## Chapter 28A SEAPORT SECURITY AND OPERATIONS [[1]](#BK_C104FCB5CE761759CA46E08C64C10AA9)

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Sec. 28A-1. Legislative intent.

The intent of the County Commission in enacting this chapter is to accomplish the following goals and purposes at the Port of Miami:

(1) Improve security.

(2) Retain certain of the present identification procedures, and adopt certain new procedures providing greater security protection.

(3) Curb theft and fraud within Miami-Dade County relating to goods or merchandise constituting freight or cargo within the Port of Miami.

(4) Establish rules and regulations governing seaport security and operations.

(5) Preserve the public peace by preventing crime, detecting, arresting and prosecuting violators of [Chapter 28A](../level2/PTIIICOOR_CH28ASESEOP.docx#PTIIICOOR_CH28ASESEOP) of the Code of Miami-Dade County, and protecting the rights of persons and property within Miami-Dade County.

(Ord. No. 78-65, § 1, 10-4-78; Ord. No. 97-161, § 1, 9-23-97)

Sec. 28A-2. Definitions; applicability of chapter provisions; disclaimer of liability; right of access of public officers, etc.; use and enjoyment of premises; offenses and penalties.

*28A-2.1. Definitions.* Words not specifically defined in this [Section 28A-2](../level2/PTIIICOOR_CH28ASESEOP.docx#PTIIICOOR_CH28ASESEOP_S28A-2DEAPCHPRDILIRIACPUOFETUSENPROFPE) which relate to maritime and shipping industries or practices, processes and equipment shall be construed according to their general usage in the shipping industry. The definitions contained in this section shall apply to [Chapter 28A](../level2/PTIIICOOR_CH28ASESEOP.docx#PTIIICOOR_CH28ASESEOP), Code of Miami-Dade County.

(1) *Abandon* shall mean to forsake, desert, give up and surrender one's claim or right.

(2) *Area of cargo operations* and *ACO* shall mean that portion of the Port of Miami (also known as the "port terminal facility") which is primarily devoted to the holding and handling of cargo and freight, and which the Director designates as an area in which limited ingress and egress is required for the safety, protection or security of the public and the cargo and freight within it.

(3) *Authorized* shall mean acting under or pursuant to a written contract, license, permit, instruction or other evidence of right issued by the Board or the Manager or his designee.

(4) *Board* shall mean the Board of County Commissioners of Miami-Dade County, Florida.

(5) *Bus* shall mean a passenger motor vehicle designed to accommodate no less than twenty-one (21) passengers, exclusive of the driver.

(6) *Cargo* shall mean the load, lading, goods or merchandise conveyed or consigned for transit upon any vessel or vehicle or stored at a port terminal facility.

(7) *Carrier of freight* shall mean any person who is engaged or holds himself out as willing to be engaged in carriage of freight or passenger baggage by water or land between any point in the port and a point outside the port.

(8) *Checker* shall mean any person employed to verify freight loaded, off-loaded or stored at the port, particularly freight handled by longshoremen. The term shall include foremen and crew leaders.

(9) *Commercial activity* shall mean (a) the shipping, transferring, exchanging, trading, buying, hiring, or selling of commodities, goods, services, freight or property of any kind on the port, (b) engaging in any conduct on the port for revenue-producing purposes, whether or not revenues ultimately are exchanged, obtained, or transferred on the port, or (c) the offering or exchange of any service on the port as a part of, or condition to, other revenue-producing activities or services on or off the port.

(10) *County* shall mean Miami-Dade County, State of Florida.

(11) *Courtesy car, courtesy van,* and *courtesy vehicle* shall mean "courtesy vehicle" as defined in Section 25-1.1 of the Code of Miami-Dade County, except that the word airport shall be substituted by the word port, as defined in [Section 28A-2](../level2/PTIIICOOR_CH28ASESEOP.docx#PTIIICOOR_CH28ASESEOP_S28A-2DEAPCHPRDILIRIACPUOFETUSENPROFPE). 1.

(12) *Department* shall mean the Miami-Dade County Seaport Department, also known as the Dante B. Fascell Port of Miami-Dade.

(13) *Director* shall mean the administrative head of the Seaport Department, appointed by the County Manager, the deputy or acting Director, or the Director's designee.

(14) *Domestic animal* shall mean any animal of a species usually domesticated in the United States and customarily found in the home.

(15) *Explosives* shall mean any chemical compound or mixture that has the property of yielding readily to combustion or oxidation upon application of heat, flame or shock, or any device, the primary purpose of which is to function by explosion. The term "explosives" includes, but is not limited to, dynamite, nitroglycerine, trinitrotoluene ammonium nitrate when combined with other ingredients to for an explosive mixture, or other high explosives, detonators, safety fuses, squibbs, detonating cords, igniter cords and igniters. Explosives shall not include shotgun shells, cartridges or ammunition for firearms.

(16) *For-hire passenger motor vehicle,* and *limousine* shall mean such terms as defined in [Section 31-81](../level3/PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE.docx#PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE_S31-81DE) of the Code of Miami-Dade County. "Passenger motor vehicle" shall mean such term as defined in [Section 31-102](../level3/PTIIICOOR_CH31VEHI_ARTIIIPAMOCA.docx#PTIIICOOR_CH31VEHI_ARTIIIPAMOCA_S31-102DE) of the Code of Miami-Dade County.

(17) *Freight* shall mean cargo and passenger baggage carried, consigned or stored at any port terminal facility.

(18) *Law Enforcement Officer* shall mean any person employed and vested with the police power of arrest under federal, state or county authority.

(19) *Longshoreman* shall mean an employee of a stevedore or stevedoring firm at the port whose work consists of the freight loading or unloading of vessels at the port or the movement of freight incidental to, immediately prior to, or following such loading or unloading of a vessel.

(20) *Minibus* shall mean a passenger motor vehicle designed to accommodate between twelve (12) and twenty (20) passengers, exclusive of the driver.

(21) *Motor vehicle* shall mean a device in, upon or by which a person or property may be propelled, moved or drawn upon land or water. However, a device moved solely by human or animal power, or aircraft, or a device moved exclusively upon stationary rails or tracks shall be defined as a "vehicle," rather than as a "motor vehicle."

(22) *Operational directives* shall refer to instructions, directives, rules and regulations pertaining to the operation of the Port of Miami, including Port of Miami Tariff No. 10 as amended, prepared and promulgated from time to time by the Director. When approved by the Board of County Commissioners, these operational directives shall have the same force and effect as County ordinances.

(23) *Operator,* with respect to a vehicle or motor vehicle, shall mean any person in actual physical control thereof. "Operator," with respect to maritime or shipping services, shall mean any person carrying on the business of furnishing wharf, dock, warehouse or other terminal services or facilities.

(24) *Owner* shall mean a person holding legal title to a vehicle or motor vehicle, or in the event that such vehicle is the subject of a mortgage, conditional sale or lease, then the person in whom the immediate right of possession thereof is vested.

(25) *Natural person* shall be defined as a human being and shall not include a corporation a partnership, an association, a trustee, a receiver, or a governmental entity.

(26) *Parking enforcement specialist* shall mean any department employee who successfully completes a training program established and approved by the Police Standards and Training Commission and is certified by the Commission to be a parking enforcement specialist.

(27) *Passenger van* shall mean a passenger motor vehicle designed to accommodate no more than eleven (11) passengers, exclusive of the driver.

(28) *Person* shall be as defined in Section 1.01(3). Florida Statutes, including a natural person and a corporation, a partnership, an association, a trustee, or a receiver. Person shall also include municipal, governmental and public bodies and their agents when such bodies or agents are using the port terminal facility.

(29) *Port* shall mean the Dante B. Fascell Port of Miami-Dade, also known as the Port of Miami, and shall include Dodge Island and Lummus Island, port terminal facilities, and that area described as the "Miami Harbor" in the "Port of Miami Terminal Tariff," or any amendment thereto (issued by the County Manager under Administrative Order No. 4-4, pursuant to Section 4.02 of the Home Rule Charter).

(30) *Port security officer* shall mean any individual employed by the Department for the purposes of maintaining security at the port.

(31) *Port terminal facility* shall include, but not be limited to: harbor, channel, turning basin, anchorage area, jetty, breakwater, waterway, canal, lock, tidal basin, wharf dock, pier, slip, bulkhead, public landing, warehouse, terminal, refrigerating and cold storage plant, railroad and motor terminal for passengers and freight, rolling stock, railroad connection, sidetrack or siding, car ferry pipeline, shop administrative building, booth or office, tunnel, causeway, bridge, fence, parking lot, conveyors and appliances of all kinds for the handling, storage, inspection and transportation of freight and passenger traffic, whether between land and water or between two (2) vessel carriers.

(32) *Port watchman* shall mean any watchman, gateman, roundsman, private investigator, guard, guardian or protector of property (whether employed by an person, carrier of freight, or the Department) to perform services in such capacity on any portion of the port, but shall not mean any Law Enforcement Officer.

(33) Restricted area shall mean all areas of cargo operations and cruise operations, including (1) cruise passenger baggage terminals and (2) cruise passenger loading areas and all areas locked or posted as restricted areas.

(34) *Shipping industry* shall refer to the movement of persons and property by water, and the means by which such movement is accomplished, and shall include, but not be limited to, the following:

(a) *Common carrier by water* as defined in the Shipping Act of 1916, as amended, in 46 U.S.C. 801,

(b) *Common carrier* as defined in the Interstate Commerce Act, as amended, 49 U.S.C. 1, when engaged in the transport of cargo or freight to or from a port terminal facility,

(c) *Motor carrier* and *private carrier of property by motor vehicle* as defined in the Interstate Commerce Act, as amended, in 49 U.S.C. 303, when engaged in the transport of cargo or freight to or from a port terminal facility,

(d) *Air carrier, foreign air carrier* and *agent* as defined in 49 U.S.C. 1301 when engaged in the transport of cargo or freight to or from a port terminal facility,

(e) *Vessel* as defined in the Shipping Act of 1916, as amended, 46 U.S.C. 801,

(f) *Forwarding* or *forwarder* as defined in 46 U.S.C. 801 and 49 U.S.C. 1002(5),

(g) Employees, agents, servants or independent contractors of the above, and

(h) Any person (including any governmental body) carrying on the business of furnishing a wharf, dock, warehouse or other port terminal facility in connection with any of the above.

