

ORDINANCE NO. 2011-10-252

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, REPEALING SECTION 33-79 OF THE MIAMI-DADE COUNTY CODE, ENTITLED "TENTS, AS MADE APPLICABLE TO THE CITY OF MIAMI-GARDENS"; AMENDING ARTICLE II, CHAPTER 20, DIVISION 4 OF THE CODE OF ORDINANCES TO REMOVE PROVISIONS RELATING TO STREET CLOSURES FOR SPECIAL EVENTS; REPEALING ARTICLE II OF CHAPTER 4 (EVENTS AND ENTERTAINMENT); CREATING A NEW ARTICLE II TO BE ENTITLED "SPECIAL EVENT REGULATIONS); PROVIDING FOR DEFINITIONS; PROVIDING FOR EXEMPTIONS; PROVIDING FOR PERMITS; PROVIDING FOR FEES; PROVIDING FOR DURATION AND REMOVAL; PROVIDING FOR PENALTIES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City has received numerous requests for special events to be held within the City, and

WHEREAS, currently the City processes these requests using various existing ordinances and administrative processes, and

WHEREAS, City staff is recommending that these processes be encapsulated into one Ordinance,

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

SECTION 1. ADOPTION OF REPRESENTATIONS: The foregoing Whereas Clauses are hereby ratified and confirmed as being true, and the same are hereby made a specific part of this Ordinance.

SECTION 2. REPEAL: Section 33-79 of the Miami-Dade County Code, as made applicable to the City of Miami Gardens is hereby repealed.

SECTION 3. AMENDMENT: Article II of Chapter 20, Division 4 is amended as follows:

DIVISION 4. - TEMPORARY STREET CLOSURE FOR SPECIAL EVENTS CONSTRUCTION

~~Sec. 20-116. - Purpose.~~

~~The city council would like to establish a process for temporary street closures in the city, and the city's director of public works has proposed a process whereby permits will be issued for temporary street closures, depending upon the type of closure involved.~~

~~Sec. 20-117. - Regulations created.~~

~~There are hereby created regulations regarding block parties, parades and other public assemblies.~~

~~Sec. 20-118. - Permit required.~~

(a)

~~Block party permit.~~

(1)

~~Block party permits are required when a planned event will cause or require one or more of the following:~~

a.

~~Temporary obstruction of or redirection of normal traffic flow on public right of way or traffic control during abnormally high traffic caused by an event;~~

b.

~~City or county staff involvement before, during or after the event, such as, but not limited to:~~

1.

~~Planning or consultation;~~

2.

~~Police officers and fire department;~~

3.

~~Traffic control personnel.~~

(2)

~~Block party permits may be issued to any person or organization.~~

(3)

~~A block party is permitted only after city review and approval of the street closure, a traffic control plan, and payment of all costs anticipated to be incurred by the city.~~

~~(4)~~

~~All permits for block parties shall be posted conspicuously in the permitted area.~~

~~(b)~~

~~Parade and public assembly permit.~~

~~(1)~~

~~Parade and public assembly permits are required when a planned event will cause or require one or more of the following:~~

~~a.~~

~~Temporary obstruction of or redirection of normal traffic flow on public right of way or traffic control during abnormally high traffic caused by an event;~~

~~b.~~

~~City or county staff involvement before, during or after the event, such as, but not limited to:~~

~~1.~~

~~Planning or consultation;~~

~~2.~~

~~Police officers and fire department;~~

~~3.~~

~~Traffic control technicians.~~

~~(2)~~

~~Parade and public assembly permits may be issued to any person.~~

~~(3)~~

~~A parade or public assembly permit is permitted only after city review and approval of street closures, approval of a traffic control plan, and payment of all costs anticipated to be incurred by the city.~~

~~**Sec. 20-119. Inspections, other approvals.**~~

~~All installations, work, maintenance and improvements regulated by this division shall be subject at all times to inspection by the city. The director may require whatever documents, drawings or certificates necessary to effect approval of such work.~~

~~**Sec. 20-120. Authorization and powers of director.**~~

~~(a)~~

~~The public works director or his/her designee is authorized and empowered to issue a permit for the closure to vehicular or pedestrian traffic, parking or other public use and for the use temporarily of any~~

~~portion of any public street, alley, sidewalk, or any other public way for the following purposes and upon any of the following conditions:~~

~~(1)~~

~~Whenever it is necessary, expedient or desirable, in the determination of the director;~~

~~(2)~~

~~Construction-related activity, whether such activity be performed by the city, the state, the county or other governmental body, board or authority or any utility, or any contractor employed by any of them or any contractor employed by any private individual or by any person to do or perform the same;~~

~~(3)~~

~~Construction-related activity, where any part of the city's streets, sidewalks, alleys or public ways shall be used in piling of materials, equipment, or any other activities that restrict the use of the streets, alleys, sidewalks or public ways;~~

~~(4)~~

~~Conducting parades or block parties, as provided for in this section.~~

~~(b)~~

~~The director is authorized and empowered to develop a manual of guidelines for the placement of uniform traffic control devices consistent with state and federal law to provide for the safe and efficient movement of pedestrians and vehicles through and around areas described in subsection (a) of this section.~~

~~(c)~~

~~Each permit shall contain the information in connection therewith and shall require the permittee to:~~

~~(1)~~

~~Indemnify and hold the city harmless from all claims, suits or actions of any kind whatsoever arising out of or resulting from the closure, the issuance of the permit or the operations or activities of the permittee. The final responsibility for all activities and the installation and maintenance of traffic control devices shall rest with the permittee.~~

~~(2)~~

~~Obtain and keep in force at all times during the full period for which the privileges hereunder are granted, a policy or policies of public liability and property damage insurance, protecting the city, its officers, agents and employees against any and all liability due to death, injury or damage to property arising out of, or any way incidental to the permittee's activities. The permittee agrees to provide the policy or policies in comprehensive form, in an amount of not less than \$1,000,000.00 combined single limit, per occurrence, bodily injury, including death and property damage.~~

~~The insurance policy shall also contain broad form contractual coverage applicable to this application and permit and, specifically, including the indemnification and hold harmless clause contained herein. Additionally, the permittee must provide that the city is listed as an additional insured on all required policies. The permittee shall obtain a certificate of insurance evidencing the coverages described on all required policies. The standard insurance certificate language that states "endeavor to" must be eliminated. Such certificate of insurance shall be submitted to the public works department prior to the date of the assembly and parade.~~

