

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING SECTION 18-45 OF THE CODE OF ORDINANCES, TO ALLOW THE CITY MANAGER TO MAKE SPECIAL EXCEPTION FOR DOGS TO BE IN CENTRAL PARK AND OTHER PROHIBITED PARK AREAS FOR SPECIFIC EVENTS; PROVIDING FOR SEVERABILITY, CODIFICATION, CONFLICTS, AND AN EFFECTIVE DATE.

RECITALS AND LEGISLATIVE FINDINGS

WHEREAS, the City of Winter Park has determined based upon information presented by the public and staff that it is in the public interest to allow for the presence of dogs for certain limited times during special events in Central Park or other park areas where dogs are generally prohibited; and

WHEREAS, pursuant to the home rule authority of the City of Winter Park, the City Commission may ordain the circumstances, terms and conditions under which the public parks located of the City may be utilized, and may establish rules and regulations for the use of the City parks; and

WHEREAS, the City Commission finds a valid public purpose in granting to the City Manager the authority to grant special exceptions allowing dogs in areas of the parks that are otherwise prohibited, but only during specific times when special events are scheduled.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, AS FOLLOWS:

Section 1. Recitals. The foregoing recitals are hereby adopted and confirmed, and constitute the legislative findings of the City Commission of the City of Winter Park acting in its legislative capacity.

Section 2. Section 18-45 of the Code of Ordinances shall be amended by adding a new subsection “(d)” following language at the end of subsection (c), which new language is shown by underlining, as follows:

“Section 18-45.

(d) Notwithstanding any provision in the Code of Ordinances that generally prohibits dogs in certain parks or areas of parks, the City Manager shall have the authority to allow dogs in specified areas in Central Park, with respect to two (2) qualified dog events which

apply to the City Manager and are approved in accordance with the procedures hereinafter specified. Such written permission shall have the effect of temporarily waiving the application of the provisions in the Code that otherwise would prohibit the presence of dogs. In addition to a maximum of ~~the two (2) specified annual~~ events in Central Park, the City Manager shall have the authority to waive the prohibition against dogs with respect to athletic fields in City parks, but not including Central Park, where dogs would otherwise be prohibited, but these events will be limited to a maximum of five (5) events per year. This authority to waive the prohibition is subject to the following procedures, terms and conditions:

- (1) A person or group promoting a special event in a “dog prohibited” area of a City park, with respect to a maximum of two (2) events per year allowed in Central Park and a maximum of five (5) events that may take place in athletic fields other than in Central Park where dogs are prohibited, and who wishes to have dogs present, shall request in writing at least thirty (30) calendar days before the scheduled start of the event, a written waiver from the City Manager that would allow for dogs to be present during the event. Permission will be granted if all of the requirements set out in this section are met, as determined by the City Manager.
- (2) The applicant must demonstrate that the event requires as a key component of the event the presence of dogs for competition, training or display/performance purposes, and that the event will be in conformance with all requirements of the City Code and other applicable laws. It will not be sufficient that a group or promoter wishes to have dogs present merely for social gathering or dog play activities because the City maintains a dog park for those purposes.
- (3) The applicant must identify the date or dates of the special event and the times during which the event will be held. The application will also identify the need for allowing dogs to be present during the event and will identify the specific park area(s) in which the event will be held and for which the presence of dogs is requested.
- (4) The applicant will demonstrate that persons in possession of dogs and the volunteers and staff working for the person or group sponsoring the event will promptly pick up all animal waste using appropriate plastic bags for such

purpose, and will properly dispose of the bags containing the animal waste. The applicant must assure the City Manager that the premises will be kept and maintained clean and free of dog waste during the event, and the group will clean the park land following the conclusion of the event so that it is left in the condition in which it was received, free of dog waste.

(5) The applicant will satisfy the City Manager that dogs will be kept on-leash at all times while on the premises of any City park unless the applicant specifically requests off-leash dogs, in which case off-leash dogs may be allowed but only during such times when the dogs are engaging in competitions, training or performances which require the dogs to be off-leash. If an applicant requests off-leash time, then he, she or it will identify the periods of time during the special events or performances when dogs may be off-leash. Permission for off-leash, if granted, will be limited to those specific times and events.

(6) If these required conditions are found by the City Manager to be satisfied, he shall issue a written waiver specifying the specific areas, dates and times during which dogs may be permitted in areas of the parks, including Central Park, where dogs are otherwise prohibited. The permission to have dogs will be subject to these requirements being adhered to during the event, and the waiver may be revoked immediately upon a finding of a violation. If the applicant has requested, and the City Manager has agreed, to grant a waiver that dogs may be off-leash, then the written permission shall refer to the events and the approximate times when dogs may temporarily be off-leash.

The City Manager may add any other appropriate condition within his discretion that he determines will promote the public interest.

(7) Dogs will continue to be prohibited as provided in Chapter 18 of the Code of Ordinances except to the extent the City Manager has granted a limited waiver in accordance with the requirements of this section.”

(8) Under no circumstances will there be a waiver of fees for a dog event that is allowed pursuant to this section.

Section 3. Codification and Incorporation Into the Code. This Ordinance shall be incorporated into the Winter Park City Code, at subsection 18-45(d). Any section, paragraph number, letter and/or any heading may be changed or modified as necessary to effectuate the foregoing. Grammatical, typographical and similar or like errors may be corrected, and additions, alterations and omissions not affecting the construction or meaning of this Ordinance and the City Code may be freely made.

Section 4. Severability. If any section, subsection, sentence, clause, phrase, word or provision of this Ordinance is for any reason held invalid, unlawful or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, facial or other reasons, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

Section 5. Conflicts. All ordinances or parts of ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

Section 6. Effective Date Of Ordinance. This Ordinance shall become effective immediately upon adoption by the City Commission of the City of Winter Park, Florida.

Adopted by the City Commission of the City of Winter Park, Florida in a regular meeting assembled on the _____ day of _____, 2013.

Mayor Kenneth W. Bradley

ATTEST:

Cindy Bonham, City Clerk

First reading: _____

Second reading: _____