

# Miami Beach Association

## Ordinances 2021

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### Ordinances

(updated February 2021)

Our by laws have the safety of our residents and guests as our main priority. We hope not to have to resort to issuing fines for violations, as we hope residents and their members would follow our policies, whether they be in regard to parking, golf carts, scooters, alcohol on the beach, and other areas indicated in the ordinances described below.

### SECTION 1 - GUIDELINES

1. All ordinances adopted or approved by the Miami Beach Association Board of Governors prior to November 1, 2020 inconsistent with these ordinances are hereby declared null and void.
2. These Ordinances are a combination of Association, Town and State Laws. Town of Old Lyme, State Laws, and ordinances contained in the Association charter, not explicitly mentioned here, will apply.
3. APPEALS
  - a) Any person(s) affected by any decision made by the Board of Governors regarding these ordinances may, within ten (10) days from said decision, appeal said decision to the Board of Governors by giving written notice (email or postal) to any member of the Board of Governors.
  - b) The Board of Governors of the Association may in a specific case after Public notice and hearing:
    - i. Decide the appeal where it is alleged there is error in any order, requirement or decision made as a result of said ordinances.
    - ii. Extend in any specific case the time that this ordinance shall take effect if they deem necessary for the proper administration of justice

### SECTION 2 – PROPERTY RULES

1. No person or corporation shall use or cause to be used, rent, lease, or occupy for dwelling or living purposes, any garage or tent within the territorial limits of the Association. Exception: Overnight tents are allowed but no more than 1 tent per property for no longer than 48 hours.
2. Fences, bushes, or permanent structures cannot be placed within 2 feet of the Association property line. Property owners will cut shrubbery so as not to interfere with sight lines at any MBA intersection or be placed in a position which may cause a safety issue. MBA retains the right to permit use or discontinue use within the Right-of-Way area. (Note: the MBA owns a minimum of 10 feet of the area from the edge of the pavement into the property).
3. A fabric structure (e.g., garage tent), if not specifically being used for motor vehicles or special functions for a 1-time event, are not allowed within the MBA boundaries.
4. No clothesline may be erected in the front yard (i.e., the front door side) of any residence in the Association.
5. No person(s) shall post bills, placards or advertisements on any building, walls, fence, post or vacant lot, except “for rent” or “for sale” signs. Such signs shall be limited to one sign per property and shall not exceed four (4) square feet in area. Election signs are exempt.
6. All buildings in the Association area shall conform to the State of Connecticut and Town of Old Lyme building code.
7. From Memorial Day to Labor Day contracted commercial lawn services can start no earlier than 9:00

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am and must be completed by 5:00 pm Monday through Thursday and Friday from 9:00 am – 3:00 pm.

8. Grass clippings and leaves must be properly disposed of per the ordinances of the town and are not to be blown onto the streets where they have the potential to collect and clog street drainage systems which contributes to flooding. Additionally, disposing of grass clippings, cuttings, brush, garbage or any other type of discarded material onto vacant or neighboring lots is prohibited.
9. No person shall deposit household trash, building material, yard waste or any other unwanted items on the street, vacant lot, beach area or any other area owned by the Association.
10. No person(s) shall leave any rubbish or garbage so exposed to the elements as to make said rubbish or garbage obnoxious or a menace to the public health. All rubbish and garbage must be placed in a Town of Old Lyme regulation container. Garbage containers must be moved off the street within 48 hours after pickup.
11. No person(s) shall allow the improper storage or accumulation of any material that may present a fire hazard (e.g., any flammable material) to the Association property or any private residence in the territorial limits of the Association.
12. All recycle must be placed in appropriate containers as required by the Town of Old Lyme. Corrugated cardboard must be broken down and flattened. Recycle containers must be moved off the street within 48 hours after pick-up. (Note: Green containers are recycle and Blue containers are trash).
13. Property owners along Swan Brook are responsible for keeping their section of the waterway free of debris (e.g., branches, brush, grass clippings, or any other item that obstructs the flow of the brook) in order to reduce the risk of flooding. Failure to abide by this ordinance may result in a clean-up fee up to \$500 if the Board is forced to take action.
14. Hammer Law – With the exception of emergency repairs, Miami Beach Association property owners are prohibited from carrying out any major construction activities on property within the boundaries of the Association beginning on Friday at 5:00 pm, Saturday and Sundays, beginning July 1 of each year and ending the day after Labor Day of each year. On all other days between July 1 and Labor Day, major construction activities on property within the boundaries of the Association can begin no earlier than 9:00 am and end by 5:00 pm. Examples of major construction activities include but are not limited to:
  - a) Addition to a house
  - b) Demolition of a house or supporting structure
  - c) Installation of foundations
  - d) Installation of new septic systems
  - e) Outside work that involves the use of power equipment such as concrete and stone cutting saws, nail guns, jackhammers, backhoes, bulldozers, bobcats and the like
  - f) Re-roofing or roof replacement

Violators are liable for a fine as described under List of Fines if the violation continues.