~~a.~~

~~The director, with the consent and approval of the city manager, can waive the requirements for block parties where the permittee is an owner of a single family residence whose property abuts the permitted area. A refundable security deposit to the city in the amount of \$500.00 shall be required for each such application. In addition, the prior written consent of all property owners whose property abuts the permitted area is required. If the permitted area used by permittee during the block party is not restored to its prior condition and cleaned up by 11:00 p.m. on the date of the block party, the city may draw upon such security deposit to cover the restoration and cleanup costs. If the security deposit paid to the city is not sufficient to cover the restoration and clean up costs, the permittee shall immediately pay to the city any additional costs for restoration and cleanup costs.~~

~~b.~~

~~The director, with the consent and approval of the city manager, can also waive the requirements for city-franchised utilities, the state, the county or other governmental body, board or authority which are self-insured in limits exceeding those set forth therein; provided further, however, that this waiver shall not be applicable to any contractor or subcontractor employed by any of them.~~

~~(d)~~

~~In the event that the city is required to file legal action against permittee to collect any amounts, the city shall be entitled to its costs of collection, attorney's fees and costs, and interest at the maximum rate allowable by law.~~

~~(e)~~

~~During the period of the permit and closure, under all conditions described in subsection (a)(4) of this section, insurance requirements may be waived by the city manager.~~

Sec. 20-121. ~~Duty of permit holders; correction of deficiencies.~~

(a)

~~A permittee for a temporary street closure under this division shall comply with all permit directions and conditions and with all applicable laws, provisions of this Code and other county and city ordinances.~~

(b)

~~A permittee shall suitably and effectively place, in accordance with federal, state and city guidelines, proper signs, barricades and other traffic control devices at all times during the period of closure.~~

(c)

~~A permittee shall provide off duty police officers for vehicular and/or pedestrian traffic control as required by the director.~~

(d)

~~Upon notification to the director of a deficiency in the placement of traffic control warning devices and if an investigation confirms the deficiency, the director shall give written notification of the deficiency in the placement of traffic control warning devices to the permittee. The permittee shall make the required corrections within the period specified by the director. If the required corrections are not made within this period, the director may take action to place the required traffic control devices, or at his/her election shall revoke the permit. The rate to be charged for the traffic control devices placed by the city shall consist of fees and allied costs as determined by the director.~~

(e)

~~Violation due to failure or neglect on the part of the permittee to conform to all provisions as described in this division and such other conditions of the permit shall be reason for halting the activity and/or revocation of the permit by the director.~~

Sec. 20-12216. - Construction permits.

(a) Each such permit for street closures for construction related activities ~~described in this division~~ shall be requested in advance of the proposed street closure. Advance notification is waived when it is documented that the proposed work is of an emergency nature involving the public health, safety or welfare and such documentation is submitted to the director of public works.

(b) Each application and permit for closure shall accurately describe the part or parts of the street, alley, sidewalk or other public way to be closed, the period of such closure by the time and date of beginning and end thereof, and the purpose therefore. A copy of each such permit shall be promptly

delivered to the public works department, and the police and fire departments.

(c) The director of public works may waive the required permit for closure under the following conditions:

- (1) All conditions excepted from the permit requirements in this division, subject to the limits described in subsections (c)(2) and (c)(3) of this section;
- (2) For all proposed work conditions on local or residential streets, as defined by the director in the functionally classified street system, which is for less than eight hours duration and does not require more than one consecutive eight-hour period; provided, however, appropriate traffic control devices for the maintenance of vehicular and pedestrian traffic in accordance with city, state and federal guidelines shall be required; and, further provided, that persons performing work shall assume all responsibility and all liability for any and all damages, death or injuries resulting in any way from such work; and the performance of any work without a permit shall be deemed assumption of such responsibility and liability;
- (3) For all proposed work on collectors, minor arterials and principal arterials, as defined by the director in the functionally classified street system, which is for less than four hours duration; provided, however, that the county traffic division shall be notified 24 hours in advance of the commencement of the work, and further provided that all traffic lanes shall be open from 6:00 a.m. to 9:30 a.m. and 4:00 p.m. to 6:00 p.m. or as directed by the county traffic division, and appropriate traffic control devices for the maintenance of vehicular and pedestrian traffic in accordance with city, state and federal guidelines shall be required; and further provided that persons performing work assume all responsibility and liability for any and all damages, death or injuries resulting in any way from such work; and the performance of any work without a permit shall be deemed assumption of such responsibility and liability.

~~Sec. 20-123. Parade or public assembly permit required; exception.~~

~~(a)~~

~~No person shall engage in, participate in or aid any parade, unless a parade or public assembly permit shall have been obtained from the director after approval of the issuance of such permit from the city council.~~

~~(b)~~

~~This requirement shall not apply to:~~

~~(1)~~

~~Funeral processions by vehicle under the most reasonable route from the funeral home, church or residence of the deceased to the place of interment;~~

~~(2)~~

~~A governmental agency acting within the scope of its function; or~~

~~(3)~~

~~Lawful picketing or other orderly processions on the sidewalk or other public right-of-way not utilized for the movement of vehicular traffic that do not constitute loitering.~~

~~(c)~~

~~Sec. 20-124. Application; filing period; contents.~~

~~(a)~~

~~A person seeking issuance of a parade or public assembly permit shall file an application with the city's public works director on forms provided.~~

~~(b)~~

~~An application for a parade or public assembly permit shall be filed with the city not less than 30 days nor more than 90 days before the date of the proposed parade or block party.~~

~~(c)~~

~~The application for a parade or public assembly permit shall set forth the information required by this division.~~

~~(d)~~

~~The director shall notify any person who has submitted a complete application for a permit under this section of the date on which city council shall consider the issuance of the permit for a parade or public assembly.~~

~~Sec. 20-125. Standards for issuance; notice to city officials.~~

~~The director shall issue a parade or public assembly permit as provided for hereunder when, from a consideration of the application and from such other information as may otherwise be obtained, he/she finds that:~~

~~(1)~~

~~The conduct of the parade or public assembly will not substantially interrupt the safe and orderly movement of the other traffic contiguous to the route;~~

~~(2)~~

~~The conduct of the parade or public assembly will not require the diversion of so great a number of police officers of the city to properly police the line of movement and the areas contiguous thereto as to prevent adequate police protection of the city;~~

~~(3)~~

~~The conduct of the parade or public assembly will not require the diversion of so great a number of ambulances as to prevent normal ambulance service to portions of the city other than that to be occupied by the proposed line of march and areas contiguous thereto;~~

~~(4)~~

~~The concentration of people, animals and vehicles at the assembly point of the parade will not unduly interfere with proper fire and police protection of or ambulance service to areas contiguous to the assembly areas;~~

~~(5)~~

~~The conduct of the parade will not interfere with the movement of firefighting equipment in route to a fire;~~

~~(6)~~

~~The parade is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays in route;~~

