

# MEMORANDUM

Amended  
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, with respect to unattended bicycles and scooters left on County rights-of-way in violation of section 2-103.16(b) of the Code and to provide a report

Resolution No. R-734-18

The accompanying resolution was prepared and placed on the agenda at the request of Co-Prime Sponsors Commissioner Joe A. Martinez and Senator Javier D. Souto.



Abigail Price-Williams   
County Attorney

APW/smm

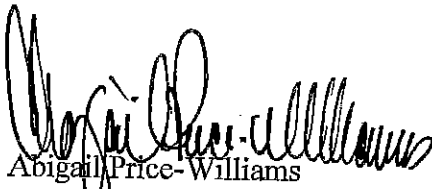


# MEMORANDUM

(Revised)

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

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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 \_\_\_\_\_

Amended  
Agenda Item No. 11(A)(7)  
7-10-18

RESOLUTION NO. R-734-18

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 AND SCOOTERS 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

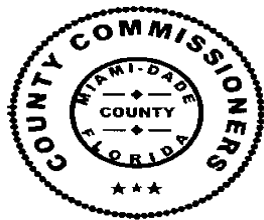
**WHEREAS**, it is in the best interest of the County to increase the enforcement of the provisions of section 2-103.16(g) and (h) in order to maintain all County rights-of-way clear of any obstructions and to promote the safety of the traveling public,

**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 and scooters 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. If a County Commissioner or a County Commissioner's staff member notifies the director of the Department of Transportation and Public Works of an unattended bicycle in the public right-of-way, the County Mayor or County Mayor's designee shall notify the County Commissioner or his or her staff within 48 hours of the actions taken to rectify any violation of section 2-103.16 of the Code in accordance with this resolution.

The Co-Prime Sponsors of the foregoing resolution are Commissioner Joe A. Martinez and Senator Javier D. Souto. It was offered by Commissioner **Joe A. Martinez**, who moved its adoption. The motion was seconded by Commissioner **Audrey M. Edmonson** and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared the resolution duly passed and adopted this 10<sup>th</sup> 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: **Christopher Agrippa**  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.

A handwritten signature in black ink, appearing to be "A. Pulgar" or similar, written over a horizontal line.

Annery Pulgar Alfonso  
Bruce Libhaber