

**MEMORANDUM**

Agenda Item No. 7(D)

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**TO:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

**DATE:**

(Second Reading 2-5-13)  
December 18, 2012

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

**SUBJECT:**

Ordinance amending  
Ordinance 94-104 regarding  
parking regulations for  
persons transporting young  
children and strollers

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The accompanying ordinance was placed on the agenda at the request of Prime Sponsor Commissioner Sally A. Heyman and Co-Sponsor Vice Chair Lynda Bell.

  
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R. A. Cuevas, Jr.  
County Attorney

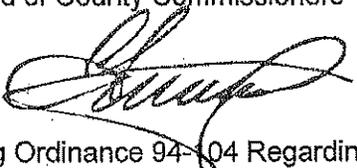
RAC/cp

# Memorandum



**Date:** February 5, 2013

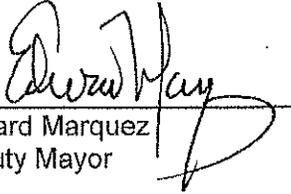
**To:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

**From:** Carlos A. Gimenez  
Mayor 

**Subject:** Ordinance Amending Ordinance 94-04 Regarding Parking Regulations for Persons  
Transporting Young Children and Strollers

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Currently, the County Code requires that one-third (1/3) of revenues generated by parking permit fees be distributed to private non-for-profit non-denominational agencies providing services for severely abused or neglected children. The proposed ordinance will require that the one-third (1/3) of parking permit fee funds distributed to such organizations be to organizations that perform countywide services and have a countywide purpose. Implementation of this ordinance will not have a fiscal impact to the County.

A handwritten signature in cursive script, appearing to read "Edward Marquez".

Edward Marquez  
Deputy Mayor

Fls3113



# MEMORANDUM

(Revised)

**TO:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

**DATE:** February 5, 2013

**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)  
2-5-13

ORDINANCE NO. \_\_\_\_\_

ORDINANCE AMENDING ORDINANCE 94-104 REGARDING PARKING REGULATIONS FOR PERSONS TRANSPORTING YOUNG CHILDREN AND STROLLERS TO INDICATE THAT PERMIT-FEE FUNDS THAT ARE DISTRIBUTED TO ORGANIZATIONS MUST BE DISTRIBUTED TO ORGANIZATIONS THAT PERFORM COUNTYWIDE SERVICES AND HAVE A COUNTYWIDE PURPOSE; PROVIDING SEVERABILITY, EXCLUSION FROM THE CODE, AND AN EFFECTIVE DATE

**WHEREAS**, on June 7, 1994, this Board approved Ordinance 94-104 (“Ordinance”), attached hereto as Exhibit “A”, which established requirements regarding the designation of parking spaces for persons transporting young children and strollers, for the issuance of parking permits for the use of such parking spaces and for penalties for misuse of those specially marked parking spaces; and

**WHEREAS**, Section 3 of the Ordinance also directed the County Manager to develop an administrative order for producing and issuing parking permits for persons transporting young children and strollers and for a fee for such permit, one-third (1/3) of which was to be distributed to “private non-for-profit non-denominational agencies providing services for severely abused or neglected children” (“Service Agencies”); and

**WHEREAS**, because these fees are collected from residents throughout Miami-Dade County, then it is in the best interest of the County, and it follows, that the one-third of fees that are distributed to Service Agencies should be distributed only to Service Agencies that perform countywide services and have a countywide purpose,

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

**Section 1.** Section 3 of Ordinance 94-104, is hereby amended to read as follows:<sup>1</sup>

Section 3. ~~[[Within ninety (90) days after the effective date of this ordinance, the County Manager shall develop an administrative]]~~ >>There shall be an Implementing<< order providing standards for producing and issuing parking permits for persons transporting young children and strollers. The ~~[[administrative]]~~ >>Implementing<< order shall also provide a fee for such permit, one-third (1/3) of which shall be distributed to private not-for-profit non-denominational agencies providing services for severely abused or neglected children >>on a countywide basis, throughout all of Miami-Dade County, thus evincing a countywide purpose<<. The ~~[[administrative]]~~ >>Implementing<< order shall provide procedures for application and distribution of such funds. The ~~[[administrative]]~~ >>Implementing<< order shall become effective upon approval by the Board of County Commissioners.

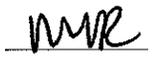
**Section 2.** If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

**Section 3.** It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance shall not become nor made part of the Code of Miami-Dade County, Florida.

**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:

Monica Rizo 

Prime Sponsor: Commissioner Sally A. Heyman  
Co-Sponsor: Vice Chair Lynda Bell

<sup>1</sup> 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.