~~(7)~~

~~The parade is not to be held for the sole purpose of advertising any product, goods or event and is not designed to be held primarily for private profit; however, the prohibition against advertising any product, goods or event shall not apply to signs identifying organizations or sponsors furnishing or sponsoring floats or transportation for the parade.~~

~~**Sec. 20-126. Costs for parade services.**~~

~~(a)~~

~~Each person obtaining a permit shall be responsible for all costs for services provided by the city and county required in support of any parade. These costs shall include, but not be limited to, the following:~~

~~(1)~~

~~All signs, barricades and related traffic control support, manpower, equipment and materials;~~

~~(2)~~

~~All police services, manpower, equipment and material;~~

~~(3)~~

~~All sanitation, parks services, manpower, equipment and material;~~

~~(4)~~

~~All street sweeping and cleaning required, manpower, equipment and material; and~~

~~(5)~~

~~Administrative costs.~~

~~(b)~~

~~All costs will be determined by the department responsible for the provision of the appropriate service. The costs will be assembled by the public works department and shall be paid by the person requesting the permit a minimum of 15 days in advance of the parade. The city's public works department is authorized to issue the permit to the person upon payment to the city all costs as determined by the public works department and further upon approval by the director, the county fire department and the city police department.~~

~~Sec. 20-127. - Late application.~~

~~The director, upon good cause shown, shall have the authority to consider any application hereunder which is filed less than 30 days before the date on which the parade is proposed to be conducted.~~

~~Sec. 20-128. - Duties of parade permittee.~~

~~A permittee for a parade or public assembly permit shall comply with all permit directions and conditions and with all applicable laws and ordinances. The permittee shall produce the permit on request from any officer of the city and/or county.~~

~~Sec. 20-129. - Rights reserved.~~

~~The city reserves the right to cancel any event permitted, pursuant to this division.~~

~~Secs. 20-130~~117 through 156. - Reserved.

SECTION 4. REPEAL: Article II of Chapter 4 (Events and Entertainment) is hereby repealed.

SECTION 5: CREATION OF NEW ARTICLE: Article II of Chapter of the City of Miami Gardens Code of Ordinances is hereby created as follows:

Article I. Special Event Regulations

Section 4-19. Purpose and Intent.

The purpose of this article is to ensure that all special events within the city are properly permitted to protect the health, safety and welfare of the city's citizens and to ensure the proper coordination of city, county and other agencies services when necessary.

Section 4-20. Definitions.

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

Applicant means a person or entity who has filed a written special event application.

Nonprofit means any bona fide charitable, benevolent, eleemosynary, education, cultural, or governmental institution or organization, or any event held for nonprofit purposes regardless of whether the sponsor is a for-profit or nonprofit organization.

Permittee means the applicant to whom the special event permit has been issued.

Public place(s) means streets, sidewalks, parkways, highways, boulevards, avenues, alleys, plazas, medians, entrances and all spaces dedicated to the public or used in any way by the city for the benefit of the public, including but not limited to, buildings, parks and all public areas.

Special event means a temporary event, gathering, or organized activity on any city street, public property, or private property, or in any city park, building or other facility, when an organized activity is conducted involving one (1) or more of the following factors:

1. Closing of a public street, sidewalk, or alleyway;
2. Blocking or restricting public property;
3. Blocking or restricting access to private property of others;
4. Use of pyrotechnics or special effects;
5. Use of open flame, explosions, or other potentially dangerous displays or actions;
6. Use or display of animals, aircraft, or watercraft;
7. Sale or service of merchandise, food or non-alcoholic and alcoholic beverages on public and private property where otherwise prohibited by Ordinance;

8. Installation of a stage, band shell, vehicle(s), of any kind, trailer, van, portable building, booth, grandstand, or bleachers on public or private property where otherwise prohibited by Ordinance;
9. Placement of "No Parking" signs or barricades in a public right-of-way;
10. Amplification of music, voices, sounds, or activities that require a broadcast permit;
11. Determination by city staff that the event will result in substantial impact on city resources, facilities or public safety services in response thereto.

Examples of special events include but are not limited to the promotion of sales, holidays, concerts, markets, seminars, expositions, community events, fairs, festivals, carnivals, filming, processions, parades, circuses, amusement rides, rodeos, fundraising, marathons and other running events, walkathons, block party, bicycle races and tours, sporting events, revivals, dances, assemblages, or any other similar organized activity, whether for profit or not for profit, wherein public or private property are to be utilized and any other situations which are outside the normal scope of permitted activities for a location, or which may have some impact on the community-at-large.

Special event shall exclude any and all activities associated with standard park rentals.

Special event application is an official form to be completed by the person or entity planning an event or activity on public or private property in the city and requesting approval of said event or activity. The special event application is determined to be complete on the date on which all the required documentation has been submitted. The date for the special event shall be considered confirmed when the applicant has fully complied with all the necessary requirements and the special event permit has been issued by the city. The city's acceptance of the special event application is not considered approval of the planned event or activity.

Special event permit means written, signed authorization by the city to hold a special event. All permits for special events shall be defined within one of the following subcategories:

- a) Broadcast permit: the applicant anticipates broadcasting or transmitting music or sound by loudspeakers, amplifiers, public address systems, and similar devices in such a manner that would be unreasonably loud and raucous or that would reasonably be calculated to attract a crowd or cause numbers of persons to congregate in or on any open space.
- b) Block party, parade, and public assembly permit: the planned event will cause or require one or more of the following:

- I. Temporary obstruction of or redirection of normal traffic flow on public right-of-way or traffic control during abnormally high traffic caused by an event;
- II. Temporary street closure to vehicular or pedestrian traffic, parking or other public use and for the use temporarily of any portion of any public street, alley, sidewalk, or any other public way;
- III. City, county, or staff involvement before, during and/or after the event, such as, but not limited to:
 - a) Planning or consultation;
 - b) Police officers and fire department;
 - c) Traffic control personnel.

Permits may be issued to persons or organizations, and a planned event is permitted only after city review and approval of the street closure, a traffic control plan, and payment of all costs anticipated to be incurred by the city.

- c) Film and print production permit: person or entity desiring to conduct commercial film, television, video and photography projects within the city in accordance with this Article.
- d) Retail sales from tent permit: the event or activity involves the display and sale of new merchandise from tent structure(s).
- e) Assembly, circus, and sporting event permit: the event or activity attracts people to a site to attend and/or participate in a traveling revival, entertainment production, or an organized athletic exhibition, which display among others preachers, ministers, community advocates, performers, animals, and contestants.
- f) Miscellaneous permit: a planned event or activity that does not correspond with the definitions expressed above.

