

ORDINANCE NO. 2003-06

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, DESIGNATING THE CODE OF ORDINANCES OF THE CITY OF MIAMI GARDENS; PROVIDING FOR DEFINITIONS AND ESTABLISHING RULES OF CONSTRUCTION FOR THE CITY CODE OF ORDINANCES; PROVIDING FOR THE REPEALING AND SEVERABILITY OF PARTS OF THE CODE; PROVIDING FOR AN EFFECTIVE DATE FOR ALL ORDINANCES; FURTHER PROVIDING FOR GENERAL PENALTIES FOR VIOLATIONS OF CODE OF ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City has the authority to enact local laws for governmental purposes under its home rule power; and

WHEREAS, the City Council intends to adopt numerous ordinances to regulate the affairs of the City; and

WHEREAS, the City will have to codify its existing ordinances in the immediate future to facilitate the process of reviewing and researching its ordinances; and

WHEREAS, it is important for a new City to adopt a general ordinance that provides guidelines for interpreting the City's code of ordinances;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AS FOLLOWS:

Section 1. Designation and Citation Of Code. The ordinances embraced in the following chapters and sections, along with applicable sections of the Code of Metropolitan Dade County pursuant to the City Charter, shall constitute and be designated the "Code of Ordinances, City of Miami Gardens, Florida," and may be so cited.

Section 2. Definitions and Rules of Construction. In the construction of this Code, and of all ordinances, the following definitions and rules shall be observed, unless the context clearly indicates otherwise:

Charter. The term "Charter" means the Municipal Charter of the City of Miami Gardens.

City. The term "City" shall be construed as if the words "Miami Gardens" followed the word "City," and shall extend to and include its officers, boards, committees and employees.

Code. The term "Code" means the Code of Ordinances, City of Miami Gardens, Florida.

Computation of time. In computing any period of time prescribed or allowed by ordinance, the day of the act, event or default from which the designated period of time begins to run shall not be

included. The last day of the period so computed shall be included unless it is a Saturday, a Sunday or legal holiday, in which event the period shall run until the end of the next day which is neither a Saturday, a Sunday nor a legal holiday. When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays and legal holidays shall be excluded in the computation.

Council. The words "Council" or "City Council" shall mean the City Council of the City of Miami Gardens.

County. The words "County" or "this County" shall mean Miami-Dade County, Florida.

Gender. Words importing one (1) gender include and apply to the other gender as well.

Governing body. The words "governing body" shall mean the Council of the City of Miami Gardens.

Month. The term "month" means a calendar month.

Nontechnical and technical words. Words and phrases shall be construed according to the common and approved usage of the language; however, technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

Number. A word importing the singular number only may extend and be applied to several persons and things, as well as to one person and thing.

Oath. The term "oath" shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed."

Officers, boards, committees, etc. The title of any office, officer, employee, board, committee or Council shall be construed as though the words "of Miami Gardens, Florida" were added. Whenever a provision appears authorizing or requiring a particular officer or employee of the City to do some act, it shall be construed to authorize the officer or employee to delegate, designate and authorize subordinates to do the act unless the terms of the provisions or section specify otherwise.

Or, an. The word "or" may be read "and," and "and" may be read "or," if the sense requires it.

Owner. The term "owner," applied to a building or land, includes any part owner, joint owner, tenant in common, tenant in partnership, joint tenant, or tenant by the entirety, of the whole or a part of such building or land.

Person. The term "person" shall extend and be applied to associations, clubs, societies, firms, partnerships, copartnerships, and bodies politic and corporate, as well as to individuals.

Personal property. The term "personal property" includes every species of property except real property.

Preceding, following. The terms "preceding" and "following" mean next before and next after, respectively.

Property. The term "property" includes real and personal property.

Public place. The term "public place" means any park, cemetery or open space adjacent thereto, and all government buildings, canals or other waterways.

Real property. The term "real property" includes lands, tenements and hereditaments.

