

ORDINANCE NO. 8214-10

AN ORDINANCE OF THE CITY OF CLEARWATER, FLORIDA, RELATING TO PARKS; AMENDING CHAPTER 22, PARKS, BEACHES, RECREATION; SECTION 22.24, AUTHORITY TO REGULATE BEACHES, PARK PROPERTY, AND THE COURTNEY CAMPBELL RECREATION AREA TO INCLUDE REFERENCE TO APPENDIX A, SCHEDULE OF FEES, RATES AND CHARGES; CORRECTING MINOR SCRIVENER'S ERROR IN CHAPTER 22 SUBSECTION NUMBERING; AMENDING APPENDIX A TO DEFINE PERMANENT RESIDENCE FOR PURPOSES OF THE APPLICATION OF FEES; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Code of Ordinances currently empowers the city manager to regulate the time, place and manner in which City park property is to be used and enjoyed by the public, including the setting of fees, rates and charges; and

WHEREAS, in accordance with such authority, said fees, rates and charges are provided for in Appendix A of the Code of Ordinances and are hereby cross-referenced, where applicable, in Chapter 22; and

WHEREAS, Appendix A establishes the class of city residents, including one occupying a "permanent residence" for purposes of applying resident and non-resident fees; and

WHEREAS, the definition of "permanent residence" is hereby clarified for such purposes; now therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLEARWATER, FLORIDA;

Section 1. That Chapter 22 of the Code of Ordinances, City of Clearwater, Florida, is hereby amended to read as follows:

Chapter 22

Parks, Beaches, Recreation*

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Article II. Use Regulations*

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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:

TABLE INSET:

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	CEDAR GROVES
6	CHARLES PARK
7	CHARTER OAKS
8	LAKE CHAUTAUQUA PARK
9	CHAUTAUQUA PARK NORTH (Enterprise Rd.)
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	DREW PLAZA
19	GARDEN AVENUE PARK
20	GLEN OAKS PARK
21	GLENWOOD PARK
22	HARDING PLAZA
23	HIBISCUS LAKE
24	HILLCREST PARK
25	LAKE HOBART SOUTH
26	LAKE LUCILLE
27	MANDALAY PARK
28	NO. GREENWOOD REC/AQUATIC COMPLEX PLAYGROUND
29	NORTHEAST COACHMAN PARK
30	NORTHWOOD PARK
31	OVERBROOK PARK
32	SALLS LAKE 1 & 2
33	SOULE ROAD PARK
34	SPRING LAKE PARK
35	STATE STREET PARK
36	STATION SQUARE PARK
37	SUNSET POINT ROAD PLAYFIELD
38	TERRACE LAKE
39	TOWN PLACE PARK
2. CLOSED FROM 9:00 PM UNTIL 6:00 AM:	
40	COACHMAN PARK
41	COURTNEY CAMPBELL RECREATION AREA
42	COUNTRYSIDE LIBRARY PLAYGROUND
43	MAGNOLIA STREET DOCK
44	MEMORIAL PARKS 1 & 2
45	MORNINGSIDE RECREATION COMPLEX

46	NO. GREENWOOD REC. & AQUATIC COMPLEX
47	PROSPECT LAKE PARK
48	ROSS NORTON COMPLEX & ED WRIGHT PARK
49	TURNER STREET DOCK
50	WOOD VALLEY RECREATION CENTER
3. CLOSED FROM 10:00 PM UNTIL 6:00 AM:	
51	BAYFRONT TENNIS COMPLEX
52	BELMONT PARK
53	CLW. BEACH FAMILY AQUATIC & REC. CMPLX.
54	COACHMAN RIDGE PARK
55	COUNTRYSIDE COMMUNITY PARK
56	DEL ORO PARK (Trail: Sunrise to Sunset)
57	FRANK TACK PARK
58	MARYMONT PARK
59	MONTCLAIR PARK
60	PLAZA PARK
61	SID LICKTON PARK & FRED COURNOYER CT.
62	SUNSET SAM PARK AT ISLAND ESTATES
63	U.S. 19 SOCCER PRACTICE FIELDS
64	VALENCIA PARK
4. CLOSED FROM 11:00 PM UNTIL 6:00 AM:	
65	CREST LAKE PARK
66	EDGEWATER DRIVE PARK
67	FOREST RUN PARK
68	JOE DIMAGGIO COMPLEX
69	LONG CENTER
70	McKAY PLAYFIELD
71	PIER 60 PARK
72	WOODGATE PARK
5. OPEN 24 HOURS PER DAY:	