Specified area means the public or private property wherein the special event is held as well as any affected surrounding area(s).

Standard park rental means any event held on a park facility with an estimated attendance of less than 150 participants.

A temporary structure means a tent, structure, stage, bandstand, bleachers, towers for lighting or sound, platforms, ventilation systems, enclosed cooking facilities, or similar structure that is erected for a period of less than 30 calendar days that is used for special events.

Section 4-21. Event Permit Required

A. Special event permits are required for all special events as defined by this Article, and it shall be unlawful to engage in special event without a special event permit.

B. Application, contents.

Application to conduct a special event shall be made to the city manager or his/her designee, in writing, by the person or persons in charge or responsible therefore. The application shall set forth, at a minimum the following information:

- 1) The name and address of the organization, group, or person.
- 2) The name, address and telephone number, fax number and email address of the applicant or person who will act as the person in charge of the special event and be responsible for the conduct thereof.
- 3) The name and location of the event as well as the signature of the property owner allowing the use of the subject property for the event, as well as the signature of the person in charge of the event.
- 4) A list of the special event subcategories for the applicant to identify the nature of the event or activity.
- 5) The estimated number of people attending the special event.
- 6) The number of participating event staff to be provided and the identifying marks badges or symbols to be worn or used by the event staff.
- 7) A complete description of the event or activity for which a permit is requested including the purpose of the event, and the number and types of vehicles (if any) to participate.
- 8) The method of notifying participants of the terms and conditions of the special event.
- 9) The exact date(s) and time(s) the event is to be conducted and the hours it will commence and terminate.
- 10) The specific assembly and dispersal locations, the specific route and the plans, if any, for disassembly and dispersal.
- 11) Whether any music will be provided, either live or recorded.

- 12) The number, types and locations of all loudspeakers and amplifying devices to be used.
- 13) Whether any food or alcoholic beverages will be served. If alcohol is served, the applicant shall obtain a permit issued from the State of Florida, Department of Business Regulation, Division of Alcoholic Beverages and Tobacco and attach the same to the special event permit application. The consumption of alcohol shall be in accordance with Section 18-245 of the Miami Gardens Code of Ordinances. The city retains the right to refuse to permit alcoholic beverages to be sold or consumed at any special event. In determining whether the sale, possession and/or consumption of alcoholic beverages should be permitted, city may consider, among other factors, the nature of the event, the anticipated number, age and/or conduct of persons attending the event, the days and/or times of the event, uses of areas near the special event, and the anticipated impact the sale, possession and/or consumption of alcoholic beverages would have on the public place, it's uses and the special event.
- 14) Assurance that all food vendors are properly licensed by the appropriate regulatory agency.
- 15) Assurance that the applicant will make provisions for adequate police presence, if any, and that the applicant will conform to necessary fire prevention, building code, public works requirements, and/or any other city/county/state rules, regulations and guidelines. The level of police presence shall be determined by the police department. The city reserves the right to deny any permit based on the applicant's failure to meet any of the provisions listed above.
- 16) Assurance that the applicant will make provision for garbage and litter cleanup associated with the special event during and after the special event in the specified area. The assurance shall also include the posting of a performance bond in the amount hereinafter provided, which bond shall be forfeited to the city if the cleanup is not adequate. Adequacy of the cleanup effort will be assessed by the city manager or his/her designee.
- 17) Assurance that the applicant will cause all booths, stands, signs and any other movable fixtures pertaining to the event to be removed immediately after the special event.
- 18) Assurance that the special event will be conducted for a lawful purpose.
- 19) A provision whereby the applicant shall agree to indemnify and hold harmless the city, its servants, agents and employees, for all claims caused by or arising out of the activities permitted.
- 20) As determined by the city, the applicant shall provide an appropriate policy of insurance to protect the city from liability that may result from the special event.

- 21) Such other information as the city may deem necessary in order to provide for traffic-control, street and property maintenance and the protection of the public health, safety and welfare.
- 22) The city may grant permission to the sponsor of an event in a public right-of-way to charge an admission fee for attendance at the event. Consideration and granting of such permission shall be based upon the location and duration of the event, its impact upon traffic circulation, provisions for emergency access and crowd safety and control, the frequency of event at the location, and other appropriate factors.
- 23) Certify that the information provided on the application is true and factual.

Section 4-22. Posting of Permit.

All permits required by this Article shall be posted in a conspicuous location at the site on which the special event or activity will occur. Upon the request of any police officer or code compliance officer of the city, the owner, lessee of the property or other representative of the special event shall produce such permit for inspection.

Section 4-23. Designated Person Required.

- A. The person designated in the permit application required in this section as being the person in charge of the event or activity for which the permit is sought must remain at the location of the event or activity during the entire time stated in the permit for which the event or activity is authorized.
- B. Surrender of permit upon demand. It shall be unlawful and a violation of this section for the person designated in the permit application as being in charge of the event for which a permit is sought to fail or refuse to surrender the permit, on demand, to any state, county, or municipal police officer.

Section 4-24. Administrative Procedures.

The city manager is hereby authorized to promulgate reasonable rules and procedures for application for, issuance and revocation of such permits. These rules and procedures shall serve to implement the intent and purpose of this article so that necessary and beneficial activities may occur while providing for protection of the public.

Section 4-25. Criteria for Issuance; Bond.

Issuance of a permit under this section shall be based on a determination by the city manager or his/her designee that the event or activity for which a permit is requested does not constitute a threat to public safety, constitute a danger or impediment to the normal flow of traffic, or constitute a potential disturbance of the peace and quiet of persons outside the premises where the event or activity is located. The city manager or his/her designee may require that a bond be posted in an amount sufficient to secure the costs of cleanup, repair or replacement of damage or destruction of property. The city reserves the right to retain all or a portion of any bond to defray any costs incurred by the city because of the special event.

Section 4-26. Time Limitation for Application.

Unless otherwise stated herein, no permit shall be issued for a special event as outlined in this article, unless application has been made not less than 30 days in advance of the date on which the special event is sought to be held, except as follows: The city may consider an application for permits filed less than 30 days before the special event upon good cause showing and payment of two times the non-refundable permit fee and payment for all actual costs incurred by the city in expediting said request including overtime costs. Said costs are in addition to all costs and charges contained in this article.

Section 4-27. Limitation on Frequency of Special Event.

A person or entity is restricted to four (4) special events or activities per calendar year and no more than one (1) special event or activity within a three (3) month period.

Section 4-28. Issuance or Denial of Permit.

If the city determines that the special event does not conform to all of the requirements of this Article, the city manager or his/her designee shall have the right to deny the application for a permit. Such decision shall be considered final.

