

17. 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.

Applicable Area:

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 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 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-notice/>

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

ATTACHMENT A

Sec. 106-98. - Creation of Construction Management Plan (CMP).

- (1) In order to obtain or maintain a building and/or grading and shoring permit for all projects with a value in excess of \$250,000.00, the contractor of record shall be required to provide to the city a CMP. The parking director shall review the CMP. Failure to provide the CMP, or obtain parking director approval of the CMP shall preclude the issuance of a building or grading and shoring permit. The CMP shall minimize CEVPI to the surrounding commercial or residential areas. The CMP must:
 - a. Reduce CEVPI related to the proposed construction;
 - b. Contain construction related parking within the project site, whenever possible;
 - c. Document where the parking areas will be provided for the employees, subcontractors, and contractors, if not on site; and
 - d. The contractor, owner of the property, and tenant are required to sign, under oath, the proposed CMP, confirming their understanding of the plan, and the penalties associated with noncompliance.
- (2) Development orders issued prior to enacting of the ordinance codified in this division shall be exempt from application of this division 1.
- (3) The city's municipal garage located at 42 Street may not be used for CEVPI or CEV uses.
- (4) To use any other city municipal garage for CEVPI or CEV uses shall require city manager and parking director authorization and final authorization of the city commission.

(Ord. No. 2015-3922, § 1(106-118), 2-11-15)

Sec. 106-99. - Requirements of CMP.

- (1) The CMP shall contain the following required elements to address the CEVPI:
 - (a) A copy of the building permit application/processing number, that is not expired, with the building department.
 - (b) A system to minimize the effect of CEV parking in commercial and residential neighborhoods.
 - (c) Document the number of workers: identify by description and vehicle license plate number all vehicles that will be present on the site during various phases of construction; and indicate whether sufficient privately owned/operated off-street parking will be provided. Provide proof of such off-street private parking arrangements.
 - (d) The construction contractor, owner/developer shall schedule a pre-construction meeting with city staff after permit issuance, but prior to start of work, to review CMP implementation.
- (2) The construction site parking and staging plan shall provide the following specific information:
 - (a)

All construction related parking (whether for employees, contractors, subcontractors, suppliers, etc.) shall be located on-site where the construction is to take place, or at an approved off-site locations, as approved by city staff. Swale right-of-way, or parking metered locations may be permitted, upon approval of the parking director, to be used for loading, deliveries, and supplies. However, this temporary authorization shall not be considered a proper parking area for employees, subcontractors or contractors under the CMP.

- (b) Delineate the details as to the number of proposed vehicles; type of vehicles accessing the construction site; identify the vehicles by year, make, model, and Florida license plate number.
- (c) Identify where all on-site parking will be located (minimum 8.5 feet x 18 feet per stall) and how vehicles will enter and exit the construct site from or the street.
- (d) If off-site parking is required to accommodate employee, subcontractor or contractor parking needs, identify the off-site location to be used and how the employees, subcontractors or contractors will get to and from the construction site. Provide proof of lease, exclusive use, etc., to the parking director as park of the CMP.
- [(e) Reserved.]
- (f) Identify any fencing around the construction site and all access points. A site plan may be required.
- (g) Identify material staging area(s).
- (h) Provide any other notes necessary to clarify the CMP, as may be applicable.

(Ord. No. 2015-3922, § 1(106-119), 2-11-15)

Sec. 106-100. - Review and approval.

The CMP shall be reviewed and require the approval of the parking director.

(Ord. No. 2015-3922, § 1(106-120), 2-11-15)

Sec. 106-101. - Issuance of permit.

- (1) A CMP permit shall be issued upon approval of the CMP and payment of fees.
- (2) A CMP permit fee shall be assessed for each CMP and related building permit, as set forth in appendix "A" to this Code.
- (3) Thereafter a building or a grading and shoring permit may issue. Failure to obtain parking department authorization of a CMP permit shall preclude the issuance of building permit.

(Ord. No. 2015-3922, § 1(106-121), 2-11-15; Ord. No. 2022-4473, § 2, 3-9-22)

Sec. 106-102. - Parking in designated areas.

- (1) Pursuant to the requirements of section 106-109, contractors, subcontractors and construction employees shall register and provide vehicle make, model, year, color, and license plate to the parking department.
- (2) CEVs shall prominently display a parking permit for the corresponding parking facility(ies) related to the building permit/construction project identified in the underlying CMP. Such parking permit shall be displayed so as to be clearly visible to the city's enforcement personnel.
- (3) CEVs found at any location other than those stipulated in the CMP shall be in violation of this section.

(Ord. No. 2015-3922, § 1(106-122), 2-11-15)

Sec. 106-103. - Enforcement.

