

**CITY OF CHIEFLAND
ORDINANCE NUMBER 17-06**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF CHIEFLAND, FLORIDA, AMENDING CHIEFLAND CODE CHAPTER 42; ALLOWING FOR CLOSING OF PUBLIC PROPERTY, RECREATIONAL FACILITIES OR PARK FACILITIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Chiefland, Florida, (the “City”), is a Florida Municipality, which, under the authority of the Florida Constitution, possesses home rule powers of self-government; and,

WHEREAS, the City Commission has determined that it is a proper public purpose and in the best interest of the citizens of the City and users of the City’s public property, recreational facilities or park facilities to modify the rules and regulations for the City’s public property, recreational facilities or park facilities.

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

Section 1. Chapter 42 of the City’s Code is amended by creating Section 42-3 and adding language as follows:

Closing Of Public Property, Recreational Facilities Or Park Facilities.

(a) The City Commission, by motion, may close any public place, recreational facility or park facility owned by the City of Chiefland or section thereof to the public at any time and for any interval of time, either temporarily or at regular and stated intervals, and entirely or merely to certain uses.

(b) It shall be unlawful for any person to be or remain in any public places, recreational facilities or park facilities owned by the City of Chiefland during the hours that they are closed to public use, unless such person has a permit issued by the City authorizing that person to remain in that place.

(c) The City may designate capacities for any park or section thereof and is authorized to close any park or section thereof when carrying capacity is reached.

(d) Representatives or Officers enforcing closure pursuant to this Section shall provide any offender a warning before arrest.

Enforcement, penalty.

The provisions of this chapter shall be enforced by the City Manager or his/her designated representative and by the City of Chiefland Police Department or other law enforcement agency. Anyone convicted of a violation of this chapter shall be punished as provided in Section 1-14 of this Code.

Section 2. Severability: Should any section, provision, paragraph, sentence, clause or word of this Ordinance or portion hereof be held or declared by any court of competent jurisdiction to unconstitutional or invalid, in part or application, it shall be considered eliminated and shall not affect the validity of the remaining portions or applications of this Ordinance.

Section 3. Codification: It is the intention of the City Commission of the City of Chiefland, that the provision of this Ordinance shall become and made part of the City Code of Ordinances and that the Sections of this Ordinance may be renumbered, re-lettered and the word "Ordinance" may be changed to "Section," "Article" or other word or phrase in order to accomplish such intention.

Section 4. Conflicts: All Ordinances or parts of Ordinances, Resolutions or parts thereof in conflict herewith, are hereby repealed to the extent of such conflict.

Section 5. Effective Date: This ordinance shall become effective immediately upon adoption.

Passed first reading, this 23rd day of October 2017, A.D.

Passed second and final reading, this 13th day of Nov. 2017, A.D.

ATTEST:

CITY COMMISSION OF THE
CITY OF CHIEFLAND, FLORIDA



Mary Ellzey
City Manager



Betty Walker
Mayor-Commissioner



Norm D. Fugate
Attorney