

CITY OF ORLANDO COUNCIL AGENDA ITEM

12-05

Items Types:

Hearings/Ordinances/2nd Read

District: ALL

Contract ID:

Exhibits: Yes

Grant Received by City?: No

For Meeting of:

October 7, 2024

From:

Document Number:

On File (City Clerk) : Yes

Draft Only: No

Subject:

Ordinance No. 2024-38 Amending Chapter 18A - Parks and Outdoor Public Assemblies (Families, Parks and Recreation)

Summary:

Ordinance No. 2024-38 updates Chapter 18A (Parks & Outdoor Public Assemblies) of the Orlando City Code in the following areas:

1. In Section 18A.09-1, Definitions, inaccurate references are corrected, and new definitions of Closing Hours and Parks Official are added. These changes are depicted in the attached Ordinance No. 2024-38, wherein deletions are stricken and additions are underlined.

Similarly, minor updates are made to Sections 18A.10 and 18A.11, with deletions stricken and additions underlined.

2. The below changes are made to Section 18A.02, which defines the closing hours of Parks and Facilities:

Airport Lakes Park. Current hours of operation are 6:00 a.m. to 11:00 p.m. daily. This amendment to City Code will reduce those hours to 6:00 a.m. until 9:00 p.m., unless otherwise approved or permitted by the City's Director of the Families, Parks and Recreation Department or Chief of Police. Exceptions will be made when entities, particularly sports leagues, have rented the lighted ballfields at the site; in those instances, they will be permitted to stay at the facility until 11:00 p.m.

Lake Lorna Doone. Current hours of operation are 6:00 a.m. to 11:00 p.m. daily. This amendment to City Code will reduce those hours to 7:00 a.m. until 9:00 p.m., unless otherwise approved or permitted by the City's Director of the Families, Parks and Recreation Department or Chief of Police.

The Ordinance adds the following parks and recreation facilities to City Code, that had inadvertently not been included before: Dover Estates Linear Park; Mayfair Green; Citrus Square Recreation Site; and Primrose Plaza.

The Ordinance removes Reeves Terrace Neighborhood Center from City Code, and moves the Orlando Skate Park from Section 18A.02(6) to Section 18A.02(4).

The Ordinance adds the following Joint Use Facilities to City Code: Lake Como School Playground and Ballfields; Lake Lawn Park; and Mercy Drive Playground (Children Safety Village).

3. Section 18A.08, Setting and Posting of Park and Recreation Facility Closing Hours, is amended to provide guidance regarding how park hours shall be determined, as well as specific guidelines governing the manner in which park hours are to be displayed on park signage.

4. A new Section, 18A.08-1, Being in a Park or Recreation Facility After Hours, is added to City Code, specifying that it is unlawful to willfully be in a park or recreation facility during hours at which they are closed

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to public use, unless otherwise approved, permitted, or posted by the Director of Families, Parks and Recreation, an Interlocal Agreement, or the Chief of Police.

Fiscal & Efficiency Data:

Business Impact Statement attached.

Recommended Action:

Adopting Ordinance No. 2024-38 and authorizing the Mayor and City Clerk to execute same, after final review and approval by the City Attorney's Office.

Agenda Item attachment(s) on file in the City Clerks Office.

Note: All agenda items must be in the City Clerk's office by Noon Friday, six(6) business days prior to the regular Monday City Council meeting.

Contact: Lisa Early, lisa.early@cityoforlando.net; (407) 246-4319.

Approved By:

Department

Budget Outside Routing Approval
City Clerk

Date and Time

9/25/2024 11:19 AM
9/26/2024 1:39 PM

ATTACHMENTS:

Name	Description	Type
 Ordinance 18A Amendment Final.pdf	Ordinance No. 2024-38	Backup Material
 Orlando Ord #2024-38 Hearing Oct 7 2024.pdf	Hearing Notice	Backup Material
 Ordinance No.2024-38 BIE.docx	BIE	Backup Material

"Enhance the quality of life in the City by delivering public services in a knowledgeable, responsive and financially responsible manner."

