

ORDINANCE No. 2023-08

AN ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, AMENDING ARTICLE V “PARKING”, OF CHAPTER 44 “TRAFFIC AND VEHICLES”, OF THE CITY’S CODE OF ORDINANCES; TO PROVIDE FOR A SCHEDULE OF PENALTIES FOR CERTAIN VIOLATIONS; TO ESTABLISH SPECIFIED FEES AND FINES FOR VARIOUS PARKING ARRANGEMENTS; AND TO CLARIFY DEFINITIONS AND LANGUAGE CONTAINED THEREIN; PROVIDING FOR A REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCORPORATION INTO THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on February 10, 2021, pursuant to Ordinance 2021-04, the City of Doral (“City”) adopted the “City of Doral Parking Ordinance” codified in Article V of Chapter 44 of the City’s Code of Ordinances (the “Code”); and

WHEREAS, as set forth in Section 44-154 of the Code, the stated intent of the City of Doral Parking Ordinance is to provide for various parking management and enforcement practices that can be utilized by the City to manage the City’s parking program, including the use of paid parking, valet parking, residential permit parking, parking authority, parking garages, and/or other; and

WHEREAS, pursuant to Resolution No. 2022-79, the City Council approved an interlocal agreement between the City and the City of Miami Parking Authority to provide parking administration services city-wide, with a focus on the City’s rights-of-way, on-street parking, parking garages and parking lots (“ILA”); and

WHEREAS, in order to implement the aforementioned ILA, amendments are required to the City of Doral Parking Ordinance to provide for a schedule of penalties for certain violations, to establish specified fees and fines for various parking arrangements, and to clarify definitions and language contained therein; and

WHEREAS, the City finds it necessary and in the best interest of the citizens of the City to amend its existing City of Doral Parking Ordinance so that the City's parking program can be implemented.

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

Section 1. Incorporation of Recitals. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

Section 2. Amendment to Article V of Chapter 44 of the City of Doral's Code of Ordinances. Chapter 44, Article V of the City of Doral's Code of Ordinances is hereby amended as follows:

ARTICLE V. PARKING

DIVISION 1. GENERAL PROVISIONS; ADMINISTRATIVE AUTHORITY; DEFINITIONS

Sec. 44-157. Parking fund. --Reserved.

~~All revenues, fees and fines or other charges related to parking in or on city-owned parking facilities shall be deposited into the parking fund. Monies in the parking fund shall be used for the operation of and capital projects for the city's current and future parking facilities.~~

Sec. 44-158. Duties generally.

- (1) It shall be the general duty of the parking administrator, designee or authorized agent to determine the installation, hours, time limits, ~~rates~~ and location of public parking including the installation of parking meter equipment or parking meter technology, parking signs, indicators and markings as shall be necessary or advisable for the operation and enforcement of such rules and regulations; the operation of on-street and off-street parking facilities; and to formulate programs and policies regarding rate adjustments, time limits, enforcement, and service levels to meet current and future municipal parking needs and the improvement of parking methods and options.

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- (2) The parking administrator, designee or authorized agent shall determine the location of on-street freight and passenger loading zones and place and maintain appropriate signs indicating the same and stating the hours during which same are in effect.
- (3) The parking administrator, designee or authorized agent shall determine and designate the type, style and manner of on-street parking and parking within off-street parking facilities; and shall erect, place and maintain signs, devices or markings giving notice thereof.
- (4) In addition to any other means of enforcement provided in the Code of Ordinances, a police officer, traffic infractions enforcement officer, parking enforcement specialist (PES), police service aid (PSA), or authorized agent as defined in section 44-1506, or code enforcement officer certified as a parking enforcement specialist is hereby authorized to issue parking citations for violations of County Code chapter 30 and City Code chapter 44. The parking enforcement specialists and authorized agents are required to comply with the Florida Department of Law Enforcement Parking Enforcement Specialist Certification Program.

DIVISION 2. REGULATIONS; PAY PARKING TECHNOLOGY; CURBSIDE MANAGEMENT

Sec. 44-170. Authority to prohibit parking.

The city manager or designee is authorized to prohibit parking throughout the city or any portion or portions of the streets thereof during such time or times as may be necessary to accomplish the cleaning of the streets of the city and such other municipal purposes as may be necessary. Such power shall be exercised in accordance with ~~section chapter 30-388.5~~ of the County Code. The city manager or designee is authorized to request the approval required pursuant to ~~section chapter 30-388.5~~ of the County Code for and on behalf of the city.

