

ORDINANCE #2010 – 16

AN ORDINANCE OF THE CITY OF DORAL, FLORIDA, AMENDING THE CODE OF ORDINANCES BY AMENDING THE CHAPTER ENTITLED “PARKS AND RECREATION DEPARTMENT RULES AND REGULATIONS”; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Doral (the “City”) adopted “Parks and Recreation Department Rules and Regulations” pursuant to Ordinance 2004-20 (the “Rules and Regulations”); and

WHEREAS, City Staff is now recommending to amend certain portions of the Rules and Regulations; and

WHEREAS, the City Council of the City of Doral wishes to revise the Rules and Regulations, finding such changes to be in the best interest of the residents of the City;

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

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

Section 2. The City of Doral Code of Ordinances is hereby amended by amending the following portions of the chapter entitled ‘Parks and Recreation Department Rules and Regulations’ which shall now read as follows:

CHAPTER ____

PARKS AND RECREATION DEPARTMENT RULES AND REGULATIONS

Sec. —. Rules and regulations.

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Rule 2. Authority of Doral Police Department-officials, Officers, Code Enforcement Officers and Parks and Recreation Staff

It shall be the duty and responsibility of the City of Doral Police Department, Code Enforcement Officials, and Parks Department employees to enforce all State, County and Town-City laws, including the Rules and Regulations, as applicable.

The director may adopt, amend and rescind daily operating rules and regulations consistent with the article in order to manage and control the parks and recreation system of the city and to manage other public recreational facilities, including rules that:

1. Clarify, interpret or apply to this article;
2. Designate restricted areas in parks and public recreational facilities;
3. Regulate and administer recreational programs;
4. Establish times for opening and closing of particular parks, park facilities and public recreational facilities to public use and/or for entry or use by motor vehicle as necessary in case of emergencies, construction and/or program and event needs.

~~It shall be the duty and responsibility of the City of Doral Police Department to enforce all State, County and City laws and these police regulations within all parks and other areas maintained and operated by the Parks and Recreation Department~~

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

Except for areas designated otherwise by a posted sign or notice, no person shall ride, drive or propel any motorcycle, dirt bike, go cart or similar vehicle on any but the regular vehicular roads or

other designated uses or areas except that such vehicles, with motors shut off may be pushed by hand not faster than a walk over grassy areas normally reserved for the use of pedestrians and no person shall deviate from compliance with all traffic ordinance provisions governing the operation of bicycles while on park property. Violators of the provisions of this rule shall pay a fine not to exceed one hundred dollars (\$100.00) for the first violation and two hundred dollars (\$200.00) for each succeeding violation. Provisions of this rule shall not apply to the operation of these vehicles on those portions of park property specifically designated for such use.

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Rule 17. Domestic animals.

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

~~No person shall be permitted to take any domestic animal other than a horse, as provided in Rule 27, into any park whether on leash, in arms or running at large, dogs in particular being excluded, and provisions of Chapter 5 (Sections 5-3 through 5-15) of the Code of Miami-Dade County (Dade County Dog Control Ordinance No. 5-8-28) shall apply to any and all park property. The provisions of this subsection shall not apply to the use of a service animal which means any dog guide or other animal individually trained to work or perform tasks for an individual with a disability.~~

(b) Cattle, horses, other than as provided in Rule 21, mules, swine, sheep, goats, or fowl shall not be allowed upon park property and all owners or attendants of such animals are charged with the duty of preventing such occurrences but this prohibition does not apply to animals and fowl kept by the Parks and Recreation Department or under its direction. Any person found violating this provision shall receive a \$200 civil citation.

(c) Animals may be allowed into the park for special events upon obtaining a written permit from the Parks and Recreation Director.

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Rule 18. ~~Pollution of waters and sanitation~~ *Littering, dumping, garbage, sewage and noxious material, air pollution and/or damages.*

(a) No person, without the specific written consent of the director, shall bring into, leave behind, or dump any material of any kind in a park except the refuse, garbage, and other material resulting from a park picnic or other permitted activity and such material shall be deposited in receptacles or areas provided for such purpose. No material shall be left or deposited near a park so as to pollute the land, water, or air coursing through or over the park or otherwise to interfere with proper use and enjoyment of a park. No bottles, cans, refuse, or foreign materials of any description shall be deposited or thrown into any of the waterways, located in or adjacent to any park.

