



# Town of Miami Lakes Memorandum

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**To:** Honorable Mayor & Councilmembers  
**From:** Edward Pidermann, Town Manager  
**Subject:** Creating Code of Ordinances, Chapter 13, Article XIII Water Quality  
**Date:** January 10, 2023

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## Recommendations:

It is recommended that the Town Council approve the proposed ordinance creating Chapter 13, Article XIII Water Quality withing the Town's code of ordinance.

## Background:

On May 10, 2022 the Town Council passed Resolution 22-1834 authorizing the execution of the fourth interlocal agreement between the Town and Miami-Dade County, related to the National Pollutant Discharge Elimination System ("NPDES") permit No. FL 000003-00. Pursuant to Florida Statutes§ 403.0885, a permit was issued to Miami-Dade County and its participating municipalities for participation in the NPDES. Town participation in the stormwater element of the NPDES program is required under the Clean Water Act.

On May 18, 2022 a NPDES Stormwater Phase I Municipal Separate Storm Sewer Systems (MS4) audit was conducted by the Florida Department of Environmental Protection ("FDEP"). The audit found that the Town required improvement to be in compliance with the Miami-Dade County Phase I MS4 Permits Parts II.E and IIIA.7.a which require the pemittee to have an enforceable regulatory mechanism that:

- Controls the contribution of pollutants to the MS4 by stormwater discharges associated with industrial activity, including construction sites, and the quality of stormwater discharged from these facilities/sites;
- Prohibits illicit discharges and illicit connections to the MS4;
- Controls the discharge of spills and the illegal dumping or improper disposal of materials other than stormwater (e.g., industrial and commercial wastes, trash, used motor vehicle fluids, leaf litter, grass clippings, animal wastes, etc.) into the MS4;
- Requires compliance with conditions in ordinances, permits, contracts or orders; and
- Provides the permittee the ability to carry out all inspection, surveillance and monitoring procedures necessary to determine compliance with permit conditions.

Town staff has prepared the attached ordinance to create Chapter 13, Article XIII Water Quality within the Town's code of ordinances. This new article will satisfy the required improvement identified by FDEP during the May 18, 2022 audit.

**Attachments:**

Ordinance

**ORDINANCE NO. 23 - \_\_\_\_\_**

**AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA, AMENDING CHAPTER 13, BY CREATING ARTICLE XIII, TO BE ENTITLED "WATER QUALITY," ESTABLISHING PURPOSE AND INTENT OF THE ARTICLE; PROVIDING FOR DEFINITIONS, SEDIMENT AND CONTROL REQUIREMENTS FOR CERTAIN DEVELOPMENTS, STANDARDS FOR SEDIMENT AND EROSION CONTROL, PERMIT ISSUANCE CONDITIONS, ADMINISTRATIVE PROCEDURES ENFORCEMENT OF SEDIMENT AND EROSION CONTROL REQUIREMENTS, PROHIBITION OF ILLICIT DISCHARGE, REPORTING OF ILLICIT DISCHARGES, PROVIDING FOR ENFORCEMENT AND PENALTIES AND PROVIDING FOR AN APPLICATION FEE TO BE ESTABLISHED FOR THE SEDIMENT AND EROSION CONTROL PLAN; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE TOWN CODE; AND PROVIDING FOR AN EFFECTIVE DATE. (SANTOS)**

**WHEREAS**, the Town Council of the Town of Miami Lakes ("Town"), Florida has established a Code for property standards and nuisances including for construction sites which is set forth in Chapter 13, Article XIII of the Town of Miami Lakes Code of Ordinances; and

**WHEREAS**, the Town has found that illicit discharge to the stormwater system results in the damage and loss of natural resources, including the degradation of water quality; and

**WHEREAS**, the Town has found that land disturbing activities accelerate the process of soil erosion and expose sediment to surface stormwater runoff, resulting in the damage and loss of natural resources, including the degradation of water quality; and

**WHEREAS**, the discharge of pollutants directly or via stormwater runoff into surrounding water bodies degrades water quality and poses a public health risk; and

**WHEREAS**, the Town often finds that storm drains are not properly protected or maintained, allowing an accumulation of pollutants to enter the stormwater system and discharge into waterways; and

**WHEREAS**, as an operator of Municipal Separate Storm Sewer Systems (“MS4”) and a co-permittee of National Pollution Discharge Elimination System (NPDES) Permit No. FLS000003-004, the Town must prohibit illicit discharges, illicit connections, improper disposal and illegal dumping into the stormwater system, and sediment and erosion reducing best management practices; and

