

ORDINANCE NO. 2005-04-42

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AMENDING ORDINANCE NUMBER 2004-14-30 ENTITLED "CERTIFICATES OF USE"; AMENDING SECTION 5 ENTITLED "TERM OF CERTIFICATE OF USE AND TRANSFER"; AMENDING SECTION 6 ENTITLED "DUE DATE FOR PAYMENT OF CERTIFICATE OF USE FEE"; AMENDING SECTION 10 ENTITLED "RENEWAL OF CERTIFICATE OF USE"; ; PROVIDING FOR ADOPTION OF REPRESENTATIONS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN CODE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on July 14, 2004, the City Council adopted a Certificate of Use Ordinance, and

WHEREAS, the Certificate of Use Ordinance currently provides that all certificates expire on September 30, 2004, and that renewal fees are due on October 1st of each year, and

WHEREAS, the City Council deems it to be in the best interest of the City for certificates of use to expire on December 31st of each year and to be renewed prior to January 1st of the following year,

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. AMENDMENT: Section 5. of Ordinance No. 2004-14-30 is hereby amended as follows:

Section 5. Term of Use and transfer.

(A) No Certificate of Use shall be issued for more than one year, and all certificates shall expire on ~~September 30th~~ December 31st of each year.

(B) Certificates of Use may be issued for a fractional portion of a year, but no Certificate of Use shall be issued for a fractional portion of a month.

(C) When there is a change of use, business, business ownership or business name the application for Certificate of Use shall be treated as new application.

SECTION 3. AMENDMENT: Section 6. of Ordinance No. 2004-14-30 is hereby amended as follows:

Section 6. Due date for payment of Certificate of Use Fee.

(A) Certificates shall be available for issuance by the City throughout the year. However, renewals will be issued, commencing on ~~August 1st~~ November 1st of each year. Both the renewal and renewal fee shall be due on ~~October 1st~~ January 1st of the following year. If ~~October 1st~~ January 1st falls on a weekend or holiday, the fee shall be due and payable on or before the first working day following ~~October 1st~~ January 1st. Those certificates not renewed by ~~October 1st~~ January 1st shall be considered delinquent and subject to a delinquency penalty of ten percent (10%) for the month of ~~October~~ January, plus an additional five percent (5%) penalty for each month of delinquency thereafter until paid; provided, that the total delinquency penalty shall not exceed 25% of the fee due.

(B) Any person exercising the privilege of engaging in or managing any business without first obtaining a certificate of use, if required under this article, shall be subject to a penalty of 25% of the fee determined to be due, in addition to any other penalty provided by law or ordinance.

SECTION 4. AMENDMENT: Section 10. of Ordinance No. 2004-14-30 is hereby amended as follows:

Section 10. Renewal of Certificate of Use.

(A) Renewed certificates will not be issued until all delinquent payments for any fee imposed under this Article; Code Enforcement Lien; Special Assessment Lien and/or any other debt or obligation due to the City under State or Local Law has been paid in full.

(B) The City shall endeavor to notify all certificate holders that their Certificates of Use are due for renewal. However, if such certificate holder does not

receive a renewal notification, it is his/her responsibility to renew the Certificate of Use prior to ~~October 4th~~ January 1st, to avoid delinquent charges.

(C) Any current Certificate of Use may, at the discretion of the City, be renewed for each new certificate year without the need for a new application, provided the applicant signs the following certification:

"I the undersigned hereby certifies that the Certificate of Use for which I am now applying is one for a renewal of a current Certificate of Use which is now in full force and effect. I have not changed the authorized use of the premises nor have I made any physical or structural changes to the premises and do not plan to make any physical or structural changes to the premises."

(D) Any renewal application in which the applicant changes the authorized use of the premises or makes or proposes any physical or structural changes in the premises, shall be reprocessed as if the Certificate were a new application.

SECTION 4. CONFLICT: All ordinances or Code provisions in conflict herewith are hereby repealed.

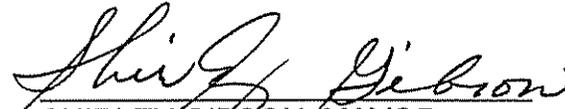
SECTION 5. SEVERABILITY: If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 6. INCLUSION IN CODE: It is the intention of the City Council of the City of Miami Gardens that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Miami Gardens and that the sections of this Ordinance may be renumbered or relettered and the word "Ordinance" may be changed to "Chapter," "Section," "Article" or such other appropriate word or phrase, the use of which shall accomplish the intentions herein expressed.

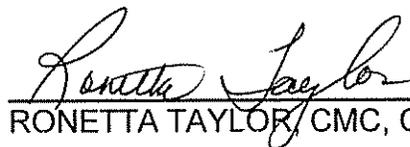
SECTION 7. EFFECTIVE DATE: This Ordinance shall become effective immediately upon its final passage.

PASSED ON FIRST READING ON THE 8th DAY OF December, 2004.
PASSED ON SECOND READING ON THE 12th DAY OF JANUARY, 2005.

ADOPTED AND PASSED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS AT ITS REGULAR MEETING HELD ON THE 12TH DAY JANUARY, 2005.


SHIRLEY GIBSON, MAYOR

ATTEST:


RONETTA TAYLOR, CMC, CITY CLERK

Reviewed for Legal Sufficiency by SONJA K. KNIGHTON, ESQ.
City Attorney

SPONSORED BY: Danny Crew, City Manager

MOVED BY: Vice Mayor Campbell
SECONDED BY: Councilwoman Watson

VOTE: 5-0

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