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ORDINANCE NO. 2018-05

**AN ORDINANCE OF THE MIAMI SHORES VILLAGE COUNCIL,
AMENDING CHAPTER 20 STREETS, SIDEWALKS AND OTHER
PUBLIC PLACES BY ADOPTING A NEW ARTICLE VIII
PARKING BY PERMIT ONLY, SEC. 20-150 THROUGH AND
INCLUDING SEC. 20-166, CONTAINED IN THE CODE OF
ORDINANCES OF MIAMI SHORES VILLAGE, PROVIDING FOR
RESIDENT ONLY PARKING WITHIN THE RIGHT-OF WAY OF
AREAS DESIGNATED BY THE VILLAGE, PROVIDING FOR
CONFLICTS, PROVIDING FOR SEVERABILITY, AND
PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, in accordance with, Sec. 1001 of the Village Code of Ordinances, the administration has requested that the Planning Board, review Village Code Chapter 20 and consider amendments to create resident only parking districts; and,

WHEREAS, together with the Planning Director and the Deputy Public Works Director, the Planning Board reviewed information pertinent to parking in the right-of-way, heard presentations at a public workshop and public hearing at which testimony was offered; and,

WHEREAS, during the Planning Boards public hearing and deliberations, the Board considered the appropriateness of resident only parking districts for Miami Shores and of adopting the amendments to permit and regulate valet parking; and

WHEREAS, the Planning Board held a public hearing on June 22, 2017, and voted not to recommend approval of an amendment to Chapter 20 Streets, Sidewalks and other Public Places adopting Article VIII Parking by Permit Only, contained in the Code of Ordinances of Miami Shores Village; and,

NOW, THEREFORE, BE IT ORDAINED BY THE MIAMI SHORES VILLAGE COUNCIL:

Section 1. That the Village Code of Ordinances Chapter 20 Streets, Sidewalks and other Public Places is hereby amended by adopting a new Article VIII Parking by Permit Only, Sec. 20-150 through and including 20-167 as set forth in Exhibit A, attached hereto and made a part thereof.

Section 2. All ordinances or parts of ordinances in conflict herewith or inconsistent herewith, are hereby repealed, but only insofar as such ordinances may be inconsistent or in conflict with this Ordinance.

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46 Section 3. If any section, sentence, clause or phrase of this Ordinance is held to be
47 invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way
48 effect the validity of the remaining portions of this Ordinance, which shall be deemed severable
49 therefrom.

50 Section 4. This Ordinance shall become effective immediately upon adoption on
51 second reading.

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53 Passed on first reading this 23th day of January, 2018.

54 Passed and adopted on second reading this 19th day of June, 2018.

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56 ATTEST:

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60 Ysabely Rodriguez, CMC

61 Village Clerk

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63 APPROVED AS TO FORM:

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65

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67 Richard Sarafan

68 Village Attorney

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MacAdam Glinn, Mayor

FINAL VOTE AT ADOPTION:

Council Member Steven Zelkowitz

Council Member Jonathan Metz

Council Member Alice Burch

Vice Mayor Sean Brady

Mayor MacAdam Glinn

yes
yes
yes
yes
yes

70 **EXHIBIT A**

71

72 **CHAPTER 20. – STREETS, SIDEWALKS AND OTHER PUBLIC PLACES**

73 **Article VIII. Parking by Permit Only**

74 **Sec. 20-150. Prohibited parking.**

75 (a) It shall be a violation for any person to stop, stand, or park a vehicle in areas designated
76 resident only parking, without such vehicle displaying a proper and valid residential
77 parking permit or hang tag.

78 (b) Permit required parking areas, shall include the entire right of way including, but not
79 limited to the paved roadway, and swale.

80 **Sec. 20-160. – Creation of residential permit parking area.**

81 (a) The Village Council may, by resolution, approve and declare an area to be designated
82 as a residential parking permit area. Prior to the Village Council's consideration of
83 creation of such a district, notice of a proposed designation of a residential parking
84 permit area shall be sent to all persons identified as property owners in such proposed
85 district, insofar as possible.

86 **Sec. 20-161. - Issuance of permits; placement of signs.**

87 (a) *Parking decals and hang tags.*

88 (b) The residents of each residential property located within a residential parking permit
89 area are eligible to receive, upon application to the Village Clerk, one residential parking
90 permit decal for each motor vehicle shown to be registered to that address.

91 (c) Resident shall apply in person for the parking permit and shall present all required
92 documentation at that time. Personal appearance shall not be required for parking
93 permit renewals as required and in accordance with the conditions and procedures as
94 specified for each residential permit program area by village council resolution.

