

MEMORANDUM

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Agenda Item No. 1(F)4

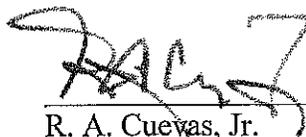
TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: September 12, 2012

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

SUBJECT: Ordinance amending Sections
8C-1, 8C-2 and 8CC-10 and
creating Section 8C-6 of the
Code; requiring the installation
of guardrails and other traffic
barriers for parking lots
adjacent to or abutting bodies
of water in unincorporated
Miami-Dade County

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Senator Javier D. Souto and Co-Sponsor Chairman Joe A. Martinez.



R. A. Cuevas, Jr.
County Attorney

RAC/jls



MEMORANDUM

(Revised)

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

DATE: July 3, 2012

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

SUBJECT: Agenda Item No. 4(B)

Please note any items checked.

- "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
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor

Agenda Item No. 4(B)

Veto _____

7-3-12

Override _____

ORDINANCE NO. _____

ORDINANCE AMENDING SECTIONS 8C-1, 8C-2 AND 8CC-10 AND CREATING SECTION 8C-6 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; REQUIRING THE INSTALLATION OF GUARDRAILS AND OTHER TRAFFIC BARRIERS FOR PARKING LOTS ADJACENT TO OR ABUTTING BODIES OF WATER IN UNINCORPORATED MIAMI-DADE COUNTY; PROVIDING RETROACTIVITY AND PENALTIES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

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

Section 1. Section 8C-1 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 8C-1. Provisions for parking lots illumination, air conditioning condenser unit security, ~~[[and]] public swimming pools, spas and hot tub barriers~~ >>and installation of guardrails and other traffic barriers for parking lots<< to be set forth in this chapter and the Florida Building Code.

This chapter prescribes requirements for illumination for open parking lots, alleys and access thereto and parking under or within buildings for all buildings and structures, air conditioning condenser unit security and barriers for new construction of public swimming pools, spas and hot tubs >>and installation of guardrails and other traffic barriers for parking lots abutting bodies of water<<.

Section 2. Section 8C-2 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 8C-2. Application, enforcement, and exemptions.

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.

The provisions of this chapter >>except where otherwise provided<< shall apply to the incorporated and unincorporated areas of Miami-Dade County.

* * *

Section 3. Section 8C-6 of the Code of Miami-Dade County, Florida, is hereby created to read as follows:

SECTION 8C-6

Sec. 8C-6. Guardrails for parking lots adjacent to or abutting bodies of water.

- (a) On all parking lots adjacent to or abutting a canal, a lake or other body of water, a guardrail or other form of traffic barrier shall be installed to protect any vehicle from entering the canal, lake, or other body of water.
- (b) This section applies to new construction and to all existing parking lots adjacent to or abutting bodies of water. All existing parking lots, as of the adoption of this ordinance, that are not in compliance with this section, shall have a period of eighteen months from the adoption of this ordinance in which to comply.
- (c) The provisions of this section shall only apply to the unincorporated areas of Miami-Dade.

Section 4. Section 8CC-10 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

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

The following table shows the sections of this Code, as they may be amended from time to time, which may be enforced pursuant to the provisions of this chapter; and the dollar amount of civil penalty for the violation of these sections as they may be amended.

* * *

<u>Code Section</u>	<u>Description of Violation</u>	<u>Civil Penalty</u>
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* * *

>>8C-6 Failure to provide guardrails \$500.00<<
for parking lots adjacent to
water bodies

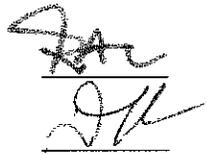
Section 5. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 6. 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 a 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 7. 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:

Debra Herman

Prime Sponsor: Senator Javier D. Souto