

1
2
3 AN ORDINANCE OF THE VILLAGE OF PALMETTO BAY,
4 FLORIDA, AMENDING THE CODE OF ORDINANCES BY
5 ADOPTING A NEW CHAPTER ENTITLED "PARKS AND
6 RECREATION DEPARTMENT RULES AND REGULATIONS";
7 PROVIDING FOR CIVIL CITATION FINES; ENFORCEMENT
8 PROCEDURES; PROVIDING FOR ORDINANCES IN CONFLICT,
9 CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE
10

11 WHEREAS, the village has obtained title to several properties; which properties are
12 designated for park and public purposes; and
13

14 WHEREAS, the village seeks to develop its own rules, policies, and procedures for the
15 use of village park land, which rules shall include civil citation and enforcement procedures; and
16

17 WHEREAS, the mayor and village council seek to protect the health, safety, and welfare
18 of its village residents and visitors while using village park property; and
19

20 WHEREAS, the village uses its police and executive powers to develop rules, policies,
21 and procedures, including civil enforcement citations, to regulate the reasonable use of village
22 public park land; and
23

24 WHEREAS, the village seeks to create a parks ordinance regulating times of operation,
25 regulating conduct and reasonable use of park premises and create a civil citation system for
26 violations of the village's parks code.
27

28 BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF
29 PALMETTO BAY FLORIDA, AS FOLLOWS:
30

31 Section 1. Chapter 26 of the Code of Miami-Dade County, as made applicable to the
32 Village of Palmetto Bay and the Village of Palmetto Bay Code of Ordinances entitled "Parks and
33 Recreation ~~Department~~ Rules and Regulations" shall supplement Chapter 26 and shall read as
34 follows:
35

36 CHAPTER _
37

38 PARKS AND RECREATION DEPARTMENT RULES AND REGULATIONS
39

40 Sec. 1 Rules and regulations.
41

42 Rule 1. Definitions.
43

44 When used herein the following definitions shall apply:
45

1 (a) The terms "parks," "parkways," "recreational areas," and other "areas operated
2 and maintained by the Village of Palmetto Bay Community Service Department, Division
3 of Parks and Recreation" are defined to mean parks, wayside parks, parkways,
4 playgrounds, recreation fields, museums, auditoriums, ranges and buildings, lakes,
5 streams, canals, lagoons, waterways, water areas, and all public service facilities, including
6 any libraries, conducted on grounds, buildings, and structures in the Village of Palmetto
7 Bay which are under the control of or assigned for upkeep, maintenance or operation by
8 the Community Services Department, Division of Parks and Recreation.
9

10 (b) The term "park property" as used in this chapter is defined to cover all areas,
11 buildings, locations, and facilities described in the foregoing paragraph.
12

13 (c) The terms "Parks Department" as used in this chapter are defined as the "Village
14 of Palmetto Bay Community Services Department, Division of Parks and Recreation"
15 and the term "Department Director" refers to the Director of Community Services or
16 his/her designee.
17

18 (d) In construing the provisions hereof and each and every word, phrase or part
19 thereof, where the context will permit, the definitions provided in Section 1.01 Florida
20 Statutes shall apply.
21

22 Rule 2. Authority of Palmetto Bay Police Department officials.
23

24 It shall be the duty and responsibility of the Village of Palmetto Bay Police Department
25 (Miami-Dade County Police Department and Village of Palmetto Bay Code Enforcement
26 Department, including but not limited to the Village of Palmetto Bay Policing Unit), with
27 the assistance of the Village's Parks Department staff, to enforce all State, County and
28 Village laws and these police regulations within all parks and other areas maintained and
29 operated by the Parks Department
30

31 Rule 3. Traffic ordinances and state vehicle laws.
32

33 The traffic ordinances of Miami-Dade County, the Village of Palmetto Bay and applicable
34 State vehicle laws shall apply in and about all park property.
35

36 Rule 4. Roads and driveways within parks.
37

38 In addition to the traffic ordinances and state vehicle laws under Rule 3, the following
39 traffic regulations shall be applicable to the village's parks property:
40

41 (a) No person driving, operating, controlling or propelling any motorized vehicle
42 shall use any other than the regularly designated paved or improved park roads or
43 driveways, except when directed to do so by a police officer or department employee.
44 Department employees may use designated vehicles, such as golf carts, in the park as
45 directed by the department director, or village manager. The provisions of this

