

MEMORANDUM

Agenda Item No. 7(D)

TO: Honorable Vice Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

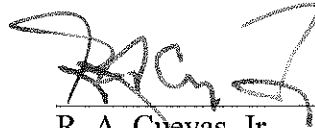
DATE: December 18, 2012

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

SUBJECT: Ordinance amending
Chapter 21 of the Code creating
Article XVIII, Section 21-286
prohibiting overnight camping
on County property

This item was amended from the original version as stated on the County Mayor's memorandum.

The accompanying ordinance was prepared by Internal Services Department and placed on the agenda at the request of Prime Sponsor Lynda Bell.



R. A. Cuevas, Jr.
County Attorney


RAC/jls

Memorandum



Date: December 18, 2012

To: Honorable Vice Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor 

Subject: Ordinance Prohibiting Overnight Camping on County Property

The item was amended by the members of the Internal Management and Fiscal Responsibility Committee at their November 14, 2012 meeting to include that any person violating this section shall be offered an opportunity to go to a homeless shelter by a County official or law enforcement officer.

Recommendation

It is recommended that the Board of County Commissioners (Board) adopt the attached ordinance which establishes Article XVIII, Section 21-286 of the Code of Miami-Dade County (Code) to prohibit overnight camping on County property.

Scope

Approval of this Ordinance will apply to all County property throughout Miami-Dade County.

Fiscal Impact/Funding Source

There is no fiscal impact to the County with the approval of this ordinance.

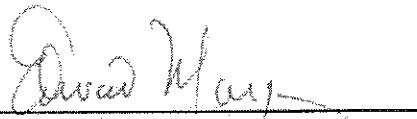
Track Record/Monitor

Not applicable as this item codifies the County's policy on prohibiting overnight camping and does not approve or authorize the contracting with any vendor or require any additional administrative oversight by County staff.

Background

This ordinance will prohibit overnight camping on County property, and specifically bans the use of County outdoor space for living accommodation purposes for sleeping activities (or making preparations to sleep) from the hours of sunset to sunrise. Any person found in violation of this law, will be warned to cease their activities. Further violation of this law is subject to arrest.

With approval of this ordinance, the County will help ensure the proper aesthetic maintenance and safety of our properties and facilities.


Edward Marquez
Deputy Mayor




MEMORANDUM

(Revised)

TO: Honorable Vice Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

DATE: December 18, 2012

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

SUBJECT: Agenda Item No. 7 (D)

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 Mayor'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
Veto _____
Override _____

Agenda Item No. 7(D)
12-18-12

ORDINANCE NO. _____

ORDINANCE AMENDING CHAPTER 21 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA CREATING ARTICLE XVIII, SECTION 21-286 PROHIBITING OVERNIGHT CAMPING ON COUNTY PROPERTY; PROVIDING FOR PENALTIES FOR VIOLATIONS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, this Board finds that it is in the interest of the County to maintain County property in an attractive and intact condition, readily available for the enjoyment of all of its visitors; and

WHEREAS, the County has an obligation to maintain its property clean, safe and publicly accessible in accordance with the requirements of law; and

WHEREAS, County property is an inappropriate setting for overnight camping activities for reasons that include, but are not limited to, the lack of adequate means for disposing of waste and access to utilities; and

WHEREAS, overnight camping in areas not equipped for such activities leads to the physical deterioration of such areas; and

WHEREAS, prohibiting overnight camping on County property would help keep County property in an attractive and intact condition by reducing wear and tear on these areas; and

WHEREAS, prohibiting overnight camping on County property would also help keep these areas accessible to visitors,

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

Section 1. Article XVIII, Section 21-286 of the Code of Miami-Dade County, Florida is hereby created within Chapter 21, Offenses and Miscellaneous Provisions, to read as follows.

ARTICLE XVIII. PROHIBITION ON OVERNIGHT CAMPING

Sec. 21-286 Prohibition on Overnight Camping

- (1) Except as otherwise provided for in this Code, there shall be no overnight camping on County property. Overnight camping is defined as the use of outdoor space for living accommodation purposes, including but not limited to, setting up any tents, shacks, or shelters for sleeping activities or making preparations to sleep (including the laying down of bedding for the purpose of sleeping), from the hours of sunset to sunrise. The provisions of this chapter shall apply to the incorporated and unincorporated areas of Miami-Dade County.
- (2) Any person violating this section shall, upon being warned by a County official or a law enforcement officer, cease the prohibited activity. If the person continues the prohibited activity after such warning, the official or law enforcement officer may direct the individual to leave the premises. Any individual who does not leave as directed is subject to arrest for trespassing pursuant to Chapter 810.09 Florida Statutes.

>>(3) Any homeless person violating this section shall be offered an opportunity to go to a homeless shelter by a County official or law enforcement officer.<<¹

Section 2. If any section, subsection, sentence, or clause 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 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 re-lettered to accomplish such intention, and the word "ordinance" may be

¹ Committee amendments are indicated as follows: words stricken and/or [[double bracketed]] shall be deleted, words underscored and/or >>double arrowed<< constitute the amendment proposed.

changed to "section," "article," or other appropriate word.

Section 4. 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:



Daniel Frastai