Shall, may. The word "shall" is mandatory; the word "may" is permissive.

Sidewalk. The term "sidewalk" means any portion of a street between the curblineline and the adjacent property line, intended for the use of pedestrians, excluding parkways.

Signature, subscription. The term "signature" or "subscription" includes a mark when the person cannot write.

State. The term "State" means the State of Florida.

Street. The term "street" includes, avenues, boulevards, roads, alleys, lanes, via ducts and all other public highways in the City.

Tenant, occupant. The terms "tenant" and "occupant," applied to a building or land, include any person holding a written or oral lease of or who occupies the whole or a part of such buildings or land, either alone or with others.

Tense. Words used in the past or present tense include the future as well as the past and present.

Week. The term "week" means seven days.

Written, in writing. The term "written" or "in writing" includes any representation of words, letters or figures, whether by printing or other wise.

Year. Unless otherwise designated, the term "year" means a calendar year.

Section 3. **Catchlines of Sections.** The catchlines of the several sections of this Code printed in boldface type are intended as mere catchwords to indicate the contents of the section and shall not be deemed or taken to be the titles of such sections, or any part of the section, nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted.

Section 4. **Effect of Repeal of Ordinances.** (a) The repeal of an ordinance shall not revive any ordinance in force before or at the time the ordinance repealed took effect. (b) The repeal of an

ordinance shall not affect any punishment or penalty incurred before the repeal took effect, nor any suit, prosecution or proceeding pending at the time of the repeal for an offense committed under the ordinance repealed.

Section 5. Severability of Parts of Code. The sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph or section of this Code shall be declared unconstitutional by the valid judgment or decree of the court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code.

Section 6. Effective Date For All Ordinances. All ordinances adopted by the City Council, except when otherwise specifically provided by state law or by ordinance, shall take effect and be in force ten (10) days after their adoption.

Section 7. General Penalty; Continuing Violations, Violations Deemed Public Nuisance.

(a) Whenever in this Code any act is prohibited or is made or declared to be unlawful or an offense, or whenever in this Code the doing of any act is required or the failure to do any act is declared to be unlawful or an offense, where no specific penalty is provided therefore, the violation of any such provision of this Code shall be punished by a fine not exceeding \$500.00 or imprisonment for a term not exceeding 60 days, or by both such fine and imprisonment in the discretion of the court. Each day any violation of any provision of this Code shall continue shall constitute a separate offense.

(b) In addition to the penalties provided in subsection (a) of this section, any condition caused or permitted to exist in violation of any of the provisions of this Code shall be deemed a public nuisance and may be abated by the City as provided by law, and each day that such condition continues shall be regarded as a new and separate offense..

Section 8. Effective Date. This Ordinance shall become effective ten days after adoption on second reading.

PASSED on first reading the 10th day of Sept., 2003.

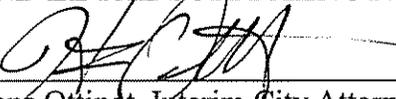
PASSED AND ADOPTED on second reading this 24 day of Sept., 2003.


Shirley Gibson, Mayor

ATTEST:


_____, Acting City Clerk

**APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:**



Hans Ottinot, Interim City Attorney

Motion on second reading by: VM Campbell

Second on second reading by: Councilmbr. Watson

VOTE: 7-0

Mayor Shirley Gibson	<u> x </u> (Yes)	<u> </u> (No)
Vice Mayor Aaron Campbell	<u> x </u> (Yes)	<u> </u> (No)
Councilman Melvin L. Bratton	<u> x </u> (Yes)	<u> </u> (No)
Councilman Oscar Braynon II	<u> x </u> (Yes)	<u> </u> (No)
Councilwoman Audrey King	<u> x </u> (Yes)	<u> </u> (No)
Councilwoman Sharon Pritchett	<u> x </u> (Yes)	<u> </u> (No)
Councilwoman Barbara Watson	<u> x </u> (Yes)	<u> </u> (No)