

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 106 OF THE MIAMI BEACH CITY CODE, ENTITLED "TRAFFIC AND VEHICLES," BY AMENDING ARTICLE I, ENTITLED "IN GENERAL," BY AMENDING SECTION 106-6, ENTITLED "PARKING IN CERTAIN AREA," BY ESTABLISHING DUTIES OF PROPERTY OWNERS WITH RESPECT TO THE PROHIBITION ON PARKING ON THE OUTLOTS OF INDIAN CREEK LOCATED WEST OF COLLINS AVENUE, NORTH OF 41ST STREET; UPDATING PENALTIES FOR VIOLATIONS; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, pursuant to Chapter 5 ("Off-Street Parking"), Article III ("Design Standards") of the City of Miami Beach ("the City") Resiliency Code, it is unlawful to use, *inter alia*, the outlots of Indian Creek, the same being that area bounded on the east by the westerly line of Collins Avenue, on the west by the easterly bulkhead line of Indian Creek, on the north by the southerly line of 55th Street extended, and on the south by the northerly line of 41st Street ("the Outlots"), as a parking lot without meeting the design standards set forth there; and

WHEREAS, the Outlots do not meet the design standards set forth in City law; and

WHEREAS, individuals using the Outlots for parking of vehicles create a danger because they have to stop in dangerous areas of Indian Creek Drive and drive their vehicles over a curb not designed for vehicles to traverse; and

WHEREAS, individuals using the Outlots for parking disturb the health, safety and welfare of residents and other motorists in the area; and

WHEREAS, accordingly, changes to Section 106-6 of the City Code, governing Outlots on Indian Creek, are necessary for the health, welfare, and safety of the City.

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 106-6 of Chapter 106 of the City Code is amended created as follows:

CHAPTER 106

TRAFFIC AND VEHICLES

ARTICLE I. IN GENERAL

* * *

Sec. 106-6. Parking in Outlots of Indian Creek ~~certain area.~~

(a) ~~It is unlawful to use the outlots of Indian Creek~~ It is unlawful to use the outlots of Indian Creek ~~Parking of motor vehicles in that area referred to as the outlots of Indian Creek,~~ the same being that area bounded on the east by the

westerly line of Collins Avenue, on the west by the easterly bulkhead line of Indian Creek, on the north by the southerly line of 55th Street extended, and on the south by the northerly line of 41st Street (the "Outlots"), as a parking lot without meeting the design standards set forth in City law shall be deemed a nuisance detrimental to the convenience, comfort and safety of the citizens of the city; and the creation of such a nuisance is hereby declared to be unlawful and hereby prohibited.

(b) In furtherance of this prohibition, property owners of any portion of the Outlots shall:

(i) prohibit any vehicle from parking, stopping, or standing at any time on the Outlots;

(ii) enter into a contract as required by City Sec 106-268(7) with a private towing company authorized to do business in the City to immediately tow any vehicle parked, stopped, or standing on of any portion of the Outlots owned by the property owner, which contract must authorize the towing company to immediately tow any vehicle parked, stopped, or standing on the property owner's Outlot(s), upon the property owner's, the towing company's, or any City representative's observation of any vehicle parked on the property owner's Outlot(s); and

(iii) post all required signage to authorize towing, in compliance with all applicable laws including, but not limited to, City Code section 106-262(a)(3) and Fla. Stat. 715.07.

(c) The property owners of any portion of the Outlots shall also regularly monitor unlawful parking, stopping, or standing of vehicles on its Outlot(s) and shall call the contracted private towing company, within thirty (30) minutes, to request the removal of any such vehicle(s) found to be parked, stopped, or standing on its Outlot(s).

(d) Any property owner that fails to comply with the requirements of this section shall be cited by the City's Code Compliance Department and fined \$1,000 per day for a first violation and \$5000 per day for each subsequent violation.

~~(b) Members of the police department are hereby authorized to remove and impound vehicles so illegally parked in the manner provided by County Code chapter 30 and F.S. § 705.101 et seq.~~

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SECTION 2. REPEALER.

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3. SEVERABILITY.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

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 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.

