

MEMORANDUM

Agenda Item No. 7(A)

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

DATE: (Second Reading 3-18-14)
November 5, 2013

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

SUBJECT: Ordinance relating to commercial
vehicle identification; amending
Section 8A-276 of the Code to
eliminate requirement that
commercial vehicle markings
include the address of the owner

The accompanying ordinance was prepared and placed on the agenda at the request of Co-Prime Sponsors Commissioner Esteban L. Bovo, Jr. and Commissioner Sally A. Heyman.



R. A. Cuevas, Jr.
County Attorney

RAC/Imp

Memorandum



Date: March 18, 2014

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

From: Carlos A. Gimenez
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez". The signature is written in a cursive, flowing style.

Subject: Ordinance relating to commercial vehicle identification; amending Section 8a-276 of the Code

The proposed ordinance amends Section 8a-276 of the Code, to eliminate the requirement that commercial vehicle markings include the address of the owner, to eliminate the need for permanent marking and occupational license numbers, and to eliminate the penalty of imprisonment for violations of the ordinance.

Implementation of this ordinance will not have a fiscal impact to the County.

A handwritten signature in black ink, appearing to read "Genaro 'Chip' Iglesias". The signature is written in a cursive, flowing style.

Genaro "Chip" Iglesias
Deputy Mayor

Fis1214



MEMORANDUM

(Revised)

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

DATE: March 18, 2014

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

SUBJECT: Agenda Item No. 7(A)

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(A)
3-18-14

ORDINANCE NO. _____

ORDINANCE RELATING TO COMMERCIAL VEHICLE IDENTIFICATION; AMENDING SECTION 8A-276 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, TO ELIMINATE REQUIREMENT THAT COMMERCIAL VEHICLE MARKINGS INCLUDE THE ADDRESS OF THE OWNER, TO ELIMINATE NEED FOR PERMANENT MARKING AND OCCUPATIONAL LICENSE NUMBERS, AND CHANGING 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:

Section 1. Section 8A-276 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 8A-276. Requirements.

(a) *Definitions.* When used herein:

- (1) The words "commercial vehicle" shall mean any vehicle whether ~~[[horse-drawn;]]~~ motor-driven or towed, and used, constructed, or equipped for the transportation of goods, wares, merchandise, tools, or equipment in trade, commerce, or industry. The following vehicles shall be excluded from the effect of this article: Passenger automobiles including station wagons, vehicles constructed for recreational purposes or other noncommercial purposes, vehicles used by governmental agencies for official business,

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.

and other vehicles which are or may be required to be similarly identified by State or federal law.

(b) *Vehicles, markings of.* Every commercial vehicle operated on the streets of the County shall at all times display, ~~[[permanently affixed and]]~~ plainly marked ~~[[on both sides]]~~ in letters and numerals not less than three (3) inches in height, the name~~[[, address]]~~ and telephone number of the owner ~~>>or business<<~~ thereof. ~~[[The numbers of all occupational and business licenses issued to the owner thereof shall be similarly displayed along with and in addition to the other information required by this paragraph.]]~~ >>Any contractor required to be licensed by the State or Miami-Dade County shall also comply with Section 10-4(b) of this code.<< If a vehicle is rented, the information required by this paragraph but applicable to the lessee or user, not the owner, must be affixed to the vehicle ~~[[and may be affixed to signs made of paperboard and attached by means of tape at the time such vehicle is delivered to the user or lessee]].~~

(c) *Violations.* Any person convicted of:

(1) A violation of this section shall be punished by:

~~[[a. Not more than thirty (30) days imprisonment;]]~~

>>a<<[[b]]. A fine of not more than two hundred fifty dollars (\$250.00);

~~[[e. Both such fine and imprisonment in the discretion of the court having jurisdiction over the cause;]]~~

>>b<<[[d]]. Fines in accordance with Chapter 8CC of the Code of Miami-Dade County; or

>>c<<[[e]]. Completion of the Miami-Dade County Diversion Program, pursuant to Implementing Order of the Board of County Commissioners.

- (2) A second violation of this section shall be punished by:

~~[[a. Not more than thirty (30) days imprisonment;]]~~

>>a<<[[b]]. A fine of not more than five hundred dollars (\$500.00);

~~[[e. Both such fine and imprisonment in the discretion of the court having jurisdiction over the cause;]]~~

>>b<<[[d]]. Fines in accordance with Chapter 8CC of the Code of Miami-Dade County; or

>>c<<[[e]]. Completion of the Miami-Dade County Diversion Program, pursuant to Implementing Order of the Board of County Commissioners.

- (3) Any subsequent violations of this section shall be punished by:

~~[[a. Not more than thirty (30) days imprisonment;]]~~

>>a<<[[b]]. A fine of not more than one thousand dollars (\$1,000.00);

~~[[e. Both such fine and imprisonment in the discretion of the court having jurisdiction over the cause;]]~~

>>b<<[[d]]. Fines in accordance with Chapter 8CC of the Code of Miami-Dade County; or

>>c<<[[e]]. Completion of the Miami-Dade County Diversion Program, pursuant to Implementing Order of the Board of County Commissioners.

- (d) *Applicability.* This article shall be applicable in all the unincorporated and incorporated areas of Miami-Dade County, Florida.

* * *

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, 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 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:



Thomas Robertson

Co-Prime Sponsors:

Commissioner Esteban L. Bovo, Jr.
Commissioner Sally A. Heyman