1 subsection shall not apply to the use of any self-propelled wheelchair, power wheelchair,
2 electric scooter, or other mobility device by an individual with a mobility impairment.
3

4 (b) No driver or operator of any vehicle shall obstruct traffic, park, or stop on any
5 road or driveway, except at places so designated, emergency situations, or circumstances
6 beyond his or her control.
7

8 Rule 5. Trucks, buses, other heavy vehicles.
9

10 No truck, commercial vehicle, or bus of any type shall be driven on any restricted park
11 road or property without special authorization from the Parks Department for the
12 purpose of park work, service or activities; provide, however, that trucks and buses used
13 for transporting persons to a park property for recreational purposes will be afforded use
14 of ingress and egress to park roads and parking facilities as provided for conventional
15 passenger vehicles.
16

17 Rule 6. Bicycles, tricycles, motorcycles, scooters, dirt bikes, go carts.
18

19 No person shall ride, drive or propel any motorcycle, dirt bike, go cart or similar vehicle
20 on any but the regular vehicular roads or other designated ~~uses or~~ areas except that such
21 vehicles, with motors not running, may be pushed by hand not faster than a walk over
22 grassy areas normally reserved for the use of pedestrians. While on park property all
23 persons shall comply with all traffic ordinance provisions governing the operation of
24 bicycles. Violators of the provisions of this rule shall pay a fine not to exceed \$50.00 for
25 the first violation; and \$75.00 for each succeeding violation. Provisions of this rule shall
26 not apply to the operation of these vehicles on those portions of park property
27 specifically designated for such use.
28

29 Rule 7. Parking.
30

31 No person shall park a vehicle any place on park property other than at designated
32 facilities provided for that particular type of vehicle, unless directed otherwise by police
33 officers or park staff who are authorized to designate other areas for parking when
34 conditions so warrant. The provisions of this subsection shall not apply to the use of any
35 self-propelled wheelchair, power wheelchair, or other mobility device by an individual
36 with a mobility impairment.
37

38 Rule 8. Preservation of property.
39

40 No person shall:

41
42 (a) Destroy, damage, tamper with, deface, or remove real property or improvements
43 thereto, or movable or personal property belonging to the Village of Palmetto Bay.
44

1 (b) Throw or deposit, or permit to be deposited or scattered upon any sidewalk, alley,
2 street or public passageway, or upon any public or private property, any waste, debris or
3 other material of any kind.
4

5 (c) No fires shall be built by any person against or adjacent to any park building,
6 structure, tree or plant or near the property of others or in any area of any park except in
7 such areas as are specifically designated for fire building, and/or upon obtaining a
8 properly issued permit from the Parks Department.
9

10 Rule 9. Protection and preservation of wildlife.
11

12 (a) No person shall molest, harm, frighten, kill, net, trap, snare, hunt, chase, shoot,
13 throw or propel by any means missiles at any wildlife creature be it animal, bird or reptile
14 whether that creature is roaming free about a park or in captivity in a cage. Nor shall any
15 person remove or possess the young of any wildlife creature or the nest or eggs of any
16 reptile or bird or to collect, remove, possess, give away, sell or offer to sell, buy or offer
17 to buy, or accept as a gift any specimen dead or alive of any type of tree snail.
18

19 (b) No person shall discard, leave, or abandon any animals in the park.
20

21 (c) No person shall abandon containers of food, or discard food within the park for
22 animal consumption. Every person is required to clean up after consuming any food and
23 ensure the trash is placed in an appropriate garbage receptacle.
24

25 Rule 10. Bathing and swimming.
26

27 (a) No person, regardless of age, sex or manner of dress shall swim, wade, or bathe in
28 waters or waterways in, or adjacent to any park property.
29

30 (b) No person shall erect or cause to be erected any tent, shelter or structure on or in,
31 any beach, bathing or wading area in, or adjacent to any park property in such a manner
32 that a guide wire, rope, extension, brace or support connected or fastened from any such
33 structure to any other structure, stake, rock or other object is necessary. Nor shall any
34 such structure, tent or shelter lack an unobstructed view of the interior from at least two
35 (2) sides unless authorized by the Village of Palmetto Bay.
36

37 (c) No person shall be entitled to jump, dive or climb from any bridge or piping in
38 the parks into a canal or waterway.
39