(35) *Stevedore* shall mean a contractor (but not including employees thereof) who for compensation moves, agrees to move, consigns or agrees to consign freight on a vessel, whether publicly or privately owned, at a port terminal facility that lies between a point in the port and a point outside the port. "Stevedore" shall also include a contractor (but not including employees thereof) who for compensation, performs or agrees to perform labor or services incidental to the movement of freight on a vessel at a port terminal facility; such movement of freight shall include the movement of freight into or out of containers which have been, a being or will be carried on vessels.

(36) *Taxicab* shall mean any such term as defined in [Section 31-81](../level3/PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE.docx#PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE_S31-81DE) of the Code of Miami-Dade County.

(37) *Traffic* shall refer to pedestrians, vessels and vehicles, while operating within any port area.

(38) *Waterborne freight* shall mean freight carried or consigned for carriage on a vessel.

(39) *Weapon* shall mean a gun, knife, blackjack, slingshot, metal knuckles, or any explosive device, or any other like instrument capable of being utilized to coerce, intimidate or injure an individual.

(40) *Wild animal* shall mean any animal of a species not usually domesticated in the United States nor customarily found in the home. (Ord. No. 78-65, § 1, 10-4-78; Ord. No. 81-88, § 1, 7-21-81; Ord. No. 88-116, § 1, 12-6-88; Ord. No. 97-161, § 1, 9-23-97; Ord. No. 98-78, § 1, 6-2-98; Ord. No. 00-29, § 3, 2-24-00)

*28A-2.2. Applicability of* [*Chapter 28A*](../level2/PTIIICOOR_CH28ASESEOP.docx#PTIIICOOR_CH28ASESEOP) *provisions.*

(a) Any permission granted to a person, corporation, partnership, or other legal entity by the Board, County Manager or Director, directly or indirectly, expressly or by implication, to enter upon or use the port, including the area of cargo operations and restricted areas, is conditioned upon compliance with [Chapter 28A](../level2/PTIIICOOR_CH28ASESEOP.docx#PTIIICOOR_CH28ASESEOP) and operational directives and the payment of any and all fees or charges established and payable to the County; such fees and charges shall include any and all fees or charges established or approved by the Board or the County Manager; and entry upon or into port property by any person shall be deemed to constitute an agreement by such person to comply with such rules and regulations and to pay any such fees and charges.

(b) It shall be unlawful for any person to do or commit any act forbidden by or to fail to perform any act required by these rules and regulations or to fail to pay any fees established and payable pursuant to [Chapter 28A](../level2/PTIIICOOR_CH28ASESEOP.docx#PTIIICOOR_CH28ASESEOP)

(c) The Department, through its Director, may from time to time cause to be issued operational directives applicable to any port property. If any such operational directive contains a requirement that fees or charges by paid for any operation on or use of a port facility or property as defined in the operational directive, such fees and charges shall be established in accordance with the provisions of [Chapter 28A](../level2/PTIIICOOR_CH28ASESEOP.docx#PTIIICOOR_CH28ASESEOP). (Ord. No. 78-65, § 1, 10-4-78; Ord. No. 97-161, § 1, 9-23-97)

*28A-2.3. Port liability.* The County assumes no responsibility or liability for any loss, injury or damage to persons or property at the port, nor in connection with the use of a port terminal facility. The placing of property of any nature, including freight on seaport property pursuant to port tariff, shall not be construed, under any circumstances, as a bailment of that property by Miami-Dade County; and Miami-Dade County, its officers, employees and agents shall not be considered as bailees of any property whatsoever. (Ord. No. 78-65, § 1, 10-4-78; Ord. No. 97-161, § 1, 9-23-97)

*28A-2.4. Access of public employees and law enforcement officers.* Department employees and law enforcement officers shall have free and full access to and from any and all places and things on the port to make inspections and/or enforce the provisions of this chapter. No person shall obstruct or interfere with any Law Enforcement Officer or any designated Department employee conducting such inspection and/or enforcement or in the performance of any other power or duty required of such officer or employees. Provided, however, that such free and full access shall be subject to all appropriate federal statutes and regulations enforced by the U.S. Customs Service or other agency of either state or federal governments. (Ord. No. 78-65, § 1, 10-4-78; Ord. No. 97-161, § 1, 9-23-97)

*28A-2.5. Offenses and penalties.* Every person who violates any provision of [Chapter 28A](../level2/PTIIICOOR_CH28ASESEOP.docx#PTIIICOOR_CH28ASESEOP) shall be punished by a fine not to exceed five hundred dollars ($500.00), or imprisonment in the Miami-Dade County Jail for a period of not more than sixty (60) days, or both; provided, however, that parking and pedestrian violations shall be punished by a fine not to exceed the maximum allowable fine prescribed by the Laws of the State of Florida and/or the Code of Miami-Dade County, Florida. (Ord. No. 78-65, § 1, 10-4-78; Ord. No. 98-78, § 1, 6-2-98)

*28A-2.6. Emergencies.* The Director is empowered to take such action as the Director deems necessary when an emergency exists at a port facility or property which, in the Director's judgment, presents an immediate threat to public health, security, safety or welfare, or to the operation of a port facility or property; provided, however, that in the exercise of such power the Director shall promptly notify the governmental agency(ies) or County department(s) having been assigned by the Board or County Manager primary responsibility for the handling and resolution of such emergency, and provided further that the Director's power herein granted shall cease upon the assumption of jurisdiction over such emergency by the governmental agency(ies) or County department(s) and such assumption of responsibility shall not be inconsistent with the requirements of any emergency procedure or program for a port facility or property adopted and approved by the Board. No action shall knowingly be taken by the Director hereunder or by any County department(s) contrary to any regulation or order of the Federal, State or County agency having appropriate jurisdiction. (Ord. No. 97-161, § 1, 9-23-97)

*28A-2.7. Trespassing.* Whoever, without being fully authorized, licensed or invited, willfully enters or remains at a port facility or property, or a portion thereof, or having been authorized, licensed or invited to a port facility or property, or portion thereof, is warned or ordered by authorized Department personnel or a law enforcement officer to depart, and refuses to do so, commits the offense of trespass. (Ord. No. 97-161, § 1, 9-23-97)

*28A-2.8. Other laws.* All applicable provisions of the laws of the State of Florida, now in existence or hereafter enacted, are hereby adopted by reference as part of these rules and regulations. (Ord. No. 97-161, § 1, 9-23-97)

*28A-2.9. Jurisdiction.* The violation of any provision hereof shall be triable in the Miami-Dade County Court. (Ord. No. 97-161, § 1, 9-23-97)

*28A-2.10. Severability.* If any provision of these rules and regulations or the application thereof to any person or circumstances is held invalid, the remainder of these rules and regulations and the application of such provision to other persons or circumstances shall not be affected thereby. (Ord. No. 97-161, § 1, 9-23-97)

Sec. 28A-3. Procedures governing the area of cargo operations and other restricted areas.

*28A-3.0. Access.* No person shall enter an area of cargo operations or other restricted area unless clearly displaying an identification card allowing for such access or first being authorized to do so by the Director, a designee of the Director, or a law enforcement officer. Notwithstanding the foregoing, this Section 28A-3.0 shall not apply to properly ticketed cruise vessel passengers engaged in cruise vessel embarkation or disembarkation. (Ord. No. 81-88, § 1, 7-21-81; Ord. No. 97-161, § 1, 9-23-97)

*28A-3.1. Consent to inspection.* Any vehicle or motor vehicle, and the contents thereof, entering, departing from or being within the area of cargo operations or other restricted area shall be subject to inspection by the Director, Departmental employees, or any Law Enforcement Officer for the purposes of determining ownership of such vehicle, the contents thereof, and for examining the documentation relating to the said contents; such inspection shall be subject to the rules and regulations of the U.S. Customs Service related to bonded cargo and customs seals. The operation or use of a vehicle or motor vehicle by any person into, from or within the area of cargo operations or a restricted area of the port shall constitute the consent of the owner, operator or user of such vehicle to the aforesaid inspection. (Ord. No. 78-65, § 1, 10-4-78; Ord. No. 97-161, § 1, 9-23-97)

*28A-3.2. Inspections.* No person shall enter an area of cargo operations or other restricted areas of the port except persons who enter pursuant to [Section 28A-5](../level2/PTIIICOOR_CH28ASESEOP.docx#PTIIICOOR_CH28ASESEOP_S28A-5IDCAPE), cruise vessel passengers engaged in cruise vessel embarkation or disembarkation or employees of federal, State or local government bodies then having proper business thereon and bearing proper identification required by the provisions of this [Chapter 28A](../level2/PTIIICOOR_CH28ASESEOP.docx#PTIIICOOR_CH28ASESEOP). No person entering or attempting to enter, being within, or departing from or attempting to depart the area of cargo operations or restricted area of the port shall refuse to produce for inspection at the request of the Director or Department employee or any Law Enforcement Officer a Department identification badge and/or the contents of any vehicle, bag, case, parcel, box or container of any kind in his possession. Where the entry into or departure from or attempt thereof is by means of a vehicle or motor vehicle, no person shall refuse to produce for inspection, after such request, a driver's license or department vehicle permit. No person shall refuse to produce at the request of the Director or Department employee or any Law Enforcement Officer any document in his possession relating to the ownership or possession of freight within the area of cargo operations or any restricted area. (Ord. No. 78-65, § 1, 10-4-78; Ord. No. 97-161, § 1, 9-23-97)