(Note: Emergency repairs (such as storm damage, accidents, fires, or other unplanned activity) must be communicated to the Board of Governors via an email or through the **Contact Us** page of our website as soon as possible

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15. Water Discharge – With permission from the Board of Governors, and once new storm drains have been installed, Miami Beach property owners are permitted to directly discharge water from sump pumps into Miami Beach Association road storm drains. Currently, water directed onto the owners own property before reaching the road is permitted. Extenuating circumstances will be handled on a case-by-case basis.
16. The Board of Governor is authorized to notify in writing the owner(s) of property in the Association’s territory of any dangerous, unsafe or hazardous condition that may be discovered on the property of said person(s). If the condition reported is not corrected or remedied to reasonable satisfaction of said Board of Governors within ten (10) days of said notice, then said Board is authorized to take the necessary steps to remedy said condition and any and all expenses incurred shall be the responsibility of said owner(s) including an administrative fee not to exceed 20% of the total expense.
17. No property owner or contractor may cut into Association roads or other property without the express written permission of the Board of Governors. All cuts into the road must be patched by an approved contractor and will be overseen by the Board. Failure to contact the Board of Governors in writing prior to any work being started shall result in a fine as described under our List of Fines.
18. Property owners will be held liable for any damage to MBA-owned property incurred by family members, guests, contractors or renters. This includes but not limited to roads, gates, and Association owned structures. The cost of repairs will be the full responsibility of the property owner.
19. Any property owner hiring an outside contractor to perform excavation work within the boundaries of the MBA must contact the Board of Governors before any work is started since insurance requirements be met along with any MBA encroachment requirements.
20. Discharge of hazardous wastewater and materials onto streets, beach area, abutting property or Association property is prohibited and subject to Federal, State of CT Department of Energy & Environmental Protection (DEEP) and Town of Old Lyme rules and regulations.
21. Home Maintenance
  - a) A property is considered not maintained if the town of Old Lyme Fire Chief or Health Director determines that its condition threatens life or puts the health or safety of the Association residents at risk.
  - b) It is also considered not maintained if, as determined by the Board of Governors, it:
    - i. is not being adequately maintained, e.g., it has missing or boarded windows or doors, visible vandalism or graffiti, peeling paint or exposed wood, or overgrown lawn and weeds.
    - ii. has uncorrected building or health code violations
    - iii. has become a place where criminal activity has taken place as documented by the Police department
    - iv. is a factor that is seriously depreciating property values in the neighborhood
    - v. Contains unauthorized outside storage, accumulation of trash of any kind, or parking for inoperable vehicles, boats or other inoperable machinery on the property or the public right of way.

### **SECTION 3 – BEACH RULES**

1. Camping tents are not allowed on the beach in any size, shape or form. 3-sided dome tents, dome-type coverings for children and Sport-brellas, with dimensions not to exceed 4’ (w) by 4’ (l) by 3’ (h)

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- or at the discretion of Security, are allowed. (Note: So as not to obstruct the view of other beach goers these coverings should be placed as far to the rear of the beach as possible).
2. . (Note: So as not to obstruct the view of other beach goers these coverings should be placed as far to the rear of the beach as possible).
  3. Coolers larger than 5 quarts are not allowed on the beach.
  4. Alcoholic beverages and illegal drugs are not allowed on the beach.
  5. Tobacco products, vaping or smoking (including marijuana) are not allowed on the MBA beach. Intoxicated individuals will be removed from the beach by the Old Lyme Police.
  6. Ball playing, kite flying, or frisbee playing is prohibited on the beach from Memorial Day to Labor Day. These activities are allowed in the designated area to the west of the MBA beach sidewalk.
  7. No person(s) shall make or maintain a fire on the beach or any other common area of the Association property.
  8. With the exception of the Town of Old Lyme Police and State Troopers, all-Terrain Vehicles (ATV) are not allowed on any part of the beach.
  9. Picnics (i.e., gatherings involving tables, chairs and/or cooking grills) are not allowed on the beach.
  10. Glass containers are prohibited on the beach.
  11. Beach bathing after 9:00 pm is not allowed.
  12. Night fishing is allowed after 9:00 pm.
  13. With the exception of registered service dogs, dogs are not allowed on the beach between 8:00 am – 9:00 pm beginning Memorial Day to the end of September. Owners will be fined per the List of Fines if they do not pick up after their animal.
  14. Due to safety concerns and the fact that Miami Beach and Sound View are considered as one continuous swim area per the Town Permit, Kayaks, canoes and Stand-Up Paddle boards are prohibited for use within this swim area. In addition, members will be liable for injuries sustained by other individuals due to negligence in the use of these craft and other beach items including but not limited to oars, skim boards, and hard-shell boogie boards.

