



VILLAGE OF KEY BISCAIYNE

Office of the Village Manager

MEMORANDUM

Village Council

Franklin H. Caplan, *Mayor*

Michael E. Kelly, *Vice Mayor*

Michael W. Davey

Entique Garcia

Robert Gusman

Mayra P. Lindsay

James S. Taintor

DATE: July 10th, 2012

TO: Honorable Mayor and Members of the Village Council

FROM: John C. Gilbert, Village Manager

Village Manager

John C. Gilbert

RE: Ordinance Amending Section 19-13 of the Village Code

RECOMMENDATION

It is recommended that the Village Council approve an Ordinance on second reading, amending the Village Code to provide administrative requirements for persons who use the Village public parks to conduct classes and training.

BACKGROUND

On April 10th, 2012, the Village Council authorized the Village Manager to work with the Village Attorney to create a process to address the increased use of public parks for fitness and training. The goal is to promote and coordinate successful partnerships with park users, ensure the safety of park patrons, and establish administrative measures to address who can use the parks and how they can use them.

The Village administration has provided proposed language for the implementation of this policy based on the requested revisions by Council on the July 3rd, 2012 Council Meeting.

ORDINANCE NO. 2012-

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING THE VILLAGE CODE BY AMENDING SECTION 19-13 “PUBLIC DEMONSTRATION, GATHERINGS, PERFORMANCES, ATHLETIC EVENTS, ETC.” TO REQUIRE ALL PERSONS WHO USE THE VILLAGE’S PUBLIC PARKS TO CONDUCT FITNESS CLASSES/TRAINING TO REGISTER WITH THE VILLAGE, MEET CERTAIN REQUIREMENTS AND PAY A REGISTRATION FEE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, there is a growing demand for use of the Village of Key Biscayne’s (the “Village”) public parks for fitness classes/training; and

WHEREAS, the Village values fitness and enjoyment of outdoor recreation areas; and

WHEREAS, for the health safety and welfare of the Village residents and to effectively manage the use of Village parks, the Village desires to implement a program where all persons who wish to use Village parks to conduct fitness classes/training are required to register with the Village’s Parks and Recreation Department, meet certain requirements and pay an annual registration fee (the “Program”); and

WHEREAS, the Village Council wishes to amend Section 19-13 “Public demonstration, gatherings, performances, athletic events, etc.” of the Code of Key Biscayne, Florida to allow for implementation of the Program; and

WHEREAS, the Village Council finds that adoption of this Ordinance is necessary, appropriate, and advances the public interest.

NOW THEREFORE, IT IS HEREBY ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AS FOLLOWS:

Section 1. Recital Adopted. That the above-stated recitals are hereby adopted and confirmed.

Section 2. Code Amended. That Section 19-13 “Public demonstration, gatherings, performances, athletic events, etc.” of Chapter 19 “Parks Rules and Regulations” of the Code of Key Biscayne is hereby amended to read as follows:

Sec. 19-13. - Public demonstration, gatherings, performances, athletic events, etc.

(a) No band, procession, military company, or any company or group with flags, banners, or transparencies, shall be allowed upon any park or parkway or within any park without written permission of the Village Council of the Village of Key Biscayne, 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 Village may deem necessary.

(b) No person or persons shall engage in any organized or pick-up athletic events, games, practice for same, or exercise, such as football, baseball, softball, soccer, volleyball, utilizing a substantial portion of any park or recreation area without written permit of the Recreation Department, said permit to clearly define the nature of the activity, the limit of its scope and time and setting forth such other restrictions and requirements as the Recreation Department may deem necessary.

(c) No person or persons shall conduct fitness/training classes upon any park without first registering with the Recreation Department, paying an annual registration fee and meeting all other requirements as the Recreation Department may deem necessary (the “Program”). The Village may adopt administratively any and all rules and procedures for establishing and administering the Program.

Section 3. Severability. That 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 4. Inclusion in the Code. That it is the intention of the Village Council, and it is hereby ordained that this Ordinance shall become and be made a part of the Code of the Village of Key Biscayne; that the sections of this Ordinance may be renumbered or relettered to accomplish such intention; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 5. Effective Date. That this Ordinance shall be effective immediately upon adoption on Second Reading.

PASSED AND ADOPTED on first reading this 3rd day of July, 2012.

PASSED AND ADOPTED on second reading this _____ day of _____, 2012.