*28A-3.3. Control of vehicular traffic.* Control of all vehicular traffic on the port shall be governed by the laws of the State of Florida, the Code of Miami-Dade County and operational directives. No person shall enter, operate or cause to be operated any vehicle or motor vehicle in the area of cargo operations or any other restricted area unless such entrance or operation is required for a cargo, passenger or business activity within such area and is authorized by the Department. No person shall operate any vehicle or motor vehicle within the area of cargo operations or other restricted area without a vehicle or motor vehicle identification decal as prescribed by [Section 28A-4](../level2/PTIIICOOR_CH28ASESEOP.docx#PTIIICOOR_CH28ASESEOP_S28A-4IDPEVEMOVE). Notwithstanding the foregoing, no decal is required of local, state or federal governmental vehicles. (Ord. No. 78-65, § 1, 10-4-78; Ord. No. 97-161, § 1, 9-23-97; Ord. No. 98-78, § 2, 6-2-98)

*28A-3.4. Parking.*

(a) No person shall park any vehicle or motor vehicle within the port in areas other than those designated or authorized by the Director or by operational directive, or in any other manner contrary to any posted Department sign, traffic control device or pavement marking. No person shall park any vehicle or motor vehicle within the port in a manner that will interfere with the use of a facility or area by others or obstruct passage or movement of emergency vehicles or other vehicles.

(b) Parking, to the extent available, may be provided for personnel employed in the area of cargo operations or other restricted area, but will be restricted to areas designated by the Director. It shall be a violation of the provisions of this chapter for such personnel to park a vehicle in any area other than those expressly designated by the Director.

(c) Whenever any vehicle or motor vehicle is improperly or illegally parked or positioned as to obstruct traffic, or is reasonably likely to cause a hazard to the health or safety of persons lawfully on the property, or impedes or is likely to impede the movement or handling of freight or passengers by reason of its position or condition, or is apparently abandoned on the port (as defined in Chapter 705, Florida Statutes), then the Director, his agents or a Law Enforcement Officer may remove the offending vehicle or motor vehicle.

(d) The owners of vehicles or motor vehicles removed pursuant to subsection 28A-3.4(c) may reclaim same and shall be required to pay appropriate charges accrued against such vehicle for parking, removal and storage on the port.

(e) Parking enforcement specialists and law enforcement officers are hereby authorized to issue uniform parking tickets. If the vehicle is unattended, the ticket may be attached to the vehicle in a conspicuous place. The owner of said motor vehicle must answer to the charge placed against him within thirty (30) days as provided in [Section 30-389.2](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-389.2FACOSUATILPAVE) of this Code. (Ord. No. 78-65, § 1, 10-4-78; Ord. No. 81-88, § 1, 7-21-81; Ord. No. 97-161, § 1, 9-23-97)

Sec. 28A-4. Identification permit for vehicles and motor vehicles.

*28A-4.1. Vehicle and motor vehicle identification generally.* Any person employed at the port on a permanent basis and driving a motor vehicle onto port premises and all persons owning, leasing, or operating one (1) or more vehicles or motor vehicles operating on the port and entering into or departing from the ACO or a restricted area (other than cruise vessel passengers engaged in vessel embarkation or disembarkation) shall obtain and maintain a current identification permit for each vehicle from the Department. Such permit may be a numbered decal reflecting the authorization to enter into the ACO or restricted area. Application for such permit must be accompanied by copies of the vehicle registration, certificate of insurance and the applicant's driver's license, as well as the driver's license of all anticipated operators of such vehicle or motor vehicle. The completed application for such permit (one (1) for each vehicle or motor vehicle) shall be submitted in duplicate on a form designed by Miami-Dade County. The owner or operator of such vehicle shall cause the permit to be permanently affixed to the vehicle or motor vehicle for which the permit was issued, and in a manner and place specified by the Director, so that it shall be plainly visible. Such permits shall be renewed by the vehicle or motor vehicle owner in a manner prescribed by the Director, annually before its expiration. (Ord. No. 78-65, § 1, 10-4-78; Ord. No. 97-161, § 1, 9-23-97)

*28A-4.2. Temporary vehicle, motor vehicle and construction vehicle identification permit.*

(a) A temporary limited identification permit, in the form of a pass, may be issued by the Director to the operator of a vehicle or motor vehicle for occasional or one-time access to a specific area within the area of cargo operations or restricted area or for a vehicle or motor vehicle engaged in construction activities within the port and approved by the Director. An owner of such vehicle shall obtain a permit at the Director's office or at the area of cargo operations upon approval by the Director. When issued it shall identify the vehicle or motor vehicle operator, operator's address, operator's driver's license number and issuing state and be valid only for the area designated, parking area (if any) and duration stamped on its face. The owner and operator of such vehicle shall cause it to be plainly visible at all times on the vehicle or motor vehicle to which it is issued. The permit shall be returned at the control gate when departing from the area of cargo operations or restricted area or at the Director's office when departing from other portions of the port.

(b) A record of such temporary permits shall be maintained at the control gate. Any vehicle or motor vehicle operator who enters or who operates a vehicle or motor vehicle within the area of cargo operations more than five (5) times during a four-week period on a temporary permit may be denied a temporary identification permit and be required to obtain a permanent identification permit therefor. (Ord. No. 78-65, § 1, 10-4-78; Ord. No. 97-161, § 1, 9-23-97)

*28A-4.3. Report of changes in data in application for vehicle or motor vehicle permits.* The owner, as defined in subsection 28A-2.1(16), shall report, in writing, to the Director or the office where the identification permit was originally processed, certain changes in the data on any application for a temporary, permanent, or construction vehicle, or motor vehicle permit within thirty (30) days of any of the following changes, namely:

(1) New vehicle license plate (tag or decal) number;

(2) Any change in data on vehicle registration certificate or driver's license of applicant;

(3) Sale or other disposition of the registered vehicle, including the name and address of the transferee of any interest therein;

(4) Change of vehicle color, motor or title number;

(5) Loss or damage to permanent, temporary or construction vehicle or motor vehicle permit;

(6) Change of regularly assigned place of employment;

(7) Change of applicant's employer; or

(8) Change in home address or business address of owner of the registered vehicle.

Failure to report such changes by an owner or operator within ten (10) days of the change will result in the suspension of the current vehicle identification permit and shall cause operator's access to area of cargo operations or restricted area to be revoked until the change information is furnished. False statements in the change information shall be a violation of [Chapter 28A](../level2/PTIIICOOR_CH28ASESEOP.docx#PTIIICOOR_CH28ASESEOP). (Ord. No. 78-65, § 1, 10-4-78; Ord. No. 97-161, § 1, 9-23-97)

*28A-4.4. Identification of commercial or leased vehicles or motor vehicles.*

(a) All owners and operators of commercial vehicles or motor vehicles operated or used within the port shall comply with [Section 8A-276](../level3/PTIIICOOR_CH8ABURE_ARTXIIICOVEID.docx#PTIIICOOR_CH8ABURE_ARTXIIICOVEID_S8A-276RE), Code of Metropolitan Miami-Dade County.

(b) Before any leased vehicle or motor vehicle is authorized entry into the area of cargo operations or any restricted area, the operator thereof upon demand by the Director or Department employee or any Law Enforcement Officer shall comply with [Section 28A-4](../level2/PTIIICOOR_CH28ASESEOP.docx#PTIIICOOR_CH28ASESEOP_S28A-4IDPEVEMOVE) hereof and shall also present a legible copy of the agreement authorizing the use of the said vehicle by the operator or his employer. (Ord. No. 78-65, § 1, 10-4-78; Ord. No. 97-161, § 1, 9-23-97)

*28A-4.5. Ground transportation.*

(a) Any taxicab licensed pursuant to [Section 31-82](../level3/PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE.docx#PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE_S31-82FRELI) of the County Code and for which a permit issued under [Section 31-93](../level3/PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE.docx#PTIIICOOR_CH31VEHI_ARTIILIREFREMOVE_S31-93SPPR)(d) of the County Code is current and valid shall have the right to transport persons and their baggage from the Port of Miami.

(b) Except for taxicabs as set forth in (a) above, no person shall transport another person or baggage by mini-bus, bus, passenger van, limousine, or any other passenger motor vehicle, or courtesy vehicle from the port, or engage in commercial activity on the port, without a valid permit issued by the Director and payment of any fee established in the Port of Miami Terminal Tariff.

(c) It shall be unlawful for the operator of any motor vehicle to park in the ACO or any restricted area or in any loading zone for any longer period than is necessary to load or discharge persons or baggage.

(d) No person shall operate a motor vehicle contrary to posted signs.

(e) No person shall solicit or engage in the rental car business on the port without a valid permit issued by the Director and payment of any fee established in the Port of Miami Terminal Tariff.

(f) Nothing contained herein shall be construed to authorize the operation of a passenger motor vehicle or courtesy vehicle in violation of any other provisions of the Code of Metropolitan Miami-Dade County, specifically including but not limited to [Chapter 31](../level2/PTIIICOOR_CH31VEHI.docx#PTIIICOOR_CH31VEHI). (Ord. No. 78-65, § 1, 10-4-78; Ord. No. 81-85, § 4, 7-21-81; Ord. No. 88-116, § 2, 12-6-88; Ord. No. 97-161, § 1, 9-23-97)

Sec. 28A-5. Identification cards for persons.

