

ORDINANCE NO.: 1801-23

AN ORDINANCE OF THE CITY OF ALTAMONTE SPRINGS FLORIDA, AMENDING THE ALTAMONTE SPRINGS CODE OF ORDINANCES, BY REPEALING CHAPTER 7, "BEACHES AND PARKS," IN ITS ENTIRETY AND ENACTING NEW CHAPTER 7, "PARKS," SETTING FORTH REGULATIONS GOVERNING CITY PARKS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION INTO THE ALTAMONTE SPRINGS CODE OF ORDINANCES; PROVIDING FOR CORRECTION OF SCRIVENERS ERRORS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Altamonte Springs, Florida finds that it is desirable to repeal the existing Chapter 7, "Beaches and Parks," of the Altamonte Springs Code of Ordinances, and adopt new Chapter 7, "Parks," to enact new rules and regulations that are applicable and enforceable in the various City parks; and

WHEREAS, the City Commission of the City of Altamonte Springs, Florida finds that setting forth certain regulations and standards relating to conduct within the City Parks is advisable; and

WHEREAS, the City Commission of the City of Altamonte Springs, Florida finds that setting forth certain regulations and standards relating to park operations, hours, amenities, and activities is advisable; and

WHEREAS, the City Commission of the City of Altamonte Springs, Florida finds that setting forth certain regulations and standards regarding events held at City parks is prudent to ensure consistent application, and understanding, of the regulations and standards; and

WHEREAS, the City Commission of the City of Altamonte Springs, Florida finds that this ordinance sets forth regulations regarding parks within the City which promote the health, safety, and welfare of those utilizing the parks within the City; and

WHEREAS, the City Commission of the City of Altamonte Springs, Florida finds that this ordinance sets forth regulations regarding parks within the City which will protect, preserve, and promote the natural resources and habitats of the parks; and

WHEREAS, the City Commission of the City of Altamonte Springs, Florida finds that this ordinance is in the public interest.

NOW, THEREFORE, BE IT ORDAINED by the City Commission of the City of Altamonte Springs, Florida, as follows:

SECTION ONE: Chapter 7, "Beaches and Parks," of the *Altamonte Springs Code of Ordinances*, is hereby repealed in its entirety.

SECTION TWO: New Chapter 7, "Parks," of the *Altamonte Springs Code of Ordinances*, is hereby enacted to read as follows:

7-1. – Definitions.

City park. Land that is owned by the City of Altamonte Springs and designated as a "city park" by resolution, zoning, comprehensive plan, or any land that has been dedicated and accepted by the City Commission for use as a passive or active recreation area. Included in this definition are all natural resources, water bodies, wildlife, facilities, improvements, and materials in, on, or under the lands so designated. The definition of "city park" shall extend to adjacent City owned right-of-way when such areas are determined by the City Manager, or designee, as utilized for a park purpose.

Service animal. As utilized in this chapter, the term service animal is defined as stated in Florida Statute 413.08 (D).

7-2. – Hours.

City parks shall be open for public use as determined by the City Manager, or designee, as authorized in section 7-60. Operating hours of all City parks shall be posted on the City website and at each park.

7-3. - Compliance with Florida Statutes, City Ordinances, County Ordinances and Emergency Orders.

In addition to the rules set forth in this chapter, City park patrons, when utilizing City parks, shall comply with Florida Statutes, City Ordinances, County Ordinances, and Emergency Orders issued by the City, County, State or Federal Government.

7-4. - Open fires, grills or other cooking devices in parks.

Open fires, grills, or other cooking devices in City parks are prohibited unless conducted in City approved locations or on City grills.

7-5. - Pets in parks.

- (a) It shall be unlawful to bring domestic animals such as dogs, cats or other pets upon the parks owned by the City. Service animals, as defined in 7-1, shall be allowed upon the parks owned by the City.
- (b) The prohibition set forth in subsection (a), above, does not apply within City-designated "pet-walk path" areas, as follows:

 - (i) Cranes Roost Park Pet-Walk Path Area. A map of the Cranes Roost Park pet-walk path is shown in Figure 7.5, below.
 - (ii) The responsible person in charge of a domestic animal utilizing a City-designated pet-walk path shall ensure:

