

ORDINANCE No. 2023-21

AN ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, AMENDING EXISTING CHAPTER 38, ENTITLED “STREETS, SIDEWALKS, AND OTHER PUBLIC PLACES”; CREATING ARTICLE V ENTITLED “TEMPORARY PARKING OF VEHICLES ON THE PUBLIC RIGHT-OF-WAY FOR BUSINESS OPERATIONS”; PROVIDING FOR INTENT AND PURPOSE; PROVIDING FOR DEFINITIONS; PROVIDING FOR REGULATIONS PROHIBITING THE TEMPORARY PARKING OF VEHICLES ALONG THE PUBLIC RIGHT OF WAY DURING CERTAIN HOURS OF THE DAY; PROVIDING FOR ENFORCEMENT PROCEDURES; PROVIDING FOR PENALTIES; PROVIDING FOR EXEMPTIONS; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR INCORPORATION INTO THE CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the safety and convenience of the traveling public within the City of Doral (“City”) are of utmost importance, which requires maintaining the orderly flow of traffic and ensuring the unimpeded use of the public right of way; and

WHEREAS, Section 316.008, Florida Statutes, specifically provides that nothing contained in Chapter 316, Florida Statutes, governing traffic control, shall be deemed to prevent local authorities, with respect to streets and highways under their jurisdiction and within the reasonable exercise of the police power, from regulating or prohibiting stopping, standing, or parking; and

WHEREAS, Section 316.1945, Florida Statute, already provides that it is a noncriminal traffic infraction to stop, stand, or park a vehicle on the roadway, on the edge of a curb or of a street, on sidewalk, within an intersection, on a crosswalk, on a bicycle path, and other areas delineated in said section; and

WHEREAS, throughout the City there have been daily instances of the temporary parking of commercial vehicles on the public right of way during peak hours for business purposes, such as loading and unloading of equipment and goods to surrounding property

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or providing services to the same, which obstructs the free flow of traffic, and results in traffic hazards, and creates safety concerns for vehicular and pedestrian traffic; and

WHEREAS, while the City has the ability to issue traffic violations under Florida Statutes for the aforementioned conduct against the driver of the vehicle, the City also recognizes that the property owners to which deliveries and services are being made by the offending vehicles have an obligation to ensure that their business operations do not impact or impede the roads and traffic in the surrounding area; and

WHEREAS, pursuant to the City's home rule charter authority, the City wishes to further regulate stopping, standing or parking on non-state roads by vehicles within the City's jurisdiction by holding the property owner to which the deliveries are being made responsible through its code compliance procedures; and

WHEREAS, the City Council finds that it is necessary to establish regulations and penalties to deter and address violations related to the temporary parking of vehicles on the public right of way during peak hours for business operations.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, AS FOLLOWS:

Section 1. Recitals. The above Recitals are confirmed, adopted, and incorporated herein and made a part hereof by this reference.

Section 2. Code Amended. Chapter 38 of the Code of Ordinances of the City of Doral is hereby amended as follows:

CHAPTER 38. STREETS, SIDEWALKS, AND OTHER PUBLIC PLACES

ARTICLE V. TEMPORARY PARKING OF VEHICLES ON THE PUBLIC RIGHT-OF-WAY FOR BUSINESS PURPOSES

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Sec. 38-105. – Intent and Purpose.

The city recognizes that the unregulated obstruction of streets and sidewalks adversely impacts the residents, businesses and visitors of the city. Therefore, the intent of this Article is to ensure the efficient and safe flow of traffic, and to promote the public health, safety and general welfare by providing for enforcement and penalties related to the stopping, standing or parking of commercial vehicles on the right-of-way during certain hours.

Sec. 38-106. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Business Operations refers to any activity conducted by an individual, corporation, partnership, or entity engaged in commercial or professional activities, including but not limited to, waste collection, landscape maintenance, loading and unloading, delivery, receipt of goods, or servicing of other equipment, goods, or property. Actively waiting to unload and load goods while parking along the right-of-way shall also constitute business operations as used herein.

Parking refers to the standing or stopping of a vehicle, whether occupied or unoccupied, for the purpose of, or while engaging in, Business Operations as defined herein.

Public Right-of-Way refers to any dedicated or undedicated public street, road, highway, alley, sidewalk, or other area maintained for vehicular travel or pedestrian use within the city.

Responsible Party means the property owner for which the Business Operations are being performed.

Vehicle means any device in, upon or by which any person or property is or may be transported into a public roadway.

