

MEMORANDUM

Agenda Item No.11(A)(2)

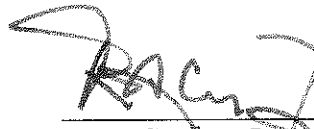
TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: February 5, 2013

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

SUBJECT: Resolution amending
Implementing Order 4-100,
Policies and Procedures,
Departmental Responsibilities
and Fees and Fines for Parking
Spaces for Persons Transporting
Young Children and Strollers, to
indicate that funds distributed
must be to organizations that
perform Countywide services
and have a Countywide purpose

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Sally A. Heyman.



R. A. Cuevas, Jr.
County Attorney

RAC/lmp



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. 11(A)(2)

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. 11(A)(2)

2-5-13

RESOLUTION NO. _____

RESOLUTION AMENDING IMPLEMENTING ORDER 4-100, POLICIES AND PROCEDURES, DEPARTMENTAL RESPONSIBILITIES AND FEES AND FINES FOR PARKING SPACES FOR PERSONS TRANSPORTING YOUNG CHILDREN AND STROLLERS, TO INDICATE THAT FUNDS DISTRIBUTED MUST BE TO ORGANIZATIONS THAT PERFORM COUNTYWIDE SERVICES AND HAVE A COUNTYWIDE PURPOSE

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;” and

WHEREAS, consistent with the requirements of Ordinance 94-104, the County Manager prepared, and this Board approved, Administrative Order 4-100 (“AO 4-100”) setting forth policies, procedures, departmental responsibilities, and fees and fine for parking spaces for persons transporting young children and strollers; and

WHEREAS, AO 4-100 was thereafter superceded by Implementing Order 4-100 (“IO 4-100”), which included essentially the same provisions as AO 4-100; and

WHEREAS, consistent with the Ordinance, IO 4-100 provides that one-third of the baby stroller permit fees collected will be distributed to private, not-for-profit, nondenominational agencies that provide 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 collected that are distributed to Service Agencies should only be distributed to Service Agencies that perform countywide services and have a countywide purpose; and

WHEREAS, this Board desires to amend IO 4-100, as set forth in Exhibit “B”, to indicate one-third of permit fees shall be distributed to Service Agencies that perform countywide services and have a countywide purpose, as well as to provide for other technical amendments,

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA this Board hereby amends Implementing Order 4-100, Policies and Procedures, Departmental Responsibilities and Fees and Fines for Parking Spaces for Persons Transporting Young Children and Stroller, in substantially the form attached hereto as Exhibit “B” and made a part hereof, to indicate that the one-third of fees collected that are distributed to Service Agencies should only be distributed to Service Agencies that perform countywide services and have a countywide purpose and to provide for other technical amendments.

The Prime Sponsor of the foregoing resolution is Commissioner Sally A. Heyman. It was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Rebeca Sosa, Chairwoman
Lynda Bell, Vice Chair

Bruno A. Barreiro
Jose "Pepe" Diaz
Sally A. Heyman
Jean Monestime
Sen. Javier D. Souto
Juan C. Zapata

Esteban L. Bovo, Jr.
Audrey M. Edmonson
Barbara J. Jordan
Dennis C. Moss
Xavier L. Suarez

The Chairperson thereupon declared the resolution duly passed and adopted this 5th day of February, 2013. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

MR

Monica Rizo

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



MEMORANDUM

Amended
Substitute
Agenda Item No. 7(E)

TO: Hon. Chairperson and Members
Board of County Commissioners

DATE: June 7, 1994

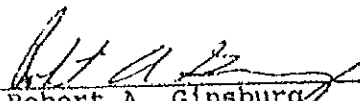
FROM: Robert A. Ginsburg
County Attorney

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

0194-104

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 |

^{1/} 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.

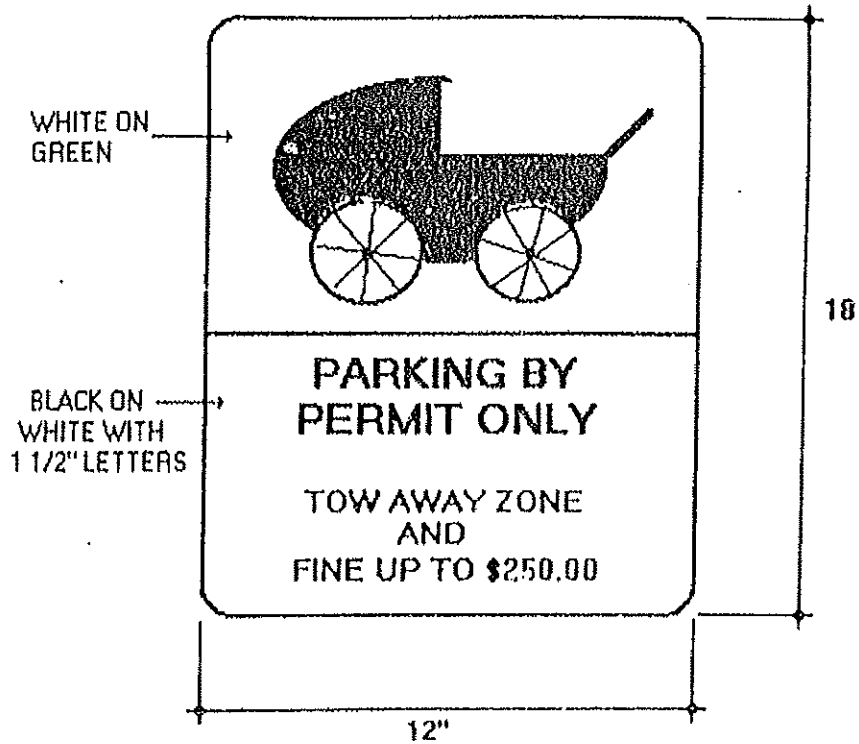
Section 30-450. Penalty for misuse of specially marked parking spaces.