ORDINANCE NO. 2024-38

AN ORDINANCE OF THE CITY OF ORLANDO, FLORIDA, AMENDING CHAPTER 18A, CITY CODE, PARKS AND OUTDOOR PUBLIC ASSEMBLIES; BY AMENDING SECTION 18A.01, DEFINITIONS; BY AMENDING 18A.02, PARKS AND FACILITIES; CLOSING HOURS; PRESENCE AFTER CLOSING HOURS PROHIBITED; BY AMENDING SECTION 18A.08, POSTING OF PARK CLOSING HOURS; BY CREATING 18A.08-1, BEING IN A PARK OR RECREATION FACILITY AFTER HOURS; BY AMENDING 18A.09-1, "ALCOHOLIC BEVERAGES" DEFINED: RULES OF EVIDENCE IN PROSECUTIONS FOR VIOLATIONS OF SECTION 18A.09(N); BY AMENDING 18A.10, PERMITS AND AUTHORIZATIONS REQUIRED; BY AMENDING 18.11A, APPLICATION FOR OUTDOOR PUBLIC ASSEMBLY PERMIT; BY PROVIDING SEVERABILITY; CODIFICATION; CORRECTION OF SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

WHEREAS, Chapter 18A, Code of the City of Orlando, Florida (the "Orlando City Code"), relates to the utilization and enjoyment of City of Orlando parks and rules and regulations regarding public assemblies; and

WHEREAS, the Orlando City Council finds it reasonable and necessary to amend Chapter 18A as provided for herein; and

WHEREAS, the Orlando City Council finds and determines that this ordinance is in the best interest of the public health, safety, and welfare.

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

SECTION 1. CHAPTER 18.A AMENDED. Sec.18A.01, Code of the City of Orlando, Florida, is hereby amended as follows:

Sec. 18A.01. Definitions. The following terms, when used in this Chapter shall have the meanings respectively ascribed to them in this section:

(1) *Advertise* is the act of publicly announcing or calling public attention to a person, thing, place or event and shall include, but not be limited to, the distribution of handbills or mass mailings, the use of outdoor advertising and announcements by radio, television, or newspaper.

(2) *At-large* shall mean: a dog or exotic pet off the owner's premises and not under a competent person's control by means of a leash, cord or chain.

(3) *Bicycle Path* is defined as a public way intended primarily for bicyclists, at the side of a street or in or through a public park or other public property.

- 39 (4) *Chief of Police* is the Chief of Police of the City of Orlando, Florida, or his/her designee.
- 40 (5) *Closing hours* is the period during which a park or recreation facility is closed to public use.
- 41 (6) *Executive Director of Orlando Venues* is the Director of the Orlando Venues Department of
42 the City of Orlando, Florida, or his/her designee.
- 43 (7) *Director of Families, Parks and Recreation* is the Director of the Families, Parks and
44 Recreation Department of the City of Orlando, Florida, or his/her designee.
- 45 (8) *Director of Public Works* is the Director of Public Works of the City of Orlando, Florida, or
46 his/her designee.
- 47 (9) *Executive Director* is the Executive Director of the Community Redevelopment Agency of the
48 City of Orlando, Florida, and the Downtown Development Board of the City of Orlando or his/her
49 designee.
- 50 (10) *Hardscape* is defined as an improved sidewalk surface area, including, but not limited to,
51 concrete, brick, pavers, tile, or other masonry materials.
- 52 (11) *Hardscape Furnishings* is defined as rigid objects or fixtures located within a hardscape,
53 including, but not limited to, lamp posts, benches, trash receptacles, tree grates, tree guards, utility
54 boxes, traffic equipment cabinets, traffic signal poles, pay phones, phone booths, flower pots, planters,
55 mail boxes, newspaper dispensers, parking meters, hitching posts, bollards, and signs.
- 56 (12) *Landscape* is defined as an improved area of ground specifically intended to grow various plant
57 materials, which may consist of turf, lawn, grass, trees, tree wells, shrubs, hedges, flowers, flowering
58 plants (annuals and perennials), planter beds, planter pots, planter bowls, hanging baskets, and all plant
59 materials contained therein.
- 60 (13) *Outdoor Public Assembly* (also referred to herein as assembly) is any celebration, gathering,
61 ceremony, show, exhibition, concert, pageant, rally, demonstration, or assembly of any kind, which
62 is, (a) calculated to attract at any one time the physical attendance or attention of over one hundred
63 (100) persons, and (b) is held in or on any street, sidewalk, or right-of-way, or is held on other property
64 which impacts adjacent streets, sidewalks, or rights-of-way to the extent that closure is necessary in
65 order to assure the safety of vehicular and/or pedestrian movement in the area. In addition, any parade
66 as defined herein shall be considered an outdoor public assembly.
- 67 (14) *Outdoor Public Assembly Permit* (also referred to herein as permit) is a permit as required by
68 this Chapter.
- 69 (15) *Parade* is any procession, march or assembly wherein the participants travel by foot, vehicle
70 or otherwise in or upon any street, sidewalk, public right-of-way, bicycle path, public property, or
71 public parking facility within the City; provided, however, that "parade" shall not include a peaceful
72 procession or peaceful picketing that is conducted off the street or roadway in conformance with all

