

ORDINANCE #2013-38

AN ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, AMENDING THE CODE OF ORDINANCES, CITY OF DORAL, FLORIDA; TO PERMIT PRIVATELY RUN PERSONAL TRAINING AND RELATED FITNESS ACTIVITIES AT CITY PARKS; ESTABLISHING REGULATIONS FOR PRIVATELY RUN PERSONAL TRAINING ACTIVITIES AT CITY PARKS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CITY CODE; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City has established rules and regulation for all park facilities as set forth in Chapter 29 of the Code of Ordinances, City of Doral, Florida (“Doral Code”); and

WHEREAS, permitting privately run personal training activities at specified City parks will encourage the community to use the City’s public parks to promote and engage in physical activity and healthy living, while ensuring the parks remain open for public use and the benefit of the entire community; and

WHEREAS, the Mayor and City Council, through the adoption of this ordinance, seek to protect the public health, safety, and welfare for all of the residents of the City by creating appropriate rules and regulations to manage privately run personal training activities at certain City parks.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA AS FOLLOWS:¹

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

¹ / Additions to existing text are shown by underline, changes to existing text on second reading are shown by double underline, and deletions are shown as ~~strikethrough~~.

Section 2. Code Amendment. Section 29-18 of the Code of Ordinances, City of Doral, Florida is hereby amended to read as follows:

Sec. 29.18. Definitions.

- (a) The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Privately run personal training means a person who works one-on-one with up to three (3) clients, at one time, to plan or implement an exercise or fitness regimen.

Section 3. Code Addition. The Code of Ordinances, City of Doral, Florida, is hereby amended by adding a section, to be numbered 29-___, which said section reads as follows:

Sec. 29-___. Privately run personal training.

- (a) No person shall conduct privately run personal training within any public park within the City without first having obtained a permit to do so from the Parks and Recreation Department. Privately run personal training shall be limited to J.C. Bermudez, Morgan Levy, Doral Meadow, Downtown Doral, Trails & Tails and NW 114th Parks. Permits for privately run personal training may be issued for a maximum length of 1 year.
- (b) A maximum of twenty five (25) permits to conduct privately run personal training may be issued at any one time by the City; seven (7) for J.C. Bermudez Park, seven (7) for NW 114th Park, five (5) for Morgan Levy Park, five (5) for Doral Meadow Park, and three (3) each for Downtown Doral and Trails & Tails Parks. Permits are non-transferable between parks and/or entities.
- (c) No person shall engage in privately run personal training in park areas, including, but not limited to, children's play area, vehicular use areas, athletic fields and courts when in use and all other areas as determined by the Parks and Recreation Department.
- (d) Trainers may only bring the following items:

1. Training mat.
2. Weights under 50 pounds.
3. Aerobic steps.
4. Water bottles.
5. Medicine balls.
6. Rubber and TRX brand suspension bands.
7. Jumping rope.
8. Boxing gloves and personal padding.

(e) No training equipment shall be tied or anchored to trees or park equipment. All other Parks and Recreation rules and regulations must be adhered to.

(f) *Submittal Requirements:*

1. Name, address, driver's license and telephone number of the applicant and, if a business name, the name of the individual owner of the business.
2. General description of the training being provided.
3. Site plan sketch indicating the locations where the training will occur within the park.
4. Agree to indemnify, defend and hold harmless the City, its elected officials, employees, agents and volunteers against all loss, costs, penalties, fines, damages, claims, expenses, including attorney's fees, or liabilities by reason of any injury to, or death of any person, or damage to, or destruction, or loss of any property arising out of, resulting from, or in connection with the performance, or non-performance of privately run personal training activities at any City park which is, or is alleged to be directly, or indirectly caused, in whole, or in part by any act of omission, default, or negligence of the applicant, its employees, agents, or sub-contractors.
5. Secure and maintain insurance as specified by the Parks and Recreation Department.
6. Provide proof of, or obtain, a business tax receipt and certificate of use (if applicable).

(g) *Background check and fees:*

1. Prior to the issuance of the permit, the applicant shall remit a fee of \$20.00 to defray the cost of a background check. The Parks and Recreation Director, at his/her discretion, may

- deny or revoke a permit based upon the results of the background check.
2. An applicant that owns a legally permitted business within the City's limits and providing similar personal trainer services shall pay a non-refundable permit fee of \$300.00. All other applicants shall pay a non-refundable permit fee of \$600.00.
 3. The permit fee is for a one year permit beginning from October 1 through September 30. If a permit is granted after October 1, the permit fee shall be prorated at \$25.00 or \$50.00 per month, as appropriate, for each month remaining in the fiscal year. In the event that a permit is revoked, the permit holder will not be reimbursed the permit fee.

(h) Enforcement

1. Upon seven (7) days written notice to the permit holder the Parks and Recreation Department Director may revoke the permit provided for herein if the permit holder violates any provision of the Doral Code; or damages the park, landscaping or infrastructure within the park. The permit holder shall pay all costs to repair any damage to City property.
2. The City may at all times enforce the Doral Code through any authorized means, including but not limited to, issuance of a Notice of Violation, the issuance of a citation, and Code Compliance action pursuant to Chapter 11, Articles II & III of the Doral Code. Nothing contained herein shall be construed or interpreted to serve as a defense against any enforcement action brought to the City based on non-compliance with the requirements of the Doral Code.

Section 3. Repeal of Conflicting Provisions. To the extent any provisions of the Code conflict with this Chapter, those provisions are repealed in their entirety.

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 City Council, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of the City of Doral, Florida; that the 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.

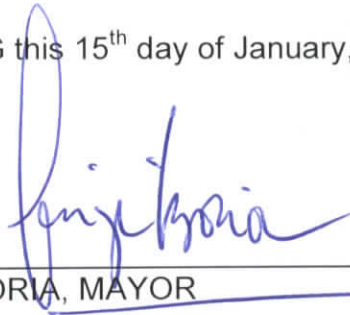
Section 6. Effective Date. This Ordinance shall be effective upon adoption on second reading.

The foregoing Ordinance was offered by Councilmember Rodriguez Aguilera who moved its adoption. The motion was seconded by Vice Mayor Fraga and upon being put to a vote, the vote was as follows:

Mayor Luigi Boria	Yes
Vice Mayor Christi Fraga	Yes
Councilwoman Ana Maria Rodriguez	Yes
Councilwoman Bettina Rodriguez Aguilera	Yes
Councilwoman Sandra Ruiz	Yes

PASSED AND ADOPTED on FIRST READING this 11th day of December, 2013.

PASSED AND ADOPTED on SECOND READING this 15th day of January, 2014.



LUIGI BORIA, MAYOR

ATTEST:



BARBARA HERRERA, CITY CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE
AND RELIANCE OF THE CITY OF DORAL ONLY:



JOHN R. HERIN, JR., CITY ATTORNEY