

**ORDINANCE NO. 22 - 291**

**AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA; AMENDING CHAPTER 18, ESTABLISHING ARTICLE X, TITLED “PRIVATE LAKE MAINTENANCE PARK LICENSE AND USE PROGRAM” OF THE TOWN OF MIAMI LAKES CODE OF ORDINANCE; PROVIDING FOR INCLUSION INTO THE CODE; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE TOWN CODE; AND PROVIDING FOR AN EFFECTIVE DATE. (COLLAZO)**

**WHEREAS**, on March 8, 2022 the Town Council met and passed the proposed Ordinance in first reading; and

**WHEREAS**, the Town of Miami Lakes (the “Town”) enjoys a beautiful topography of treelined streets, pocket parks and numerous large and small lakes; and

**WHEREAS**, the health maintenance of our Town lakes is an important aspect of the Town’s overall strategic plan; and

**WHEREAS**, several HOA’s have addressed their desire to add to the health of lakes within the Town by oxygenating lakes through the incorporation of bubbler and fountain system that can be equally aesthetically pleasing; and

**WHEREAS**, providing aeration systems in lakes within the Town is recommended in the Town’s April 2019 Lake Quality and Lake Conditions study; and

**WHEREAS**, to operate bubbler and fountain system, several HOA’s have identified Town owned pocket parks that can provide for the installation, operation and maintenance of the fountain equipment; and

**WHEREAS**, the installation of bubbler and fountain systems on Town owned pocket parks will not impede the Town resident use of the affected parks; and

**WHEREAS**, the Town Council finds that the use of Town owned parks for installation of the bubbler and fountain system will benefit the health of Town lakes and therefore serve the public good and advance the Town's overall strategic plan;

**WHEREAS**, the adoption of this Ordinance will codify a process by which HOA's located in the Town can request the use of space in parks to install and operate fountain aeration and bubbler systems; and

**WHEREAS**, on Mach 8, 2022 the Town Council met and passed the proposed Ordinance in First Reading; and

**WHEREAS**, on April 12, 2022 the Town Council met and passed the proposed Ordinance in Second Reading; and

**THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES AS FOLLOWS:**

**Section 1. Recitals.** Each of the above stated recitals is true and correct and is incorporated herein by this reference.

**Section 2. Amending Chapter 18, Establishing Article X, Title "Private Lake Maintenance Park License and Use Program"** The Town Council hereby amends Chapter 18, Establishes Article X titled " Private Lake Maintenance Park License and Use Program" as described in Exhibit "A."

**Section 3. Repeal of Conflicting Provisions.** All provisions of the Code of the Town of Miami Lakes that are in conflict with this Ordinance are hereby repealed.

**Section 4. 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

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invalid or unconstitutional, such decision shall not affect the validity 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 5. Inclusion in the Town Code.** It is the intention of the Town Council, and it is hereby ordained, that the provisions of this Ordinance shall become and be made part of the Town Code and that if necessary, the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and that the word “Ordinance” shall be changed to “Article”, “Division” or other appropriate word.

**Section 6. Effective Date.** That this Ordinance shall be effective immediately upon its adoption on second reading.

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**FIRST READING**

The foregoing ordinance was offered by Councilmember Collazo who moved its adoption on first reading. The motion was seconded by Councilmember Fernandez and upon being put to a vote, the vote was as follows:

Mayor Manny Cid	Yes
Vice Mayor Jeffrey Rodriguez	Yes
Councilmember Carlos O. Alvarez	Yes
Councilmember Luis E. Collazo	Yes
Councilmember Joshua Dieguez	Yes
Councilmember Tony Fernandez	Yes
Councilmember Marilyn Ruano	Yes

Passed on first reading this 8th day of March 2022.

**[THIS SPACE INTENTIONALLY LEFT BLANK]**

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## SECOND READING

The foregoing ordinance was offered by Councilmember Collazo who moved its adoption on second reading. The motion was seconded by Vice Mayor Rodriguez and upon being put to a vote, the vote was as follows:

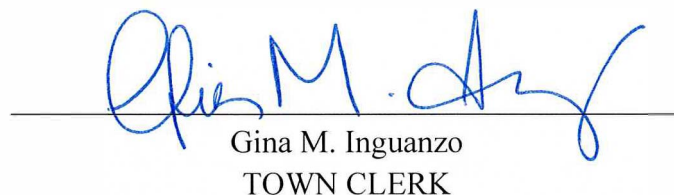
Mayor Manny Cid	Absent
Vice Mayor Jeffrey Rodriguez	Yes
Councilmember Carlos O. Alvarez	Yes
Councilmember Luis E. Collazo	Yes
Councilmember Joshua Dieguez	Absent
Councilmember Tony Fernandez	Yes
Councilmember Marilyn Ruano	Absent

Passed and adopted on second reading this 12<sup>th</sup> day of April 2022.



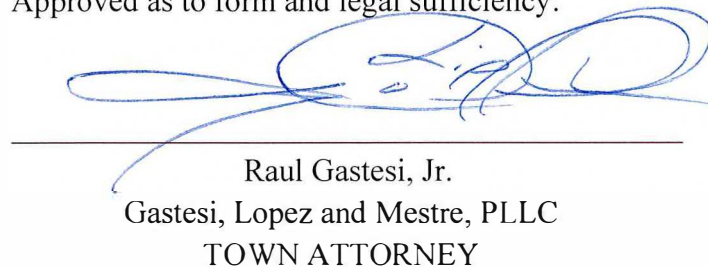
Manny Cid  
MAYOR

Attest:



Gina M. Inguanzo  
TOWN CLERK

Approved as to form and legal sufficiency:



Raul Gastesi, Jr.  
Gastesi, Lopez and Mestre, PLLC  
TOWN ATTORNEY

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**CHAPTER 18, ARTICLE X PRIVATE LAKE MAINTENANCE PARK LICENSE AND USE PROGRAM**

**Sec. 18 – 143 – PRIVATE LAKE MAINTENANCE PARK LICENSE AND USE PROGRAM**

Home Owner Associations (“HOA”), that have authority and control over lake(s) maintenance located within the Town of Miami Lakes, and operating in accordance with local and State Law, may enter into a license and use agreement with the Town of Miami Lakes for the use of adjacent Town property and/or parks to stage, install and maintain equipment related to fountain, aerator, or bubbler devices used for the delivery of oxygen to their lake(s).

To enter into an agreement with the Town, the HOA must contact the Town and complete an application (Exhibit “ A”), which can be amended by Staff from time to time, to participate in the program. Once an application is received by the Town, the Town Manager or his/her designee will will review the application for feasibility. If determined to be initially feasible, the Town may request that the HOA provide the Town with additional documentation such as, but not limited to,, insurance policies, surveys, contractor information and legal descriptions as pre-requisites to the formalizing of a license and use agreement for the use of Town property as provided in this ordinance. All costs related to the application and supporting documentation for this program are solely the responsibility of the HOA. Town Council approval is required for any license and use agreement under this ordinance.

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