

ORDINANCE NO. 07-93

AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA, ADOPTING TOWN PARK RULES AND REGULATIONS; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Miami Lakes (the “Town”) currently owns and operates numerous parks, including active and passive parks (collectively the “Parks”); and

WHEREAS, the Town has operated the Parks under existing Park Rules and Regulations from the Miami-Dade County Code (“Park Rules and Regulations”) in effect when the Town incorporated; and

WHEREAS, the Town Council desires to amend the Park Rules and Regulations; and

WHEREAS, the Town Council finds that it is in the Town’s best interest to adopt new rules and regulations for the Parks that better reflect the needs of the Town.

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

Section 1. Recitals. The above recitals are true and correct and are incorporated herein by this reference.

Section 2. Chapter 26-1 of the Town Code is repealed in its entirety and replaced with the following:¹

Section 26-1. Parks and Recreation Department Rules and Regulations

GENERAL RULES AND REGULATIONS

Purpose: The purpose of the Rules and Regulations is to efficiently utilize the Town of Miami Lakes’ (the “Town”) Parks to preserve the Parks’ resources, and to provide for the protection and safety of lives and property on and within

¹ Additions to existing Town Code text are shown by underline.

the Parks and recreation facilities under the jurisdiction and control of the Town. Each person using any of the Parks must conduct recreational activities in such a manner so as to prevent injury or loss of life to any person and to protect property.

Application: The Rules and Regulations shall apply to all persons on any part of the property comprising the Parks, presently or hereinafter under the jurisdiction and control of the Town.

Section 26-1.1 DEFINITIONS.

- (a) "Community Center" means any building owned by the Town and used for recreational, educational or cultural activities by the Town or Town committees.

- (b) "Park Property" are all property, real and personal, in or on Parks.

- (c) "Park Roads" are all surfaced areas designated for vehicular traffic, all their surface or cleared areas are classified as to form a trail or path.

- (d) "Parking Areas" means any designated part of a Park Road or area contiguous thereto set apart for the standing or stationing of any vehicle.

- (e) "Parks Department" or "the Department" is the Town Parks and Recreation Department.

- (f) "Parks," "Recreational Areas," and "Areas operated and maintained by the Town Parks and Recreation Department" means parks, park swales, wayside parks, parkways, swales, preserves and open spaces, including the beaches and areas between the property held in private ownership and the boundaries of the Town, playgrounds, tot lots, recreation fields, museums, auditoriums, ranges and buildings, lakes, streams, canals, lagoons, waterways, pools, bridges, roadways, marinas, piers and abutting lands and adjacent littoral waters, which are used for recreational purposes, or as parks, and the pertinent rights-of-way presently under or hereinafter acquired and placed under the jurisdiction, control, and administration of the Town, and all public service

facilities located on the grounds, buildings, and structures in the Town which are under the control of or assigned for upkeep, maintenance or operation by the Town.

(g) "Persons" means natural persons, firms, associations, joint ventures, partnerships, estates, trusts, business trusts, syndicates, fiduciaries, including any trustee, receiver, assignee, or similar representative thereof, corporations and other groups and combinations.

(h) "Vehicle" means any wheeled conveyance, whether motor powered, animal drawn, or self propelled. The term shall include any trailer in tow, of any size, kind or description. An exception is made for baby carriages, wheelchairs, and vehicles in the service of Town Parks.

(i) "Vessel" means any motorized, wind driven, or paddle propelled means of water related transportation within a Park or upon Park littoral waters. The term shall not include rafts, floats or floatation devices whether canvas, rubber, styrofoam, or other substances intended or capable of assisting in the floatation of a person on or in the water.

Section 26-1.2 NECESSITY FOR RULES AND REGULATIONS.

It is the responsibility of each Person to conduct recreational activities in such a manner so as to prevent injury or loss of life to any Person; therefore, it is necessary to prescribe rules and regulations to govern recreational activities in the Parks.

Section 26-1.3 PARENTAL RESPONSIBILITY FOR MINORS.

Parents or guardians shall be held strictly responsible and accountable for the actions of children under the age of eighteen (18) who violate any of the Rules and Regulations.

Section 26-1.4 AUTHORITY TO REGULATE PARK PROPERTY AND OTHER RECREATION AREAS.

