

ORDINANCE NO. 2012-3769

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY CODE, CHAPTER 118, "ADMINISTRATION AND REVIEW PROCEDURES," BY CREATING A NEW ARTICLE XII, "MAINTENANCE AND SECURITY BONDS," ESTABLISHING DEFINITIONS AND REQUIREMENTS FOR PROPERTY OWNERS APPLYING FOR DEVELOPMENT REVIEW APPROVAL FOR SUBSTANTIAL CONSTRUCTION WORK TO ENSURE THAT THEIR PROPERTIES ARE PROPERLY MAINTAINED AND SECURED UNTIL COMPLETION OF WORK; PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the City of Miami Beach has the authority to enact laws which promote the public health, safety and general welfare of its citizens; and,

WHEREAS, the City of Miami Beach has determined that the presence of abandoned properties poses a health and safety risk to the citizens of Miami Beach; and,

WHEREAS, the City Commission finds that the detrimental effects of abandoned properties include neighborhood decline, attractive public nuisance, mosquito and animal control problems, and increased crime ; and,

WHEREAS, many abandoned properties are the responsibility of owners, lenders, trustees and others who cannot be found, cannot be reached by local legal process, or for other reasons fail or refuse to satisfy their responsibilities as to such abandoned properties, including, without limitation, their responsibilities to adequately maintain and secure these properties; and,

WHEREAS, the amendments set forth below to the City Code are necessary to address the above problems;

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA.

SECTION 1. Subpart B, "Land Development Regulations", Chapter 118, "Administration and Review Procedures", of the City Code is hereby amended by the enactment of a new Article XII entitled "Maintenance and Security Bonds", as follows:

ARTICLE XII. MAINTENANCE AND SECURITY BONDS

Sec. 118-801. - Purpose and Intent

Unsecured, vacant, neglected, unmaintained, and abandoned sites and buildings present a danger to the health, safety, morals and welfare to the public, and the safety and to the welfare of public safety officers, and as such, constitute a public risk, hazard

or nuisance. This Article is enacted to promote the health, safety, morals and welfare of the public; to minimize hazards to public safety personnel inspecting or entering such sites and buildings; and to prevent unauthorized persons from gaining access to such sites and buildings. This Ordinance is intended to secure a fund for advance payment for reimbursable maintenance and security actions taken by the City pursuant to City of Miami Beach Code Chapter 58, Article III or Miami-Dade County Code 8-5. The Maintenance and Security Bond shall not be subject to call by the City or its designee for structural or other building repair, emergency shoring and bracing or emergency demolition.

Sec. 118-802. – Definitions

Extension of Time means a modification of a condition in a Land Use Board Final Order that grants additional time to perform an act under the Final Order.

Final Order means the order of a Land Use Board on an application before it.

Land Use Board means the Design Review Board, Historic Preservation Board, Board of Adjustment or Planning Board.

Maintenance and Security Bond for the purpose of this Article means a securities instrument in a form approved by the City Attorney, which may be in the form of a bond, escrow agreement, certified letter of credit, or other instrument approved by the City Attorney.

Qualifying Project means: any one of the following: (A) a project within an existing vacant building; (B) a project which requires a building to become vacant anytime before, during or after construction until such building has attained a Certificate of Completion or Certificate of Occupancy; (C) a new building construction project on one or more vacant lots; (D) a construction project that requires the removal of a substantial amount (50% or more) of the windows and/or exterior doors and/or the removal of sections of exterior walls that would enable unauthorized egress; (E) a construction project that requires substantial structural repairs, or substantial restoration and/or renovation; or (F) a construction project that requires substantial structural repairs that may result in a structure becoming unsecured or subject to the elements, including without limitation, the removal of all or a part of the roof. Qualifying Projects include projects requiring review and approval by either a City Land Use Board, or the City Administration, or both.

