

ATTACHMENT II – EXHIBIT A

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CHAPTER II STRUCTURE OF CITY GOVERNMENT

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ARTICLE III OFFICE OF THE CITY CLERK

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Section 2-4 CITY CLERK.

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(A). ~~2-4.1~~ Duties and Responsibilities; Exclusions.

(1). ~~a.~~ The City Clerk of the City of North Miami Beach or the Clerk's authorized designee shall attend all regular and special meetings of the City Commission and any other meetings as requested by the City Commission. The City Clerk shall be the custodian of all City records including all electronically recorded tapes of any and all proceedings or meetings of the City Commission and all Boards, Commissions and Committees of the City. The City Clerk shall also be responsible for transcribing the minutes or proceedings of Commission meetings and for maintaining copies of same. The City Clerk shall be responsible for gathering and storing original ordinances, resolutions, deeds, agreements, contracts, and any other City documents as well as copies of the minutes of all Board, Commission and Committee meetings. The City Clerk shall be the Supervisor of City Elections, ensure that all new ordinances are properly codified in the Code of Ordinances and provide for the updating of the Code of Ordinances. The City Clerk, as Custodian of the City Records, shall oversee the maintenance of any records necessary to the City in its ordinary course of business and provide and maintain proper storage for the preservation of all such records. The Clerk shall be responsible for posting notices of City Commission meetings and placing all necessary advertisements of same ~~in newspapers~~ as required on the designated publicly accessible website of Miami-Dade County in accordance with the requirements of Section 50.0311, Florida Statute. The City Clerk shall administer the required oath of office to those individuals requiring same. The City Clerk shall perform any and all other duties as may be further assigned by the City Commission from time to time.

(2). ~~b.~~ The City Clerk shall not be responsible for maintaining documents maintained by various departments including the following: All documents of the Department of Community Development, other than tapes relating to the Planning and Zoning

Board, including building permits and plans which shall be kept and maintained by the Department of Community Development; records of the Public Utilities Commission, excluding tapes which shall be kept and maintained in the Public Services Director's office; minutes and records of the Retirement Committee, excluding tapes which shall be kept and maintained by the Human Resources Department, which Department shall also maintain all personnel records. Police Department records shall be kept and maintained by the Police Department under the supervision of the Chief of Police. Civil Service records shall be kept and maintained in the Human Resources Office.

- (3). ~~€~~The Secretary of each Board and Commission of the City shall file with the City Clerk as soon as possible after each meeting all electronically recorded tapes and a copy of the minutes of each meeting.

(1957 Code § 2-31.21; Ord. No. 80-30 § 2, 6-10-80; Ord. No. 2010-29 § 2, 1-18-11; Ord. No. 2017-2, § 2, 2-21-17)

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ARTICLE V DEPARTMENTS OF CITY GOVERNMENT

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Section 2-9 Police Department ~~of Public Safety~~

- (A). ~~2-9.1~~ **Established.** There is hereby established and provided a Police Department in and for the City, ~~which Department~~ to be headed by a Chief of Police.

(1957 Code § 2-45a; Ord. No. 865 § 1, 6-4-58)

- (B). ~~2-9.2~~ **Members of the Department.** There shall be as many officers, patrolmen, and other personnel as the City Commission shall approve by adopted budget.

(1957 Code § 2-45b; Ord. No. 865 § 2, 6-4-58; Ord. No. 2017-2, § 2, 2-21-17)

- (C). ~~2-9.3~~ **Duties of the Chief of Police.** The Chief of Police shall be responsible for the proper performance of his/her duties and for the administration of the affairs and duties of the Police Department as more fully set forth in the City Charter Article VIII Police Department, ~~of the Charter as set out in Part I of this Code~~. It shall be the duty of the Department to enforce the ordinances of the City and to maintain and preserve order therein.

(1957 Code § 2-45c; Ord. No. 865 § 3, 6-4-58; Ord. No. 2017-2, § 2, 2-21-17)

- (D). ~~2-9.4~~ **Powers of Police Officers.** Members of the Police Department shall enjoy and possess such powers as may be authorized by the general laws of the State of Florida, the City Charter, and Code of Ordinances of the City not inconsistent therewith.

