



Town of Miami Lakes Commercial Outdoor Fee-Based Instructional Activity License and Use Policy

Purpose

In an effort to protect both the public use of these active parks and the park facilities themselves, the Town has adopted this policy set forth as means to ensure our parks are available to its residents while allowing for health, sport and fitness professionals to provide options for residents to enhance the quality of life in Miami Lakes. The policy will govern those allowed to utilize the park for fee-based instructional activities as well as financially offset the cost to maintain our beautiful parks in the Town.

Conditions of Permit

(a) No person shall conduct privately run commercial outdoor fee-based instructional activities within any public park within the Town without first having obtained a license and use vendor permit ("Permit") from the Town Manager or his/her designee. Privately run commercial outdoor fee-based instructional activities shall be limited to Miami Lakes Optimist Park, Miami Lakes Picnic Park West & Royal Oaks Park. Permits for may be issued for a maximum length of 1 year.

(b) A maximum of fifteen (15) permits to conduct privately run commercial outdoor fee-based instructional activities may be issued at any one time by the Town; five (5) at Miami Lakes Optimist Park, five (5) at Miami Lakes Picnic Park West, and five (5) at Royal Oaks Park. Permits are non-transferable between parks and/or entities.

(c) No person shall engage in privately run commercial outdoor fee-based instructional activities in the above mentioned park areas, including, but not limited to, children's play area, vehicular use areas, athletic fields and courts when in use and all other areas as determined by the Town Manager or his/her designee.

Approved Equipment

(d) Trainers may only bring the following items:

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

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



Submittal Requirements:

(f) Documentation

1. A fully completed and notarized Town personal trainer/vendor application including the Name, address, driver's license and telephone number of the applicant and, if operating under a business name, the name of the individual owner of the business.
2. A resume outlining professional experience in personal training and copies of applicable valid certifications and licenses.
3. General description of the training being provided and a proposed schedule. Training shall be conducted between the hours of 7:00 a.m. to 9:00 p.m. at Miami Lakes Picnic Park West & Royal Oaks Park daily, and use of Miami Lakes Optimist Park between the hours of 5:00p.m. to 9:00p.m. Mondays-Fridays and 7:00am- 6:00pm Saturdays and Sundays., unless otherwise approved. The Town reserves the right to amend schedules based on Town needs.
4. Site plan sketch indicating the locations where the training will occur within the park.
5. Town current business tax receipt.
6. E-Verify Affidavit - all vendors must submit the E-Verify Affidavit with their Vendor Registration Application.
7. Federal Employer Identification Number (FEIN) or social security number must be presented for vendor registration purposes.

Indemnification & Insurance

(g) Indemnification

1. Agree to indemnify, defend and hold harmless the Town, its elected officials, employees, agents and volunteers against all loss, costs, penalties, fines, damages, claims, expenses, including attorney's fees, or liabilities by reason of any injury to, or death of any person, or damage to, or destruction, or loss of any property arising out of, resulting from, or in connection with the performance, or non-performance of privately run Commercial outdoor fee-based activities at any Town park which is, or is alleged to be directly, or indirectly caused, in whole, or in part by any act of omission, default, or negligence of the applicant, its employees, agents, or subcontractors.

(h) Insurance

Secure and maintain insurance as specified by the Town Manager or his/her designee consistent with the nature of the activity.

Typical insurance requirements are to maintain current general liability insurance throughout the permit period and provide the Town with the new and current certificate of insurance should insurance expire during the permit period. General liability insurance in an amount no less than One Million and No/100 Dollars (\$1,000,000) per occurrence, and



automobile insurance for owned and non-owned vehicles in an amount no less than \$300,000, is required. The Certificate of Insurance should list the Town of Miami Lakes (6601 Main Street, Miami Lakes, FL 33014) as the certificate holder and should name the Town of Miami Lakes and the Miami Dade County School Board as an additional insured as applicable.

However, the Town may amend insurance requirements dependent on the nature of the activity.

Background Check & ID Badges

(i) Background Checks

1. All of applicant's employees that will be continuously working in the parks must successfully pass a criminal background check in accordance with the Town's Background Check Policy AO #07-01.
2. All background checked and approved trainers are required to obtain a photo identification badge for each permit period, whether a new permit is executed or a returning permit holder is granted another permit. Photo identification badges are to be displayed at all times whenever the permit holder is serving as an exercise trainer at the park site. If individual does not have his/her photo ID badge visible and fails to produce a photo ID badge if requested by staff/officials: the individual will be asked to provide pertinent information (name, organization/business, copy of exercise training permit), the individual will be provided a copy of the Town's enforcement policy, and the individual will not be allowed to continue to participate in program activities until an ID badge is obtained.

Fees

(j) Fee Schedule

1. Prior to the issuance of the permit, the applicant shall remit a fee of \$25.00 per employee to defray the cost of a background check. The Town Manager or his/her designee, at his/her discretion, may deny or revoke a permit based upon the results of the background check consistent with the Town's Background Check Policy AO #07-01.
2. All applicants shall pay a non-refundable annual permit fee of \$500.00.
3. The permit fee is for a one year permit beginning from October 1 through September 30. If a permit is granted after October 1, the permit fee shall be prorated, as appropriate, for each month remaining in the fiscal year. In the event that a permit is revoked, the permit holder will not be reimbursed the permit fee.

Rules & Regulation

(k) Enforcement & Revocation

1. Upon seven (7) days written notice to the permit holder the Town Manager or designee may revoke the permit provided for herein if the permit holder violates any provision of the Town Code, Parks Rules & Regulations or this policy; or damages the park,



landscaping or infrastructure within the park. The permit holder shall pay all costs to repair any damage to Town property.

2. The Town may at all times enforce this policy through any authorized means, including but not limited to, issuance of a Notice of Violation, the issuance of a citation, and/or Police or Code Compliance action pursuant to Town Code. Nothing contained herein shall be construed or interpreted to serve as a defense against any enforcement action brought to the Town based on noncompliance with the requirements of the Town Code.

Use allowed

(l) Permit Use & Rules

1. Permits shall not be assigned in whole or part, nor any portion of the premises sublet.
2. Permit grants a non-exclusive use of the park or area assigned. The Town Manager or his/her designee reserves the right to exclude and change dates or locations from the permit.
3. Permit holders shall collect all litter and garbage generated during the operation of the business at the end of each business day and removes it from the park.
4. It is expected that permit holders report to the Town non-permitted users utilizing the parks for commercial outdoor fee-based instructional activity.

Penalty and fines

(m) Consistent with the Town's Park Ordinance #11-140, any person or vendor convicted of violating any of the provisions outlined in this policy or providing services without a Town permit shall pay a fine not to exceed five hundred dollars (\$500.00) with the amount determined by the Department Director. In addition, any persons found guilty of violating these rules shall remit to the Town the cost of repairing any public property destroyed or vandalized, together with costs and attorney fees incurred in the enforcement of these rules.