Vacant Building means a building or structure, or a substantial portion of a building or structure, or any incomplete building, or any building on which construction has begun, at which any one of the following conditions has existed for thirty or more consecutive days: (A) a lack of the habitual presence of human beings who have a legal right to be on the premises; (B) the cessation of substantially all lawful business or

construction activity or residential occupancy; or (C) the substantial abandonment or absence of contents.

Vacant Site means a lot on which there are no substantial permanent buildings that are in continuous and active use.

Sec. 118-803. – Requirements

- (a) Evidence to be submitted and confirmed before processing and hearing. As part of an application for Land Use Board approval of a Qualifying Project, the applicant shall simultaneously file a letter and photographic evidence, respectively dated and taken not more than ten (10) days before such filing, verifying that the subject property, including its land and any and all buildings and structures, is being properly maintained, is secure and that there are no outstanding or current security issues or property maintenance violations that would constitute a public risk, hazard or nuisance. This evidence shall be confirmed by the Planning Director or designee to the extent possible pursuant to a windshield inspection of the property by City staff no more than fourteen (14) days prior to the date of the Land Use Board hearing or a Continuance of such public hearing. The burden of proof that the subject property is being properly maintained and is secure is the sole responsibility of the applicant. No application for a Land Use Board approval shall be finally processed, reviewed, or otherwise finally prepared for hearing by the Planning Department until such letter and evidence are placed in the related application file.
- (b) Requirement of filing and approval of Maintenance and Security Bond. As part of an approval by a Land Use Board for a Qualifying Project, the applicant shall file a bond or other security (hereinafter, a "Maintenance and Security Bond", which term includes both the initial Maintenance and Security Bond and any successor Maintenance and Security Bond), in form or substance approved by the City Attorney, to indemnify and hold harmless the City from and against costs and expenses incurred by the City in performing any of the actions described in City of Miami Beach Code Chapter 58, Article III or Miami-Dade County Code 8-5. Such Maintenance and Security Bond shall be filed in compliance with the following requirements:
- (1) The Maintenance and Security Bond shall be received by the Planning Director or designee, subject to City Attorney approval, within forty-five (45) days of the issuance of the Land Use Board Final Order. No related application, related building permit or related certificate or authorization shall be approved by the Planning Department until an approved Maintenance and Security Bond has been received by the Planning Director, or designee.

- (2) If the pending approval is an Administrative level approval, rather than a Land Use Board approval, no related application shall be approved by the Planning Department until an approved Maintenance and Security Bond has been received by the Planning Director, or designee.
- (3) If at any time the Maintenance and Security Bond is not provided or maintained in full force and effect in compliance with the requirements of this Article XII, by either the applicant or any subsequent owner, the Land Use Board approval and/or Building Permit and all construction work shall be suspended until such time as evidence of such compliance is furnished to the Planning Director or designee and approved by the City Attorney. A requirement to provide and maintain the Maintenance and Security Bond as provided in this Article XII, shall be a condition of the Final Order.
- (4) The bond or security shall be in an amount in accordance with the schedule as follows:

Single Family Parcels within Miami Beach (located within RS 1,2,3,4)

<u>Parcel Size (sq ft)</u>	<u>Security Amount – Non-Contributing/Non-Historically Designated Building or Structure</u>	<u>Security Amount - Contributing Building or Structure (located within a locally designated or nationally listed historic district or site)</u>
<u>less than 8,000</u>	<u>\$4,000</u>	<u>\$4,000</u>
<u>greater than 8,000</u>	<u>\$5,000</u>	<u>\$5,000</u>

Multi-Family and Commercial Parcels within Miami Beach

<u>Parcel Size (sq ft)</u>	<u>Security Amount – Non-Contributing/Non-Historically Designated Building or Structure</u>	<u>Security Amount - Contributing Building or Structure (located within a locally designated or nationally listed historic district or site)</u>
<u>less than 8,000</u>	<u>\$5,000</u>	<u>\$10,000</u>
<u>8,000 to 20,000</u>	<u>\$9,000</u>	<u>\$15,000</u>
<u>greater than 20,000</u>	<u>\$11,000</u>	<u>\$20,000</u>

(5) The Maintenance and Security Bond shall be issued by a recognized licensed insurance or bonding company with offices in the State of Florida.