(a) The Town Manager may, from time to time, adopt temporary rules and regulations to regulate the time, place and manner in which the Parks, or any

portion thereof, is to be used and enjoyed by the public and to authorize the posting of signs regulating public use. In so doing, the Town Manager must take into account the safety, the facilities available, the preservation of public property, the number of persons who can be safely protected and safeguarded at the particular location, and the health and welfare of the public using and wishing to use the Park. In addition, the Town Manager may issue temporary rules and regulations to cover emergency, hazardous or special conditions and place, and maintain appropriate signs to warn the public. Such temporary rules and regulations shall not remain in effect for more than ninety (90) days without approval by Town Council, nor shall any such rule be binding upon the public unless indicated by appropriate signs.

- (b) The directions of the Town Manager given pursuant to the authority contained in this Section are declared to have the effect of law and shall be enforced by the Town's Police Department, code enforcement officials, and Parks Department employees.

Section 26-1.5

AUTHORITY OF TOWN POLICE DEPARTMENT, PARKS DEPARTMENT AND CODE ENFORCEMENT OFFICIALS.

It shall be the duty and responsibility of the Town's Police Department, code enforcement officials, and Parks Department employees to enforce all State, County and Town laws, including the Rules and Regulations, as applicable.

Section 26-1.6

USER FEES FOR PARKS AND RECREATION.

The user fees for Park facilities shall be those fees currently in affect, and may be subsequently amended by the Town Council by resolution. A fee schedule for user fees for the Parks and its facilities, activities and programs shall be established by resolution of the Town Council, from time to time. This Section shall not apply to athletic leagues using the Parks, unless such leagues are run solely by the Town.

Section 26-1.7

ARTICLE VI OF THE CHARTER OF MIAMI-DADE COUNTY

As may be applicable to the Town, Article VI of the Charter of Miami-Dade County shall apply to the Rules and Regulations.

TRAFFIC

Section 26-1.8

TRAFFIC ORDINANCES AND STATE VEHICLE LAWS.

The traffic ordinances of Miami-Dade County and of the Town and the applicable State vehicle laws shall apply to the Parks in addition to the following regulations established in this Section.

Section 26-1.9

ROADS AND DRIVEWAYS WITHIN PARKS.

- (a) No person driving, operating, controlling or propelling any motorized vehicle shall use any other than the regularly designated paved or improved roads or driveways in the Parks, except when directed to do so by a police officer or Town employee. This provision shall not apply to the use of a baby carriage and any motorized vehicles in the service of the Town, any self-propelled wheelchair, power wheelchair or other mobility device by an individual with mobility impairment.
- (b) No driver or operator of any motorized vehicle shall obstruct traffic or park or stop on any road or driveway in any of the Parks' Property except at places so designated or in case of an emergency beyond his or her control.

Section 26-1.10

TRUCKS, BUSES AND OTHER HEAVY VEHICLES.

No truck, commercial vehicle, or bus of any type shall be driven or stationed on any restricted road or property in the Parks without special authorization from the Town. However, trucks, commercial vehicles and buses used for transporting persons to the Parks for recreational purposes will be afforded use of ingress and egress roads and parking facilities as provided for conventional passenger vehicles without special authorization from the Town.

Section 26-1.11

BICYCLES, TRICYCLES, SKATEBOARDS, ROLLER/IN-LINE SKATES
MOTORCYCLES, SCOOTERS, DIRT BIKES, GO CARTS.

- (a) Except for areas designated otherwise by a posted sign or notice, no person shall ride, drive or propel any motorcycle, scooter, go-cart, electric personal assistive mobility device as defined by Section 316.2068, Florida Statutes, or similar vehicle on any roads within the Parks other than the regular vehicular roads or other designated uses or areas. However, any motorcycle, scooter, go cart, electric personal assistive mobility device as defined by Section 316.2068, Florida Statutes, or similar vehicle on any roads within the Parks, with their motors shut off, may be pushed by hand not faster than a walk over grassy areas normally reserved for the use of pedestrians.

(b) It is unlawful for operators or riders of skateboards, roller/in-line skates, bicycles, tricycles or other non-motorized vehicle to fail to yield the right-of-way to any other pedestrians or to otherwise endanger or interfere with pedestrian or vehicular traffic on any roadway, pathway or trail within the Parks.

