

ORDINANCE NO. 2008-06-142

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AUTHORIZING THE SETTING OF SERVICE AND USER CHARGES FOR MUNICIPAL SERVICES BY RESOLUTION; PROVIDING FOR ADOPTION OF REPRESENTATIONS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN CODE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City has established many of its user fees and charges by Ordinance, and has set the amount of the fees by resolution, and

WHEREAS, the City has also relied upon Miami-Dade's Codes and policies to establish other fees, and

WHEREAS, the City Manager intends to adopt a City-wide fee schedule that will be amended from time-to time by the City Council, and

WHEREAS, according to the Charter, an ordinance must be adopted in order to set such fees by administrative policy, and

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

SECTION 1. ADOPTION OF REPRESENTATIONS: The foregoing Whereas Clauses are hereby ratified and confirmed as being true, and the same are hereby made a specific part of this Ordinance.

SECTION 2. ADOPTION: The City Council of the City of Miami Gardens hereby adopts this ordinance permitting the setting of all service or user charges for municipal services by resolution.

SECTION 3. CONFLICT: All ordinances or Code provisions in conflict herewith are hereby repealed.

SECTION 4. SEVERABILITY: If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 5. EFFECTIVE DATE: This Ordinance shall become effective immediately upon its final passage.

PASSED ON FIRST READING ON THE 23rd DAY OF JANUARY, 2008.

ADOPTED AND PASSED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS AT ITS REGULAR MEETING HELD ON THE 13<sup>th</sup> DAY OF FEBRUARY, 2008.

  
SHIRLEY GIBSON, MAYOR

ATTEST:

  
RONETTA TAYLOR, CMC, CITY CLERK

Prepared by SONJA K. DICKENS, City Attorney

SPONSORED BY: Danny Crew, City Manager

MOVED BY: Vice Mayor Watson

SECONDED BY: Councilman Bratton

**VOTE: 6-0**

Mayor Shirley Gibson	<u>  x  </u> (Yes)	<u>    </u> (No)
Vice Mayor Barbara Watson	<u>  x  </u> (Yes)	<u>    </u> (No)
Councilman Melvin L. Bratton	<u>  x  </u> (Yes)	<u>    </u> (No)
Councilman Oscar Braynon, II	<u>    </u> (Yes)	<u>    </u> (No) Not present
Councilman Aaron Campbell	<u>  x  </u> (Yes)	<u>    </u> (No)
Councilwoman Sharon Pritchett	<u>  x  </u> (Yes)	<u>    </u> (No)
Councilman André Williams	<u>  x  </u> (Yes)	<u>    </u> (No)

8005951\_1

# City of Miami Gardens

1515-200 NW 167<sup>th</sup> Street  
Miami Gardens, Florida 33169



Mayor Shirley Gibson  
Vice Mayor Oscar Braynon II  
Councilman Melvin L. Bratton  
Councilman Aaron Campbell Jr.  
Councilwoman Sharon Pritchett  
Councilwoman Barbara Watson  
Councilman André Williams

## Agenda Cover Page

Date: February 13 ,2008

Fiscal Impact: No  Yes

(If yes, explain in Staff Summary)

Funding Source:

Contract/P.O. Requirement: Yes  No

Sponsor Name/Department: City Manager

Public hearing

Ordinance

1st Reading

Advertising requirement:

RFP/RFQ/Bid # \_\_\_\_\_

Quasi-Judicial

Resolution

2nd Reading

Yes  No

### Title

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AUTHORIZING THE SETTING OF SERVICE AND USER CHARGES FOR MUNICIPAL SERVICES BY RESOLUTION; PROVIDING FOR ADOPTION OF REPRESENTATIONS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN CODE; PROVIDING AN EFFECTIVE DATE.

## **Staff Summary**

As the City has grown, we have from time-to-time adopted various fees and charges. According to the Charter, such fees and charges must be adopted pursuant to an ordinance. Usually we have a ordinance with each fee that then states that City Council will subsequently adopt a fee resolution. Because of all the fees we have inherited from the County, and those we have added, it is prudent that we adopt a master ordinance that will then allow City Council to set all fees by resolution.

The ordinance does not set any fees itself, but only codifies how we have been handling fees to date.

## **Recommendation**

That City Council approve the ordinance on first reading.