

ORDINANCE NO. 9689-23

AN ORDINANCE OF THE CITY OF CLEARWATER, FLORIDA, MAKING AMENDMENTS TO THE CODE OF ORDINANCES, CHAPTER 22, PARKS, BEACHES, RECREATION, BY AMENDING ARTICLE II. USE REGULATIONS AND ARTICLE III. SPECIAL EVENTS, TO CLARIFY, REVISE, AND MODIFY EXISTING ARTICLES AND SECTIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 22, Article II sets forth the rules and use regulations that govern activities on park property and public beaches in the City of Clearwater ("City");

WHEREAS, Chapter 22, Article III is known as the Special Events Code and governs the process, procedures, and conditions for special events;

WHEREAS, this Chapter 22 has not been amended or updated since 2014;

WHEREAS, this Ordinance is necessary to clarify, revise, and modify use regulations for activities on park property and public beaches, and to revise and modify the Special Events Code;

WHEREAS, the City has determined that these amendments to the Code of Ordinances promote and support the public health, safety, morals, and welfare of the City's residents;

WHEREAS, the City has determined that the adoption of this Ordinance to be in the best interest of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLEARWATER, FLORIDA, THAT:

Section 1: Section 22.24 is amended as follows:

Sec. 22.24. Authority to regulate beaches, park property, and the Courtney Campbell Recreation Area.

- (1) The city manager is empowered in the exercise of the city manager's discretion to regulate the time, place and manner in which the public beaches, park property of the city, and the Courtney Campbell Recreation Area, or any portion thereof, are to be used and enjoyed by the public and to authorize the posting of signs regulating public use. In so doing, the city manager is to give due regard to the safety facilities available thereat, the preservation of public property, the number of persons who can be safely protected and safeguarded at the particular location, and the health and welfare of the public using and wishing to use such facilities. The directions of the city manager given pursuant to the authority contained in this section are

declared to have the effect of law and shall be enforced by the police officers of the city. See Appendix A for Schedule of Fees, Rates and Charges for the use of Parks and Recreation facilities.

- (2) The hours of operation for each city park, as may be amended from time to time, are as follows:

Park Name
<u>Closed from Sunset to Sunrise</u>
<u>ALLEN'S CREEK PARK</u>
<u>ALLIGATOR LAKE</u>
<u>ANN CIRCLE PARK</u>
<u>BAY PARK ON SAND KEY</u>
<u>MYRON A. SMITH BAYVIEW PARK</u>
<u>CEDAR GROVES</u>
<u>CHARLES PARK</u>
<u>CHARTER OAKS</u>
<u>COURTNEY CAMPBELL TRAIL</u>
<u>LAKE CHAUTAUQUA PARK</u>
<u>CHAUTAUQUA PARK SOUTH</u>
<u>CHERRY HARRIS PARK</u>
<u>CLEARWATER MUNICIPAL CEMETERY</u>
<u>CLIFF STEPHENS PARK</u>
<u>COOPERS BAYOU PARK</u>
<u>COUNTRY HOLLOW PARK</u>
<u>CYPRESS BEND PARK</u>
<u>CYPRESS POINT PARK</u>
<u>D.D. DAVIS PARK</u>
<u>DEL ORO PARK TRAIL</u>
<u>DREW PLAZA</u>
<u>EDGEWATER DRIVE PARK</u>
<u>ENTERPRISE DOG PARK</u>
<u>GARDEN AVENUE PARK</u>
<u>GLEN OAKS PARK</u>
<u>GLENWOOD PARK</u>
<u>HARDING PLAZA</u>
<u>HIBISCUS LAKE</u>
<u>HILLCREST PARK</u>
<u>HOLT AVE. PROPERTY</u>
<u>KAPOK PARK</u>
<u>LAKE HOBART SOUTH</u>