(c) Use of skateboards, roller skates and in-line skates is prohibited:

1. In any public access ramps or access ramps for handicapped persons providing pedestrian access to a building;
2. On any publicly owned benches, railings, planters, ceramic-tiled walkways, steps, and curbs; and
3. On any public or private property where prohibited by conspicuously located signs having lettering at least two inches high and containing as a minimum the words "No Skating," "No Skateboarding," or a substantially similar message.

The Town Manager, or his designee may, however, designate with appropriate signage and in accordance with safety regulations, certain areas of the Parks for use of skateboards and roller/in-line skates.

Section 26-1.12 PARKING.

(a) No person shall park a vehicle any place on the Parks' Property other than in the regular designated facilities/spaces provided for that particular type of vehicle, unless directed otherwise by police officers or Town employees who are authorized to designate other areas for parking when conditions so warrant. This provision shall not apply to the use of any self-propelled wheelchair, power wheelchair, or other mobility device by an individual with mobility impairment.

(b) No person shall park a vehicle any place on the Parks' Property overnight. This provision shall not apply to any vehicles in the service of the Town.

(c) No commercial activities may be conducted in the Parks' Parking Areas without written authorization from the Town.

(d) No Town employee shall be permitted to accept any fee or gratuity for any service concerning the parking of a vehicle except those employees assigned to areas where a stated fee is charged by the Parks Department.

(e) The Town has the authority to tow illegally parked vehicles on the Parks' Property.

Section 26-1.13

USE OF VEHICLES.

- (a) No operator of a vehicle shall tow another vehicle or wheeled device on Park roads except when the towed vehicle is used in transporting a boat into a marina or other designated area, when necessary to remove a disabled vehicle, or for any reason deemed necessary by the Town's Park Department Director. No tow vehicles shall be allowed on Town managed beaches as the Town shall provide for towing of boats or vehicles on Town managed beaches and shall be authorized to recover the costs for such service. Provisions of this Section shall not apply to the operation of these vehicles on those portions of the Parks' specifically designated for such use.
- (b) No person shall change any parts, repair, wash, grease, wax, polish, or clean a vehicle on any Park roadway, parkway, driveway, parking lot or other Park Property. Provisions of this Section shall not apply to the operation of those vehicles on those portions of the Park specifically designated for such use.
- (c) No person shall operate a four wheeled, motorized go-cart on any roadway, parkway, driveway, parking lot, or other Park Property. This provision shall not apply to golf carts or vehicles designated primarily for use by individuals with disabilities or in areas specifically designated for such use. The Town Manager, or his designee may, however, designate with appropriate signage and in accordance with safety regulations, certain areas of the Parks for use by four wheeled motorized carts.
- (d) Any authorized motorized vehicle shall not exceed eight (8) miles per hour.

PARK PROPERTY

Section 26-1.14

PRESERVATION OF PROPERTY.

No person shall:

- (a) Destroy, damage or remove real property or improvements thereto, or movable or personal property, belonging to the Town.
- (b) Bring waste from outside the Parks to be deposited in the Parks' receptacles or other Park Property unless specifically authorized by the Town. Throw or deposit, or permit to be deposited or scattered upon any sidewalk, alley, street or public passageway, or upon any public or private property, any waste or other material, except in the Park receptacles.
- (c) Tamper, meddle with or alter the condition of any meter, valve or meter identification, or other part of such system in the Town, or appliance

connected thereto in such manner as to cause loss or damage to the owner of such facilities or the users thereof, or to create a hazard to life or property.

