

ARTICLE III. USE OF PARKS*

***Editor's note:** Ord. No. 96-31, adopted Jul. 2, 1996, repealed art. III, §§ 78-76--78-83, 78-101--78-124 and 78-146--78-148, and enacted a new art. III, designated by the editor as §§ 78-76--78-83, 78-101--78-124 and 78-146--78-148, to read as herein set out. Prior to repeal, former art. III pertained to similar subject matter as derived from the Code of 1979, §§ 18-101--18-107.

Cross references: Open containers of alcohol in motor vehicles, § 6-4; animals in parks or on beaches, § 14-60; use of county property by track vehicles, § 74-1; roads and bridges, ch. 86; vehicles on public beaches, § 106-2; off road vehicles, § 106-3.

DIVISION 1. GENERALLY

Sec. 78-76. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alcoholic beverages includes any beer, wine, fortified wine, liquor or alcoholic beverage defined in F.S. ch. 561.

Closing hours means that time period during which a park or recreational facility is closed to the general public.

Commercial activity includes the sale of any item, tangible or intangible, including but not limited to food and beverages; the charging of admission; the charging of fees for any service, entertainment or amusement, including but not limited to carnival rides.

Department means the parks and recreation department of the county.

Department director means the person appointed by the board of county commissioners to coordinate all park and recreation programs and facilities.

Designated area means that geographical area which has been established by the department for a specific activity or activities within a park or recreation area.

Governmental unit includes any governmental body which exercises law enforcement jurisdiction over a park or recreational facility.

Gun includes any instrument capable of firing a projectile or bullet at a high velocity, including but not limited to, any air gun, sling or slingshot.

Motor vehicle includes any vehicle which is self-propelled.

Park includes a park, reservation, playground, beach, recreation center, refuge, sanctuary or other area owned, leased, operated or maintained by the county and devoted to active or passive recreation.

Permit means a written document issued by the department granting permission for a specific activity.

Recreational facility includes a facility for recreational purposes on property owned, leased,

operated or maintained by the county.

Security violation includes any activity which results in an arrest by a certified law enforcement officer, resulting in the imposition, by a court of law, of a fine, imprisonment, probation and/or other criminal penalty. This term includes only those arrests which occurred during a permitted event and on the property of the park or recreational facility where such event is held.

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

(Ord. No. 96-31, § 1, 7-2-96; Ord. No. 98-53, § 1, 10-27-98)

Cross references: Definitions generally, § 1-2.

Sec. 78-77. Policy.

(a) *Intent.* It is the general purpose and intent of this article to establish uniform procedures for the administration of park and recreational facilities in the county; to establish a system of regulations and rules governing the activities within the parks and recreational facilities; to declare certain activities as violations; to provide for penalties for violation of the regulations; to allow expulsion from a park or recreational facility for violation of certain provisions and to provide a procedure for establishing permits for activities within designated areas and to set methods for the administration of parks and recreational facilities.

(b) *Area embraced.* This article shall be effective in all parks and recreational facilities, as defined in the article, whether located in a municipality or unincorporated area of the county. Within any municipality, law enforcement officers of that municipality are authorized to enforce this article.

(Ord. No. 96-31, §§ 2.a., 2.b., 7-2-96)

Sec. 78-78. Areas designated for specific activities.

The department director shall have the power to designate areas and facilities in park and recreational facilities for specific activities, and to prohibit other activities within the designated area. The department director shall be the official custodian of a list of all areas which have been designated for specific activities. Such list shall contain a description of the property which is designated for a specific activity and the nature of the activities which are permitted. The head of the department is authorized to post designated areas when in his discretion such posting is appropriate.

(Ord. No. 96-31, § 3, 7-2-96)

Sec. 78-79. Emergency exclusion of public.

In an emergency, when the department director or designee shall determine that the public interest, public health, public morals and public safety require such action, any park or recreational area or any part thereof may be closed and all persons may be excluded from such area.

(Ord. No. 96-31, § 4, 7-2-96)

Sec. 78-80. Right of entry.

The department and its employees or any law enforcement officers shall have the right at all times to enter the premises of any building, structure or enclosure of any park or recreational facility

including such grounds, buildings, structures or enclosures as may be leased or set aside for the private or exclusive use of any individual or group.

(Ord. No. 96-31, § 5, 7-2-96)

Sec. 78-81. Park rangers.

The department director shall appoint park rangers or other authorized personnel who shall be responsible for the enforcement of park rules and regulations and shall have the power to eject and expel any person for violation of any park rule or regulation and report the violation of any regulation to the proper law enforcement officers.

(Ord. No. 96-31, § 6 7-2-96)

Sec. 78-82. Permits.