<u>LAKE LUCILLE</u>
<u>LAWN BOWLS & SHUFFLEBOARD COMPLEX - PARK AREA ONLY</u>
<u>MAGNOLIA STREET DOCK</u>
<u>MANDALAY PARK</u>
<u>McKAY PLAYFIELD</u>
<u>NORTH GREENWOOD REC. & AQUATIC COMPLEX PLAYGROUND</u>
<u>NORTHEAST COACHMAN PARK</u>
<u>NORTHWOOD PARK</u>
<u>OVERBROOK PARK</u>
<u>PLAZA PARK</u>
<u>PROSPECT LAKE PARK</u>
<u>REAM WILSON TRAIL</u>
<u>SALLS LAKE 1 & 2</u>
<u>SAND KEY BAYSIDE PARK</u>
<u>SEMINOLE DOCK PARKS</u>
<u>SOULE ROAD PARK</u>
<u>SPRING LAKE PARK</u>
<u>STATE STREET PARK</u>
<u>STATION SQUARE PARK</u>
<u>SUNSET POINT ROAD PLAYFIELD</u>
<u>SUNSET SAM PARK AT ISLAND ESTATES</u>
<u>TERRACE LAKE</u>
<u>TOWN PLACE PARK</u>
<u>TURNER STREET DOCK</u>
<u>CLOSED FROM 12AM TO 5AM</u>
<u>COACHMAN PARK</u>
<u>CLOSED FROM 9PM TO 6AM</u>
<u>BELMONT PARK</u>
<u>COURTNEY CAMPBELL RECREATION AREA</u>
<u>CREST LAKE PARK</u>
<u>ED WRIGHT PARK</u>
<u>MORNINGSIDE RECREATION COMPLEX</u>
<u>PIER 60 PARK</u>
<u>ROSS NORTON COMPLEX</u>
<u>WOOD VALLEY RECREATION CENTER</u>
<u>CLOSED FROM 10PM TO 6AM</u>
<u>CLW. BEACH FAMILY AQUATIC & REC. COMPLEX</u>

<u>COACHMAN RIDGE PARK</u>
<u>COUNTRYSIDE COMMUNITY PARK</u>
<u>DEL ORO PARK</u>
<u>FOREST RUN PARK</u>
<u>LONG CENTER</u>
<u>MARYMONT PARK</u>
<u>MARTIN LUTHER KING RECREATION PARK AREA</u>
<u>MONTCLAIR PARK</u>
<u>NORTH GREENWOOD REC. & AQUATIC COMPLEX</u>
<u>VALENCIA PARK</u>
<u>WOODGATE PARK</u>
<u>OPEN 24 HOURS PER DAY</u>
<u>CLEARWATER BEACH</u>
<u>CLEARWATER BEACH FAMILY AQUATIC & REC. COMPLEX BOAT RAMP</u>
<u>MEMORIAL CAUSEWAY</u>
<u>SEMINOLE DOCKS (BOAT LAUNCHING)</u>
<u>OPEN FOR PERMITTED USE ONLY</u>
<u>CARPENTER FIELD</u>
<u>COOPERS POINT NATURE PARK</u>
<u>COUNTRYSIDE SPORTS COMPLEX</u>
<u>DAVID MARTIN SOCCER FIELDS</u>
<u>E. C. MOORE COMPLEX (1-9)</u>
<u>FRANK TACK PARK</u>
<u>HENRY L. MCMULLEN TENNIS COMPLEX</u>
<u>JACK RUSSELL STADIUM</u>
<u>JOE DIMAGGIO SPORTS COMPLEX</u>
<u>MISSOURI AVENUE (DOT)</u>
<u>MOCCASIN LAKE NATURE PARK</u>
<u>PHILLIP JONES PARK</u>
<u>ROSS NORTON BALLFIELDS</u>
<u>SID LICKTON PARK</u>
<u>WALTER C CAMPBELL PARK & BUCCANEER FIELD</u>
<u>CITY OWNED PROPERTY LEASED TO OTHERS</u>
<u>(HOURS OF OPERATION ESTABLISHED BY LESSEE)</u>
<u>BAYCARE BALLPARK</u>
<u>CHI-CHI RODRIGUEZ GOLF COURSE</u>
<u>CLEARWATER GOLF CLUB</u>

THE LANDINGS GOLF CLUB
KINGS HIGHWAY RECREATION CENTER
LAWN BOWLS & SHUFFLEBOARD COMPLEX
PERFORMING ART CENTER & THEATER (PACT)
SAILING CENTER

