

MIAMI BEACH

COMMITTEE MEMORANDUM

TO: Land Use and Sustainability Committee Members

FROM: Eric Carpenter, City Manager

DATE: June 10, 2025

TITLE: DISCUSS AND CONSIDER AMENDMENTS TO PENALTIES FOR VIOLATIONS OF THE CONSTRUCTION, PARKING, AND TRAFFIC MANAGEMENT PLAN (CPTMP) REQUIREMENT IN CHAPTER 106 OF THE CITY CODE, INCLUDING WITHOUT LIMITATION THE SUSPENSION OF A BUILDING PERMIT OR ISSUANCE OF A STOP WORK ORDER; AND DISCUSS PROACTIVE ENFORCEMENT EFFORTS BY THE POLICE, CODE COMPLIANCE, AND PARKING DEPARTMENTS WITH REGARD TO PARKING OR TRAFFIC VIOLATIONS RELATING TO CONSTRUCTION PROJECTS.

RECOMMENDATION

The City Administration ("Administration") recommends pursuing legislative amendments to enhance enforcement capabilities and to revise the penalties associated with violations of Section 106 of the City of Miami Beach ("City"). Code, specifically as they relate to the Construction Parking Management Plan (CPMP), in accordance with Florida State Statute.

In response to growing concerns about construction vehicles obstructing the public Right-of-Way and the continued challenges in enforcing current regulations, it is important to consider amendments to existing penalties. These may include the suspension of building permits and the issuance of stop-work orders. Furthermore, enhancing coordination among the Police Department, Code Compliance, and the Parking Department is essential to support more effective and proactive enforcement efforts.

BACKGROUND/HISTORY

At the February 26, 2025, City Commission meeting, at the request of Commissioner Alex Fernandez and Commissioner Tanya K. Bhatt, the Mayor and City Commission ("City Commission") referred Item C4 J to the Land Use and Sustainability Committee ("LUSC") to discuss and consider amendments to the penalties for violations of the Construction, Parking, and Traffic Management Plan requirements in Chapter 106 of the City Code. This included, without limitation, the potential suspension of a building permit or the issuance of a stop-work order.

Currently, all construction projects with a value of \$250,000 or more require an approved CPMP in order to obtain a building, grading, or shoring permit.

Recently, concerns have grown regarding the increasing number of construction vehicles blocking the public Right-of-Way (ROW).

The item was last discussed at the April 15, 2025 LUSC. During that meeting, the Committee was informed that any amendments to fines must comply with state law. Under current state law, the allowable fines are relatively low compared to the City's existing fine amounts. The Parking Department has been working collaboratively with the City Attorney's Office and the Building Department to draft proposed amendments to Section 106 of the City Code.

ANALYSIS

The Construction, Parking, and Traffic Management Plan outlined in Chapter 106 of the City Code (Attachment A) is designed to regulate appropriate construction parking throughout the city. The CPMP requirement holds construction contractors and property owners accountable for minimizing disruptions to traffic flow and addressing parking challenges that often arise in residential areas.

However, violations of CPMP requirements have continued to pose significant challenges. Current penalties may not be sufficient to deter noncompliance or to ensure timely and effective enforcement. As such, there is a growing need to consider potential amendments to the existing penalties, including but not limited to the suspension of building permits or the issuance of stop-work orders. It may also be prudent to look at lowering the \$250,000 threshold that triggers the need for a CPMP.

Moreover, proactive enforcement efforts by key city departments including the Police Department, Code Compliance, and the Parking Department are essential in addressing parking and traffic violations that arise in relation to ongoing construction projects. There is an opportunity to discuss better coordination between these departments to enhance the efficiency and effectiveness of enforcement efforts. The Parking Department has one dedicated engineering assistant that is solely responsible for the CPMP process and enforcement of the current code regulations.

The Administration recommends discussing and reviewing the current penalties for violations of CPMP requirements, including options such as suspending building permits or issuing stop-work orders in cases of serious or repeated violations. Another possible recommendation would be to explore other enforcement actions that might better incentivize compliance.

Per section 106-103 titled Enforcement of the Miami Beach Muni Code all violations of this chapter are civil infractions. Each violation of this chapter shall constitute a separate offense. Violations of this chapter are punishable as follows:

- For a first offense: A \$5,000.00 fine issued to both contractor and property owner/tenant.
- For a second offense: A \$10,000.00 fine issued to both contractor and property owner/tenant.
- For a third offense: A \$15,000.00 fine issued to both contractor and property owner/tenant.
- For each additional/subsequent offense: A one-day stop work order issued by the city's building official.
- For purposes of this section, an offense shall be deemed to have occurred on the date that the violation occurred.
- The failure of any person to pay the appropriate fine within the time allowed or to appeal the violation shall constitute a waiver of the right to an administrative hearing before the special magistrate and fines may be accessed accordingly.
- A certified copy of an order imposing a fine may be recorded in the public records and thereafter shall constitute a lien upon any real or personal property owned by the violator and it may be enforced in the same manner as a court judgment by the sheriffs of this state, including levy against the violator's personal property, but shall not be deemed to be a court judgment except for enforcement purposes. After two months from the recording of any such lien that which remains unpaid, the city may foreclose or otherwise execute upon the lien.

It is also important to evaluate potential strategies for increased coordination and communication between departments to proactively enforce the CPMP and related city codes. Consideration should also be given to gathering public input or feedback from affected communities regarding construction related disruptions and their quality of life. This feedback can provide valuable insight into how any potential changes to penalties or enforcement practices might affect the local construction industry and city residents.

FISCAL IMPACT STATEMENT

N/A

Does this Ordinance require a Business Impact Estimate?

(FOR ORDINANCES ONLY)

The Business Impact Estimate (BIE) was published on .

See BIE at: <https://www.miamibeachfl.gov/city-hall/city-clerk/meeting-notices/>

FINANCIAL INFORMATION

N/A

CONCLUSION

The City Administration recommends pursuing legislative amendments to strengthen enforcement capabilities and revise the penalties associated with violations of Section 106 of the City of Miami Beach Code, as they relate to the CPMP, in accordance with Florida State Statute.

In response to growing concerns about construction vehicles obstructing the public Right-of-Way and the continued challenges in enforcing current regulations, it is important to consider amendments to existing penalties. These may include the suspension of building permits and the issuance of stop-work orders. Furthermore, enhancing coordination among the Police Department, Code Compliance, and the Parking Department is essential to support more effective and proactive enforcement efforts.

Applicable Area

Citywide

Is this a "Residents Right to Know" item, pursuant to City Code Section 2-17?

Yes

Is this item related to a G.O. Bond Project?

No

Was this Agenda Item initially requested by a lobbyist which, as defined in Code Sec. 2-481, includes a principal engaged in lobbying? No

If so, specify the name of lobbyist(s) and principal(s):

Department

Parking

Sponsor(s)

Commissioner Alex Fernandez

Co-sponsor(s)

Condensed Title

Discuss and Consider Amendments to Penalties for CPMP Violations. (Fernandez) PK