OFFICIAL FILE COPY  
BOOK OF THE BOARD  
OF COUNTY COMMISSIONERS  
DADE COUNTY, FLORIDA  
107 07 1994

MEMORANDUM

Amended  
Substitute  
Agenda Item No. 7(E)

TO: Hon. Chairperson and Members  
Board of County Commissioners

DATE: June 7, 1994

FROM: Robert A. Ginsburg  
County Attorney

SUBJECT: Substitute Ordinance  
pertaining to parking  
regulations for  
persons transporting  
young children and  
and strollers

O#94-104

The attached proposed ordinance was prepared and placed on the agenda at the request of Commissioner Natacha S. Millan.

In summary, the substitute ordinance exempts parking lots of 100 spaces or less, reduces the number of parking spaces set aside for vehicles carrying young children with strollers and deletes the requirement for a handicap-size parking space. Additionally, the substitute ordinance provides for distribution of one-third of the permit fees collected to private, not-for-profit nondenominational agencies providing services to severely abused or neglected children.

  
Robert A. Ginsburg  
County Attorney

RAG/fp  
Attachment

Amended  
Substitute  
Agenda Item No. 7E  
6-7-94

ORDINANCE NO. 94-104

ORDINANCE PERTAINING TO PARKING REGULATIONS FOR PERSONS TRANSPORTING YOUNG CHILDREN AND STROLLERS; PROVIDING PARKING STALL LOCATION, SIGNAGE AND MARKINGS; PROVIDING ENFORCEMENT AND PENALTIES; REQUIRING EXISTING PARKING FACILITIES TO COMPLY WITH THIS ORDINANCE; AMENDING SECTION 33-122 AND CREATING SECTIONS 30-449, 30-450 AND 33-122.2 OF THE CODE OF METROPOLITAN DADE COUNTY; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

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

Section 1. Section 33-122.2 of the Code of Metropolitan Dade County, Florida is hereby created as follows:

Sec. 33-122.2. Parking spaces for persons transporting young children and strollers.

For all uses other than single family, duplex, townhouse or multifamily, parking spaces specifically designated for persons transporting young children, hereby defined as ages two (2) years or less, and strollers shall be provided as follows:

(a) *Quantity of specially designated parking spaces:*

<i>Total Parking Spaces in Lot</i>	<i>Required Number of Spaces</i>
Up to 100	0
101 to 500	2
501 to 1000	3
Over 1000	one (1) additional space for each 500 parking spaces over 1000

<sup>1/</sup> Words stricken through shall be deleted. Underscored words constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

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 Substitute  
 Agenda Item No. 7E  
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- (b) *Location of parking spaces.* Such spaces shall be located as closely as possible to parking spaces designated for the physically handicapped and/or disabled persons; provided however, parking spaces designated for the physically handicapped and/or disabled persons shall take precedence. Where no parking spaces designated for the physically handicapped and/or disabled persons have been provided, parking spaces for persons transporting young children and strollers shall be located on the shortest accessible route of travel from adjacent parking to an accessible entrance.
- (c) *Signage and markings.* All parking spaces for persons transporting young children and strollers shall be prominently outlined with green paint and posted with an approved permanent above-ground sign which shall conform to the figure entitled "Baby Stroller Parking Sign" hereby incorporated in this section. The bottom of the sign must be at least five (5) feet above grade when attached to a building, or seven (7) feet above grade for a detached sign.

All property owners who are required by this section to provide parking spaces for persons transporting young children and strollers shall provide such parking spaces within two (2) years from the effective date of this ordinance. In no event shall the number of parking spaces for the physically handicapped and/or disabled be reduced below the quantity required by the South Florida Building Code.

Section 2. Chapter 30 of the Code of Metropolitan Dade County, Florida is hereby amended to create Article IIA, Sections 30-449 and 30-450 as follows:

**ARTICLE IIA. PARKING SPACES FOR PERSONS  
 TRANSPORTING YOUNG CHILDREN AND STROLLERS**

Sec. 30-449. Parking spaces for persons transporting young children and strollers.

For all uses other than single family, duplex, townhouse or multifamily, parking spaces specifically designated for persons transporting

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young children, hereby defined as children ages two (2) years or less, and strollers shall be provided as follows:

(a) *Quantity of specially designated parking spaces:*

<i>Total Parking Spaces in Lot</i>	<i>Required Number of Spaces</i>
Up to 100	0
101 to 500	2
501 to 1000	3
Over 1000	One (1) additional space for each 500 parking spaces over 1000

(b) *Location of parking spaces.* Such spaces shall be located as closely as possible to parking spaces designated for the physically handicapped and/or disabled persons; provided however, parking spaces designated for the physically handicapped and/or disabled persons shall take precedence. Where no parking spaces designated for the physically handicapped and/or disabled persons have been provided, parking spaces for persons transporting young children and strollers shall be located on the shortest accessible route of travel from adjacent parking to an accessible entrance.

(c) *Signage and markings.* All parking spaces reserved for persons transporting young children and strollers shall be prominently outlined with green paint and posted with an approved permanent above-ground sign which shall conform to the figure entitled "Baby Stroller Parking Sign" hereby incorporated in this section. The bottom of the sign must be at least five (5) feet above grade when attached to a building, or seven (7) feet above grade for a detached sign.

