

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ENDORSING AND RECOGNIZING THE CITY ATTORNEY'S OFFICE AND THE CITY ADMINISTRATION'S PROACTIVE EFFORTS TO SEEK INJUNCTIONS IN STATE COURT TO ENFORCE THE CITY'S QUALITY-OF-LIFE ORDINANCES, INCLUDING ITS SHORT-TERM RENTAL AND NOISE REGULATIONS, AND PROTECT RESIDENTS FROM REPEAT OFFENDERS WHO CREATE NUISANCES .

WHEREAS, the Mayor and City Commission of the City of Miami Beach ("the City") enact legislation to protect the peace, tranquility, and quality of life of our City's residents and visitors; and

WHEREAS, this legislation includes regulation in our City Code of many quality-of-life issues, including, but not limited to, regulation of unreasonable noise and short-term rentals in residential neighborhoods; and

WHEREAS, the City's Code Compliance Department and Police Department work diligently to enforce our quality-of-life ordinances, and most individuals and businesses bring themselves into compliance with our laws upon notification from the Code Compliance Department and Police Department that they are in violation of the ordinances; and

WHEREAS, Florida law limits the amounts for fines that the City may impose upon individuals and businesses for violation of our City Code; and

WHEREAS, a small subset of individuals and businesses refuse to bring themselves into compliance with City laws, preferring to pay the limited fines allowed under Florida law as a cost of doing business (or even simply refuse to pay fines after they are imposed by the City and the City's duly appointed Special Magistrates); and

WHEREAS, Florida law and the City Code allow the City to enforce compliance with its ordinances in state courts by means of such legal and equitable actions as declarations of nuisance, actions to collect debts owed to the City, actions to foreclose on the City's liens for debts owed, and actions to enjoin continued violation of the City Code; and

WHEREAS, one example described above is of a property owner of a residential property and illegal short-term tenant who have been the subject of 29 noise complaints and 42 citations in the last year alone for short-term rental violations, noise violations, and others, but have explicitly refused to bring themselves into compliance with City laws; and

WHEREAS, the City Attorney's Office and the City Administration have proactively begun the process to bring these repeat violators before the court to seek an order declaring the property a nuisance, ordering them to pay the debts owed to the City for unpaid fines, ordering foreclosure on the property to enforce the City's liens, and enjoining continued violation of City laws, and

WHEREAS, accordingly, the Mayor and City Commission hereby endorse and recognize the City Attorney's Office and the City Administration's proactive efforts to utilize the power of the court to enforce the City's lawful regulation of its quality-of-life ordinances, including its short-term rental and noise regulations, against continued violations of the City Code by violators who refuse to comply with City laws.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND THE CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA that the Mayor and City Commission hereby endorse and recognize the City Attorney's Office and the City Administration's proactive efforts to seek injunctions in state court to enforce the city's quality-of-life ordinances, including its short-term rental and noise regulations, and protect residents from repeat offenders who create nuisances.

PASSED and **ADOPTED** this ____ day of February, 2023.


ATTEST:

Dan Gelber, Mayor

Rafael E. Granado, City Clerk

(Sponsored by Commissioner Alex J. Fernandez)

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney

1-24-23

Date

RTR