

CITY OF CLERMONT
ORDINANCE No. 2016-22

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA, CREATING CITY CODE CHAPTER 55 "PARK AND RECREATION AREAS", PROVIDING FOR PURPOSE AND INTENT; DEFINITIONS; ENFORCEMENT; PENALTIES; CONFLICT; SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE.

WHEREAS, the City is granted the authority, under Section 2(b), Article VIII, of the State Constitution, to exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, the City Council recognizes and finds that the recreational services provided to the public by the City are essential to the quality of life in the City; and

WHEREAS, the City Council further finds that in order to provide these essential recreational services to the public, the City must maintain reasonable rules and regulations regarding the operation of the City parks and other public recreational areas; and

WHEREAS, the goals, policies, and objectives set forth in the City's Comprehensive Plan provide that the City will make available and manage public recreational areas within the jurisdictional limits of the City; and

WHEREAS, in furtherance of the City's Comprehensive Plan, the City owns and operates numerous parks and other public recreational areas within the jurisdictional limits of the City of Clermont; and

WHEREAS, the City Council finds that it is in the best interests of the City to adopt certain rules and regulations applicable to City parks and other public recreational areas by Ordinance to enhance the City's enforcement capabilities in order to protect the parks and recreational areas from abuse; to provide for recreational use of those areas; to control and regulate traffic and maintain general order therein; and to further the safety, health, comfort, and welfare of all persons while within the limits of the City parks and other public recreational areas; and

WHEREAS, it is the intent and purpose of this Ordinance to discourage the misuse of City parks and other public recreational areas including, but not limited to, loitering, littering, vandalism, and other nuisances, and to provide for the orderly and safe operation and use of the City parks and other public recreational areas by park patrons; and

WHEREAS, the City Council of the City of Clermont, hereby finds this Ordinance to be in the best interests of the public health, safety and welfare of the citizens of Clermont.

CITY OF CLERMONT
ORDINANCE No. 2016-22

NOW THEREFORE, BE IT RESOLVED AND ENACTED by the City Council of the City of Clermont, Lake County, Florida that:

Section 1.

The above-stated Whereas Clauses are hereby adopted by the Council as findings in support of the provisions herein.

Section 2.

Chapter 55, "Park and Recreation Areas" of the Code of the City of Clermont, Florida, is hereby created to read as follows:

CHAPTER 55

PARK AND RECREATION AREAS

Section 55-111. Purpose and intent.

The purpose and intent of this Article is to establish minimum rules and regulations to promote the safe and orderly use of, and to discourage and prevent the misuse of, City park and recreation areas for the benefit of the general public.

Section 55-112. Definitions.

The following words, terms and phrases when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (a) "City park" means land owned or maintained by the City of Clermont and which is designated as a public park or public recreation area by the City's Comprehensive Plan (Recreation and Open Space Element), by a resolution adopted by the City Council, or by dedication that has been accepted by the City Council. Included in the definition of the term "City Park" are the City's special use facilities (for example, Arts and Recreation Center) and all natural resources, wildlife, facilities, improvements, waters and materials in, on or under the lands so designated. Properties in any system of trails owned by the City are intended to be designated as a City park.

CITY OF CLERMONT
ORDINANCE No. 2016-22

Section 55-113. Hours of operation and general use.

- (a) All City parks shall be closed during the evening time period from dusk (sunset) to dawn (sunrise) unless otherwise posted. Signs stating Park Hours shall be posted prominently in each City park.
- (b) Programs or events sponsored or approved by the City, or for which the City has issued a permit, shall be permitted to use the City park during such program or event for the period of time approved by the City.
- (c) The City Council by resolution or the City Manager by administrative rule may adopt more restrictive or extended hours for any particular City park on a case-by-case basis of legitimate circumstances warranting hours of operation different than those set forth in subparagraph (a) of this Section.
- (d) The City Council or the City Manager may close any City park as deemed appropriate in the event of an emergency or an imminent threat to public health, safety or welfare.
- (e) Persons using any City park do so at their own risk.
- (f) Adults are responsible for children that they bring to a City park or who are otherwise under their care, custody or control.

Section 55-114. Traffic control.

- (a) The State Uniform Traffic Control Laws, Chapter 316, Florida Statutes, are incorporated by reference and made part of this Article and shall apply to the operation of all motor vehicles, as defined in Chapter 316, on streets and roads in all City park(s), unless modified herein. Law enforcement officers and City employees are hereby authorized to direct traffic whenever necessary within the City park(s).
- (b) It is unlawful to operate, drive or park any motor vehicle or other vehicle upon any road, driveway, path, trail, parking area, or other area within a City park except when the area has been marked, permitted or approved for such activity or activities either by permanent signage or marking or when permitted by the City in the course of a public event or activity.
- (c) It is unlawful to cause any vehicle for hire to stand upon any part of a City park for the purpose of soliciting passengers.