- a. as an alternate to a Maintenance and Security Bond which is issued by an insurance or bonding company, the applicant may submit another form of security subject to the written approval by the City Attorney. Such forms may include a certified letter of credit from a licensed financial institution with offices in the State of Florida, or escrow agreement providing for funds to be held by an attorney licensed in the State of Florida, a licensed financial institution with offices in the State of Florida or by the City (no interest accrues to applicant), and such form shall be subject to call solely by the City;
- b. at the inception of the Maintenance and Security Bond, and throughout the period of its being in effect, the Maintenance and Security Bond shall be issued and maintained in full force and effect by the issuer.

(6) In addition to the other requirements of this Article XII, the Maintenance and Security Bond shall:

- a. require its issuer to obtain written approval from the Planning Director thirty (30) days in advance of any proposed cancellation, reduction in the principal amount, or any other material change in the terms and conditions of the Maintenance and Security Bond;
- b. the issuer shall provide to the Planning Director or designee written justification for any proposed material change in the terms and conditions of the Maintenance and Security Bond;
- c. require its issuer to maintain the Maintenance and Security Bond in full force and effect continuously until the issuance by the City of a final Certificate of Occupancy or Certificate of Completion;
- d. require its issuer to continue the Maintenance and Security Bond in full force and effect, notwithstanding the transfer of the property to a new owner, until the property transfer is complete and a new, approved Maintenance and Security Bond has been accepted by the Planning Director; and include such other provisions, consistent with this Article XII, as the Planning Director and/or City Attorney may reasonably require, taking into account applicable law and sound and customary bonding practices.

(c) Extensions of Time

- (1) A Qualifying Project approved prior to the adoption of this Ordinance that requests an Extension of Time from a Land Use Board after this Ordinance is adopted will be required to file a Maintenance and Security Bond which complies with the requirements of this Article XII.
 - (2) No Extension of Time shall be granted by a Land Use Board unless the applicant has furnished the Board with documentary evidence that a Maintenance and Security Bond that complies with all the requirements of this Article XII either is in full force and effect or will automatically become effective upon the granting of the Extension of Time.
 - (3) Any Extension of Time granted to a Qualifying Project as a result of authorized actions by non-City governmental authorities, shall required the filing of a Maintenance and Security Bond that complies with the requirements of this Article XII if there is not already on file such a Maintenance and Security Bond.
- (d) Calls upon the Bond. The Maintenance and Security Bond shall be subject to call, either for its full principal amount or from time to time for a portion thereof, to fund action authorized by the City pursuant to Chapter 58, Article III, of this Code or section 8-5 of the Miami Dade County Code.
- (e) Transfer of the Property. In the event of any transfer of property to a new owner or to any subsequent new owner, no Land Use Board shall approve a modification to a Final Order recognizing such transfer unless the new property owner files, as part of its application for the reissuance or modification of the Final Order to reflect the new ownership, a successor Maintenance and Security Bond that fully complies with the requirements of this Article XII and which becomes fully effective upon such reissuance or modification.
- (f) Any unexpended amount remaining of the security shall be released back to the person(s) posting the Maintenance and Security Bond or successors in interest or assigns upon the issuance of a final Certificate of Occupancy or Certificate of Completion.
- (g) All deficiencies in the Maintenance and Security Bond in covering the City's costs under Chapter 58, Article III, Division 3 of this Code, shall be a liability of the property owner and result in a lien for that amount assessed against the property as provided in City of Miami Beach Code Chapter 58, Article III or Miami-Dade County Code 8-5. Providing a Maintenance and Security Bond under this Article does not relieve the owner(s) of the property of liability for costs incurred under City of Miami Beach Code Chapter 58, Article III or Miami-Dade County Code 8-5.