(a) The department shall issue a permit when:

- (1) The desired park (or requested portion thereof) or recreational facility has not been reserved for other use at the time requested.
- (2) The applicant has provided a fee as established by resolution of the board for the activity.
- (3) The applicant has acquired public liability insurance where required below.
- (4) The applicant has provided a plan and payment for security where required below.
- (5) The proposed activity or activities will occur in an area designated for such activity or activities.
- (6) The applicant has agreed to indemnify and hold the county harmless as established by resolution of the board.
- (7) If the proposed activities include commercial activity and are open to the public, the applicant must show proof that the applicant or applicant's organization is a nonprofit organization which has qualified for recognized tax exempt status pursuant to Section 501(c) of the Internal Revenue Code.

The department shall deny a permit application if any the above conditions are not met.

(b) When the proposed activity entails the distribution of any literature, handbill, program or other printed matter, the department shall require the posting of monies or a bond pursuant to a schedule established by board resolution to cover cleaning costs arising from the distribution of the printed matter.

(c) Security.

- (1) The applicant shall provide and pay for a security plan for the proposed event if such event involves commercial activity, is open to public and may reasonably be expected to draw 50 persons or more to the park or recreational facility. Such plan shall provide for at least one security personnel, under contract with the permit applicant, on duty at all times for the initial 250 attendees and thereafter one security personnel for every 500 additional persons attending the proposed event, with no security personnel working more than one eight-hour shift in any 24-hour period. As an alternative to providing a security plan, the applicant may pay the cost for providing security, in accordance with the above stated guidelines, under any interlocal agreement that the county may have with any law enforcement agency.

- (2) Security personnel shall include certified law enforcement officers or any bona fide private security company licensed to do business in the state.
- (3) Where the proposed activity is to be conducted for the sole purpose of public issue speech and does not involve any commercial activity, the applicant shall not be required to pay the expenses associated with security, unless the same event has experienced two or more security violations at a single event, during the two calendar years immediately preceding the application in the county or any other jurisdiction.
- (d) All permits shall be signed by the department director or his duly authorized representative.
- (e) If any proposed activity may constitute a hazard to any person or property, the department, as a condition to the issuance of a permit, shall require public liability insurance in an amount necessary to protect such person or property. The amount and requirements of such insurance shall be established pursuant to a resolution adopted by the board of county commissioners.
- (f) The department shall notify the applicant within five days, excluding weekends and holidays, to communicate whether an applicant's permit is granted or denied and if denied the reason for such denial.
- (g) The applicant may appeal the refusal of a permit to the board of county commissioners. The appeal shall be made by the applicant within five days after notification of such refusal by filing a written notice with the county manager who may review and reverse without further review the departmental decision within five days after submittal to the county manager. If the departmental decision is upheld, the appeal shall be referred to the board of county commissioners. The board of county commissioners shall consider the appeal at its next regularly scheduled meeting or within 30 days of a timely filed notice of appeal, whichever is sooner. If the board does not meet within 30 days the permit shall be issued by the department. The board shall direct the department to issue the permit unless the department demonstrates that the herein permit requirements have not been met. In the event the board affirms the denial of the permit the applicant may immediately request review by a court of competent jurisdiction subject to the rules and laws governing application to such court. The denial of a permit because the applicant applied for park or recreational facility has been previously reserved is not a basis for appeal.
- (h) The department or its duly authorized representative shall have the authority to revoke a permit upon finding a violation of any rule or regulation.

(Ord. No. 96-31, § 7, 7-2-96)

Sec. 78-83. Fees.

The department is authorized to lease the use of equipment and personal property and charge a fee for the use of facilities to individuals, private or public organizations. The board of county commissioners by resolution shall establish a schedule of such charges and fees for the use of equipment, personal property and facilities.

(Ord. No. 96-31, § 8, 7-2-96)

Secs. 78-84--78-100. Reserved.

DIVISION 2. VIOLATIONS AND PENALTIES

Sec. 78-101. Penalty.

It shall be unlawful to violate any section within this division. Any person who shall violate this division shall be punishable pursuant to chapter 1, section 1-7, of the Code of Ordinances of the county.

(Ord. No. 96-31, § 9, 7-2-96)

Sec. 78-102. Interference with personnel.

Any person who interferes with, hinders or opposes any officer, agent or employee of the department in the discharge of his duties or with the enforcement of the park regulations and rules shall be punishable pursuant to Chapter 1, section 1-7.

(Ord. No. 96-31, § 10, 7-2-96)

Sec. 78-103. Trespass.