NO.	SITE NAME
1. CLOSED FROM SUNSET UNTIL SUNRISE:	
1	ALLEN'S CREEK PARK
2	ALLIGATOR LAKE
3	BAY PARK ON SAND KEY
4	MYRON A. SMITH BAYVIEW PARK
5	BELMONT PARK
6	CEDAR GROVES
7	CHARLES PARK
8	CHARTER OAKS
9	LAKE CHAUTAUQUA PARK
10	CHAUTAUQUA PARK SOUTH
11	CHERRY HARRIS PARK
12	CLIFF STEPHENS PARK
13	COOPERS BAYOU PARK
14	COUNTRY HOLLOW PARK
15	CYPRESS BEND PARK
16	CYPRESS POINT PARK
17	D.D. DAVIS PARK
18	DEL ORO PARK TRAIL
19	DREW PLAZA
20	ED WRIGHT PARK
21	EDGEWATER DRIVE PARK
22	ENTERPRISE DOG PARK
23	GARDEN AVENUE PARK
24	GLEN OAKS PARK
25	GLENWOOD PARK
26	HARDING PLAZA
27	HIBISCUS LAKE
28	HILLCREST PARK
29	LAKE HOBART SOUTH
30	LAKE LUCILLE
31	LAWN BOWLS & SHUFFLEBOARD COMPLEX - PARK AREA ONLY
32	MAGNOLIA STREET DOCK
33	MANDALAY PARK
34	McKAY PLAYFIELD
35	NO. GREENWOOD REC/AQUATIC COMPLEX PLAYGROUND
36	NORTHEAST COACHMAN PARK
37	NORTHWOOD PARK
38	OVERBROOK PARK
39	PLAZA PARK
40	PROSPECT LAKE PARK
41	SALLS LAKE 1 & 2

42	SAND KEY BAYSIDE PARK
43	SEMINOLE DOCK PARKS
44	SOULE ROAD PARK
45	SPRING LAKE PARK
46	STATE STREET PARK
47	STATION SQUARE PARK
48	SUNSET POINT ROAD PLAYFIELD
49	SUNSET SAM PARK AT ISLAND ESTATES
50	TERRACE LAKE
51	TOWN PLACE PARK
52	TURNER STREET DOCK
53	VALENCIA PARK
2. CLOSED FROM 9:00 PM UNTIL 6:00 AM:	
54	BAYFRONT TENNIS COMPLEX
55	COACHMAN PARK
56	COURTNEY CAMPBELL RECREATION AREA
57	CREST LAKE PARK
58	MEMORIAL PARKS 1 & 2
59	MORNINGSIDE RECREATION COMPLEX
60	PIER 60 PARK
61	ROSS NORTON COMPLEX
62	WOOD VALLEY RECREATION CENTER
3. CLOSED FROM 10:00 PM UNTIL 6:00 AM:	
63	CLW. BEACH FAMILY AQUATIC & REC. CMLPX.
64	COACHMAN RIDGE PARK
65	COUNTRYSIDE COMMUNITY PARK
66	DEL ORO PARK
67	FOREST RUN PARK
68	LONG CENTER
69	MARTIN LUTHER KING RECREATION PARK AREA
70	MONTCLAIR PARK
71	NO. GREENWOOD REC. & AQUATIC COMPLEX
72	WOODGATE PARK
4. OPEN 24 HOURS PER DAY:	
73	CLEARWATER BEACH
74	CLEARWATER BEACH FAMILY AQUATIC & REC. COMPLEX BOAT RAMP
75	MEMORIAL CAUSEWAY
76	SEMINOLE DOCKS (BOAT LAUNCHING)
5. OPEN FOR PERMITTED USE ONLY:	
77	CARPENTER FIELD
78	COOPERS POINT NATURE PARK
79	COUNTRYSIDE SPORTS COMPLEX
80	DAVID MARTIN SOCCER FIELDS
81	E. C. MOORE COMPLEX (1-9)
82	FRANK TACK PARK
83	HENRY L. MCMULLEN TENNIS COMPLEX
84	JOE DIMAGGIO COMPLEX
85	MARYMONT PARK
86	MISSOURI AVE. (DOT)
87	MOCCASIN LAKE NATURE PARK
88	PHILLIP JONES PARK