 - a. Said domestic animal is kept on a leash no longer than eight (8) feet at all times.
 - b. All animal excrement must be properly cleaned up and properly disposed of by the person in charge of the animal.
 - c. No domestic animal shall be tethered to any object at any time.
 - d. In Cranes Roost Park no domestic animal shall be permitted within the confines of the park plaza.
 - e. Any dog that is dangerous, as defined in Florida Statute 767.11 or demonstrates aggressive behavior to other animal or humans, is prohibited within a City-designated pet walk path area.
 - (iii) This section notwithstanding, no dogs or other animals shall be permitted within the Cranes Roost pet-walk path area during events at Cranes Roost Park when fireworks are utilized or when the Director of Leisure Services determines that due to the conditions associated with the event that pets are not appropriate for the event. Service animals shall be permitted within all areas of Cranes Roost park during any events.

Figure 7-5



Cranes Roost Park Pet Walk Path



7-6. - Trash and garbage.

No person shall dispose of any paper, bottles, waste, garbage, cigarette butts, debris or other litter of any kind on any City park except in proper waste receptacles. Where receptacles are not provided, all such rubbish or waste must be carried away from the City park and properly disposed of by the person responsible for its presence.

7-7. – Use of property and equipment.

It shall be unlawful for any person to use or occupy buildings, tables, chairs, or other property situated in or on the public parks owned by the City, other than for the purposes for which the property was constructed, placed, and intended to be used in the parks. No person shall attach hammocks, exercise equipment, signs or other items to railings, buildings, light poles, trees, shrubs or other similar property within City parks. During City-approved events within City parks, bleachers and railings may be used for City-approved displays of sponsorships and team support.

7-8. - Debris in toilets.

It shall be unlawful for any person to throw, place or deposit paper, cigarettes, cigars, trash, sanitary products or other substances of such nature in the toilets, urinals or portalets at City parks.

7-9. - Bathing or Swimming.

No person shall swim, wade or bathe in waters in any City park unless signage at a park indicates swimming, wading, or bathing is permitted.

7-10. - Feeding Wildlife.

No person shall feed any wildlife, including, but not limited to, turtles, fish, ducks, birds, bears, and squirrels.

7-11. – Fishing.

No person shall fish in any waters in any City park, except in locations specifically designated by City signage for such activities.

7-12. - Alcoholic Beverages.

No person shall possess or consume alcoholic beverages in a City park other than at events approved by the City for alcoholic beverage consumption or when provided by City approved vendors or as authorized under the specific terms of a City rental agreement. The terms by which alcohol is served or possessed in a City park shall be specified by the City and abided by all patrons to City parks.

7-13. - Boating or Other Watercraft.

No person shall bring, launch or operate any boat, motorized watercraft, surfboard, sailboat or other similar watercraft in any City park other than at such locations designated by City signage for such activities.

7-14. - Shelters/Tents and Overnight Camping.

Overnight camping at City parks is prohibited, unless prior written authorization for same is granted by the Director of Leisure Services, or designee, for a specified event. 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 purposes as a shelter, such as a house trailer, camp trailer, camp wagon or the like on any City park property for overnight camping.

7-15. - Parking.

- (a) No person shall park a vehicle on City park property after the park is closed, unless authorized in writing by the Director of Leisure Services, or designee.
- (b) No person shall park in an unapproved location on City park property unless authorized in writing by the Director of Leisure Services, or designee.

7-16. - Biking, Skateboarding, Skating, Rollerblading, Similar Devices or Personal Transporters.

No person shall bike, skateboard, skate, rollerblade, use a personal transporter, use a scooter or micro mobility device or use other similar devices in any City park other than at such locations designated by City signage for such activities. Where such activities are permitted within a City park, the bike, skateboard, rollerblades, skates, scooter, etc., shall be walked in or carried in to the City park and only utilized in the areas of the City park designated for such use. This Section does not apply to accessibility devices (i.e. wheelchairs, motorized wheelchairs and

scooters) in use by persons with a disability as defined under the Americans with Disabilities Act or to children under 5 on a bike with training wheels or on a tricycle, and when accompanied by an adult.

7-17. - Merchandising, Vending or Peddling.

To protect the public, no person, other than those acting by and under the authority of the Director of Leisure Services, or designee, shall expose or offer for sale, rent or trade any article, service, merchandise, or food or drink of any kind, within the limits of any City park or adjacent right-of-way. City parks are not public venues for commercial activities, unless authorized pursuant to Section 7-80.