- (1) A city code inspector may issue a citation for a violation of this chapter. Enforcement shall be through chapter 30 of the city's Code. A city code inspector means the code compliance officers, parking department employees, a parking enforcement specialist, or any authorized agent or employee of the city whose duty it is to assure code compliance.
- (2) 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:
 - (a) For a first offense: A \$5,000.00 fine issued to both contractor and property owner/tenant.
 - (b) For a second offense: A \$10,000.00 fine issued to both contractor and property owner/tenant.
 - (c) For a third offense: A \$15,000.00 fine issued to both contractor and property owner/tenant.
 - (d) For each additional/subsequent offense: A one-day stop work order issued by the city's building official.
 - (e) For purposes of this section, an offense shall be deemed to have occurred on the date that the violation occurred.
 - (f) 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.
 - (g) 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.

(Ord. No. 2015-3922, § 1(106-123), 2-11-15; Ord. No. 2021-4431, 7-28-21)

Sec. 106-104. - Revocation of permits and other penalties.

Any contractor, subcontractor, property owner or tenant who has obtained a valid citation under section 106-103, and who has failed to pay the fine, and failed to cure the violation, shall have the building permit revoked. Failure to comply shall subject such participant to enforcement procedures by the city and may result in fines of up to an additional \$500.00, per day, and liens as provided by law.

(Ord. No. 2015-3922, § 1(106-124), 2-11-15)

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: Commissioner Alex Fernandez

DATE: February 26, 2025

TITLE: REFERRAL TO THE LAND USE AND SUSTAINABILITY COMMITTEE TO 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

Please place on the February 26, 2025, City Commission agenda a referral to the Land Use and Sustainability Committee (LUSC) to discuss and consider amending penalties for violations of the Construction, Parking, and Traffic Management Plan (CPTMP) requirement. This could include, without limitation, the suspension of a building permit or issuance of a stop work order, to the extent permitted under the Florida Building Code.

I would also like the LUSC to discuss proactive enforcement efforts by the Police, Code Compliance, and Parking Departments with regard to construction parking plans, contractor safety protocols, and other non-compliance issues that disrupt neighborhood quality of life or public safety.

The committee should also consider implementing a scaled penalty schedule for ongoing or repeated violations, with the fee structure increasing based on the frequency or severity of the non-compliance.

BACKGROUND/HISTORY

ANALYSIS

FISCAL IMPACT STATEMENT

Does this Ordinance require a Business Impact Estimate?
(FOR ORDINANCES ONLY)

If applicable, the Business Impact Estimate (BIE) was published on:

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

FINANCIAL INFORMATION

CONCLUSION

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

Office of Commissioner Alex Fernandez

Sponsor(s)

Commissioner Alex Fernandez

Co-sponsor(s)

Commissioner Tanya K. Bhatt

Condensed Title

Ref: LUSC - Enforcement/Penalties for Traffic and Parking Violations by Contractors.
(Fernandez/Bhatt)

Previous Action (For City Clerk Use Only)

CHAPTER 106
TRAFFIC AND VEHICLES

* * *

ARTICLE II. METERED PARKING

* * *

DIVISION 3. CONSTRUCTION PARKING AND TRAFFIC MANAGEMENT PLAN¹

Sec. 106-96. Declaration of necessity and purpose.

It is hereby found and declared that:

- (a) There exists in areas of the city, heavy concentration of construction activity and related construction employee vehicles that park for extended periods usurping parking availability all day; congregating at various points; and committing offenses against the peace and dignity of the city and the residents thereof.
- (b) The presence of these vehicles cause vehicular traffic congestion on commercial and residential streets, impede the movement of traffic, and unduly restrict access to patrons and visitors to commercial areas and residents and their visitors to their homes.
- (c) Such vehicular congestion creates polluted air, excessive, noise, trash and refuse.
- (d) That the conditions and evils mentioned in subsections (a), (b), and (c) of this section reduces parking availability and creates blighted or deteriorated residential and commercial areas.
- (e) The establishment of a requirement that a contractor provide a Construction Management Plan (CMP) due to the traffic and parking impacts caused by the construction product would assist the city in preserving the residents' quality of life; ensure the high quality of our residential and commercial neighborhoods; would preserve property values; and preserve the safety of children and of all pedestrians in the city.

(Ord. No. 2015-3922, § 1(106-116), 2-11-15)

Sec. 106-97. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Commercial area means a contiguous or nearly contiguous area containing public streets or parts thereof primarily abutted by commercial, or retail property. Commercial area shall contain at least half a city block bordered by three public streets, and, if there is an alleyway, also by the alleyway.

¹Editor's note(s)—Ord. No. 2015-3922, adopted Feb. 11, 2015, enacted provisions to be designated as §§ 106-116—106-126. Inasmuch as there already exist §§ 106-116, 106-117, and in order to maintain the categorical organization of the Code, said new provisions have been redesignated as §§ 106-96—106-106. Original section designations have been maintained in the history notes following each section.