Subsequent permits under this section may be denied to, or a bond required of, any person known to have violated the provisions of a previous permit issued in accordance with this Article.

Section 4-29. Conditions.

Any permit granted under this article may contain conditions reasonably calculated to reduce or minimize dangers and hazards to vehicular or pedestrian traffic and the public health, safety and welfare, including but not limited to changes in time, duration or number of participants. For the purposes of public safety and welfare, the city manager or his/her designee may order the temporary closing of streets and/or may temporarily prohibit parking along it during the event, and shall direct the posting of proper warning signs in connection therewith. If the applicant desires to request street closures such application shall be made to the Director of Building and Code Compliance and shall be

in accordance with Section 4-37 of this Article. The applicant will be responsible for all costs and fees associated with street closures.

Section 4-30. Temporary Signs for Special Events.

It is unlawful for any person to install, alter, erect, construct, post, paint, secure or relocate any sign, banner, lighting, or advertising without prior written approval from the city's Planning and Zoning Department.

Applications for a permit required under this section must be submitted to the Department of Building and Code Compliance at least thirty days (30) days prior to the date of the event for which the permit is requested. All applications will be routed to the Planning & Zoning Department for approval.

Section 4-31. Parking and Traffic Circulation.

In general, special events shall be conducted at improved sites that include asphalt or other similar hard surface pavement for parking and traffic circulation. Off-street parking for special events shall comply with requirements of the Zoning Code insofar as the amount of spaces required, minimum parking space size, and minimum aisle widths. Unimproved or unpaved areas intended for temporary parking and traffic circulation shall be allowed at the discretion of the Director of Building Services and Code Compliance. Temporary barriers, guides, signs, and other temporary markings shall be erected and placed around and within the parking area to facilitate safe and efficient vehicular traffic flow on site.

Section 4-32. Revocation of Permit.

- A. The city reserves the right to refuse to issue or to revoke any permit granted herein, in the event the city determines that the permittee(s) has not complied with any of the rules or regulations provided herein. Any such violations of the rules and regulations provided for herein shall immediately deem the permit revoked. The city shall have the immediate right, through the Miami Gardens Police Department, to close any establishment that has been granted a permit and the permittee(s) release both the city and the Miami Gardens Police Department from any and all liability with respect to that matter.
- B. Any person dissatisfied or aggrieved with the decision of the city with reference to denial of his/her application for such permit or the revocation of such permit may, within ten (10) days after such denial or revocation, appeal to and appear before the city manager. The city manager's decision shall be final.

Section 4-33. Additional Requirements.

All applicants for special event permits are required to obtain all necessary building permits and approvals from the city, Miami-Dade County, and the State of Florida prior to engaging in the event. In addition, all such special events, including all appurtenances thereto shall meet with the written approval of the Miami-Dade Fire Rescue Department including but not limited to:

- a. Plans, diagrams, ratings, affidavits, and or other documentation as may be required
- b. Parking requirements
- c. Signage requirements
- d. Spacing requirements
- e. Heating or cooling specifications
- f. Fire watch as may be required

Section 4-34. Granting of Permit.

The granting of a permit herein shall not entitle a person or entity to any other permit for future purposes.

Section 4-35. Exemptions.

The following events shall be exempt from obtaining a special events permit:

- a) Political or public issue events. However, persons planning such an event shall notify the city manager's office when a political or public issue event is planned so that police, fire, and other emergency service organizations will be aware of the time, place, and scope of the event and the name or names of persons in charge.
- b) Lawful picketing or other orderly processions on the sidewalk or other public right-of-way not utilized for the movement of vehicular traffic that do not constitute loitering.
- c) Funeral processions from the funeral home, church or residence of the deceased to the place of interment shall be exempt from the terms of this article.
- d) Any motor vehicle, motorboat or other vehicle of the city, the county or the state or licensed public utility vehicle within the city while engaged in necessary public business.
- e) Any governmental agency acting within the scope of its function.

- f) Tents temporarily erected for camping and for events to be held at single-family residences, do not require a building permit. However, building permits are required for temporary tents and membrane structures that are larger than 10' by 12' or any size membrane structure used for the sale of items such as legal fireworks, Christmas trees, pumpkins, stuffed animals and/or flowers.
- g) City-initiated events are exempt from the terms of this article.
- h) School Board- sponsored activities shall be exempt from the terms of this article.

Section 4-36. Film and Print Production Permits.

All film permits shall be obtained from Miami-County in accordance with the city's inter-local agreement with the county. Upon request, any person conducting filming within the city shall produce a county filming permit.

Section 4-37. Block Party and Parade Permit.

All applications for block party and parade permits will be routed to the Public Works Department for approval.

A. Inspections, other approvals.

All installations, work, maintenance and improvements regulated by this article shall be subject at all times to inspection by the city. The director may require whatever documents, drawings or certificates necessary to effect

B. Authorization and powers of director.

(1) The public works director or his/her designee is authorized and empowered to issue a permit for the closure to vehicular or pedestrian traffic, parking or other public use and for the use temporarily of any portion of any public street, alley, sidewalk, or any other public way for the following purposes and upon any of, and not limited to, the following conditions:

(a) Whenever it is necessary, expedient or desirable, in the determination of the director;

(b) Conducting parades or block parties, as provided for in this section.

(2)

The director is authorized and empowered to utilize the Manual of Uniform Traffic and Control Devices (MUTCD) for the placement of uniform traffic control devices consistent with state and federal law to provide for the safe and efficient movement of pedestrians and vehicles through and around areas described in subsection (a) of this section.

(3)

Each permit shall contain the information in connection therewith and shall require the permittee to:

(a)

Indemnify and hold the city harmless from all claims, suits or actions of any kind whatsoever arising out of or resulting from the closure, the issuance of the permit or the operations or activities of the permittee. The final responsibility for all activities and the installation and maintenance of traffic control devices shall rest with the permittee.

(b)

Obtain and keep in force at all times during the full period for which the privileges hereunder are granted, a policy or policies of public liability and property damage insurance, protecting the city, its officers, agents and employees against any and all liability due to death, injury or damage to property arising out of, or any way incidental to the permittee's activities. The permittee agrees to provide the policy or policies in comprehensive form, in an amount of not less than \$1,000,000.00 combined single limit, per occurrence, bodily injury, including death and property damage. The insurance policy shall also contain broad form contractual coverage applicable to this application and permit and, specifically, including the indemnification and hold harmless clause contained herein. Additionally, the permittee must provide that the city is listed as an additional insured on all required policies. The permittee shall obtain a certificate of insurance evidencing the coverages described on all required policies. The standard insurance certificate language that states "endeavor to" must be eliminated. Such certificate of insurance shall be submitted to the public works department prior to the date of the assembly and parade.

