MEMORANDUM

Amended
Agenda Item No. 7(A)

(Second Reading 9-12-06)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: May 23, 2006

FROM: Murray A. Greenberg
County Attorney

SUBJECT: Ordinance amending Chapter 8B and 8CC of the Code requiring loose objects be secured when a severe weather advisory is issued

O#06-123

The accompanying ordinance was prepared and placed on the agenda at the request of Commissioner Sally A. Heyman and Commissioner Audrey M. Edmonson.

Murray A. Greenberg
County Attorney

MAG/bw

Memorandum

MIAMI-DADE COUNTY

Date: September 12, 2006

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

From: George M. Burgess
County Manager

Subject: Ordinance Amending Chapter 8B and 8CC of the Code of Miami-Dade County

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The proposed ordinance amending Chapters 8B and 8CC of the Code of Miami-Dade County requiring loose objects to be secured when a severe weather advisory is issued will have no fiscal impact to the County.

Any enforcement required will be handled by existing staff.

Assistant County Manager

Fiscal00606

MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez and Members, Board of County Commissioners

DATE: September 12, 2006

FROM: Murray A. Greenberg County Attorney

SUBJECT: Amended Agenda Item No. 7(A)

Please note any items checked.

_____ **"4-Day Rule" ("3-Day Rule" for committees) applicable if raised**

_____ **6 weeks required between first reading and public hearing**

_____ **4 weeks notification to municipal officials required prior to public hearing**

_____ **Decreases revenues or increases expenditures without balancing budget**

_____ **Budget required**

_____ **Statement of fiscal impact required**

_____ **Bid waiver requiring County Manager's written recommendation**

_____ **Ordinance creating a new board requires detailed County Manager's report for public hearing**

_____ **Housekeeping item (no policy decision required)**

_____ **No committee review**

Approved _____ Mayor
Veto _____
Override _____

Amended
Agenda Item No. 7(A)
9-12-06

ORDINANCE NO. **06-123**

ORDINANCE AMENDING CHAPTER 8B AND 8CC OF THE CODE TO INCLUDE REQUIREMENT THAT LOOSE OBJECTS IN OUTDOOR LOCATIONS BE SECURED WHEN A SEVERE WEATHER ADVISORY IS ISSUED TO PREVENT SUCH OBJECTS FROM BECOMING PROJECTILES DURING A SEVERE WEATHER EVENT; ESTABLISHING PENALTIES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

WHEREAS, enacting measures that require residents and businesses to store or brace loose objects to prevent such objects from becoming dangerous projectiles during a severe weather event is essential to the safety of our community in the event emergency conditions are created by the recently experienced more active hurricane seasons; and

WHEREAS, public safety is jeopardized when businesses and residents fail or delay in securing loose objects well in advance of a severe weather event; and

WHEREAS, the requirement to secure loose objects in exposed outdoor locations already exists in the Building Code at Section 8-16 of the County Code; and

WHEREAS, a proposed amendment to the Building Code removes the requirement of securing loose items other than in construction sites; and

WHEREAS, the proposed amendment herein seeks in substance to retain and clarify the requirement to secure loose objects in outdoor locations other than construction sites that has existed in Section 8-16 of the County Code and merely relocates that requirement to Chapter 8B governing emergency management; and

WHEREAS, retaining the requirement that loose objects be secured well in advance of a severe weather event serves important emergency preparedness objectives,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:

Section 1. Chapter 8B of the Code of Miami-Dade County is hereby amended by the addition of the following new section:

CHAPTER 8B - EMERGENCY MANAGEMENT

* * *

>>**Sec. 8B-18 Requirement To Secure Loose Materials**

(1) Definitions:

(A) Severe weather advisory: a tropical storm warning, hurricane watch or hurricane warning.

(B) Severe weather event: a tropical storm or hurricane.

(C) Loose Object: any object contained in any outdoor location of any residential, commercial, and industrial property in incorporated and unincorporated Miami-Dade County that may become windborne during a severe weather event including but not limited to outdoor furniture such as chairs and tables, display racks, bicycles, toys, loose debris, bulky waste, gardening supplies, household items, and business or industrial supplies or materials. Loose objects that are covered by the requirements of County Code Section 8-16 relating to Building Code requirements for maintenance of construction sites shall not be governed by this Section and will be governed by Section 8-16 of the County Code.

(2) **Requirement To Secure Loose Objects When Severe Weather Advisory Is Issued**

When a severe weather advisory is issued for Miami-Dade County, or any portion thereof, any loose object as defined herein shall be secured by either: (a)storage of such loose object in a building or structure or (b) bracing, bundling or fastening such loose object to a fixed structure or otherwise in a manner sufficient to prevent such loose object from becoming windborne during a severe weather event or in such manner determined by the County or municipal official charged with enforcing this requirement that will prevent such loose object from being windborne during a severe weather event.

(3) **Enforcement; Penalties**

(A) Failure to abide by the provisions of this Section shall be punishable by civil fine in the manner established by Chapter 8CC of this Code, with each day of violation constituting a separate offense. The provisions of this Chapter shall also be enforceable through injunctive relief as a means of protection of the public interest through the exercise of the County's police power, and through any other means available at law.

(B) This Section shall preempt and supersede any inconsistent municipal ordinance to the same effect.

(C) Nothing in this Section shall be interpreted to curtail, impede or otherwise affect the discretionary authority of the County in the exercise of its police power, administrative or regulatory functions.<<

Section 2. Chapter 8CC of the Code of Miami Dade County is hereby amended as follows:[1]

Chapter 8CC

CODE ENFORCEMENT

* * *

Sec. 8CC-10. Schedule of civil penalties.

[1] Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

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Code Section	Description of Violation	Civil Penalty
>>8B-18	Failure to Secure Loose Objects When Severe Weather Advisory Is Issued	$500.00<<

Section 3. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 4. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section", "article", or other appropriate word.

Section 5. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
To form and legal sufficiency:

Prepared by:

David M. Murray

Sponsored by Commissioner Sally A. Heyman
and Commissioner Audrey M. Edmonson