*28A-5.1. Persons who may enter area of cargo operations or restricted area.* No person, other than cruise vessel passengers engaged in the process of cruise vessel embarkation or disembarkation, shall have entry to any area of cargo operations or any restricted area unless such person possesses a current Seaport-issued identification card authorizing such access or whose access is otherwise expressly authorized under [Chapter 28A](../level2/PTIIICOOR_CH28ASESEOP.docx#PTIIICOOR_CH28ASESEOP). Identification cards shall be worn conspicuously on the outer garment of the bearer, in plain view above the waist. (Ord. No. 78-65, § 1, 10-4-78; Ord. No. 97-161, § 1, 9-23-97)

*28A-5.2. Plan for issuance.* The Director shall devise, maintain and, as required, revise a plan for the issuance of identification cards to all port employees and non-port employees working on the port. Such plan shall provide various levels of security clearance based on the security requirements of distinct areas of the port.

Such plan shall provide for ready identification of various clearance levels, based on card color: green for port employees; red for non-port employees with security access to restricted areas; blue for non-port employees with access to non-restricted public access areas; and white for non-port temporary employees which require no more than five (5) days access to port property; or such other color scheme as may be designated by the Director.

With the exception of temporary identification cards, each identification card shall:

(a) Be issued for a period not to exceed four (4) years;

(b) Contain a photo of the cardholder;

(c) Contain a physical description of the cardholder, to include but not be limited to height, weight, and date of birth of cardholder;

(d) Contain the name, title, and employer, or in the case of a port employee the employing department and division or section, of cardholder; and

(e) Contain a unique serial number not to be repeated on any other identification card. (Ord. No. 97-161, § 1, 9-23-97; Ord. No. 98-78, § 3, 6-2-98; Ord. No. 07-57, § 1, 4-24-07)

*28A-5.3. Application.*

(a) The application for a permanent identification card is to be a public record filed in writing and shall contain the applicant's:

(1) Full current name and any previous names and aliases used;

(2) Current residential address and all residential addresses within the past five (5) years;

(3) Date and place of birth;

(4) Current employer and any previous employer within the past five (5) years;

(5) Social Security number and driver's license number as well as a copy of the applicant's driver's license to be made by Seaport Security Division personnel from the original document;

(6) Specific reason for entry into the area of cargo operations or restricted area;

(7) A photo of applicant taken by the Department at the time of application submission;

(8) Fingerprints authenticated by the Miami-Dade Police Department on an identification record form furnished by the Director of the Miami-Dade Police Department.

(9) Prior felony convictions or entries of findings of guilt (whether pursuant to a plea of guilty or nolo contendere or a judgment of conviction entered by a court of competent jurisdiction);

(10) Signed authorization to conduct a criminal or other background check on the applicant; and

(11) Signatures of applicant, and employer for non-port employees or immediate supervisor for port employees.

(b) Pending final action on an application for an identification card, or for individuals on the Port for no more than five (5) total days per calendar year, the Director or his or her designee may issue a temporary identification card to non-port employees.

(c) In addition to the information required in subsection (a) above, the Director may require the applicant to produce such further facts and evidence as may be necessary to determine whether or not the applicant possesses the qualifications necessary for an identification card.

(d) The making of a false statement in the application for an identification card under this section shall be grounds for refusal to issue the card and also shall be a violation of [Chapter 28A](../level2/PTIIICOOR_CH28ASESEOP.docx#PTIIICOOR_CH28ASESEOP)

(e) The Director may conduct or require a criminal and/or financial background check on any applicant, and may conduct or require such other background checks as the Director deems necessary.

(f) No applicant for a Seaport identification card who, within the last ten (10) years, (i) has had a felony conviction or (ii) against whom a finding of guilty has been entered on a felony charge, shall be issued an identification card, except in the case of a Grandfathered Applicant, which shall be governed by subsection (g) below.

(g) No Grandfathered Applicant for a Seaport identification card, who within the last ten (10) years, (i) has had a felony conviction or (ii) against whom a finding of guilty has been entered on a felony charge shall be issued an identification card, provided, however, that any felony falling within one of the following two categories shall not be considered:

(A) Any felony conviction or finding of guilt more than five (5) years prior to the effective date of this ordinance; and

(B) Any felony conviction or finding of guilt less than five (5) years prior to the effective date of this ordinance other than

(a) Cargo theft;

(b) Smuggling;

(c) The possession with intent to sell or distribute, sale,or trafficking of narcotics or any other controlled substance;

(d) Dishonesty, fraud, or misrepresentation;

(e) Felony theft under Chapter 812, Florida Statutes, or its federal counterpart; or

(f) Any violent crime committed with a weapon.

A "Grandfathered Applicant" for purposes of this subsection and subsection (f) means a person employed at the Seaport as of the effective date of this ordinance or who, prior to the effective date of this ordinance, was employed at the Seaport. Nothing in this section shall be construed to treat a felony conviction or a finding of guilt of a Grandfathered Applicant occurring subsequent to the effective date of this ordinance any differently than such a conviction or finding of guilt would be treated for an applicant under section (f),

(h) Any applicant denied an identification card based on subsections (f) or (g) above may appeal the decision to an appeals committee, The appeals committee shall consist of five members, a member of the Miami-Dade Police Chiefs' Association, excluding the Director of the Miami-Dade Police Department, on a rotating basis, each member to serve for a period of one (1) year, the Special Agent in charge of the U.S. Customs Service in Miami or a designee, a representative of the employee's employer or, at the employer's option, the association representing the employer, the Port Director or his or her designee, and a union, labor, or employee representative. The appeals committee shall determine whether the employee shall be issued an identification card based on procedures issued by the County Manager in an administrative order.

(i) The Director shall issue said identification card after the applicant has met the requirements of [Section 28A-5](../level2/PTIIICOOR_CH28ASESEOP.docx#PTIIICOOR_CH28ASESEOP_S28A-5IDCAPE) and, if applicable, the appeals committee has determined the applicant shall be issued an identification card. Alternatively, if the appeals committee determines that the applicant shall be denied a card, the Director shall issue the applicant a letter so stating. In either event, the applicant or the Director, as the case may be, shall have available the review procedures of [Section 28A-7](../level2/PTIIICOOR_CH28ASESEOP.docx#PTIIICOOR_CH28ASESEOP_S28A-7ADREPR)

(Ord. No. 78-65, § 1, 10-4-78; Ord. No. 97-161, § 1, 9-23-97; Ord. No. 98-78, § 3, 6-2-98; Ord. No. 07-57, § 2, 4-24-07)

*28A-5.4. Identification card for persons.* Identification cards issued by the Department shall at all times remain the property of the County. As such, the Department shall at all times have the right to confiscate or demand return of the identification card of any person who violates the provisions of this chapter and to demand the return of the identification card of all persons employed by a company violating this chapter or whose lease, permit or license agreement with the County allowing use of the port has expired or has been canceled or is terminated. The identification card shall be valid for one (1) year from the date of issuance, unless sooner canceled or surrendered. Application for or acceptance of a card or pass under Sections 28A-5.3 or 28A-5.6 or entry into the area of cargo operations or other restricted area by any person shall subject such person to the reporting requirements of Section 28A-5.4. (Ord. No. 78-65, § 1, 10-4-78; Ord. No. 97-161, § 1, 9-23-97; Ord. No. 98-78, § 3, 6-2-98)

*28A-5.5. Report of changes in data on application for identification card for a person.* Any holder of a personal identification card shall report in writing to the Director (i) immediately any felony arrests, convictions, or findings of guilt, and, (ii) within ten (10) days of the change any other change of data in an application for a personal identification card. Failure to report such changes within the time provided or the making of a false statement in any change in information submitted shall constitute grounds for suspending the use of the card; false statements or material omissions in the change information shall be a violation of [Chapter 28A](../level2/PTIIICOOR_CH28ASESEOP.docx#PTIIICOOR_CH28ASESEOP). The Director or his designee may suspend or revoke the use of the card based on any felony arrest, conviction, finding of guilt or other just cause, and may reinstate the use of the card when, in his discretion, circumstances warrant, provided, however, that such power to suspend, revoke or reinstate may not be exercised in conflict with a decision of the appeals committee as set forth in Section 28A-5.3(h). Any person whose identification card has been suspended or revoked may appeal the decision to the appeals committee set forth in Section 28A-5.3(h). (Ord. No. 78-65, § 1, 10-4-78; Ord. No. 97-161, § 1, 9-23-97; Ord. No. 98-78, § 3, 6-2-98)

*28A-5.6. Denial of identification card.* An application for an identification card to enter into the area of cargo operations or other restricted area shall be denied by the Director if the applicant refuses to answer or falsely answers any question listed in Sections 28A-5.2 or 28A-5.4, or refuses to produce documents to verify statements made on the application. (Ord. No. 78-65, § 1, 10-4-78; Ord. No. 97-161, § 1, 9-23-97)

*28A-5.7. Identification card or pass for a person: Loss, transfer, alteration or possession of altered identification cards, passes or department documents.*

(a) A person who has lost his or her valid identification card, after identifying himself or herself to the satisfaction of the Seaport Security Division, shall be issued a new identification card after such person submits a completed application for a replacement card and, upon payment of a replacement charge as set by Administrative Order.

(b) An identification card for a person shall not be transferable at any time for any purpose.

(c) No person shall retain or have in his or her possession and shall promptly return to the Director or his or her designee, any card, permit, pass, badge or other means of identification issued by the Director after it has expired or when such person is no longer employed on the port or upon request by the Director or his or her designee that it be returned or when otherwise required by ordinance or otherwise. Such retention shall constitute a violation of [Chapter 28A](../level2/PTIIICOOR_CH28ASESEOP.docx#PTIIICOOR_CH28ASESEOP) of the Code of Miami-Dade County.