1.

The director, with the consent and approval of the city manager, can waive the requirements for block parties where the permittee is an owner of a single-family residence whose property abuts the permitted area. A refundable security deposit to the city in the amount of \$500.00 shall be required for each such application. In addition, the prior written consent of all property owners whose property abuts the permitted area is required. If the permitted area used by permittee during the block party is not restored to its prior

condition and cleaned up by 11:00 p.m. on the date of the block party, the city may draw upon such security deposit to cover the restoration and cleanup costs. If the security deposit paid to the city is not sufficient to cover the restoration and clean up costs, the permittee shall immediately pay to the city any additional costs for restoration and cleanup costs.

2.

The director, with the consent and approval of the city manager, can also waive the requirements for city-franchised utilities, the state, the county or other governmental body, board or authority which are self-insured in limits exceeding those set forth therein; provided further, however, that this waiver shall not be applicable to any contractor or subcontractor employed by any of them.

(4)

In the event that the city is required to file legal action against permittee to collect any amounts, the city shall be entitled to its costs of collection, attorney's fees and costs, and interest at the maximum rate allowable by law.

C. Duty of permit holders; correction of deficiencies.

(1) A permittee for a temporary street closure under this division shall comply with all permit directions and conditions and with all applicable laws, provisions of this Code and other county and city ordinances.

(2) A permittee shall suitably and effectively place, in accordance with federal, state and city guidelines, proper signs, barricades and other traffic control devices at all times during the period of closure.

(3) A permittee shall provide off-duty police officers for vehicular and/or pedestrian traffic control as required by the director.

(4) Upon notification to the director of a deficiency in the placement of traffic control warning devices and if an investigation confirms the deficiency, the director shall notify the deficiency in the placement of traffic control warning devices to the permittee. The permittee shall make the required corrections within the period specified by the director. If the required corrections are not made within this period, the director may take action to place the required traffic control devices, or at his/her election shall revoke the permit. The rate to be charged for the traffic control devices placed by the city shall consist of fees and allied costs as determined by the director. The director may approve the use of a third party vendor to provide traffic control devices on behalf of the permittee.

(e) Violation due to failure or neglect on the part of the permittee to conform to all provisions as described in this division and such other conditions of the permit shall be reason for halting the activity and/or revocation of the permit by the city.

D. Parade or public assembly permit required; exception.

(a) No person shall engage in, participate in or aid any parade, unless a parade or public assembly permit shall have been obtained from the director after approval of the issuance of such permit from the city.

(b) Any other activities, which in the discretion of the director, do not require a permit.

E. Standards for issuance; notice to city officials.

The director may issue a parade or public assembly permit as provided for hereunder when, from a consideration of the application and from such other information as may otherwise be obtained, he/she finds that:

(1) The conduct of the parade or public assembly will not substantially interrupt the safe and orderly movement of the other traffic contiguous to the route;

(2) The conduct of the parade or public assembly will not require such a number of police officers so as to prevent adequate police protection of the city;

(3) The conduct of the parade or public assembly will not require the diversion of so great a number of ambulances as to prevent normal ambulance service to portions of the city other than that to be occupied by the proposed line of march and areas contiguous thereto;

(4) The concentration of people, animals and vehicles at the assembly point of the parade will not unduly interfere with proper fire and police protection of or ambulance service to areas contiguous to the assembly areas;

(5) The conduct of the parade will not interfere with the movement of firefighting equipment in route to a fire;

(6) The parade is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays in route;

(7) The parade is not to be held for the sole purpose of advertising any product, goods or event and is not designed to be held primarily for private profit; however, the prohibition against advertising any product, goods or event shall not apply to signs identifying organizations or sponsors furnishing or sponsoring floats or transportation for the parade.

G. Costs for parade services.

(1) Each person obtaining a permit shall be responsible for all costs for services provided by the city and county required in support of any parade. These costs shall include, but not be limited to, the following:

- (a) All signs, barricades and related traffic control support, labor, equipment and materials;
- (b) All police services, labor, equipment and material;
- (c) All sanitation, parks services, labor, equipment and material;
- (d) All street sweeping and cleaning required, manpower, equipment and material; and
- (e) Administrative costs.

(2) All costs will be determined by the department responsible for the provision of the appropriate service. The costs will be assembled by the public works department and shall be paid by the person requesting the permit a minimum of 15 days in advance of the parade. The city's public works department is authorized to issue the permit to the person upon payment to the city all costs as determined by the public works department and further upon approval by the director, the county fire department and the city police department.

H. Duties of parade permittee.

A permittee for a parade or public assembly permit shall comply with all permit directions and conditions and with all applicable laws and ordinances. The permittee shall produce the permit on request from any officer of the city and/or county.

Section 4-38. Broadcast Permits.

- (a) *Permit required; presumption.* It shall be unlawful and a violation of this section for any person, firm, partnership or corporation to play, broadcast or transmit music in such a manner as would reasonably be calculated to attract a crowd or cause numbers of persons to congregate in or on any open space, lot, yard, sidewalk or street, or to permit the same to occur on or from any property owned, leased or occupied by said person, firm, partnership, or corporation, without first having obtained a permit to do so from the city. The use of any amplifier or loudspeaker to play, broadcast or transmit music shall constitute prima facie evidence that the music is being played, broadcasted or transmitted in such a manner as would reasonably be calculated to attract a crowd or cause numbers of persons to congregate.
- (b) *Permit contents, time restrictions.* Permits issued under this section shall specify the date and time during which the activity authorized by the permit may be conducted. No permit shall be issued that encompasses more than three(3) calendar days, or a span of hours in excess of six (6) hours per day; nor shall the requested activity commence or continue beyond the hour of 10:00 p.m. in any case, except as provided under Section 16-26 of the Code of Ordinances..