95 (d) The applicant shall also provide proof of residence (either a current utility bill, a copy of
96 a fully executed lease for property located within the program area, or other official
97 document establishing residence at the location specified), all of which shall be in the
98 name of the person acquiring the program decal.

99 (e) *Display of parking decal.* The residential parking permit area decal shall be displayed
100 on the outside bottom left-hand corner of the rear window so that the driver's view will
101 not be obscured in any manner. The design and content of the permit shall be approved
102 by the village manager or designee.

103 (f) Visitor hang tags that allow limited time parking in a residential parking permit area
104 established under Sec. 20-151 shall be available from the village clerk.

105 (1) Each residential address in a residential parking permit area is entitled to five (5)
106 visitor hang tags.

107 (2) Special event visitor hang tags may also be obtained from the clerk and shall be
108 valid for a maximum of seven (7) days. The village clerk will list the issue date and
109 expiration date on the visitor hang tag and the tag will expire at midnight on the
110 expiration date so listed on the permit.

111 (g) *Sale, transfer or disposal of vehicle.* In the event that the motor vehicle on which the
112 permit is displayed is sold, transferred, or otherwise disposed of and the permit is not
113 removed from the motor vehicle, the person to whom the permit was issued may
114 request and shall be issued a duplicate permit. It shall be the duty of that person to
115 notify and demonstrate to the Village that the motor vehicle on which the permit was
116 displayed is no longer owned by such residence. The original permit, upon the issuance
117 of the duplicate permit, shall be invalid.

118 (h) *Misuse and alteration of residential parking permits.* No person shall:

119 (1) Display, cause or permit to be displayed, or be in possession of any residential
120 parking permit, knowing the same to be fictitious, revoked, invalid, canceled,
121 suspended, or altered.

122 (2) Lend such residential parking permit to, or knowingly permit the use of same, by one
123 not entitled to the use of such permit under these provisions.

124 (3) Whoever violates any provision of this section may have his or her parking permit
125 privileges revoked for one year from the date of the determination of such violation.

126 Sec. 20-162. – Parking in a residential parking permit area.

127 (a) The holder of a valid and proper residential parking permit that is properly displayed
128 shall be permitted to stand or park a motor vehicle upon the right-of-way in accordance
129 with all applicable regulations, in the residential parking permit area. While a vehicle
130 for which a residential parking permit has been issued is so parked, such parking
131 permit shall be displayed so as to be clearly visible to enforcement personnel. A
132 residential parking permit shall not guarantee or reserve to the holder a parking space
133 within the designated residential parking permit area.

134 (b) A residential parking permit shall not authorize the holder of the permit to park in
135 spaces or areas designated by law as restricted or prohibited parking (loading zones,
136 fire hydrants, disabled, or other such regulated areas), nor shall it exempt the holder
137 from the observance of any traffic regulations, other than those specific to the
138 residential parking permit.

139 (c) Time limits if any for parking in each residential permit area shall be posted in plain
140 view and shall be strictly enforced.

141 Sec. 20-163. - Enforcement.

142 (a) *Parking by unauthorized vehicles prohibited.* During the hours of enforcement, parking
143 enforcement officers or police officers are authorized to issue parking citations to all
144 vehicles parked in a residential parking permit area right of way that do not display a
145 proper residential permit parking area decal or hang tag.

146 (b) Vehicles found parked within a residential permit parking area right of way during the
147 time limits posted without a valid permit for that area may be issued a uniform parking
148 citation pursuant to section 30-388.25 of the County Code.

149 Sec. 20-164. - Parking permit violations.

150 It shall be unlawful for any person to:

151 (1) Represent that they are entitled to a residential parking permit, decal,
152 or hang tag when not so entitled; or

153 (2) To hold, or display such a permit at any time when they are not
154 entitled to do so; and

155 (3) To make any false statements or provide any inaccurate
156 documentation as part of any residential parking permit decal or hang
157 tag application.

158 Sec. 20-165. - Revocation of permits and penalties.

159 (a) The Village Manager or his designee is authorized to revoke the residential parking
160 permits of any individual found to be in violation of the provisions of this division.

161 Sec. 20-166. - Exemptions.

162 Vehicles with valid handicapped license plates issued by the department of motor vehicles
163 and displaying the internationally accepted wheelchair symbol, handicapped parking permit, or
164 disabled veteran motor vehicle license plate are exempt from the requirements of this division.

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