

ORDINANCE NO. 2009-4174

An Ordinance of the City of Sanford, Florida relating to City parks; providing for a definition; providing for hours of operation and general use; providing for regulations relating to traffic, pollution, litter, protection of natural resources, firearms, fireworks, destructive devices, weapons, hunting, wildlife preservation and conservation, domestic animals, alcoholic beverages, trespass, fires, camping, signs, noise, defacement of trees, peddling, injury, protection of buildings and other property and interference with personnel; providing for the establishment of fees; providing for the adoption of administrative rules which shall be enforced having the force of law; providing for penalties; providing for conflicts and the repeal of Section 62-61 of the *City Code*; providing for severability; providing for codification and providing for an effective date.

Be it enacted by the People of the City of Sanford, Florida:

Section 1. Park Defined.

As used in this Ordinance, the term "City Park" means land owned, maintained by the City of Sanford and designated as a "City Park" by a resolution or any land which has been dedicated for use as a City Park developed or undeveloped which has been accepted by the City Commission. Included in the definition of the term "City Park" are all natural resources, wildlife, facilities, improvements, waters and materials in, on or under the lands so designated. Properties in any system of trails owned by the City are intended to be designated as a City Park.

Section 2. Hours Of Operation And General Use; Fees.

(a). All City Parks shall be open during such hours as are set forth by the City Commission by means of adoption of a resolution.

(b). The City Commission may delegate, by adoption of a resolution, the power to establish hours of operations at the City Parks or a particular park or particular parks or particular areas of parks to the City Manager, or designee.

(c). The City Manager may close any City Park or Parks as deemed appropriate in the event of an emergency or an imminent threat to the public health, safety or welfare.

(d). Persons using the City Park(s) do so at their own risk.

(e). Adults are responsible for children that they bring to the City Park(s) or who are otherwise under their care, custody or control.

(f). The City Commission shall establish by adoption of resolutions from time-to-time fees that are applicable to the various facilities, uses, programs and activities associated with the City Parks.

(g). The City may issue permits to allow activities and actions that are otherwise contrary to the provisions of this Section if the City determines that the activities and actions are consistent with the public interest.

Section 3. Traffic.

(a). The State Uniform Traffic Control Laws, Chapter 316, *Florida Statutes*, are incorporated by reference and made part of this Ordinance and shall apply to the operation of all motor vehicles, as defined in Chapter 316, on streets and roads in all City Park(s), unless modified herein. Law enforcement officers and City employees are hereby authorized to direct traffic whenever necessary within the City Park(s).

(b). It is unlawful to operate, drive or park any motor vehicle or other vehicle upon any road, driveway, path, trail, parking area, or other area unless it has been designated for such use by the City.

(c). It is unlawful to cause any vehicle for hire to stand upon any part of a City Park for the purpose of soliciting passengers.

(d). It is unlawful to drive a vehicle at a rate of speed exceeding ten (10) miles per hour in any City Park unless the City has posted a greater speed limit.

(e). It is unlawful to park any vehicle in or on an area within a City Park which has not been designated for parking.

(f). It is unlawful to enter or exit from any City Park in any vehicle except at entrances and exits designated for such purpose by the City.

Section 4. Pollution And Litter.

(a). It is unlawful to throw or place or cause to be thrown or placed, any litter, dirt, filth, or foreign matter into the waters of any lake, pond, pool, river, inlet, tank or reservoir in any City Park or on the grounds of any City Park.

(b). It is unlawful to cause any pollutant, as defined in Sections 206.9925 or 376.031, *Florida Statutes*, to be placed in or to otherwise pollute the lands or waters of a City Park.

Section 5. Removal Of Natural Resources.

(a). It is unlawful to remove any beach sand, whether submerged or not, any soil, rock, stones, plants, wood, flora, fauna or their materials from the City Park unless issued a general or specific permit to do so by the City for the purposes of educational activities or good husbandry.

(b). It is unlawful to cause or make any excavation by tools, equipment, blasting or other means or agency at a City Park unless issued a general or specific permit to do so by the City for the purposes of educational activities or good husbandry.

Section 6. Firearms/Fireworks/Destructive Devices/Weapons/Potentially Dangerous Instrumentalities.

(a). It is unlawful to carry, fire or discharge any destructive device, explosive, weapon, or firearm, as those terms are defined in Sections 258.156 and 790.001 (including, however, in this prohibition, the items excepted as destructive devices and antique firearms), *Florida Statutes*, or any fireworks, as defined in Section 791.01, *Florida Statutes*, of any description in a City Park. This provision shall not make it unlawful for a person to carry a concealed weapon or firearm when in possession of a license to do so in accordance with Section 790.06, *Florida Statutes*, and in a manner authorized by law; or to possess a firearm, weapon, ammunition and supplies for lawful purposes when a person is traveling by private conveyance and has securely encased the firearm, weapon, ammunition and supplies or is traveling in a public conveyance when the firearm, weapon, ammunition and supplies are securely encased and not in the person's manual possession.