- 73 traffic laws, city ordinances and state statutes and not in a manner as to obstruct vehicular or pedestrian
74 traffic.
- 75 (16) *Parks and Recreational Facilities* are those areas listed in Sections 18A.02 and 18A.07 and
76 any other areas officially designated by City Council as a park and posted as such, including any
77 related park facilities, park grounds, and hardscape.
- 78 (17) *Park Facilities* are any improvements or structures, either natural or artificial, including but
79 not limited to the Lake Eola Park Amphitheater, and any other buildings, shelters, benches, tables,
80 playground equipment, bird feeders, walls, fences, fountains, walkways, toilet facilities, and signs
81 located in, upon or around a park.
- 82 (18) *Park Grounds* are the real property upon which parks are located and any and all trees,
83 shrubbery, flowers, leaves, grasses, plants, fruit, mushrooms, toadstools, dirt and rocks located above,
84 on or under said property.
- 85 (19) *Parks Official* is The Director of Families, Parks and Recreation or his/her designee.
- 86 (20) *Person* is any individual person, or any firm, partnership, association, corporation, company
87 or organization of any kind, or any combination of such persons.
- 88 (21) *Public Use* is any lawful utilization of park grounds and facilities which is not prohibited by
89 any applicable regulation, ordinance, or law and which does not in fact interfere with, or tend to
90 interfere with or obstruct the use of the park grounds or facilities by the general public or by any other
91 person or person previously authorized to utilize the same.
- 92 (22) *Sidewalk* is any area or way set aside or open to the general public for purposes of pedestrian
93 traffic, whether or not it is paved.
- 94 (23) *Street* is any place or way set aside or open to the general public for purposes of vehicular
95 traffic, including any berm or shoulder parkway, right-of-way, or median strip thereof.
- 96 (24) *Sunrise* is the time of day designated as sunrise by the Nautical Almanac Office, United States
97 Naval Observatory, Washington, D.C.
- 98 (25) *Sunset* is the time of day designated as sunset by the Nautical Almanac Office, United States
99 Naval Observatory, Washington, D.C.
- 100 (26) *Large Group Feeding* is defined as an event intended to attract, attracting, or likely to attract
101 twenty-five (25) or more people, including distributors and servers, in a park or park facility owned or
102 controlled by the City, including adjacent sidewalks and rights-of-way in the GDPD, for the delivery
103 or service of food. Excluded from this definition are activities of City licensed or contracted
104 concessionaires, lessees, or licensees.
- 105 (27) *Greater ~~Orlando~~ Downtown Park District (GDPD)* is defined as an area within the limits of
106 the City of Orlando, Florida, extending out a two (2) mile radius in all directions from City Hall and

107 including all of the parks and park facilities owned or controlled by the City touched by that radius, in
108 their entirety.

109

110 **SECTION 2. CHAPTER 18A.02 AMENDED.** Sec. 18A.02, Code of the City of Orlando,
111 Florida, is hereby amended as follows:

112 **Sec. 18A.02. Parks and Facilities; Closing Hours; Presence After Closing Hours Prohibited.**

113 (1) The following City of Orlando parks shall be open for public use between the hours of 6:00
114 a.m. until 11:00 p.m. of the same day and shall be closed to public use from 11:00 p.m. until
115 6:00 a.m. of the following day, unless otherwise approved or permitted and posted by the City
116 Council or by the City's Director of Families, Parks and Recreation or the Chief of Police:

117 The following are City of Orlando parks and facilities to which closing hours set forth in this
118 section apply:

119 ~~Airport Lakes Park;~~
120 Blue Jacket Park;
121 Carver Park;
122 Colonialtown Square;
123 Constitution Green;
124 Dr. I. Sylvester Hankins Park;
125 Don Dudley Park;
126 Eagle Nest Park;
127 Gaston Edwards Park;
128 Gilbert McQueen Park;
129 Harbor Park;
130 Heroes Community Park;
131 Kevin R. Tyjeski Park;
132 Lake Adair;
133 Lake Beauty;
134 Lake Como Park;
135 Lake Davis;
136 Lake Emerald;
137 Lake Estelle;
138 Lake Fairview Park;
139 Lake Formosa;