MAYOR FRANKLIN H. CAPLAN

ATTEST:

CONCHITA H. ALVAREZ, MMC, VILLAGE CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

VILLAGE ATTORNEY

**Commercial Use of Dedicated Parkland
for Personal Training and Other Outdoor Professional Services
12 Month Park Use Application and Permit**

Type of Permit Requesting

Please check predominant use:

- Fitness, Cross Training or Professional Exercise Trainer, Medium to High Impact
- Yoga, Pilates or other Light Impact Trainer
- Other
Please define: _____

Requested Permit Term:

- October 1 through September 30

Requested Park Location(s):

Application Date:

Permit Holder Information

Name: _____

Company Name: _____

Contact Person: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Phone Number: _____ Alternate Phone Number: _____

Fax Number: _____

E-mail Address: _____

Florida Drivers License or Identification Card Number*: _____

Cardio Pulmonary Resuscitation Certification Expiration Date*: _____

General Liability Insurance Provider*: _____

Policy Number: _____

First Aid Certification Expiration Date: _____

**Permit holder must provide documents as verifiable proof before the Park Use Permit may be issued.*

This new policy is effective upon approval of the Ordinance. Permits will be issued for the initial term from this point till September 30, 2012 prorated at \$100 per month.

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Use Allowed

Programs/activities as described in the program activity description section herein are allowed and must adhere to the rules attached as EXHIBIT A. To the extent of any conflict between the program activities authorized in this Permit and other existing uses, the Village reserves the right to adjust the uses authorized. This Permit may not be assigned.

Conditions of Permit

- (1) Permit holder shall clean the Park Locations at the end of every day of use under this Permit.
- (2) Modifications or improvements proposed by the permit holder to obtain electric service at any park location are not covered by this permit and must be approved by the Village before the proposed modifications or improvements may be made. Additional agreements may be required for the modifications or improvements.
- (3) Permit holder shall at all times maintain in their possession the issued permit credential in the manner prescribed by rule by the Director of PARD.
- (4) Permit holder shall not use the park location if the area has been closed by the Village due to inclement weather or other reason. The Village will notify the permit holder point of contact of the closure and will post signage at the site to identify the nature and duration of the closure.
- (5) Permit holder shall advise permit holder's employees of the park use policies to ensure that all activities under this permit comply with the park use policies and procedures as set forth in EXHIBIT A and general Park rules.

(6) Approved park areas may be used from sunrise to sunset for permitted uses unless otherwise specified and approved.

(7) The hours of use of non-park public buildings and facilities will be specified in the permit.

(8) The Village will issue twelve (12) annual permits each calendar year.

(9) All permit applicants must provide a current Village of Key Biscayne Business Tax Receipt included with the permit application.

(10) All permits are non-refundable and non-transferable.

(11) All Key Biscayne Community Center approved trainers are permitted use the parks as per their existing agreement with the Parks and Recreation Department.

(12) All group classes may not exceed twenty (20) participants.

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Payment

In exchange for this permit, permit holder has paid a registration fee of \$1,200 payable to the "Village of Key Biscayne", or a prorated \$100 per month. Permit applicants who currently operate a commercial facility providing similar services licensed and permitted within the Village of Key Biscayne will be charged a registration fee of \$600 payable to the "Village of Key Biscayne", or a prorated \$50 per month.

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Term/Termination

This permit shall be effective from and after the date of signature by the permit holder and the Director of PARD or designee, and shall automatically terminate on the termination of the requested permit term selected above, unless terminated earlier under this provision.

The Director of PARD may terminate this registration upon seven (7) days notice to the permit holder. If the permit is terminated due to property damage, the Village may retain payments made by the permit holder to offset the damages, in addition to pursuing other legal remedies available.

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Requirements

1. Insurance

Permit applicant must provide insurance documenting the Permit Holder's proof of Comprehensive General Liability Insurance with a combined single limit of \$1,000,000 per occurrence and a Certificate of Insurance naming the Village of Key Biscayne as an additional insured party.

2. Certifications

- a. Permit applicants providing personal training must provide a current Personal Trainer Certification. Acceptable certifications include ACE, ACSM, AFAA, AFPA, IFPA, NCSF, NATA, NSCA.
- b. Permit applicants must provide current AED (Automatic External Defibrillator) certification.
- c. Permit applicants must provide a current CPR certification

3. Background Check

Permit applicant must complete the Background Check Consent Form included as EXHIBIT B.