(b) No person shall, within or outside of the park, place or permit to be placed in any waterway, any noxious or deleterious material which may render park waters harmful or inimical to the public health, or to animal, or aquatic life, or which may prevent, limit, or interfere with the use of such waters for domestic, industrial, or agricultural purposes, or which may lessen to an unreasonable degree the use and enjoyment of such waters for recreation or other park uses.

(c) No person, occupant, owner or person in charge, by himself, his agent, or employee, shall cause, suffer, or allow burning of garbage waste material, trash, refuse, vehicle or any part thereof or other combustibles within or adjacent to the park so as to cause smoke, odor, sparks, dust, dirt, etc., to come upon, pass through, or over the park which would cause air pollution, nuisance, or damage.

(d) Violations of this section may be written as a misdemeanor violation and enforced accordingly.

(e) ~~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 will or may result in the pollution of said waters is prohibited.~~

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Rule 22. No trespassing during closing hours.

No person shall be or remain in any part of any park which is fenced in or provided with gates between the closing of the gates at night and their reopening on the following day; nor shall any person be or remain in any park not fenced in or provided with gates, between the hours of 10:00 p.m. and 7:00 a.m. ~~8:00 a.m.~~ unless posted on the following day, except in areas designated as twenty-four-hour launching areas, and except that persons and vehicles may pass through such parks without stopping, on the most direct walk or driveway leading from their point of entrance to the exit nearest to their point of destination. The provisions of this section shall not apply to Police Officers or Parks and Recreation Department employees while in the discharge of their duties or to persons having a permit in writing to be or remain in any part of the parks between such hours. The 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.

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Rule 23. Hours or Operations

Except for designated holidays, unusual and unforeseen emergencies, parks shall be open to the public every day of the year during hours to be designated by the Parks and Recreation Director. The designated opening and closing hours for each individual park, or park facility if the hours designated for such park facility differ from the remainder of the park, shall be posted therein for public information.

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Rule 26. Recreational activities.

- (a) No person shall engage in recreational or other activities other than those prescribed in certain areas set aside for such purposes.
- (b) No person shall dress or undress except in such structures as may be provided and maintained by the Parks and Recreation Department for that purpose and dressing or undressing in any vehicle, in any park area except as provided above is prohibited.

(c) The parks staff will regulate activities in picnic areas when necessary to prevent congestion and to secure the maximum use for the comfort and convenience of all. If the facilities are crowded, persons holding picnics in any park picnic area, building or structure, will avoid using same to the exclusion of others for an unreasonable time, the determination of what is unreasonable being at the discretion of the parks staff. Use of the individual fireplaces, together with tables and benches, follows generally the rule of "first come, first served".

(d) No person or organization shall conduct bingo games, card games for money or participate in any other forms of gambling within park limits whether they are for charity or otherwise unless specifically authorized in writing by the Department Director.

(e) 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.

(f) 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.

Rule 27. Noise.

No person entering or upon park and recreation areas shall make excessive unnecessary noise and all provisions of the Code of Ordinance No. #2006-23 shall apply to and be enforced in all park areas.

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Rule 31. Public demonstration, gatherings, performances, speeches, etc.

(a) No band, procession, military company, or any company or group with flags, banners, or transparencies, shall be allowed within any park without ~~written permission of the Department Director~~ required permit from the City of Doral Police Department, said permit to clearly define the nature of the activity, the limit of its scope and time of setting forth such other restrictions and requirements as the Chief of Police or Department Director may deem necessary. ~~Permit shall be issued at the sole discretion of the Director but shall not be unreasonably withheld.~~ In accordance with all provisions of the Code of Ordinance #2010-09.

(b) No entertainment or exhibition shall be given in any park or recreation area except for entertainments given under the direction and authority of the Parks and Recreation Department.

(c) No person will perform acrobatic acts or feats, or make any display or exhibit or carry on any performance of doing anything that will cause numbers of persons to congregate to the interference or obstruction of traffic or to other proper use of a park or recreational area.

(d) No intoxicated persons will be permitted entry to parks or recreation areas and, if discovered therein, will be ejected forthwith.

