

# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: City Attorney Ricardo J. Dopico

DATE: October 30, 2024 First Reading

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 Vice-Mayor Alex J. 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:  
See BIE at: <https://www.miamibeachfl.gov/city-hall/city-clerk/meeting-notice/>

**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)**

**Condensed Title**

1st Rdg, Ch. 106, Private Parking Lot Signage. (Fernandez) CA