



Rcpt: 947287 Rec: 52.50
 DS: 0.00 IT: 0.00
 12/01/05 Dpty Clerk

ORDINANCE NO.: 932-05

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ZEPHYRHILLS, FLORIDA, AMENDING SECTION 130.22 OF THE CODE OF ORDINANCE REGULATING THE HOURS OF OPERATION OF CITY PARKS AND CEMETERIES; PROVIDING FOR PUBLIC USE REGULATIONS, OPERATION REQUIREMENTS, AND HOURS OF OPERATION; PROVIDING REGULATIONS FOR PROTECTION OF PROPERTY, PERSONS AND RESOURCES ; PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION AND AN EFFECTIVE DATE

WHEREAS, the City of Zephyrhills, Florida previously adopted Ordinance No. 225 which was codified as Section 130.22 of the Code of Ordinances in order to regulate the use of City parks and cemeteries; and

WHEREAS, due to the enormous growth in the City of Zephyrhills and in the surrounding unincorporated areas, it has become necessary to provide more comprehensive rules and regulations for the use and operation of the City's parks, and other associated facilities; and

WHEREAS, the Zephyrhills City Council desires to adopt the following hours of operation and rules and regulations to protect the health, safety and welfare of the citizens of the City of Zephyrhills.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Zephyrhills, Florida, as follows:

SECTION 1. Section 130.22 of the City of Zephyrhills Code of Ordinances is hereby amended and substantially reworded as follows and as set forth in Exhibit "A" attached hereto:

SECTION 2. All ordinances or code provisions in conflict with this ordinance are hereby repealed to the extent of the conflict.

SECTION 3. It is the intention of the City Council that this Ordinance be subsequently codified as Section 130.22 of the Zephyrhills Code of Ordinances.

SECTION 4. Severability.

JED PITTMAN, PASCO COUNTY CLERK
 12/01/05 11:20am 1 of 6
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It is declared to be the intent of the City Council of the City of Zephyrhills, Florida that if any section, subsection, sentence, clause, or provision of this ordinance shall be declared invalid, the remainder of the ordinance shall be construed as not having contained said section, subsection, sentence, clause, or provision, and shall not be affected by such holding.

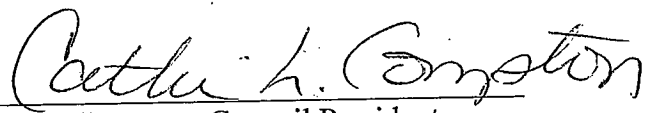
SECTION 5. Effective Date.

This Ordinance shall become effective upon passage on the third reading and signing by the Mayor.

The foregoing Ordinance No. 932-05 was read and passed on the first reading in an open and regular meeting of the City Council of the City of Zephyrhills, Florida, on this 26th day of September, 2005.

Attest:


 Linda D. Boary, City Clerk


 Cathi L. Compton, Council President

The foregoing Ordinance No. 932-05 was read and passed on the second reading, following a public hearing, in an open and regular meeting of the City Council of the City of Zephyrhills, Florida, on this 14th day of November, 2005.

Attest: Linda D. Boan
Linda D. Boan, City Clerk

Cathi L. Compton
Cathi L. Compton, Council President

The foregoing Ordinance No. 932-05 was read and passed on the third reading, following a public hearing, in an open and regular meeting of the City Council of the City of Zephyrhills, Florida, on this 28th day of November, 2005.

Attest: Linda D. Boan
Linda D. Boan, City Clerk

Cathi L. Compton
Cathi L. Compton, Council President

The foregoing Ordinance No. 932-05 was approved by me this 28th day of November, 2005.

W. Cliff McDuffie
W. Cliff McDuffie, Mayor

Approved as to legal form and legal content

Karla S. Owens
Karla S. Owens, City Attorney

SECTION A. Scope.

All City property and facilities within or adjacent to designated park areas are governed by this article. This shall include but is not limited to associated City rights-of-way, parking lots, structures and equipment. The use of the term "person" shall include but is not limited to individuals, groups, entities, and corporations. The City Council reserves the right to allow activities otherwise prohibited to be permitted in a park or public area on a limited basis through the use of a special event permit.

SECTION B. Liability of the City.

Persons shall use the park areas at their own risk. The City of Zephyrhills shall not be responsible for accidents, injuries, death loss or destruction of property in parks by theft, fire, wind, flooding or any other actions which are beyond the control of the City. In addition, equipment furnished on park property is provided solely for the public's convenience, is unsupervised, and shall be used at their own risk. It shall be unlawful to trespass on City property contrary to any duly authorized signs prohibiting entry in violation of Section 130.20 (c) of the Zephyrhills Code of Ordinances.

SECTION C. Responsibility for Children.

Park visitors shall be held responsible for the conduct of and for any damage they or their children may cause. Children nine (9) years of age and younger shall comply with the Juvenile Curfew Ordinance, Section 130.02 of the Zephyrhills Code of Ordinances, shall not be left unattended, and must remain under adult supervision at all times in any park. An adult shall constitute any individual 18 year of age or older.

