

ATTACHMENT A

ORDINANCE NO. 2014-3873

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 106 OF THE MIAMI BEACH CITY CODE, ENTITLED "TRAFFIC AND VEHICLES," BY AMENDING ARTICLE II, ENTITLED "METERED PARKING," BY AMENDING DIVISION 2, ENTITLED "GENERALLY," BY AMENDING SECTION 106-47, ENTITLED "FREIGHT, COMMERCIAL, AND PASSENGER CURB LOADING ZONES; HOURS, DELIVERIES"; BY CREATING SUBSECTIONS 106-47(F) THROUGH 106-47(N) THAT ESTABLISHES STRICT REGULATIONS FOR PARKING IN FREIGHT LOADING ZONES; AUTHORIZING FREIGHT VEHICLE PARKING; IMPLEMENTING A PERMIT APPLICATION REQUIREMENT AND SETTING FORTH TYPES OF PERMITS APPLICABLE TO COMMERCIAL VEHICLES; IMPOSING A REQUIREMENT FOR THE DISPLAY OF A PERMIT AND/OR ELECTRONIC (LICENSE PLATE) PERMIT; PROVIDING AN ALTERNATIVE TO THE PERMIT REQUIREMENT BY UTILIZING PARKING METERS; MANDATING COMPLIANCE WITH OTHER LAWS; ESTABLISHING PERMIT FEES; FURTHER AMENDING SECTION 106-55; BY CREATING SUBSECTION (P), ENTITLED, "FREIGHT LOADING ZONE (FLZ) PERMIT"; AND CREATING SUBSECTION (Q), ENTITLED, "ALLEY LOADING (AL) PERMIT"; PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, on March 5, 2014, the Mayor and Commission held discussion Item No. R9H related to commercial vehicles blocking lanes on Washington Avenue, Collins Avenue; Ocean Drive, and West Avenue, including enforcement and long term solutions; and

WHEREAS, commercial and freight loading zones are placed along major commercial corridors throughout the city with posted regulations from 7:00 a.m. to 6:00 p.m., and in South Beach where metered parking is enforced until 3:00 a.m., commercial loading zones are flex zones that transition to metered parking from 6:00 p.m. to 3:00 a.m., and certain areas along Ocean Drive have designated freight loading zones; and

WHEREAS, the existing commercial and freight loading zone regulations provide significant latitude for any type of vehicle to use existing commercial and freight loading zones, leaving very limited opportunities for purveyors with larger trucks to conduct their deliveries and exacerbating double parking; and

WHEREAS, the Administration conducted research of loading zone regulations in other jurisdictions, including Chicago, Houston, New York, Orlando, Pensacola, Portland (Oregon), Salt Lake City, San Jose, and Seattle; and all of these jurisdictions have variations of permitted commercial or freight loading zones with permit fees, restricted hours, and maximum time limits; and

WHEREAS, an amendment to the City Code is necessary to establish regulations and permit fees for commercial and freight loading zones; and

WHEREAS, on April 23, 2014, the Mayor and Commission held a discussion regarding this item and approved the proposed ordinance on first reading.

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

SECTION 1. That Chapter 106, "Traffic and Vehicles," Article II, "Metered Parking," Division 1, "Generally," Section 106-47, entitled, "Freight, Commercial, and Passenger Curb Loading Zones; Hours, Deliveries"; and Section 106-55, entitled, "Parking Rate Fees, and Penalties," Subsection (o), entitled, "Freight Loading Zone Permit" and Subsection (p), entitled, "Alley Loading (AL) Permit" of the Code of the City of Miami Beach, Florida, is hereby established, as follows:

Chapter 106. Traffic and Vehicles

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Article II. Metered Parking Division. 1 Generally

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Sec. 106-47. Freight, commercial, and passenger curb loading zones; hours, deliveries.

(f) *Parking in Freight Loading Zones.* It shall be unlawful for any person during the posted hours of a freight loading zone to:

- (1) Park a vehicle other than a commercial motor vehicle, as defined in Section 106-1, in a Freight Loading Zone designated throughout the City of Miami Beach;
- (2) Utilize a Freight Loading Zone for any purpose, except the active engagement of loading or unloading of property, goods or merchandise from a commercial motor vehicle;
- (3) Park a commercial motor vehicle in a Freight Loading Zone without:
 - a. Obtaining a current and valid Freight Loading Zone (FLZ) Permit issued for the commercial motor vehicle pursuant to this Article; or
 - b. Paying the applicable parking meter fee as provided in Section 106-55 of this code.
- (4) Park any commercial motor vehicle in any Freight Loading Zone for a period in excess of that time permitted on posted signs or in excess of the maximum time limit allowed by the parking meter.

