

COMMISSION MEMORANDUM

TO: Mayor Steven Meiner and Members of the City Commission

FROM: Rafael A. Paz, City Attorney



FIRST READING

DATE: March 13, 2024

SUBJECT: AN ORDINANCE OF THE MAYOR AND COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 30 OF THE MIAMI BEACH CITY CODE, ENTITLED "CODE ENFORCEMENT," BY AMENDING ARTICLE III, ENTITLED "ENFORCEMENT PROCEDURE," BY AMENDING SECTION 30-72 THEREOF, ENTITLED "CONDUCT OF HEARINGS," BY CREATING SUBSECTION (C) ALLOWING ONLY ONE CONTINUANCE FOR THE CITY AND ONE CONTINUANCE FOR THE ALLEGED VIOLATOR EXCEPT IN EXCEPTIONAL CIRCUMSTANCES; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

At the request of the sponsor, Commissioner Laura Dominguez, this proposed ordinance is presented to the Mayor and City Commission for your consideration on first reading.

The enforcement of the provisions of the Code of the City of Miami Beach is a priority of the Mayor and City Commission. Efficient, speedy, and just resolution of City Code violations heard before the City's special magistrates is an indispensable component of achieving this priority.

Multiple continuances of hearings before the City's special magistrates frustrates this goal and leads to inefficient, late, and unjust resolution of City Code violations.

The proposed ordinance facilitates timely resolution of matters heard before the City's special magistrates by limiting continuances that may be granted by the special magistrates to a maximum of one continuance to the alleged violator and one continuance to the city, each for good cause shown. Moreover, subsequent motions for continuance would be denied except in the most exceptional circumstances when the movant has shown, through sworn testimony accompanying the motion, that fundamental due process would be denied if the subsequent continuance was not granted.

RAP/RFR/mmm