

ORDINANCE NO. 24 - 236

AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA; AMENDING CHAPTER 18, SECTION 18-2, TITLED “DEFINITIONS”, AMENDED CHAPTER 18, SECTION 18-124 TITLED “COMMUNITY CENTER(S) RULES AND REGULATIONS; PROVIDING FOR INCLUSION INTO THE CODE; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (FERNANDEZ)

WHEREAS, during the March 2024 Town of Miami Lakes (the “Town”) Council Meeting, the Town Council directed the Town Attorney to prepare an Ordinance banning the use of vaping products within Town owned facilities; and

WHEREAS, on July 9, 2024, the Town Council met and passed the proposed Ordinance in First Reading; and

WHEREAS, on August 13, 2024, the Town Council met and passed the proposed Ordinance in Second Reading; and

THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES AS FOLLOWS:

Section 1. Recitals. Each of the above stated recitals is true and correct and is incorporated herein by this reference.

Section 2. Amending Chapter 18 of the Town Code. The Town Council hereby amends Chapter 18, sections 18-2 and 18-124, to include vaping as a prohibited use and provide definitions for smoking and vaping as further described in Exhibit “A.”

Section 3. Repeal of Conflicting Provisions. All provisions of the Code of the Town of Miami Lakes that are in conflict with this Ordinance are hereby repealed.

Section 4. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 5. Inclusion in the Town Code. It is the intention of the Town Council, and it is hereby ordained, that the provisions of this Ordinance shall become and be made part of the Town Code and that if necessary, the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and that the word “Ordinance” shall be changed to “Article”, “Division” or other appropriate word.

Section 6. Effective Date. That this Ordinance shall be effective immediately upon its adoption on second reading.

FIRST READING

The foregoing ordinance was offered by Vice Mayor Fernandez who moved its adoption on first reading. The motion was seconded by Councilmember Dieguez and upon being put to a vote, the vote was as follows:

Mayor Manny Cid	Absent
Vice Mayor Tony Fernandez	Yes
Councilmember Luis E. Collazo	Yes
Councilmember Josh Dieguez	Yes
Councilmember Ray Garcia	Yes
Councilmember Bryan Morera	Yes
Councilmember Marilyn Ruano	Yes

Passed on first reading this 9th day of July 2024.

Additions to the Ordinance in First Reading shall be reflected by underlined, and deletions shall be reflected as ~~strike throughs~~. Additions to the Ordinance between first reading and second reading shall be reflected by a double underline, and deletions between first reading and second reading shall be reflected by a ~~double strike through~~.

SECOND READING

The foregoing ordinance was offered by Vice Mayor Fernandez who moved its adoption on second reading. The motion was seconded by Councilmember Garcia and upon being put to a vote, the vote was as follows:

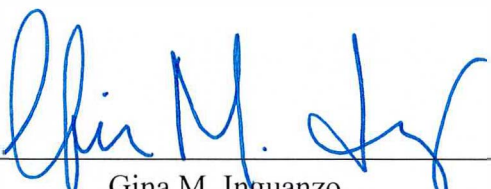
Mayor Manny Cid	Yes
Vice Mayor Tony Fernandez	Yes
Councilmember Luis E. Collazo	Yes
Councilmember Josh Dieguez	Absent
Councilmember Ray Garcia	Yes
Councilmember Bryan Morera	Yes
Councilmember Marilyn Ruano	Yes

Passed and adopted on second reading this 13th of August 2024.



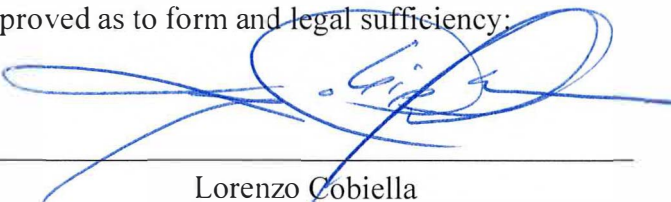
Manny Cid
MAYOR

Attest:



Gina M. Inguanzo
TOWN CLERK

Approved as to form and legal sufficiency:



Lorenzo Cobiella
Gastesi, Lopez and Mestre, PLLC
DEPUTY TOWN ATTORNEY

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EXHIBIT A

CHAPTER 18 PARKS AND RECREATION

Sec. 18-2. Definitions.

