

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: City Attorney Ricardo J. Dopico

DATE: December 11, 2024 9:50 a.m. Second Reading Public Hearing

TITLE: AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 106 OF THE CITY CODE, ENTITLED "TRAFFIC AND VEHICLES," BY AMENDING ARTICLE III, ENTITLED "PUBLIC OFF-STREET PARKING FACILITIES," BY CREATING SECTION 106-118, ENTITLED "PRIVATE PROPERTY USED FOR MOTOR VEHICLE PARKING; SIGNAGE REQUIRED; PENALTIES," BY ESTABLISHING SIGNAGE REQUIREMENTS APPLICABLE TO OWNERS OR OPERATORS OF PRIVATE PROPERTY WHEN SUCH PROPERTY IS OPEN TO THE PUBLIC FOR PAID MOTOR VEHICLE PARKING; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

RECOMMENDATION

BACKGROUND/HISTORY

ANALYSIS

The proposed Ordinance, sponsored by Commissioner Alex Fernandez, is submitted for consideration by the Mayor and City Commission.

The City Administration, along with the Mayor and City Commission, have received numerous complaints from persons concerning private parking lots that appeared (and they believed) to be public, City-owned property.

Many of these individuals have also claimed that any subsequent citations issued by the private property owner/operator caused confusion as they believed the citations were City-issued and could lead to potential civil or criminal penalties. Additionally, having one's vehicle towed can be a major inconvenience, expense and distressing for anyone and, in particular, parents with strollers or young children and persons with disabilities.

Accordingly, the Mayor and City Commission seek to adopt the proposed Ordinance in order to ensure that private properties open to the public for paid parking are clearly and unequivocally identified as such through the prominent posting of signage at all vehicular access points in order to avoid any uncertainty or confusion.

FISCAL IMPACT STATEMENT

The sponsor of this item requests that the Administration be prepared to address the fiscal impact of this proposed measure, when the item is heard at the City Commission meeting.

Does this Ordinance require a Business Impact Estimate? Yes
(FOR ORDINANCES ONLY)

If applicable, the Business Impact Estimate (BIE) was published on: 11/27/2024
See BIE at: <https://www.miamibeachfl.gov/city-hall/city-clerk/meeting-notices/>

FINANCIAL INFORMATION

CONCLUSION

Applicable Area

Citywide

**Is this a "Residents Right to Know" item,
pursuant to City Code Section 2-17?**

No

**Is this item related to a G.O. Bond
Project?**

No

**Was this Agenda Item initially requested by a lobbyist which, as defined in Code Sec. 2-481,
includes a principal engaged in lobbying?** No

If so, specify the name of lobbyist(s) and principal(s):

Department

City Attorney

Sponsor(s)

Commissioner Alex Fernandez

Co-sponsor(s)

Commissioner Joseph Magazine

Condensed Title

9:50 a.m. 2nd Rdg, Ch. 106, Private Parking Lot Signage. (Fernandez/Magazine) CA

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 106 OF THE CITY CODE, ENTITLED "TRAFFIC AND VEHICLES," BY AMENDING ARTICLE III, ENTITLED "PUBLIC OFF-STREET PARKING FACILITIES," BY CREATING SECTION 106-118, ENTITLED "PRIVATE PROPERTY USED FOR MOTOR VEHICLE PARKING; SIGNAGE REQUIRED; PENALTIES," BY ESTABLISHING SIGNAGE REQUIREMENTS APPLICABLE TO OWNERS OR OPERATORS OF PRIVATE PROPERTY WHEN SUCH PROPERTY IS OPEN TO THE PUBLIC FOR PAID MOTOR VEHICLE PARKING; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the City Administration, along with the Mayor and City Commission, have received numerous complaints from persons concerning private parking lots that appeared (and they believed) to be public, City-owned property; and

WHEREAS, many of these individuals have also claimed that any subsequent citations issued by the private property owner/operator caused confusion as they believed the citations were City-issued and could lead to potential civil or criminal penalties; and

WHEREAS, having one's vehicle towed can be a major inconvenience, expense and distressing for anyone and, in particular, parents with strollers or young children and persons with disabilities; and

WHEREAS, the Mayor and City Commission seek to adopt this ordinance in order to ensure that private properties open to the public for paid parking are clearly and unequivocally identified as such through the prominent posting of signage at all vehicular access points in order to avoid any uncertainty or confusion.

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

SECTION 1. That Section 106-118 of Article III of Chapter 106 of the Miami Beach City Code is hereby created as follows:

CHAPTER 106

TRAFFIC AND VEHICLES

* * *

ARTICLE III. PUBLIC OFF-STREET PARKING FACILITIES

* * *

Sec. 106-118. Private property used for motor vehicle parking; signage required; penalties.

- (a) Every owner or operator of a private property that is open to the public for paid motor vehicle parking shall place signage, to be provided by the City, stating that the property is private property and is not a public parking facility operated by a governmental entity.

- (1) A sign structure with the required signage shall be prominently placed and permanently installed at each driveway access or curb cut allowing vehicular access to the property within 5 feet from the public right-of-way line, with the bottom of each sign not less than 4 feet above ground level and the top of each sign not more than 10 feet above ground level.
- (b) The signage required by subsection (a) herein, which shall be in a form approved by the Mayor and City Commission pursuant to duly enacted resolution, shall be in addition to any signs or notices required pursuant to Fla. Stat. § 715.07, Fla. Stat. § 715.075, County Code section 30-474, or any other provision of law.
- (c) Any owner or operator that fails to comply with the requirements of this section shall be cited by the City's code compliance department and fined \$100.00 per day for a first violation and \$250.00 per day for each subsequent violation.

* * *

SECTION 2. REPEALER.

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

SECTION 3. SEVERABILITY.

If any section, sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

SECTION 4. 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 a 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 5. EFFECTIVE DATE.

This Ordinance shall take effect the ____ day of _____, 2024.

ATTEST:

Steven Meiner, Mayor

Rafael E. Granado, City Clerk

Underline denotes additions.

(Sponsored by Vice-Mayor Alex J. Fernandez)

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

City Attorney

10/21/2024

Date