Rule 32. Proper use of facilities.

a) No person will loiter in or around any restroom or dressing room.

b) It is unlawful for any person to use any city recreation facility for private instruction for compensation in money or any other property of value.

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Rule 35. Enforcement of permits.

(a) It shall be the duty and responsibility of police officers and parks staff to enforce all provisions of permits issued by the Parks and Recreation Department.

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

~~e) It is unlawful for any person to use any city recreation facility for private instruction for compensation in money or any other property of value.~~

Rule 36. ~~Picnic shelter permits~~ Permits

Picnic Tables/Shelters

(a) Normally the larger picnic shelters and their facilities will be used only on reservation which must be obtained in advance and must be for a specific time and duration but such facilities, however, may be used by the public during unreserved periods if occasion demands and it is deemed feasible by the Department Director. Reservations for picnic shelters shall be subject to the provisions of the permit.

(b) Unless the Department Director otherwise authorizes in writing, financial arrangement 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 donations or offerings for food, drink or refreshment, in order to defray the expenses of a picnic or to realize a profit there from is prohibited and subjects a permit holder to immediate cancellation of said permit

(c) It shall be unlawful for any person to misuse any public property at the public picnic areas or to fail to comply with the regulations pertaining to such picnic areas.

Playground

(d) Groups that are larger than ten (10) in number, including supervision, will be required to obtain a permit from the Parks and Recreation Department for each use of the City's playgrounds. A permit fee will be required. One permit fee, per calendar year, will be waived for a group.

(e) Each permit should be for up to a (2) two-hour period of time.

(f) Proof of insurance shall be required to issuance of permit (minimum coverage \$300,000) naming the City of Doral as additionally insured

(g) Playground permit is non-exclusive and patrons may be using playground at the same time. Third party instructors contacted by a group to conduct an activity at the park facility shall be an employee of the group, company, etc.

(h) The City should reserve the right to limit the time of day of use and the right to issue permits for parks other than the park requested.

Film, Photography and Video

(i) Individuals or groups wishing to conduct film, television, video and photography projects within the City of Doral must obtain a permit from the City of Doral's Planning & Zoning Department.

(j) A permit fee will be required and permit will be issued upon completion of application and paid permit fee.

(k) Proof of insurance shall be required to issuance of permit (\$1,000,000 general liability coverage) naming the City of Doral as additionally insured, as well as, when necessary: proof of workers compensation insurance coverage and proof of auto insurance coverage for all persons operating the permit.

(l) Permit holder must comply with City of Doral Noise Ordinance and Parks & Recreation Rules and Regulations.

Large Scale Events and Festivals

(ii) Individuals or organized groups(+200 persons) wishing to conduct large scale events, festivals, etc. within the City of Doral must obtain a special events permit from the City of Doral's Planning & Zoning Department.

(n) A permit fee will be required for profit groups and permit will be issued upon completion of application and paid permit fee. Permit fee will be waived for all not-for-profit groups.

(o) Proof of insurance shall be required to issuance of permit (\$1,000,000 general liability coverage) naming the City of Doral as additionally insured, as well as, when necessary: proof of workers compensation insurance coverage and proof of auto insurance coverage for all persons operating the permit.

(p) Permit holder must comply with City of Doral Noise Ordinance and Parks & Recreation Rules and Regulations.

Section 3. Full Force and Effect.

Except for the amendments set forth above, all other provisions of the Parks and Recreation Department Rules and Regulations shall remain unchanged and continue in full force and effect.

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. Codification.

It is the intention of the City Council, and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the City of Doral Code. Sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 6. Effective Date.

This Ordinance shall be effective upon adoption on second reading.

The foregoing Ordinance was offered by Councilman DiPietro who moved its adoption. The Motion was seconded by Vice Mayor Van Name and upon being put to a vote, the vote was as follows:

Mayor Juan Carlos Bermudez	Yes
Vice Mayor Robert Van Name	Yes
Councilman Peter Cabrera	Yes
Councilman Michael DiPietro	Yes
Councilwoman Sandra Ruiz	Yes

PASSED AND ADOPTED on First Reading this 12th day of May, 2010.

PASSED AND ADOPTED on Second Reading this 9th day of June, 2010.



Juan Carlos Bermudez, Mayor

ATTEST:



Barbara Herrera, City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

 for:

Jimmy Morales, City Attorney