(h) Non-Prejudice of Other Rights of the City. Nothing in this Article XII shall be interpreted or applied to preclude or in any way limit the rights of the City to take any action against any property owner or any other responsible party, including without limitation the rights of the City to take its own abatement and remedial actions; to file actions and suits for collection, injunction, and other remedies as permitted by law; to cause the initiation of prosecutions for violations of any law, ordinance, or regulation; and to file, prosecute, foreclose upon, collect the proceeds of, or take any other action by lien or otherwise, as permitted by law.

SECTION 8. CODIFICATION.

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of the City of Miami Beach, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section", "article", or other appropriate word.

SECTION 9. REPEALER.

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

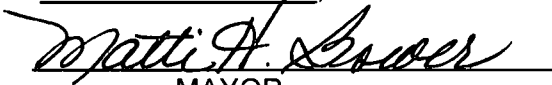
SECTION 10. SEVERABILITY.


If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

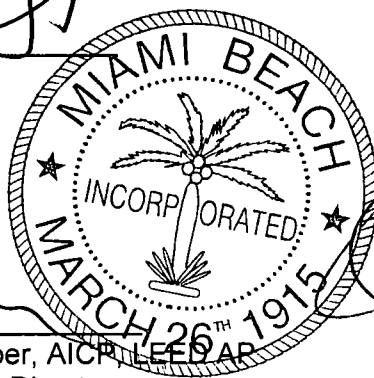
SECTION 11. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption.

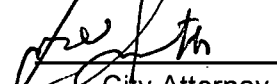
PASSED AND ADOPTED this 6th day of June, 2012.


MAYOR

ATTEST:

CITY CLERK



APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION


City Attorney

Verified by: 
Richard G. Lorber, AICP, LEED AP
Acting Planning Director

6/6/12
Date

Underscore denotes new language

Condensed Title:

Chapter 118, "Administration and Review Procedures," by creating a new Article XII, "Maintenance and Security Bonds," establishing definitions and requirements for property owners applying for development review approval for substantial construction work to ensure that their properties are properly maintained and secured until completion of work.

Key Intended Outcome Supported:

Maintain strong growth management policies.

Supporting Data (Surveys, Environmental Scan, etc.): While nearly half, 47.6%, suggested the effort put forth by the City to regulate development is "about the right amount," nearly one-third, 29.6%, indicated "too little" effort is being put forth by the City in this area.

Issue:

Should the City Commission amend the City Code to require a Maintenance and Security Bond for qualifying projects?

Item Summary/Recommendation:

SECOND READING PUBLIC HEARING

The proposed ordinance is designed to require property owners who seek Development Review Board or Planning Department approval for qualifying projects to submit a bond, or other approved instrument, to the City prior to such approval, thus providing a mechanism for the City to draw upon the funds, if necessary, for the purpose of lot clearance, boarding and fencing.

At the May 18, 2011 Land Use and Committee meeting, the Committee requested to forward to the Planning Board for its review and recommendation an ordinance amendment that would require property owners to post a Maintenance Security Instrument for qualifying projects.

The Administration recommends that the City Commission adopt the proposed ordinance.

Advisory Board Recommendation:

At its March 27, 2012 meeting, the Planning Board reviewed the proposed ordinance and by a vote of 6-1 recommended that the City Commission approve the ordinance.