Sec. 44-171. Designation of pay parking zones; parking rates; subject to review by city manager.

The parking administrator shall, from time to time, designate those certain described parts of public streets, public parking lots or any other public property for the installation of parking meters or use of parking meter technology, and the same shall be established as pay parking zones. The city manager shall have the right to rescind or change any such designation so made by the parking administrator. The parking administrator shall establish and revise the hourly parking rates of public parking, subject to the approval of the city manager.

Sec. 44-177. Reserved parking; parking space rental fees.

The parking administrator shall promulgate policies and procedures authorizing the issuance of reserved parking permits for the purpose of temporarily closing or restricting

use of any public pay parking space regulated through a parking meter, pay station, or any type of parking technology; timed parking; or any regulated parking spaces including loading zones, freight zones, or valet parking spaces. The policies and procedures will define the process for application, administration and distribution.

The rates charged for reserved parking space rentals, to include City Hosted Events, and penalties are as follows:

- (1) Administrative processing fees. An administrative fee as stated in Appendix A, Parking Fee Sheet, shall be assessed for any parking space rental for the processing of all reserved parking space rental permits for public parking spaces as ~~defined in section 44-175~~ set forth herein and may be amended from time to time by the city manager. The administrative fee is in addition to any fee paid for parking stalls, meter bags, or linear curb space.

DIVISION 3. VALET PARKING

Sec. 44-208. Violations appeal procedures; rights and remedies; supplemental provisions.

Any person wishing to contest a parking citation may appeal to the director of public works in the manner set forth in this section.

- ~~(1) If the person who received the citation believes the citation itself is incorrect in fact or law, such person shall notify parking division manager, with particularity, stating objections to the citation, within ten business days of issuance to the parking division manager or his or her designee, who will then make a decision as the validity of the citation within seven business days after receipt of a timely objection by violator. If a decision is made that the citation is valid, the violator will be notified via mail or email.~~
- ~~(2) If the violator does not concur with the decision of the parking division manager, or his/her designee, that the citation is valid, then, within 10 days' notice of the decision, the violator shall appear in court date before the magistrate.~~

(1) Enforcement.

(a) The authorized agent shall enforce the provisions of Division 3. This shall not preclude other law enforcement agencies or regulatory bodies from any action as necessary to ensure compliance with this article and all applicable laws. For any violation of a provision of this Division the authorized agent shall issue a notice of violation/citation to the permittee/operator. The notice shall state the nature of the violation, amount of fine, instructions and due date for paying the fine, notice that the violation may be appealed by requesting an

administrative hearing within ten calendar days after service of the notice and that failure to appeal the violation within the ten calendar days, shall constitute an admission of the violation and a waiver of the right to appeal.

(b) *Additional enforcement.* As an additional means of enforcement, the city may seek injunctive relief and/or the city may follow procedures to revoke local business tax receipts as set forth elsewhere in the City Code when there are repeat violations of Division 3. Additionally, the city may withhold issuance of any new valet permits and suspend current valet parking permits until past due violations are paid in full.

(2) *Civil fines.* The following civil fines shall be imposed for each violation. Fines will be paid to the entity provided in the violation/citation and in the manner proscribed therein. The descriptions of violations below are for informational purposes only and the civil penalties attached are meant only as proposed figures not intended to limit the nature, number of or amount of fines to be imposed for the violations which may be cited in this Division. To determine the exact nature of the activity proscribed or required the specifics of this Division must be examined:

<u>(1) <i>Unauthorized/illegal ramping</i></u>	<u>\$250.00 per offense</u>
<u>(2) <i>Unauthorized/illegal storage</i></u>	<u>\$350.00 per offense</u>
<u>(3) <i>Lapse of insurance (from date of lapse)</i></u>	<u>\$250.00 per day</u>
<u>(4) <i>Operation without permit</i></u>	<u>\$1,000 per day</u>
<u>(5) <i>No name tag</i></u>	<u>\$75.00 per offense</u>
<u>(6) <i>No uniform</i></u>	<u>\$75.00 per offense</u>
<u>(7) <i>No valid FL drivers license</i></u>	<u>\$75.00 per offense and immediate removal of the employee from service.</u>
<u>(8) <i>Violation of guides and standards</i></u>	<u>\$150.00 per offense</u>
<u>(9) <i>Other violation of this article</i></u>	<u>\$150.00 per offense.</u>

DIVISION 4. PARKING BY PERMIT ONLY

DIVISION 5. PENALTIES AND ENFORCEMENT

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DIVISION 6. PARKING REPLACEMENT ASSESSMENT

Sec. 44-287. ~~Deposit of funds.~~ Reserved.

