

# MIAMI BEACH

## COMMITTEE MEMORANDUM

TO: Land Use and Sustainability Committee Members

FROM: Eric Carpenter, City Manager

DATE: April 15, 2025

TITLE: DISCUSS AND CONSIDER AMENDMENTS TO PENALTIES FOR VIOLATIONS OF THE CONSTRUCTION, PARKING, AND TRAFFIC MANAGEMENT PLAN (CPMP) 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 expand the enforcement capabilities and penalties associated with violations of Chapter 106 of the City of Miami Beach (“City”) Code as it relates to the Construction Parking Management Plan (“CPMP”). In addition, the Administration recommends evaluating potential strategies for increased coordination and communication between the Police, Code Compliance, and Parking departments to proactively and more effectively enforce CPMP requirements and violations.

### **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 an agenda item (C4 J) to the Land Use and Sustainability Committee (“LUSC”) to discuss and consider amendments to penalties for violations of the CPMP 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.

Currently, Chapter 106 of the City Code (Ordinance No. 2015-3922) requires that all construction projects with a value of \$250,000 or higher develop and obtain approval of a CPMP to obtain a building and/or grading and shoring permit. CPMPs are reviewed and approved by the Parking Department, and enforced by the Code Compliance, Police, and Parking departments. Recently, concerns from the community have arisen regarding the growing issue of construction vehicles illegally parking and/or blocking the public rights-of-way, adversely affecting residents’ quality of life.

### **ANALYSIS**

A CPMP, as 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 disruptions to traffic flow and addressing parking challenges that often arise in residential areas.

However, violations of CPMP requirements have continued to pose significant parking challenges in certain areas of the City. 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.

Moreover, proactive enforcement efforts by key City departments, including Code Compliance, Police, and Parking departments, are essential in addressing parking and traffic violations that arise in relation to active construction projects. This item presents an opportunity to explore ways of improving coordination between these departments to enhance the efficiency and effectiveness of enforcement efforts. It is important to note that the Parking Department currently has one (1) dedicated Engineer Assistant who is solely responsible for the CPMP process and enforcement of the applicable Code regulations.

The Administration recommends discussing and reviewing the current penalties for violations of CPMP requirements and considering amendments to strengthen these penalties, 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 the potential for increased fines or other enforcement actions that might incentivize compliance.

Section 106-103 of the City Code, entitled "Enforcement", states that all violations of this chapter are civil infractions. Each violation of this chapter shall constitute a separate offense. Violations of this chapter will be punished 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 assessed 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 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 the relevant City departments to proactively enforce CPMP requirements and violations.

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 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 Administration recommends pursuing legislative amendments to strengthen the enforcement capabilities and penalties for violations related to the CPMP as outlined in Section 106 of the City Code. Given growing concerns regarding the impact of construction vehicles blocking the public rights-of-way and ongoing challenges in enforcing current regulations, it is crucial to consider amendments to existing penalties, including the suspension of building permits, stop-work orders, and increased fines for repeated violations. Additionally, enhancing coordination among Code Compliance, Police Department, and the Parking Department is vital for improving proactive CPMP 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)**

Commissioner Tanya K. Bhatt

**Condensed Title**

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