Financial Information:

Source of Funds:		Amount	Account
<input type="checkbox"/> OBPI	1		
	2		
	3		
	Total		


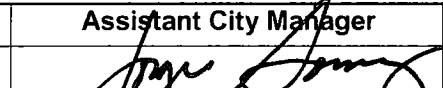
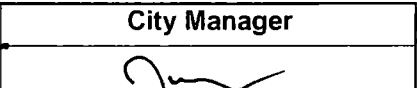
Financial Impact Summary:

In accordance with Charter section 5.02, which requires that the "City of Miami Beach shall consider the long-term economic impact (at least 5 years) of proposed legislative actions," this shall confirm that the City Administration evaluated the long-term economic impact (at least 5 years) of this proposed legislative action, and determined that there will not be a significant measurable impact on the City's budget by enacting the proposed ordinance. The proposed ordinance may help to eliminate or reduce the need for the City to advance funds for these purposes.

City Clerk's Office Legislative Tracking:

Richard Lorber / Debbie Tackett

Sign-Offs:

Department Director	Assistant City Manager	City Manager
		

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MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor Matti Herrera Bower and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: June 6, 2012

Second Reading Public Hearing

SUBJECT: **AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY CODE, CHAPTER 118, "ADMINISTRATION AND REVIEW PROCEDURES," BY CREATING A NEW ARTICLE XII, "MAINTENANCE AND SECURITY BONDS," ESTABLISHING DEFINITIONS AND REQUIREMENTS FOR PROPERTY OWNERS APPLYING FOR DEVELOPMENT REVIEW APPROVAL FOR SUBSTANTIAL CONSTRUCTION WORK TO ENSURE THAT THEIR PROPERTIES ARE PROPERLY MAINTAINED AND SECURED UNTIL COMPLETION OF WORK; PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.**

ADMINISTRATION RECOMMENDATION

The Administration recommends that the City Commission adopt the proposed Ordinance.

BACKGROUND

On March 22, 2010, the Land Use and Development Committee discussed how to further enhance the monitoring and management of vacant properties on the 300 Block of Ocean Drive within the current means of the City until such time as the domestic economy recovers and positive private redevelopment of these properties resumes. During this discussion staff was directed to research what other communities currently have provisions to require maintenance bonds.

According to City of Miami Beach Code, Sections 58-300 and 58-301, the City may take action to remedy unsanitary conditions within vacant properties and may secure vacant buildings including securing the property with a fence and boarding up unsecured openings. Currently, if a property owner fails to respond to notice of violation as specified in Sections 58-300 and 58-301, the City may perform the required remediation and file a lien against the property for the cost of work, fees and penalties. An ordinance requiring a maintenance bond or security for certain projects prior to building permit

and/or extension of time, may help to eliminate or reduce the need for the City to advance funds for these purposes.

On July 26, 2010, the Land Use and Development Committee discussed the potential adoption of an ordinance requiring a Maintenance Bond or Security Instrument to ensure construction meets property maintenance and security standards. During this discussion staff was directed to work with the Building Department and Code Compliance in order to determine potential security amounts for various project types.

On March 16, 2011, the Land Use and Development Committee discussed the potential adoption of an ordinance requiring a Maintenance Bond or Security Instrument.

At the May 18, 2011 Land Use and Committee meeting, the Committee referred an ordinance amendment that would require property owners to post a Maintenance Security Instrument for qualifying projects.

At its March 27, 2012 meeting, the Planning Board held a public hearing and voted in favor (6-1) of recommending that the Mayor and City Commission approve an ordinance amending the Land Development Regulations of the City Code by creating a new article, "Maintenance and Security Bonds." In addition, the Planning Board voted to recommend that the proposed ordinance be amended to clarify that a 'Contributing' building or structure refers to buildings listed on the National Register of Historic Places as well as those listed within locally designated historic districts or sites.

On May 9, 2012, The City Commission approved the Ordinance on First Reading.

ANALYSIS

The Planning Department, in close consultation with the Building Department and Code Compliance, has developed details with regard to a potential Ordinance which would require a Maintenance and Security Bond for certain qualifying projects which require Development Review Board approval and for qualifying projects which are approved at an Administrative level.