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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Substitute
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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

Amended
Substitute
Agenda Item No. 7E
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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: JUNE 07 1994

Approved by County Attorney as
to form and legal sufficiency.

Prepared by

RAG
CAK

Amended
Substitute
Agenda Item No. 7E
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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
CAC

EXHIBIT "B"

Implementing Order

Implementing Order No.: 4-100

Title: Policies and Procedures, Departmental Responsibilities and Fees and Fines for Parking Spaces for Persons Transporting Young Children and Strollers

Ordered: 10/23/2012

Effective: 11/2/2012

AUTHORITY:

Section 4.02 of the Miami-Dade County Home Rule Amendment and Charter, and Sections 30-449 and 33-122.2 of the Code of Miami-Dade County, Florida.

SUPERSEDES:

This Implementing Order (IO) supersedes Administrative Order 4-100, ordered September 20, 2000 and effective October 1, 2000.

SCOPE:

This IO establishes the requirements and procedures governing the issuance and enforcement of Parking Spaces for Persons Transporting Young Children and Strollers (Baby Stroller Permit). This IO identifies departmental responsibilities, fees, and fines for effecting the provisions of Section 30-449 and 33-122.2, of the Code of Miami-Dade County, Florida.

PROCEDURE:

a. The Department ~~of~~¹ with Planning and Zoning functions is the authority for:

1. Overall administration of the Code
2. Determining fines for failure to provide appropriately marked parking spaces for baby stroller permit holders and for unauthorized use of the reserved spaces.

b. The Department of Community ~~Government~~ Information and Outreach ~~Center (GIC)~~ is the authorized agency for:

1. Selling baby stroller permits and baby stroller permit gift certificates
2. Preparing departmental procedures for issuing baby stroller permits, baby stroller permit gift certificates and accounting for revenues jointly with the Tax Collector

¹ Words stricken through and/or ~~double bracketed~~ shall be deleted. Words underscored and/or ~~double arrowed~~ constitute the amendment proposed.

3. Establishing cooperative relationships and with third party organizations to provide for the sale of Baby Stroller Permits at their location(s). Developing business processes for effecting participation of third party organizations.

c. >>The Department of Regulatory and Economic Resources<< [~~Office of Neighborhood Compliance~~] is the authorized agency for:

1. Enforcing zoning compliance

d. The Tax Collector is an authorized agency for:

1. Selling baby stroller permits and baby stroller permit gift certificates, at their offices.
2. Preparing departmental procedures for issuing baby stroller permits and accounting for revenues jointly with the [~~Government Information Center~~] >>Department of Community Information and Outreach<<

e. The Finance Department shall establish the financial and auditing system, and monitor revenues to ensure they are disseminated to the entities described by Ordinance 94-104 >>, as amended<<.

1. One-third of the baby stroller permit fees collected will be distributed to private, not-for-profit, nondenominational agencies that provide services for severely abused or neglected children >>on a countywide basis, throughout all of Miami-Dade County, thus evincing a countywide purpose<<. The remaining baby stroller permit fee revenues and service fees shall be designated to the General Fund for the issuing departments.
2. Fines resulting from failure of commercial establishments to provide required parking spaces for persons transporting young children and baby strollers will be designated to the General Fund for disbursement to the >> Department of Regulatory and Economic Resources<< [~~Office of Neighborhood Compliance~~] which conducts the enforcement function. Fines from citations for unauthorized use for these parking spaces will be designated for the enforcing agency, County Clerk or the >>Department of Regulatory and Economic Resources<< [~~Office of Neighborhood Compliance~~].

FEE SCHEDULE:

| | |
|--|------------------|
| Baby Stroller Permit fee or gift certificate (Birth to 36 Months) | \$15.00 Flat Fee |
| Replacement baby stroller permits (no more than one within a 12-month period) | \$ 1.00 |
| Service fee (for each baby stroller permit or gift certificate purchased) | \$ 2.00 |

FINES:

Failure of a commercial establishment to provide baby stroller parking spaces \$200.00

Violators who are not authorized to use a parking space reserved for transporters of young children and stroller permit holders will be subject to the maximum fine for non-moving violations pursuant to Chapter 318, Florida Statutes.