(d) No person shall forge, counterfeit, alter, erase, obliterate or transfer any identification card, permit, pass, lease, record, form, badge or other instrument or document issued or maintained by the County Manager or Director, pursuant to [Chapter 28A](../level2/PTIIICOOR_CH28ASESEOP.docx#PTIIICOOR_CH28ASESEOP). No person shall have in his possession any forged, counterfeited, altered, erased, obliterated or transferred identification card, permit, pass, lease, record, form, badge or other instrument or document issued or maintained by the County Manager or Director pursuant to [Chapter 28A](../level2/PTIIICOOR_CH28ASESEOP.docx#PTIIICOOR_CH28ASESEOP). No person shall have in his possession the identification card of another individual.

(e) In the event that any person who has an application on file for an identification card enters an area of cargo operations or a restricted area without valid identification card or being otherwise authorized, such person may have the identification card or other authorization under [Chapter 28A](../level2/PTIIICOOR_CH28ASESEOP.docx#PTIIICOOR_CH28ASESEOP) suspended or revoked. (Ord. No. 78-65, § 1, 10-4-78; Ord. No. 81-88, § 1, 7-21-81; Ord. No. 97-161, § 1, 9-23-97; Ord. No. 98-78, § 3, 6-2-98)

Sec. 28A-6. Licensing and permits for stevedores.

*28A-6.1. Miami-Dade County stevedore licenses.* No person, shall act as a stevedore within Miami-Dade County, Florida, unless such person is a natural person and has first obtained a stevedore license from the Board after examination. The application for a stevedoring license shall be made by a natural person only and shall be submitted under oath to the Director for consideration by the County Manager. The County Manager shall present the application with his recommendation to the Board. No person shall employ a stevedore to perform services as such within Miami-Dade County, Florida, unless such stevedore is licensed by the Board. The issuance of a Miami-Dade County stevedore license shall not entitle the holder thereof to perform stevedoring services at or with the Port of Miami absent the issuance of a stevedore permit to the licensee or the firm by which the licensee is employed. (Ord. No. 78-65, § 1, 10-4-78; Ord. No. 97-161, § 1, 9-23-97; Ord. No. 00-29, § 1, 2-24-00)

*28A-6.2. Port of Miami stevedore permits.* No person shall act as a stevedore within the Port of Miami without first having obtained a stevedore permit from the Director. The application for a stevedoring permit for the Port of Miami shall be made by a person, including a corporation or partnership, and shall be submitted under oath to the Director. The Director shall not consider an application for a stevedore permit unless the applicant has a stevedore license or employs a natural person so licensed. The Director shall examine the qualifications of the applicant and shall issue the permit only if the criteria established in [Section 28A-6](../level2/PTIIICOOR_CH28ASESEOP.docx#PTIIICOOR_CH28ASESEOP_S28A-6LIPEST) are met. No person shall employ a stevedore to perform stevedoring services within the Port of Miami unless such stevedore has a stevedoring permit and either has a stevedore license or employs a natural person so licensed. (Ord. No. 78-65, § 1, 10-4-78; Ord. No. 97-161, § 1, 9-23-97; Ord. No. 00-29, § 1, 2-24-00)

*28A-6.3. Application for County stevedore license and Port of Miami stevedore permit.*

(a) Each application for a County stevedore license or Port of Miami stevedore permit shall be filed together with a personal character form furnished by the County Manager or the Director and completed and sworn to by the applicant. If the person applying for a stevedore permit is a corporation or other non-natural person, the personal character form shall be completed by the chief executive officer of the entity on behalf of the entity.

(b) The applications for the County stevedoring license and the Port of Miami stevedore permit shall require the applicant to report in writing any affiliation, as an employee, partner, associate, officer, trustee, director or owner of greater than a twenty (20) percent share (directly or indirectly) of or any person, corporation, partnership, joint venture, association, firm, business trust, syndicate, municipal or other governmental body which may directly or indirectly be involved with the shipment or handling of freight. If so affiliated, the application must be accompanied by a written list of such affiliations and the names and addresses of persons or members of any such corporation, partnership, joint venture, association, firm, business trust, or syndicate. The name and address of each person holding a controlling financial interest in the corporation, partnership, joint venture, association, firm, business trust, or syndicate, according to the definition of "controlling financial interest" contained in [Section 2-11.1](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-11.1COINCOETOR)(b)(8), Code of Metropolitan Miami-Dade County, shall be provided by the applicant.

(c) All stevedore permit holders shall keep all ownership and controlling interest information current over the course of the stevedore permit. A stevedore permit holder shall notify the director in writing, with a copy to the County Manager, of any change in the identity of persons holding a "controlling financial interest" in the permit holder contemporaneously with the occurrence of such change, and state in its notice whether the underlying transaction was approved by the Committee on Foreign Investment in the United States ("CFIUS) pursuant to 50 U.S.co App. SS2170, if applicable, and if so, the date of such approval. The port director shall have the authority to request that a background investigation of such persons be performed by the Miami-Dade Police Department.(Ord. No. 78-65, § 1, 10-4-78; Ord. No. 97-161, § 1, 9-23-97; Ord. No. 00-29, § 1, 2-24-00; Ord. No. 07-57, § 3, 4-24-07)

*28A-6.4. Procedure for obtaining County stevedore license and/or Port of Miami stevedore permit.*

(a) A County stevedore license application may be obtained at the office of the Director, where, upon completion, it shall be returned. The Director shall forward it to the Miami-Dade Police Department for the purpose of conducting a criminal background check. The Miami-Dade Police Department shall process the application and return it to the Director with a memorandum indicating either that the applicant has passed or failed the criminal background check. The Director shall forward his recommendations with the application to the County Manager for his consideration pursuant to Section 28A-6.1.

(b) A Port of Miami stevedore permit application may be obtained from the office of the Director, where, upon completion, it shall be returned. The Director shall forward it to the Miami-Dade Police Department for the purpose of conducting a criminal background check. Following processing, the Miami-Dade Police Department shall return it to the Director with a memorandum indicating either that the applicant has passed or failed the criminal background check. The Port Director, in making his determination as to the issuance or denial of the permit, shall, in addition to the criteria set forth in subsection (c) below, make findings as to the need or lack of need for such permit.

(c) The County Manager and the Seaport Director shall, after examination, issue stevedore licenses and permits, respectively, to competent and trustworthy persons in such numbers as they deem necessary for the efficient operation of the county waterfront and Port of Miami facilities. The criteria for issuance shall, in the case of a permit in addition to the needs determination contained in subsection (b) above, include, but shall not be limited to, the following:

(1) The physical ability of the port, the waterways, and the Miami River facilities, respectively, to handle the vessel(s), passengers, freight or support services necessary therefor, which may be proposed by the applicant, including plans (if any) approved by the Board for proposed facilities expansion;

(2) The total and peak quantities of passengers or freight;

(3) The frequency of dockings;

(4) Special demands upon or savings to the County;

(5) The inability or refusal of license or present permit holders, respectively, to adequately serve new or existing business;

(6) The financial strength of the applicant, including the ability to secure insurance, indemnity and performance bonds;

(7) The pendency or entry of any proceeding, judgment or order of any court or regulatory body respecting the ability of the applicant, its affiliates, and/or its principals or operating offices to conduct a stevedoring business;

(8) The experience of the applicant, its affiliates, principals or operating officers;

(9) Efficient operation of the port, having due regard for the business of the port, harbor and channels; and

(10) The applicant's work-related safety record over the last five (5) years, including, without limitation, the frequency or severity or both of work-related accidents, injuries or deaths; and citations, judgments, consent decrees, notices of violation or rulings issued by OSHA and other regulatory agencies.

(Ord. No. 78-65, § 1, 10-4-78; Ord. No. 97-161, § 1, 9-23-97; Ord. No. 98-78, § 4, 6-2-98; Ord. No. 00-29, § 1, 2-24-00; Ord. No. 08-114, § 1, 10-7-08)

*28A-6.5. Denial of County stevedore license or Port of Miami permit.*

(a) A County stevedore license or Port of Miami permit shall be denied to any person or entity required to submit an application in Section 28A-6.3 if the person or entity, or any officer, member, or shareholder of greater than a twenty (20) percent share thereof; (i) has been convicted of a felony within the last ten (10) years or (ii) has had a finding of guilt entered against him, her or it on a felony enumerated in subsection (i); except in the case of a Grandfathered Applicant, which shall be governed by subsection (b) below.

(b) A County stevedore license or Port of Miami permit shall be denied to any Grandfathered Applicant required to submit an application in Section 28A-6.3 if the person or entity, or any officer, member, or shareholder of greater than a twenty (20) percent share thereof; (i) has been convicted of a felony within the last ten (10) years or (ii) has had a finding of guilt entered against him, her or it on a felony enumerated in subsection (i); provided, however, that any felony falling within one of the following two categories shall not be considered:

(A) Any felony conviction or finding of guilt more than five (5) years prior to the effective date of the ordinance from which this section derives; and

(B) Any felony conviction or finding of guilt less than five (5) years prior to the effective date of the ordinance from which this section derives other than cargo theft; smuggling; possession with intent to sell or distribute, sale, or trafficking of narcotics or other controlled substance; any violent crime committed with a weapon; fraud, misrepresentation, embezzlement, bribery, forgery, false pretenses or any other felony under Chapters 812, 817, 837, or 838, Florida Statutes, or their federal counterparts.

A "Grandfathered Applicant" for purposes of this subsection and subsection (a) above means a person or firm working on the Seaport as of the effective date of the ordinance from which this section derives or who, prior to the effective date of the ordinance from which this section derives, worked on the Seaport. Nothing in this section shall be construed to treat a felony conviction or a finding of guilt of a Grandfathered Applicant occurring subsequent to the effective date of the ordinance from which this section derives any differently than such a conviction or finding of guilt would be treated for an applicant under section (a).