40 Rule 11. Boating.
41

42 (a) No person shall bring any motorized vessels, including, but not limited to, boats,
43 and personal watercraft, (hereinafter "motorized vessel") etc. in any park property
44 watercourses, bays, lagoons, lakes, canals, rivers, ponds, or sloughs other than those so
45 designated for such use or purpose by the Parks Department. If a motorized vessel is

1 authorized, the use of same shall be in strict conformance with Chapter 7 of the Code of
2 Miami-Dade County (Metropolitan Safe Boating Ordinance).
3

4 (b) No person shall moor, anchor or tie up to the bank or any wharf, dock, tree,
5 building, rock or any object or structure on the bank in waters within or contiguous to
6 any park property within 200 feet of the shore line unless the owner, or his or her
7 representative, of any motorized vessels, has obtained written permission from the Parks
8 Department, provided, however, any motorized vessel is the property of a governmental
9 entity or is in distress, or ties up at a dock, wharf or pier designated for such purpose.
10 Such use shall occur only long enough to enable the occupants to obtain food, fuel,
11 water, bait, tackle or marine supplies. No motorized vessel may remain moored,
12 anchored or tied up at any park property location for more than 24 hours. A violation of
13 this provision shall result in a \$200 a day citation.
14

15 Rule 12. Fishing.

16
17 No person, adult or minor, shall fish in park property waters, either fresh or salt, by use
18 of hook and line, seine, net, trap, spear gig or other device except at such places and in
19 such areas as have been prescribed for such usage, which may include stretches on ocean
20 beaches marked by signs as permitted, in areas other than those used for bathing.
21

22 Rule 13. Hunting and firearms.

23
24 (a) No person shall carry, use or possess firearms of any description, air rifles or
25 pistols, spring guns, bows and arrows or any other form of weapon potentially inimical to
26 wildlife creatures or dangerous to human safety on or in any park property.
27

28 (b) No hunting, trapping or the pursuit of wildlife by any means or method
29 whatsoever will be permitted on or in any park.
30

31 Rule 14. Picnic grills.

32
33 No person shall build, light or cause to be lighted any fire upon the ground or other
34 object in any area of the park. Grills may be lighted at designated/installed park grills
35 without first obtaining a permit from the Parks Department. No person may use
36 portable grills or stoves in the park unless the parks department has issued a permit by
37 the Parks Department. The type of grill or stove must also be approved by the
38 department as part of the permit process. Failure to supervise and/or completely
39 extinguishing a fire or grill shall result in a violation of this code. A violation of this
40 provision shall result in the issuance of a \$100 citation.
41

42 Rule 15. Toy firearms, fireworks and explosives.

43
44 (a) No person shall carry or have in his or her possession, or set off or otherwise
45 cause to explode, discharge release or burn in any park property or on any public lands or

1 highways adjacent thereto, any firecrackers, torpedoes, rockets, toy firearms, cannons or
2 any other type of fireworks or explosives of inflammable material or any substance,
3 compound, mixture, or article that, in conjunction with any other substance or
4 compound, may explode, discharge release or burn, unless he/she first obtains a written
5 permit from the Department Director. Should the village designate an area of the park
6 for the discharge of firecrackers, fireworks or explosives no permit shall be necessary to
7 discharge same within the designated area.
8

9 Model rockets are not prohibited provided, however, they are used within
10 properly designated areas within village parks. A model rocket consists of a body is
11 usually a thin paper or card tube with an engine mount inside. The engine is held inside
12 either by friction or by a metal engine hook. The engine mount tube is held in place with
13 thick centering rings which keep the thrust aimed straight back. Most rockets also employ
14 some sort of recovery device to bring the rocket safely to the ground once the engine run
15 is complete. The type of recovery device depends on the size and weight of the rocket.
16 The most common type of recovery device is the parachute. A properly sized parachute
17 will bring the rocket down slowly and gently. Problem with parachutes is that they tend to
18 drift in the wind meaning the model can often end up in a tree. An alternative to the
19 parachute is a streamer. A streamer is just a long piece of material (usually crepe paper or
20 plastic) which is used to create drag in the air so slowing the rocket decent. Steamers
21 don't often drift and are usually more accurate. Then there are some uncommon types of
22 recovery devices. Some rockets use helicopter veins to slow the descent down, other
23 rockets use gliders or are gliders themselves.
24

25 (b) Parents or guardians shall be held strictly responsible and accountable for the
26 actions of minors in regards to the prohibitions in the foregoing paragraph.
27

28 (c) Violation of this provision shall result in a \$200 civil citation and citation under
29 applicable state and county laws.
30