Compliance with Village of Key Biscayne Rules and Regulations

In addition to the specific rules and regulations established for this permit and use program, applicant acknowledges that each park and permit is subject to general park rules and regulations as currently exist and as may be adopted administratively or by ordinance by the Village of Key Biscayne and agrees to abide by these rules and regulations.

Program/Activity Description

Describe the program/activity including number of participants expected:

Describe in detail how the park land, park equipment, and park improvements will be used:

Indemnity/Waiver

Permit holder agrees to indemnify and hold harmless the Village of Key Biscayne, its agents, employees, and assigns, against any liability based upon the services provided by the permit holder, the issuance of this permit, or the failure of permit holder to comply with the terms of the permit. Permit holder, permit holder's employees, volunteers, and clients waive any right they may have had to sue the Village, its officers, employees, and assigns due to conduct under this permit. Permit holder shall communicate the terms of this indemnity and waiver to all permit holder's employees, volunteers, and clients.

Applicant's Verification:

I verify that all of the above information is true. I have also read, understand, and am willing to comply with the park use policies and procedures as set forth by the Village of Key Biscayne Parks and Recreation Department. I agree to the terms of this twelve (12) Month Commercial Use of Park Use Permit and am authorized to sign on behalf of the Permit holder.

Signature of Applicant / Printed Name / Date

Please complete this application and return to the address below:

Mailing Address:

Village of Key Biscayne
Parks and Recreation Department
Attention: Todd Hofferberth
10 Village Green Way
Key Biscayne, Florida
33149

Contact: Parks Director or Designee

Phone: (305) 365-8900

Fax: (305) 365-8991

E-mail:

PermitApplications@Keybiscayne.fl.gov

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Village of Key Biscayne Parks and Recreation Department Approvals: (office use only)

Verified by:

Signature

Printed Name

Date

Approved by:

Village of Key Biscayne
Parks and Recreation Department
Director or Designee

Printed Name

Date

Exhibit A
Village of Key Biscayne
Rules Regarding Commercial Use of Dedicated Parkland

A fee and use policy has been approved and rules developed to establish commercial use and location trends that continues to encourage fitness programs and is equitable to all trainers and recreation service providers. This program includes revisions that protects the public's use and provides fitness and health consultants, and other outdoor professional service providers' reasonable access, use-based fee, and equipment limits to minimize damage to Village parks.

Section	Description	Proposed Rule or Fee
1	Approved Commercial Uses	Fitness Groups, Yoga Instruction, and other professional fitness services as approved by the Director of Parks and Recreation
2	Approved Locations	<ul style="list-style-type: none"> - Village Green North - Village Green South - Village Green Promenade - Village Beach Park - 530 Crandon BLVD Park - Other public buildings and facilities upon review and approval of the Parks and Recreation Director or designee - These areas may be used from sunrise to sunset unless otherwise approved within the permit
3	Excluded Areas	<p>Any area specifically dedicated to a use that would reasonably conflict with any approved use is excluded. For example, holding fitness classes in an area dedicated as a children's play area or basketball court is not appropriate.</p> <p>Shared parkland with Miami Dade Schools and St. Agnes Academy will not be an approved location for commercial activity at this time.</p> <p>Driveways, garages, streets, sidewalks, swales and parking areas are excluded from commercial activity with the exception of the interior pathway around the Village Green Park.</p>
4	Approved Equipment	<p>Trainers may not bring equipment to parks that could damage the parkland, facility or pose a hazard to the general public.</p> <p>These items include but are not limited to:</p> <ul style="list-style-type: none"> - Tractor tires - Vehicles on park property - Cables or railroad ties - Attaching equipment to trees, building, park structures, hand rails or other fixed items. <p>Trainers are allowed to bring yoga mats, water bottles, Dynamax medicine balls, rubber and TRX brand suspension bands.</p>
5	Impact on public use and priority of the permit	<p>Permit holders shall not interrupt existing use of an area by the general public and the public must always have access to park entrances. Blocking of public access is prohibited. All Village of the Key Biscayne Parks and Recreation sponsored or contracted programs, camps, special events and athletics will have priority, and are not to be impacted by permit holders.</p> <p>Alternatively if a fitness camp or training session has already begun and is in process, the general public may not interrupt an ongoing fitness class.</p>

