

ORDINANCE No. 2005-20-58

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AMENDING SECTION 21-27.1. ("SELLING, SERVING, VENDING IN PUBLIC RIGHTS-OF-WAY NEAR PUBLIC SCHOOLS") OF THE MIAMI-DADE COUNTY CODE OF ORDINANCES, AS MADE APPLICABLE TO THE CITY OF MIAMI GARDENS, BY VIRTUE OF SECTION 8.3 OF THE CITY'S CHARTER; PROVIDING FOR ADOPTION OF REPRESENTATIONS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN CODE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Miami Gardens, by virtue of Section 8.3 of the City Charter, adopted the Code of Miami-Dade County as its own, and

WHEREAS, there is an increased safety hazard to children resulting from public selling and vending adjacent to schools, and

WHEREAS, to help alleviate the safety concerns, the City Manager's Office and the Code Enforcement Department recommend amending Section 21-27.1. of the Code to increase the prohibition on selling, serving, or vending in public rights-of-way from within 500 feet of a school to within 1500 feet of a school, and

WHEREAS, the City Council agrees with the recommendation of the City Manager and the Code Enforcement Department,

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. AMENDMENT: Section 21-27.1. of the Miami-Dade County Code of Ordinances, as made applicable to the City of Miami Gardens, by virtue of section 8.3 of the City's Charter is hereby amended as follows:

Sec. 21-27.1. Merchandise--Selling, serving, vending in public rights-of-way near schools.

- (a) *Prohibited.* It shall be unlawful for any person to sell, offer for sale, serve, vend, or otherwise dispose of any goods, wares or merchandise, including ice cream, peanuts, popcorn, soda water products, drinks, candy, and food products, in the public rights-of-way, including streets, sidewalks or other public property, within ~~five hundred (500)~~ fifteen hundred (1500) feet of any property used, owned or operated for public or private school purposes, or for any person to station himself, or operate any stand, establishment or vehicle, for such purpose within the prohibited areas unless within ~~five hundred (500)~~ fifteen hundred (1500) feet of the school in a secure vending area established and controlled by the school principal. The term "secure vending area" means an area designated by the school principal which is cordoned off by movable barriers, is of sufficient size to accommodate a parked vehicle and student customers in numbers reasonably anticipated by the principal, is supervised by the principal or his or her designee, and for which specific designation thereof is made in writing and filed in the school and at the police station which provides service to the area.
- (b) *Enforcement and penalties for violations.* It shall be the duty of all ~~County and municipal peace~~ City officers to enforce the provisions of this section. Any person convicted of a violation of the provisions 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 court of appropriate jurisdiction.

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 11TH DAY OF May 2005.

PASSED ON SECOND READING ON THE 25TH DAY OF MAY, 2005.

ADOPTED AND PASSED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS AT ITS REGULAR MEETING HELD ON THE 25TH DAY OF MAY, 2005.


SHIRLEY GIBSON, MAYOR

ATTEST:


RONETTA TAYLOR, CMC, CITY CLERK

Reviewed by SONJA KNIGHTON DICKENS, ESQ.
City Attorney

SPONSORED BY: The City Manager

MOVED BY: Councilwoman Watson
SECONDED BY: Councilwoman King

VOTE: 7-0

Mayor Gibson	<u> x </u> (Yes)	<u> </u> (No)
Vice Mayor Campbell	<u> x </u> (Yes)	<u> </u> (No)
Councilman Melvin L. Bratton	<u> x </u> (Yes)	<u> </u> (No)
Councilman Oscar Braynon, II	<u> x </u> (Yes)	<u> </u> (No)
Councilwoman Audrey J. King	<u> x </u> (Yes)	<u> </u> (No)
Councilwoman Sharon Pritchett	<u> x </u> (Yes)	<u> </u> (No)
Councilwoman Barbara Watson	<u> x </u> (Yes)	<u> </u> (No)