(1957 Code § 2-45d; Ord. No. 865 § 4, 6-4-58; Ord. No. 2017-2, § 2, 2-21-17)

Ord. No. 2017-2, § 2, 2-21-17, changed the title of § 2-9.4 from "Powers of Policemen" to read as herein set out.

Cross reference(s) – As to powers and duties of member of the Police Department, Chapter IX Offenses and Miscellaneous Provisions.

Cross reference(s) – As to Off-Duty Police Services, Chapter II Structure of City Government, Section 2-11 – Off-duty Police Services; Permit Required for Services of Off-Duty Police.

- (E). ~~2-9.5~~ **Protection of Rights.** No part of this section shall be construed so as to violate, repeal, contradict or infringe upon the rights, duties, and privileges of classified personnel

~~now (June 4, 1958), in the Police Department or classified personnel~~ to be added to the Police Department under Civil Service rules and regulations presently obtaining or hereafter to be enacted or amended.

(1957 Code § 2-45e; Ord. No. 865 § 5, 6-4-58)

(F). ~~2-9.6~~ Disposal of Abandoned Property.

- (1). ~~a-~~ Authority. The Police Department of the City is hereby granted the authority to dispose of all abandoned personal property in the possession of ~~such the~~ Department for a period of more than ninety (90) ~~one hundred twenty (120)~~ days pursuant to the requirements of Chapter 705 Florida Statute.
- (2). ~~b-~~ Advertising Sale. Such personal property shall first be advertised for sale by public auction on the designated publicly accessible website of Miami-Dade County in accordance with the requirements of Section 50.0311, Florida Statute. ~~in a newspaper of general circulation in Miami-Dade County.~~
- (3). ~~c-~~ Number of Publications of Notice. Such notice of sale shall be published no less than ~~one (1) time per week~~ for two (2) consecutive weeks prior to such sale.
- (4). ~~d-~~ Date of Sale. The date of sale shall be no less than fifteen (15) days from the date of last publication.
- (5). ~~e-~~ Posting Notice. Notice of such sale is to be placed in a conspicuous location of the City Hall.
- (6). ~~f-~~ Disposition of Unsold Property. All such property not purchased at such sale may be sold at private sale or be donated to an organized charity.
- (7). ~~g-~~ Disposition of Proceeds. All funds received from the sale of such abandoned property shall be placed in the general fund of the City.

(Ord. No. 726 §§ 1-7, 7-20-57; 1957 Code § 2-45.1)

Charter reference(s)—For provisions relating to the Police Chief and Police Department, see City Charter Article VIII, §§ 86-89, inclusive.

Cross reference(s)—As to interfering with Police in the discharge of their duties, see subsection 9-2.1.

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CHAPTER III PURCHASING

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Section 3-3 Formal Contract Procedures

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3-3.4 Notice Inviting Bids.

- (A). ~~a.~~ **Advertisements.** Notice inviting solicitations. Except of those solicitations that are required by statute to be advertised on the designated publicly accessible website of Miami-Dade County in accordance with the requirements of Section 50.0311, Florida Statute, in a newspaper, notices inviting solicitations shall be published electronically. A general description of the commodities or services to be purchased, a statement of where the solicitation documents may be obtained, and the date, time and place of receipt is to be provided.
- (B). ~~b.~~ **Bidders List.** The Purchasing Agent shall attempt to solicit sealed bids from all responsible prospective suppliers who have requested their names to be added to a "bidders list," which the Purchasing Agent shall maintain, by sending them a copy of such notice. In any case, invitations sent to the vendors on the bidders list shall be limited to commodities that are similar in character and originally handled by the trade group where the invitations are sent. Also, the Purchasing Agent shall solicit and seek responsible bidders from the local area in addition to existing bidders list. Should the list be inordinately long, the Purchasing Agent may mail notice according to a predetermined criteria, e.g. location of firm.
- (C). ~~c.~~ **Electronic Notice.** Unless otherwise provided by State Law, the Purchasing Agent shall have the discretion to satisfy the notice requirement by providing notice for invitation to bid, request for proposals, request for letters of interest, and other solicitations by posting on the City's website and using industry specific website notifications systems, including but not limited to email distribution systems as an alternative to newspaper advertising. Electronic notices shall provide that receipt of bids, proposals, or other offers shall be received not earlier than ten (10) days from the first announcement or posting of such electronic notice.