**WHEREAS**, it is in the best interest of the Town to enact this ordinance to safeguard persons, protect property, and prevent damage to the environment in the Town; and

**WHEREAS**, the quality of our waterways is critical to environmental, economic, and recreational prosperity, and to the health, safety and welfare of the citizens of the Town of Miami Lakes; and

**WHEREAS**, the Town seeks to implement permitting procedures and standards to establish preventive jobsite practices the can minimize environmental risks from the erosion, air pollution, and sedimentation on sites with disturbed soil resulting from construction/demolition sites; and

**WHEREAS**, the Town Council has determined that the proposed amendments serve the public health, safety, and welfare of the citizens of the Town of Miami Lakes, Florida.

**BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA:**

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

**Section 2. Amending the Town Code.** The Town Council hereby amends Chapter 13, and establishes Article XIII, to be titled “Water Quality,” as follows:

**CHAPTER 13. LAND DEVELOPMENT CODE**

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**ARTICLE XIII. WATER QUALITY**

**Sec. 13-2120. - Purpose and Intent.**

The purpose of this article is to safeguard persons, protect property, and prevent damage to the environment and to Miami Lakes surface waters, through the regulation of non-stormwater discharges and pollutants into the Town's municipal separate storm sewer system (MS4), and its connected waterbodies, to the maximum extent practicable.

**Sec. 13-2121. - Definitions.**

- (a) The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.
- (1) *Best Management Practices ("BMP")*. The measures, practices, prohibition of practices, schedules or activities, general good housekeeping practices, maintenance procedures, educational practices, and/or devices which are generally accepted within an industry as being effective, to reduce erosion from occurring on a disturbed site, preventing sedimentation from occurring on an adjacent property or within a waterway, or preventing the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems.
  - (2) *Construction*. The act of creating or maintaining stockpiles of soil or other material which are erodible if exposed to water or wind and capable of generating dust; or, developing or improving public or private land which involves the removal of surface cover or disturbance of soils and includes clearing, grading, demolition, and excavation.
  - (3) *Demolition*. The partial, substantial, or complete removal or destruction of any structure, building or improvement.
  - (4) *Development*. Means (1) the construction, installation, demolition, or removal of a structure; (2) clearing, scraping, grubbing, killing, or otherwise removing vegetation from a site; or (3) adding, removing, exposing, excavating, leveling, grading, digging, furrowing, dumping, piling, dredging, or otherwise significantly disturbing soil, mud, sand, or rock of a site.
  - (5) *Environmentally sensitive area*. Means landscape elements or places which are vital to the long-term maintenance of biological diversity, soil, water or other natural

- resources, both on the site and in a regional context. These areas shall include but not be limited to all wetlands, open water bodies, ponds, and lakes.
- (6) *Erosion.* The detachment, transport, and deposition of particulate matter by the action of wind, water, or gravity.
- (7) *Exfiltration.* A stormwater management procedure, which stores runoff in a subsurface collection system and disposes of it by percolation into the surrounding soil.
- (8) *Grading.* Any stripping, excavating, filling, stockpiling, or combination thereof, including the land in its excavated or filled condition.
- (9) *Hazardous materials.* Any material, including any substance, waste, or combination thereof, which, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.
- (10) *Illicit connection.* Means either of the following: (1) any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the MS4, including, but not limited to, any conveyance that allows any non-storm water discharge, including sewage, process wastewater, and wash water to enter the storm drain system, and any connections to the MS4 from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by the department; or (2) any drain or conveyance connected from a commercial or industrial land use to the MS4 which has not been documented in plans, maps, or equivalent records and approved by the Town.
- (11) *Land-disturbing activities.* Any activity which may result in soil erosion from water or wind, and the movement of sediments or pollutants into surface waters or lands, or activity that may result in a change to the existing soil cover, including, but not limited to, clearing, dredging, grading, excavating, transporting, demolition, and filling of land.
- (12) *Municipal separate storm sewer system or MS4.* The conveyance or systems of conveyance that are owned and operated by the Town of Miami Lakes and are designed or used to collect or convey stormwater (e.g., storm drains, pipes, ditches).