(c) Any applicant for a County stevedore license or Port of Miami permit denied a license or permit based on subsections (a) or (b) above may appeal the decision to the appeals committee set forth in Section 28A-5.3(h). The Director shall issue a license or permit if the applicant otherwise qualifies and the appeals committee has determined the applicant shall be issued a license or permit. Alternatively, if the appeals committee determines that the applicant shall be denied a license or permit, the Director shall issue the applicant a letter so stating. In either event, the applicant or the Director, as the case may be, shall have available the review procedures of [Section 28A-7](../level2/PTIIICOOR_CH28ASESEOP.docx#PTIIICOOR_CH28ASESEOP_S28A-7ADREPR). (Ord. No. 78-65, § 1, 10-4-78; Ord. No. 97-161, § 1, 9-23-97; Ord. No. 98-78, § 4, 6-2-98)

*28A-6.6. Duration; grounds for suspension or revocation.* A Miami-Dade County stevedore license or Port of Miami stevedore permit issued by the Board or Director, respectively, shall expire on January fifteenth annually. Upon expiration, a license or permit may be renewed by the Director when all the applicable requirements and procedures set forth in Sections 28A-6.1 through 28A-6.8 and Port of Miami Tariff No. 010, as amended, have been met. Failure of any person to timely file an application for renewal of a Miami-Dade County stevedore license or a Port of Miami stevedore permit shall cause the same automatically to lapse. In the event that a license or permit lapses, the holder may petition the County Manager or Director, respectively, for reinstatement of such license or permit. For good cause shown, the County Manager or Director, respectively, may reinstate such a license or permit to renewal status. A stevedore license or permit shall be subject to suspension or revocation upon a determination by the Mayor or Designee that the frequency or severity or both of work-related accidents, injuries or deaths, or citations, judgments, consent decrees, notices of violation or rulings issued by OSHA or other regulatory agencies, warrants a suspension or revocation. The Mayor or Designee shall provide notice of suspension of [or] revocation to the license or permit holder by certified mail ten (10) days before the license or permit is revoked or suspended. (Ord. No. 78-65, § 1, 10-4-78; Ord. No. 97-161, § 1, 9-23-97; Ord. No. 00-29, § 1, 2-24-00; Ord. No. 08-114, § 1, 10-7-08)

*28A-6.7. Transfer of Miami-Dade County stevedore license or Port of Miami stevedore permit.*

(a) No stevedoring licenses or permits shall be transferable except as follows: When a licensee or permittee shall have a bona fide sale of the business which he is so licensed or permitted to conducted, he may obtain a transfer of such license or permit to the purchaser of the said business only if the application of the purchaser shall be approved by the Director and the Board under the same procedures provided for in Sections 28A-6.1 through 28A-6.6.

(b) Immediately and automatically upon the death of a holder of a stevedore license or permit, the license or permit shall terminate; however, any insurance, bond, covenant, indemnity, guarantee or monetary obligation to Miami-Dade County arising from the stevedore business at or prior to such death shall remain in full force and effect and shall be binding upon the estate, any beneficiary, devisee, heir at law, creditor or personal representative (as those terms are defined in Chapter 731, Florida Statutes, and particularly Section 731.201 [thereof]).

(c) Where a holder of a Port of Miami stevedore permit is the only permit holder employed with a stevedore firm on the port, but has no "controlling interest" (as defined in [Section 2-11.1](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-11.1COINCOETOR)(b)(8), Code of Metropolitan Miami-Dade County) in the firm, and the permit holder ceases to hold such permit, then the Director shall give a preference in issuing the next available permit to a natural person who is also employed by said stevedoring firm and who files an application and qualifies pursuant to Sections 28A-6.1 through 28A-6.7. (Ord. No. 78-65, § 1, 10-4-78; Ord. No. 97-161, § 1, 9-23-97)

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*28A-6.8. Reporting of work-related accidents and injuries and regulatory actions.* The holder of a stevedore license or permit shall report to the Director within three (3) days:

(a) All work-related accidents, injuries and deaths that occur as part of, relate to, are caused by, or arise out of the license or permit holder's operations at the Port of Miami or in Miami-Dade County; and

(b) All citations, judgments, consent decrees, notices of violation or rulings issued by OSHA or other regulatory agencies to the license or permit holder whether at the Port of Miami, in Miami-Dade County or elsewhere.

(Ord. No. 08-114, § 2, 10-7-08)

Sec. 28A-7. Administrative review procedure.

*28A-7.1. Administrative review.* Any person, including the County, aggrieved with any action or inaction by the Director and/or the Department, may file a written request with the County Manager within ten (10) days of the action or inaction. Such person shall be entitled to an appeal before a hearing examiner assigned by the County Manager or his designee from a list supplied by the American Arbitration Association. Such hearing examiners may be paid a fee for their services but shall not be deemed County officers or employees within the purview of Sections [2-10.2](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-10.2COBO), [2-11.1](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-11.1COINCOETOR) or otherwise. The hearing examiner shall conduct a hearing after notice and shall transmit his findings of facts, conclusions, and any recommendations together with a transcript of all evidence taken before him and all exhibits received by him, to the Manager who may sustain, reverse or modify the action at issue. Such hearings shall be conducted insofar as is practicable in accordance with the rules of civil procedure governing the procedure in the Circuit Court, except as may be provided in this Code or by rules adopted by the Board of County Commissioners. Any interested party may procure the attendance of witnesses and the production of records at such hearings in the manner provided by [Section 2-50](../level4/PTIIICOOR_CH2AD_ARTIVPE_DIV2CISECOEM.docx#PTIIICOOR_CH2AD_ARTIVPE_DIV2CISECOEM_S2-50OATEPRRE). Any person appearing before a hearing examiner under the provisions of this section has the right, at his own expense, to be accompanied, represented and advised by counsel or other qualified representative. (Counsel shall mean a member of the Florida Bar.)

*28A-7.2. Reserved.*

(Ord. No. 78-65, § 1, 10-4-78; Ord. No. 97-161, § 1, 9-23-97; Ord. No. 98-78, § 5, 6-2-98; Ord. No. 00-29, § 2, 2-24-00; Ord. No. 01-180, § 1, 11-6-01)

Annotations—AO 4-50; CAO 81-20.

Sec. 28A-8. Identification.

*28A-8.1. Identification cards.* Failure to produce identification cards by all persons required to possess identification cards pursuant to [Section 28A-5](../level2/PTIIICOOR_CH28ASESEOP.docx#PTIIICOOR_CH28ASESEOP_S28A-5IDCAPE) within the port shall be cause for immediate removal from the port and shall be grounds for such further actions as may be authorized by law. (Ord. No. 78-65, § 1, 10-4-78; Ord. No. 97-161, § 1, 9-23-97)

*28A-8.2. Persons exempted.* This [Section 28A-8](../level2/PTIIICOOR_CH28ASESEOP.docx#PTIIICOOR_CH28ASESEOP_S28A-8ID) shall not be applicable to any person who is a master, member of a ship's crew or personnel of a ship's crew, when the ship is located within the area of cargo operations or other restricted area, upon a showing of such identification as may be required by the Director or authorized Department personnel. This section is also not applicable to Law Enforcement Officers in the course of their official duties. (Ord. No. 78-65, § 1, 10-4-78; Ord. No. 97-161, § 1, 9-23-97; Ord. No. 98-78, § 6, 6-2-98)

*28A-8.3. Duty to report violations.* All law enforcement officers and persons required to possess identification cards pursuant to [Section 28A-5](../level2/PTIIICOOR_CH28ASESEOP.docx#PTIIICOOR_CH28ASESEOP_S28A-5IDCAPE) shall be under a continuing duty to promptly report the presence of (1) any unauthorized persons in a restricted area and (2) any unauthorized persons on the port without a conspicuously placed identification card. (Ord. No. 97-161, § 1, 9-23-97)

Sec. 28A-9. Freight security.

*28A-9.1. Pickup or delivery.* No person shall operate or use any vehicle or motor vehicle in the area of cargo operations or other restricted area to transport freight of any kind without an identification permit. All such persons must have a written pickup or delivery order pertaining to each vehicle or motor vehicle to be loaded or unloaded in the ACO or other restricted area. The aforesaid pickup or delivery order shall be a bill of lading or an order form or on a letterhead of the firm owning the freight or of the agent of the owner of the freight. Such order must be signed by an officer of the company or person authorized to sign such an order. Said order must describe the freight, the amount to be loaded, the vessel and the bill of lading numbers and marks, if any, on the freight. Any person not having such written order shall not enter the area of cargo operations or other restricted area. (Ord. No. 78-65, § 1, 10-4-78; Ord. No. 97-161, § 1, 9-23-97)

*28A-9.2. Illegal loading.* No person shall knowingly allow any freight from the port to be loaded or carried aboard a vessel unless it is properly documented and manifested as freight to be loaded on that vessel. (Ord. No. 78-65, § 1, 10-4-78; Ord. No. 97-161, § 1, 9-23-97)

*28A-9.3. Missing freight, reports.*

(a) Whenever any shortage or suspected shortage is discovered as to any freight, an official company representative or company supervisor in charge of the freight or its movement at the time of the discovery of such shortage shall immediately notify the Miami-Dade Police Department. Such official company representative shall be responsible for giving all pertinent information concerning such freight or movement to the investigating Law Enforcement Officer and shall render all reasonable assistance to the officer.

(b) The official company representative or supervisor in charge of the cargo at the time the shortage is discovered shall, within twenty-four (24) hours from the time of discovery, complete an original and five (5) copies of the "Preliminary Cargo Security Incident Report" form available in the office of the Director. The original report shall be forwarded to the Miami-Dade Police Department. The remaining copies shall be distributed as indicated on the form.