(Ord. No. 98-12 § 2B-24; Ord. No. 2016-12, § 2, 11-15-16; Ord. No. 2018-11, § 2, 10-16-18)

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Section 3-4 Miscellaneous Provisions.

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3-4.4 Open Market Procedures.

All purchasing of supplies and services of a total estimated yearly value of up to the bid limit may be made in the open market without newspaper advertisement on the designated publicly accessible website of Miami-Dade County in accordance with the requirements of Section 50.0311, Florida Statute, and without observing the procedures prescribed by this chapter for formal purchasing procedures. The following procedures shall apply to such purchases:

- (1). ~~a.~~ **Comparative Price Quotations or Informal Bids.**
 - a. The Agent shall keep records of oral and written quotations for open market purchases and shall use all reasonably available and current bidders and suppliers lists.
 - b. Quotations in excess of three thousand (\$3,000.00) dollars shall be provided in writing.
 - c. Every effort shall be made to obtain a minimum of three (3) quotations. When it is impossible to obtain three (3) quotations or informal bids, it shall be stated in writing, with an explanation.
 - d. See Small Purchases section of the Purchasing Manual for additional instructions and guidelines.
- (2). ~~b.~~ **Field Purchase Orders.** For certain purchases, with the approval of the Agent, field purchase orders may be used by the departments for immediate need of supplies, materials, and contractual services not to exceed the maximum value of one hundred (\$100.00) dollars.

(Ord. No. 98-12 § 2B-54; Ord. No. 2006-22 § 4, 11-21-06)

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CHAPTER VII ELECTIONS

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Section 7-7 VACANCY IN CANDIDACY, ELECTIVE OFFICES.

- (A). ~~a.~~ If the death, withdrawal or removal of a qualified candidate following the end of the qualifying period results in only one (1) candidate remaining on the ballot for that office, the remaining candidate shall be declared elected and no election for that office shall be required.
- (B). ~~B.~~ **Authority of Council.** Vacancies in elective offices of the City shall be filled by the City Council pending the next election, at which an election to fill the vacancy shall be held for the unexpired term.
- (C). ~~C.~~ **Special Election Required.** Section 7-7 Subsection (A). ~~Paragraph a.~~ is conditioned, however, that should any vacancy occur more than one (1) year prior to the next general election, the council shall have no power to fill the same; it shall be filled by a special election to fill the vacancy for the unexpired term, to be held not less than thirty-five (35) days nor more than sixty (60) days after such vacancy has occurred or as soon thereafter as Miami-Dade County Election procedures allow. When a vacancy is filled by the City Council, it shall be done in such manner as shall be provided by the rules of the Council, or as provided by separate ordinance.
- (D). ~~d.~~ **Charter, Code Provisions Applicable.** Whenever the context can apply, the various provisions of the City Charter of the City of North Miami Beach as they provide for the rules and regulations of general City elections are, by reference, incorporated and made part of this section as if fully set out herein. with particularity, the provisions pertaining to the manner of holding the elections; the matters of qualified electors; qualification of Council-members; campaign contributions; expenditures; treasury and depository; report; conduct of election; violations; registration books polling places established, (hours); election board; poll watchers; method of designation; issuance of credentials; machines; tie elections; forms approved by the Council; penalty; all as provided for in Chapter VII Elections of the Code of Ordinances and Article IV. Election of City Commission members, Sections 4.1 through 4.5 ~~III, Sections 9 through 17~~ of the City Charter ~~as set out in the Code of Ordinances~~ of the City of North Miami Beach, be and the same are hereby incorporated herein, by reference, and are declared to be the generic law of the City as it pertains to the holding of special elections pursuant to Section 4.5 Vacancies ~~19~~ of the City Charter.

(E). ~~E.~~ **Rules, Regulations for Special Elections.** As to those portions of Sections 4.1 through 4.5 ~~Section 9 and Section 11~~ of the City Charter, wherein the context cannot apply, and which refer to the dates upon which elections shall be held and the qualifying time periods as they pertain to candidates, the following rules and regulations are declared to be the generic law of the City with respect to same:

