

ORDINANCE NO. 13-163

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, CREATING CHAPTER 2, ARTICLE VI, ANNEXATION, AS PART OF THE TOWN OF MIAMI LAKES LAND USE CODE, REQUIRING A VOTE OF THE ELECTORS OF THE TOWN OF MIAMI LAKES ON ANY PROPOSED ANNEXATION; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Miami Lakes ("Town"), and the citizens of the Town, have concerns about possible annexation; and

WHEREAS, the Town Council desires that any possible annexations be approved by the voters.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, AS FOLLOWS:

Section 1. **Incorporation of Recitals.** The recitals set forth above are true and correct and are incorporated herein by this reference.

Section 2. **Creation of Ordinance.** There is hereby created in Chapter 2, Administration, a new Article VI, Annexation, which shall read as follows:

Article VI **Annexation**

Sec. 2-190 No annexation, consolidation, or other boundary adjustment of the Corporate Boundary of the Town shall be submitted by the Town for consideration by Miami-Dade County or otherwise sought to be enacted, until such proposed annexation, consolidation or boundary adjustment shall have been ratified by an election of the electors of the Town.

Sec. 2-191 The Town Council may call a special election to present any proposed annexation, consolidation or boundary adjustment to the electors of the Town of Miami Lakes upon no less than 90 days notice. The election shall be held in accordance with applicable law, in the same manner as other special elections under this Charter and Code.

Secs. 2-192 through 2-220 reserved

Section 3. Repeal of Conflicting Provision. All provisions of the Code of the Town of Miami Lakes that are in conflict with this Ordinance are hereby repealed.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. Inclusion in the Town Code. It is the intention of the Town Council, and it is hereby ordained, that the provisions of this Ordinance shall become and be made part of the Town Code and that if necessary the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and that the word “Ordinance” shall be changed to “Article”, “Division” or other appropriate word.

Section 6. Sunset Provision. This ordinance shall be effective only until the voters of the Town of Miami Lakes consider a charter amendment on the subject of annexation, embracing the subject matter of this ordinance, at which time, regardless of the outcome of the vote, this ordinance shall sunset, and become null and void.

Section 7. Effective Date. This Ordinance shall be effective immediately upon its adoption on second reading.

The foregoing Ordinance was offered by Councilmember Ceasar Mestre, who moved its adoption on first reading. The motion was seconded by Councilmember Nelson Rodriguez and upon being put to a vote, the vote was as follows:

Mayor Wayne Slaton	yes
Vice Mayor Manny Cid	yes
Councilmember Tim Daubert	yes
Councilmember Tony Lama	yes
Councilmember Ceasar Mestre	yes
Councilmember Frank Mingo	yes
Councilmember Nelson Rodriguez	yes

PASSED AND ADOPTED on first reading this 8th day of October, 2013.

The foregoing Ordinance was offered by Councilmember Lama, who moved its adoption on second reading. The motion was seconded by Councilmember Mingo, and upon being put to a vote, the vote was as follows:

Mayor Wayne Slaton	<u>yes</u>
Vice Mayor Manny Cid	<u>yes</u>
Councilmember Tim Daubert	<u>yes</u>
Councilmember Tony Lama	<u>yes</u>
Councilmember Ceasar Mestre	<u>yes</u>
Councilmember Frank Mingo	<u>yes</u>
Councilmember Nelson Rodriguez	<u>yes</u>

PASSED AND ADOPTED on second reading this 12 day of November 2013.

Wayne Slaton
WAYNE SLATON
MAYOR

Attest:

M. Tejeda
Marjorie Tejeda
TOWN CLERK

Approve as to Form and Legal Sufficiency

Joseph S. Geller
Joseph S. Geller
GREENSPOON MARDER PA
TOWN ATTORNEY