(b). The City may issue permits to carry firearms for events such as the reenactment of battles and military salutes if conditions are placed on such events such as, by way of example, the use of blanks. Law enforcement officers are hereby provided a general permit to carry issued firearms when in the course and performance of their lawful duties.

(c). Bows and arrows, including, but not limited to, cross bows; paint ball guns; rockets; golf clubs; and radio controlled planes, boats, cars and helicopters are prohibited in City Parks unless authorized for particular City Park(s) in resolution adopted in accordance with this Ordinance.

Section 7. Hunting/Wildlife Preservation And Conservation.

(a). It is unlawful to harass, hunt, catch, harm, kill, trap, shoot, shine lights at or throw missiles at any animal, reptile or bird in any City Park.

(b). It is unlawful to use nets to catch game fish in any publicly owned body of water or within any City Park.

(c). It is unlawful to use trotlines to catch fish in any publicly owned body of water or within any City Park.

(d). It is unlawful for a person to remove or have in his or her possession any wild reptile, bird or animal or the eggs or nest of young reptile or bird which is or was located in a City Park.

(e). It is unlawful to introduce into or leave any wild animal into or at a City Park.

(f). The City may issue permits to allow activities and actions that are otherwise contrary to the provisions of this Section if the City determines that the activities and actions will be accomplished for management, scientific or husbandry purposes and are consistent with the public interest.

Section 8. Domestic Animals.

(a). It is unlawful to allow any pet or domestic animal, as defined in Sections 585.001 and 823.041, *Florida Statutes*, under a person's care, custody or control into any City Park unless the rules promulgated by the City with regard to the particular City Park specifically authorize such animals to be present and, in the event of such rules being promulgated, a person may act in accordance with such rules.

(b). It is unlawful to abandon any domestic animal, as defined in Sections 585.01 and 823.041, *Florida Statutes*, into or at a City Park.

(c). The rights of persons to use dog guides, service dogs or nonhuman primates of the genus *Cebus*, in accordance with the provisions of Section 413.08, *Florida Statutes*, shall not be violated or abridged by application of the provisions of this Section.

Section 9. Alcoholic Beverages.

It is unlawful for a person to possess or consume any alcoholic beverage or beverages, as defined in Sections 856.015 and 561.01, *Florida Statutes*, in any City Park unless a permit is issued by the City for a particular event occurring in a City Park.

Section 10. Trespass.

It is unlawful for a person to enter or remain in a City Park without a permit when a City Park is closed or the person is barred from being present at the City Park.

Section 11. Fires.

It is unlawful to ignite, set or maintain any fire in a City Park including, but not limited to, the use of portable cooking equipment of whatever type or nature unless such fire is within an area designated for fires in signage and postings displayed at the City Park. This prohibition shall not apply to permanent cooking grills or facilities that are installed in a City Park as a facility available for public use.

Section 12. Camping And Sleeping.

It is unlawful to sleep, camp, lodge or park a vehicle overnight in a City Park without a permit or, upon obtaining a permit, to sleep, camp, lodge or park a vehicle overnight in areas not designated for such purposes in signage and postings displayed at the City Park.

Section 13. Signs/Defacement Of Trees, Etc.

(a). It is unlawful to post or affix to any tree, shrub, plant, fence, building, structure, monument, wall, table, apparatus, bridge, post, bench, gate or any other physical object located in a City Park any sign, poster or printed matter without a City permit.

(b). It is unlawful to mark, deface, disfigure or injure any tree, building, equipment, property or facility located on a City Park.

Section 14. Noise And Related Conduct.

(a). It is unlawful to play any musical instrument or audio amplification system or engage in any activity in such a manner as creates a nuisance or disturbance in a City Park without a City permit.

(b). It is unlawful to use offensive, profane, obscene or foul language at a City Park.

Section 15. Peddling/Distribution Of Materials.

It is unlawful to engage in any commercial activity or sell or offer for sale any tangible or intangible stock, object, merchandise or thing, or solicit for any trade, occupation, business or profession for any consideration within a City Park without a permit issued by the City.

Section 16. Injuring, Interfering With, Etc., Buildings And Other Property.