Deleted: <#>Village Lake Park

Deleted: <#>Village Community Center
 (Currently all approved ten (10) Community Center Trainer allocated slots are full, additional applications will be added to a waiting list)

Section	Description	Proposed Rule or Fee
6	Fee for Professional Services, Intended to include fitness trainers, boot camp leaders and other exercise professionals	<p>Fee per Trainer, Instructor: \$1200 Base Permit Fee (12 Months) <u>or prorated at \$100 per month.</u></p> <p><u>Permit applicants who currently operate a commercial facility providing similar services licensed and permitted within the Village of Key Biscayne will be charged a registration fee of \$600 payable to the "Village of Key Biscayne", or a prorated \$50 per month.</u></p>
7	Permit Credential	ID Card with Photo for each permit holder. Permit Holders are required to wear or have with them the permit credential when conducting business on Village property. The Village retains the right to request proof of permit by requesting permit credential by any Village of Key Biscayne employee.
8	Enforcement	PARD Staff. Violations of this permit or PARD rules may result in the revocation of permit. Three (3) or more violations by any permit holder shall result in permanent removal from the program.
10	Parking Lots	Dedicated parking lots may not be used for any fitness, training or professional services or purpose at any time.
11	Addition or Removal of Approved Park Locations	PARD Staff will review the addition and/or deletion of approved locations each 12 month review of the permitting program.

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Exhibit B

**Village of Key Biscayne
Background Check Consent Form**

AUTHORIZATION/CONSENT

During the application process and at any time during the tenure of my employment/service with the Village of Key Biscayne, I hereby authorize ChoicePoint Services Inc., on behalf of the Village of Key Biscayne to procure a consumer report (known as an investigative consumer report in California) which I understand may include information regarding my character, general reputation, or personal characteristics. This report may be compiled with information from courts record repositories, departments of motor vehicles, past or present employers and educational institutions, governmental occupational licensing or registration entities, business or personal references, and any other source required to verify information that I have voluntarily supplied. I understand that I may request a complete and accurate disclosure of the nature and scope of the background verification, to the extent such investigation includes information bearing on my character, general reputation, or personal characteristics.

Applicant/Employee

Signature Date

Applicant/Employee Printed Name

Social Security Number *

Date of Birth *

* For identification purposes only

Please attach a copy of your driver's license to this form.

BACKGROUND VERIFICATION DISCLOSURE

This is used to inform you that a consumer report is being obtained from a consumer reporting agency for the purpose of evaluating you for employment, volunteer service or a contracted position, including retention as an employee, volunteer or independent contractor. This report may contain information bearing on your character, general reputation, and personal characteristics from public or private record sources.

PARK RULES

Sec. 19-1. - Authority of Village of Key Biscayne Police Department officials and the Recreation Department officials.

(a) It shall be the duty and responsibility of the Village of Key Biscayne Police Department and the Recreation Department officials to enforce all State laws, County ordinances and those police regulations within the following areas of Village of Key Biscayne:

- (1) All parks and other areas maintained and operated by the Village of Key Biscayne Recreation Department
 - (2) All beaches and ocean areas available to the public in the incorporated area of the Village of Key Biscayne
- (b) It shall be unlawful for any person to do any act forbidden or fail to perform any act required by these police regulations

(Ord No 95-14 § 2 11-14-93)

Sec. 19-2. - Traffic ordinances.

The traffic ordinances of Dade County and applicable State vehicle laws shall apply in and about all park property and in addition thereto the following traffic regulations shall be applicable.

(Ord No 95-14, § 2 11-14-93)

Sec. 19-3. - Roads and driveways within parks.

No person driving, operating, controlling or propelling any vehicle, motorized, horse drawn or self-propelled, shall use any other than the regularly designated roads or driveways, except when directed to do so by Police Officers or Recreation Department employees.

(Ord No. 95-14 § 2, 11-14-93)

Sec. 19-4. - Use of vehicles, trucks, buses, other heavy vehicles.

No car, truck, commercial vehicle, or bus of any type will be driven on any restricted park road or property without special authorization from the Recreation Department for the purpose of park work, services or activities except that trucks and buses used for transporting persons to a park for recreational purposes will be afforded use of ingress and egress park roads and parking facilities as provided for conventional passenger vehicles.

(Ord No 95-14 § 2 11-14-93)

Sec. 19-5 - Motorcycles and scooters.

No person shall ride, drive or propel any motorized vehicles (i.e., motorcycle, scooter or similar vehicle) on any but the regular vehicular roads 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 ordinances governing the operation of bicycles while on park property.