CITY OF CLERMONT
ORDINANCE No. 2016-22

- (d) Pursuant to Section 316.008(1)e, Florida Statutes, which authorizes the City to establish speed limits on City streets in public parks, it is unlawful to drive a vehicle at a rate of speed exceeding ten miles per hour in any City park unless the City has posted a greater speed limit.
- (e) It is unlawful to enter or exit from any City park in any vehicle except at entrances and exits designated for such purpose by the City.
- (f) It is unlawful to leave a vehicle standing or parked in established parking areas or elsewhere in a City park during hours when the City park is closed.

Section 55-115. Pollution and litter.

- (a) It is unlawful to throw or place or cause to be thrown or placed, any litter, dirt, filth, or foreign matter into the water of any lake, pond, canal, pool, river, creek, inlet, tank or reservoir in any City park or on the grounds of any City park.
- (b) It is unlawful to cause any pollutant, as defined in Section 206.9925 or Section 376.031, Florida Statutes, as may be amended, to be placed in or to otherwise pollute the lands or waters of a City park.

Section 55-116. Removal of natural resources.

- (a) It is unlawful to remove any beach sand, whether submerged or not, any soil, rock, stones, plants, trees, shrubs, wood, flora, fauna or their materials from any City park unless issued a general or specific permit to do so by the City.
- (b) It is unlawful to cause or make any excavation by tools, equipment, blasting or other means at a City park unless issued a general or specific permit to do so by the City.
- (c) Subsections (a) and (b) do not apply to City workers or authorized contractors performing maintenance and upkeep of the City parks at the direction and consent of the City.

CITY OF CLERMONT
ORDINANCE No. 2016-22

Section 55-117. Fireworks; destructive devices; weapons; other potentially dangerous uses.

- (a) It is unlawful to carry, fire or discharge any explosive, or weapon as those terms are defined in Section 790.001, Florida Statutes, as amended, or any fireworks, as defined in Section 791.01, Florida Statutes, as amended, of any description in a City park. However, the City Council hereby expressly recognizes the state law preemption of firearms and ammunition pursuant to Section 790.33, Florida Statutes, as amended, and therefore, this Section shall not apply in any respects to firearms and ammunition.
- (b) The City may authorize fireworks displays for which the City has issued a permit, during such program or event for the period of time approved by the City.
- (c) It is unlawful to carry, fire or use rockets and radio controlled planes, boats, cars and helicopters at a City park unless such uses are specifically authorized or permitted by the City.

Section 55-118. Fires.

It is unlawful to ignite, set or maintain any fire in a City park unless such fire is within an area designated by the City for fires by signage and postings displayed at the City park unless specifically authorized or permitted by the City. Included in this prohibition are activities such as the use of portable cooking equipment of whatever type or nature.

Section 55-119. Camping and sleeping.

It is unlawful to sleep, camp, lodge or park a vehicle overnight in a City park unless the City has designated certain areas for these purposes, but then only to the extent permitted and authorized by the City. Any such activity authorized by the City shall not interfere with the general public's use and enjoyment of the City park and the intended purpose of the City park.

Section 55-120. Noise and other conduct.

- (a) It is unlawful to play any musical instrument or audio amplification system or engage in any disorderly conduct or behavior tending to breach the public peace or in violation of the City's noise ordinance, in any City park.
- (b) It is unlawful to use abusive, threatening, offensive, profane, obscene or foul language or engage in any disorderly conduct or behavior tending to breach the public peace in any City park.

CITY OF CLERMONT
ORDINANCE No. 2016-22

- (c) It is unlawful to use golf clubs within a City park unless as part of a specific program or activity which has been permitted and approved by the City.
- (d) It is unlawful to take into, carry through, or put into any City park, any rubbish, refuse, garbage or other waste ("waste"). Such waste shall be deposited in receptacles, so provided by the City. Where receptacles are not provided, all such waste shall be carried away from the City park by the person responsible for its presence and properly disposed of elsewhere.

Section 55-121. Commercial activity and peddling.

It is unlawful to engage in any commercial activity for any consideration within a City park without being authorized or permitted by the City.

- (a) Any individual, group or organization conducting a program within any City park shall enter into an agreement with the City or rent the City park prior to the use of the requested City park.
- (b) Programs that are open to the public at no charge must request usage through the Parks and Recreation Department, complete a Public Rental Application, shall provide a copy of liability insurance with limits determined by the City and complete a background check. In addition, any waiver that is provided to participants shall be supplied to the City.
- (c) Any commercial use of City Parks requires the operator to enter into a contractual agreement with the City. Examples of commercial use includes anyone who offers instruction, education, care or supervision and charges a fee, and for-profit corporations using City parks as a means to generate profit.

Section 55-122. Injuring, interfering with, etc., buildings and other property.