~~Funds generated by the parking replacement assessment program shall be deposited into the parking fund, a city account specifically for parking development reserves. The funds may be used to acquire property or pay for capital improvement, development and construction costs for any public parking facility.~~

DIVISION 7. PAYMENT IN LIEU OF PARKING

Sec. 44-295. Payment in lieu of parking.

- (1) Where there is inadequate area available on-site, or within 1,000 feet of the site in area(s), the parking requirement for a given use may be fulfilled by payment of a fee.
- (2) Properties within the following areas eligible to participate in this program:
 - (a) ~~Adaptive re-use.~~ Downtown Doral Art District.
 - (b) Downtown Mixed Use (DMU).
 - (c) Urban Central Business District (UCBD).
- (3) *Payment calculation.*
 - (a) For new construction on vacant land and when the area of an addition exceeds the area of the existing building, the payment shall be satisfied by a one-time payment at the time of issuance of a building permit as stated in Appendix A, Parking Fee Sheet.
 - (b) Existing structures. When alteration or rehabilitation of a structure results in an increased parking demand, the payment shall be satisfied by a one-time payment at the time of the application of a building permit as set forth in Appendix A.
- (4) *Fee collection.*
 - (a) *New construction.* The fee shall be paid in full at the time of application for the building permit.
 - (b) *Existing structures.* This payment ~~may~~ shall be made ~~at any time~~ at the time of the application of a building permit and shall be in the amount determined by application of the formula for one-time payment.

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- (c) *Late payments.* Monthly interest may accrue on unpaid funds. Additionally, a fee in the amount of two percent of the total due shall be imposed monthly to cover the city's costs in administering collection procedures.
- (d) *Failure to pay.* Any participant in this program who has failed to pay the required fee within 3 months of the date on which it is due shall be regarded as having withdrawn from the program and shall be required to provide all parking spaces required by this section or cease the use for which said spaces were required, unless the participant received an extension of time for payment of the required fee by the city manager.

(45) Properties which participate in the payment in lieu of providing parking spaces program shall have a covenant recorded in the City of Doral.

DIVISION 8. ENFORCEMENT OF PRIVATE PROPERTIES

Sec. 44-300. Enforcement of private properties.

The city may enforce parking within homeowner's associations (HOAs) and Community Development Districts (CDD) via a memorandum of understanding (MOU) executed through the city. By entering into a MOU, the City will manage and/or enforce parking in communities within both public and private roads with public access.

Appendix A Parking Fee/Fine Sheet.

Fee Code	Description	Fee
XX01	Meter Rental Administrative Fee	\$50.00
XX02	Parking space rental fee—Construction	\$40.00 per space per day
XX03	Parking space rental fee—Other	\$40.00 per space per day
XX04	Valet Parking Application Fee	\$225.00
XX05	Valet Ramping Fee	\$30.00 <u>per space per day</u>
XX06	Residential Parking Permit Application Fee	N/A
XX07	Residential Parking Permit—Annual	\$ 20 <u>25</u> .00 per vehicle <u>per month year (up to two vehicles)</u> (6-month minimum)
XX08	Residential Parking Permit—Guest	\$5.00 per day
XX09	Residential Parking Permit—Contractor	N/A

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XX10	Electric Charging Vehicle	N/A
XX11	Parking in Lieu of Fee—New	\$25,000.00 per space per year
XX12	Parking in Lieu of Fee—Existing	\$25,000.00 per space per year
XX12	Parking in Lieu of Fee—Administrative	\$115.00

Fine Code	Description	Fee
XX01	Blocking of Valet Fine	\$150.00

Section 3. Repealer. All ordinances, or parts of ordinances in conflict herewith be, and the same, are hereby repealed.

Section 4. Severability. If any section, subsection, clause or provision of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, the remainder shall not be affected by such invalidity.

Section 5. Incorporation Into the Code. It is the intention of the Mayor and the City Commission, and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the Code of Ordinances of the City of Doral; that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word, as required.

Section 6. Effective Date. This Ordinance will become effective ten (10) days after adoption at second reading.

The foregoing Ordinance was offered by Councilmember Porras 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 8 day of March, 2023.

PASSED AND ADOPTED on SECOND READING this 12 day of April, 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.
INTERIM CITY ATTORNEY

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