89	ROSS NORTON BALLFIELDS
90	SID LICKTON PARK & FRED COURNOYER CT.
CITY OWNED PROPERTIES—LEASED TO OTHERS (Hours of operation established by Lessee):	
91	BRIGHTHOUSE NETWORK FIELD
92	CHI-CHI RODRIGUEZ GOLF COURSE
93	CLEARWATER COUNTRY CLUB
94	THE LANDINGS GOLF CLUB
95	HARBORVIEW CENTER
96	HOLT AVE. PROPERTY
97	JACK RUSSELL STADIUM
98	KINGS HIGHWAY RECREATION CENTER
99	LAWN BOWLS & SHUFFLEBOARD COMPLEX
100	PERFORMING ART CENTER & THEATER (PACT)
101	SAILING CENTER

- (3) Each city park shall have at least one prominently posted sign that states the hours of operation for that park.
- (4) No person shall enter or remain upon park property at any time during which the park is closed except by permit issued by the department or unless permission has been given by the department or city manager.
- (5) The city manager or his or her designee may prohibit a party from parking a vehicle in an area designated for parking or upon any other park property if said party does not remain on the park property and such parking inhibits or prevents others from parking at the park facility in order to use the facility as intended.

Section 2: Section 22.28 is amended as follows:

Sec. 22.28. Protection and preservation of property.

- (1) Regulation of conduct with respect to protection of park property to prevent damage, removal or destruction is necessary to preserve park and recreation areas for the use of future generations.
- (2) As all property in all parks is city property, no unauthorized person shall willfully mark, write on, draw on or otherwise deface, damage or injure in any way, or displace, remove, destroy or tamper with any park facility or any part of the park grounds including, but not limited to, building material, water lines or other public utilities or parts of appurtenances thereof, park signs, notices or other boundary markers, or other structures, equipment, either real or personal.
- (3) No unauthorized person shall transplant or remove from any park area or public beach any sand whether submerged or not or any soil, rock, stones, trees, shrubs, plants, seeds, flowers, fruits, nuts, down timber or other wood materials; make any search or excavation by tool, equipment, blasting or other means or agency; construct or erect any buildings or structures of whatever kind whether permanent

or temporary in character; or run or string any public service utility into, upon or across such lands. Exceptions shall be permitted for minor excavations involving the recovery of lost artifacts on the public beaches or public parks, provided such minor excavations are immediately refilled and no safety hazards to the public are created. ~~Metal detectors are allowed by obtaining a permit from the parks and recreation department.~~

- (4) Preservation of archaeological and historic sites: no person shall excavate, disturb or remove any historic or prehistoric cultural artifacts, nor any bones, shells, or geological specimens on land owned or managed by the city, except as part of an authorized and designated study for scientific, documentation or research purposes, and only with written permission from the city manager or their designee. Scientific evaluation excavation of any designated or non-designated archaeological site may not be conducted without a state permit.
- (5) Trees, shrubbery and lawns are property assets of the park. No unauthorized person shall cut, carve or injure the bark, break off limbs or branches of trees or mutilate trees in any way or pick the flowers, fruits, seeds or nuts of any tree or plant. No person shall dig in or otherwise disturb the grass areas or in any other way injure or impair the natural beauty of usefulness of any area. No person shall pile debris or material of any kind on or about any tree or plant or attach any item that could result in damage to any tree or plant, whether temporary or permanent in character or use.
- (6) No person shall tie any animals to any tree or plant.
- (7) No person shall stand or sit on any structure not intended for such use in any park.
- (8) No person shall use tacks, nails, staples or other items that penetrate wood on shelters, signs, trees, etc.
- (9) No person shall use water from park water fountains, hose bibs and sinks in restrooms for the purpose of bathing. Bathing is allowed only in shower facilities within recreation centers and city pools, or outdoor showers at public beaches as set aside for such purposes, strictly for use by recreation center and pool participants, or beachgoers. Soap, shampoo, or other cleansers may be used at indoor shower facilities only. In no event shall soap, shampoo, or other cleansers be used at outdoor showers, which are for rinsing only.
- (10) No person shall tie or attach any item to a tree, plant, ground, or any other object for any purpose unless authorized by a special event permit.

Section 3: Section 22.33 is amended as follows:

Sec. 22.33. Bathing and swimming areas and the Courtney Campbell Recreation Area.