140 Lake Lancaster;
141 Lake Lawsona;
142 ~~Lake Lorna Doone;~~
143 Lake Underhill Park;
144 Lake Weldona;
145 Luminary Green;
146 McCoy Community Park;
147 Senator Beth Johnson Park;
148 Southern Gateway (Lake Lucerne);
149 Southport Community Park;
150 Stanley, Arnold and Margarita Albert Park;
151 The Grove;
152 Trotters Park;
153 (2) The following City of Orlando parks shall be open for public use between the hours of sunrise
154 until sunset of the same day and shall be closed to public use from sunset until sunrise of the
155 following day, unless otherwise approved or permitted and posted by the City Council or by the
156 City's Director of Families, Parks and Recreation or the Chief of Police:
157 Al Coith Park;
158 Big Tree Park;
159 Cady Way Trail;
160 Checker Park;
161 Cherokee Park;
162 Cherry Tree Park;
163 Clear Lake Park;
164 Col. Joe Kittinger Park;
165 Dartmouth Park;
166 Delaney Park;
167 Demetree Park;
168 Dickson Azalea Park;
169 Dr. James R. Smith Neighborhood Center Boardwalk;
170 Dover Estates Linear Park;
171 East Park Basketball Facility;
172 East Park Neighborhood Park;

173 East Park Playground;
174 Emery Hamilton Sports Complex;
175 Englewood Park;
176 Frankee Hellinger Playground;
177 Grand Avenue Park;
178 Greenwood Urban Wetland Park;
179 Guernsey Park;
180 Hampton Park;
181 Ivanhoe Plaza Park;
182 LaCosta Wetlands Park;
183 Lake Baldwin Park;
184 Lake Cherokee Park;
185 Lake Como Recreation Site;
186 Lake Dot;
187 Lake Fran Bike Trail;
188 Lake Highland Park;
189 Lake Ivanhoe Park;
190 Lake Rowena;
191 Lake Susannah Park;
192 Leroy Hoequist Park;
193 Lighthouse Park;
194 Lizzie Rodgers Park;
195 Malibu Groves Park;
196 Matthews Park;
197 Mayfair Green;
198 Mitchell L. Nutter Park;
199 Orlando Cultural Park;
200 Orlando Festival Park;
201 Orlando Loch Haven Park;
202 Orlando Veterans' Memorial Park;
203 Orwin Manor Park
204 Overbrook Park;
205 Park Lake;

206 Pleasant Valley Park;
207 Poppy Park;
208 Prince Hall Park;
209 Rock Lake Park;
210 Rosemont Park;
211 Rosemont Preserve;
212 Signal Hill Park;
213 Songbird Park;
214 Spring Lake;
215 Wadeview Park;
216 Washington Shores Park;
217 West Underhill Park;
218 Willie Mays Family Park;
219 Willows Park;

220 (3) The following Recreation facilities shall be open for public use in accordance with the hours of
221 operation posted at each respective facility, unless otherwise approved, permitted and posted by
222 City Council, or the Director of Families, Parks and Recreation or the Chief of Police. The
223 publicly-accessible outdoor park amenities that surround the City of Orlando Recreation
224 facilities listed in Section 18A.02(3) below shall be open for public use between the hours of
225 6:00 a.m. until 11:00 p.m. of the same day, except when being used by the City's afterschool
226 and summer camp programs, and shall be closed to public use from 11:00 p.m. until 6:00 a.m.
227 of the following day unless otherwise approved or permitted and posted by City Council, the
228 Director of Families, Parks and Recreation or the Chief of Police.

229 Citrus Square Recreation Site;
230 Dr. I. Sylvester Hankins Neighborhood Center and Pool;
231 Dr. James R. Smith Neighborhood Center and Pool;
232 Dover Shores Neighborhood Center and Pool;
233 Downtown Recreation Complex;
234 Engelwood Neighborhood Center and Pool;
235 Grand Avenue Neighborhood Center;
236 John H. Jackson Neighborhood Center and Pool;
237 Orlando Tennis Centre;
238 Mayor William "Billy" Beardall Senior Center;
239 Northwest Neighborhood Center and Pool;
240 Primrose Plaza;

241 Rosemont Neighborhood Center and Pool;
 242 The Pottery Studio;
 243 Wadeview Neighborhood Center and Pool;

244 (4) The following Recreation facilities shall be open for public use in accordance with the hours of
 245 operation posted at each respective facility, unless otherwise approved, permitted and posted by
 246 City Council, or the Director of Families, Parks and Recreation or the Chief of Police. The
 247 publicly-accessible outdoor park amenities that surround the City of Orlando Recreation
 248 facilities listed in Section 18A.02(4) below shall be open for public use between the hours of
 249 7:00 a.m. until 9:00 p.m. of the same day, except when being used by the City's afterschool and
 250 summer camp programs, and shall be closed to public use from 9:00 p.m. until 7:00 a.m. of the
 251 following day unless otherwise approved or permitted and posted by City Council, the Director
 252 of Families, Parks and Recreation or the Chief of Police:

253 College Park Neighborhood Center and Pool, including Princeton Park
 254 Colonialtown Neighborhood Center;
 255 Dr. J.B. Callahan Neighborhood Center;
 256 Ivey Lane Neighborhood Center;
 257 L. Claudia Allen Senior Center and Park;
 258 Mayor Carl T. Langford Neighborhood Center and Park;
 259 Orlando Skate Park;
 260 ~~Reeves Terrace Neighborhood Center~~;
 261 Rock Lake Neighborhood Center.