The determination of the proposed bond amount is based upon a number of factors, including the average, typical cost incurred by the City over time for site security, fencing and gates, lot clearance and mowing, and the limited boarding up of window and door openings of abandoned properties, all of which can be recurring. The square footage of the property (lot) for proposed development was also taken into consideration when developing the proposed security amounts. The cost was determined to be higher for properties containing a structure listed as 'Contributing' within an historic district, or properties containing an individually designated historic structure, due to the protection of significant historic architectural features. In addition, it is necessary to secure all openings including those above the ground floor and open stair bulkheads of historic buildings to protect the integrity of the structures. This may include using concrete block to secure openings that have been continuously breached.

The \$4,000 - \$20,000 Range of Recovery has been carefully analyzed by Planning Staff. All available Building Department data regarding costs the City has incurred with regards to Board-Up, Fencing and Lot Clearance has been reviewed. Three years of invoices were analyzed, with the peak amounts paid by the City occurring in FY 2009-2010.

Planning staff calculated the average and median cost to the City for FY 2009-2010 per property according to the parcel square footage and historic status (these figures take into consideration that a single property may be serviced more than once per year). It is important to note that these costs are for Board-Up, Fencing and Lot Clearance only. The bond amounts listed in this ordinance are not intended for structural or other building repair, emergency shoring and bracing or emergency demolition.

SUMMARY

The proposed ordinance will clearly have a limited financial impact upon proposed development projects within the City. However, the Administration believes that the ordinance as proposed addresses many of the problematic issues and concerns identified by the Land Use Committee and Planning Board.

FISCAL IMPACT

In accordance with Charter section 5.02, which requires that the "City of Miami Beach shall consider the long-term economic impact (at least 5 years) of proposed legislative actions," this shall confirm that the City Administration evaluated the long-term economic impact (at least 5 years) of this proposed legislative action, and determined that there may not be a measurable impact on the City's budget by enacting the proposed ordinance.

In FY 2009-2010, the City spent \$18,801.50 for the Lot Clearance (cleaning, mowing, pool maintenance) of properties and \$140,296.68 for the boarding up and fencing of vacant properties, for a total of \$159,098.18. The proposed Maintenance and Security Bond would require property owners who seek Development Review Board or Planning Department approval for qualifying projects to submit a bond to the City prior to such approval, thus providing a mechanism for the City to draw upon the funds, if necessary, for the purpose of lot clearance, boarding and fencing. The proposed ordinance may help to eliminate or reduce the need for the City to advance funds for these purposes.

CONCLUSION

The Administration recommends that the City Commission adopt the Ordinance.

JMG:JGG:RGL:WHC:DJT 



MIAMIBEACH

**CITY OF MIAMI BEACH
NOTICE OF PUBLIC HEARINGS**

(CORRECTION TO THE MAY 24, 2012 NOTICE OF PUBLIC HEARINGS)

NOTICE IS HEREBY given that second readings and public hearings will be held by the Mayor and City Commission of the City of Miami Beach, Florida, in the Commission Chambers, 3rd floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida, on **WEDNESDAY, June 6, 2012** to consider the following:

10:15 a.m.

Board Member Qualifications And Categories

An Ordinance Amending The Land Development Regulations Of The City Code By Amending Chapter 118, "Administrative And Review Procedures," Article II, "Boards," Division 2, "Planning Board," Section 118-53, "Composition;" Division 3, "Design Review Board," Section 118-72, "Membership;" Division 4, "Historic Preservation Board," Section 118-103, "Membership;" And 118-104, "Appointment;" Division 5, "Board Of Adjustment," Section 118-131, "Membership," To Clarify The Qualifications And Categories Of Members To Be Appointed To The City's Land Use Boards.

Inquiries may be directed to the Planning Department at (305) 673-7550.

10:25 a.m.