73	CLEARWATER BEACH
74	MEMORIAL CAUSEWAY
75	SAND KEY BAYSIDE PARK
76	SEMINOLE DOCKS
6. OPEN FOR SCHEDULED PROGRAMMING 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	HENRY L. MCMULLEN TENNIS COMPLEX
83	LAWN BOWLS & SHUFFLEBOARD COMPLEX
84	MISSOURI AVE. (DOT)
85	MOCCASIN LAKE NATURE PARK
86	PHILLIP JONES PARK
CITY OWNED PROPERTIES- LEASED TO OTHERS (Hours of operation established by Lessee):	
87	BRIGHTHOUSE NETWORK FIELD
88	CHI-CHI RODRIGUEZ GOLF COURSE
89	CLEARWATER COUNTRY CLUB
90	CLEARWATER EXECUTIVE GOLF COURSE
91	HARBORVIEW CENTER
92	HOLT AVE. PROPERTY
93	JACK RUSSELL STADIUM
94	KINGS HIGHWAY RECREATION CENTER
95	MARTIN LUTHER KING RECREATION CENTER
96	PERFORMING ART CENTER & THEATER (PACT)
97	SAILING CENTER

(43) Each city park shall have at least one prominently posted sign that states the hours of operation for that park.

(24) 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.

(35) 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.

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Section 2. Appendix A of the Code of Ordinances, City of Clearwater, Florida, is hereby amended to read as follows:

Appendix A

Schedule of Fees, Rates and Charges*

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XI. Parks, Beaches, Recreation:

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(2) The criteria which establish the class of city residents for the purpose of the fees above are:

- (a) Permanent residence within the incorporated boundaries of the city; For purposes of this Section, Permanent Residence shall mean a place where a person has his or her true, fixed, and permanent home and principal establishment which, whenever absent, he or she has the intention of returning. Residence shall mean such permitted uses of the use category "Residential" in the Clearwater Community Development Code, as may be amended from time to time.
- (b) Ownership of real property within the incorporated boundaries of the city, as evidenced by the official tax rolls maintained by the county;
- (c) Tourists and guests temporarily residing at properties three months or less, within the incorporated boundaries of the city as evidenced by a motel key or another resident member;
- (d) Persons who are employees of the city, and their family which is hereby defined as: "Husband and wife or legal guardian and their children who live in the same household, who are 18 years of age or under, or less than 23 years of age and a full time college student";
- (e) Persons who are retirees of the City of Clearwater;
- (f) Active Military personnel and their family as defined in (d);

(g) Full Time employees or clients of the Upper Pinellas Association for Retarded Citizens (UPARC), for use of the Long Center facility and programs only;

(h) Corporate memberships (for businesses within the incorporated boundaries of the City) where the first ten memberships of the corporation are paid as applicable non-resident fees; the eleventh membership and over are considered resident memberships with applicable resident fees being applied.

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Section 3. This ordinance shall take effect immediately upon adoption.

PASSED ON FIRST READING

PASSED ON SECOND AND FINAL
READING AND ADOPTED

Frank V. Hibbard
Mayor

Approved as to form:

Attest:

Laura Lipowski Mahony
Assistant City Attorney

Rosemarie Call
City Clerk