7-18. - Advertising Prohibition.

- (a) No person, other than those acting by and under the written authority of the Director of Leisure Services, or designee, through an event or sponsorship agreement, shall use City park property for the purpose of engaging in commercial speech or commercial activity to announce, display, advertise, call attention to any tangible or intangible stock object, merchandise, item for sale or rent, or solicit for any trade, occupation, business or profession.
- (b) No signs, slogans, sound amplification devices or advertising displays of any nature shall be used for such commercial speech or commercial activity purposes without the written permission of the Director of Leisure Services, or designee, through an event or sponsorship agreement.
- (c) No person shall place or station on park property any vehicle displaying any such advertising, or use for purposes enumerated in this section without the written permission of the Director of Leisure Services, or designee, through an event or sponsorship agreement.

7-19. - Coolers, Backpacks and Other Similar Containers at Designated Events.

The City is authorized to prohibit coolers, backpacks, and other similar containers at designated events within a City park.

7-20. - Security Precautions.

The City may authorize security precautions for entry into designated events within a City park. The precautions can include, but not be limited to, inspection/screening of personal items and

the use of metal detection devices by private security firms. At each inspection/screening location, readily visible signage shall be posted informing park patrons that entry into the park is subject to inspection/screening and that any prohibited items should be secured in their vehicles. The Director of Leisure Services, or designee, is authorized to prohibit entry by any prospective patron to any event when a patron does not comply with the implemented security precautions.

7-21. - Fireworks and Sparklers.

No person shall possess, ignite, or use fireworks or sparklers, as defined by Florida Statute 791.01, on City park property.

7-22. - Sleeping or Laying Horizontally.

No person shall sleep or lie horizontally on a bench, table, sidewalk or within bushes, shrubs or other foliage within a City park.

7-23. - Use of Public Restrooms.

No person shall use public restrooms to bathe, shave, shampoo, shower or wash clothes unless said restroom contains designated showering facilities.

7-24. - Occupancy After Park Operating Hours.

No unauthorized person shall enter or remain within any City park during hours when a park is closed to public use.

7-25. - Restricted Access.

No unauthorized person shall enter areas within any City park that have been designated as off limits. No person shall enter designated areas within any City park that have been rented without the permission of the renter.

7-26. - Bottles and Glass Containers.

No unauthorized person shall bring or possess glass bottles or other glass containers in a City park.

7-27. - Disturbance of Peace.

Pursuant to Florida Statute 877.03, no person shall commit such acts as are of a nature to corrupt the public morals, or outrage the sense of public decency, or affect the peace and quiet of persons who may witness them, or engage in brawling or fighting, or engage in such conduct as to constitute a breach of the peace or disorder conduct. Accordingly, it shall be unlawful for any person within a City park to disturb or breach the peace of others by violent, tumultuous, offensive, or obstreperous conduct, or by loud noises, profane, vulgar, obscene, or offensive language or conduct.

7-28. - Potentially Hazardous Activities.

No person shall engage in a rough or potentially hazardous activity which creates a safety concern as determined by City Staff in any City park except in areas specifically set aside for that purpose and/or with approval of the Leisure Services Director, or designee.

7-29. - Soliciting Contributions.

No person shall solicit contributions for any commercial purpose, whether public or private, in any City park without the written permission of the Director of Leisure Services, or designee.

7-30. – For-Profit Activities in City Parks.

Individuals or corporations, conducting activities for-profit that wish to utilize City parks, such as for picnics, parties, performances, training activities or organized sports activities, shall not utilize City park facilities for such purposes without obtaining written approval from the Director of Leisure Services, or designee, paying any associated fees and satisfying conditions as determined by the Leisure Services Department.

7-31 to 7-49. - Reserved.

7-50. – Authority to Enforce Provisions of this Chapter.

In addition to those City employees that have been designated by the Director of Leisure Services, Law Enforcement Officers and Code Enforcement Officers of the City of Altamonte Springs are authorized to enforce the provisions of this chapter.

7-51 to 7-59. – Reserved.

7-60. – Authority of the City Manager.

