

Sec. 50-503. - Procedure for removal or relocation.

- (a) *Without prior notice.* Where a law enforcement officer determines that a vessel constitutes a navigational hazard or a hazard to public safety or is determined to interfere with another vessel or where a derelict vessel obstructs or threatens to obstruct navigation or in any way constitutes a danger to the environment, property, or persons, the Law enforcement officer may immediately remove or relocate, but not destroy, the vessel pursuant to F.S. §§ 327.44, 327.70, 376.15, and 823.11.

In the event a derelict vessel is removed or relocated prior to notice being given to the owner of the derelict vessel, the law enforcement officer shall make a reasonable effort to ascertain the name and address of the last registered owner(s) of the derelict vessel. The law enforcement officer shall also contact the department of highway safety and motor vehicles in order to determine the name and address of any person(s) who has filed a lien on the derelict vessel as provided in F.S. § 319.27(2) or (3) or F.S. § 328.15(1). On receipt of this information, the law enforcement officer shall mail a notice by certified mail, return receipt requested, to the owner(s) and lienholder(s), if any, advising of the location where the derelict vessel is being held, the reason for removal or relocation, that the owner(s) may request an administrative hearing in accordance with section 50-504 of this article, and that failure to request a hearing pursuant to section 50-504 of this article shall be deemed a waiver of the right to a hearing and an agreement to the remedy of removal, sale, destruction, or other disposition of the derelict vessel.

Notice given pursuant to this subsection is presumed to be delivered when it is deposited with the United States Postal Service, certified, and properly addressed with prepaid postage. Certified mail that is returned undeliverable or if delivery is refused shall be deemed as delivered for purposes of this section.

- (b) *With prior notice.* Except where a derelict vessel constitutes an immediate hazard to navigation, the environment, or to public health, safety, and welfare, a law enforcement officer shall affix a notice upon the derelict vessel at least **45 21** days before removing or relocating it, in substantially the following form:

NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN

THE ATTACHED PROPERTY. This property, to wit: (setting forth brief description) is unlawfully upon public property known as (setting forth brief description of location) and must be removed. Failure to remove the property will result in the City of Miami taking steps to have the property removed and destroyed pursuant to Chapter 705, Florida Statutes. The owner will be liable for the costs of removal, storage, and destruction of the property as provided by law. Incident/Summary Number (setting forth incident/summary number). Date of Posting: (setting forth the date of posting of notice), signed: (setting forth name, title, address, and telephone number of Law Enforcement Officer).

THIS ACTION MAY AFFECT YOUR INTERESTS. YOU MAY HAVE A RIGHT TO AN ADMINISTRATIVE HEARING ON THESE ISSUES. PLEASE CONTACT THE CITY OF MIAMI DEPARTMENT OF HEARING BOARDS AT (305) 416-2030 IMMEDIATELY. URGENT ACTION REQUIRED.

Such notice shall be not less than eight inches by ten inches and shall be sufficiently weatherproof to withstand normal exposure to the elements. In addition to posting notice upon the derelict vessel, the law enforcement officer shall make a reasonable effort to ascertain the name and address of the last registered owner(s) of the derelict vessel. If such is reasonably available to the law enforcement officer, he or she shall mail a copy of the aforementioned notice by certified mail, return receipt requested, to the owner(s) on or before the date of posting. The law enforcement officer shall also contact the department of highway safety and motor vehicles in order to determine the name and address of any person(s) who has filed a lien on the derelict vessel as provided in F.S. § 319.27(2) or (3) or F.S. § 328.15(1). On receipt of this information, the law enforcement officer shall mail a copy of the aforementioned notice by certified mail, return receipt requested, to the lienholder(s), if any.

Notice given pursuant to this subsection is presumed to be delivered when it is deposited with the United States Postal Service, certified, and properly addressed with prepaid postage.

Certified mail that is returned undeliverable or if delivery is refused shall be deemed as delivered for purposes of this section and will begin the ~~45~~ 21 day count for removal if the derelict vessel has been posted with the derelict vessel notice sticker. If, at the end of ~~45~~ 21 days after posting the notice and mailing such notice, if required, the subject derelict vessel is not removed, the law enforcement officer may immediately remove or relocate, but not destroy, the derelict vessel pursuant to F.S. §§ 327.44, 327.70, 376.15, and 823.11.

(Ord. No. 13797, § 2, 10-11-18)