(c) All Port of Miami stevedore permit holders shall, if they have knowledge, immediately notify the Miami-Dade Police Department of the arrival or scheduled arrival of any shipment by land or water at the port of any firearms, weapons, destructive devices, explosives, or electric weapons or devices, as defined in Section 790.001, Florida Statutes, or any hazardous material, as defined in 49 U.S.C. 1802. Notification shall occur with the receipt of the freight by the stevedore with actual knowledge of its contents, or with the receipt by the stevedore of the freight manifest revealing the nature of the freight, whichever occurs first. Failure of any Port of Miami stevedore permit holder to notify the Miami-Dade Police Department as required herein shall constitute a violation of [Chapter 28A](../level2/PTIIICOOR_CH28ASESEOP.docx#PTIIICOOR_CH28ASESEOP) of the Code of Metropolitan Miami-Dade County. (Ord. No. 78-65, § 1, 10-4-78; Ord. No. 95-200, § 1, 11-7-95; Ord. No. 97-161, § 1, 9-23-97; Ord. No. 98-78, § 7, 6-2-98)

**Note—**Florida Statutes § 790.33, as amended, preempts and declares null and void all local ordinances, administrative regulations and rules in the field of firearms and ammunition, with limited exceptions set forth in § 790.33, as amended.

*28A-9.4. Seaport department fee for use of customs vehicle inspection facility located at Port of Miami.*

Section 709 of the Port of Miami Tariff No. 10 is hereby amended and restated as follows:

All vehicles which use the Seaport Department's Vehicle Examination Facility for the purpose of being inspected or processed by U.S. Customs, in accordance with Public Law 98-673 or otherwise, will be assessed a usage fee in the amount of $7.50 per vehicle, which shall be collected by the Seaport Department. (Ord. No. 95-200, § 1, 11-7-95; Ord. No. 97-161, § 1, 9-23-97)

*28A-9.5. Allocation of portion of seaport collected user fees to auto theft task force to enhance support security operations.*

Two dollars and fifty cents ($2.50) of every seven dollars and fifty cents ($7.50) collected by the seaport pursuant to section 28A-9.4 of this chapter shall be allocated to the Miami-Dade County Multi-Agency Auto Theft Task Force for purposes of enhancing security at, and interdicting the flow of stolen motor vehicles through the Port of Miami. (Ord. No. 95-200, § 1, 11-7-95; Ord. No. 97-161, § 1, 9-23-97)

Sec. 28A-10. Port watchmen, private security personnel.

(a) All port users shall furnish their own port watchmen or security personnel when they have, within the port, freight or other personal property which is described in [Section 28A-9](../level2/PTIIICOOR_CH28ASESEOP.docx#PTIIICOOR_CH28ASESEOP_S28A-9FRSE)(c).

(b) All watchmen and security personnel employed by users of the port must comply with the provisions of Chapter 493, Florida Statutes.

(c) Any person who intends to utilize watchmen or security personnel must give advance notification of such intended use to the Metro-Miami-Dade Police Department and the Director or his designee.

(d) No person who has knowledge of the utilization of watchmen or special security personnel by any port user or person shall reveal the location or place of employment thereof within the port except to an authorized representative of the port or any State or federal law enforcement agency.

(Ord. No. 78-65, § 1, 10-4-78; Ord. No. 97-161, § 1, 9-23-97)

Sec. 28A-11. Fees.

The fee schedule for all licenses, permits and identification cards required by [Chapter 28A](../level2/PTIIICOOR_CH28ASESEOP.docx#PTIIICOOR_CH28ASESEOP) shall be set and established by Port of Miami Terminal Tariff No. 010 or by an administrative order of the County Manager and approved by the Board of County Commissioners; provided, however, that such issuance fee shall not preclude the port from imposing additional fees for the privilege of doing business on the port, as established separately in the Port of Miami Terminal Tariff.

(Ord. No. 78-65, § 1, 10-4-78; Ord. No. 88-116, § 3, 12-6-88; Ord. No. 97-161, § 1, 9-23-97; Ord. No. 98-78, § 8, 6-2-98; Ord. No. 00-113, § 1, 9-19-00)

Annotation—AO 4-50

Sec. 28A-12. Prohibited conduct.

*28A-12.1.*It shall be a violation of this chapter for any person to remain in or on any public area, place or facility at the port, in such a manner as to hinder or impede the passage of pedestrians or vehicles.

*28A-12.2.*

(a) If, after the issuance of such permit or license, any holder of a stevedore license or other license or permit (other than a Seaport identification card, which is governed by sections 28A-5.3(f) and (g) above and section 28A-5.5 above), or any officer, stockholder of greater than a twenty (20) percent share, or member thereof, is convicted of a felony involving cargo theft; smuggling; usage, sale, possession, or trafficking of narcotics or other controlled substance; felony theft; any violent crime committed with a weapon; fraud, misrepresentation, embezzlement, bribery, forgery false pretenses or any other felony under Chapters 812, 817, 837 or 838, Florida Statutes, or their federal counterparts, or against whom a finding of guilt is entered in a previously enumerated felony case, such permit or license shall be immediately rescinded.

(b) Any holder of a stevedore license or other license or permit whose license or permit has been revoked under subsection (a) above may appeal the decision to the appeals committee set forth in Section 28A-5.3(h). (Ord. No. 81-88, § 1, 7-21-81; Ord. No. 97-161, § 1, 9-23-97; Ord. No. 98-78, § 9, 6-2-98)

Sec. 28A-13. Personal conduct.

*28A-13.1. Handbills.*

(a) No person shall distribute, exhibit or post any commercial handbills, circulars, leaflets of similar material on port property.

(b) No person shall throw any handbills, circulars, leaflets or similar material onto the port, port roads, rights-of-way, streets or sidewalks.

(c) Except as may be permitted pursuant to subsection 28A-13.2 hereof, distribution of noncommercial handbills, circulars, leaflets or similar material may be conducted only upon port public roads, rights-of-way, streets or sidewalks, in accordance with reasonable procedures established by the Department. (Ord. No. 97-161, § 1, 9-23-97)

*28A-13.2. Solicitation of contributions and distribution of materials.*

(a) No person shall solicit alms or contributions of money or other articles of value, for religious, charitable or any other purpose, and receive money or other articles of value, whether in the form of cash, checks, credit or debit vouchers or any other form of negotiable instrument, in the public areas of the port. No person shall conduct or participate in any speechmaking, distributing of pamphlets, books or other written or graphic materials upon port property or within its facilities without having delivered a written notice to the Department of their intent to do so at least five (5) working days prior thereto so that the Department may be fully informed of the activity proposed and take adequate precautions to protect the public health, safety and order, and to assure the efficient and orderly use of port property for its primary purpose and function, and to assure equal opportunity for the freedom of expression of others.

(b) The written notice required herein shall state:

(1) The full name, address (and mailing address if different), telephone number of the person furnishing the notice, and, if an organization, the name, address and telephone number of a responsible local officer thereof and the title of such officer.

(2) The purpose or subject of the proposed activity and a description of the means and methods intended to be used in conducting the same.

(3) The date, hours and port facility desired for the proposed activity and the maximum number of persons proposing to participate therein at any one time, together with a form of identification card, authenticated copies of which shall be displayed on the outer clothing of each individual participating in the particular activity proposed. Such identification cards shall contain the name of the organization furnishing the notice, the legal name of the individual bearing the card, the signature and title of the official of such organization and the date issued.

(c) To the extent permitted by law, the Director shall have the authority to prescribe from time to time content neutral restrictions applicable to First Amendment activities at the port. Such restrictions shall be subject to the requirements of subsection (d) and may include, but not be limited to, identifying specific locations of First Amendment zones on port property, limiting the number of persons permitted in such zones, and providing a method for resolving conflicting requests for use of First Amendment zones.

(d) All restrictions prescribed by the Director shall be reasonable and appropriate, and made only after a finding by the Director that the restrictions are necessary to avoid injury, or the likelihood of injury, to persons or property, or to assure the safe and orderly use of port facilities by the public.

(e) Persons having given such written notice to the Director as provided in Section 28A-13.2(a) shall be permitted to conduct their activities in or upon the public areas of the port, subject only to the restrictions identified by the Director in a written response sent to the applicant. Such response shall be sent within five (5) days of the Director's receipt of the applicant's notice.

(f) If the Director notifies the applicant that their application is denied, the County Attorney's office may file an appropriate action in a court of competent jurisdiction and venue for a judicial determination as to whether the proposed activity described in the complaint may be prohibited, naming the applicant as a party defendant.

(g) No persons, while engaging in the activities provided for herein, shall seek to delay a person from whom a donation or contribution is sought, or to obstruct, or unreasonably interfere with access to or egress from any cruiseline, concession or washroom facilities or premises, including, but not limited to, passenger terminals, escalators and elevators, nor shall such person in any manner assail, coerce, threaten or physically disturb any member of the public, County, cruiseline or concession employee or any other person for any reason. The activities provided for herein shall not intrude upon or take place in any location or area reserved or zoned for a particular use, including, but not limited to, washrooms, offices, seating areas, baggage claim areas, ticketing areas, restaurants, lounges, concessions, areas devoted to business enterprises and passenger concourses and gate holding areas. No person shall engage in the activity hereunder without first identifying the organization he or she represents in connection with such prospective donation.

(h) No person, while engaging in the activities provided for herein, shall affix any matter, written or graphic, to any port structure or facility, nor shall any such matter be left unattended at any location at the port except in baggage lockers for a period not exceeding twenty-four (24) hours upon payment of the prevailing fee.

(i) The Director is empowered to wholly or partially restrict the activities provided for herein in the event of emergencies, including but not limited to, strikes affecting the operation of the port, shipping or traffic accidents, riots or civil commotion, power failures, hurricanes, or other conditions tending to disrupt the normal operation of the port.