262 (5) The following City of Orlando park shall be open for public use between the hours of 6:00 a.m.
 263 until 9:00 p.m. of the same day and shall be closed to public use from 9:00 p.m. until 6:00 a.m.
 264 of the following day unless otherwise approved or permitted and posted by City Council, the
 265 City's Director of the Families, Parks and Recreation Department or Chief of Police.

266 George A. Barker Jr. Park

267 (6) ~~Orlando Skate Park~~ The following City of Orlando parks and joint use facilities shall be open
 268 for public use in accordance with the hours of operation posted at the park, unless otherwise
 269 approved, permitted and posted by City Council, or the Director of Families, Parks and
 270 Recreation or the Chief of Police.

271 Lake Como School Playground and Ballfields;
 272 Lake Lawne Park;
 273 Mercy Drive Playground (Children's Safety Village)

274 (7) Eagles Nest Conservation Area shall not be open for public use unless advance written
 275 permission has been granted and a City staff escort has been arranged with the Director of the
 276 Families, Parks and Recreation Department or ~~the Wastewater Division Manager~~ Director of
 277 Public Works.

- 278 (8) Dubsdread Golf Course shall be open to the public at posted hours for golf only and shall not
279 otherwise be open for public use unless otherwise approved by the City Council or by the City's
280 Chief Financial Officer. The public must register at the Dubsdread Club House and pay
281 applicable fees before using the Dubsdread Golf Course.
- 282 (9) Orlando Wetlands Park shall be open for public use from sunrise until sunset of the same day
283 and shall be closed to public use from sunset until sunrise; and shall be closed to public use
284 from November 15 through January 31 of each calendar year unless otherwise approved or
285 permitted and posted by City Council, the Director of Families, Parks and Recreation, the
286 Director of Public Works or the Chief of Police.
- 287 (10) Bill Frederick Park at Turkey Lake shall be open for public use between the hours of 8:00 a.m.
288 until 5:00 p.m. of the same day and shall be closed to public use from 5:00 p.m. until 8:00 a.m.
289 of the following day from November 1 through March 31 of each calendar year; and shall be
290 open for public use from 8:00 a.m. until 7:00 p.m. of the same day and shall be closed to public
291 use from 7:00 p.m. until 8:00 a.m. of the following day from April 1 through October 31 of
292 each calendar year unless otherwise approved or permitted and posted by City Council, the
293 Director of Families, Parks and Recreation or the Chief of Police.
- 294 (11) The following City of Orlando Parks shall be open for public use from 9:00 a.m. until one-half
295 hour prior to sunset of the same day and shall be closed to public use from one-half hour prior
296 to sunset until 9:00 a.m. of the following day unless otherwise approved or permitted and
297 posted by City Council, the Director of Families, Parks and Recreation or the Chief of Police:
- 298 Lake Druid Park;
299 Springdale Green.
- 300 (12) Z.L. Riley Park shall be open for public use from 8:00 a.m. to 8:00 p.m. of the same day and
301 shall be closed to public use from 8:00 p.m. until 8:00 a.m. of the following day unless
302 otherwise approved or permitted and posted by City Council or, the Director of the Families,
303 Parks and Recreation.
- 304 (13) Lake Lorna Doone Park and the surrounding publicly accessible outdoor park amenities shall be
305 open for public use from 7:00 a.m. to 11:00 p.m. of the same day and shall be closed to public
306 use from 11:00 p.m. until 7:00 a.m. of the following day unless otherwise approved or
307 permitted by the Director of the Families, Parks and Recreation or the Chief of Police
- 308 (14) Airport Lakes Park and the surrounding publicly accessible outdoor amenities, with the
309 exception rented spaces, shall be open for public use between the hours of 6:00 a.m. until 9:00
310 p.m. of the same day and shall be closed to public use from 9:00 p.m. until 6:00 a.m. of the
311 following unless otherwise approved or permitted by the City's Director of the Families, Parks
312 and Recreation Department or Chief of Police. (15) It shall be unlawful for any person to
313 willfully enter upon or remain within any of the parks listed above during such hours as the
314 parks are closed to public use. Such presence shall be grounds for immediate arrest.
- 315 (15) It shall be unlawful for any person to willfully enter upon or remain within any of the parks
316 listed above during such hours as the parks are closed to public use. Such presence shall be
317 grounds for immediate arrest.
- 318