- (1) No person, regardless of age, sex or manner of dress shall swim, wade or bathe in waters or waterways in any park other than at such places set aside for such activities.
- (2) No person shall carry, transport, or cause to be transported any glassware, bottles or any other potentially dangerous or sharp objects onto any portion of the Courtney Campbell Recreation Area or onto any public beach, or into any bathing, wading, or swimming pool areas of a public beach, a park, or the Courtney Campbell Recreation Area.
- (3) No person shall frequent any park waters or public bathing beach for the purpose of swimming or bathing except between such hours of the day as shall be designated or posted by the department for such purposes for each individual area.
- (4) Persons using public beaches or the Courtney Campbell Recreation Area shall obey all rules posted by the city manager or his designee and other rules affecting beach use and water safety which are implemented as the situation dictates.
- (5) Illegal drugs and all alcoholic beverages are prohibited on any public beach or on any portion of the Courtney Campbell Recreation Area.
- (6) Surfboards, sailboats, motorboats, personal watercraft, or singular hard-surfaced objects are not permitted to be beached on any public beach or to be operated in any area described in section 33.114 (~~Exhibit "A", attached hereto and incorporated herein~~) unless authorized.
 - (A) Authorized area for skim boards and surf boards on Clearwater Public Beach are: Eastern boundary coordinates: 27 degrees, 59 minutes, 06 seconds north latitude, 82 degrees, 49 minutes 44 seconds west longitude at the shoreline to approximately 153 yards north at 27 degrees, 59 minutes, 11 seconds north latitude, 82 degrees, 49 minutes, 44 seconds west. The western boundary coordinates are: 27 degrees, 59 minutes, 11 seconds north to 82 degrees, 49 minutes, 50 seconds west and 27 degrees, 59 minutes, 06 seconds north and 82 degrees, 49 minutes, 50 seconds west longitude. This is an approximate 153 yard by 330 yard area extending from the mean high water line of Clearwater Public Beach westward into the Gulf of Mexico 330 yards, not to exceed the above coordinates.
- (7) Open fires, grills, or other cooking or heating devices are not permitted on any public beach or the Courtney Campbell Recreation Area.

- (8) Public beaches and the Courtney Campbell Recreation Area, as well as the swimming areas associated therewith, may be closed to the public when, in the opinion of the city manager or his designee, use of such areas is considered dangerous due to weather, surf or other conditions.
- (9) Persons using public bathing beaches or other parks must be appropriately dressed for each activity. It shall be unlawful for any person to appear nude in public as defined in section 21.13 of this Code, as may be amended from time to time.
- (10) No person shall enter upon any erosion control structure, including breakwater, jetties, or groin except as authorized.
- (11) No unauthorized person shall enter or occupy or use in any manner any lifeguard stand or station, or other lifesaving equipment at any time.
- (12) No persons or pets shall wash or be washed, with soap or other cleaners, in any swimming area or any other public waters, including but not limited to beaches, storm water, lakes or streams.
- (13) Vessel trailers shall not be permitted in the parking areas designated for the Courtney Campbell Recreation Area or Sand Key Bayside Park. Vessels cannot be launched from the Courtney Campbell Recreation Area or Sand Key Bayside Park, unless issued a permit by the city.

Section 4: Section 22.35 is amended as follows:

Sec. 22.35. Fishing.

- (1) Fishing will be in accordance with the State Fish and Wildlife Conservation Commission and the State Department of Environmental Protection rules and regulations.
- (2) Commercial fishing or the buying or selling of fish caught in any park waters is strictly forbidden.
- (3) The use of trotlines for fishing in park waters is forbidden and the use of cast nets for fishing in fresh water in parks is forbidden.
- (4) Fishing is permitted in all parks except those designated with signage not allowing fishing.
- (5) Unwanted fish and fishing bait must be properly disposed of in trash receptacles and not left on piers, beach shoreline, catwalks or roads.

- (6) No person shall at any time fish from public beaches in any designated swim area, ~~where bathing and swimming are permitted nor within any restricted area associated therewith within the area described in section 33.114.~~

Section 5: Section 22.36 is amended as follows:

Sec. 22.36. Picnic areas.

