

ORDINANCE No. 2005-22-60

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AMENDING SECTION 21-36 ("SIDEWALK SOLICITATION OF BUSINESS") 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, pursuant to '316.2045(1), Florida Statutes, it is unlawful for any person or persons willfully to obstruct the free, convenient, and normal use of any public street, highway or road by impeding, hindering, stiffling, 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, and

WHEREAS, pursuant to '316.130(5), Florida Statutes, no person is permitted to stand in any portion of a roadway paved for vehicular traffic for the purpose of soliciting a ride, employment or business from the occupant of any vehicle, and

WHEREAS, it has come to the attention of the City Code Enforcement Department that there is a safety hazard existing on streets, roadways, sidewalks and medians located within the City, caused by persons attempting to solicit from the occupants of motor vehicles, creating a traffic hazard, 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. AMENDMENT: Section 21-36 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. 21-36. ~~Sidewalk Public solicitation of business; enforcement; penalty for section violation.~~**

(a) ~~It shall be unlawful for any person, firm or corporation on any public street or sidewalk within the unincorporated area of Miami-Dade County, Florida or in any area or doorway or entranceway immediately abutting thereon, to solicit the sale to street or sidewalk traffic of any real or personal property to be delivered at a subsequent time, or to solicit to street or sidewalk traffic the participation by any person in any excursion, trip, or other activity having as a purpose the sale of real or personal property to such person. to solicit:~~

- 1) on any public roadway, right-of-way, median, sidewalk or street within the corporate limits of Miami Gardens;
- 2) from any operator or passenger of a motor vehicle that is in traffic on a public street, highway or road by standing in the roadway within the corporate limits of Miami Gardens;
- 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.

As used herein the term "solicit" shall mean to approach any person with a request or plea for any purpose, whether for profit or not.

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

- (c) 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 11<sup>TH</sup> DAY OF May 2005.

PASSED ON SECOND READING ON THE 25<sup>TH</sup> DAY OF MAY, 2005.

ADOPTED AND PASSED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS AT ITS REGULAR MEETING HELD ON THE 25<sup>TH</sup> 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 Pritchett

VOTE: 7-0

Mayor Gibson	<input checked="" type="checkbox"/>	(Yes)	<input type="checkbox"/>	(No)
Vice Mayor Campbell	<input checked="" type="checkbox"/>	(Yes)	<input type="checkbox"/>	(No)
Councilman Melvin L. Bratton	<input checked="" type="checkbox"/>	(Yes)	<input type="checkbox"/>	(No)
Councilman Oscar Braynon, II	<input checked="" type="checkbox"/>	(Yes)	<input type="checkbox"/>	(No)
Councilwoman Audrey J. King	<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)

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