Ordinance Amending Chapter 90 Of The Miami Beach City Code, Entitled "Solid Waste," By Amending The Definitions In Article I, Entitled "In General," By Amending Section 90-2, Entitled "Definitions"; By Amending Article II, Entitled "Administration" By Amending The Penalties For Solid Waste Violations And To Provide Provisions And Penalties Relative To Recycling For Multifamily Residences And Commercial Establishments; By Creating Article V, To Be Entitled "Citywide Recycling Program For Multifamily Residences And Commercial Establishments," To Provide Provisions For Recycling Requirements And Enforcement, A Public Education Program, A Warning Period, An Enforcement Date, Requirements For Recycling Contractors, Penalties, And Special Master Appeal Procedures

Inquiries may be directed to the Public Works Department at (305) 673-7080.

10:30 a.m.

Ordinance Amending The Land Development Regulations Of The City Code, Chapter 118, "Administration And Review Procedures," By Creating A New Article XII, "Maintenance And Security Bonds," Establishing Definitions And Requirements For Property Owners Applying For Development Review Approval For Substantial Construction Work To Ensure That Their Properties Are Properly Maintained And Secured Until Completion Of Work

Inquiries may be directed to the Planning Department at (305) 673-7550.

10:35 a.m.

Ordinance Amending Chapter 70 Of The Miami Beach City Code Entitled "Miscellaneous Offenses," By Amending Article II, Entitled "Public Places"; By Amending Division II, Entitled "Bicycling, Skateboarding, Roller Skating, In-Line Skating, And Motorized Means Of Transportation," By Amending Section 70-66, Entitled "Definitions," By Adding A Definition For Bicycle Path; And By Amending Section 70-67, Entitled "Prohibited Activities," By Amending The Prohibitions Regarding Motorized Means Of Transportation, Including Electric Personal Assistive Devices (Also Known As Segways), By Rewording The Provisions Therein And Conforming The Language To State Law; By Restricting The Speed Of Electric Personal Assistive Devices To Six (6) MPH On All City Sidewalks, Sidewalk Areas, And Bicycle Paths; And By Prohibiting The Operation Of Electronic Personal Assistive Mobility Devices On Interior Pathways Within South Pointe Park And Collins Park; By Amending Section 70-68, Entitled "Exemptions," By Exempting The Use Of Electric Personal Assistive Mobility Devices By City Police And City Contracted Services From The Restrictions Of Division II; By Amending Section 70-69, Entitled "Responsibilities Of Bicyclists And Skaters," By Adding Responsibilities For Persons Operating Electric Personal Assistive Mobility Devices; By Amending Section 70-70, Entitled "Penalties," To Provide For Responsibilities Of Businesses Providing Rentals And Tours Of Electric Personal Assistive Mobility Devices; By Creating Section 70-71, To Be Entitled "Penalties" To Provide Civil Penalties In Addition To Existing Non-Criminal Infraction Penalties For The Violation Of Certain Provisions In Chapter 70, Article II, Division II

Inquiries may be directed to the Public Works Department at (305) 673-7080

INTERESTED PARTIES are invited to appear at this meeting, or be represented by an agent, or to express their views in writing addressed to the City Commission, c/o the City Clerk, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. Copies of these ordinances are available for public inspection during normal business hours in the City Clerk's Office, 1700 Convention Center Drive, 1st Floor, City Hall, and Miami Beach, Florida 33139. This meeting may be continued and under such circumstances additional legal notice would not be provided.

Rafael E. Granado, City Clerk
City of Miami Beach

Pursuant to Section 286.0105, Fla. Stat., the City hereby advises the public that: if a person decides to appeal any decision made by the City Commission with respect to any matter considered at its meeting or its hearing, such person must ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

To request this material in accessible format, sign language interpreters, information on access for persons with disabilities, and/or any accommodation to review any document or participate in any city-sponsored proceeding, please contact (305) 604-2489 (voice), (305) 673-7218 (TTY) five days in advance to initiate your request. TTY users may also call 711 (Florida Relay Service).

Ad #707