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3 **RESOLUTION NO. 2014-90**
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5 **A RESOLUTION OF THE VILLAGE**
6 **COMMISSION OF THE VILLAGE OF**
7 **BISCAYNE PARK, FLORIDA;**
8 **ESTABLISHING RULES AND**
9 **PROCEDURES FOR THE VILLAGE OF**
10 **BISCAYNE PARK PARKS & RECREATION**
11 **DEPARTMENT; PROVIDING FOR AN**
12 **EFFECTIVE DATE.**
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15 WHEREAS, the Village of Biscayne Park consists of one major central park, the Ed
16 Burke Recreation Center, and additional smaller parcels that are owned and maintained by the
17 Village which are used for recreational or competitive purposes; and,
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19 WHEREAS to enjoy the quiet, orderly and suitable use of the parks in a safe, healthy
20 and comfortable environment for all those who share in that use, certain rules and procedures
21 are needed; and,
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23 WHEREAS, a comprehensive review of the rules regarding parks and recreation
24 facilities have been undertaken; and,
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26 WHEREAS these rules will be a supplement to Code Section 16.17 of the Village's
27 Code of Ordinances which addresses recreation facility permits; and,
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29 WHEREAS, the Village Commission of the Village of Biscayne Park finds it to be in
30 the best interests of its residents to establish rules and procedures for the Village of Biscayne
31 Park Parks & Recreation Department.
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34 NOW THEREFORE BE IT RESOLVED BY THE VILLAGE COMMISSION OF
35 THE VILLAGE OF BISCAYNE PARK, FLORIDA:
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38 **Section 1.** The foregoing "Whereas" clauses are hereby ratified and confirmed as
39 being true and correct and hereby made a specific part of this Resolution upon adoption hereof.
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41 **Section 2.** The Village Commission of the Village of Biscayne Park hereby
42 establishes the rules and procedures for the Village of Biscayne Park Parks & Recreation
43 Department. The rules and procedures, in substantial form, is attached and incorporated by
44 reference into this resolution as exhibit 1.
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46 **Section 3.** This Resolution shall become effective upon adoption.
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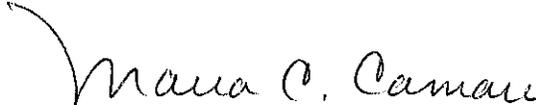
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PASSED AND ADOPTED this 2nd day of December, 2014.



David Coviello, Mayor

Attest:



Maria C. Camara, Village Clerk

Approved as to form:



John J. Hearn, Village Attorney

The foregoing resolution upon being put to a vote, the vote was as follows:

Mayor Coviello: Yes
Vice Mayor Jonas: Yes
Commissioner Anderson: Yes
Commissioner Ross: Yes
Commissioner Watts: Yes

Definitions

When used herein the following definitions shall apply:

- (a) The terms "parks," "parkways," "recreational areas," and other "areas operated and maintained by the Village of Biscayne Park Public Works/Parks and Recreation Department" are defined to mean parks, wayside parks, parkways, playgrounds, recreation fields, buildings therein and all public service facilities, buildings, and structures in the Village of Biscayne Park which are under the control of or assigned for upkeep, maintenance or operation by the Public Works and/ or Parks and Recreation Department.
- (b) The term "park property" when used hereinafter is defined to cover all areas, buildings, locations, and facilities described in the foregoing paragraph.
- (c) The terms "Parks Department" or "the Department" when used hereinafter are defined as the "Village of Biscayne Park Parks and Recreation Department" and the term "Department Manager" refers to the Manager of Parks and Recreation or designee.
- (d) The term "Department Employee" refers to the individuals employed by the Parks and Recreation Department with the responsibility for the safe management, security, operation and maintenance of the park facilities.
- (e) In construing the provisions hereof and each and every word, phrase or part thereof, where the context will permit, the definitions provided in Section 1.01 Florida Statutes shall apply.
- (f) Groups shall be defined to mean twelve (12) or more persons.
- (g) Non-resident shall be defined to mean all persons not residing within the corporate limits of the Village of Biscayne Park, Florida.
- (h) Recreational facilities shall be defined to mean the recreational center and all parks and parcels owned or maintained by the Village of Biscayne Park which are used for recreational or competitive purposes.
- (i) Hours of operation for the Ed Burke Recreation Center located at 11400 NE 9th Court, Biscayne Park (excluding holidays) are:
 - Monday through Friday: 9:00am to 6:00pm
 - Saturday: 10:00am to 6:00pm
 - Sunday: 12 Noon to 5:00pm
 - Park grounds are open every day, sunrise to sunset

Rule 1. Authority of Village of Biscayne Park Police Department officials and Park Department officials.