- (1) No person shall build, light or cause to be lighted any fire except in an approved grill, stove, fireplace or other suitable container provided by the city for such purposes in a park, ~~except that grills and similar out-of-doors cooking devices shall be permitted on the Courtney Campbell Recreation Area.~~ No person who has a fire shall leave the area without extinguishing the fire.
- ~~(2) No person shall use a grill or other device in such a manner as to burn, char, mar or blemish any bench, table, or other object located in a park or on the Courtney Campbell Recreation Area.~~
- ~~(2)~~ (3) Department personnel will regulate activities in picnic areas when necessary to prevent congestion and to secure the maximum use for the comfort and convenience of all. If the facilities are crowded, persons holding picnics in any picnic area, building or structure shall not use the same to the exclusion of others for an unreasonable time. Where the picnic facilities are fully occupied, use of any picnic site more than three hours shall be unreasonable. Use of the individual tables and benches follows generally the rule of first come, first served.

Section 6: Section 22.37 is amended as follows:

Sec. 22.37. Use of restrooms and other park structures.

- ~~(1) No person over the age of six shall occupy or enter any restroom, dressing room, pavilion or other park structure thereof which is reserved or designated by the department for the exclusive use of the opposite sex.~~
- ~~(2) No person other than a person using a restroom or dressing room shall stand or remain in and around such restroom or dressing room.~~

Section 7: Section 22.38 is amended as follows:

Sec. 22.38. Camping.

- (1) No person shall set up tents, shacks or any other temporary shelters, or any special vehicle to be used ~~or that could be used~~ for such purpose, such as a house trailer,

camp trailer, camp wagon or the like on any public beach, Courtney Campbell Recreation Area, or park property for the purpose of camping, except within such areas as may have been provided for such use as authorized by a special event permit.

- (2) All persons using the approved and properly designed camping areas shall abide by such regulations as are drawn up by the department for the proper use thereof.

Section 8: Section 22.39 is amended as follows:

Sec. 22.39. Hunting and weapons.

- (1) No unauthorized person shall openly carry, use or possess a weapon from which a projectile is propelled by the action of compressed air, the expansion of gas or a spring, or other mechanical means, bows and arrows, gel guns, slingshots, boomerangs, or any other form of weapon potentially dangerous to wildlife or human safety on any public beach or park area except at and in accordance with the rules and regulations as a participant in a program sponsored by the department or as authorized by federal or state law.
- (2) No unauthorized person shall hunt, trap, or pursue wildlife by any means or method whatsoever on any public beach or park area.
- (3) This section is not intended to regulate the carrying, use, or possession of firearms, which are regulated by F.S. Ch. 790.

Section 9: Section 22.40 is amended as follows:

Sec. 22.40. Domestic animals.

- (1) Dogs and other pets shall be excluded from any place where food and drinks are consumed indoors or where posted.
- (2) Dogs shall at all times be restrained and on adequate leashes when the dog is on the sandy beach or in the swimming areas abutting the sandy beach located from the boundary of Somerset Street to the northern most boundary of Clearwater Beach or on the Courtney Campbell Recreation Area.
- (3) Other than as specifically provided for below, in those park areas where dogs and other pets are allowed, the dogs shall at all times be restrained and on adequate leashes, and all other pets shall be under constant physical control of a person.
- (4) At Crest Lake and Enterprise Dog Parks only, there are areas designated for dogs off leash. Dogs in these designated areas must be accompanied by their owner or

owner's authorized handler, be under vocal control and not cause a public nuisance, safety hazard, ~~or~~ harass wildlife or aggressive to others.

- (5) All pets shall be excluded from all public beaches, public pools, public splash pads and swimming areas abutting public beaches and parks.
- (6) In the case of dog and other pet defecation on park property, the Courtney Campbell Recreation Area, or the sandy beach located from the boundary of Somerset Street to the northern most boundary of Clearwater Beach, the owner or person in charge or in control of the dog or other pet shall remove all feces deposited by such animal and dispose of same in a sanitary manner.
- (7) Notwithstanding restrictions described in this section, animals engaged in training to provide assistance to an individual with a disability, or animals individually trained to provide assistance to an individual with a disability shall be permitted in all public areas and public facilities. The accommodation of service animals as provided for herein shall at all times be in accordance with the Americans with Disabilities Act of 1990 (ADA), 42 USCA § 12101 et. seq., and Florida Statute 413.083, (2012), formerly 413.08 (2011).