Construction employee vehicle (CEV) means a motor vehicle operated in or parked by an employee, or subcontractor of a construction contractor for extended periods of the day, which result in an impact on the community as identified below as a CEVPI.

Construction employee vehicle parking impact (CEVPI) means:

- (1) A condition whereby:
 - a. Municipal (on- and off-street) parking spaces are limited in quantities and for extended periods of the day factually occupied Monday through Saturday, of any month by construction employee, contractor or subcontractor vehicles; and
 - b. CEVs park on municipal on- and off-street parking spaces, intended for commercial or residential uses; or
- (2) A condition whereby any number of construction related vehicles are being driven into or left regularly in a commercial or residential area and the CEV drivers are parking at those locations for purposes unrelated to commercial, retail or residential uses.
- (3) The CEVPI permit and plan shall be posted at the construction site.

Residential areas means a contiguous or nearly contiguous area containing public streets or parts thereof primarily abutted by residential property or residential and nonbusiness property such as schools, parks, churches, hospitals, and nursing homes. A residential area shall contain at least half a city block bordered by three public streets, and, if there is an alleyway, also by the alleyway.

(Ord. No. 2015-3922, § 1(106-117), 2-11-15)

Sec. 106-98. Creation of Construction Management Plan (CMP).

- (1) In order to obtain or maintain a building and/or grading and shoring permit for all projects with a value in excess of \$250,000.00, the contractor of record shall be required to provide to the city a CMP. The parking director shall be required to review the CMP. Failure to provide the CMP, or obtain the parking director's approval of the CMP, shall preclude the issuance of a building or grading and shoring permit. The CMP shall minimize CEVPI to the surrounding commercial or residential areas. The CMP must, to the satisfaction of the parking director:
 - a. Reduce CEVPI related to the proposed construction;
 - b. Contain construction related parking within the project site, whenever possible;
 - c. Document where the parking areas will be provided for the employees, subcontractors, and contractors, if not on site; and
 - d. The contractor, owner of the property, and tenant are required to sign, under oath, the proposed CMP, confirming their understanding of the plan, and the penalties associated with noncompliance.
- (2) Development orders issued prior to enacting of the ordinance codified in this division shall be exempt from application of this division 1.
- (3) The city's municipal garage located at 42 Street may not be used for CEVPI or CEV uses.
- (4) To use any other city municipal garage for CEVPI or CEV uses shall require the written approval of the city manager and parking director ~~authorization and final authorization of the city commission.~~

(Ord. No. 2015-3922, § 1(106-118), 2-11-15)

Sec. 106-99. Requirements of CMP.

- (1) The CMP shall contain the following required elements to address the CEVPI:
 - (a) A copy of ~~the~~ an active building permit application, including a processing number, ~~that is not expired, with~~ issued by the building department.
 - (b) A ~~system~~ written plan to minimize the effect of CEV parking in commercial and residential neighborhoods.
 - (c) Document the number of workers: identify by description and vehicle license plate number all vehicles that will be present on the site during various phases of construction; and indicate whether sufficient privately owned/operated off-street parking will be provided. Provide proof of such off-street private parking arrangements.
 - (d) The construction contractor, owner/developer shall schedule a pre-construction meeting with city staff after permit issuance, but prior to start of work, to review CMP implementation.
- (2) The construction site parking and staging plan shall provide the following specific information:
 - (a) All construction related parking (whether for employees, contractors, subcontractors, suppliers, etc.) shall be located on-site where the construction is to take place, or at an approved off-site locations, as approved by city staff. Swale, right-of-way, or parking metered locations may be permitted, upon approval of the parking director, to be used for loading, deliveries, and supplies. However, this temporary authorization shall not be considered an proper approved parking area for employees, subcontractors or contractors under the CMP.
 - (b) Delineate the details as to the number of proposed vehicles; type of vehicles accessing the construction site; identify the vehicles by year, make, model, and Florida license plate number.
 - (c) Identify where all on-site parking will be located (minimum 8.5 feet x 18 feet per stall) and how vehicles will enter and exit the construct site from or the street.
 - (d) If off-site parking is required to accommodate employee, subcontractor or contractor parking needs, identify the off-site location to be used and how the employees, subcontractors or contractors will get to and from the construction site. Provide proof of lease, exclusive use, etc., to the parking director as park part of the CMP.
 - [(e) Reserved.]
 - (f) Identify any fencing around the construction site and all access points. A site plan may be required.
 - (g) Identify material staging area(s).
 - (h) Provide any other notes necessary to clarify the CMP, as may be applicable.

(Ord. No. 2015-3922, § 1(106-119), 2-11-15)

Sec. 106-100. Review and approval.