SECTION D. Public Use Regulations.

(1) *Hours of operation.*

(a) Parks shall be open to the public daily from 6:00 a.m. to 10:00 p.m. It shall be unlawful for any person to enter or remain in any park at any other time without prior written approval of the City Manager or his designee or in violation of Section 130.20(c) of the Zephyrhills Code of Ordinances.

(b) The City Manager, Chief of Police or Parks Manager or their designee is authorized to close any park, or portion thereof at any time for the protection of park property or for the public health, safety or welfare.

(2) *Special Event Permits.*

(a) Other than for regularly scheduled league games or practices, a special event permit shall be required for the exclusive or special use of all or portions of park areas, buildings, athletic fields or trails. Any event to include entertainment, tournaments, exhibitions or any other special use which can reasonably be expected to have fifty (50) or more persons involved or in attendance shall require a special event permit.

SECTION E. Conduct on Park Property.

(1) Within any park, it shall be unlawful for any person to:

(a) Use, possess, consume or sell any controlled substance in violation of Chapter 893, Florida Statutes or Section 130.01 of the Zephyrhills Code of Ordinances;

(b) Possess, consume or sell any type of alcoholic beverage in violation of Sections 94.03(d), 112.04 and 130.51 of the Zephyrhills Code of Ordinances unless a special event permit has been approved by the City Council;

(c) Gamble or participate in any game of chance in violation of Chapter 849, Florida Statutes or Section 130.35(7) of the Zephyrhills Code of Ordinances;

(d) Engage in disorderly conduct as defined by Chapter 877, Florida Statutes and Section 130.35 (10) of the Zephyrhills Code of Ordinances;

(e) Intentionally disturb, harass or interfere with the City's property or another

park visitor's property in violation of Section 130.35 (16) of the Zephyrhills Code of Ordinances;

(f) Dispose of off-site garbage, refuse, sewage or trash of any kind in violation of Sections 50.02 (c), and 50.04 (a) and (b) of the Zephyrhills Code of Ordinances. All other trash shall be disposed of properly in trash receptacles provided;

(g) With the exception of paint-ball guns, possession and use of firearms and weapons shall be authorized only as defined and set forth in Section 790, Florida Statutes;

(h) Set off or attempt to set off or ignite any firecracker, fireworks, smoke bombs, rockets, black powder guns or other pyrotechnics in violation of Chapter 791, Florida Statutes and Section 99.01 (c) of the Zephyrhills Code of Ordinances without an approved special event permit; or

(i) Impersonate any employee of the Parks Department or interfere with, harass or hinder any employee in the discharge of his duties in violation of Section 130.37 of the Zephyrhills Code of Ordinances.

SECTION F. Activities in Parks.

(1) ***Commercial use; solicitation and advertising.*** There shall be no solicitation, sales, peddling of goods, wares, merchandise, services, liquids or edibles except by prior permit granted by City Council pursuant to Sections 115.03 (a), 117.02, and 120.02 of the Zephyrhills Code of Ordinances or pursuant to an approved special event permit. There shall be no display or erection of private signage or advertising material.

(2) ***Pets in parks.*** It shall be unlawful for any person to:

(a) Bring any dog, cat or other pet into any park, unless caged or kept on a leash not more than six (6) feet in length. No ducks, geese, or any other type of bird or animal shall be brought into any park or public property. Dogs may be allowed off-leash inside designated dog-park areas;

(b) Allow any dog, cat or other pet to enter a playground area, picnic area, athletic field or complex, park building or any other areas designated as a "no pet" area within a park, or public property; with the exception of service / assistance dogs for individuals with disabilities;

(c) Permit a pet under his control to disturb, harass or interfere with any park visitor, a park visitor's property or a park employee;

(d) Tether any animal to a tree, plant, building or park equipment; and/or

(e) Fail to clean up their pet's feces and dispose of same in provided trash receptacles.

(3) ***Noise; amplification of sound.***

Unless an approved special event permit is issued, it shall be unlawful for any person to:

(a) Install, use or operate within the park a loudspeaker or sound amplifying equipment in a fixed or movable position or mounted upon any sound truck, for the purposes of giving instructions, directions, talks, addresses, lectures or transmitting music to any persons or assemblages of persons in or upon any place within a park;

(b) Use, operate or permit the use or operation of any radio, tape player, phonograph, television set, music amplifier or other machine or device for the production or reproduction of sound in a manner as to be disturbing or a nuisance to reasonable persons of normal sensitivity within the area of audibility; and/or

(c) Willfully make or continue, or cause to be made or continued, any loud, unnecessary or unusual noise which disturbs the peace or quiet within any park, or which causes discomfort or annoyance to any reasonable park visitor of normal sensitivity.