- (c) Broadcast Permit application information. The application for a permit under this section shall contain the following information:
- (1) The name, date of birth, address and telephone number of the person who will be in charge of the activity for which a permit is requested.
 - (2) The name of the person, firm, partnership or corporation seeking the permit.
 - (3) The exact date and times for which the permit is sought.
 - (4) The exact location of the event for which a permit is requested.
- (d) Filing application for permit. Applications for a permit required under this section must be submitted to the department of building and code compliance at least fifteen (15) days prior to the date of the event for which the permit is requested. All applications will be routed to the police department for approval. The police department is authorized to deny a request for a broadcast permit for applications filed less than fifteen (15) days prior the event or activity except as follows: the police chief may consider an application for a broadcast permit filed less than fifteen (15) days before the special event upon good cause showing and payment of two times the non-refundable permit fee.
- (e) Procedures for administering permits. The police chief is hereby authorized and directed to promulgate reasonable rules and procedures for the application, issuance and revocation of such permits.
- (f) Criteria for permit issuance: Issuance of the permit required under this section shall be based on a determination by the police department that the event for which a permit is requested does not constitute a threat to public safety; constitute a danger or impediment to the normal flow of traffic; or constitute a potential disturbance of the peace and quiet of persons outside the premises where the event is located.
- (g) Review of permit denial or revocation: Any person dissatisfied or aggrieved with the decision of the chief of the police department with reference to denial of his/her application for such permit or the revocation of such permit may, within ten (10) days after such denial or revocation, appeal to and appear before the city manager or his/her designee; and, upon the affirmance or approval of the action taken by the chief of the po999lice department, such action shall be final and subject to judicial review by writ of certiorari in accordance with the state rules of appellate procedure. In the event the city manager or his/her designee, upon the original review, determines that the applicant is entitled to such permit, then in that event the chief of the police department shall immediately issue such permit.

Section 4-39. Schedule of fees.

The schedule of fees for special events shall be as established by the city council by resolution.

Section 4-40. Special Requirements.

(a) In general. Businesses located in the Planned Corridor Development (PCD), Neighborhood Commercial (NC) and Industrial (I1 and I2) zoning districts, holding a current business tax receipt and certificate of use, shall be permitted to engage in the retail sale of new merchandise from tents, subject to the following limitations and requirements:

(1) Limitations. The hours of operation of a tent sale for retail merchandise, other than the sale of Christmas trees and fireworks as provided elsewhere, shall not extend beyond three consecutive days, from 9:00 a.m. to 8:00 p.m. daily, for each permit issued. The hours of operation may not be extended for any circumstance or reason. A permit may not be extended to expand the hours of operation. Other than a Christmas tree and a firework sale, no more than two additional tent sales may be conducted at the same location during the calendar year. The same location extends to the boundary lines of the property or shopping center. Tent sales shall be conducted within the boundary lines of the same property or shopping center where the business of the permit holder is located. The permit holder shall not operate more than one tent sale at the same location during the calendar year, and must have current business tax receipts at the location of application. Used, second-hand or discarded merchandise or wholesale merchandise shall not be sold or offered for sale from tents. The tent sale shall be conducted within the required setbacks of the property, although setback and parking requirements may be waived by the planning and zoning department if the tent sale is conducted within an area reserved for parking. Such waiver shall be based on whether there is sufficient and adequate parking to allow for the tents sale in the parking area.

(2) Requirements. Retail sales from tents are allowed only by issuance of a permit by the city. Prior to the issuance of a permit, the applicant must pay the applicable permit fee, provide proof of insurance, written authorization of the property owner if the applicant is not the property owner and a certification by the Miami-Dade County fire marshal that the tent has been inspected and is in compliance with applicable fire safety regulations.

(b) Display of permit. Before the offer of sale or sale of any retail merchandise from a tent, the city permit shall be prominently displayed on the premises.

Section 4-41. Special Requirements for Christmas Trees and Fireworks.

A. Sale of Christmas trees

1. Christmas tree sales can only be conducted on properties zoned Planned Corridor Development (PCD) and Neighborhood Commercial (NC).
2. Application for the building permit must be submitted at least fourteen days prior to the date the Christmas tree sales will commence.
3. Written approval from Miami-Dade Health Department.
4. An executed agreement between the property owner and the Christmas tree retailer, giving permission to use the property for the sale of Christmas trees and the dates of operation.

B. Sale of legal fireworks

- 1) Legal firework sales can only be conducted on property zoned Planned Corridor Development (PCD) and Neighborhood Commercial (NC).
- 2) There shall be no smoking in tents, and appropriate "No Smoking" signs shall be displayed conspicuously.
- 3) Fireworks shall be sold in packages or zip locked or tied polyethylene bags.
- 4) Sales from motor vehicles are prohibited.
- 5) Fireworks shall not be stored, sold or dispensed in any manner where combustibles or flammable materials are dispensed.
- 6) Fireworks shall be stored on skids or pallets a minimum of 4" off the ground to protect the chemical stability of the compounds from moisture.
- 7) All merchandise must be removed from the tent daily unless an approved security system is provided.
- 8) All storage containers shall be labeled "Class C Explosives" or "Explosives 1.4G".
- 9) Site drawing identifying parking spaces.

C. Special requirements for tents sales of sparklers

- 1) There shall be no smoking in tents, and appropriate "No Smoking" signs shall be displayed conspicuously.

- 2) Sparklers shall be sold in packages or zip locked or tied polyethylene bags.
- 3) Sales from motor vehicles are prohibited.
- 4) Sparklers shall not be stored, sold or dispensed in any manner where combustibles or flammable materials are dispensed.
- 5) Sparklers shall be stored on skids or pallets a minimum of 4" off the ground to protect the chemical stability of the compounds from moisture.
- 6) All merchandise must be removed from the tent daily unless an approved security system is provided.
- 7) All storage containers shall be labeled "Class C Explosives" or "Explosives 1.4G".
- 8) Sparkler sales can only be conducted on property zoned Planned Corridor Development (PCD) and Neighborhood Commercial (NC).
- 9) Applications for the building permit must be submitted at least fourteen days prior to the date the sparkler sales will commence.
- 10) Site drawing identifying parking spaces.
- 11) Written approval from Miami-Dade Health Department .
- 12) Executed agreement between the property owner and the sparkler retailer, giving permission to use the property for the sale of sparklers and the dates of operation.

Section 4-42. Special Requirements for Assemblies, Circuses, Carnivals, Sporting Event, and Charitable Bazaars.

- a. Parking requirements for circuses, carnivals, and sporting events shall be calculated on a basis of one parking space for every fifty (50) square feet of tent area. All such parking spaces must be provided on the subject site.
- b. A letter from the property owner authorizing the event and dates of the event.
- c. A letter from the sponsor detailing the event.
- d. Written approval from Miami-Dade Health Department.
- e. Written approval from Miami Gardens Police Department.

- f. A tent revival is permitted on bona fide church premises, on properties zoned NC, PCD, I-1, and I-2. Special events by the city are exempt from this provision
- g. A carnival tent is permitted on bona fide school properties.
- h. Signed waivers of objection from 100% of all property owners within 500 feet or signed waivers of objection from 80% of all property owners or tenants of residential buildings within 1,000 feet of the site proposed for the tent revival, including their addresses.

Section 4-43. Amusement Rides.

