

MEMORANDUM

Agenda Item No. 11(A)(7)

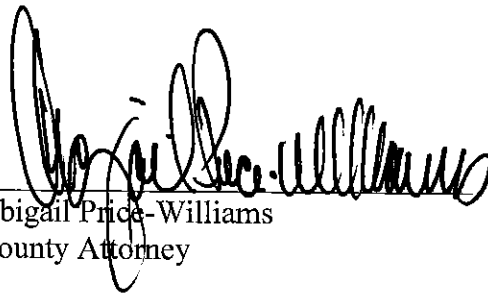
TO: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

DATE: July 10, 2018

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution directing the County Mayor to enforce the provisions of section 2-103.16(g) and (h) of the Code of Miami-Dade County, Florida, with respect to unattended bicycles left on County rights-of-way in violation of section 2-103.16(b) of the Code and to provide a report

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



Abigail Price-Williams
County Attorney

APW/smm

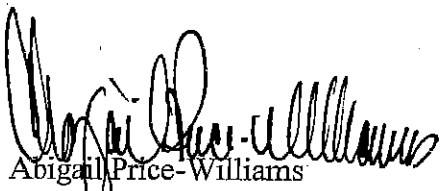


MEMORANDUM

(Revised)

TO: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

DATE: July 10, 2018

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County Attorney

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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. 11(A)(7)
7-10-18

RESOLUTION NO. _____

RESOLUTION DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO ENFORCE THE PROVISIONS OF SECTION 2-103.16(G) AND (H) OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, WITH RESPECT TO UNATTENDED BICYCLES LEFT ON COUNTY RIGHTS-OF-WAY IN VIOLATION OF SECTION 2-103.16(B) OF THE CODE AND TO PROVIDE A REPORT

WHEREAS, recently, there has been an influx of bicycles left unattended on County rights-of-ways, including sidewalks, throughout Miami-Dade County; and

WHEREAS, those unattended bicycles, which may include privately owned bicycles available for public rental, are obstructing County rights-of-way and may be presenting safety and access concerns; and

WHEREAS, section 2-103.16(b) of the Code of Miami-Dade County, Florida, (the "Code") prohibits any individual, corporation, or other legal entity from leaving a bicycle unattended on any County right-of-way in this manner; and

WHEREAS, the Code, provides for enforcement mechanisms for bicycles left unattended on County rights-of-way; and

WHEREAS, pursuant to section 2-103.16(g) of the Code, the director of the Department of Transportation and Public Works has the authority to order the removal of unattended bicycles left on County rights-of-way; and

WHEREAS, pursuant to section 2-103.16(h), the owner of a bicycle left unattended on a County right-of-way may also be subject to enforcement actions pursuant to Chapter 8CC of the Code, including a \$100.00 civil penalty; and

WHEREAS, it is in the best interest of the County to increase the enforcement of the provisions of section 2-103.16(g) and (h) in order to maintain all County rights-of-way clear of any obstructions and to promote the safety of the traveling public,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board directs the County Mayor or County Mayor's designee to enforce the provisions of section 2-103.16(g) and (h) of the Code of Miami-Dade County, Florida, (the "Code") with respect to any unattended bicycles left on County rights-of-way in violation of section 2-103.16(b) of the Code, including but not limited to ordering the removal of same, issuing appropriate civil penalties, or any other actions deemed appropriate to accomplish this goal. This Board further directs the County Mayor or County Mayor's designee to report within 60 days of the effective date of this resolution regarding the enforcement actions taken and shall place the completed report on an agenda of this Board pursuant to Ordinance No. 14-65.

The Prime Sponsor of the foregoing resolution is Commissioner Joe A. Martinez. 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:

Esteban L. Bovo, Jr., Chairman	
Audrey M. Edmonson, Vice Chairwoman	
Daniella Levine Cava	Jose "Pepe" Diaz
Sally A. Heyman	Eileen Higgins
Barbara J. Jordan	Joe A. Martinez
Jean Monestime	Dennis C. Moss
Rebeca Sosa	Sen. Javier D. Souto
Xavier L. Suarez	

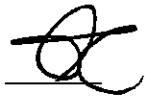
The Chairperson thereupon declared the resolution duly passed and adopted this 10th day of July, 2018. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the 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.



Annery Pulgar Alfonso
Bruce Libhaber