It shall be the duty and responsibility of the Village of Biscayne Park Police Department to enforce all State, County and Village laws and these police regulations within all parks and other areas maintained and operated by the Parks Department.

Rule 2. Traffic ordinances and state vehicle laws.

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

- (a) No person driving, operating, controlling or propelling any motorized vehicle shall only use the regularly designated paved roads or driveways, except when directed to do so by a Police Officer or Department employee. The provisions of this subsection shall not apply to the use of any self-propelled wheelchair, power wheelchair, electric scooter, or other mobility device by an individual with mobility impairment.
- (b) No driver or operator of any vehicle shall obstruct traffic or park or stop on any road, sidewalk or driveway except at places so designated or in case of an emergency beyond his control.

Rule 3. Trucks, buses, other heavy vehicles.

No truck, commercial vehicle, or bus of any type shall be driven on any restricted park road or property without special authorization from the Parks Department for the purpose of park work, service 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 of parking facilities as provided for conventional passenger vehicles.

Rule 4. Bicycles, tricycles, motorcycles, scooters, dirt bikes, go carts.

No person shall ride, drive or propel any motorcycle, dirt bike, go cart, electric scooter or similar vehicle on any but the regular vehicular roads or other designated uses or areas except that such vehicles, with motors shut off, may be pushed by hand not faster than a walk over grassy areas normally reserved for the use of pedestrians and no person shall deviate from compliance with all traffic ordinance provisions governing the operation of bicycles while on park property. Provisions of this rule shall not apply to the operation of these vehicles on those portions of park property specifically designated for such use. The provisions of these subsections shall not be

applied to the use of self-propelled wheelchair, power wheelchair, or mobility device by an individual with mobility impairment.

Rule 5. Parking.

- (a) No person shall park a vehicle on park property other than in the regular designated facilities provided for that particular type of vehicle, unless directed otherwise by police officers or park staff who are authorized to designate other areas for parking when conditions so warrant.
- (b) No vehicles are allowed to park on medians unless authorized by the Village Manager.

Rule 6. Preservation of property.

No person shall:

- (a) Destroy, damage or remove real property or improvements thereto, or movable or personal property, belonging to the Village of Biscayne Park.
- (b) Throw or deposit, or permit to be deposited or scattered upon any sidewalk, alley, medians, street or public passageway, or upon any public property, any waste or other material of any kind.
- (c) 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 Biscayne Park.
- (d) Move, disturb, or take any earth, landscaping, stone or other material from any public street, park or other public ground.
- (e) 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 Biscayne Park, unless otherwise authorized by the Village.
- (f) 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 and for which permission has been given by the Parks Department.

Rule 7. Protection and preservation of wildlife.

- (a) No person shall molest, harm, frighten, kill, net, trap, snare, hunt, chase, shoot or throw or propel by any means missiles at any wildlife creature be it animal, bird or reptile roaming free about a park or in captivity in a cage, nor shall any person remove or possess the young of any wild animal or the nest or eggs of any reptile or bird or to collect, remove, possess, give away, sell or offer to sell, buy or offer to buy, or accept as a gift any specimen dead or alive of any animal within the park.
- (b) No person shall disobey posted notices prohibiting feeding animals, birds or reptiles which are on restricted diets.
- (c) No person shall place, dump, abandon or leave any animal, reptile or bird, either wild or domestic, on the grounds of any park.

Rule 8. Domestic Animals

- (a) No party owning or having charge, care, custody or control of any dog is allowed into or upon any public park in the Village of Biscayne Park; provided, however, this provision shall not apply to parkways, and other park areas in which dogs are specifically authorized.
- (b) Notwithstanding the above, upon approval by the Village Commission, dogs may be allowed in a public park for a Village approved event. If approved as provided, the Village shall take precautions to ensure proper pick up and disposal as necessary.

Rule 9. Picnic areas and use.

- (a) No person shall build, light or cause to be lighted any fire upon the ground or other object in any area except in an approved grill, stove, fireplace or other suitable container without written permission from the Parks Department, nor shall any person starting a fire leave the area without extinguishing the fire.
- (b) The Department Manager and/or employees of the park staff will regulate activities in picnic areas when necessary to prevent congestion and to secure the maximum use for the comfort and convenience of all. If the facilities are crowded, persons holding picnics in any park picnic area, building or structure, will avoid using same to the exclusion of others for an unreasonable time, the determination of what is unreasonable being at the discretion of the park staff. Use of the individual

fireplaces, together with tables and benches, follows generally the rule of "first come, first served" unless individual has written consent (permit) to utilize the area.