Section 10: Section 22.41 is amended as follows:

Sec. 22.41. Horseback riding.

No person shall engage in horseback riding in any park, ~~or~~ recreation area, public bathing beach, or Courtney Campbell Recreation Area, other than those where provision for such is made by clearly marked bridle paths, trails, rings, and other necessary features and then only upon thoroughly broken and properly restrained animals that are ridden with care, prevented from grazing and straying unattended, untethered to any rock, tree or shrub, and not ridden or led on any park land other than so designated.

Section 11: Section 22.45 is amended as follows:

Sec. 22.45. Motorcycles and mopeds.

No person shall ride, drive or propel any motorcycle, ~~scøoter~~, moped or similar vehicle on any but the regular vehicular roads.

Section 12: Section 22.47 is amended as follows:

Sec. 22.47. Aircraft.

- (1) No person operating, directing, or responsible for any airplane, helicopter, drone, glider, balloon, dirigible, parachute or other aerial apparatus shall take off from or land in or on any park land, water, or public beach area except when human life is endangered or written authorization is granted.
- (2) No person operating any aircraft shall engage in acrobatic flight over park property.
- (3) No person shall take off, land or otherwise operate any aircraft in or over any public beach or in any area described in section 33.114.

Section 13: Section 22.48 is amended as follows:

Sec. 22.48. Servicing, washing of vehicles or vessels.

No person shall change any parts, repair, wash, grease or perform other maintenance on a vehicle or vessel on any park property except in emergencies.

Section 14: Section 22.55 is amended as follows:

Sec. 22.55. Special events, ~~public assemblies~~.

- (1) Sports events, pageants, entertainments, and similar productions characterized as public spectator attractions are allowed on public beaches, on the Courtney Campbell Causeway Recreation Area, and in parks provided authorization is given in compliance with article III of this chapter.
- ~~(2) Public meetings, assemblies, gatherings, demonstrations, parades and other public expressions of views are allowed within park areas provided authorization is given in compliance with article III of this chapter.~~
- (2) ~~(3)~~ Any and all rental fees and insurance requirements if required for activities under this section must be met.
- (3) ~~(4)~~ No public address system or electrical amplification will be permitted on public beaches, on the Courtney Campbell Causeway Recreation Area, or in park areas in violation of section 3-1508 – Noise of the community development code, ~~except by special permit.~~

Section 15: Section 22.59 is amended as follows:

Sec. 22.59. Possession of alcoholic beverages.

No person shall sell, consume or possess ~~have in his possession~~ any alcoholic beverage as defined in section 6.21 of any form on any park property, except as permitted by an alcoholic beverage special event permit as provided for in this chapter. This prohibition shall not apply to the ~~Performing Arts Center and Theater, to the Harborview Center, to any portion within a public building when rented to private parties, or to Jack Russell Stadium, the Clearwater Country Club golf course, The Landings Golf Club, Bright House Networks Field, and to the fenced in area at the Clearwater Community Sailing Center,~~ when the sale or consumption of alcoholic beverages has been authorized by the terms of any lease or other agreement approved by the city. ~~City Council, or to events held pursuant to an alcoholic beverage special event permit issued under the provisions of sections 22.88 through 22.91.~~

Section 16: Section 22.89 is amended as follows:

**Sec. 22.89. Application for alcoholic ~~Alcoholic beverage special event permit~~ ;
~~city property or sponsorship.~~**

- (1) Sale or ~~and/or~~ consumption of alcoholic beverages at a special event located on property owned by the city ~~where the city is a sponsor or co-sponsor of the event,~~ or at a special event taking place at outdoor events on public right-of-way or ~~and~~ public park property in the downtown area of Clearwater, may be authorized by issuance of an alcoholic beverage special event permit. For purposes of this article, the downtown area of Clearwater is the area between Drew Street and Pierce Street North and South and between Myrtle Avenue and the waterfront.
- (2) A person seeking approval for such sale or ~~and/or~~ consumption activity shall file a separate application with the city manager, or designee, on forms provided by the city.
- (3) The application shall be filed not less than 30 ~~45~~ days prior to the proposed special event. In extenuating circumstances, the city manager may waive this 30-day rule.
- (4) The application for an alcoholic beverage special event permit shall include, in addition to ~~any information, which is required~~ the requirements under section 22.82, the following information:
 - (a) Diagram depicting areas within the event venue within which alcoholic beverage sales are to occur.
 - (b) Documentation of state alcoholic beverage licensing.