- (d) Tamper with, injure, deface, destroy or remove any sign, notice, marker, fire alarm box, fireplug, topographical survey monument, or any other personal property erected or placed by the Town.
- (e) Disturb, dig, move with the intent to remove, remove from or take any Park area, any beach sand, whether submerged or not, any earth, stone or other material from any public street, alley, Park or other public ground including the removal of plants or plant materials, trees or parts thereof or any flowers, nuts, seeds, fruits whatsoever, except that the Town personnel may be authorized to make such removals.
- (f) Write, paint, or draw any inscription, figure, or mark of any type on any public or private building or structure or other real or personal property, owned, operated, or maintained by the Town unless authorized by the Parks Department.
- (g) Set, build or attempt to build a fire on Park Property, including the ground or beach or other object in any area, except in such areas that are specifically designated for fire building such as an approved grill, stove, fireplace or other suitable container and for which permission has been given by the Town. All persons starting a fire must extinguish the fire prior to leaving the site. Grills or any other device should not be used in such a manner as to burn, char, mar or blemish any bench, table, or other object of Park Property.
- (h) Make any excavation by tool, equipment, blasting, or other means or utilize metal detectors or shall construct or erect any building or structure of whatever kind other than a tent with a fabric top 10' x 10' or smaller, whether permanent or temporary, or run or string any public utility into, upon, across or over any Park Property unless authorized by permit, easement, or written approval is obtained by the Parks Department Director.
- (i) Climb any tree or walk or stand or sit upon monuments, vases, fountains, railings, fences, picnic tables or any other property not designated or customarily used for such purposes.
- (j) Willfully mark, soil, deface, or injure in any way, or displace, remove or tamper with, any Park building, public restroom and washroom facility, table, bench, cooking facility, railing, paving or paving material, water line or other public utility or parts of appurtenances thereof or equipment thereon, Park sign, notice or placard whether temporary or permanent, monument, stake, post or other boundary marker, or other structure or equipment, facility or Park Property or appurtenance whatsoever, either real or person.
- (k) Bring to or use any water or beverage container made of glass on any Park Property.

- (l) Over the age of twelve (12) years, trespass upon or use the playground equipment at any Park other than those swings designated for adult use.

Section 26-1.15 PROTECTION OF VEGETATION.

No person shall cut, carve, or injure the bark, limbs or branches, or mutilate trees in any way, or pick the flowers or seeds of any tree, plant or shrub, nor shall any person dig in or otherwise disturb grass areas, or any other way injure or impair the natural beauty or usefulness of any area, nor shall any person pile debris or material of any kind on or about any tree or plant, or attach any rope, wire or other contrivance thereto, whether permanent or temporary in character or in use.

Section 26-1.16 PROTECTION AND PRESERVATION OF WILDLIFE.

- (a) No person shall molest, harm, frighten, kill, net, trap, snare, hunt, chase, shoot or throw or propel any object at any animal roaming free about a park, nor shall any person remove or possess the young, eggs or nest of any animal.
- (b) No person shall disobey posted notices prohibiting the feeding of animals.
- (c) No person shall place, dump, abandon or leave any animal on the grounds of any Park in an effort to find a home for such creature.

Section 26-1.17 DOMESTIC ANIMALS.

- (a) Domestic animals shall not be allowed upon the Parks unless the Parks or portion of the Parks is specifically designated for animal use or written permission is obtained by the Parks Department Director. Animals under the custody and control of a law enforcement officer and dogs accompanying a disabled person are excluded from this Section.
- (b) Any person owning, possessing, harboring or having the care, charge, control or custody of any animal shall immediately remove and thereafter dispose of any fecal matter deposited by the animal on Park Property. For the purpose of this Section, animal fecal matter shall be immediately removed by placing the matter in a closed or sealed container and thereafter disposing of it by depositing the matter in a trash receptacle, sanitary disposal unit, or other closed or sealed container. This provision shall not apply to blind persons accompanied by a dog used for their assistance.

Section 26-1.18 FISHING.

No person shall fish in Park waters, except where signs are posted authorizing such use, and in accordance with Florida law.

Section 26-1.19 HUNTING AND FIREARMS.

- (a) No person shall carry, use or possess firearms of any description, air rifles or pistols, spring guns, bows and arrows, sling or any other form of weapon potentially injurious or harmful to wildlife and human safety, or any instrument that can be loaded with and fire blank cartridges or any kind of trapping device on or in any Park. Exception is made for certified law enforcement officers for the purposes of human safety.
- (b) No hunting, trapping or the pursuit of wildlife by any means or method whatsoever shall be permitted on or in any Park.

Section 26-1.20 TOY FIREARMS, FIREWORKS AND EXPLOSIVES.

No person may bring into, or have in his possession, or set off or otherwise cause to explode, discharge or burn in any Park or on any public lands or highways adjacent thereto, any firecrackers, torpedoes, rockets, toy firearms or cannon or other fireworks, explosives or other inflammable material in any Park or on any public lands or highways adjacent thereto unless he or she first obtains written authorization from the Town and the Fire Department, if appropriate for fireworks displays.

Section 26-1.21 AIRCRAFT.

No person operating, directing, or responsible for any airplane, helicopter, glider, hot air balloon, dirigible, parachute or other aerial apparatus including radio controlled aircraft (excluding kites) shall take off from or land in or on any Park or waterway, except when human life is endangered or when prior written permission has been obtained from the Town.