319 **SECTION 3. 18A.08. AMENDED** Sec. 18A.08, Code of the City of Orlando, Florida, is
320 hereby amended as follows:

321 **Sec. 18A.08. Setting and Posting of Park and Recreation Facility Closing Hours.**
322

323 In setting the closing hours of each park and recreation facility, the Orlando City Council shall
324 take into consideration the size and location of each park and recreation facility, the ways in which
325 each park and recreation facility is typically used by members of the public, the city resources
326 required to maintain each park and recreation facility in a condition that is safe and sanitary for use
327 by members of the public, and shall set closing hours which ensure that each park and recreation
328 facility is reasonably available for the use and enjoyment by members of the public.

329 ~~The Director of Families, Parks and Recreation shall install and maintain a sign or signs in each~~
330 ~~park which has closing hours, and each sign shall recite the closing hours of the particular park. Each~~
331 ~~sign shall be displayed prominently in the park, in a manner calculated to give notice to the general~~
332 ~~public of the closing hours of the park.~~

333 (1) The Orlando City Council shall not set regular closing hours for any park or recreation
334 center which would result in the park or recreation facility being entirely unavailable for
335 use by members of the public.

336 (2) The Director of Families, Parks and Recreation shall install and maintain a sign or signs
337 in each park or recreation facility which has closing hours, and each sign shall recite in
338 letters or numerals the hours during which the particular park or recreation facility is closed
339 to public use.

340 (3) The sign or signs must be displayed in a manner calculated to give notice to the public
341 of the closing hours of the park or recreation facility.

342 (4) The sign or signs shall be deemed to be in substantial compliance with this subsection
343 if at least one posted sign displays letters or numerals which are sufficiently legible as to
344 put persons of common intelligence and understanding on notice of the fact that there are
345 periods of time during which the park or recreation facility is closed to public use and if the
346 closing hours of the park or recreation facility are posted publicly on the City of Orlando's
347 website.

348

349 **SECTION 4. CHAPTER 18A.08-1 CREATED.** Chapter 18A.08-1, Code of the City of
350 Orlando, Florida, is hereby created as follows:

351 **Sec. 18A.08-1. Being in a Park or Recreation Facility After Hours.**

352 (1) It is unlawful for any person to willfully enter upon or remain within any of the parks
353 or recreation facilities listed above during such hours as the parks or recreation facilities are
354 closed to public use, unless otherwise approved, permitted, or posted by the Director of
355 Families, Parks and Recreation, Interlocal Agreement, or the Chief of Police.

(2) A person shall be deemed to have constructive notice of the closing hours of any park or recreation facility that has a sign or signs posted in substantial compliance with the requirements of this chapter.

(3) It is an affirmative defense to prosecution for a violation of Section 18A.02(3)(a) that, at the time of the commission of the acts constituting the offense, a valid permit specifically authorizing the acts constituting the offense had been issued in accordance with Chapter 18 of this Code.

SECTION 5. 18A.09-1. AMENDED Sec. 18A.09-1, Code of the City of Orlando, Florida, is hereby amended as follows:

Sec. 18A.09-1. "Alcoholic Beverages" Defined: Rules of Evidence in Prosecutions for Violations of Section 18A.09(~~no~~).

- (1) For purposes of Section 18A.09(~~no~~), "Alcoholic beverage" means all beverages containing more than one percent (1%) of alcohol by weight and shall include those beverages deemed intoxicating as provided in Section 33.15 of this Code.
- (2) In all prosecutions for violations of Section 18A.09(~~no~~), manufacturer's label on the beverage container shall be prima facie evidence that the substance in such container was and is an alcoholic beverage as defined in this section.
- (3) Any person or persons who by experience in the past in the handling or use of alcoholic beverages, or who by taste, smell, or the drinking of such beverages has knowledge as to the alcoholic nature thereof, may testify as to his opinion whether such beverage is or is not alcoholic, and a verdict based upon such testimony shall be valid
- (4) It shall be a defense, if properly plead and proved by the defendant, to prosecution for a violation of Section 18A.09(~~no~~) that a valid permit issued in accordance with Chapter 33 of this Code, was in effect at the time of arrest which permit specifically authorized the conduct for which the arrest was made.

SECTION 6. 18A.10. AMENDED Sec. 18A.10, Code of the City of Orlando, Florida, is hereby amended as follows:

- (1) No person shall advertise, engage in, participate in, aid, form or start any outdoor public assembly unless an outdoor public assembly permit shall first have been obtained from the Chief of Police.
- (2) The issuance of an outdoor public assembly permit from the Chief of Police shall not relieve any person from the duty to secure other permits or approvals as may be required by the City Code to include, but not be limited to, a tent permit (under City Code Chapter 18), an ~~an~~ occupational license business tax receipt (under City Code Chapter 36), street, lane or sidewalk

use/closure authorization (under City Code Chapter 39), a permit for loud speaker or other sound amplification device (under City Code Chapter 42), and City Council approval for sale of items on public property (under City Code Chapter 54).