A vehicle parked in violation of this section shall be subject to being towed at the direction of any law enforcement officer or parking enforcement specialist, and the imposition of any applicable fines or penalties.

(g) *Freight vehicle parking.* The operator of a commercial motor vehicle must utilize a Freight Loading Zone during those posted hours for the designated Permit zone pursuant to the Permit issued under this Article. The Zone Permit must be obtained by payment of the applicable parking meter fee or by payment of the parking meter fee via pay by phone service, as provided in section 106-55 of this Code.

Beginning July 1, 2014, the City shall provide for a one-month warning period, through and including July 31, 2014, in which warning violations shall be issued to commercial motor vehicle or commercial vehicle operators who fail to comply with Sections 106-47(f) and (g), regardless of knowledge or intent.

Beginning August 1, 2014, Sections 106-47(f) and (g) shall be enforced and penalties shall be applied and imposed for violations of those provisions, as provided herein.

(h) Permit application; issuance.

- (1) A person must apply for a Freight Vehicle Loading Permit by submitting an application in the form prescribed by the Director of Parking, with the appropriate permit fee.
- (2) The Parking Director may issue a permit, unless he/she determines that:
 - a. The application is incomplete or materially deficient; or
 - b. The Applicant has any unresolved parking citations for any vehicle owned by the Applicant or any agent of the Applicant, and any unresolved debt with the City by the applicant or any agent of the applicant.
- (3) Commercial Fleet Operators with ten (10) or more commercial motor vehicles are eligible to purchase one (1) transferable permit for every five (5) nontransferable permits. The transferable permit must be used for those commercial motor vehicles in the operator's fleet in which a commercial motor vehicle with a non-transferable permit has been temporarily out of service. A transferable permit must be affixed to a commercial motor vehicle of the fleet operator, and shall not be placed on any vehicle other than a commercial vehicle

(i) Permit; required.

- (1) FLZ (Freight Loading Zone) Permit. An FLZ permit will be valid until September 30th of each year, and shall be transferable to any other commercial motor vehicle operated by the Permittee upon, prior written notice to the Parking Department, in a manner prescribed by the Parking Director. A commercial motor vehicle with an FLZ permit may be parked in a freight loading zone or, where such zones are unavailable or occupied, parking is permitted at one to two metered automobile parking spaces without payment of the usual meter fee as required elsewhere in this chapter for such spaces. A commercial motor vehicle with an FLZ permit shall not be parked for a period to exceed thirty (30) minutes.
- (2) AL (Alley Loading) Permit. Any commercial vehicle which does not qualify as a commercial motor vehicle shall be required to obtain an AL Permit, except FLZ permits issued to mail/parcel commercial motor vehicles, are permitted to utilize those zones designated for AL Permit parking. An AL permit will be valid until September 30th of each year, and shall be transferable to any other commercial vehicle operated by the Permittee upon, prior written notice to the Parking Department, in a manner prescribed by the Parking Director. A commercial vehicle with an AL permit shall not be parked for a period to exceed twenty (20) minutes, in those areas designated by the Parking Director.

(i) Permit specific to commercial vehicle.

The applicable Permit issued pursuant to this Article must be registered to a specific commercial motor vehicle or commercial vehicle, and shall be transferable to another vehicle meeting the applicable Permit requirements set forth by the Parking Director, as authorized in this Article.

(k) Display of permit and/or electronic (license plate) permit.

A Permit must be conspicuously displayed upon the vehicle for which it is issued, and shall be easily visible to any person passing such a vehicle, on the street or sidewalk while the vehicle is parked in any authorized Freight Loading Zone, or area designated by the Parking Director. The failure to display a Permit shall create a rebuttable presumption that no Permit has been issued for the vehicle. An Electronic (license plate) Permit may be utilized in lieu of the display of a physical permit.

(l) Use of parking meters.