Community center means any building owned by the Town, including Government Center, ~~and~~ which is used for recreational, educational or cultural activities by the Town, or Town committees.

Park property are all property, real and personal, in or on Parks.

Park roads are all surfaced areas designated for vehicular traffic, all their surface or cleared areas are classified as to form a trail or path.

Parking areas means any designated part of a Park road or area contiguous thereto set apart for the standing or stationing of any vehicle.

Community and Leisure Services Department or "the Department" is the Town Community and Leisure Services Department.

Parks, recreational areas, and areas operated and maintained by the Town Community and Leisure Services Department means parks, park swales, wayside parks, parkways, swales, preserves and open spaces, including the beaches and areas between the property held in private ownership and the boundaries of the Town, playgrounds, tot lots, recreation fields, museums, auditoriums, ranges and buildings, lakes, streams, canals, lagoons, waterways, pools, bridges, roadways, marinas, piers and abutting lands and adjacent littoral waters, which are used for recreational purposes, or as parks, and the pertinent rights-of-way presently under or hereinafter acquired and placed under the jurisdiction, control, and administration of the Town, and all public service facilities located on the grounds, buildings, and structures in the Town which are under the control of or assigned for upkeep, maintenance or operation by the Town.

Persons means natural persons, firms, associations, joint ventures, partnerships, estates, trusts, business trusts, syndicates, fiduciaries, including any trustee, receiver, assignee, or similar representative thereof, corporations and other groups and combinations.

Smoking means the inhaling, exhaling, burning, carrying, or possessing any lighted tobacco product, including cigarettes, cigars, pipe tobacco, and any other lighted tobacco product, as defined in Florida Statutes Chapter 386, and amended from time to time.

Vape or Vaping means to inhale or exhale vapor produced by a vapor-generating electronic device or to possess a vapor-generating electronic device while that device is actively employing an electronic, a chemical, or a mechanical means designed to produce vapor or aerosol from a nicotine product or any other substance. The term does not include the mere possession of a vapor-generating electronic device, as defined in Florida Statutes Chapter 386, and amended from time to time.

Vehicle means any wheeled conveyance, whether motor powered, animal drawn, or self propelled. The term shall include any trailer in tow, of any size, kind or description. An

exception is made for baby carriages, wheelchairs, vehicles used by person with disabilities and vehicles in the service of Town Parks.

Vessel means any motorized, wind driven, or paddle propelled means of water related transportation within a Park or upon Park littoral waters. The term shall not include rafts, floats or floatation devices whether canvas, rubber, styrofoam, or other substances intended or capable of assisting in the floatation of a person on or in the water.

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Sec. 18-124. Community center(s) rules and regulations.

- (a) Smoking and Vaping ~~is~~ are prohibited throughout the ~~e~~Community ~~e~~Center(s) pursuant to Florida Law.
- (b) Under no circumstances are groups or individuals using the community centers allowed to remove chairs, tables, or any other equipment from the community centers, unless authorized in writing by the Town.
- (c) Use of kitchens, concessions, closets or storage facilities shall be permitted solely upon the written authorization of the Town.
- (d) Control of the lights, thermostats, and other equipment and locking and unlocking of the doors are the responsibilities of the Town supervisor on duty, who shall be informed of any special needs required by persons using the community center(s) and any deviations of the schedule.
- (e) Proper attire, including shirts and shoes are required.
- (f) Pets shall be prohibited in the community center(s), unless such pets are used to assist or accompany a disabled person.
- (g) No person shall have the permanent/exclusive use of the community centers and/or certain areas of the community centers unless authorized by the Town Council.