- (1). ~~1.~~ **Procedure Generally.** The Council shall, by ordinance, call for a special election within the time required by Section ~~19~~ 4.5 Vacancies of the City Charter and in said ordinance shall set a definite date to hold such election; and if a clear majority be not obtained by any given candidate, to provide for the date of a run-off among the two (2) candidates receiving the highest number of votes for such office; provided however, that the date set for the election shall not be less than thirty-five (35) days nor more than sixty (60) days from the date that the election is called or as soon thereafter as Miami-Dade County election procedures allow. The candidate receiving a majority of the votes in such special election or run-off election shall be declared elected.
- (2). ~~2.~~ **Notice to be Published.** Notice to the public shall be published on the designated publicly accessible website of Miami-Dade County in accordance with the requirements of Section 50.0311, Florida Statute ~~one (1) time in a local newspaper~~, notifying the residents of the City of North Miami Beach of the date upon which the books shall be closed and to issue warning that anyone desiring to register for the ensuing special election, and who are so qualified to do under the law, register prior to the closing of the books aforesaid.
- (3). ~~3.~~ **Qualification of Candidate.** Candidates for office as it pertains to special elections shall qualify with the Clerk of the City not less than thirty-eight (38) days prior to the special election date. Each and every and all of the balance of Section 4.3 Qualification of Commission Members~~11~~ of the City Charter shall apply herein, since the context does apply.
- (4). ~~4.~~ **Closing Registration Books.** The voting registration books of the City shall be closed pursuant to state election laws prior to such special election date.

(1957 Code §§ 2-8, 7-7.1; Ord. No. 63-4 §§ 1-4, 5-17-63; Ord. No. 69-18§ 1, 9-2-69; Ord. No. 77-13 § 10, 8-16-77; Ord. No. 78-5 § 12, 2-21-78; Ord. No. 91-5 § 2, 2-19-91)

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CHAPTER XIV BUILDING AND HOUSING

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Section 14-8 Administration and Enforcement of Building, Planning, and Zoning Regulations

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14-8.20 Notices of Violation.

- (1). ~~a.~~ All notices of violation required by this section shall be delivered to the responsible property owner by at least one of the following methods:
- ~~a.~~ 1. Certified mail, return receipt requested, or where mail would not be effective, and is returned as unclaimed or refused, then the property may be posted.
 - ~~b.~~ 2. ~~By~~ Hand delivery of a person designated by the city to the property owner.
 - ~~c.~~ 3. ~~By~~ Leaving the notice at the property owner's ~~violation's usual~~ place of residence. ~~with a person over fifteen (15) years of age and informing the person of the contents of the notice.~~
 - ~~d.~~ 4. ~~By~~ Leaving the notice with the property manager or other responsible person, as designated by the property owner, for any in charge if the violation involving es commercial a non-owner occupied premises.
 - ~~e.~~ 5. ~~By publication:~~ Notice published on the designated publicly accessible website of Miami-Dade County in accordance with the requirements of Section 50.0311, Florida Statute.
 - ~~(a)~~ — ~~Notice shall be published once during each week for four (4) consecutive weeks in a newspaper of general circulation in Miami-Dade County.~~
- (2). ~~6. By~~ Posting property.
- ~~a.~~ ~~(a)~~ Notice shall be posted at least ten (10) days prior to the hearing at the property where the violation exists and also in City Hall.
 - ~~b.~~ ~~(b)~~ Proof of posting shall be by affidavit stating the date and place of posting and the violation.
 - ~~c.~~ ~~(c)~~ Evidence that an attempt has been made to hand deliver or mail notice along with proof of publication or posting shall be sufficient to meet notice requirements whether or not alleged violator actually received notice.
- ~~b. In lieu of to providing notice as set forth in paragraph a. at the option of the Code Enforcement Board, notice may also be served by publication or posting, as follows:~~
- ~~1. (a) Such notice shall be published once during each week for four (4) consecutive weeks (four (4) publications being sufficient) in a newspaper of general circulation in Miami-~~

~~Dade County. The newspaper shall meet such requirements as are prescribed under Chapter 50, Florida Statutes for legal and official advertisements.~~

~~(b) — Proof of publication shall be made by affidavit.~~

~~2. (a) If there is no newspaper of general circulation in Miami Dade County, three (3) copies of such notice shall be posted for at least twenty-eight (28) days in three (3) different and conspicuous places in such County, one (1) of which shall be at the front door of the courthouse in Miami Dade County.~~

~~(b) — Proof of posting shall be by affidavit of the person posting the notice, which affidavit shall include a copy of the notice posted and the date and places of its posting.~~

