MEMORANDUM

Agenda Item No. 7(G)

(Second Reading 11-1-16)

TO: Honorable Chairman Jean Monestime and Members, Board of County Commissioners

DATE: June 21, 2016

FROM: Abigail Price-Williams County Attorney

SUBJECT: Ordinance related to airports; amending section 21-51 of the Code; prohibiting the aiming of a laser pointer at certain airport facilities including air traffic control towers; amending 8CC-10

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Rebeca Sosa and Co-Sponsor Vice Chairman Esteban L. Bovo, Commissioner Jose "Pepe" Diaz and Commissioner Audrey M. Edmonson.

Abigail Price-Williams
County Attorney

APW/cp

Memorandum

MIAMI-DADE COUNTY

Date: November 1, 2016

To: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

Subject: Fiscal Impact Statement for Ordinance Related to Airports, Prohibiting the Aiming of a Laser Pointer

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The proposed ordinance related to airports amends Section 21-51 of the Code of Miami-Dade County prohibiting the aiming of laser pointer at certain airport facilities including air traffic control towers, and amending section 8CC-10 of code providing for penalties. The proposed ordinance will provide for the ability to impose a fine on persons who violate the provisions of this section. Implementation of this amendment creates a new civil penalty which may have a positive fiscal impact to the County but is difficult to determine at this time.

Jack Osterholt
Deputy Mayor

Fls08216 161415

Memorandum

MIAMI-DADE COUNTY

Date: November 1, 2016

To: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

Subject: Social Equity Statement for Legistar Item No. 161415, Ordinance Amending Section 21-51 of the Code of Miami-Dade County, Florida, Prohibiting the Aiming of a Laser Pointer at Certain Airport Facilities Including Aircraft Control Towers

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The proposed ordinance will enhance the safety of the public by prohibiting the use of laser pointers aimed at Airport facilities including Aircraft Control Towers.

If adopted by the Board of County Commissioners, this ordinance will impact citizens who own laser pointers in that it limits the areas in which they can operate. This ordinance will protect the public from any potential detrimental impacts upon Airport facilities, including Aircraft Control Towers, from laser pointers.

Jack Osterholt
Deputy Mayor

MEMORANDUM
(Revised)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: November 1, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 7(G)

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**

_____ **Statement of social equity 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(G)
11-1-16

ORDINANCE NO. _____

ORDINANCE RELATED TO AIRPORTS; AMENDING SECTION 21-51 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROHIBITING THE AIMING OF A LASER POINTER AT CERTAIN AIRPORT FACILITIES INCLUDING AIR TRAFFIC CONTROL TOWERS; AMENDING 8CC-10; PROVIDING PENALTIES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, on June 7, 2016, this Board adopted Ordinance No. 16-60, which created section 21-51 of the Code of Miami-Dade County to prohibit the aiming of laser pointers at aircraft or police manned vehicles; and

WHEREAS, there have been several reported incidents of individuals aiming or pointing a laser pointer at an air traffic control tower, jeopardizing the safety of air traffic controllers; and

WHEREAS, lasers distract air traffic controllers, can lead to temporary blindness and in some cases permanent retinal damage, and can impair the controller's ability to perform vital job functions,

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

Section 1. Section 21-51 of the Code of Miami-Dade County, Florida, is hereby amended as follows: [1]

Section 21-51 - Prohibition on Aiming a Laser Pointer at an Aircraft>>,<< [[~~or~~]] Manned Police Vehicle>>, or Air Traffic Control Tower<<.

1. Purpose.

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[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.

1. Purpose.

The purpose of this ordinance is to prevent laser-induced accidents and to enhance aviation and police officer safety, and shall be read broadly in light of that purpose.

2. Definitions.

(a) Aircraft means any contrivance intended for and capable of transporting persons through airspace.

(b) Laser pointer means any device designed or used to amplify electromagnetic radiation by stimulated emission that emits a beam that is designed to be used by the operator as a pointer or highlighter to indicate, mark, or identify a specific position, place, item, or object.

3. Prohibition on Aiming a Laser Pointer at an Aircraft.

It is unlawful for any person to knowingly aim, shine, point, or focus the beam of a laser pointer on an aircraft on the ground or in flight.

4. Prohibition on Aiming a Laser Pointer at a Manned Police Vehicle.

It is unlawful for any person to knowingly aim, shine, point, or focus the beam of a laser pointer at a police officer, or a motor vehicle, vessel, or aircraft operated by a police officer, when such police officer is acting within the scope of his or her official duties.

>>5. Prohibition on Aiming a Laser Pointer at an Air Traffic Control Tower.

It is unlawful for any person to knowingly aim, shine, point, or focus the beam of a laser pointer at or on an air traffic control tower, while occupied, in any airport in Miami-Dade County.<<

[[~~5~~]]>>6<<. Penalties.

Persons who violate the provisions of this section shall be subject to penalties, civil liability, attorney's fees and enforcement proceedings as set forth in Section 8CC of the Code of Miami-Dade County and to any other such enforcement proceedings as may be provided by law.

Section 2. Section 8CC-10 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 8CC-10. Schedule Of Civil Penalties.

* * *

Code Section	Description of Violation	Civil Penalty
	* * *	
21-51	Aiming a laser pointer at an aircraft>>,<<[[~~or~~]] manned police vehicle >>, or air traffic control tower <<	$1000.00

* * *

Section 3. 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 4. 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 5. 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: APW

Prepared by: JMM FOR CAL

Cynji A. Lee

Prime Sponsor: Commissioner Rebeca Sosa
Co-Sponsor: Vice Chairman Esteban L. Bovo, Jr.
Commissioner Jose "Pepe" Diaz
Commissioner Audrey M. Edmonson