It is unlawful to mark, deface, disfigure, injure, tamper with, displace or remove any building, bridge, table, bench, fireplace, railing, paving or paving material, waterline or other public utility or part or appurtenance thereof, sign, notice, or placard whether temporary or permanent, monument, stake, post, or other structure, equipment or any facilities, property or appurtenances whatsoever, located at a City Park.

Section 17. Interference With Personnel.

It is unlawful to interfere with, hinder, or oppose any law enforcement officer or City employee in the discharge of his or her duties or with the enforcement of this Ordinance.

Section 18. Promulgation Of Rules.

(a). The City Manager is hereby authorized to adopt administrative rules supplemental to the provisions of this Ordinance that he or she deems necessary and appropriate to implement the provisions of this Ordinance relative to the use of City Parks and the violation of such rules shall constitute a violation of this Ordinance.

(b). In addition to matters otherwise provided for in this Ordinance, the rules of the City may pertain to the appropriate and harmonious use of recreational facilities consistent with the multiple uses that will be authorized on such facilities, the location of particular recreational activities and other activities at City Parks, whether parks are to be used for active or passive recreational activities, access management with regard to traffic control and management within City Parks, the operation of motor vehicles and other forms of transportation within City Parks, pollution and litter within City Parks, the harming or removal of animals or natural resources within or from City Parks, the use of dangerous instrumentalities within City Parks, the use of alcoholic beverages within City Parks, hunting and fishing within City Parks, domestic animals within City Parks, use of City Park property and the conditions relating thereto, trespass upon and disturbance within City Parks, disorderly conduct and loitering within City Parks, fires and illumination within City Parks, and such other related matters which address the protection of public property located in and good order in City Parks.

(c). The provisions of this Ordinance and the rules adopted by the City, or a sign or notice providing for the location of such documents, shall be posted at a conspicuous place in each City Park.

(d). A general condition of each permit to use a City Park is that the permittee shall abide by and adhere to the provisions of this Ordinance and the rules promulgated by the City.

(e). The City Manager shall regularly review, or cause to be reviewed, by his or her designee the use of and conditions within each City Park in order to minimize

public liability relating to City Parks.

(f). The City Manager shall regularly review, or cause to be reviewed by his or her designee, the use and condition of each City Park to ensure compliance with the *Americans With Disabilities Act* and other laws, rules and regulations where applicable.

Section 19. Penalties/Other Remedies.

(a). Violation of the provisions of this Ordinance or the rules promulgated by the City under the provisions of this Ordinance shall be punishable in accordance with the provisions of Section 1-7 of the *City Code*.

(b). The City may seek additional remedies for violations of the provisions of this Ordinance and the rules promulgated by the City to include any and all remedies authorized by State law such as, by way of example only, injunctive relief or debarment from the use of City Parks.

Section 20. Conflicts/Repealer.

(a). All ordinances or part of ordinances in conflict with this Ordinance are hereby repealed.

(b). Section 62-61 of the *City Code of the City of Sanford* is hereby repealed.

Section 21. Savings.

The prior actions of the City of Sanford relative to the prior regulation of the City Parks of the City are hereby ratified and affirmed.

Section 22. Severability.

If any section, sentence, phrase, word, or portion of this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word, or portion of this Ordinance not otherwise determined to be invalid, unlawful, or unconstitutional.

Section 23. Codification.

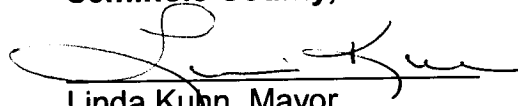
This Ordinance shall be codified in the *City Code of the City of Sanford*; provided, however, that Sections 20, 21, 22, 23 and 24 shall not be codified. The Code Codifier is granted broad and liberal authority to change section numbers in the current *City Code* and other appropriate actions as set forth in Section 1-10 of the *City Code*.

Section 24. Effective Date.

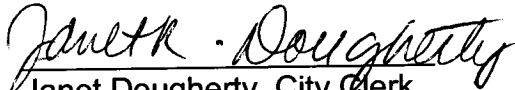
This Ordinance shall take effect immediately upon passage and adoption.

Passed and adopted this 11th day of May, 2009.

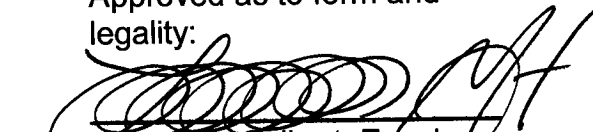
**City Commission of the City of
Sanford, Florida
Seminole County, Florida**


Linda Kuhn, Mayor

Attest:


Janet Dougherty, City Clerk

Approved as to form and
legality:


William L. Colbert, Esquire
City Attorney