(a) The use of more than three (3) amusement rides is prohibited. For the operation of such rides, professional operators can be employed, if they are permitted on the grounds only during the legal hours of operation. The city council may authorize the use of more than three (3) amusement rides where the sponsoring organization presents to the city council a plan of operation setting forth the following items:

- (1) The number and type of rides and of games to be provided;
- (2) A plot plan demonstrating the layout of the rides;
- (3) A plan for the evacuation of all persons from the amusement location area in the event of accident;
- (4) The method of cleaning up and restoring the amusement area at the conclusion of the carnival.
- (5) State of Florida Safety inspection reports

(b) The city shall require that the sponsoring organization post a bond sufficient to assure that the amusement area will be restored to the condition it was in prior to the carnival.

(c) Professional operators, concessionaires, employees, entertainers or proprietors of such amusement rides shall be, and they are hereby required to register in a book of registration to be kept by the chief of police, and required to be fingerprinted and photographed by either the Police Department, prior to beginning work at any such employment or place of business. Said persons shall be required to comply with any all state statues regulating amusement park and amusement park personnel.

(d) All booths and attractions of any nature must be operated by the sponsoring organization and all moneys collected in connection with any operation must be handled directly by such members. Membership in an affiliated organization does not permit participation.

(e) The use of power or light auxiliary units is prohibited. The operation of such bazaars will be limited to 8:00 p.m. Sunday through Thursday and to 10:00 p.m. on Friday and Saturday.

(f) The exchange of money as a prize in connection with any operation is prohibited.

Section 4-44. Events held in conjunction with the Super Bowl.

The city shall issue temporary special event permit for events held in conjunction with the Super Bowl based upon the following terms and conditions:

- (a) City of Miami Gardens is host to the Super Bowl
- (b) Planned event or activity will be held no earlier than 3 weeks prior the Super Bowl game.
- (c) Permits shall only be issued to lawfully licensed and permitted restaurants holding valid City of Miami Gardens local business licenses and Certificates of Use.
- (d) Permits shall only be permitted in Planned Corridor Development (PCD) and Neighborhood Commercial (NC) zoning district(s)
- (e) Restaurants applying for a permit shall be required to comply with all other Codes and Ordinances including the fire codes and noise ordinance(s).
- (f) Those restaurants applying for a permit with alcoholic beverage licenses must comply with all State and local regulations relating to all alcoholic beverage licenses, including permitted hours of sale.
- (g) Private duty security or off-duty police officers shall be provided by the permittee(s) at its own expense. Police Department, upon review of a completed application, shall determine the number of officers required.
- (h) Permittee(s) shall comply with all parking requirements for restaurant uses in accordance with the approved site plan for the establishment and in accordance with applicable city regulations.
- (i) Permits shall not be applicable to cabarets, nightclubs, bars or other similar establishments.
- (j) Permittee(s) shall be required to indemnify the city and to provide insurance to the city listing the city as an additional insured.
- (k) All permits shall automatically expire on the expiration date expressly printed on the permit card.

- (l) Permittee(s) shall be required to complete an application and to pay a five hundred (\$500.00) dollar non-refundable application fee and a one thousand (\$1,000.00) dollar deposit to the city. This deposit shall be refunded to the permittee(s) upon expiration of the permit in event permittee(s) have complied with all of the rules and regulations relating to the issuance of the permit. In the event the permittee(s) do not comply with all of the rules and regulations, the city retain the deposit.

- (m) Permittee(s) with outstanding code enforcement violations shall not be eligible for a permit.

Section 4-45. Penalties.

Persons engaged in a special event without a permit, or are otherwise found to be in violation of this Article, shall be subject to payment of the requisite permit fee and to and enforcement by city police or code enforcement officers, through the issuance of immediate cease and desist orders, the violation of which may subject the offender to the following immediate fines, imprisonment, or both fine and imprisonment in the discretion of the county court: for the first offense a fine of \$1,000.00; for the second offense a fine of \$3,000.00; and for the third offense and subsequent offenses a fine of \$5,000.00 or by imprisonment not to exceed sixty (60) days. For repeat offenders, the city manager may decline to issue permits to such person or entity for one year, or such other period as the manager deems appropriate.

SECTION 6. CONFLICT: All ordinances or Code provisions in conflict herewith are hereby repealed.

SECTION 7. SEVERABILITY: If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

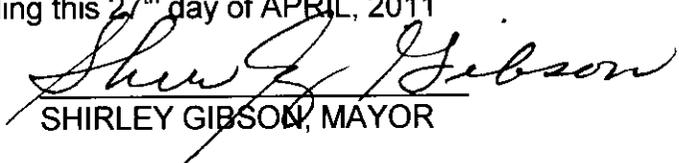
SECTION 8. INCLUSION IN THE CODE: It is the intention of the City Council of the City of Miami Gardens that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Miami Gardens and that the sections of this Ordinance may be renumbered or re-lettered and the word "Ordinance"

may be changed to "Chapter," "Section," "Article" or such other appropriate word or phrase, the use of which shall accomplish the intentions herein expressed; provided, however, that Section 1 hereof or the provisions contemplated thereby shall not be codified.

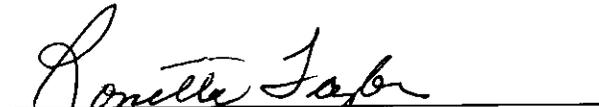
SECTION 9. EFFECTIVE DATE: This Ordinance shall become effective immediately upon its final passage.

PASSED ON FIRST READING ON THE 13TH DAY OF APRIL, 2011.

PASSED AND ADOPTED on second reading this 27th day of APRIL, 2011


SHIRLEY GIBSON, MAYOR

ATTEST:


RONETTA TAYLOR, MMC, CITY CLERK

Prepared by SONJA K. DICKENS ESQ.
City Attorney

SPONSORED BY: Danny O. Crew, City Manager

MOVED BY: Councilman A. Williams
SECOND BY: Councilwoman Robinson

VOTE: 4-0

Mayor Shirley Gibson	<input type="checkbox"/> (Yes)	<input type="checkbox"/> (No)(not present)
Vice Mayor Aaron Campbell, Jr.	<input type="checkbox"/> (Yes)	<input type="checkbox"/> (No)(not present)
Councilman David Williams Jr	<input type="checkbox"/> (Yes)	<input type="checkbox"/> (No)(not present)
Councilwoman Lisa Davis	<input checked="" type="checkbox"/> (Yes)	<input type="checkbox"/> (No)
Councilman Oliver Gilbert, III	<input checked="" type="checkbox"/> (Yes)	<input type="checkbox"/> (No)
Councilwoman Felicia Robinson	<input checked="" type="checkbox"/> (Yes)	<input type="checkbox"/> (No)
Councilman Andre' Williams	<input checked="" type="checkbox"/> (Yes)	<input type="checkbox"/> (No)