

**ORDINANCE #2010-09**

**AN ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA AMENDING CHAPTER 38, ARTICLE IV OF THE CITY CODE TITLED "DEMONSTRATIONS AND PARADES;" PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CITY CODE; AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, the City Council wishes to amend Chapter 38, Article IV of the City Code.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA AS FOLLOWS:**

Section 1. Chapter 38, Article IV of the City Code of the City of Doral is hereby amended to read as follows:

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**Section 38-82. Penalty**

Any person who shall **willfully and knowingly** conduct, manage or participate in any event without first having obtained a permit, subject to the exceptions contained in this article, or who willfully violates any of the terms or conditions of the parade permit, shall, upon conviction therefore, be punished by a fine of not more than \$1,000.00 or imprisonment for not more than 90 days, or both.

**Section 38.83. Prohibited Activities.**

- (a) Any participant in a demonstration, rally, picket line or parade within the City who is observed carrying or possessing any of the objects specified in subsections (a)(1) through (10) of this section shall immediately dispose of or discard the objects upon the request of a law enforcement officer. The willful refusal to dispose of or discard of the objects shall constitute a violation **of this Article**, punishable in accordance with Section 38-82. ~~It shall be unlawful for any person participating in a demonstration, rally, picket line or parade to exhibit, display, possess carry or wear any of the following:~~

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**Section 38-96. Required; exceptions.**

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(b) No permit shall be required for:

(1) Funeral processions; and

~~(2) Parades sponsored either by the federal or municipal government or agencies thereof.~~

Section 38-97. Application.

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(b) Filing period. An application for a permit shall be filed with the chief of police not less than ~~45~~ 10 days nor more than 90 days before the date on which it is proposed to conduct the parade; except, upon a showing of good cause, the chief of police may, in his discretion, consider an application filed less than ~~45~~ 10 days before the date on which it is proposed to conduct the parade.

Section 2. Repeal of Conflicting Provisions. To the extent any provisions of the Code conflict with this Chapter, those provisions are repealed in their entirety.

Section 3. 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 4. Inclusion in the Code. It is the intention of the City Council, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of the City of Doral, Florida; that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 5.    Effective Date. This Ordinance shall be effective upon adoption on second reading.

The foregoing Ordinance was offered by Councilman Cabrera who moved its adoption. The motion was seconded by Vice Mayor Van Name and upon being put to a vote, the vote was as follows:

Mayor Juan Carlos Bermudez	Yes
Vice Mayor Robert Van Name	Yes
Councilman Peter Cabrera	Yes
Councilwoman Sandra Ruiz	Yes
Councilman Michael DiPietro	Yes

PASSED AND ADOPTED on first reading this 10<sup>th</sup> day of March, 2010.

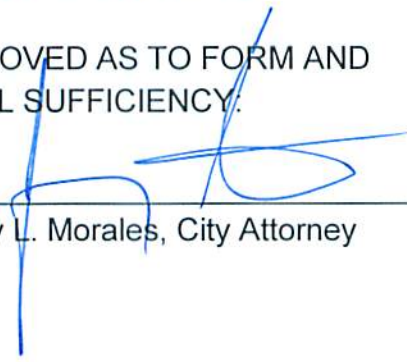
PASSED AND ADOPTED on second reading this 14<sup>th</sup> day of April, 2010.

  
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Juan Carlos Bermudez, Mayor

ATTEST:

  
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Barbara Herrera, City Clerk

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:

  
\_\_\_\_\_  
Jimmy L. Morales, City Attorney