~~(c) — Notice by publication or posting may run concurrently with, or may follow, an attempt or attempts to provide notice by hand delivery or by mail as required under paragraph a.~~

~~Evidence that an attempt has been made to hand deliver or mail notice as provided in paragraph a, together with proof of publication or posting as provided in paragraph b, shall be sufficient to show that the notice requirements of this part have been met, without regard to whether or not the alleged violator actually received such notice.~~

~~(1957 Code § 6-118; Ord. No. 80-43 § 11, 9-16-80; Ord. No. 94-3 § 2, 2-14-94; Ord. No. 2000-4 § 6-119, 5-2-00)~~

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CHAPTER XVI PROPERTY MAINTENANCE

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Section 16-2 Upkeep of Lots, Parcels, and Tracts

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16-2.8 Work by City, Publication of Notice of Lien.

As soon as practicable after completion of the work by City or by any party contracting with the City for such purpose, the City Manager shall cause to be filed with the Department of Finance a statement of costs, the aforesaid administrative fee and a certification of the completion of the work and the date of completion. The Director of Finance shall, thereafter, cause to be published on the designated publicly accessible website of Miami-Dade County in accordance with the requirements of Section 50.0311, Florida Statute, ~~in a newspaper of qualified circulation under the laws of the State of Florida to publish legal notices in Miami-Dade County~~ a notice to the owner which notice shall contain a description of the property, the cost of the work performed, the aforesaid administrative fee, the date upon which the work was completed, and the claim by the City of a lien upon the property for the amount of such cost.

(1957 Code § 10-31; Ord. No. 61-15 § 7, 5-16-61; Ord. No. 63-25 § 4, 12-3-63; Ord. No. 80-24 § 4, 5-6-80; Ord. No. 85-5 § 4, 3-5-85)

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Section 16-3 Procedure for Sale of Liens

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16-3.3 Publication of Notice.

The City Manager shall cause to be published a notice of sale for delinquent taxes once each week for four (4) consecutive weeks on the designated publicly accessible website of Miami-Dade County in accordance with the requirements of Section 50.0311, Florida Statute, in newspapers published in Miami-Dade County, Florida, or the City of North Miami Beach stating that all lots and lands delinquent for nonpayment of lawfully imposed taxes or local assessments will be offered for sale any time after May 1 of that year at the time specified in such notice. A complete list of such delinquent lots and lands is available in the office of the City Clerk of the City of North Miami Beach. The above sale of liens shall continue until such time as specified by the laws of the State of Florida.

(1957 Code § 10-48; Ord. No. 76-30 § 3, 12-21-76; Ord. No. 78-6 § 1, 5-2-78)

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CHAPTER XVII STREETS AND SIDEWALKS

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Section 17-7 Abandonment and Vacation of Rights of Ways and Easements

- (A). ~~a.~~ **Purpose and Intent.** The purpose and intent of this section is to establish uniform procedures for abandonment and vacation of city streets, alleys, easements, non-fee property interest of similar character. This section establishes the methods, procedures, and standards that will govern the process for the City to vacate, abandon, close its interest on public right-of-way, and to designate the appropriate departments and boards processing such applications.
- (B). ~~b.~~ **Definitions.** The following words, terms, and phrases, in this section shall have the meanings set forth below:
- (1). ~~1.~~ *Right-of-Way Abandonment or Vacation* shall mean to relinquish or disclaim all City and public interest of any land dedicated for transportation or travel by the public.
 - (2). ~~2.~~ *Alley* shall mean a through public right-of-way less than the minimum required street width which affords only a secondary means of access to abutting property and commonly located to the rear or side of a property.
 - (3). ~~3.~~ *Easement* shall mean a grant by a property owner of the use of all or part of his land to another party for a specific purpose.
 - (4). ~~4.~~ *Public Right-of-Way* shall mean the area of highway, road, street or alley, or other such strip of land, reserved for public use, whether established by prescription, easement, dedication, gift, purchase, eminent domain, or any other legal means.
 - (5). ~~5.~~ *Street* shall mean any public thoroughfare, street, avenue, boulevard, parkway, or space which may or may not be dedicated or deeded to the public for public use and which affords the principal means of access to abutting property.
 - (6). ~~6.~~ *Street, Arterial* shall mean as so classified in the Transportation Element of the City's Comprehensive Plan.
 - (7). ~~7.~~ *Street, Collector* shall mean as so classified in the Transportation Element of the City's Comprehensive Plan.
 - (8). ~~8.~~ *Street, Local* shall mean a street which primarily provides the direct access to individual properties.
 - (9). ~~9.~~ *Street, Private* shall mean any street existing at the time of adoption of this Code which has not been dedicated for public use and not accepted for ownership or maintenance by the City Commission. After adoption of this Code, no new private streets may be created or approved, unless they are on property under single

ownership, or are controlled by a property owners' association that has the obligation for complete control and maintenance.