Section 26-1.22 CLOSING OF PARKS.

- (a) No person shall be in any part of any Park between sunset and sunrise or as specifically posted at the Park unless written permission is obtained by the Town. This provision shall not apply to police officers or the Town

employees while in the discharge of their duties or to persons having a permit in writing issued by the Parks Department to be or remain in any part of the Parks between such hours. The Parks Department Director has the authority to establish exceptions to the closing hours as set forth above when it is in the interest of the public health, safety or welfare and such exceptions shall be posted.

- (b) No person shall enter upon any part of any Park, which is in an unfinished state or under construction or withheld from general public usage in the interest of public safety, health and/or welfare unless specifically permitted by the Town.

RECREATIONAL ACTIVITIES

Section 26-1.23 RECREATIONAL ACTIVITIES.

No person shall engage in any recreational or other activities other than those intended to be performed in the designated areas set aside for such purposes and as provided for herein.

Section 26-1.24 GAMES.

No person or persons shall engage in rough or potentially dangerous games or practice for same, or any other games, practice or exercise involving thrown or otherwise propelled objects such as stones, arrows, javelins, shuttlecocks, or model aircraft except in the areas specifically designated and set aside for such recreational usages.

Section 26-1.25 BATHING AND SWIMMING.

(a) Bathing, swimming, and wading are done at the risk of the public user. No person shall swim, wade, or bathe in waters or waterways in or adjacent to any Park, other than at places that are designated for such activities where signs are posted authorizing such use and in compliance with the rules of these areas as to hours of the day and safety limitations for such use.

(b) No person shall erect or cause to be erected any tent, shelter or structure on or in any beach, bathing or wading area unless authorized by the Town.

Section 26-1.26 BOATING.

- (a) No person shall bring any motorized vessels, including, but not limited to, boats, personal watercraft, etc. in any Park property watercourses, bays, lagoons, lakes, canals, rivers, ponds, or sloughs other than those so designated for such use or purpose by the Town and then only in strict conformance with applicable sections of the Town Code.
- (b) No person shall moor, anchor or tie up to the bank or to any wharf, dock, tree, building, rock or any object or structure on the bank of waters within or contiguous to any Park within 200 feet of the shore line unless the owner, or authorized operator of the motorized vessels, has obtained written permission from the Town, except if the motorized vessel is the property of the United States government or is in distress.
- (c) No person shall launch, retrieve, dock or operate any vessel within a Park or littoral waters after the Park is closed.
- (d) Permission to rent, hire or operate for a charge any kind of boat, water craft, whether powered or not, on any Park waters or from any Park dock, mooring or marina area, shall be reserved for the Town or its licensed designee. Any boat operating for any commercial activity or for hire, or carrying passengers for money, or contemplating same, before docking or mooring or receiving such passengers at any dock or wharf or landing place or anchorage in the Park jurisdiction shall obtain a special permit from the Town prior to the activity.

Section 26-1.27 CAMPING.

There shall be no camping or overnight stay in Parks unless authorized by the Town. Hence, the bringing into a Park and using for overnight occupancy any house trailer, camp trailer, camp wagon, or any other form of moveable structure or special vehicle is prohibited, except in areas designated for that purpose by the Parks Department.

SANITATION

Section 26-1.28 POLLUTION OF WATERS, SANITATION.

Using the fountains, ponds, lakes, streams, bays, or any other bodies of water within the Parks, or the tributaries, storm sewers or drains flowing into them as dumping places for any substance or matter or thing which shall or may result in the pollution of said waters is prohibited.

Section 26-1.29 REFUSE, TRASH, AND DESTRUCTION OF PARK PROPERTY.

- (a) No person shall bring in or dump, deposit or leave any bottles, broken glass, ashes, boxes, cans, dirt, rubbish, waste, garbage, refuse, or other trash. No such materials shall be placed in any waters in or contiguous to any Park, or left anywhere on the grounds thereof, but shall be placed in proper receptacles where these are provided; where receptacles are not so provided, all such materials shall be carried away from the Park by the person responsible for its presence, and properly disposed of elsewhere.
- (b) No person shall vandalize, deface or destroy any Park property.

UNDESIRABLE ACTS AND BEHAVIOR

Section 26-1.30 NOISE.