### **SECTION 4 – VEHICLE AND ROAD RULES:**

1. All State of Connecticut Motor Vehicle laws and statutes are in effect in the territorial limits of the Miami Beach Association and shall be adhered to.
2. No parking on Association roads at any time including but not limited to motor vehicles, golf carts, ATV's, scooters and trailers. This includes all Association streets, property and stubs unless identified by the Board of Governors as a designated parking area.
3. No parked vehicle on private property shall encroach or hang over Association roads.
4. No person(s) shall block any street or right of way unless prior approval is granted by the Board of

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Governors.

5. Speed limit of fifteen (15) mph throughout the Association must be obeyed.
6. All operators of motor vehicles, mopeds, golf carts or any other motorized vehicle shall come to a complete stop at all stop signs. Failure to do so will result in a fine.
7. Mopeds, golf carts and -Utility Terrain Vehicles (UTV) will be allowed on Association roads only if operated by a licensed driver, are registered with the Association, and are driven in a non-disruptive manner. All said vehicles must display an MBA license plate, which can be obtained through the Treasurer or his/her designee. All registrations will have an annual fee per vehicle as set by the Board of Governors. In addition, all vehicle owners must show proof of insurance and sign a waiver will hold-harmless the Miami Beach Association from all general liability, property damage and/or bodily injury that may be caused by the use of that vehicle or any unregistered vehicle by the renter. Vehicles operating after dusk must have working headlights and tail lamps.
8. Parking of mopeds/motorbikes and golf carts is restricted to members, guests and tenants and will only be allowed in the designated parking areas, providing valid parking stickers are properly affixed. All parking areas will be designated by the Board of Governors, approved by the Association, and reviewed yearly All non-MBA vehicles reported as violating MBA regulations will be reported to the Old Lyme Police.
9. Vehicles using the MBA parking lot must display a parking permit or display a visitor pass in affect for the current season. Vehicles illegally parked will be subject to a parking ticket and/or will be towed at the owner's expense. Remember to keep your vehicle locked at all times. The MBA is not responsible for missing or stolen articles.
10. No motorized or self-propelled vehicles are allowed on Long Island Avenue (beach), except for emergency vehicles and those vehicles required for the maintenance of the beach. Violators will be subject to a fine of One Hundred Dollars (\$100) for each offense
11. Unregistered or abandoned vehicles within the boundaries of the MBA will be towed. The property owner will be responsible for towing and storage charges. These vehicles present a health and safety hazard.
12. No activities in roadways to obstruct or hinder traffic or create a nuisance are allowed. The association assumes no liability for accidents caused by any activity in the roadways.
13. Due to insurance reasons, renters are not allowed to bring or rent UTV's, mopeds, motorbikes, motor scooters or golf carts for their personal use within the boundaries of the Association. If the homeowner (landlord) provides their Association-provided registration license plate to their renters to affix to the renter's vehicle then the homeowner (landlord) assumes full responsibility and will hold-harmless the Miami Beach Association from all general liability, property damage and/or bodily injury that may be caused by the use of that vehicle or any unregistered vehicle by the renter.
14. The Board of Governors may designate from time to time any road as a one-way street. Whenever any road shall be so designated, a sign or signs shall be posted, bearing the legend "One-Way" and an arrow pointing in the direction of permitted travel. No person shall operate any motor vehicle contrary to the direction of such sign.
15. Any Officer, Security Personnel or Governor, may attach a ticket to any vehicle found in violation of

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any ordinance.