(j) All persons engaged in activities permitted under Section 28A-13.2 of the Code shall wear and display identification, approved by the Department, identifying such person and the organization such person represents. In no case shall any person in any activity under this section attempt to identify himself or herself as a representative of the County of the Department. (Ord. No. 97-161, § 1, 9-23-97)

*28A-13.3. Preservation of property.* No person shall:

(a) Destroy, injure, deface, disturb or tamper with any building, sign, equipment, fixture, marker or any other structure or property on the port;

(b) Injure, deface, remove, destroy or disturb the trees, flowers, shrubs, or other vegetation on the port;

(c) Walk, drive or park on a posted lawn or seeded area of the port; or

(d) Willfully abandon any personal property on the port.

Any person who causes damage to port property shall be held liable for such damage. (Ord. No. 97-161, § 1, 9-23-97)

*28A-13.4. Entry to restricted areas.* No person shall enter any restricted area of a port except;

(a) Persons who enter in accordance with security clearance pursuant to the security program established or authorized by the Department; or

(b) Persons assigned duties on a restricted area of the port bearing proper identification as approved and required herein; or

(c) Persons who are employees or authorized representatives of the Department or other Federal, State or local government department or agency, having proper business thereon and bearing proper identification as approved and required herein. (Ord. No. 97-161, § 1, 9-23-97)

*28A-13.5. Coin- and currency-operated machines.* No person shall use or attempt to use a coin- or currency-operated machine without first depositing the coins or currency required by the instructions on the machine. (Ord. No. 97-161, § 1, 9-23-97)

*28A-13.6. Use and enjoyment of port premises.*

(a) *Not to be obstructed.* Save and except in the area of cargo operations and in restricted areas, no person(s) singly or in association with others shall by his or their conduct or by congregating with others seek to obstruct, delay or unreasonably interfere with any other person or persons use and enjoyment of the port and its facilities or any part thereof, or seek to obstruct, delay, or unreasonably interfere with the passage of any other person or persons from place to place, or through entrances, exits or passageways on the port.

(b) *Vehicles.* No person shall use, ride or drive a unicycle, a go-cart, roller skates, roller blades, skateboards or similar vehicle on or at the port, and no person shall drive a motor vehicle or ride a bicycle upon any area of the port made available to the public other than on roads, walks, or rights-of-way provided for such purpose.

(c) (i) No person, unless authorized by lease, operational directive, or otherwise, shall use, operate, drive or ride a boat, canoe, jet-skis, water scooter or other water vehicle whether motorized or not within one hundred (100) feet of any Seaport bulkhead line, within two hundred (200) feet of any Seaport berthing area occupied by a vessel, within five hundred (500) feet of the bow and one hundred (100) feet of the port side, starboard side and stern of a commercial cruise ship, tanker, barge, ferry or freighter that is underway and making way upon the channels of the Port of Miami, or in any manner that constitutes a hazard to safe navigation. Excluded from this restriction are water vehicles used by a governmental agency for official purposes in such waterway or body of water.

(ii) Any person, corporation, partnership, limited partnership, association or other business entity which is convicted of violating this sub-section shall be punished by a fine not to exceed five hundred ($500) dollars or by imprisonment in the County jail for not more than thirty (30) days or by both such fine and imprisonment.

(iii) This sub-section shall be enforced by the Miami-Dade Police Department and by the police forces with jurisdiction over the Seaport.

(d) No person, singly or in association with others, shall play any electronic or musical instrument, machine, or other device in any public area of any cruise terminal building or on the cruise terminal curbside in such a manner or so loudly as to prevent the quiet enjoyment of others or to cause others not to be able to reasonably hear private conversations and public address announcements, except as part of a musical performance authorized in writing by the Department. (Ord. No. 97-161, § 1, 9-23-97; Ord. No. 00-75, § 1, 6-6-00)

*28A-13.7. Picketing.*

(a) Lawful picketing, marching or demonstrations on the port may be conducted only upon port public roads, rights-of-way, streets or sidewalks, in accordance with reasonable procedures established by the Department.

(b) It shall be unlawful to picket, march or demonstrate within a restricted area or cruise terminal building at the Seaport of Miami.

(c) [Chapter 28A](../level2/PTIIICOOR_CH28ASESEOP.docx#PTIIICOOR_CH28ASESEOP) shall not be construed to limit in any way any rights granted or derived from any other statute or any law guaranteeing employees the right to organize in labor organizations, bargain collectively themselves or through labor organizations or other representatives of their choice. (Ord. No. 97-161, § 1, 9-23-97; Ord. No. 98-78, § 10, 6-2-98)

*28A-13.8. Prohibited conduct.* It shall be unlawful for any person to remain in or on any area, place or facility at the port, unless such person has a bona fide purpose for being in such area, place or facility, directly related to the normal and regular usage of such area, place or facility, in such a manner as to hinder or impede the orderly passage in or through or the normal or customary use of such area, place or facility by persons or vehicles entitled to such passage or use. (Ord. No. 97-161, § 1, 9-23-97)

*28A-13.9. Sanitation.*

(a) No person shall dispose of garbage, papers, refuse or other forms of trash, including cigarettes, cigars and matches, except in receptacles provided for such purpose.

(b) No person shall dump or dispose of any fill, building material or any other material on the port, except with prior approval of the Department and in such areas and under such conditions as are specifically designated.

(c) No person shall use a comfort station or rest room, toilet or lavatory facility other than in a clean and sanitary manner.

(d) No person shall deposit, blow or spread any bodily discharge on the ground or pavement anywhere on the port or on any floor, wall, partition, furniture, or any other part of a public comfort station, terminal building, or other building on the port, other than directly into a fixture provided for that purpose.

(e) No person shall place any foreign object in any plumbing fixture of a comfort station, terminal building, or other building on the port. (Ord. No. 97-161, § 1, 9-23-97)

*28A-13.10. Intoxication.*

(a) No person shall drink any intoxicating liquors upon any portion of the port open to the public, except in special service lounges or club rooms properly designated by the Director or by lease for on-premises liquor consumption.

(b) No person under the influence of intoxicating liquors or drugs shall operate any motor vehicle on the port. (Ord. No. 97-161, § 1, 9-23-97)

*28A-13.11. Drugs.* No person, other than a duly qualified physician, a certified emergency medical technician (under the direction of a duly qualified physician or as provided by law), a registered nurse, or a duly qualified pharmacist shall, while on the port, prescribe, dispense, give away, or administer any controlled substance as defined from time to time by State or Federal law to another or have such a drug in his possession, with intent to prescribe, dispense, sell, give away, or administer it to another. Such persons shall not be authorized to offer to sell or to sell such drugs except pursuant to a permit, license or agreement issued by the County. (Ord. No. 97-161, § 1, 9-23-97)

*28A-13.12. Animals.*

(a) No person, other than a person who is blind, visually impaired or otherwise disabled with a seeing eye or other specially trained dog, or who is accompanied by a trained dog used for law enforcement purposes under the control of an authorized law enforcement officer, shall enter the cruise terminal building with a domestic animal, unless such animal is to be or has been transported by sea and is kept restrained by a leash or otherwise confined so as to be completely under control.

(b) No person except law enforcement personnel using a dog trained for law enforcement purposes, shall enter any part of the port, with a domestic animal, unless such animal is kept restrained by a leash or is so confined as to be completely under control, whether or not such animal is to be or has been transported by sea travel. No person shall bring, carry or deliver any wild animal under his control or custody into the cruise terminal buildings of the port, without having first obtained a permit from the Department.

(c) Except for animals that are to be or have been transported by sea and are properly confined for sea travel, no person shall permit any wild animal under his control or custody to enter the port.

(d) No person other than in the conduct of an official act shall hunt, pursue, trap, catch, injure, or kill any animal on the port.

(e) No person except law enforcement personnel shall ride horseback on the port without prior authorization of the Department.

(f) No person shall permit, either willfully or through failure to exercise due care or control, any animal to urinate or defecate upon the sidewalks of the port or upon the floor of the terminal building or any other building used in common by the public.

(g) No person shall feed or do any other act to encourage the congregation of birds or other animals on or in the vicinity of the port. (Ord. No. 97-161, § 1, 9-23-97; Ord. No. 98-78, § 10, 6-2-98)

*28A-13.13. Lost articles.* Any person finding lost articles at the port shall immediately deposit them with an authorized representative of the Department. Articles unclaimed by their proper owner within three (3) months thereafter shall, upon request, be turned over to the finder or otherwise be lawfully disposed of, in accordance with applicable law or operational directive. Nothing in this paragraph shall be construed to deny the right of scheduled shipping or other port tenants to maintain "lost and found" services for property of their passengers, customers, invitees or employees as permitted by law. Articles to which the owner or finder is not entitled to lawful possession shall be forfeited to the Department for disposal in accordance with the provisions of applicable law or County administrative order. (Ord. No. 97-161, § 1, 9-23-97)

*28A-13.14. False reports or threats.* No person shall make any threat involving shipping or any facilities or operations at or on the port or false report regarding the conduct of operations at or use of the port. (Ord. No. 97-161, § 1, 9-23-97)

*28A-13.15. Forgery and counterfeit.* No person shall make, possess, use, offer for sale, sell, barter, exchange, pass or deliver any forged, counterfeit, or falsely altered pass, permit, identification badge, certificate, placard, sign or other authorization purporting to be issued by or on behalf of the Department, nor shall any information electronically or magnetically encoded thereon be knowingly altered or erased. (Ord. No. 97-161, § 1, 9-23-97)

FOOTNOTE(S):

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**Editor's note—** Ord. No. 78-65, § 1, adopted Oct. 4, 1978, amended the Code by adding Ch. 28A, §§ 28A-1—28A-11. [(Back)](#BK_91E5930EEE82FC99DF921EA2F4697EF6)

**Cross reference—** Boats, docks and waterways, Ch. 7; business regulations generally, Ch. 8A; construction: financing of public facilities, Ch. 8D; offenses and miscellaneous provisions, Ch. 21. [(Back)](#BK_91E5930EEE82FC99DF921EA2F4697EF6)