No person entering or in or upon any Park shall make any excessive, unreasonable or unnecessary noise, with a wrongful motive or malicious intent or purpose to cause public inconvenience, annoyance or alarm, or to recklessly create a risk thereof to the visitors and patrons of the Park then present. Blow horns and air horns are specifically prohibited by the provisions of this Section.

Section 26-1.31 MERCHANDISING, VENDING, PEDDLING.

- (a) No person, persons, organization or firm other than the Town or licensed concessionaires acting by and under the authority of the Town shall expose or offer for sale, rent or trade, any article or thing, solicit alms or contribution for any purpose, whether public or private, or station or place any stand, cart, or vehicle for the transportation, sale or display of any article or merchandise within the limits of any Park or recreation area.
- (b) All properly authorized activities under this Section are subject to regulation by the Town Manager.

Section 26-1.32 ADVERTISING AND PUBLICITY AND SIGNS.

No person shall advertise or obtain publicity through any means whatsoever within or upon any Park without obtaining specific approval in advance and in writing from the Parks Department Director and such approval shall be so worded as to prohibit damage to or marring of the Parks or vegetation, disturbance of Park patrons or erection, painting or displaying of anything unsightly or in disharmony with the Parks.

Section 26-1.33

PUBLIC DEMONSTRATION, GATHERINGS, PERFORMANCES,
SPEECHES.

(a) A permit from the Town shall be required for events described in subsection (b) below. Said permit shall clearly define the nature of the activity, the limit of its scope and time of setting forth such other restrictions and requirements as the Town may deem necessary. Such permit may only be denied for one or more of the following reasons:

- i. Public health and safety concerns;
- ii. Obstruction of traffic;
- iii. Availability of Town or other resources;
- iv. Availability of Park space; or
- v. Other activities already permitted.

(b) The following events or activities on a Park shall require a permit from the Town:

- i. Event or activity of a band, process, military company, or any company or group with flags, or banners;
- ii. Entertainment or exhibition; and
- iii. Public gatherings, meetings or any public speaking by any person, persons, or representatives of any political party, social club, or society, officer, aspirant, religious sect, theatrical or circus group, act, rite or ceremony, or other public exhibition to be held of more than fifty (50) persons in any Park, playground or other recreational area.

Section 26-1.34

ALCOHOL AND CONTROLLED SUBSTANCES.

(a) No person who is intoxicated and/or under the influence of drugs shall be permitted entry to the Parks and if discovered therein shall be ejected forthwith and subject to all Federal, State, County, Town laws and the Rules and Regulations prohibiting this activity.

- (b) No person shall drink alcoholic beverages in the Parks or bring such beverages into such Park areas except for certain Town sponsored or sanctioned events contingent upon prior written authorization by the Town.
- (c) The consumption of alcoholic beverages is specifically prohibited by those directing, participating in, or spectators of any athletic events, and youth activities and programs organized by the Town or self-organized and authorized under permit by the Town.

Section 26-1.35 SMOKING PROHIBITED IN OUTDOOR AREAS IN TOWN PARK.

No person shall smoke on or around playing fields and playgrounds, bleacher areas, dugouts, around team seating areas, concession areas and restrooms, within any Park

Section 26-1.36 PROPER USE OF FACILITIES.

- (a) No person shall loiter in or around any restroom or dressing room.
- (b) No person shall dress or undress except in such structures as may be provided and maintained by the Town for that purpose. Dressing or undressing in any vehicle or in any Park area is prohibited.
- (c) It is intended that all facilities be on a first come, first served basis. It is also intended that no group or organization be permitted to monopolize any area or facilities to the exclusion of all others. Whenever the situation warrants, use of a facility will be regulated by use of permits.
- (d) In general, the facilities and equipment are to be used for the purposes for which they were designed: benches to sit on, picnic tables to eat on, tennis courts to play tennis on, etc.

Section 26-1.37 GAMBLING.

No person or organization shall conduct or participate in any form of gambling within the Parks.

MISCELLANEOUS

Section 26-1.38 PHOTOGRAPHY.