(Ord No 95-14, § 2, 11-14-93)

Sec. 19-B. - Parking.

No person shall park a vehicle any place on park property other than in the regular designated facilities provided for that particular type of vehicle, unless directed otherwise by Police Officers or Recreation employees who are authorized to designate other areas for parking when conditions so warrant.

(Ord No 95-14 § 2 11-14-93)

Sec. 19-7. - Preservation of property.

No person in the Village of Key Biscayne shall:

- (a) Destroy, damage or remove real property or improvements thereto, or movable or personal property, belonging to the Village of Key Biscayne
- (b) Throw or deposit, or permit to be deposited or scattered upon any sidewalk, alley, street, bridge or public passageway, or upon any public or private property, any waste or other material of any kind.
- (c) No person shall tamper or meddle with or alter the condition of any meter, valve or meter identification, or other part of such system in the Village of Key Biscayne, 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 and 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 Village of Key Biscayne.
- (e) Move, disturb, or take any earth, stone or other material from any public street, alley, park or other public ground.
- (f) No person shall 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 Village of Key Biscayne.
- (g) No fires shall be built by any person against or adjacent to any park building, structure, tree or plant or near the property of others or in any area of any park except in such areas as are specifically designated for fire building.

(Ord. No. 95-14, § 2, 11-14-95)

Sec. 19-8. - Picnic areas and use.

No person shall build, light, cause to be lighted any fire upon the ground or beach or other object in any area except in an approved grill, stove, fireplace or other suitable container, nor shall any person starting a fire leave the area without extinguishing the fire.

(Ord. No. 95-14, § 2, 11-14-95)

Sec. 19-9. - Domestic animals.

No person shall be permitted to take any domestic animal into any park whether on leash, in arms or running at large, dogs in particular being excluded, and provisions of Metropolitan Dade County Dog Control Ordinance No. 55-28 (Sections 5-3—5-15) shall apply to any and all park property.

(Ord. No. 95-14, § 2, 11-14-95)

Sec. 19-10. - Pollution of waters.

Using the fountains, bays or any other bodies of water within the parks, storm sewers or drains flowing into them as dumping places for any substance or matter which will or may result in the pollution of said waters is prohibited.

(Ord. No. 95-14, § 2, 11-14-95)

Sec. 19-11. - Refuse and trash.

No person will deposit or drop or place any refuse including bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage or containers of foul upon the ground or in or on any park property except in the receptacles for trash disposal.

(Ord. No. 95-14, § 2, 11-14-95)

Sec. 19-12. - Merchandising, vending, peddling, etc.

No person, partnership, organization or firm other than the Recreation Department or persons acting by and under the authority of the Village of Key Biscayne will expose or offer for sale, rent or trade, any article or thing, 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 recreational area.

(Ord. No. 95-14, § 2 (1)-14-95)

Sec. 19-13. - Public demonstration, gatherings, performances, athletic events, etc.

- (a) No bands, processions, military company, or any company or group with flags, banners, or transparencies, shall be allowed upon any park or parkway or within any park without written permission of the Village Council of the Village of Key Biscayne, 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 Village may deem necessary.
- (b) No person or persons shall engage in any organized or pick-up athletic events, games, practice for same, or exercise, such as football, basketball, softball, soccer, volleyball, utilizing a substantial portion of any park or recreation area without written permit of the Recreation Department, said permit to clearly define the nature of the activity, the limit of its scope and time and setting forth such other restrictions and requirements as the Recreation Department may deem necessary.
- (c) No person or persons shall conduct fitness training classes upon any park without first registering with the Recreation Department, paying an annual registration fee and meeting all other requirements as the Recreation Department may deem necessary (the "Program"). The Village may adopt administratively or by resolution any and all rules and procedures for establishing and administering the Program.

(Ord. No. 95-14, § 2 (1)-14-95)

Sec. 19-14. - Intoxicating liquors, beer, wine, etc.

Drinking of alcoholic liquors or beverages and the bringing of such into the park areas shall be permitted only under the circumstances set forth in the following:

The sale of alcoholic liquors or alcoholic beverages at outdoor specifically designated events will be under the authorization and control of the Recreation Department through issued permits. A permit will be required for civic and social organizations and must provide a license from the proper State authority. (See fee schedule for special event functions) Such sales shall be made only in individual drinks or cans (not in original packages, i.e. cases or otherwise in bulk) and shall be served for consumption on the immediate premises of the concession.