- (13) Non-hazardous waste. All waste materials not specifically deemed hazardous under Title 40, Parts 260-273 of the Code of Federal Regulations, are considered nonhazardous wastes.
- (14) Non-structural controls. Means BMPs that include collecting trash and debris, sweeping up nearby sidewalks and streets, maintaining equipment, and training site staff on erosion and sediment control practices.
- (15) Off-site sedimentation. The transport of sediment across boundaries of a land disturbing activity, resulting in deposition of such materials in any lake or natural watercourse or on any land, public or private, not owned by the person responsible for the land disturbing activity.
- (16) Operator means the party or parties that have (1) operational control of construction project plans and specifications, including the ability to make modifications to those plans and specifications; or (2) day-to-day operational control of those activities that are necessary to ensure compliance with a Sediment and Erosion Control Plan for the site or other permit conditions.
- (17) Person. Any natural person, business, corporation, limited liability company, partnership, limited partnership, association, club, organization, and/or any group of people acting as an organized entity.
- (18) Pollutant. Anything that causes or contributes to pollution. Pollutants may include, but are not limited to: chemicals, paints, varnishes, degreasers and solvents; antifreeze, oil and other automotive fluids or petroleum products; diesel fuel, non-hazardous and toxic liquid and solid wastes; sanitary sewage; heated water, chemically treated cooling water or other water; acids of alkalis; lawn clippings, leaves, branches, or yard trash; animal carcasses, or pet waste; dyes, laundry waste or soaps; construction materials; pool water; effluent from boats, vessels, and other recreational watercraft; refuse, rubbish, garbage, litter, sediment, or other discarded or abandoned objects, and accumulations, so that the same may cause or contribute to pollution; pesticides; herbicides; fertilizers; hazardous substances and wastes; sewage; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

- (19) Sediment and Erosion Control Plan (“SECP”). A plan for the control of soil erosion, sedimentation of water, release of pollutants into waterbodies or the MS4, and runoff resulting from land-disturbing activity.
- (20) Sediment. A solid material, whether organic or inorganic, that is in suspension, is being transported, or has been moved from its site of origin by wind, water, or gravity as a product of erosion.
- (21) Sedimentation. The process by which sediment resulting from accelerated erosion has been or is being transported off the site of the land-disturbing activity and onto adjacent public or private property or into a waterbody.
- (22) Solid waste. Includes bulky waste, commercial refuse, garden trash, tree and shrubbery, garbage, refuse, rubbish, special handling trash, trash, hazardous waste, biohazardous waste, industrial waste, residential refuse, white goods, or other discarded material, including solid, liquid, semisolid, or contained gaseous material, resulting from domestic, industrial, commercial, mining, or agricultural operations.
- (23) Stabilize. To establish groundcover sufficient and adequate to prevent erosion.
- (24) Stormwater. The flow of water which results from, and which occurs immediately following, a rainfall event.
- (25) Stormwater pollution prevention plan (“SWPPP”). A written plan required for construction projects proposing to disturb an area equal to or greater than one (1) acre of land, which plan is submitted by the applicant and approved by the Town, and which identifies a strategy to minimize stormwater runoff that will be generated by the project. The SWPPP shall be consistent with the guidelines in the Florida Stormwater, Erosion, and Sedimentation Control Inspector's Manual published by the Florida Department of Environmental Protection.
- (26) Structural Controls. Any structural BMPs such as silt fences, sedimentation ponds, erosion control blankets, and temporary or permanent seeding.
- (27) Surface waters, or water(s), or waterway. As defined by the Florida Department of Environmental Protection (Chapter 62-340. Florida Administrative Code) means waters on the surface of the earth, contained in bounds created naturally or artificially, including the Atlantic Ocean, bays, bayous, sounds, estuaries, lagoons,



lakes, ponds, impoundments, rivers, streams, springs, creeks, branches, sloughs, tributaries, canals, and ditches.

**Sec. 13-2122. - Requirements to prevent, control, and reduce stormwater pollutants by the use of best management practices.**

The Town shall require the use of Best Management Practices (BMP) for any activity, operation, or facility which may cause or contribute to pollution or contamination of stormwater, the storm drain system, or waters of the United States. The owner or operator of a commercial or industrial establishment, or construction site, shall provide or establish, at the expense of the owner or operator, reasonable protection or safeguards from accidental discharge of prohibited materials or other wastes into the MS4 and its connected waterbodies, through the use of structural and non-structural BMPs. Furthermore, the property owner or operator responsible for a property which is or may be the source of an illicit discharge, may be required to implement, at said person's or entity's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the Town's MS4. An illicit discharge that occurs despite compliance with BMPs is a violation of this section, except if such discharge is permitted under section 13-2124.