- (c) Diagram depicting areas within the event venue within which alcoholic beverage possession and consumption is to be permitted, ~~in accordance with section 22.90(5), if applicable.~~

Section 17: Section 22.90 is amended as follows:

Sec. 22.90. Conditions; alcoholic beverage special event permit.

Permits issued pursuant to section 22.59 for sale or and/or consumption of alcoholic beverages at a special event shall be subject to the following conditions in addition to those contained in section 22.83:

- ~~(1) No applicant shall be issued more than three permits per year pursuant to F.S. § 561.422, and an additional 15 temporary permits pursuant to Chapter 2012-244, Laws of Fla., and no permitted event may exceed three days in duration.~~
- ~~(2) Permits shall be issued only to nonprofit organizations.~~
- (1) (3) The applicant must provide, in addition to insurance required under section 22.82(3), 22.82(g), general liability and other insurance as required by the provisions of Florida Statutes for the sale and/or consumption of alcoholic beverages.
- ~~(4) Only beer, as defined in F.S. § 563.01, and wine, as defined in F.S. § 564.01, shall be served, except as provided for below.~~
- (2) (5) The sale or consumption and possession of alcoholic beverages as defined in section 6.21 may be permitted in accordance with an alcoholic beverage special event permit in areas specifically depicted within an event venue diagram as required by section 22.89(4). ~~(e). Under no circumstance shall such beverages be sold.~~
- (3) (6) The proposed sales or and/or consumption activity will not unreasonably interfere with or detract from the promotion of public health, welfare, safety and recreation.
- (4) (7) The proposed sales or and/or consumption activity will not entail extraordinary or burdensome expense or police operation by the city.
- (5) (8) The use of alcoholic beverages is not expected to result in violence, crime or disorderly conduct.
- (6) (9) The person responsible for conducting the event on behalf of the applicant meets state minimum age licensing requirements and has not been convicted of a felony or crime involving moral turpitude.

(7) ~~(10)~~ The applicant application has obtained all necessary federal, state and local licenses and permits, including but not limited to those required by chapter 561, F.S., to engage in the proposed sales of alcoholic beverages. ~~and/or consumption activity.~~

(8) ~~(11)~~ Hours of operation for the sales and/or consumption activity shall comply with the provisions of section 6.29~~(1)~~.

(9) ~~(12)~~ Alcoholic beverages shall be served in containers meeting industry standards for such events, and must be approved for each event by the special events committee. Alcoholic beverage containers shall be so designed and constructed that law enforcement officers may ascertain their contents upon visual inspection, and shall not include sport drink bottles, ceramic or glass mugs, closed containers, glass bottles, or similar containers. The applicant shall provide for proper disposal of litter resulting from the activity. Other containers, such as metal cans may be disallowed for safety reasons by order of the chief of police.

(10) ~~(13)~~ The applicant shall comply with all ordinances associated with permitting of events upon public property.

(11) ~~(14)~~ The sale and consumption of alcoholic beverages shall be confined to designated and secured areas within the event venue or shall be confined within a secured perimeter for the entire event.

~~(15) All seated (including lawn or grass seating) events shall have a non-alcoholic section where sales or consumption is not permitted.~~

(12) ~~(16)~~ The applicant shall pay all additional costs of police and other city services attributable to the sale or consumption of alcoholic beverages during the activity.

Coding: Words in strikeout type are deletions from existing text.
Words in underline type are additions.

Section 18: Should any of the clauses, sentences, paragraphs, sections, or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

Section 19: This Ordinance shall become effective immediately upon adoption by City Council.

PASSED ON FIRST READING

June 8, 2023

PASSED ON SECOND AND FINAL READING AND ADOPTED

June 15, 2023

DocuSigned by:
Brian Aungst
4C93DC9B040D427

Brian J. Aungst Sr.
Mayor

Approved as to form:

DocuSigned by:
Owen Kohler
5255A257BE0F413...

Owen Kohler
Lead Assistant City Attorney

Attest:

DocuSigned by:
Rosemarie Call
620DD5FEDFFE4CF...

Rosemarie Call
City Clerk