(Ord. No. 95-14, § 2 (1)-14-95)

Sec. 19-15. - Drunkenness; violation of laws.

No intoxicated person or person whose conduct is in violation of State and local laws will be permitted entry to parks or recreation areas and if discovered therein will be ejected forthwith.

(Ord. No. 95-14, § 2 (1)-14-95)

Sec. 19-16. - Municipal motor vehicle parking lot decal program.

- (a) **Municipal Motor Vehicle Parking Lot Decal Program:** Municipal motor vehicle parking lots or areas may be designated by the Village Council by ordinance from time to time (collectively "Municipal Parking Lots"). The ordinances establishing each parking lot shall contain specific rules and regulations applicable to that particular lot or area. Such rules and regulations shall be enforceable as law.
- (b) **Provision:** It shall be unlawful to park a motor vehicle in a Municipal Parking Lot unless an authorized motor vehicle parking decal is issued by the Village pursuant to the system set forth on such vehicle (the "Decal"). This term "vehicle" includes motor vehicles, motorcycles and golf carts.
- (c) **Issuance of Decals:**
 - (1) A Decal shall be issued by the Village upon application and payment of fees, only to persons residing within the Village. The Decal fee shall be \$1.00 per calendar year and shall be subject to annual renewal.
 - (2) The application for a Decal shall be on a form as required by the Village. One Decal shall be issued for each vehicle. A copy of the vehicle registration shall be submitted for each Decal application. Replacement Decals may be issued upon proof that the prior Decal was lost, stolen or destroyed. If the current application is denied, a copy of a current valid lease showing proof of residency shall be made part of the application. Residents of the Village shall provide a copy of their motor vehicle operator's license, car registration and a recent Florida driver's license photo proof of residency.
 - (3) The Decal shall be displayed in a tabular on the vehicle as designated by the Village Manager.

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(4) The Village is hereby authorized to make provisions for the issuance of temporary permits to seasonal visitors or occupants of residences in the Village

(d) *Parking in Decal areas*

- (1) A Decal shall not guarantee or reserve to the holder a parking space within a Municipal Parking Lot.
- (2) A Decal shall not authorize the holder to park in spaces or areas designated by law as restricted or prohibited parking (loading zones, fire hydrants, disabled or other such regulated areas) nor shall it exempt him or her from the observance of any traffic regulations.
- (3) The Village shall cause signs to be erected in Municipal Parking Lots, indicating the locations where Decal parking shall be permitted and clearly stating "Tow Away Zones"

(e) *Enforcement*. Vehicles found within Municipal Parking Lots, without current and valid Decals, or in violation of applicable rules and regulations:

- (1) Shall be subject to issuance of a uniform parking citation pursuant to Section 36-388.25 of the Metropolitan Dade County Code, and
- (2) Shall be subject to being towed, removed and stored pursuant to Section 30-384 of the Metropolitan Dade County Code

(f) *Decal violations*. It shall be unlawful for any person to represent that he or she is entitled to a Decal when he or she is not entitled, or to hold or display such a Decal at any time when he or she is not so entitled

(g) *Revocation of Decals and penalties*

- (1) Upon provision of ten days' prior notice by mail and an opportunity to be heard by the Village Clerk, the Village Clerk is authorized to revoke the Decal of any individual found to be in violation of the provisions of this section.
- (2) Failure to surrender a revoked Decal within ten working days of written notification from the Village Clerk shall be subject to the following penalties:
 - a. The violator shall not be allowed to re-apply for another Decal for six months
 - b. Once restored, if the Decal holder should once again have their Decal revoked by the Village Clerk, the Decal holder would be barred from applying for a new Decal for a one-year period

(h) *Penalty*. Pursuant to section 1-14 of this Code, any person who violates any provisions of this section shall, upon conviction, be punished by a fine not to exceed \$500.00 or imprisonment in the County jail not to exceed 60 days or both such fine and imprisonment. Each day that a violation continues shall be deemed a separate violation. Pursuant to section 2-31 et seq. of this Code, this section shall be subject to enforcement under the Local Government Code Enforcement Act, F.S. ch. 162, as amended. Enforcement may also be by suit for declaratory, injunctive or other appropriate relief in a court of competent jurisdiction.

(Ord. No. 97-10 § 1 7-5-97)