

ORDINANCE NO. 2024-07

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2
3 AN ORDINANCE OF THE VILLAGE COUNCIL OF MIAMI SHORES
4 VILLAGE, FLORIDA, COMPREHENSIVELY AMENDING THE
5 VILLAGE CODE OF ORDINANCES BY CREATING CHAPTER 1,
6 "GENERAL PROVISIONS," SECTION 16-2, " PUBLIC NOTICE;
7 ADVERTISEMENT AND NOTICE BY PUBLICATION ON
8 PUBLICLY ACCESSIBLE WEBSITES," AND AMENDING
9 CHAPTER 2, "ADMINISTRATION," CHAPTER 11, "HISTORIC
10 PRESERVATION," AND CHAPTER 15, "OFFENSES," ALL TO
11 ALLOW PUBLICATION OF LEGALLY REQUIRED
12 ADVERTISEMENTS AND NOTICES TO BE MADE IN ANY
13 MANNER PERMITTED UNDER FLORIDA LAW, INCLUDING
14 THROUGH PUBLICLY ACCESSIBLE WEBSITES; PROVIDING
15 FOR SEVERABILITY; PROVIDING FOR CODIFICATION;
16 PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN
17 EFFECTIVE DATE.
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20 **WHEREAS**, the Village Council of Miami Shores Village, Florida (the "Village")
21 finds it periodically necessary to amend its Code of Ordinances (the "Village Code") to
22 update regulations and procedures to implement municipal goals and objectives; and

23 **WHEREAS**, the Florida Constitution requires all meetings of a county, municipality,
24 school board, or special district at which official acts are to be taken or at which public
25 business is to be discussed or transacted to be open to the public and properly noticed;
26 and

27 **WHEREAS**, Section 50.0311, Florida Statutes, provides that a governmental
28 agency may use the designated publicly accessible website of the county in which it lies
29 to publish legally required advertisements and public notices if the cost of publishing
30 advertisements and public notices on such website is less than the cost of publishing
31 advertisements and public notices in a newspaper; and

32 **WHEREAS**, on April 2, 2024, the Miami-Dade County (the "County") Board of
33 County Commissioners ("BCC") adopted Resolution No. R-281-24, which, among other

34 things, directed the County Mayor’s administration to take all necessary steps to provide
35 for publication of municipal legal advertisements and public notices on a publicly
36 accessible website of the County in accordance with Section 50.0311, Florida Statutes;
37 and

38 **WHEREAS**, on July 16, 2024, the County BCC adopted Resolution No. R-693-24,
39 which, among other things, designated “legalads.miamidade.gov” (the “Site”) as the
40 County’s publicly accessible website; and

41 **WHEREAS**, the Village Council desires to comprehensively amend the Code to
42 allow legal notices to be published in any manner permitted under Florida Law, including
43 by publication on the County’s Site; and

44 **WHEREAS**, the Village Council finds that this Ordinance is necessary and in the
45 best interest of the public health, safety, and welfare of the Village.

46 **NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND VILLAGE**
47 **COUNCIL OF MIAMI SHORES VILLAGE, FLORIDA, AS FOLLOWS:¹**

48 **Section 1. Recitals Adopted.** That each of the above stated recitals is hereby
49 confirmed, adopted, and incorporated herein and made a part hereof by reference.

50 **Section 2. Amendment To The Village Code.** That the Village Code of
51 Ordinances is hereby comprehensively amended as follows:

52 **Chapter 1 - GENERAL PROVISIONS**

53 *******
54 **Section 1-16. Public Notice; Advertisement and Notice by Publication On Publicly**
55 **Accessible Websites.**
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¹ Coding: ~~Strikethrough words~~ are deletions to the existing words. Underlined words are additions to the existing words. Changes between first and second reading are indicated with ~~double-strikethrough~~ and double underline.

57 (a) Publication. Whenever the term “publication” or “publish” is used in this Code, it shall
58 be construed to mean to publish a legal notice in accordance with Chapter 50, Florida
59 Statutes, as amended. Publication may be achieved by one of the following:

60 (1) Publication in a newspaper of general circulation; or

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62 (2) Publication on a publicly accessible website, as defined under Section 50.0311,
63 Florida Statutes, as amended; or

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65 (3) Publishing in any other manner authorized by Florida law and consistent with
66 the Village Charter, Miami-Dade County Charter, and/or any other relevant
67 authority.