Sec. 38-107. – Regulations prohibiting temporary parking of vehicles along the public right-of-way.

Parking a vehicle for Business Operations on the public right-of-way between the hours of 6:00 a.m. and 10:00 a.m., and between the hours of 3:00 p.m. to 7:00 p.m., Monday through Friday is prohibited.

Sec. 38-108. - Enforcement

This article shall be enforced by the Code Compliance Department. Whenever a code compliance officer has determined that a vehicle has violated a section of this article, the

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Officer is authorized to give, or cause to be given, to the Responsible Party, a civil citation notice pursuant to Chapter 11 of the city code.

Sec. 38-109. - Penalties.

For the purposes of this section, each day shall be considered a separate violation.

(a) Violation of this article shall be subject to the following penalties:

- (1) First violation – Civil violation notice of \$100.00.
- (2) Second violation within a 12-month period – Civil violation notice in the amount of \$250.00.
- (3) Third violation within a 12-month period– Civil violation notice in the amount of \$500.00.
- (4) Fourth violation or more within a 12-month period – Civil violation in the amount of \$1,000.00.

(b) A violator who has been served with a Civil Violation Notice shall elect either to:

- (1) Pay the civil violation in the manner indicated on the notice; or
- (2) Request an administrative hearing before a special magistrate to appeal the decision of the code compliance officer that resulted in the issuance of the civil violation notice.
- (3) The procedures for appeal by administrative hearing of the civil violation notice shall be set for in the code compliance ordinance.
- (4) If the named violator after notice fails to pay the civil fine or fails to timely request an administrative hearing before a special magistrate, the special magistrate shall be informed of such failure by report of the code compliance officer. Failure of the named violator to appeal the decision of the code compliance officer within the prescribed time period shall constitute a waiver of the violator's right to an administrative hearing before the special magistrate. A waiver of the right to an administrative hearing shall be treated as an admission of the violation, and penalties may be assessed accordingly.
- (5) Any party aggrieved by the decision of a special magistrate may appeal that decision to a court of competent jurisdiction.

Sec. 38-110. – Exemptions.

The following uses and activities shall be exempt from the requirements of these sections and from the enforcement procedures in this article:

- (1) Government vehicles or City contractor vehicles temporarily obstructing public rights-of-way for official duties.
- (2) Telecommunications or other utility companies performing maintenance or other related work on their equipment.
- (3) Vehicles associated with County and City-issued maintenance of traffic (MOT) permits.
- (4) Courier delivery vehicles actively engaged in the delivery of packages to corresponding properties provided the vehicle does not remain stationary for more than five (5) minutes at a location.

Section 3. Implementation. The City Manager and City Attorney are hereby authorized and directed to implement the provisions of this Ordinance and to take any and all necessary administrative actions as may be appropriate by their position to execute the purpose of this Ordinance.

Section 4. Incorporation into the Code. The provisions of this Ordinance, to the extent appropriate, shall become and be made a part of the Code of Ordinances of the City of Doral. The City Clerk is authorized to take all actions necessary to incorporate the provisions of this Ordinance into the Code of Ordinances, including, but not limited to, renumbering or re-lettering sections, and to change, and that the word “ordinance” may be changed to “section,” “article,” or such other appropriate word or phrase in order to accomplish such intention.

Section 5. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity

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of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 6. **Conflicts.** All ordinances or parts of ordinances, resolution or parts of resolutions, in conflict herewith, are repealed to the extent of such conflict.

Section 7. **Effective Date.** This Ordinance shall become effective immediately upon adoption.

The foregoing Ordinance was offered by Councilmember Puig-Corve who moved its adoption. The motion was seconded by Vice Mayor Pineyro upon being put to a vote, the vote was as follows:

Mayor Christi Fraga	Yes
Vice Mayor Rafael Pineyro	Yes
Councilwoman Digna Cabral	Yes
Councilwoman Maureen Porras	Yes
Councilman Oscar Puig-Corve	Yes

PASSED AND ADOPTED on FIRST READING this 9 day of August, 2023.

PASSED AND ADOPTED on SECOND READING this 13 day of September, 2023.


CHRISTI FRAGA, MAYOR

ATTEST:


CONNIE DIAZ, MMC
CITY CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY
FOR THE USE AND RELIANCE OF THE CITY OF DORAL ONLY:


VALERIE VICENTE, ESQ. for
NABORS, GIBLIN & NICKERSON, P.A.
CITY ATTORNEY