### **SECTION 5 – MISCELLANEOUS RULES**

1. No person(s) shall allow a dog to roam. All dogs shall be properly leashed; said leash not being longer than ten (10) feet. Dogs or other pets are not permitted on the beach from May 1<sup>st</sup> through September 30<sup>th</sup>. Dogs found roaming the streets, beaches or Association property will be impounded. Dog owners will carry and use material to remove defecations left by their dog on private property or the Association property. Failure to leash the dog, pick up defecation, allowing the dog to roam, permitting the dog in the bathing area from May 1<sup>st</sup> through September 30<sup>th</sup>, will result in a fine.
2. Excessive dog barking will not be tolerated. First reported incident is a warning. Successive reported incidences will be referred to the proper Town authorities.
3. The following businesses shall not be carried on in a residence or on the property of any residence within the limits of this Association.
  - a. Any motorized vehicle repair or vehicle body repair
  - b. Machine Shop
  - c. Outdoor Storage Units
  - d. Small equipment repair (e.g., lawn mowers, snowblowers, etc)
  - e. Manufacturing, warehousing, equipment or inventory storage
  - f. Retail showrooms
  - g. Pet grooming and kennels
  - h. Hair salons/barber shops
4. Any business activities that create a noise level exceeding Town of Old Lyme noise ordinances and/or result in noxious odors or negatively impact the character of the Association. All seasonal vendors, except those exempt by the statutes of the State of Connecticut, shall obtain an annual license from the Board of Governors. The Board of Governors shall regulate the fee, schedule and number of licenses issued. Vendor will sign an indemnity agreement, provide a certificate of insurance with the MBA as named insured and shall clearly display the issued license
5. People will abide by the town noise ordinance while on private property and Association property.
6. People will abide by the town and State laws regulating the discharge of fireworks while on Private property and Association property. Excessive discharge of fireworks will be reported to the Old Lyme Police Department.
7. No person(s) shall extinguish or damage the lights of any public lamp.
8. Real Estate Sales Open House events held between Memorial Day weekend through Labor Day must comply with the following:
  - a) Open House events can occur only on Sunday's from 2:00 pm – 4:00 pm.
  - b) Real Estate Agent (or assistant) will provide, in advance, to the MBA Security Head the agent's cell phone and the phone number of the house that is having the Open House. In addition, the license plate number of the prospective buyer will be logged by the MBA security.
9. Any person(s) who violates any one section of these ordinances shall be fined, payable within 15, days unless otherwise noted, to Miami Beach Association, P.O. Box 91, Old Lyme, CT 06371. If not paid within 15 days, the fine will double. Each violation of any section shall be a separate and distinct offense. In the case of a continuing violation, each day's continuance shall be deemed to be a separate and distinct offense.

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10. Said association may collect all such fines from the owners of such properties by action at law in the name of the Association, and any money due on any such fine shall be a lien upon the property of such owner, which may be foreclosed in the same manner in which liens for taxes due the Town of Old Lyme are foreclosed. Interest shall run on any lien filed pursuant to this section at the rate of one and one-half percent (1.5%) per month.

11. Offences subject to fines are provided in the List of Fines established by the Board of Governors.

### **LIST OF FINES FOR VIOLATIONS**

*Fines Effective June 26, 2021*

<b>1) Unlicensed or underage operator/driver of a motor vehicle, golf cart, scooter or ATV by CT law</b>	<b>\$75 per instance</b>
2) Exceeding the posted speed limit on Association roads	\$75 per violation
3) Parking and Parking Lot Violations	\$50 per instance
4) Reckless driving on Association roads/Running Stop Signs	\$100 per violation
5) Driving the wrong way on a one-way street	\$50 per violation
6) Blocking of Street or Right of Way without Board Permission	\$50 per instance
7) Unleashed dogs on MBA Property (Licensed Service Dogs Exempt)	\$50 per instance
8) Not picking up dog defecation on MBA Property	\$50 per instance
9) Home maintenance violation	\$50 per day
10) Littering	\$50 per instance
11) Noise ordinance violation	\$50 per instance
12) Improper water discharge	\$50 per day
13) Unpermitted fires on MBA Property	\$100 per instance
14) Operating a Motor Vehicle on the Beach	\$150 per instance
15) Beach Violations (Glass, Unauthorized Coolers, etc.)	\$50 per instance
16) Operation of Non-MBA Registered Vehicle	\$50 per instance
17) Unregistered golfcart, scooter, or ATV	\$50 per instance
18) Violation of Hammer Law from July 1 <sup>st</sup> through Labor Day	\$50 first day \$100 per day for next 4

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Days (i.e., days 2-5)

Daily Fine Doubles every 5 Day Period for continuous construction as follows:  
\$200 per day for days 6 to 10; \$400 per day for days 11 to 15; etc