No person shall enter or remain on park or recreational facilities without a permit during closing hours, if the closing hours are posted at the entrance of the park or recreational facility. No person shall enter or remain on park or recreational facilities after such person receives notice of the closing hours from a department employee or a law enforcement officer.

(Ord. No. 96-31, § 11, 7-2-96)

State law references: Trespass, F.S. § 810.08 et seq.

Sec. 78-104. Remaining on property after request to leave.

No person who has violated a rule shall remain in a park or recreational facility after a department employee, police officer, sheriff's deputy or employee of a governmental unit requests such person to leave or vacate a park or recreational facility.

(Ord. No. 96-31, § 12, 7-2-96)

Sec. 78-105. Meetings.

No person or legal entity shall conduct or participate in any meetings, assemblies, entertainments, tournaments, religious or social gatherings, demonstrations, parades, processions, which are open to the public, without regard to the subject whether religious, social, political, or otherwise, in any park or recreational facility, without a permit, unless fewer than 50 individuals may reasonably be expected to be in attendance.

(Ord. No. 96-31, § 13, 7-2-96)

Sec. 78-106. Aircraft and parachuting.

No person shall take off in or land any aircraft, glider or parachute in or upon any park or recreational facility without contractual authority or a permit from the department.

(Ord. No. 96-31, § 14, 7-2-96)

Sec. 78-107. Sales, solicitation of sales.

No person shall sell, keep, or offer for sale any tangible or intangible object, merchandise or thing nor solicit for any trade, occupation, business or profession for any consideration within any park or recreational facility without a permit from the department.

(Ord. No. 96-31, § 15, 7-2-96)

Sec. 78-108. Posting signs.

No person shall post or affix to any tree, shrub, plant, fence, building, structure, monument, wall, table, apparatus, bridge, post, bench, corral, gate or any other physical object any sign, poster or other printed or written matter in any park or recreational area without a permit from the department.

(Ord. No. 96-31, § 16, 7-2-96; Ord. No. 98-53, § 2, 10-27-98)

Sec. 78-109. Alcoholic beverages.

No person shall possess or consume alcoholic beverages in any park or recreational area except in designated area for such purpose.

(Ord. No. 96-31, § 17, 7-2-96)

Sec. 78-110. Noise.

No person shall use any loudspeaker or other electrical amplifying equipment nor shall any person play upon any electrically amplified musical instrument in any park or recreational area unless such activity is conducted as an incidental activity to a public meeting or assembly for which a permit is issued.

(Ord. No. 96-31, § 18, 7-2-96)

Sec. 78-111. Defacing, tampering with buildings and other property.

No person in any park or recreational facility shall willfully mark, deface, disfigure, injure, tamper with, displace or remove any building, bridges, tables, benches, fireplaces, railings, paving or paving material, water lines or other public utilities or parts or appurtenances thereof, signs, notices, or placards whether temporary or permanent, monuments, stakes, posts or other structures or equipment or any part of any aforesaid facilities, park property or appurtenances whatsoever, either real or personal, in any park or recreational facility. Any violator of this section shall also be liable for actual damages caused to county property.

(Ord. No. 96-31, § 19, 7-2-96)

Sec. 78-112. Water activity.

No person shall swim, ski, dive, surf, scuba, fish or use boats in any area in any park or recreational area unless such area is specifically designated for such purpose.

(Ord. No. 96-31, § 20, 7-2-96)

Sec. 78-113. Equestrian activity.

No person in any park or recreational area shall ride horseback except on roadways and bridle paths within designated area for such purposes. No person shall be permitted to ride horseback in any park or recreational area after dark and before daylight unless a permit is granted from the department. It shall be unlawful for any person to fail to maintain control of any horse which such person is riding or to ride a horse in a reckless manner.

(Ord. No. 96-31, § 21, 7-2-96)

Sec. 78-114. Fires.

No person in any park or recreational area shall ignite, set or maintain any fire for cooking or any other purpose unless such fire is within a designated area for such purpose.

(Ord. No. 96-31, § 22, 7-2-96)

Sec. 78-115. Firearms, fireworks.

No person in any park, recreational area, or public beach shall carry, fire or discharge any gun, pistol or firearm or any rocket, torpedo, or fireworks as defined in F.S. Ch. 791, without a permit from the department or special event permit issued pursuant to section 10-40, except in a designated area for such purpose.

(Ord. No. 96-31, § 23, 7-2-96; Ord. No. 04-24, § 1, 5-25-04)

State law references: Weapons and firearms, F.S. ch. 790; sale of fireworks, F.S. ch. 791.

Sec. 78-116. Hunting, molesting wildlife.

