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CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

MEMORANDUM

Agenda Item No. 7(H)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: October 2, 2012

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

SUBJECT: Ordinance amending Sections 8C-1, 8C-2 and 8CC-10 and creating Section 8C-6 of the Code; requiring the installation of guardrails and other traffic barriers for parking lots adjacent to or abutting bodies of water in unincorporated Miami-Dade County

Ordinance No. 12-84

This substitute differs from the original in that it includes minimum crash worthiness standards for traffic barriers and requires a building permit.

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Senator Javier D. Souto, and Co-Sponsors Commissioner Barbara J. Jordan, Chairman Joe A. Martinez, and Commissioner Rebeca Sosa.

R. A. Cuevas, Jr.
County Attorney

RAC/jls

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Memorandum

MIAMI-DADE COUNTY

Date: October 2, 2012

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

Subject: Ordinance Requiring the Installation of Guardrails and other Traffic Barriers for Parking Lots Adjacent To or Abutting Bodies of Water

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The proposed ordinance requires the installation of guardrails or similar traffic barriers for parking lots abutting bodies of water in the unincorporated areas of Miami-Dade County.

For new construction, the implementation of the proposed ordinance requires the installation of guardrails for parking lots adjacent to or abutting bodies of water. Based on current Code requirements, the installation of traffic barriers where the proposed design does not provide the necessary safe distance to the edge of a body of water is required. The proposed ordinance should have no impact to the construction industry, general public, and the County.

For existing parking lots, the proposed ordinance establishes an eighteen month time frame for compliance. This ordinance would be enforced through the existing 40 Year Old Building Recertification process at minimal cost to the department. However, if the Department is required to proactively enforce this ordinance, the fiscal impact will be negative if additional resources such as personnel and equipment are needed. Furthermore, the construction industry, general public, and the County could see a substantial impact if there are significant facilities that are not in compliance.

Jack Osterholt
Deputy Mayor

Fls9512

MEMORANDUM
(Revised)

TO: Honorable Chairman Joe A. Martinez and Members, Board of County Commissioners

DATE: October 2, 2012

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

SUBJECT: Agenda Item No. 7(H)

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 Manager'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(H)
10-2-12

ORDINANCE NO. 12-84

ORDINANCE AMENDING SECTIONS 8C-1, 8C-2 AND 8CC-10 AND CREATING SECTION 8C-6 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; REQUIRING THE INSTALLATION OF GUARDRAILS AND OTHER TRAFFIC BARRIERS FOR PARKING LOTS ADJACENT TO OR ABUTTING BODIES OF WATER IN UNINCORPORATED MIAMI-DADE COUNTY; PROVIDING RETROACTIVITY AND 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, that:

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

> **Sec. 8C-1. Provisions for parking lots illumination, air conditioning condenser unit security, [[and]] public swimming pools, spas and hot tub barriers >>and installation of guardrails and other traffic barriers for parking lots<< to be set forth in this chapter and the Florida Building Code.**
>
> This chapter prescribes requirements for illumination for open parking lots, alleys and access thereto and parking under or within buildings for all buildings and structures, air conditioning condenser unit security and barriers for new construction of public swimming pools, spas and hot tubs >>and installation of guardrails and other traffic barriers for parking lots abutting bodies of water<<.

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

> **Sec. 8C-2. Application, enforcement, and exemptions.**

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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.

The provisions of this chapter >>,except where otherwise provided,<< shall apply to the incorporated and unincorporated areas of Miami-Dade County.

* * *

Section 3. Section 8C-6 of the Code of Miami-Dade County, Florida, is hereby created to read as follows:

SECTION 8C-6

Sec. 8C-6. Guardrails for parking lots adjacent to or abutting bodies of water.

(a) On all parking lots adjacent to or abutting a canal, a lake or other body of water, a guardrail or other form of traffic barrier >>tested and approved for crashworthiness by the Federal Highway Administration<<[2] shall be installed >>,after obtaining a building permit,<< to protect any vehicle from entering the canal, lake, or other body of water.

(b) This section applies to new construction and to all existing parking lots adjacent to or abutting bodies of water. All existing parking lots, as of the adoption of this ordinance, that are not in compliance with this section, shall have a period of eighteen months from the adoption of this ordinance in which to comply.

(c) The provisions of this section shall only apply to the unincorporated areas of Miami-Dade.

Section 4. 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.

The following table shows the sections of this Code, as they may be amended from time to time, which may be enforced pursuant to the provisions of this chapter; and the dollar amount of civil penalty for the violation of these sections as they may be amended.

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[2] The differences between the substitute and the original item are indicated as follows: words double stricken through and/or [[double bracketed]] shall be deleted, words double underlined and/or »double arrowed« constitute the amendment proposed.

* * *

Code Section	Description of Violation	Civil Penalty
*	*	*
>>8C-6	Failure to provide guardrails for parking lots adjacent to water bodies	$500.00<<

Section 5. 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 6. 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 7. 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: October 2, 2012

Approved by County Attorney as to form and legal sufficiency:

Prepared by:

Debra Herman

Prime Sponsor: Senator Javier D. Souto
Co-Sponsors: Commissioner Barbara J. Jordan
Chairman Joe A. Martinez
Commissioner Rebeca Sosa