As provided for in the Altamonte Springs Charter, Sections 5.01, 5.04, and 5.05, the City Manager, or designee, is authorized to:

- a. Delegate authority to other City staff for enforcement of the provisions of this chapter; and
- b. Consistent with areas designated by the Recreation and Open Space Element of the City's Comprehensive Plan, as amended from time to time, and the definition of City park set forth herein, determine which City properties are considered a park and which areas are authorized for public access; and
- c. Execute or designate other City staff to execute rental and sponsorship contracts for the rental, sponsorship, and/or use of City parks which contain, but are not limited to, indemnification requirements, insurance requirements, rental use conditions, sponsorship conditions, establish deposits, establish sponsorship rates, and establish fees to recover City costs; and
- d. Establish operating hours of City parks; and
- e. Designate free speech zones; and
- f. Close or restrict public access to a park or portions of a park for City or rental events; and
- g. Close or alter the hours of operation for City parks and facilities if, in the City Manager's discretion, said closure or alteration is in the best interest of public health, safety and welfare; and
- h. Require Special Event Permits for events in City parks that do not comply with the exception of City Code of Ordinances, Section 22-3 (b) (2); and
- i. Require Sound Amplification Permits for activities not sponsored or authorized by the City pursuant to the requirements set forth in Section 12-10, of this Code; and
- j. Set forth policies, rules, and procedures, in addition to those established in this chapter, regulating the use, occupancy, management, control, operation, care and maintenance of parks; and
- k. Issue warnings, civil citations and eject individuals that violate the provisions of this chapter from City parks; and
- l. Enact permit provisions and promulgate forms to enforce the provisions of this chapter; and
- m. Enforce rules established under the authority of this chapter.

7-61. to 7-69. – Reserved.

7-70. – Penalties.

Any person who shall violate any provision of this chapter shall be subject to the provisions of:

- a. The issuance of a citation in accordance with the provisions of Chapter 3 of the City Code of Ordinances; and
- b. Enforcement by other means including, but not limited to: a summons; a notice to appear in the county or circuit court; an arrest; an action before the code enforcement board; or a civil action for injunctive relief; and
- c. Enforcement in accordance with the general penalty as set forth in section 1-14 of the Code of Ordinances; and
- d. Nothing herein contained shall prevent the City from taking such lawful action, including but not limited to, resorting to equitable and injunctive action, as is necessary to prevent or remedy any violations of this section, and the City may specifically bring suit to restrain, enjoin or otherwise prevent any violation of this section in the Circuit Court of Seminole County, Florida. Persons charged with violating provisions of this chapter shall be responsible to the City for all costs incurred in enforcing this chapter including attorney's fees; and
- e. Trespass under Florida Statute Chapter 810.

7-71. to 7-79. – Reserved.

7-80. – Exemption.

Activities of the City of Altamonte Springs that are within the scope of its governmental authority, and activities specifically authorized via a permit or City approval, are exempt from this chapter.

SECTION THREE: Repeal of Conflicting Provisions. Any and all Ordinances or parts of Ordinances in conflict herewith be and the same are hereby repealed.

SECTION FOUR: Severability. If any section, phrase, sentence, portion or provision of this Ordinance or the application thereof to any person or circumstance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the other provisions or applications of the Ordinance which can be given effect without the

invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

SECTION FIVE: Codification in Code. It is the intent of the City Commission, and it is therefore ordained, that the provisions of this Ordinance shall become and be codified as a part of the City Code of Ordinances and that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions, and that the word "Ordinance" may be changed to "Section", "Article" or appropriate designation.

SECTION SIX: Scrivener's Error. The correction of typographical errors which do not affect the intent of the Ordinance may be authorized by the City Clerk or the Clerk's designee, without public hearing.

SECTION SEVEN: Effective Date. This Ordinance shall become effective upon its passage and adoption.

PASSED AND ADOPTED THIS 16th DAY OF MAY, 2023.



FIRST READING: 05/02/2023

ADVERTISED: 04/16/2023 & 04/23/2023

SECOND READING: 05/16/2023

A handwritten signature in blue ink that reads "Pat Bates".

PAT BATES, MAYOR

City of Altamonte Springs, Florida

ATTEST:

A handwritten signature in blue ink that reads "Angela M. Apperson".

ANGELA M. APPERSON, CITY CLERK

Approved as to form and legality
for use and reliance by the City
of Altamonte Springs, Florida

A handwritten signature in black ink that reads "James A. Fowler".

JAMES A. FOWLER, ESQ., CITY ATTORNEY