- (10). ~~10.~~ *Street, Public* shall mean any street designed to serve more than one (1) property owner which is dedicated to the public use and accepted for ownership and maintenance by the City Commission.

- (C). ~~e.~~ **Application and Fees.** A property owner whose property abuts a public right-of-way or alley may apply for consideration of an abandonment/vacation, in whole, of the abutting right-of-way. All requests for abandonment of city streets, alleys, sidewalks, easements and other non-fee interests which the City has in real property shall be submitted on a right-of-way vacation/abandonment application form approved by the Director of Community Development and shall be accompanied by applicable fees per the land development fee schedule in City Code of Ordinances, Chapter XXIV Appendix A as well as any cost recovery fees pursuant to Section 24-170 and shall be filed with the Community Development Department.

The completeness of the application will be reviewed in accordance with the application procedures set forth in subsection (D)(2) and any other section of the ZLDC that is applicable.

- (D). ~~d.~~ **Procedures.**

- (1). ~~1.~~ **Pre-application Meeting.**

- a. Any property owner prior to submitting an application under this section must meet with the Community Development Director, or designee and the Public Works Director, or designee.
- b. The purpose of the pre-application meeting is to acquaint the applicant with the application process, the abandonment review standards, and to acquaint city staff with the proposed vacation.

- (2). ~~2.~~ **Application Requirements.** After the pre-application meeting, the applicant shall submit a completed application package to the Community Development Department and begin the Technical Review Application Development (TRAD) process. The application package shall consist of the following:

- a. ~~(a)~~ Completed application form.
- b. ~~(b)~~ Non-refundable application fee.
- c. ~~(c)~~ Legal description of all parcels of land abutting alley proposed to be vacated and closed.
- d. ~~(d)~~ Boundary and topographic survey showing the boundaries of the ROW and surrounding property.
- e. ~~(e)~~ Proof of ownership by the applicant of the property which abuts the alley to be vacated and closed.

- f. ~~(f)~~ "No objection" letter from all the utility services in the area, including, but not limited to, Florida Power and Light, Bellsouth Telephone Company, Comcast, City of North Miami Beach, and other telecommunications.
 - g. ~~(g)~~ Existing utilities or improvements, if any, in the area involved. If utilities and improvements need to be relocated, all details regarding such relocation shall be identified, including dedication of new easements, including legal descriptions.
 - h. ~~(h)~~ Letter of intent, including the reason for the requested abandonment and closure.
 - i. ~~(i)~~ A request petition signed by the owners of at least sixty (60%) percent of the properties abutting the portion of the right-of-way proposed to the vacated.
 - j. ~~(j)~~ The names and addresses of all owners of record of real property bounding and abutting the right-of-way or easement the applicant seeks to have abandoned, and all owners of record of property located within five hundred (500) feet in all directions from any point of the right-of-way or easement proposed to be abandoned. The property owners of record shall be deemed to be those shown on the then-current tax assessment roll of the City.
 - k. ~~(k)~~ Statement from the applicant as to whether the general public currently uses the street or alley, including public service vehicles such as solid waste trucks, police, fire, or other emergency vehicles during the past twelve (12) months.
 - l. ~~(l)~~ The applicant's proposed traffic and public service mitigation plan designed to offset any potential impacts which may be caused by the requested vacation.
- (3). **3-Review Process.** Upon receipt of an application pursuant to this section, the Planning and Zoning division shall review the completeness of the application according to (D).(2). Application Procedures. If properly submitted, then the application shall be accepted for filing with the Community Development Department, which shall give a receipt to the applicant for the fees paid. Afterwards the Community Development Department shall set a date for review by the TRAD Committee.
- a. ~~(a)~~ The application package shall be distributed to the Technical Review of Applications for Development (TRAD) Committee including representatives from the following City Departments:
 - i. Community Development Department.
 - ii. Public Works Department.
 - iii. NMB Water (Utilities).
 - iv. Community Redevelopment Agency.