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70 (b) Publication on Publicly Accessible Websites. Notwithstanding any provision to the
71 contrary in this Code, wherever an advertisement or notice is required to be published in
72 a newspaper of general circulation or other print publication, such advertisement or notice
73 may instead be provided on a publicly accessible website, as permitted by Chapter 50,
74 Florida Statutes, provided that:

75 (1) The cost of providing advertisements and public notices on such website is less
76 than the cost of publishing advertisements and public notices in a newspaper of
77 general circulation; and

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79 (2) Publication on such website conforms with the requirements of Section
80 50.0311, Florida Statutes; and

81
82 (3) Publication on such website is made within the time frame required by this Code
83 for the respective advertisement or notice, and includes all information required by
84 the respective Code provisions.

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87 (c) Village Charter Notice Requirements. Nothing in this section shall be construed to
88 amend the notice requirements provided in the village charter.

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91 **CHAPTER 2 – ADMINISTRATION**

92 **ARTICLE IV. – CODE ENFORCEMENT BOARD**

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96 **Sec. 2-83. - Notices.**

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99 (B) In addition to providing notice as set forth in subsection (a), at the option of the code
100 enforcement board, notice may also be served by publication or posting, as follows:

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102 (1) Such notice shall be published once during each week for four consecutive
103 weeks (four publications being sufficient), as prescribed under section 1-16 of the Village
104 Code, or in any other manner so authorized by law in a newspaper of general circulation
105 in the county. The newspaper shall meet such requirements as are prescribed under F.S.
106 ch. 50 for legal and official advertisements. Proof of publication shall be made as provided
107 in F.S. 50.041 and 50.054.

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109 CHAPTER 11 – HISTORIC PRESERVATION

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112 **Sec. 11-7. - Application for certificate of appropriateness for alteration or** 113 **demolition of historic landmarks or buildings.**

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115 (B) *Demolition of buildings on landmark inventory.*

116 (1) For any building that is approved to be demolished, before a demolition permit
117 is issued there will be a delay of 180 days to permit the notice action described in
118 paragraph (2) of this subsection.
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120 (2) A notice shall be posted by the village on the premises of the building or
121 structure proposed for demolition in a location clearly visible from the street. This notice
122 must remain posted during the notification period and it shall be unlawful to remove same,
123 other than by the village. In addition, the village shall publish a legal notice, as prescribed
124 under section 1-16 of the Village Code, or in any other manner so authorized by law in
125 a newspaper of general circulation, ten days following the approval of the certificate of
126 appropriateness authorizing demolition of the historically designated property. The
127 purpose of this procedure is to further the purposes of this chapter by preserving
128 significant buildings which are important to the education, culture, tradition, aesthetics
129 and economic values of the village, and to afford the village, interested parties, historical
130 societies or organizations the opportunity to acquire or to arrange for the preservation of
131 such structures and sites.
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135 CHAPTER 15 – OFFENSES

136 ARTICLE I. – IN GENERAL

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139 **Sec. 15-2. - Sale of certain personal—By chief of police.**

140 Except as to those devices required to be destroyed by the laws of the state or this
141 village, after the expiration of a period of six months, the chief of police shall sell any
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146 personal property not claimed or reduced to the possession of the owner thereof at public
147 sale after ten days' notice in writing to the owner, if he can be found, and by one
148 advertisement, as prescribed under section 1-16 of the Village Code, or in any other
149 manner so authorized by law in a newspaper of general circulation in the village.
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151 ***

152 **Section 3. Conflicting Provision.** Any provisions of the Code of Ordinances of
153 Miami Shores Village, Florida, in conflict with the provisions of this Ordinance are hereby
154 repealed, but only to the extent of such conflict.

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

161 **Section 5. Codification.** It is the intention of the Village Council and it is hereby
162 ordained that the provisions of this Ordinance shall become and be made a part of the
163 Code of Ordinances of the Miami Shores Village, Florida, that the sections of this
164 Ordinance may be renumbered or re-lettered to accomplish such intentions, and that the
165 word "Ordinance" shall be changed to "Section," or other appropriate word.

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

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170 **PASSED and ADOPTED** this 1st day of October, 2024.

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First Reading: **September 17, 2024**
Second Reading: October 1, 2024

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176 Attest:

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180 Ysabely Rodriguez, CMC

George Burch, DVM
George Burch, DVM

181 Village Clerk

Mayor

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185 APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

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189 Weiss, Serota, Helfman, Cole + Bierman, P.L.
190 Village Attorney

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FINAL VOTES AT ADOPTION	
Council Member Neil Cantor	<u>Yes</u>
Council Member Jerome Charles	<u>Yes</u>
Council Member Sandra Harris	<u>Yes</u>
Vice Mayor Jesse Valinsky	<u>Yes</u>
Mayor George Burch	<u>Yes</u>