- (a) No person shall without prior written authorization from the Town take still or moving pictures that involve the use of special settings, structures, lighting or apparatus, or the performance of a cast of persons, either amateur or professional, or the posing of professional models on any Park property. However, the provisions of this
- (b) Section do not in any way restrict the use of cameras by amateur photographers or professionals not using set scenery, casts or models.
- (c) Bona fide newspaper, press association, newsreel and/or television news department personnel, identified by press cards or passes and assigned by their respective editors to make photographs for use of such communications media shall be allowed in the Parks for such purposes with prior written Town authorization. Community Based Organizations hiring professional photographers for program based photography, will also be allowed in the Parks for such purposes with prior written authorization.

PICNIC PARKS AND SHELTERS.

Section 26-1.39 PICNIC SHELTER PERMIT.

- (a) The use of the picnic shelters and their facilities shall require advance reservations by way of a permit. Reservations shall be obtained through the Parks Department. Reservations for the picnic shelters shall be subject to the provisions of the permit and use of picnic areas must comply with the Rules and Regulations concerning same.
- (b) Unless permitted by the Town, financial transactions in connection with picnics held in a Park, either on a reserved basis or otherwise, must be made outside the limits of the Park, and the sale of tickets, acceptance of money, soliciting or accepting of donations or offerings, in order to defray the expense of a picnic or to realize a profit there from is prohibited and subjects a permit holder to immediate cancellation of said permit and the imposition of fines in accordance with Rules and Regulations.
- (c) Picnic shelters shall be used only by reservation through the Town and shall be for a specific time and duration. However, such facilities may be used by

the public during unreserved periods if occasion demands, and it is deemed feasible by the Town.

- (d) No outside grills or cooking devices shall be brought into the picnic shelters.

Section 26-1.40 PICNIC AREAS AND USE.

- (a) No person shall picnic, lunch or cook in any area not specifically designated by and regulated by the Parks Department for such usage.
- (b) The Parks Department shall regulate activities in picnic areas when necessary to prevent congestion and to secure the maximum use for the comfort and convenience of all. Use of the individual grills, together with tables and benches, except those described in Section 39 (a), generally follows the rule of "first come, first served", with use of picnic tables limited to two tables per party, unless specifically authorized by the Parks Department.
- (c) No person shall cook in any area not equipped with grills or other cooking devices.

Section 26-1.41 PICNIC SHELTER RENTAL RULES AND REGULATIONS.

- (a) Reservations can be made for any period the desired Park or Park Property is available but not more than six (6) months in advance accompanied by any applicable reservation deposits as specified in the fee schedule established pursuant to Section 6. Reservations are limited to one (1) household per twelve (12) month period. Reservation deposits shall be held by the Town and returned to the applicant once the applicant uses the facility and a facility inspection is made. No refunds of any applicable reservation deposits will be made for cancellations, unless a written notice of cancellation is received by the Town at least four (4) weeks in advance of the reserved date.
- (b) No shelter may be reserved by any person less than eighteen (18) years of age. The Town may refuse to reserve a shelter to any person who cannot prove the age requirement to the satisfaction of the Town.
- (c) The sale of merchandise of any kind is expressly forbidden, unless a permit has been obtained from the Parks Department or as permitted through the

Parks concessionaires.

- (d) Carnival rides or any mechanical rides are forbidden in the Parks.
- (e) Bounce houses or variation of inflatable amusements, little farms, petting zoos, pony rides are only permitted with prior written approval from the Parks Department and a minimum \$500,000 liability insurance policy that names the Town of Miami Lakes as additionally insured. Any persons using this equipment shall have to sign a waiver indemnifying the Town from responsibility of any injuries/incidents resulting from its use. Bounce houses must use an independent energy source, i.e. generators; electrical outlet at and within the picnic shelters may not be used for bounce houses.
- (f) No cars are permitted in the grassy areas. Parking and drop off/pick up is confined to the parking lot area only.
- (g) No amplifiers, loud bands, loud music or disc jockeys.
- (h) The renter assumes all risk in use of the picnic shelter and/or picnic areas and shall be solely responsible for all damages, accidents and injury of persons or property and hereby covenants and agrees to indemnify and hold harmless the Town and their officers and employees from any and all claims, suits, losses, damages including attorneys fees at the trial and appellate court level, paralegal charges and investigation costs, or injury of person(s) or property. Insurance requirements shall be at the Town's discretion.
- (i) Groups larger than sixty (60) shall not be permitted in picnic shelters.
- (j) When vacated, picnic shelter and/or picnic areas shall be returned in the same condition as received. All party decorations, signage, equipment, staples and tacks must be removed and properly discarded. Immediately following an event, the permittee shall empty all garbage cans and dispose of trash in the dumpsters located at each facility.
- (k) Electric generators of any kind are forbidden except when a permit for a bounce house or a variation of inflatable amusements has been granted by the Parks Department.

