RESOLUTION NO. R-2013-75

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, DESIGNATING THE CITY'S CODE ENFORCEMENT SPECIAL MAGISTRATES TO SERVE AS LOCAL HEARING OFFICERS, AND AUTHORIZING THE CITY MANAGER TO UTILIZE CODE ENFORCEMENT STAFF PURSUANT TO CHAPTER 2013-160, LAWS OF FLORIDA RELATING TO THE RED LIGHT CAMERA LAW; PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.

WHEREAS, the Florida Legislature passed CS/CS/HB 7125 during the 2013 Legislative Session providing for code enforcement municipal hearings related to notices of violations connected with the use of red light cameras as traffic infraction detectors to enforce Chapter 316, the State of Florida Uniform Traffic Code; and

WHEREAS, CS/CS/HB 7125 (2013) is scheduled to take effect on July 1, 2013, following its transmittal to the Governor as Chapter 2013-160, Laws of Florida; and

WHEREAS, the use of local hearing officers promotes home rule and allows for a local method of contesting notices of violation separate from the traffic court process; and

WHEREAS, the Mayor and City Counsel wish to utilize Code Enforcement's resources, staff, and magistrates to implement Chapter 2013-160, Laws of Florida .

NOW THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA THAT:

Section 1. **Adoption**. The recitals set forth above are adopted by the Mayor and City Council of the City of North Miami, Florida and are incorporated herein.

Section 2. **Designation of Local Hearing Officers**. Effective July 1, 2013, the City's Code Enforcement Special Magistrates are designated to serve as Local Hearing Officers.

Section 3. **Authorization to the City Manager**. The City Manager is authorized to use Code Enforcement staff for the local hearing proceedings and to have the Code Enforcement staff serve as the Clerk to the Local Hearing Officer.

Section 4. **Severability**. The provisions of this Resolution are declared to be severable and if any section, sentence, clause, or phrase of this Resolution shall for any reason be held to be invalid or unconstitutional such decision shall not affect the validity of the remaining sections, sentences, clauses and phrases of this Resolution, but they shall remain in effect it being the legislative intent that this Resolution shall stand notwithstanding the invalidity of any part.

Section 5. **Effective Date.** This Resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED by a 4-1 vote of the Mayor and City Council of the City of North Miami, Florida, this 25 day of June 2013.

LUCIE M. TONDREAU
MAYOR

ATTEST:

MICHAEL A. ETIENNE, ESQ.
CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

REGINE M. MONESTIME
CITY ATTORNEY

SPONSORED BY: CITY ADMINISTRATION

Moved by: Vice Mayor Steril

Seconded by: Mayor Tondreau

Vote:

Mayor Lucie M. Tondreau	x (Yes)	___ (No)
Vice Mayor Marie Erlande Steril	x (Yes)	___ (No)
Councilperson Scott Galvin	___ (Yes)	x (No)
Councilperson Carol F. Keys, Esq.	x (Yes)	___ (No)
Councilperson Philippe Bien-Aime	x (Yes)	___ (No)