

ORDINANCE No. 2006-18-99

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AMENDING ORDINANCE NO, 2005-22-60 RELATING TO PUBLIC SOLICITATION; PROHIBITING THE COLLECTING, DISPLAYING OR SELLING OF MERCHANDISE OR SERVICES FROM WITHIN THE PUBLIC RIGHTS-OF-WAY WITHIN THE CITY; REPEALING SECTION 21-36 OF THE MIAMI-DADE COUNTY CODE, AS MADE APPLICABLE TO THE CITY OF MIAMI GARDENS, PROVIDING FOR PENALTIES; PROVIDING FOR ADOPTION OF REPRESENTATIONS; REPEALING ALL ORDINANCES IN CONFLICT, PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN CODE; PROVIDING AN EFFECTIVE DATE

Whereas, on May 26th, 2005, the City Council adopted Ordinance No. 2005-22-60, which amended Section 21-36 of the Miami-Dade County Code, as applicable to the City of Miami Gardens, to prohibit solicitation on public rights-of-way within the City, and

Whereas, an amendment is being proposed to repeal Section 21-36 of the Code and to amend Ordinance 2005-22-60 to further clarify that street peddling shall not be permitted within the City of Miami Gardens, and

Whereas, the City Council of the City of Miami Gardens finds that a hazard is created when the free flow of traffic is impeded, and when pedestrians improperly traverse the roadways, and

Whereas, pursuant to its police powers, the City of Miami Gardens would like to protect the health, safety and welfare of its residents, including pedestrians and occupants of motor vehicles that travel the City's roadways,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, as follows:

SECTION 1. ADOPTION OF REPRESENTATIONS: The foregoing Whereas Clauses are hereby ratified and confirmed as being true, and the same are hereby made a specific part of this Ordinance.

SECTION 2 REPEAL: Section 21-36 of the Miami-Dade County Code, as made applicable to the City of Miami Gardens, by virtue of Section 8.3 of the City Charter, is hereby repealed.

SECTION 3: AMENDMENT: Ordinance No. 2005-22-60 is hereby amended as follows:

Public solicitation; enforcement; penalty for section violation.

(a) In accordance with §316.2045, Florida Statutes, it shall be unlawful for any person, firm or corporation or entity to solicit:

- 1) obstruct the free, convenient, and normal use of any street, highway, or road in the City of Miami Gardens by impeding, hindering, stifling, retarding, or restraining traffic or passage thereon, by standing or approaching motor vehicles thereon, or by endangering the safe movement of vehicles or pedestrians traveling thereon. —on any public roadway, right-of-way, median, sidewalk or street within the corporate limits of Miami Gardens;
- 2) without a lawful permit issued by the City, to willfully obstruct the free, convenient, and normal use of any public street, highway, or road by any of the means specified in subsection (1) above in order to solicit.
- 3) ~~from any operator or passenger of a motor vehicle that is in traffic on a public street, highway or road by approaching motor vehicles thereon, or by endangering the safe movement of vehicles or pedestrians traveling thereon within the corporate limits of Miami Gardens.~~

(b) It shall also be unlawful for any person to conduct the business of collecting, displaying or selling merchandise or services from the public rights-of-way within the limits of the City. Specifically prohibited under this section are street vendors and/or sale of food of any kind, flowers, goods,

wares, services or merchandise from a vehicle cart, or other apparatus used to transport goods, whether motorized or not, regardless of the number of wheels affixed thereto or on foot.

~~(b)~~(c) It shall be the duty of all City officers to enforce the provisions of this section.

———~~(e)~~(d) Any person convicted of a violation of this section shall be punished by a fine not to exceed five hundred dollars (\$500.00), or by imprisonment not to exceed sixty (60) days, or both, in the discretion of the County Court.

SECTION 3. CONFLICT: All ordinances or Code provisions in conflict herewith are hereby repealed.

SECTION 4. SEVERABILITY: If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 5. INCLUSION IN CODE: It is the intention of the City Council of the City of Miami Gardens that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Miami Gardens and that the sections of this Ordinance may be renumbered or relettered and the word "Ordinance" may be changed to "Chapter," "Section," "Article" or such other appropriate word or phrase, the use of which shall accomplish the intentions herein expressed; provided, however, that Section 1 hereof or the provisions contemplated thereby shall not be codified.

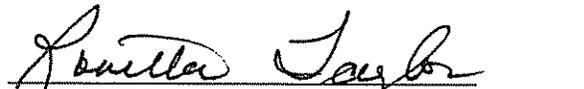
SECTION 6. EFFECTIVE DATE: This Ordinance shall become effective immediately upon its final passage.

PASSED ON FIRST READING ON THE 13TH DAY OF SEPTEMBER, 2006.

ADOPTED AND PASSED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS AT ITS REGULAR MEETING HELD ON THE 27TH DAY OF SEPTEMBER, 2006.


SHIRLEY GIBSON, MAYOR

ATTEST:


RONETTA TAYLOR, CMC, CITY CLERK

Prepared by SONJA KNIGHTON DICKENS, ESQ.
City Attorney

SPONSORED BY: DANNY O. CREW, CITY MANAGER

MOVED BY: Vice Mayor Braynon
SECONDED BY: Councilman Harvard/Councilwoman Watson

VOTE: 7-0

Mayor Shirley Gibson	<input checked="" type="checkbox"/>	(Yes)	<input type="checkbox"/>	(No)
Vice Mayor Oscar Braynon, II	<input checked="" type="checkbox"/>	(Yes)	<input type="checkbox"/>	(No)
Councilman Melvin L. Bratton	<input checked="" type="checkbox"/>	(Yes)	<input type="checkbox"/>	(No)
Councilman Aaron Campbell	<input checked="" type="checkbox"/>	(Yes)	<input type="checkbox"/>	(No)
Councilman Ulysses Harvard	<input checked="" type="checkbox"/>	(Yes)	<input type="checkbox"/>	(No)
Councilwoman Sharon Pritchett	<input checked="" type="checkbox"/>	(Yes)	<input type="checkbox"/>	(No)
Councilwoman Barbara Watson	<input checked="" type="checkbox"/>	(Yes)	<input type="checkbox"/>	(No)