**Sec. 13-2123. - Illicit Discharge.**

- (a) No person shall throw, drain, or otherwise discharge, cause, or cause others under such person's control to discharge into the Town's MS4, right-of-way, or connected waterbodies, any pollutants or waters containing pollutants, whether such discharges occur directly into a waterbody, through piping connections, runoff, exfiltration, infiltration, seepage, or leaks.
- (b) No person shall maintain, use, or establish, any direct or indirect connection to the Town's MS4 that results in any discharge in violation of any provision of Federal, State, or Local government law, rule, or regulation.

**Sec. 13-2124. - Illicit Discharge Exemptions.**

The following activities shall be exempt from the requirements of this article, but only to the extent that the discharge meets State of Florida water quality standards FAC Chapter 62-302, and does not significantly contribute pollutants into the MS4:

- (a) Water line flushing;
- (b) Discharges from potable water sources;
- (c) Air conditioning condensate;
- (d) Irrigation water;
- (e) Water from crawl space pumps;
- (f) Footing drains;
- (g) Lawn watering;
- (h) Discharges or flows from emergency firefighting activities;
- (i) Reclaimed water line flushing authorized pursuant to a permit issued under the authority of Chapter 62-610, Florida Administrative Code; and
- (j) Uncontaminated roof drains.

**Sec. 13-2125. - Reporting of Illicit Discharges.**

Notwithstanding other requirements of law, any person responsible for a facility or operation, or responsible for emergency response for a facility or operation, upon learning of any known or suspected release of materials which are resulting or may result in an illegal discharge of a pollutant into stormwater, the storm drain system, or waters of the U.S., shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event that hazardous materials are released, said person shall immediately notify the State Warning Point and the Town. In the event that only non-hazardous materials are released, said person shall notify the Town's Building Department and/or Public Works Department immediately. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three (3) years and available for inspection by the Town and/or other appropriate agencies.

**Sec. 13-2126. - Suspension of Access to the Municipal Storm Sewer System.**

The Town may suspend access to the MS4 if either one of the following situations occurs:

- (a) Suspension due to illicit discharges in emergency situations. The Town, without prior notice, may suspend MS4 discharge access to stop an actual or threatened discharge

which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4, or Waterways

- (b) Suspension due to detection of illicit discharge. Any person discharging into the MS4 in violation of this Article may have their MS4 access terminated if such termination would abate or reduce an illicit discharge.

**Sec. 13-2127. - Sediment and Erosion Control General Requirements.**

- (a) Any person conducting a land-disturbing activity shall take all reasonable measures to protect all public and private property from damage caused by such activity. In addition, such individual will be held responsible for knowing and following the requirements of this article.
- (b) All construction work, including work in an area less than one (1) acre in size, that has the potential to impact the Town's MS4 and its connected waterbodies, and/or adjacent properties, is required to employ sediment and erosion control measures that are in accordance with the Florida Department of Environmental Protection ("FDEP") *Florida Storm Water Erosion and Sedimentation Control Inspector's Manual*, latest revision, to maintain water quality standards in accordance with Miami Dade County's Department of Environmental Resource Management ("DERM"), Florida Administrative Code Chapter 62-302, and any other agency of competent jurisdiction.
- (c) All construction activity that results in the disturbance of an area equal to or greater than one (1) acre is required to obtain coverage under the FDEP Generic Permit for Storm Water Discharge from Large and Small Construction Activities (Construction Generic Permit ["CGP"]). The notice of intent ("NOI"), any correspondence, the acknowledgement letter granting coverage under the CGP, a copy of the CGP, erosion control plans, SWPPP, and all completed inspection forms, and other documentation required by the CGP shall be available at the site at all times and made available to the Town Manager or any other Town official or inspector as designated by the Town Manager until land-disturbing activities have been completed. The contractor shall always have at least one (1) person on-site during work activities who is certified through the Florida Stormwater, Erosion and Sedimentation Control Inspector Training Program. All construction activity that involves the alteration of surface water flows is required to

obtain coverage under the FDEP Environmental Resource Permit (“ERP”) and/or any other agency of competent jurisdiction.

- (d) No person shall engage in any Land-Disturbing activity associated with development until a Sediment and Erosion Control Plan (“SECP”), if required by Sec. 13-2128, is approved by the Building Department Director or the Director's designee.
- (e) Neither the approval of a Sediment and Erosion Control Plan, nor the absence of a requirement to submit a plan shall relieve the property owner or the operator of the requirement stated in subsection (a) of this section.