Those commercial operators conducting either infrequent or transient commercial deliveries may park the commercial motor vehicle or commercial vehicle in a Freight Loading Zone space or spaces during posted hours for the Zone by paying the applicable parking meter fee, or utilizing the City's pay by phone service for each space utilized in whole or in part for parking the commercial motor vehicle or commercial vehicle in that Zone, provided that:

- (1) The vehicle is actively engaged in loading or unloading; and
- (2) The parking meter, meters, or pay by phone service are not allowed to expire; and
- (3) The vehicle may not be parked in excess of the maximum time allowed as posted on the parking meter or as authorized by a Permit as provided in this article; however, an unpermitted commercial motor vehicle may utilize one (1) to two (2) metered spaces, or portions of such spaces, within the same block face, by paying the parking meter fee or pay by phone service for each space wholly or partially occupied by such vehicle.

(m) Compliance with other laws.

A Permit issued under this article shall not excuse compliance with all other applicable laws and regulations, and a commercial motor vehicle or commercial vehicle parked in any metered automobile parking space remains subject to any "no parking" and "tow-away zone" restrictions applicable to the parking space. A Permit does not authorize the commercial motor vehicle or commercial vehicle to remain parked at the Freight Loading Zone without being actively engaged in loading or unloading at all times while parked under this article.

(n) Fees.

Fees for Freight Loading Zone Permits are set forth within Section 106-55. A permit or license plate may be replaced during its valid term for the fee stated in Section 106-55, provided the parking official receives the police report for the stolen permit or license plate, or an affidavit for a lost permit or license plate. The permit shall be valid only for the remainder of the original term.

* * *

Sec. 106-55. Parking rates, fees, and penalties.

(p) Freight Loading Zone (FLZ) Permit.

An FLZ permit will allow the use of Freight Loading Zones by permitted commercial motor vehicles. Qualifying commercial motor vehicles must register and purchase an annual permit. The permit fee for each vehicle is \$364.00, annually or \$182.00 semi-annually. A Permittee that operates a fleet of over ten (10) vehicles may purchase up to five (5) vehicle permits for \$1,500, annually or \$750, semi-annually. One (1) of every five (5) non-transferable permits shall authorize the Permittee to purchase a transferable Permit. Permits are transferable to other qualifying commercial motor vehicles, as described in herein, and shall expire annually. The permit must be in good standing and the commercial motor vehicle must be actively engaged in loading activities when stopping, standing, or parked in a Freight Loading Zone. Freight loading locations, regulations, including maximum time limits, and permitted days/hours shall be determined by the City Manager or his designee.

(q) Alley Loading (AL) Permit.

An AL permit will allow for the use of alleys by permitted vehicles. Qualifying vehicles must register and purchase an annual permit. The permit fee for each vehicle is \$182.00, annually or \$91.00, semi-annually. A Permittee that operates a fleet of over ten (10) vehicles may purchase up to five (5) vehicle Permits for \$750, annually or \$375, semi-annually. One (1) of every five (5) non-transferable permits shall authorize the Permittee to purchase a transferable Permit. Permits are transferable to other qualifying vehicles, as described herein, and shall expire on annually. The permit must be in good standing, prominently displayed, and the vehicle must be actively engaged in loading activities when stopping, standing, or parked in an alley. Alley regulations, including maximum time limits and permitted days/hours shall be determined by the City Manager or his designee.

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SECTION 2. 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 re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

SECTION 3. REPEALER.

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

SECTION 4. SEVERABILITY.

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

SECTION 5. EFFECTIVE DATE.

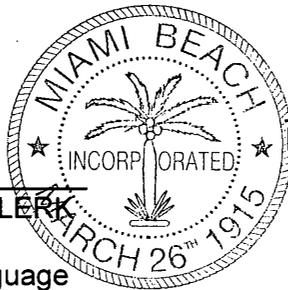
This Ordinance shall take effect on July 1, 2014.

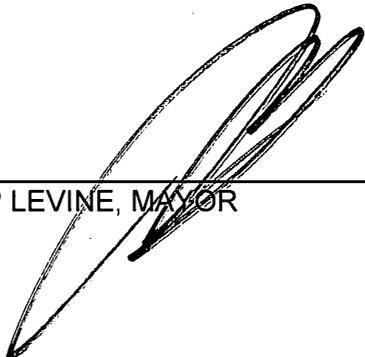
PASSED AND ADOPTED this 28 day of May, 2014.

ATTEST:



RAFAEL GRANADO, CITY CLERK





PHILIP LEVINE, MAYOR

Underscore denotes new language
~~Strike-through~~ denotes deleted language

(Sponsored by Commissioner Michael Grieco)

**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**



City Attorney **AB** 6/3/14
Date