(3) Exceptions. This section shall not apply to, nor shall a permit be required for funeral processions or for events authorized at the ~~Florida Citrus Bowl Stadium and Field~~ located at 1610 W Church St and Tinker Field. Additionally, City Council may specifically exempt persons, organizations or assemblies from the requirements of this section, provided that alternate procedures providing for the protections addressed by this Chapter are included in a separate agreement approved by City Council.

SECTION 7. 18A.11. AMENDED Sec. 18A.11, Code of the City of Orlando, Florida, is hereby amended as follows:

Any person seeking the issuance of an outdoor public assembly permit shall file an application with the Chief of Police on forms provided by the Chief of Police. No person shall engage in, participate in, or aid any special event in or on City of Orlando owned land unless all applicable permits have been obtained from the City.

(1) *Filing Period.*

(a) For single, non-recurring outdoor public assemblies, an application for a permit shall be filed with the Chief of Police not more than one hundred eighty (180) days before, and not less than sixty (60) calendar days before, the date and time at which it is proposed to commence the assembly; provided, however, that the Chief of Police shall waive the minimum sixty (60) day filing period and accept an application filed within a shorter period if after due consideration of the date, time, place, and nature of the assembly, the anticipated number of participants, and the necessity for an amount of City services which will be required in connection therewith, the Chief of Police determines that such waiver will not present a hazard to the public safety because of the reduced amount of time available within which to fully process the application. The application shall be signed by the applicant under oath.

(b) For outdoor public assemblies which are to be held on a regular or recurring basis at the same location during a calendar year, an application for a permit covering all such assemblies during that calendar year may be filed with the Chief of Police not more than one hundred eighty (180) days before, and not less than sixty (60) days before, the date and time at which it is proposed to commence the first such assembly; provided, however, that the Chief of Police may waive the minimum sixty-day period after due consideration of the factors specified in (1)(a) above. The application shall be signed by the applicant under oath.

(2) *Contents.* The application for a permit shall set forth the following information, and such other information as may from time to time reasonably be required:

- (a) The name, place of residence, mailing address and telephone number of the person seeking to conduct the assembly.
- (b) If the assembly is proposed to be conducted for, on behalf of, or by an organization, the name, address and telephone number of the headquarters of the organization and of the authorized and responsible heads of such organization.
- (c) The name, place of residence, mailing address, and telephone number of the individual person who will be the assembly chairperson and who will be responsible for the conduct of the assembly.
- (d) The date when the assembly is to be conducted.
- (e) Type of assembly including a description of the activities which will occur during the event.
- (f) The hours when such assembly will start and terminate.
- (g) A description of any and all recording equipment, sound amplification equipment, banners, signs, or other attention-getting devices which will be utilized in connection with the assembly.
- (h) The approximate number of participants, not including spectators, who will participate in the assembly.
- (i) The approximate number of spectators who will be present at or near the assembly.
- (j) If the assembly is designed to be held by, and on behalf of or for, any person other than the applicant, the applicant for such permit shall file with the Chief of Police a communication in writing from the person proposing to hold the assembly, authorizing the applicant to apply for the permit on his behalf.
- (k) The exact location of the assembly and if the assembly is a parade, the location by streets of any marshaling area or areas for such parade.
- (l) A designation of any public facilities or equipment proposed to be utilized.
- (m) If the application is for a parade, it also shall set forth the following information:
1. The time at which units of the parade will begin to arrive at the marshaling area or areas, and the times at which all such units will be disbursed therefrom.
 2. The route to be traveled, including the starting point and the termination point.
 3. The approximate number of persons who, and animals and vehicles which, will constitute such parade, the type of animals and description of the vehicles.
 4. A statement as to whether the parade will occupy all or only a portion of the width of the streets or sidewalks to be used.

(n) Whether alcoholic beverages will be sold or served at the event.

