

ORDINANCE NO. 1503

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AMENDING CHAPTER 13 OF THE CODE OF ORDINANCES ENTITLED, "OFFENSES", AT ARTICLE I ENTITLED "IN GENERAL" BY CREATING A NEW SECTION 13-6, TO BE ENTITLED "COMMERCIAL ACTIVITIES ON ANY PUBLIC LAND BELONGING TO THE CITY"; ESTABLISHING GENERAL RESTRICTIONS FOR USE OF PUBLIC LAND; PROVIDING FOR CONFLICT AND SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of North Miami ("City") Code of Ordinances currently does not regulate activities on public lands owned by the City and it is necessary to provide clarification as to what activities are allowed on city-owned lands to ensure the continued safe use and enjoyment of public land by the residents, visitors and the general public; and

WHEREAS, the Mayor and City Council seek to amend Chapter 13 of the Code of Ordinances to regulate the use of public land within the City of North Miami in order to promote the public health, safety, aesthetics and general welfare of the City-owned public land and the community; and

WHEREAS, the proposed amendment to Chapter 13 will provide the City and its police department with regulations and rules to protect the general public, public property, and the environment; and it serves a public purpose to provide guests and citizens with hospitable, safe, and clean environments when enjoying city-owned public properties; and

WHEREAS, the Mayor and City Council recognize the need to regulate commercial activities occurring on public land in order to protect the interests of the City and the public.

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

Section 1. **Amendment.** Chapter 13 of the City Code of Ordinances, entitled “Offenses” is hereby amended at Article I entitled “In General” to create a new section 13-6, as follows:

CHAPTER 13. OFFENSES

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ARTICLE I. IN GENERAL

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Sec. 13-6. – Commercial Activities on public land belonging to the City.

(a) The following commercial activities on any public lands belonging to the City are prohibited, except for any commercial activities performed under a franchise or license agreement granted by the City:

- (1) Retail and wholesale of food, such as ice cream trucks, food trucks, beverage or any other products; and
- (2) Vendor, vending or caterer operations;
- (3) Rental of any products or equipment, such as chairs, bicycles, umbrellas, blankets, kayaks, jet skis, sailboats, motorized and unmotorized boats;
- (4) Recreation programs such as camps, schools, athletic teams, yoga, karate, aerobics or any other exercise classes or athletic instructions such as tennis lessons, hitting or pitching instructions.

(b) The placement of any stand, cart, or vehicle for the transportation, sale or display of any articles of food, beverage on any public land belonging to the City is also prohibited.

(c) Notwithstanding the prohibitions set forth above, the City Manager or his designee may suspend the operation of this section through a special permit.

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Section 2. **Repeal.** All ordinances or parts of ordinances in conflict or inconsistent are repealed.

Section 3. **Conflict.** All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.


Section 4. **Severability.** The provisions of this Ordinance are declared to be severable, and if any section, sentence, clause or phrase of this Ordinance 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 Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 5. **Codification.** It is the intention of the City Council of the City of North Miami and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of North Miami, Florida. The sections of this Ordinance may be renumbered or relettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 6. **Effective Date.** This Ordinance shall become effective immediately upon adoption on second reading.

PASSED AND ADOPTED by a 5 - 0 vote of the Mayor and City Council of the City of North Miami, Florida, on first reading this 14th day of February, 2023.

PASSED AND ADOPTED by a 5 - 0 vote of the Mayor and City Council of the City of North Miami, Florida, on second reading this 28th day of February, 2023.


ALIX DESULME, Ed.D.
MAYOR

ATTEST:



VANESSA JOSEPH, ESQ.

CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:



JEFF P. H. CAZEAU, ESQ.
CITY ATTORNEY

SPONSORED BY: COUNCILMAN GALVIN

Moved by: Estime-Irvin

Seconded by: Galvin

Vote:

Mayor Alix Desulme, Ed.D.	<u>X</u>	(Yes)	_____	(No)
Vice-Mayor Mary Estimé Irvin	<u>X</u>	(Yes)	_____	(No)
Councilman Scott Galvin	<u>X</u>	(Yes)	_____	(No)
Councilwoman Kassandra Timothe, MPA	<u>X</u>	(Yes)	_____	(No)
Councilman Pierre Frantz Charles	<u>X</u>	(Yes)	_____	(No)

Additions shown by underlining. Deletions shown by ~~overstriking~~.