- v. City Attorney's Office.
- vi. City Manager's Office.
- vii. City Clerk's Office.
- viii. Building Department.
- ix. Parks and Recreation.
- x. Solid Waste Division.
- xi. Police Department.
- xii. Such other appropriate departments and external agencies as determined by the Director of Community Development.

- b. ~~(b)~~ TRAD committee will review the application pursuant to Subsection (E) Abandonment Review Standards, City of North Miami Beach Comprehensive Plan, and all other relevant provisions of the City Code of Ordinances to consider if there are any objections to the proposed vacation or abandonment making recommendation to the Planning and Zoning Board.
- c. ~~(c)~~ Planning and Zoning Board, at the conclusion of a duly advertised public hearing, shall review the entire record, in accordance with the review standards set forth in this section, the City of North Miami Beach Comprehensive Plan, and all other relevant provisions of the City of North Miami Beach Code of Ordinances shall provide advisory recommendations to the City Commission
- d. ~~(d)~~ City Commission, at the conclusion of a duly advertised public hearing shall make final decision based on the findings of facts and recommendations of made by the TRAD Committee and Planning and Zoning Board, and at its discretion, by Resolution, approve all or any part of such proposal or request.
- e. ~~(e)~~ Any resolution vacating any portion of a public right-of-way or easement shall be sent by the City Clerk's Office to Miami-Dade County Clerk of the Circuit Court and Comptroller for recording in the public records of Miami-Dade County.

(E). ~~e.~~ **Review Standards.**

- (1). ~~1.~~ Non-fee property interest sought to be vacated or abandoned does not provide a benefit to the public health, safety, welfare, or convenience, in that:
 - a. ~~(a)~~ It is not being used by the City for any of its intended purposes.
 - b. ~~(b)~~ No comprehensive plan, transportation masterplan, or capital improvement program anticipates the use of the right-of-way that is being considered for vacation.

- c. ~~(c)~~ Does not negatively impact the traffic conditions or access for public safety or the delivery of other municipal services in the area—this condition generally precludes the partial vacation of an existing improved alley which connects to existing improved alleys and/or streets on either end.
 - d. ~~(d)~~ Does not affect any critical facilities or utilities located in the area.
 - e. ~~(e)~~ A request petition signed by the owners of at least seventy-five (75%) percent of the properties abutting the portion of the right-of-way proposed to be vacated. The petition for owners' signatures must contain clear language stating the potential benefits and costs to the property owners.
- (2). ~~2.~~ Provides some benefit to the public health, safety, welfare, or convenience, but the overall benefit anticipated to result from the vacation or abandonment outweighs the specific benefit derived from the nonfee property interest, in that:
- a. ~~(a)~~ The purpose of the interest sought to be vacated or abandoned will be adequately and appropriately served in an alternative manner when the interest is abandoned or vacated.
 - b. ~~(b)~~ The vacation or abandonment will not compromise the delivery of emergency services.
 - c. ~~(c)~~ The vacation or abandonment will not compromise pedestrian or vehicular safety.
 - d. ~~(d)~~ The vacation or abandonment will not interfere with solid waste removal services.
 - e. ~~(e)~~ The vacation or abandonment will not frustrate any comprehensive plan, transportation master plan, special purpose plan, or capital improvement program of the City.
 - f. ~~(f)~~ The vacation or abandonment will not interfere with any planning effort of the City that is underway at the time of the application but is not yet completed.
 - g. ~~(g)~~ The vacation or abandonment will provide a material public benefit in terms of promoting development or redevelopment of abutting property, removing blighting influences or improving the City's long-term fiscal position.
 - h. ~~(h)~~ The Planning and Zoning Board, and City Commission shall recommend denial of the request if the evidence does not support the vacation and closure would be in the best interest of the public and the primary reason for the closure is to provide a benefit for the applicant or adjacent property owners.

