non-Town agencies to obtain the necessary approvals for the building permit.

Additions to the Ordinance in First Reading shall be reflected by underlined, and deletions shall be reflected as ~~strike throughs~~. Additions to the Ordinance between first reading and second reading shall be reflected by a double underline, and deletions between first reading and second reading shall be reflected by a ~~double strike through~~.