31 Rule 16. Domestic animals.
32

33 (a) No person shall be permitted to take any domestic animal into any park unless
34 the park specifically permits domestic animals. Canines (dogs) are particularly excluded
35 from all parks other than Perrine Wayside Park. The provisions of Chapter 5 (Sections 5-
36 3 through 5-15) of the Code of Miami-Dade County (Miami-Dade County Dog Control
37 Ordinance No. 58-28) shall apply to all park property not specifically designated for
38 canine use. The provisions of this rule shall not apply to the use of a special needs
39 service animal. As special needs service animal is defined as any dog guide or other
40 animal individually trained to work or perform tasks for an individual with a disability.
41

42 (b) Cattle, mules, swine, sheep, goats, fowl or horses shall be precluded from entry
43 into park property. All owners or attendants of such animals are charged with the duty of
44 preventing such occurrences. However, this prohibition does not apply to animals and

1 fowl kept by the Parks Department of under its direction. Any person found violating
2 this provision shall receive a \$200 civil citation.
3

4 (c) Animals may be allowed into the park for special events upon obtaining a written
5 permit from the Department Director.
6

7 Rule 17. Pollution of waters, sanitation.
8

9 It is prohibited for any person to dump substances and/or pollute the waters of the
10 Village of Palmetto Bay. Waters shall be defined to include fountains, ponds, lakes,
11 streams, bays, or any other bodies of water within park property, or the tributaries, storm
12 sewers or drains flowing into Village of Palmetto Bay parks. Any person found violating
13 this provision shall receive a \$100 civil citation and may be required to conduct
14 remediation of the site.
15

16 Rule 18. Refuse, trash, and destruction of park property.
17

18 (a) No person shall be entitled to bring into the park to deposit, drop, or place any
19 trash or refuse in or on any other park property. Any trash or refuse generated while in a
20 park shall be deposited, dropped or placed in the receptacles provided for trash disposal.
21 "Refuse" is defined as including bottles, broken glass, ashes, paper, boxes, cans, dirt,
22 rubbish, waste, garbage, tobacco products or containers of foil. Any person found
23 violating this provision shall receive a \$25.00 civil citation, per incident.
24

25 (b) No person shall vandalize, deface or destroy any park property.
26

27 Rule 19. Aircraft.
28

29 No person operating, directing, or responsible for any airplane, helicopter, glider, hot air
30 balloon, dirigible, parachute or other aerial apparatus including radio controlled aircraft
31 shall be entitled to take off from or land in or on any park land or waterway, except when
32 human life is endangered or written permission has been obtained from the Department
33 Director, or designee.
34

35 Rule 20. Authority of Palmetto Bay Police Department officers and parks staff.
36

37 (a) It shall be the duty and responsibility of the Palmetto Bay Police Department,
38 code enforcement, and park staff to enforce these rules.
39

40 (b) It shall be unlawful for any person to do any act forbidden under these rules. It
41 shall also be unlawful for any person to fail to perform any act required by these rules.
42 Failure to comply with any lawful and reasonable order given by police officers, code
43 enforcement, or parks staff shall be a prosecutable offense as provided in section 162.23,
44 Florida Statutes, as amended or section 842.02, Florida Statutes, as amended.
45

1 Rule 21. No trespassing during closing hours.
2

3 No person shall be or remain in any park whether fenced, gated or not between the hours
4 of 10:00 p.m. and 6:00 a.m., unless proper notice is posted on the prior day by authorized
5 department staff; or unless that area has been provided a different closing time. The
6 provisions of this section shall not apply to police officers, code enforcement, or Parks
7 Department employees while in the discharge of their duties or to persons having a
8 permit in writing to be or remain in any part of the parks between such hours. The
9 Department Director has the authority to establish exceptions to the closing hours as set
10 forth above when it is in the interest of the public health, safety or welfare.
11

12 Rule 22. No trespassing on unfinished park property.
13

14 No person shall enter upon any part of any park which is under construction, or repair
15 and is not open to the public or withheld from general public usage in the interest of
16 public safety, health and/or welfare, unless that person is specifically authorized on the
17 premises by the Department Director, or designee.
18

19 Rule 23. Use of vehicles.
20

21 (a) No vehicles except those authorized by the Department shall be entitled to
22 operate on park property. Vehicles may be driven to and parked within designated
23 parking areas or lots, within designated hours of operation.
24