(d) *Parking permit required.* Such parking spaces shall only be utilized by parking permit holders as specified in Section 30-450 of this code and only when the permit holder is transporting a young child and a stroller; provided, however, physically handicapped and/or disabled persons displaying a valid handicapped parking permit shall be

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permitted to utilize parking spaces designated for persons transporting young children and strollers.

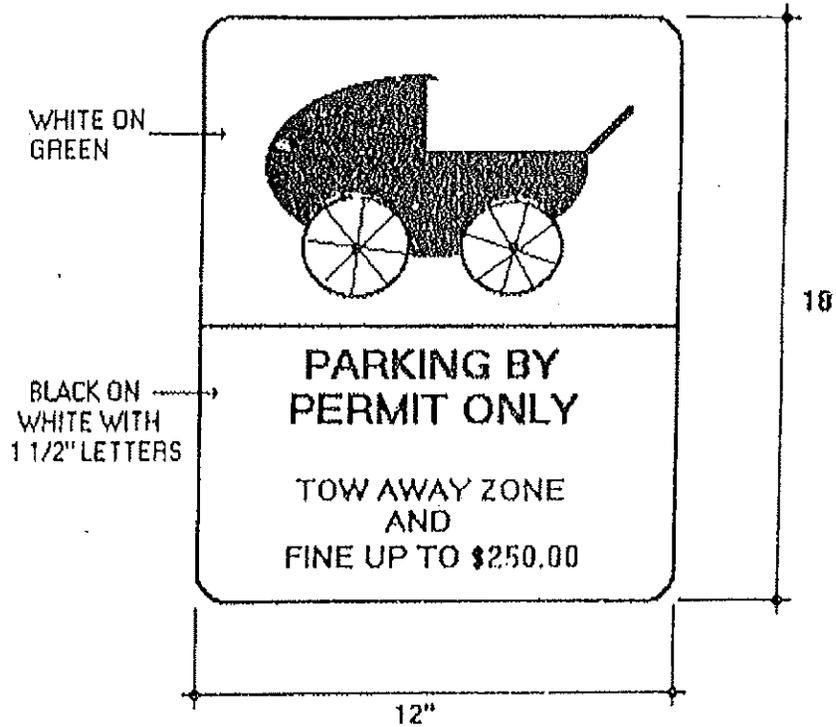
Section 30-450. Penalty for misuse of specially marked parking spaces.

It is unlawful for any person to stop, stand, or park a vehicle within any parking space designated for persons transporting young children and strollers, unless such vehicle displays a parking permit decal issued pursuant to Administrative Order, and such vehicle is transporting a child aged two (2) years or less; provided, however, physically handicapped and/or disabled persons displaying a valid handicapped parking permit shall be permitted to utilize parking spaces designated for persons transporting young children and strollers. Whenever a law enforcement officer or a parking enforcement specialist finds a vehicle in violation of this section, that officer or enforcement specialist shall:

- (1) Have the vehicle in violation removed to any lawful parking space or facility or require the operator or other person in charge of the vehicle immediately to remove the unauthorized vehicle from the parking space. Whenever any vehicle is removed by a law enforcement officer, parking enforcement specialist, or agency to a storage lot, garage, or other safe parking space, the cost of such removal and parking shall be a lien against the vehicle, or
- (2) Charge the motor vehicle owner in violation with a noncriminal traffic infraction.
  - (a) Whenever evidence shall be presented in any court of the fact that any automobile, truck, or other vehicle was found to be parked in a specially designated parking space in violation of this section, it shall be prima facie evidence that the vehicle was parked and left in the space by the person, firm, or corporation in whose name the vehicle is registered and licensed according to the records of the Division of Motor Vehicles.

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### BABY STROLLER PARKING SIGN



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- (b) Violators of this article shall be punished by a mandatory fine of one hundred fifty dollars (\$150.00). A motor vehicle owner who is guilty of repeat violations of this article may be punished by a fine not to exceed two hundred fifty dollars (\$250.00).

Section 3. Within ninety (90) days after the effective date of this ordinance, the County Manager shall develop an administrative order providing standards for producing and issuing parking permits for persons transporting young children and strollers. The administrative order shall also provide a fee for such permit, one-third (1/3) of which shall be distributed to private not-for-profit non-denominational agencies providing services for severely abused or neglected children. The administrative order shall provide procedures for application and distribution of such funds. The administrative order shall become effective upon approval by the Board of County Commissioners.

Section 4. 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 5. It is the intention of the Board of County Commissioners, and is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Metropolitan Dade County, Florida. The sections of this

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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 6. This ordinance shall become effective ten (10) days from the date of its adoption.

PASSED AND ADOPTED: JUN 07 1994

Approved by County Attorney as  
to form and legal sufficiency.

Prepared by

RAG  
CAK

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Substitute  
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PASSED AND ADOPTED: JUN 07 1994

Approved by County Attorney as  
to form and legal sufficiency.

Prepared by

RAG  
CAC