The CMP shall be reviewed by and require the approval of the parking director.
(Ord. No. 2015-3922, § 1(106-120), 2-11-15)

Sec. 106-101. Issuance of permit.

- (1) A CMP permit shall be issued upon approval of the CMP and payment of fees.
- (2) A CMP permit fee shall be assessed for each CMP and related building permit, as set forth in appendix "A" to this Code.
- (3) Thereafter a building or a grading and shoring permit may issue. Failure to obtain parking department authorization of a CMP permit shall preclude the issuance of building permit.

(Ord. No. 2015-3922, § 1(106-121), 2-11-15; Ord. No. 2022-4473, § 2, 3-9-22)

Sec. 106-102. Parking in designated areas.

- (1) Pursuant to the requirements of section 106-109, contractors, subcontractors and construction employees shall register and provide vehicle make, model, year, color, and license plate to the parking department.
- (2) CEVs shall prominently display a parking permit for the corresponding parking facility(ies) related to the building permit/construction project identified in the underlying CMP. Such parking permit shall be displayed so as to be clearly visible to the city's enforcement personnel.
- (3) CEVs found at any location other than those stipulated in the CMP shall be in violation of this section.

(Ord. No. 2015-3922, § 1(106-122), 2-11-15)

Sec. 106-103. Enforcement.

- (1) A ~~city code inspector~~ compliance officer may issue a citation for a violation of this chapter. Enforcement shall be through chapter 30 of the City's Code. A For purposes of this section, a city code inspector compliance officer means shall include the code compliance officers, parking department employees, a parking enforcement specialist, or any authorized agent or employee of the City whose duty it is to assure code compliance.
- (2) All violations of this chapter are civil infractions. Each violation of this ~~chapter~~ division on a property in connection with a construction project that is subject to this division shall constitute a separate offense. A violation may be issued to a property owner, tenant, and/or contractor. Violations of this chapter division will be punished as follows subject to the following civil fines and penalties:
 - (a) For a first offense: A \$15,000.00 fine per violation, per day, issued to both contractor and property owner/tenant for as long as the violation remains uncured.
 - (b) For subsequent offense(s): A \$540,000.00 fine per day, issued to both contractor and property owner/tenant for as long as the violation remains uncured.

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- (c) For an ~~third~~ offense that the special magistrate finds to be irreparable or irreversible in nature, ~~a~~: A \$15,000.00 fine may be issued to both contractor and property owner/tenant.
- (d) For each ~~additional/subsequent~~ offense that the building official determines to be contrary to the provisions of the Florida Building Code or dangerous or unsafe, the building official is authorized to issue a stop work order. The stop work order shall be in writing and shall be given to the owner of the property involved, the owner's authorized agent or the person performing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work will be permitted to resume. : A ~~The stop work order will not be lifted until the property has been determined to be in full compliance with the provisions of this division and the CMP. Prior to work restarting on the property, the owner, tenant (if applicable), and contractor of record must first confirm in writing that they have read and will comply with the approved CMP for the project. one-day stop work order issued by the city's building official.~~
- (e) For purposes of this section, an offense shall be deemed to have occurred on the date that the violation occurred.
- (f) 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.
- (g) 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.

(Ord. No. 2015-3922, § 1(106-123), 2-11-15; Ord. No. 2021-4431, 7-28-21)

Sec. 106-104. ~~Revocation of permits and other~~ Other penalties under the Florida Building Code.

~~Any contractor, subcontractor, property owner or tenant who has obtained a valid citation under section 106-103, and who has failed to pay the fine, and failed to cure the violation, shall have the building permit revoked. Failure to comply shall subject such participant to enforcement procedures by the city and may result in fines of up to an additional \$500.00, per day, and liens as provided by law. Any failure to pay outstanding fees or fines or any failure to cure a violation under this division may prevent a final inspection from occurring and/or the issuance of a certificate of completion pursuant to the Florida Building Code.~~

(Ord. No. 2015-3922, § 1(106-124), 2-11-15)

Sec. 106-105. Use of funds.

All fines collected and all CMP fees collected shall be first utilized to fund administrative expenditures of the city in administering the program, including parking department review, code compliance enforcement and building department review. Any remaining funds shall be transferred to the fee in lieu of parking fund to assist the city in providing enhanced parking

facilities. Any transfer of funds to the fee in lieu of parking fund shall be documented to reflect the fine source, and amount.

(Ord. No. 2015-3922, § 1(106-125), 2-11-15)

Sec. 106-106. Appeals.

Appeals of a citation shall be pursuant to chapter 30, before the city's special magistrate, except as many otherwise be provided under the Florida Building Code. The procedures relating to a code compliance citation under chapter 30 shall control the appeal period, notice requirements, and rules relating to same.

(Ord. No. 2015-3922, § 1(106-126), 2-11-15)

Secs. 106-107—106-115. Reserved.