25 (b) No vehicles designed or used to carry passengers for hire or for fare will be
26 permitted to operate on park property without prior written authorization of the
27 Department Director.
28

29 (b) No person shall change any parts, repair, wash, grease, wax, polish or clean any
30 motorized vessel or vehicle on any park property including, but not limited to any
31 roadway, parkway, driveway, parking lot, or parking areas.
32

33 Rule 245. Recreational activities and Gambling.
34

35 (a) No person shall be nude in any park. Additionally, no person shall dress or
36 undress to the point of nudity, except in such structures as may be provided by the Parks
37 Department for that purpose. Dressing or undressing to the point of nudity in any
38 vehicle or vessel located in any park area is prohibited.
39

40 (b) No person or organization shall conduct bingo games, card games for money or
41 participate in any other forms of gambling within park property limits whether they are
42 for charity or otherwise unless specifically authorized in writing by the Department
43 Director. No gambling shall be allowed in the village's parks.
44

45 Rule 25. Noise.

1
2 All persons shall comply with the village's noise ordinance.
3

4 Rule 26. Merchandising, vending, Soliciting business, peddling, etc.
5

6 (a) No person may expose or offer for sale, rent or trade, any good or article within
7 the village parks, without prior written authorization of the Department Director. No regularly
8 licensed concessionaires acting by and under the authority of the Village will station or place, any
9 stand, cart, or vehicle for the transportation, sale or display of any article or merchandise shall be
10 authorized to enter village parks. The term "peddling" or "peddler" shall be defined as any
11 person, whether a resident of the village or not, traveling by foot, wagon, automotive vehicle, or
12 any other type of conveyance, from place to place within park and public rights-of-way carrying,
13 conveying or transporting goods, wares, merchandise, meats, fish, vegetables, fruits, garden truck,
14 farm products or provisions, offering and exposing the same for sale, or making sales and
15 delivering articles to purchasers, or who, without traveling from place to place, shall sell or offer
16 the same for sale from a wagon, automotive vehicle, railroad car, or other vehicle or conveyance,
17 and one who solicits orders and as a separate transaction makes deliveries to purchasers as a part
18 of a scheme or design to evade the provisions of this section. The word "peddler" shall include
19 the words "hawker" and "huckster."
20

21 Rule 27. Advertising, publicity and signs.
22

23 No person shall advertise or obtain publicity through any means whatsoever within or
24 upon any park property without obtaining specific approval in advance and in writing
25 from the Park Director.
26

27 Signs may be posted within the parks upon prior approval of the Department Director,
28 or designee. Placement and removal of the signs shall not cause damage to or marring of
29 park property or vegetation. No sign shall disturb park patrons, or cause unsightly visual
30 effects or be in disharmony with park beauty. All signs shall comply with the village's
31 sign and banner ordinances.
32

33 Rule 28. Public Assembly, demonstration, gatherings, performances, speeches, etc.
34

35 (a) Definitions:
36

37 "Assembly" means any organized: (i) company of persons that is collected together in one place,
38 or (ii) demonstration or rally of persons that does not meet the definition of "parade" set forth
39 herein.
40

41 (b) Permit required for assemblies.
42

43 (1) Scope. No "assembly" of 30 or more persons, shall occupy out-of-doors, any public right-
44 of-way, any park, any government property, building or grounds, and no "assembly" of any
45 number of persons shall occupy any street, except in accordance with a permit issued by the

1 commander of police, after approval by the department of public works, parks and fire-rescue,
2 and with such other applicable regulations as are set forth in this Code.
3

4 (2) Application. The written application for such permit shall be filed with the Department
5 Director and the Village's Police Commander on an approved form not less than five calendar
6 days, or as soon as practicable if the applicant certifies that the assembly is of a spontaneous or
7 urgent nature, or more than 30 calendar days prior to the proposed assembly, so that the village
8 can make any preparations necessary to provide personnel or other village services to minimize
9 the interruption of village services and to otherwise protect the participants and the public. The
10 application shall contain the following:
11

12 (i) The notification name, address and telephone number of the person seeking to
13 conduct the assembly;

14 (ii) If the assembly is proposed to be conducted for, on behalf of or by an
15 organization, the name, address and telephone number of the headquarters of the organization
16 and of the authorized and responsible heads of this organization;

17 (iii) The name, address and telephone number of the person who will be the assembly
18 organizer and who will be responsible for its conduct;

19 (iv) The date when the assembly will occur;

20 (v) The approximate number of persons who will constitute the assembly;

21 (vi) The approximate number of animals and vehicles that will constitute the
22 assembly, the type of animals and a description of the vehicles;

23 (vii) The times when the assembly will start and end;

24 (viii) A statement whether the assembly will occupy all or only a portion of the public
25 right-of-way, park, government property, building or grounds, proposed to be used;

26 (ix) The location of the assembly area;

27 (x) The physical boundaries of the assembly area; and

28 (xi) Reserved.