**Sec. 13-2128. - Sediment and Erosion Control Plan (“SECP”).**

- (a) Prior to obtaining a building permit or other permit issued by the Building Department for a Land Disturbing activity the applicant shall be required to provide to the Town a SECP. For projects that disturb an area of land greater than one (1) acre in size, a copy of the SWPPP may be provided in lieu of a SECP when submitting the SECP application (See Sec. 13-2127(c)).
- (b) The SECP shall comply with the erosion control standards provided in the latest edition of the *Florida Stormwater Erosion and Sedimentation Control Inspector's Manual*.
- (c) SECP shall be drawn to an appropriate scale and shall include sufficient information to evaluate the environmental characteristics of the affected areas, the potential impacts of the proposed grading on water resources, and measures proposed to minimize soil erosion and off-site sedimentation. The property owner and/or operator shall perform all clearing, grading, drainage, construction, and development in strict accordance with the approved plan.
- (d) Each SECP must meet the following basic objectives:
  - (1) *Identify areas of concern.* Identify the on-site areas which are subject to severe erosion, and off-site areas, including storm drain locations, that are vulnerable to damage from erosion and/or sedimentation.
  - (2) *Limit exposure.* Any Land-Disturbing activity must be planned and conducted in a manner that limits the exposure of soil to disturbing activities.

- (3) Limit exposed areas. Any Land-Disturbing activity must be planned and conducted in a manner that limits the size of the area and duration exposed to Land-Disturbing activities.
  - (4) Control surface water. Surface water runoff originating upgrade, or as a result of Land-Disturbing activities, must be controlled to reduce erosion and sediment loss during the period of exposure.
  - (5) Control sedimentation. Any Land Disturbing activity must be planned and conducted in a manner as to prevent off-site sedimentation damage.
  - (6) Stormwater management. When the increase in the velocity of stormwater runoff resulting from a Land-Disturbing activity is sufficient to cause accelerated erosion of the receiving watercourse, plans are to include measures to control the velocity at the point of discharge so as to minimize accelerated erosion of the site and increased sedimentation of the stream.
  - (7) Site map, including areas of soil disturbance, areas that are not to be disturbed, and locations of all structural and non-structural controls to be implemented.
- (e) Minimum BMPs for sediment and erosion for all development sites shall include the following, or as deemed applicable according to scope of work and Building Department plan review:
- (1) Temporary Gravel Construction Entrance and Exit
  - (2) Storm Drain Inlet Protection for all drains within 100 feet of construction, or any drains that may be affected by construction activities
  - (3) Staked Turbidity Barrier (Silt Fence)
  - (4) Turbidity Curtain

**Sec. 13-2129. - Application and Approval of the SECP.**

- (a) Each proposed SECP shall be submitted with an SECP Application to the Building Department and shall require the approval of the Director or designee.
- (b) The SECP application must include a copy of the building permit application/processing number, that is not expired.
- (c) The SECP shall be approved if it adheres to the requirements and provisions of this article.

- (d) An application fee related to the SECP shall be established by resolution of the Town Council and shall be assessed for each SECP.
- (e) Upon approval from the Building Director or designee, the approved SECP shall be included with the building permit application for issuance. Building Department approval of a SECP shall be a condition precedent to the issuance of a building permit, and therefore, no building permit shall be issued unless the applicant has obtained an approved SECP.

**Sec. 13-2130. - Sediment and Erosion Control Standards and Prohibited Activities.**

- (a) Construction entrance(s) shall be stabilized wherever traffic will be leaving a construction site and traveling on paved roads or other paved areas within the site that is open to the public.
- (b) Any sediment that is tracked onto road pavement shall be removed immediately (prior to the end of the workday).
- (c) Pavement shall not be cleaned by washing/flushing street unless proper drain protection is in place to prevent discharges into the MS4.
- (d) All sediments/soils shall remain on site.
- (e) Perimeter protection is required for all development or redevelopment activities.
- (f) Catch basin inserts (or other approved BMP) are to be used to prevent sediments from entering drainage system. Inserts are to be inspected and cleaned weekly and after each rainfall event.
- (g) If water truck is used to control dust on dirt/graded areas only, water truck will only drop enough water to control the dust or reach the optimum moisture content of the soil for compaction. No run-off is to be generated.
- (h) Controlling dust on paved roadways will be done by use of sweeper with water-jet sprayers. Only enough water should be applied to control dust while sweeping. Do not generate runoff from sprayers that runs into catch basins.
- (i) All disturbed areas of the site shall be vegetated or otherwise temporarily stabilized until construction completion.
- (j) Sediment/soil erosion entering the right of way or adjacent private property shall be prohibited.