- (c) The picnic shelters / Tot Lot / Pavilion and the recreation facilities can be used on reservation which must be obtained in advance and must be for specific time and duration. However, picnic shelters can be used by the public without charge during the unreserved periods. Reservations for picnic shelters shall be subject to the provision of the permit and use of the picnic area must comply with park rules of the same.

Rule 10. Group Activities

- (a) Other than Village sponsored sports groups and teams, groups of 12 or more persons which wish to use the village recreational facilities must secure a permit.
- (b) Permits for any fields or courts will be free of charge for residents of the village as long as they are not an organized group, a group of twelve (12) or more participants, a private business or are conducting a service for a fee. These types of activities will require a permit either at the recognized permit fee or rental fee depending on the activity. Non-residents can also receive a permit for a field or court, but in all cases, must pay for a permit or pay the rental fee. The issuance of a permit is at the sole discretion of the village and may be limited based on use, maintenance or other factors. Village recognized sports groups will have the first opportunity for permitting the fields or courts for practice games.
- (c) The regulations contained in this section shall govern all unofficial groups and non-resident participation conducted at recreational facilities.

Rule 11. Games, etc.

- (a) No person or persons shall engage in rough or potentially dangerous games or practice for same, such as football, basketball, baseball, softball, horseshoes, quoits, tennis, volleyball, badminton or any other games, practice or exercise involving thrown or otherwise propelled objects such as balls, stones, arrows, javelins, shuttlecocks, model aircraft or roller skates except in the areas specifically designated and set aside for such recreational use.
- (b) The basketball court is designated for half court play only for all ages. Full court play allowed only if it does not interrupt others the usage of the court. Full court play

must stop within five (5) minutes of the arrival of any children, families or others not interested in full court play.

Rule 12. Fireworks and explosives.

- (a) No person may bring into, or have in that person's possession, or set off or otherwise cause to explode, discharge or burn in any park area or on any public lands or highways adjacent thereto, any firecrackers, torpedoes, rockets, or cannon or other fireworks or explosives of inflammable material that may explode, discharge or burn, unless that person first obtains a written permit from the Department Director.
- (b) Parents or guardians will be held strictly responsible and accountable for the actions of minors in regards to the prohibitions in the foregoing paragraph.

Rule 13. Refuse, trash, and destruction of park property.

- (a) No person will deposit or drop or place any refuse including but not limited to bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage, tobacco products or containers of foil upon the ground or in or on any other park property except in the receptacles provided for trash disposal.
- (b) No person shall vandalize, deface or destroy any park property.
- (c) No person shall deposit into any recycle bin or container any material other than that for which it is intended.

Rule 14. Noise.

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

Rule 15. Intoxicating liquors, beer, wine, etc. and under the influence of drugs and/or alcohol intoxication

- (a) Drinking of alcoholic liquors or beverages and the bringing of such into the park areas shall be permitted only for Village sponsored or sanctioned events and only upon the written authorization by the Village Manager and/or Department Manager.

- (b) No person who is intoxicated or under the influence of drugs will be permitted entry to parks or recreation areas and if discovered therein will be ejected forthwith.

Rule 16. Proper use of Facilities

- (a) No person will loiter or prowl (loitering defined as stand or wait around idly or without apparent purpose or travel indolently and with frequent pauses) in or around any recreation center, restroom, picnic area, wooded or natural area.
- (b) Loitering and prowling is considered waiting by a restroom or other public facility for more than 15 minutes with no legitimate purpose associated with the location. A proper purpose maybe waiting for an occupant to enter or exit the premise and/or waiting for access to the premises for the purpose in which it was constructed. However should the person loiter or prowl the location for 15 minute period the person shall be considered loitering and or prowling.
- (c) Unless the Department Manager otherwise authorizes in writing, financial arrangement in connection with activities held in a park either on a reserved basis or otherwise must be made outside the limits of the park, and the sale of tickets, acceptance of money, soliciting or accepting donations or offerings for food, drink or refreshment, in order to defray the expenses of a picnic or to realize a profit there from is prohibited and subjects a permit holder to immediate cancellation of said permit.
- (d) No loitering or queuing is allowed within the fenced area of the basketball court. Only those actively playing shall be allowed on the basketball courts. Those waiting to play must do so behind the fenced in area. The Village, at its discretion, may require registration for use of the court.

Rule 17. Merchandising, vending, peddling, etc.

No person, persons, organizations or firms other than the parks department or regularly licensed concessionaires acting by and under the authority of the Village 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 recreation area except for Village sponsored events.

Rule 18. No trespassing during closing hours.

No person shall be or remain in any part of any park between the closing of the park and its reopening on the following day.