29 (xii) If the assembly is designed to be held by and on behalf of, or for, any person
30 other than the applicant, a communication in writing from the person proposing to hold the
31 assembly, authorizing the applicant to apply for the permit on such person's behalf.
32

33 (3) Criteria for issuance. The police commander and Department Director shall issue
34 a "assembly permit" when, from a consideration of the application and from such other
35 information as may otherwise be obtained, the following criteria, appear to be satisfied. The
36 police commander shall not have the discretion to consider any other matters or criteria, other
37 than those listed herein, in determining whether a permit should be granted or denied.
38

39 (i) The assembly will not substantially interrupt the safe and orderly movement of
40 traffic contiguous to its location;

41 (ii) The police department can provide police services adjacent to the assembly area to
42 regulate vehicular and pedestrian traffic, with the availability of a sufficient contingent of on-duty
43 personnel to provide such services without diminishing routine service levels to the entire
44 community;

1 (iii) The concentration of persons and vehicles at the assembly area will not unduly
2 interfere with proper fire and police protection of, or ambulance service to, areas contiguous to
3 the assembly area;

4 (iv) The assembly will not interfere with the movement of firefighting equipment en
5 route to a fire;

6 (v) A fully executed prior application for the same time and place has been received,
7 and a permit has been or will be granted to a prior applicant authorizing uses or activities which
8 do not reasonably permit multiple occupancy of the proposed assembly location or part thereof;

9 (vi) The assembly intended by the applicant would conflict with previously planned
10 programs organized and conducted by the village and previously scheduled for the same time and
11 place;

12 (vii) The proposed use or activity is prohibited by, or inconsistent with, the
13 classifications and uses of the park or part thereof designated pursuant this chapter;

14 (viii) The use or activity intended by the applicant would present an unreasonable
15 danger to the health or safety of the applicant, or other users of the park, or village employees, or
16 the public;

17 (ix) The use or activity intended by the applicant is prohibited by law, or by this Code;

18 (x) The application for permit contains a material falsehood or misrepresentation;

19 (xi) The applicant is legally incompetent to contract or to sue and be sued; and

20 (xii) The applicant, or the person on whose behalf the application for permit was
21 made, has on prior occasions made material misrepresentations regarding the nature or scope of a
22 use or activity previously permitted, or has violated the terms of prior permits issued to or on
23 behalf of the applicant;

24 (xiii) The applicant for permit is not fully completed and executed;

25 (xiv) The applicant, or the person on whose behalf the applicant for permit was made,
26 has on prior occasion damaged village property and has not paid in full for such damage.

27 (xv) A state of federal, state or local emergency has been declared by lawful authority
28 for the proposed time.

29
30 (4) Conditions. Permits shall set forth conditions reasonably necessary for the protection
31 of the rights, property and personal safety based on the criteria set forth this chapter.. Failure to
32 substantially fulfill the conditions set forth in such permit shall render such permit null and void.
33

34 (5) Compliance; possession of permit.

35
36 (i) A permittee shall comply with all applicable laws and sections of this Code and
37 other ordinances.

38 (ii) The assembly chair or other person heading or leading the assembly shall carry
39 the assembly permit personally, and be in possession thereof at all times, during the conduct of
40 the assembly.
41

42 (6) Compliance with conditions. By applying for and being granted such permit, the
43 applicant shall assume responsibility for compliance with conditions on the face of the permit.
44

1 (7) Notice of approval, approval with modifications, or denial. The police commander
2 and/or Department Director shall act upon the application for a permit, and give the applicant
3 notice of approval, approval with conditions, or denial, within three business days after the filing
4 of the application, except that if the applicant has certified that the assembly is of a spontaneous
5 or urgent nature, within four hours after the filing the application. If the police commander and
6 Department Director denies the application such notice will state the reasons for denial of the
7 permit.
8

