

**ORDINANCE NO. 717-16**

AN ORDINANCE OF THE MIAMI SHORES VILLAGE COUNCIL, AMENDING SECTION 2-77(a) and (c), OF ARTICLE IV, CODE ENFORCEMENT BOARD; OF THE VILLAGE CODE OF ORDINANCES, PERTAINING TO THE BOARD MEMBERS' APPOINTMENT AND TERMS, PROVIDING FOR SEVERABILITY, PROVIDING FOR CONFLICTS, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Village Council has expressed a desire to institute term limits for the various Village Boards and Committees; and,

WHEREAS, the Code Enforcement Board is a Board whose members are periodically appointed by the members of the Council; and,

WHEREAS, a Code amendment is required in order to accommodate the requested term limit provisions;

NOW, THEREFORE, BE IT ORDAINED BY THE MIAMI SHORES VILLAGE COUNCIL, that:

Section 1. Section 2-77(c) of the Village Code of Ordinances shall stand amended to read as follows:

(a) There is hereby created and established a code enforcement board to enforce the codes and ordinances where a pending or a repeated violation continues to exist. The code enforcement board shall consist of seven members appointed by the village council for three year terms, except as set forth in this section. Appointments shall be made on the basis of experience or interest in the subject matter jurisdiction of the respective code enforcement board, in the sole discretion of the village council. The membership of the enforcement board shall, whenever possible, include an architect, a businessman, an engineer, a general contractor, a subcontractor and a realtor, but shall not be limited to those professions if there are no such qualified persons available. At least one year of residency in the Village is a minimum qualification for appointment.

(c) Appointments shall be made for three years. Appointments to fill a vacancy shall be for the remainder of the unexpired term. If any member fails to attend two of three successive meetings without cause and without prior approval of the chair, the code enforcement board shall declare the member's office vacant, and the village council shall promptly fill such vacancy for the remainder of the term.

Notwithstanding any code provisions to the contrary, board members commencing a non-consecutive term after January 1, 2016 shall serve no more than three consecutive terms. Incumbent board members holding office on January 1, 2016, regardless of their prior length of service, may continue to serve on the Board until their then existing term expires and shall be eligible for reappointment by the council. Such reappointment would be deemed the individual's second term with respect to the term limits set forth herein. Board members may

serve for no more than three consecutive three year terms. Term limited individuals shall vacate their position for a minimum of one regular term before becoming eligible for reappointment to the same board.

A 4/5 vote of the Council may override the stipulated term limit or residency requirement.

Section 2. If any section, clause, sentence, or phrase of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, the holding shall not affect the validity of the remaining portions of this Ordinance.

Section 3. All Sections or parts of Sections of the Code or Ordinances, all Ordinances or part of Ordinances, and all Resolutions or parts of Resolutions, in conflict with this Ordinance are repealed to the extent of such conflict.

Section 4. This Ordinance shall be effective immediately upon adoption at second and final reading.

PASSED ON first reading this 2<sup>nd</sup> day of February, 2016.

PASSED AND ADOPTED ON second and final reading this 5<sup>th</sup> day of April, 2016.

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Alice Burch, Mayor

ATTEST:

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Barbara A. Estep, MMC  
Village Clerk

APPROVED AS TO FORM:

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Richard Sarafan, Village Attorney