Memorandum

MIAMI-DADE COUNTY

Date: June 3, 2008

To: Honorable Chairman Bruno A. Barreiro and Members
Board of County Commissioners

Agenda Item No. 7(G)

From: George M. Burgess
County Manager

Subject: Ordinance Revising Rule 33 (d) of Chapter 26 of the Code of Miami-Dade County Park and Recreation Rules and Regulations to Permit the Sale and Consumption of Alcoholic Beverages at Adult Athletic Events

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This item was amended by the Recreation and Cultural Affairs Committee (RCAC) at its meeting of May 12, 2008, to include the requirement of monthly reports to the RCAC and a one year sunset provision.

Recommendation

It is recommended that the Board approve the attached ordinance revising Rule 33 of Chapter 26 of the Miami-Dade County Code, Park and Recreation Rules and Regulations. This specific Rule provides for the governance of drinking alcoholic beverages and the bringing of such into County-owned and operated park property. The ordinance revision permits the sale and consumption of alcoholic beverages at adult athletic events.

Scope

The authorized sale and consumption of alcoholic beverages to spectators of adult athletic events will potentially take place at Park and Recreation (MDPR) facilities such as Tropical Park Stadium, Ronald Regan Equestrian Center, Crandon Park Tennis Center, Amelia Earhart Park and other suitable facilities throughout the parks system.

Fiscal Impact/Funding Source

The security, licensing and required liability will be the responsibility of event promoters and vendors. Through written authorization, the MDPR Director will ensure adequate security, licensing and liability coverage. MDPR will also ensure that the appropriate fee is collected based on sales and spectator volume for each event.

Track Record/Monitor

The MDPR Director will ensure the proper compliance and implementation of the amended ordinance.

Background

On June 16, 1959, the Board of County Commissioners (BCC) established Chapter 26 of the Miami-Dade County Code, Rules and Regulations for the Park and Recreation Department. On February 13, 2001, the BCC approved Ordinance 01-35, an overall revision of the Rules and Regulations to update them for consistency, equity and enforceability.

The proposed ordinance amends Rule 33 which deals primarily with the drinking of alcoholic beverages and the bringing of such into County-owned and operated park property. The proposed ordinance authorizes the MDPR Director to permit the sale and consumption of alcoholic beverages to spectators at adult athletic events.

The proposed ordinance amends Rule 33 which deals primarily with the drinking of alcoholic beverages and the bringing of such into County-owned and operated park property. The proposed ordinance authorizes the MDPR Director to permit the sale and consumption of alcoholic beverages to spectators at adult athletic events.

The responsible consumption of alcoholic beverages at permitted adult athletic events will enable MDPR to attract world class events to park facilities and increase revenues. The sale and consumption of alcoholic beverages would be permitted providing that event promoters and vendors have adequate security presence at the point of sale and throughout the spectator area of the event.

Attachment

Alex Muñoz
Assistant County Manager

MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro and Members, Board of County Commissioners

DATE: June 3, 2008

FROM: R. A. Cuevas, Jr. County Attorney

SUBJECT: Agenda Item No. 7(G)

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 _____

Agenda Item No. 7(G)
6-3-08

ORDINANCE NO. _____

ORDINANCE RELATING TO CHAPTER 26 OF THE CODE OF MIAMI-DADE COUNTY ENTITLED "PARK AND RECREATION DEPARTMENT RULES AND REGULATIONS"; AMENDING SECTION 26-1, RULE 33 FOR THE PURPOSE OF AUTHORIZING THE PARK AND RECREATION DEPARTMENT DIRECTOR TO PERMIT THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES AT ADULT ATHLETIC EVENTS HELD IN COUNTY PARKS AND RECREATIONAL FACILITIES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, the Park and Recreation Department creates outstanding recreational, natural, and cultural experiences to enrich the individual and to enhance the community for this and future generations; and

WHEREAS, the Board desires to maintain Park and Recreation Rules and Regulations to insure the orderly use, enjoyment, and maintenance of its parks and natural areas and has codified these rules in Chapter 26 of the Miami-Dade County Code; and

WHEREAS certain of these Rule and Regulations prohibit the sale and consumption of alcoholic beverages to directors, participants, or spectators of athletic events; and

WHEREAS, the responsible consumption of alcoholic beverages at permitted adult athletic events will enable the Parks Department to attract world class events to park facilities, enhance spectators' experience, and increase revenues,

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

Section 1. Section 26-1 of the Code of Miami-Dade County, Florida (the "Code"), is hereby amended to read as follows:[1]

Chapter 26 PARK AND RECREATION DEPARTMENT RULES AND REGULATIONS

ARTICLE I. IN GENERAL

Sec. 26-1. Rules and regulations adopted.

* * *

Rule 33. Intoxicating liquors, beer wine, etc. Drinking of alcoholic liquors or beverages and the bringing of such into the park areas shall be permitted only under the circumstances set forth in the following paragraphs:

(a) At certain special specifically designated facilities where meals or lunches are served under concession privileges, the sale of alcoholic liquors or alcoholic beverages by such concessionaire or his employees will be permitted under strict regulation, being restricted to certain hours of the day and under the special authorization and control of the Department. Such sales shall be made only in individual cups (not in original packages or otherwise in bulk) and shall be served for consumption on the immediate premises of the concession and such sales of beer and wine are to be permitted only in open containers for consumption on the immediate premises of the concession except that the sale of unopened containers through concessions furnishing boats will be permitted.

(b) At picnic parties during hours of noon to sundown; and can only be consumed at picnic shelter areas or areas specifically designated by the Department Director. Special events as designated by the Department Director shall be exempt from the provisions of this paragraph.

(c) Owners of boats or vessels regularly docked or moored at or in park marina areas, or occupants of cabanas, shall be permitted to transport alcoholic liquors or beverages across park properties for use on board said boats, vessels, or in cabanas only.

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

(d). >>Unless authorized in writing by the Director of the Park and Recreation Department, <<[[~~T~~]]>>t<<he consumption of alcoholic beverages is specifically prohibited by those directing, participating in, or spectators of any athletic events>>. <<[[~~, and in particular~~]]>>However, under no circumstance shall the Director of the Park and Recreation Department authorize the consumption of alcoholic beverages at<< youth activities and programs organized by the County or self-organized and authorized under permit by the Department.

>>(e). The Director of the Park and Recreation Department shall provide the Board of County Commissioners with a monthly report detailing the permitted instances of alcohol consumption at adult athletic events and the results thereof in order to allow the Board to assess the impact to the parks from such alcohol consumption.<<

Section 2. 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 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provisions, shall become and be 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 4. This ordinance shall be effective 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.

Section 5. **Sunset Ordinance**: This ordinance shall stand repealed one (1) year from its effective date unless extended by amendment of the Board of County Commissioners.

PASSED AND ADOPTED:

Approved by County Attorney as to form and legal sufficiency.

Prepared by:

Monica Rizo