Memorandum

MIAMI-DADE COUNTY

Date: May 5, 2009

To: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

Agenda Item No. 7(E)

From: George M. Burgess
County Manager

Subject: Ordinance Amending Rule 33 of Chapter 26 of the Code of Miami-Dade County, to Remove the Sunset Provision and Reporting Requirement from Park and Recreation Rules and Regulations that Permit the Sale and Consumption of Alcoholic Beverages at Adult Athletic Events

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This substitute item differs from the item that appeared on the March 3, 2009 Board agenda for first reading in that it adds a section to the ordinance which indicates that the sunset provision is deleted from the original ordinance. This item differs from the first substitute item in that the changes to the ordinance are shown by double underlining and double strike through as per Ordinance 09-13 adopted by the Board on March 3, 2009.

Recommendation

It is recommended that the Board approve an amendment to Section 26-1, Rule 33 of the Miami-Dade County Code, Park and Recreation Department (MDPR) Rules and Regulations to remove the sunset provision and monthly reporting requirement for the governance of drinking and bringing alcoholic beverages into County-owned and operated park property at adult athletic events. The current authority expires on June 3, 2009.

Scope

The impact of the ordinance is countywide; however, each authorization granted is for a specified adult athletic event and MDPR facility. Adequate security presence is required at the point of sale and throughout the spectator area of the event.

Fiscal Impact/Funding Source

The security, licensing and required liability is the responsibility of event promoters and vendors. The MDPR Director ensures adequate security, licensing and liability coverage through written authorization. MDPR collects a fee based on sales and spectator volume for each event.

Track Record/Monitor

The MDPR Director ensures the proper compliance and implementation of this ordinance.

Background

On June 3, 2008, the Board of County Commissioners (BCC) adopted Ordinance No. 08-72 authorizing the MDPR Director to permit the sale and consumption of alcoholic beverages to spectators at adult athletic events. The ordinance further requires the MDPR Director to provide the Board with a monthly report detailing the permitted instances of alcohol consumption at such events and the results thereof.

Since the adoption of Ordinance 08-72, the MDPR Director has authorized the sale of beer to spectators of three adult soccer events at Tropical Park Stadium located at 7900 S.W. 40 Street and one horse show at the Ronald Regan Equestrian Center located at 7900 S.W. 40 Street.

There were no reported incidents or arrests at any of these events. The tables below detail the dates, gross sales and attendance for each event.

Soccer Events at Tropical Park Stadium

The permitee pays MDPR a flat rate of $60,000 per year for the use of the stadium to operate a developmental soccer program and host 15 soccer games.

Dates	Gross Sales	Incidents/Arrests	Attendance
7/4/2008	$390.00	None	1,750
7/18/2008	$1410.00	None	850
7/20/2008	$1759.00	None	750

Horse Show at Ronald Regan Equestrian Center

The Florida Paso Fino Horse Association rented the Equestrian Center, including ring rental, stall rental, jump rental, recreation vehicle hook-ups, resale vendors, and extra clean-up and dump fees for a total of $ 8,710.55.

Dates	Gross Sales	Incidents/Arrests	Attendance
11/1 – 2/2008	$2,016.00	None	2,200

Attachment

Alex Muñoz
Assistant County Manager

MEMORANDUM

(Revised)

TO: Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners

DATE: May 5, 2009

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

SUBJECT: Agenda Item No. 7(E)

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 Mayor'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(E)
5-5-09

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 TO DELETE THE SUNSET PROVISION AND MONTHLY REPORTING REQUIREMENT AND ALLOW THE PARK AND RECREATION DEPARTMENT DIRECTOR TO CONTINUE TO AUTHORIZE AND 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

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:

[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.

(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.

(d). Unless authorized in writing by the Director of the Park and Recreation Department, the consumption of alcoholic beverages is specifically prohibited by those directing, participating in, or spectators of any athletic events. 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 instance of alcohol consumption at adult athletic events and the results thereof on order to allow the Board to assess the impact to the parks from such alcohol consumption.~~]]

>>Section 2. Ordinance No. 08-72 is hereby amended to delete the requirement that the ordinance be repealed one (1) year from its effective date (the "Sunset Provision").<<

Section [[~~2~~]] >>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 [[~~3~~]] >>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 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~~]] >>5<<. 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.

PASSED AND ADOPTED:

Approved by County Attorney as to form and legal sufficiency. APW

Prepared by: MR
Monica Rizo