

ORDINANCE NO. 2023-_____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 98, ENTITLED "STREETS AND SIDEWALKS," BY AMENDING ARTICLE III, ENTITLED "EXCAVATIONS," BY AMENDING SECTION 98-94 THEREOF, ENTITLED "BUILDING PERMITS," TO CREATE A SUBSECTION 98-94(G) THEREOF, TO PROHIBIT THE INSTALLATION OF NON-ENCLOSED WHEELCHAIR LIFTS IN THE CITY OF MIAMI BEACH; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the American Society Of Mechanical Engineers (ASME) section A18.1 Safety Standards for Platform Lifts 2.1.3 allows for the use of non-enclosed wheelchair lifts without a runway (hoistway); and

WHEREAS, when non-enclosed elevator lifts are in motion, they leave a large gap of space underneath the units, large enough to fit a small child or an animal; and

WHEREAS, accordingly, non-enclosed wheelchair lift units are manufactured with a safety underpan that stops the unit from descending if any person or object is detected under the lift; and

WHEREAS, however, weather and climate conditions in Miami Beach such as rain, salt, and lack of frequent use of such platforms have rendered many safety underpans inoperable due to rust, causing major safety concerns; and

WHEREAS, the City's Public Works Department shared its concerns with wheelchair companies servicing wheelchair lifts in the City, and firms have no objections to prohibiting installation of non-enclosed wheelchair lifts in the City; and

WHEREAS, the City is looking to amend the Ordinance as a way to ensure proper safety of these mechanical conveyances.

NOW, THEREFORE, BE IT DULY ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AS FOLLOWS:

SECTION 1. That section 98-94 of the City Code of Miami Beach are hereby amended as follows:

Chapter 98

STREETS AND SIDEWALKS

* * *

ARTICLE III. EXCAVATIONS

* * *

DIVISION 2. PERMIT

* * *

Sec. 98-94. Building permits.

* * *

(g) Platform lifts safety restrictions. Installation of non-enclosed wheelchair lifts shall be prohibited throughout the City.

SECTION 2. REPEALER.

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 3. SEVERABILITY.

If any section, sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

SECTION 4. CODIFICATION.

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of the City of Miami Beach, 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 5. EFFECTIVE DATE.

This Ordinance shall take effect the ___ day _____ 2023.

PASSED and **ADOPTED** this ___ day of _____, 2023.

ATTEST:

Dan Gelber, Mayor

Rafael E. Granado, City Clerk

Underline denotes additions
~~Strikethrough~~ denotes deletions

(Sponsored by Commissioner Ricky Arriola)

**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**



City Attorney

2-13-23
Date