No person in any park or recreational area shall hunt, catch, harm, kill, trap, chase, tease, shoot or throw missiles at any animal, reptile or bird. No person in any park or recreational area shall remove or have in his possession the young of any wild animal or eggs or nest or young of any reptile or bird. Hunting may be allowed by permit in designated areas, subject to applicable governmental regulations and agencies. The abandonment of an animal in a park is prohibited.

(Ord. No. 96-31, § 24, 7-2-96; Ord. No. 98-53, § 3, 10-27-98)

Sec. 78-117. Distribution of literature.

No person in any park or recreational area shall distribute any handbill, circular, booklet, leaflet, flyer, card, pamphlet, sheet, written or printed matter except in designated areas.

(Ord. No. 96-31, § 25, 7-2-96)

Sec. 78-118. Pollution.

No person in any park or recreational facility shall throw or place or cause to be thrown or placed, any dirt, filth or foreign matter into the waters of any lake, pond, pool, river, inlet, tank or reservoir in any park or recreational facility.

(Ord. No. 96-31, § 26, 7-2-96)

State law references: Florida Litter Law, F.S. § 403.413.

Sec. 78-119. Deposits of rubbish.

No person in any park or recreational facility shall throw, place, cast, deposit, dump or cause to be thrown, any ashes, refuse, offal, vegetables, garbage, dross, cinders, shells, straw, shavings, paper, scraps, dirt or like matter, filth or rubbish of any kind in any park, square, avenue, grounds or recreational area, except to place the same in cans or receptacles provided for such matter.

(Ord. No. 96-31, § 27, 7-2-96)

State law references: Florida Litter Law, F.S. § 403.413.

Sec. 78-120. Removal of natural resources.

No person in any park or recreational facility shall remove any beach sand, whether submerged or not, any soil, rock, stones, plants, wood, or other materials, or make any excavation by tool, equipment, blasting or other means or agency.

(Ord. No. 96-31, § 28, 7-2-96)

Sec. 78-121. Protection of trees and vegetation.

No person in any park or recreational area shall remove, damage, cut, carve, or transplant, any tree, shrubbery, lawn or plant or injure the bark or pick the flowers thereof. No person shall attach any rope, wire, or other contrivance to any tree or plant in any park or recreational facility.

(Ord. No. 96-31, § 29, 7-2-96)

Sec. 78-122. Sleeping, camping and lodging.

No person shall sleep, camp, lodge or park a vehicle overnight in any park or recreational area except in such areas as are designated for such purposes or if a permit is issued for other areas by the department.

(Ord. No. 96-31, § 30, 7-2-96; Ord. No. 98-53, § 4, 10-27-98)

Sec. 78-123. Traffic.

(a) The state uniform traffic control laws, F.S. ch. 316, are incorporated by reference and made a part of this article and shall apply to the operation of all motor vehicles on streets and roads in county parks, unless modified herein. Traffic officers and employees of the department are hereby authorized to direct traffic whenever necessary.

(b) No person shall operate, drive or park any motor vehicle or other vehicle upon any road, driveway, path, parking area or other area unless such road, driveway, path, parking area or other area has been designated by the department for such purpose. No person shall cause any vehicle for hire to stand upon any part of a park or recreational area for the purpose of soliciting passengers.

(c) No person shall drive a vehicle at a rate of speed exceeding five miles per hour in any county park unless the department has designated, by posted sign, a greater speed limit.

(d) No person shall park any vehicle in other than the area which is designated for parking. No person shall leave any vehicle standing or parked at night without lights clearly visible at least 200 feet upon said vehicle except in legally established parking areas or designated campsite areas.

(e) No person shall enter or exit from any park or recreational facility in any vehicle except on entrance and exits established for such purpose by the department.

(Ord. No. 96-31, § 31, 7-2-96)

Sec. 78-124. Utilities.

No person shall locate any utility upon any park or recreational facility without receiving a permit from the department.

(Ord. No. 96-31, § 32, 7-2-96)

Secs. 78-125--78-145. Reserved.

DIVISION 3. PROHIBITED CONDUCT

Sec. 78-146. Expulsion for violation.

Any person violating any of the provisions of this division in a park or recreational facility may be expelled or ejected from the park or recreational facility. No other penalty may be imposed.

(Ord. No. 96-31, § 33, 7-2-96)

Sec. 78-147. Reservations.

Reservation policies shall be established by resolution adopted by the board of county commissioners.

(Ord. No. 96-31, § 34, 7-2-96)

Sec. 78-148. Organized activities.

No person shall play or participate in any game or organized activity including but not limited to football, baseball, basketball, or any such game, in any park or recreational facility, except in areas designated for such use.

(Ord. No. 96-31, § 35, 7-2-96)