(3) *Fees.*

- (a) A non-refundable fee to cover the administrative costs of processing the permit shall be paid to the City of Orlando by the person applying for the permit at the time of filing of the application. The permit fee shall be based upon attendance and whether alcohol is

468 served or consumed on any street, sidewalk or right of way pursuant to the following fee
469 schedule:

Attendance	Permit Fee
101—500 persons	
No Alcohol	\$100
Alcohol	\$200
Over 500 persons	
No Alcohol	\$200
Alcohol	\$500

470

- 471 (b) If the application is for the use of any City property or if any City services shall be
472 required for the assembly, the applicant shall pay, prior to the issuance of a permit, the
473 charges therefor in accordance with a schedule of fees approved by City Council by
474 resolution.
- 475 (c) For an outdoor public assembly located within the Downtown Community
476 Redevelopment Area, the permittee shall post a security deposit of Five Hundred Dollars
477 (\$500.00) made payable to the City of Orlando Community Redevelopment Agency
478 (CRA) to cover the cost of repairing any damage to the hardscape, hardscape furnishings,
479 and landscape caused by the public assembly. The deposit shall be filed with the
480 Executive Director prior to the issuance of a permit. The CRA staff will inspect the
481 public assembly area prior to the event and any pre-existing damage will be noted in a
482 damage report. The CRA staff will inspect the public assembly area after the event and
483 determine if any damage was incurred during the event, including set-up and take down.
484 The cost of repairing or replacing any damaged items or areas shall be deducted from the
485 security deposit, and the balance remaining, if any, shall be returned to the permittee
486 within thirty (30) days of the date of the event. If the cost of repair or replacement
487 exceeds the amount of the security deposit, the CRA shall invoice the permittee for the
488 excess amount. The permittee shall pay such amount within ten (10) days of his or her
489 receipt of the invoice, and the permit holder shall not be eligible to apply for an outdoor
490 public assembly permit until such amount is paid in full.
- 491 (d) The permit fee and security deposit shall be waived by the Chief Administrative Officer
492 (CAO) if the activity proposed by the applicant involves (1) expressive speech protected
493 by the First Amendment to the United States Constitution, (2) will occur in a public
494 forum, (3) the fees would be so financially burdensome that it would preclude the
495 applicant from exercising First Amendment rights, and (4) adequate alternate channels of
496 expression are not available. Within five (5) calendar days of a written request from the
497 applicant to waive the fees, the CAO shall render a written decision on whether the fees
498 shall be waived and shall set forth the reasons for the decision. An applicant wishing to
499 appeal the decision of the CAO may file a request for immediate judicial review with a
500 court having jurisdiction thereof, or in the alternative, may file an appeal to City Council

501 within five (5) days after receipt of the notice of denial by filing a written notice with the
502 CAO, with a copy delivered to the City Clerk, and such appeal shall be considered at the
503 next regularly scheduled City Council meeting. An applicant wishing to appeal the
504 decision of City Council may file a request for immediate judicial review with a court
505 having jurisdiction thereof.

506 **SECTION 8. SEVERABILITY.** If any provision of this ordinance or its application to any
507 person or circumstance is held invalid, the invalidity does not affect other provisions or applications
508 of this ordinance which can be given effect without the invalid provision or application, and to this
509 end the provisions of this ordinance are severable.

510
511 **SECTION 9. CODIFICATION.** The City Clerk and the City Attorney shall cause the Code
512 of the City of Orlando, Florida, to be amended as provided by this ordinance and may renumber, re-
513 letter, and rearrange the codified parts of this ordinance if necessary to facilitate the finding of the law.

514
515 **SECTION 10. SCRIVENER'S ERROR.** The City Attorney may correct scrivener's errors
516 found in this ordinance by filing a corrected copy of this ordinance with the City Clerk.

517
518 **SECTION 11. EFFECTIVE DATE.** This ordinance takes effect upon final passage.

519 **DONE, THE FIRST READING,** by the City Council of the City of Orlando, Florida, at a
520 regular meeting, this _____ day of _____, 2024.

521 **DONE, THE PUBLIC NOTICE,** in a newspaper of general circulation in the City of Orlando,
522 Florida, by the City Clerk of the City of Orlando, Florida, this _____ day of
523 _____, 2024.

524 **DONE, THE SECOND READING, AND ENACTED ON FINAL PASSAGE,** by an
525 affirmative vote of the majority of the City Council of the City of Orlando, Florida, at a regular
526 meeting, this _____ day of _____, 2024.

530
531
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BY THE MAYOR/MAYOR PRO TEMPORE OF
THE CITY OF ORLANDO, FLORIDA:



Mayor

536
537
538

ATTEST, BY THE CLERK OF THE
CITY COUNCIL OF THE CITY OF
ORLANDO, FLORIDA:

539
540
541



City Clerk

542
543
544
545

APPROVED AS TO FORM AND LEGALITY
FOR THE USE AND RELIANCE OF THE
CITY OF ORLANDO, FLORIDA:

546
547



Assistant City Attorney

City Council Meeting: 10-07-2024
Item: 12.05 Documentary: 2410071205