9 (8) Fees. No fee shall be required for the issuance of an assembly permit.
10

11 (9) Appeal of denial. Any applicant shall have the right to appeal the denial of an assembly
12 permit to the village manager. The appeal shall be filed with the village manager within two
13 business days after the notice of denial is received. The village manager, or designee, shall act in
14 writing upon the appeal within one day after the filing of the appeal, except that if the applicant
15 has certified that the assembly is of a spontaneous or urgent nature, within four hours after the
16 filing of the appeal. Any applicant aggrieved by the decision of the village manager may seek
17 immediate judicial review.
18

19 (10) Alternate date, time, location or route. The police commander, in denying an application
20 for an assembly permit, shall be empowered to authorize the conduct of the assembly on a date,
21 at a time or over a route or location different from that named by the applicant. An applicant
22 may propose and provide for the on-duty police officers to be supplemented by the number of
23 off-duty officers providing special police service as required to maintain adequate routine service
24 levels. An applicant desiring to accept an alternate permit shall, within five days after notice of
25 the action of the police commander, file a written notice of acceptance with the police
26 commander. An alternate date assembly permit shall conform to the requirements of and shall
27 have the effect of an assembly permit under this article.
28

29 (11) Revocation. The police commander shall only have the authority to revoke an "assembly
30 permit" issued under this section upon finding that the criteria for issuance as set forth in this
31 section no longer exist. A permittee may seek immediate judicial review of any decision to revoke
32 an "assembly permit."
33

34 Rule 29. Camping prohibited.
35

36 (a) Camping means: sleeping in a temporary shelter out-of-doors or otherwise being in a
37 temporary shelter out-of-doors; or cooking over an open flame or fire out-of-doors or utilizing
38 non-village designated cooking facilities outdoor.
39

40 (b) It shall be unlawful for any person to engage in camping on any public place within the
41 village unless specifically authorized for that purpose by the Department Director, or his/her
42 designee.
43

44 (c) Evidence of Camping. Prior to enforcing a violation of this section, an officer must
45 consider the following:

1 (1) Simply being asleep in a public place is not sufficient to constitute a
2 violation of this section; and

3 (2) Camping must take place in a public place;

4 (3) The person who is engaged in camping must be inside or covered with
5 material which provides a temporary cover from the elements, including but not limited to, a
6 tent, sleeping bag, hammock, or blankets, cots, beds, tarpaulins, newspapers, or cardboard; or ,
7 the person has built a campfire.
8

9 (d) Enforcement and penalties. Any person who is observed engaged in camping in an
10 unauthorized area shall vacate the public place upon the request of an authorized official or law
11 enforcement officer. If a law enforcement officer or other authorized official encounters a
12 person engaged in camping who volunteers that s/he has no home or other permanent shelter,
13 s/he must be given an opportunity to enter a homeless shelter or similar facility, if available. If no
14 such facility is available, an arrest may not be made.
15

16 Rule 30. Permits are required for:

17 (a) As provided for under Rule 28.

18 (b) A permit shall be required for the use of flags, banners, or transparencies.

19 (c) No entertainment or exhibition shall be allowed in any park or recreation area
20 without a properly issued permit by the Department Director.
21

22 (d) No intoxicated persons will be permitted entry to parks or recreation areas and, if
23 discovered therein, will be ejected forthwith. Any person violating this provision shall be
24 subject to a civil citation and prosecution under state, or local law.
25
26
27
28

29 Rule 31. Proper use of facilities
30

31 (a) No person shall be entitled to loiter in or prowl around any restroom or dressing
32 room. Loitering and prowling shall be considered waiting by a restroom or other public
33 facility for more than 10 minutes with no legitimate purpose associated with the location.
34 A proper purpose may be waiting for an occupant to enter or exit the premises; waiting
35 for access to the premises; or use of the premises for the purposes for which it was
36 constructed. However, should the person loiter or prowl the location for more than 10
37 minutes, not use the facilities for the proper purpose for which the structure was created;
38 or the person does not meet the third-party s/he is waiting for within the 10 minute
39 period, that person shall be considered to be loitering and/or prowling. Any person
40 violating this provision shall be subject to a civil citation and prosecution under state, or
41 local law. Sexual predators and offenders shall comply with the village's ordinance
42 number ____; and Miami-Dade County Code, section _____.
43

44 (b) It shall be unlawful for any person to intentionally urinate or defecate in plain
45 view of the public on any public sidewalk, street, alley, park, or public property in the

1 village. For purposes of this section “ in plain view of the public” shall mean where such
2 act may be readily observed by a member of the public. This subsection shall not apply
3 to urinating or defecating in any restroom facility in a manner for which that facility was
4 designed.
5

