

# MEMORANDUM

Agenda Item No. 7(L)

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

**DATE:** (Second Reading 7-1-14)  
May 20, 2014

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

**SUBJECT:** Ordinance amending Section  
26-1 of the Code to provide that  
non-fenced and non-gated parks  
need not be well-lit in order to  
remain open until 11:00 p.m.

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The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Senator Javier D. Souto.



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R. A. Cuevas, Jr.  
County Attorney

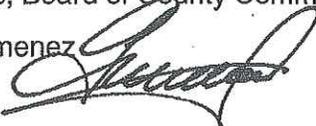
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# Memorandum



**Date:** July 1, 2014

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

**From:** Carlos A. Gimenez  
Mayor 

**Subject:** Ordinance Amending Section 26-1 of the Code of Miami-Dade County to provide that non-fenced and non-gated parks need not be well-lit in order to remain open until 11:00 p.m.

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Public spaces having adequate lighting is a minimum for extending hours of operation of parks. The proposed ordinance amends Section 26-1, Rule 13(a) of the Code, deleting the text "except in well-lit" areas designated for use until 11:00 p.m., allowing access at the discretion of the Department Director and upon consultation with the neighboring community or the Commissioner of the affected district and the applicable police department. There are no conditions that the Miami-Dade Parks, Recreation and Open Spaces Department (PROS) foresees where an unlit facility would or should be allowed to be open for public access after sunset.

PROS currently does not have budgeted funds to light new areas or assume the maintenance and security impacts that will occur with additional public access and usage if hours are extended to 11 p.m throughout the system. A cost estimate (done in 2011) to light currently unlit walkways is \$25.5 million.

  
Michael Spring  
Senior Advisor

Fis7714



**MEMORANDUM**  
(Revised)

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

**DATE:** July 1, 2014

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

**SUBJECT:** Agenda Item No. 7(L)

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

Agenda Item No. 7(L)

Veto \_\_\_\_\_

7-1-14

Override \_\_\_\_\_

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

ORDINANCE AMENDING SECTION 26-1 OF THE CODE OF MIAMI-DADE COUNTY TO PROVIDE THAT NON-FENCED AND NON-GATED PARKS NEED NOT BE WELL-LIT IN ORDER TO REMAIN OPEN UNTIL 11:00 P.M.; 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 26-1 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:<sup>1</sup>

**Sec. 26-1. Rules and regulations adopted.**

Any person violating any of the rules and regulations provided in this section shall be punished by:

- (1) A fine not to exceed five hundred dollars (\$500.00);
- (2) Imprisonment in the county jail for a period not to exceed sixty (60) days;
- (3) Both such fine and imprisonment in the discretion of the court having jurisdiction over the cause;
- (4) Fines in accordance with Chapter 8CC of the Code of Miami-Dade County; or
- (5) Completion of the Miami-Dade County Diversion Program, pursuant to Implementing Order of the Board of County Commissioners.

\* \* \*

*Rule 13. Closing of parks*

<sup>1</sup>Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed.

(a) No person shall be or remain in any part of any park that is fenced in or provided with gates between the closing of the gates at night and their reopening on the following day; nor shall any person be or remain in any park not fenced in or provided with gates, between sunset and sunrise or as specifically posted, except>>:

(1) In<< ~~[[in]]~~ areas designated as twenty-four-hour boat launching areas >>:

(2) In<< ~~[[, except in well-lit]]~~ areas designated for use until 11:00 p.m. when in the discretion of the Department Director and upon consultation with the neighboring community or the Commissioner of the affected district and the applicable police department>>; and

(3) That<< ~~[[, and except that]]~~ persons and vehicles may pass through such parks without stopping, on the most direct walk or driveway leading from their point of entrance to the exit nearest to their point of destination.

The provisions of this section shall not apply to police officers or department employees while in the discharge of their duties nor to persons having a permit in writing issued by the department to be or remain in any part of the parks between such hours. The Department Director has the authority to establish exceptions to the closing hours as set forth above when it is in the interest of the public health, safety or welfare and such exceptions shall be posted.

**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 re-lettered 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:



Monica Rizo



Prime Sponsor: Senator Javier D. Souto

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