It is unlawful to mark, deface, disfigure, injure, tamper with, displace or remove any building, bridge, table, bench, fireplace, railing, paving material, waterline or other public utility or part of appurtenance thereof, sign, notice, or placard monument, stake, post, or other structure, equipment or any facilities, property or appurtenances whatsoever, whether temporary or permanent, located at a City park.

CITY OF CLERMONT
ORDINANCE No. 2016-22

Section 55-123. Interference with park operations.

It is unlawful to interfere with the operations of a City park by gathering in groups that are not engaged in bona fide recreation activities consistent with the facilities of the City park and any permit issued by the City.

Section 55-124. Glass Containers.

The use of glass containers of any kind in a recreation area of a City park including, but not limited to, playing fields, splash pad areas, pool areas, children's playground areas, and trails is prohibited unless such use is in an area where the use of glass containers has been authorized by the City.

Section 55-125. Airsoft and Paintball Guns; BB Guns

The use of airsoft (plastic pellets) guns, paintball guns, paintball markers, and paintball equipment within City parks is prohibited unless the City has specifically designated an area for the use of this equipment. Paintball equipment includes, but is not limited to: paint balls, paint gun refillable gas tanks, paint gun propellant canisters, and targets. Nothing contained in this section is intended to regulate or apply to firearms and ammunition which are preempted by state law.

Section 55-126. Bathing, Swimming, Scuba Diving.

No person shall swim, bathe, wade or scuba dive in any waters or waterways within a City park except in such waters and at such places and times authorized and posted by the City.

Section 55-127. Promulgation of supplemental rules.

- (a) The City Manager is hereby authorized to adopt administrative rules supplemental to, and consistent with, the provisions of this Article that he or she deems necessary and appropriate to implement the provisions of this Article relative to the use of City parks and the violation of such rules shall constitute a violation of this Article.
- (b) The provisions of this Article and the administrative rules adopted by the City Manager shall be maintained on file at City Hall and at the Parks and Recreation Department office for public inspection and copying.

- (c) A general condition of each permit to use a City park is that the permittee shall

CITY OF CLERMONT
ORDINANCE No. 2016-22

abide by and adhere to the provisions of this Article and the rules promulgated by the City, except as may be otherwise specifically permitted by the City by means of a permit issued for a specific event or activity.

- (d) The City Manager or authorized designee shall regularly review, or cause to be reviewed, the use of and conditions within each City park in order to reasonably mitigate against potential public liability relating to City parks.

Section 55-128. Hunting/wildlife preservation and conservation.

- (a) It is unlawful to harass, hunt, catch, harm, kill, trap, shoot, shine lights at or throw missiles at any animal, of any type of species, in any City park. Exception to the foregoing is made in that snakes known to be deadly and/or poisonous may be killed on sight in self-defense.
- (b) It is unlawful to introduce into or leave any wild animal in a City park.
 - a. It is unlawful for a person to remove or have in his or her possession any wild animal, of any type or species, or the eggs or nest of a young reptile or bird which is or was located in a City park.
- (c) The City may issue permits to allow activities and actions that are otherwise contrary to the provisions of this section if the City determines that the activities and actions will be accomplished for management, scientific or husbandry purposes and are consistent with the public interest.

Section 55-129. Enforcement; Penalties.

City Law Enforcement and Code Enforcement officers, the Parks and Recreation Director or authorized designee, and the City Manager or authorized designee shall be responsible for enforcing the provisions of this Article, and shall have the authority to order any person or persons acting in violation of this Article to leave the City park. It is unlawful for a person to remain in the City parks when the person is asked to leave the City park by a City official pursuant to this Section.

Section 3. Codification.

The text of Section 2 of this Ordinance shall be codified as a part of the Clermont City Code. The codifier is authorized to make editorial changes not effecting the substance of this Ordinance by the substitution of "article" for "ordinance", "section" for "paragraph", or otherwise to take such editorial license.

CITY OF CLERMONT
ORDINANCE No. 2016-22

Section 4. **Severability.**

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, it is the intent of the Council that the invalidity shall not affect other provisions or applications of this 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 5. **Conflict.**

All ordinances or parts of ordinances, all City Code sections or parts of City Code sections, and all resolutions or parts of resolutions in conflict with this Ordinance, are hereby repealed to the extent of such conflict.

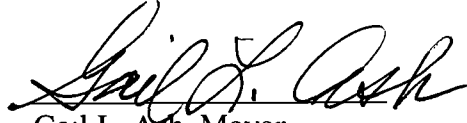
Section 6. **Effective Date.**

This Ordinance shall be published as provided by law and shall take effect immediately upon its Second Reading and Final Passage.

CITY OF CLERMONT
ORDINANCE No. 2016-22

PASSED AND ADOPTED by the City Council of the City of Clermont, this 14th day of June, 2016.

CITY OF CLERMONT


Gail L. Ash, Mayor

ATTEST:


Tracy Ackroyd Howe, City Clerk

