

ORDINANCE NO. 2013-09-297

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AMENDING CHAPTER 4, ARTICLE II, SECTION 4-40 OF THE CODE OF ORDINANCES (“SPECIAL EVENT REGULATIONS”), RELATING TO SPECIAL REQUIREMENTS FOR TENT SALES; PROVIDING FOR ADOPTION OF REPRESENTATIONS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN CODE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, in 2011, the City established Special Event regulations to manage the influx of requests for activities and events organized by entities or individuals within the community, and

WHEREAS, the Special Event Ordinance currently permits businesses located in the Agriculture (AU), Planned Corridor Development (PCD), Neighborhood Commercial (NC), and Industrial (I1 and I2) zoning districts, to engage in retail sales from tents to promote their business, and

WHEREAS, contrary to the intent of the Ordinance, business owners are obtaining special event permits for tent sales on behalf of third parties; and the merchandise being sold at these tent sales is not customarily sold in the permitted business, and

WHEREAS, in an effort to ensure that tent sales are being operated properly and that they are being used for the benefit of the actual businesses where they are being operated, City staff is proposing amendments to the requirements for tent sales,

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 paragraphs are hereby ratified and confirmed as being true, and the same are hereby made a specific part of this Ordinance.

Section 2. AMENDMENT: Chapter 4, Article II, Section 4-40 of the Code of Ordinances, is hereby amended in accordance with Exhibit "A" attached hereto.

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 CONFLICT: All ordinances or Code provisions in conflict herewith are hereby repealed.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. 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 section 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 6. EFFECTIVE DATE: This Ordinance shall become effective immediately upon its final passage.

PASSED ON FIRST READING ON THE 24<sup>th</sup> DAY OF APRIL, 2012.

PASSED ON SECOND READING ON THE 8<sup>th</sup> DAY OF MAY, 2012.

ADOPTED AND PASSED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS AT ITS REGULAR MEETING HELD ON THE 8<sup>th</sup> DAY OF MAY, 2013.



OLIVER GILBERT, III, MAYOR

**ATTEST:**

  
RONETTA TAYLOR, MMC, CITY CLERK

PREPARED BY: SONJA KNIGHTON DICKENS, ESQ., CITY ATTORNEY

SPONSORED BY: DR. DANNY O. CREW, CITY MANAGER

Moved by: Councilman Williams  
Second by: Vice Mayor Davis

**VOTE: 7-0**

Mayor Oliver Gilbert, III	<u> X </u> (Yes)	_____ (No)
Vice Mayor Lisa Davis	<u> X </u> (Yes)	_____ (No)
Councilwoman Lillie Q. Odom	<u> X </u> (Yes)	_____ (No)
Councilman David Williams Jr	<u> X </u> (Yes)	_____ (No)
Councilwoman Felicia Robinson	<u> X </u> (Yes)	_____ (No)
Councilman Rodney Harris	<u> X </u> (Yes)	_____ (No)
Councilman Erhabor Ighodaro, Ph.D.	<u> X </u> (Yes)	_____ (No)