(2) The following standards shall be considered in determining whether a violation of the provisions of this Section exists:

(a) Level of the noise;

(b) The intensity of the noise;

- (c) Whether the nature of the noise is usual or unusual;
- (d) The level and intensity of the background noise, if any;
- (e) The type of area from which the noise emanates;
- (f) The intensity of human use of the area during the time when the noise emanates;
- (g) The time of the day or night when the noise occurs;
- (h) The duration of the noise; and
- (i) Whether the noise is recurrent, intermittent or constant.

(4) Fires. It shall be unlawful for any person to:

- (a) Start a fire in any park, or public property, except in a designated area, and then only in fire rings, portable stoves or grills;
- (b) Leave a fire unattended or fail to fully extinguish a fire; and/or
- (c) Scatter or leave unattended lighted matches, ashes, burning tobacco, paper or other combustible material.

(5) Assemblies and meetings. It shall be unlawful for any person to conduct public meetings, assemblies, worship services, entertainment, parades or demonstrations involving fifty (50) or more persons within any park, or public property without an approved special event permit.

(6) Entertainment and Amusement devices. It shall be unlawful to bring in, set up, construct, manage or operate any amusement or entertainment contraption, device, gadget petting farm, pony ride, etc. without an approved special event permit. If applicable, entertainment vendors shall also provide all necessary Health Department documentation and shall provide required sanitation facilities.

SECTION G. Protection of Property and Resources.

(1) Disturbance of natural features. It shall be unlawful for any person to:

- (a) Intentionally remove, alter, injure or destroy any tree, plant, and shrub in violation of Sections 100.17, 130.05 and 130.20 (a) and (b) of the Zephyrhills Code of Ordinances;
- (b) Dig trenches, holes or other excavations in violation of Section 130.20 (a) and (b) of the Zephyrhills Code of Ordinances; and/or
- (c) Introduce any plant, animal or other agent within any park, or public property without the prior approval of the City Council in violation of Section 130.05 of the Zephyrhills Code of Ordinances.

(2) Disturbance of wildlife. It shall be unlawful for any person to:

- (a) Kill, trap, hunt, pursue or in any manner disturb or cause to be disturbed, any species of wildlife; or
- (b) Release or abandon any animal or bird within any park, or public property.

(3) Destruction or defacement. It shall be unlawful for any person to:

- (a) Intentionally deface, vandalize or otherwise cause destruction to any park property, structure in violation of Section 130.20 (a) and (b) of the Zephyrhills Code of Ordinances; or
- (b) Intentionally deface, destroy, cover, damage or remove any placard, notice or sign or parts thereof, whether permanent or temporary, posted or exhibited by the Parks Department in violation of Section 130.20 (a) and (b) of the Zephyrhills Code of Ordinances.

SECTION H. Recreation Activities.

(1) Camping. It shall be unlawful for any person to camp overnight in any park, or public property in violation of Section 130.04 of the Zephyrhills Code of Ordinances unless a

special event permit has been approved by the City.

(2) **Swimming.** Unless otherwise designated as a swimming area, it shall be unlawful for any person to wade or swim within any park, public property, and/or retention or detention area.

(3) **Bicycling.** It shall be unlawful for any person to ride or operate a bicycle on any sidewalk, structure, or ramp that is not designated as a bicycle path or trail in violation of Chapter 316, Florida Statutes and Section 70.20 of the Zephyrhills Code of Ordinances. Bicyclists shall operate their bicycle in a prudent and careful manner and shall not exceed speeds faster than is reasonable and with safe regard to the safety of the operator and other persons in the immediate area;

(4) **All Terrain (ATV) and off-road vehicles.** It shall be unlawful for any person to operate any All-Terrain Vehicle, off-road vehicle, golf cart or dirt bike in any park, or public property except as authorized in an approved Special Events Permit.

(5) **Motor vehicle operation.** It shall be unlawful for any person to operate any vehicle within any park, or public property, except upon designated roadways, parking areas or other designated locations except as authorized in an approved Special Events Permit.

(6) **Maintenance of personal vehicles.** It shall be unlawful for any person to wash any vehicle with City supplied water or to perform routine maintenance including but not limited to greasing, changing oil or fluids or performing any other type of vehicle maintenance in any park, or public property, except in the case of an emergency.

SECTION I. Enforcement.

(1) The City of Zephyrhills Code Enforcement Division and/or Police Department in connection with duties imposed by law, shall enforce the provisions of this Ordinance and may issue citations, and eject from any park, or public property, persons acting in violation of the provisions of this Ordinance. The above departments shall have the authority to seize, confiscate and impound any substance, plant, animal, vehicle or other article which upon probable cause, is found to be used or possessed in violation of this Ordinance.

(2) The City of Zephyrhills Police Department or Pasco County Animal Control Officers shall have the authority to impound pets found in violation of this Ordinance.

(3) Any park reservation may be revoked upon violation by the permittee of any ordinance, rules or regulation of the City.