- i. ~~(i)~~—Planning and Zoning Board may recommend, and City Commission may attach conditions to an approval including, but not limited to, access and utility easements reservation, landscaping, and/or public access easement.
 - (3). ~~3.~~—The proposed vacation or abandonment will be accomplished in accordance with all applicable standards of local, state, and federal authorities.
 - (4). ~~4.~~—The proposed vacation or abandonment will promote development or redevelopment that will maintain or enhance the character of the surrounding area.
 - (5). ~~5.~~—The proposed vacation or abandonment will not have a negative fiscal impact on the City or result in development that will have a negative fiscal impact on the City.
- (F). ~~e.~~ **Provide Courtesy Notices According to Section 24-180(B).** Provide courtesy notices by mail to the owners of real property bounding and abutting the right-of-way or easement ~~or city property~~ proposed to be abandoned and, in addition, if a street or alley is to be abandoned, all the owners within five hundred (500) feet radius from any point of the street or alley to be abandoned. The owner of property shall be deemed to be the person shown on the then-current tax assessment roll, and such notice shall be sent to the address given on such assessment roll for that purpose. Notice shall be mailed at least ten (10) days prior to the date of the Planning and Zoning Board meeting at which the application shall be considered.
- (1). ~~1.~~—Notify by certified mail the owners and occupants of real property, as identified above, of the public hearing to be held before the City Commission.
 - (2). ~~2.~~—Notify the general public by causing to be published a notice on the designated publicly accessible website of Miami-Dade County in accordance with the requirements of Section 50.0311, Florida Statute ~~in a newspaper of general circulation~~ in the City of the public hearing to be held by the City Commission on the application.
- (G). ~~f.~~ **Waiver of Fees.** The City Manager may waive the vacation and alley closure fee required in instances where the subdivider, by plat, is dedicating for public use, right-of-way that is equal to or greater in size than that which is being vacated.
- (H). ~~g.~~ **Zoning of Vacated Right-Of-Way.** The district uses and area regulations governing the property abutting upon each side of such alley shall be automatically extended to the new property line(s) of the vacation and closure, unless otherwise specified.

(Ord. No. 2024-16, § 2, 2-18-25)

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CHAPTER XIX WATER AND SEWERS ^[4]

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ARTICLE II WATER

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Section 19-20 Miscellaneous Provisions

(A). ~~a.~~ **Owner Responsible for All Acts.**

(1). Each owner will be held fully responsible and liable by and to the city for all that is done or omitted on, in or about any premises by any agent or tenant or other person not in the employ of the City, who may gain access thereto, relevant to water service.

(2). ~~b.~~ **Tenant Deemed Agent.**

a. The tenant in or upon any premises of any owner shall always at all times and for all purposes connected with or arising from the City water supply service to and for such premises.

b. Except the making of the original application for water supply service pipe and contract, be taken and construed to be the properly constituted agent of the owner.

(B). ~~c.~~ **Service of Notices.**

(1). Any notices, as prescribed herein, shall be deemed to have been properly served if left upon the premises of the owner or if mailed to the owner, directed to, or left at his address as shown on records of the City.

(2). All notices of a general character affecting or likely to affect more than one (1) owner, if required by these rules to be given, shall be deemed to have been properly given or served if advertised on the designated publicly accessible website of Miami-Dade County in accordance with the requirements of Section 50.0311, Florida Statute ~~at least once in one (1) of the daily newspapers.~~

(C). ~~d.~~ **Amendments to Rates and Rules.** ~~Each~~ Addition or modification, alteration or amendment to any of the rates or rules of the City shall be and become binding upon and shall form a part of the contract with each owner, upon the expiration of thirty (30) days' notice thereof in writing, to each owner affected thereby unless and except any such addition, modification, alteration or amendment is by these rules and regulations provided to be and become otherwise effective and binding on such owner, or any or more thereof.

(D). ~~e.~~ **Rates and Rules Part of Contract.**

- (1). All ~~of the foregoing~~ rates and rules shall be considered and taken to be a part of the contract, so far as the same may be applicable to the class of service covered by and included in such contract
- (2). ~~with~~ Every owner or consumer who shall make application for the water supply service of the City or whose premises are furnished with, or are connected to the system of the City for such service, and every such owner shall be considered as having, and be taken and construed to have expressed his consent to be, bound thereby whenever application for such water supply service is made, or so long as the premises of any such owner are furnished with, or are connected to, the system of the City for such service.

(Ord. No. 213 § O, 8-4-50; 1957 Code § 23-19)

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