6 (c) Outdoor storage. No food, goods, wares, merchandise or other like articles shall
7 be exhibited, stored, or kept outside, or displayed within any park. Such items are
8 specifically prohibited from being placed in any sidewalk, public areaway, or public park.
9 The term “food” means all articles used for human consumption as food, drink,
10 confectionery or condiment. A person may apply for a special event permit or other
11 permit related to a specific event related to use of park property, which may involve an
12 event that would require temporary authorization for outdoor storage.
13

14 Rule 32. Intoxicating liquors, beer, wine, etc.
15

16 Drinking of alcoholic liquors or beverages and the bringing of such into the park areas
17 shall be permitted only for Village sponsored or sanctioned events and only upon receipt
18 of a written permit issued by the Department Director.
19

20 Rule 33. Enforcement of permits.
21

22 (a) It shall be the duty and responsibility of police officers, code enforcement and
23 parks staff to enforce all provisions of permits issued by the Parks Department.
24

25 (b) It shall be unlawful for any person to do any act forbidden or fail to perform any
26 act required by any permit issued by the Parks Department.
27

28 Rule 34. Picnic shelter permits.
29

30 (a) Normally the larger picnic shelters, or areas designated for picnics, and their
31 facilities will be used only upon prior reservation, which must be obtained in advance and
32 must be for a specific time and duration. Such facilities, however, may be used by the
33 public during unreserved periods if occasion demands and it is deemed feasible by the
34 Department Director. Reservations for picnic shelters shall be subject to the issuance of a
35 permit by the Department Director.
36

37 (b) Unless the Department Director otherwise authorizes in writing, the sale of
38 tickets, acceptance of money, soliciting or accepting donations or offerings for food,
39 drink or refreshment, in order to defray the expenses of a picnic or to realize a profit
40 there from is prohibited and subjects a permit holder to immediate cancellation of said
41 permit.
42

43 (c) The parks staff will regulate activities in picnic areas when necessary to prevent
44 congestion and to secure the maximum use for the comfort and convenience of all.
45 Persons may reserve picnic shelter as provided under section 34(a) above. However, if

1 no permit has issued, then, the rule of "first come, first served" shall apply. However, if
2 the facilities are crowded, persons holding picnics in any park picnic area, building or
3 structure, will avoid using same to the exclusion of others for an unreasonable time, the
4 determination of what is unreasonable being at the discretion of the parks staff. Use of
5 village picnic grill areas, together with tables and benches.
6

7 Rule 35. No smoking.

8
9 No person may smoke within any village park.

10
11 Rule 36. Skateboarding.

12
13 No person shall skate board within any park unless that area of a specific park is
14 specifically designated for skateboard use. All persons are prohibited from skating: in park
15 parking lots or other municipal parking lots, around park tot lot areas, on the public benches,
16 band shells, and/or tables.
17

18 Sec. _2 Penalty.

19
20 Any person convicted of a violation of any of the provisions of this chapter, with the
21 exception of Section _, Rules 19(a) shall be punished by a fine not to exceed one hundred
22 dollars (\$100.00). Violation of Section _, Rules 19(a) shall be punished by a fine not to
23 exceed \$200.00.
24

25 Section 3. All ordinances or parts of ordinances in conflict with the provisions of
26 this ordinance are repealed.

27
28 Section 4. This ordinance shall be codified and included in the Code of Ordinances.
29

30 Section 5. If any section, clause, sentence, or phrase of this ordinance is for any
31 reason held invalid or unconstitutional by a court of competent jurisdiction, the holding shall not
32 affect the validity of the remaining portions of this ordinance.
33

34 Section 6. This ordinance shall take effect immediately upon enactment.

35
36 PASSED AND ENACTED this 11th day of June, 2007.

37
38 Attest:

Melghan Rader
Melghan Rader
Village Clerk

Eugene P. Flinn, Jr.
Eugene P. Flinn, Jr.
Mayor

39
40
41
42 APPROVED AS TO FORM:

43
44 Scott Beetz
45 Office of Village Attorney

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17

FINAL VOTE AT ADOPTION:

Council Member Ed Feller	<u>YES</u>
Council Member Paul Neidhart	<u>YES</u>
Council Member Shelley Stanczyk	YES
Vice-Mayor Linda Robinson	YES
Mayor Eugene P. Flinn, Jr.	YES