- (l) Electrical outlets are available at the picnic shelter near the barbecue pits. The permittee is responsible for any damage resulting from overloading electrical outputs.

- (m) Picnic shelter and/or picnic area keys and water keys are to be returned within three (3) working days after the scheduled rental. Loss of the keys or failure to return the keys within three (3) working days shall result in forfeiture of the key deposit.

- (n) If any of the above Sections are violated, the Town has the right not only to hold the deposit, but also to call the police, to terminate the activity and to exercise any other right as provided herein.

- (o) The Town may cancel or revoke the right to use the Parks with or without cause.

- (p) The Town may cancel or revoke the permit with or without cause, waive the requirements of the Rules and Regulations or make additional conditions regarding the use of the Park grounds which are in the public interest.

COMMUNITY CENTER(S)

Section 26-1.42 RULES AND REGULATIONS.

- (a) Smoking is prohibited throughout the community center(s) pursuant to Florida Law.

- (b) Under no circumstances are groups or individuals using the community centers allowed to remove chairs, tables, or any other equipment from the community centers, unless authorized in writing by the Town.

- (c) Use of kitchens, concessions, closets or storage facilities shall be permitted solely upon the written authorization of the Town.

- (d) Control of the lights, thermostats, and other equipment and locking and unlocking of the doors are the responsibilities of the Town supervisor on duty, who shall be informed of any special needs required by persons using the community center(s) and any deviations of the schedule.

- (e) Proper attire, including shirts and shoes are required.
- (f) Pets shall be prohibited in the community center(s), unless such pets are used to assist or accompany a disabled person.
- (g) No person shall have the permanent/exclusive use of the community centers and/or certain areas of the community centers unless authorized by the Town Council.

ENFORCEMENT AND OBEDIENCE TO RULES

Section 26-1.43 ENFORCEMENT OF PERMITS/RULES.

- (a) The Town Manager is authorized to enforce the Rules and Regulations and all permits issued for Park use, and is authorized to delegate such authority through the appropriate Town staff, including but not limited to the Town's Police Department, Code Enforcement, and Park employees.
- (b) Any person who violates the Rules and Regulations shall be subject to removal from the Park by the appropriate Town staff.

Section 3. Repeal of Conflicting Provisions. Any provision of the Town Code that conflicts with this Ordinance is 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 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 Code. It is the intention of the Town Council that the provisions of this Ordinance shall become and be made a part of the Code of Miami Lakes, Florida. The sections of this Ordinance may be renumbered or relettered to accomplish such intention, and the word “ordinance” may be changed to “section,” “article,” or other appropriate word.

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

The foregoing Ordinance was offered by Councilmember Roberto Alonso, who moved its adoption on first reading with conditions. The motion was seconded by Vice Mayor Mary Collins and upon being put to a vote; the vote was as follows:

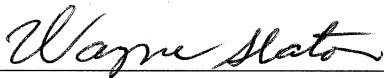
Mayor Wayne Slaton	yes
Vice Mayor Mary Collins	yes
Councilmember Roberto Alonso	yes
Councilmember Robert Meador	yes
Councilmember Michael Pizzi	yes
Councilmember Richard Pulido	yes
Councilmember Nancy Simon	yes

PASSED AND ADOPTED on first reading this **8th** day of May, 2007.

The foregoing Ordinance was offered by **Councilmember Nancy Simon**, who moved its adoption on second reading. The motion was seconded by **Vice Mayor Mary Collins**, and upon being put to a vote, the vote was as follows:


Mayor Wayne Slaton	yes
Vice Mayor Mary Collins	yes
Councilmember Roberto Alonso	yes
Councilmember Robert Meador	yes
Councilmember Michael Pizzi	yes
Councilmember Richard Pulido	yes
Councilmember Nancy Simon	yes

PASSED AND ADOPTED this tenth day of **July**, 2007.




Wayne Slaton
MAYOR

ATTEST:



DEBRA EASTMAN, MMC TOWN CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR USE ONLY BY THE TOWN OF MIAMI LAKES:



WEISS, SEROTA, HELFMAN, PASTORIZA,
COLE & BONISKE
TOWN ATTORNEY