- (k) Sediment/soil erosion from uplands into environmentally sensitive areas shall be prohibited.
- (l) Dumping or piling vegetative debris or clippings in right-of-way or environmentally sensitive areas shall be prohibited.
- (m) Tracking sediment or soil onto a roadway shall be prohibited.
- (n) Floating turbidity curtain labeled with contractor name shall be required for construction or development activities occurring in or adjacent to a waterway, or that may cause sedimentation of the adjacent waterway.

**Sec. 13-2131. - Enforcement and penalties.**

- (a) The Town shall have the authority to conduct any and all necessary inspections, conduct surveillance and monitoring procedures in order to determine compliance with permit conditions.
- (b) Any fines and fees collected under this article shall be (1) deposited in the Town of Miami Lakes Stormwater Utility Fund, and (2) used by the Town for the administration, education, and enforcement of this article, and to further water conservation, nonpoint pollution prevention activities, water quality improvements, and ecosystems enhancements that protect the Town's water resources.
- (c) Enforcement. This article shall be enforced in accordance with Section 8 of the Town Code.
- (d) A violator who has been served with a notice of violation must elect to either
  - (1) Pay the following civil fine:
    - i. First violation within a 12-month period: \$250.00;
    - ii. Second violation within a 12-month period: \$500.00;
    - iii. Third or subsequent violation within a 12-month period: \$500.00; or
  - (2) Request an administrative hearing before a special master to appeal the notice of violation, which must be requested within ten (10) days of the service of the notice of violation. The procedures for appeal by administrative hearing of the notice of violation shall be as set forth in sections 8-5 and 8-6 of this Code. Applications for hearings must be accompanied by a fee as approved by a resolution of the Town council, which shall be refunded if the named violator prevails in the appeal.

- (e) Failure to pay the civil fine, or to timely request an administrative hearing before a special master, shall constitute a waiver of the violator's right to an administrative hearing before the special master, and shall be treated as an admission of the violation, for which fines and penalties shall be assessed accordingly. Unpaid fines shall accrue interest at the highest legal limit authorized by law.
- (f) 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, which may be enforced in the same manner as a court judgment by the sheriffs of this state, including levy against the violator's real or personal property, but shall not be deemed to be a court judgment except for enforcement purposes. After three months following the recording of any such lien that remains unpaid, the Town may foreclose or otherwise execute upon the lien for the amount of the lien, plus accrued interest, collection costs, and attorneys' fees.
- (g) The violator shall pay for any water quality control violations from any agency that results in fines being assessed to the Town because of the violator's failure to eliminate turbid runoff from leaving the site and raising background levels of turbidity above existing background levels.
- (h) The violator is responsible for reimbursement to the Town of all investigative and cleanup costs incurred by the Town. Costs shall include, but are not limited to, cost of equipment operation and maintenance associated with the investigation, cost of materials used in the investigation, personnel cost of contract services, waste disposal cost, laboratory costs, and Department labor costs. The Town shall submit an itemized invoice with all the reimbursable costs to the violator.

**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 \_\_\_\_\_ who moved its adoption on first reading. The motion was seconded by \_\_\_\_\_ and upon being put to a vote, the vote was as follows:

Mayor Manny Cid	_____
Vice Mayor Carlos O. Alvarez	_____
Councilmember Luis E. Collazo	_____
Councilmember Joshua Dieguez	_____
Councilmember Tony Fernandez	_____
Councilmember Ray Garcia	_____
Councilmember Marilyn Ruano	_____

Passed on first reading this \_\_\_\_ day of January \_\_\_\_, 2023

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**SECOND READING**

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

Mayor Manny Cid	_____
Vice Mayor Carlos O. Alvarez	_____
Councilmember Luis E. Collazo	_____
Councilmember Joshua Dieguez	_____
Councilmember Tony Fernandez	_____
Councilmember Ray Garcia	_____
Councilmember Marilyn Ruano	_____

Passed and adopted on second reading this \_\_\_\_\_ of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Manny Cid  
MAYOR

Attest:

\_\_\_\_\_  
Gina M. Inguanzo  
TOWN CLERK

Approved as to form and legal sufficiency:

\_\_\_\_\_  
Lorenzo Cobiella  
Gastesi, Lopez and Mestre, PLLC  
DEP. TOWN ATTORNEY