

ORDINANCE NO. 18-031

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, AMENDING **CHAPTER 12, ARTICLE II** OF THE CODE OF ORDINANCES ENTITLED "PARKS AND RECREATION"; AMENDING **SECTION 12-202 – PROHIBITED ACTIVITIES**, TO MODIFY LANGUAGE TO ALLOW FOR THE DELIVERY AND DEMONSTRATION WITH CITY PARKS; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City and St. Lucie County have a strong history of marketing ourselves as an eco-tourism, water front destination, including FortPierceTours.com and our partnership with Visit Florida; and

WHEREAS, many of the eco-tourism types of activities include paddle boards, kayaking, jet skis, boat rentals, fishing, canoeing, surfing and the like. Many of these businesses are home-based, utilizing websites to book tours; and

WHEREAS, several businesses have indicated difficulty in successfully operating their business as a result of the prohibition of delivery and demonstration with a city park; and

WHEREAS, at the conference agenda on August 13, 2018, the City Commission expressed a desire to modify the existing code to provide for a short-term solution for our local businesses and to seek assistance from the parks committee in looking at long-term appropriate vending opportunities in city parks.

NOW, THEREFORE, BE IT ORDAINED by City Commission of the City of Fort Pierce, Florida:

SECTION 1. Chapter 12, Article II, Section 12-202, of the Code of Ordinances, is hereby amended to read as follows:

Sec. 12-202. - Prohibited activities.

It shall be unlawful for any person to do any of the following in any park area or any other areas officially designated by the city commission as a park and posted as such unless specifically permitted by the appropriate authorization received from the city manager and issued pursuant to this article, except for activities of the city which are undertaken within the scope of its governmental authority:

- (a) Trespass at times when the park is closed;
- (b) Camp overnight, unless specifically authorized by permit issued by the city manager;
- (c) Purchase, sell, offer for sale, possess, or consume any alcoholic beverages, except in accordance with a special event and supplemental alcohol permit as provided in this chapter;
- (d) Cook foodstuff on grills other than those public grills provided by the city for that purpose, except as specifically allowed by special event permit as provided in this chapter. Persons may utilize grills provided by the city only for cooking in the park area. No fires or food preparation shall be allowed that pose a hazard to public property or the general public;
- (e) Set or stoke a fire, except for city-authorized prescribed burns or those fires set or stoked in designated city grills, where they are provided, and said fire shall not be allowed if it poses a hazard to public property or the general public;

- (f) Litter, dump, or fail to remove all trash in the nature of boxes, papers, cans, bottles, garbage and other refuse left or caused in the use of a park. If no trash receptacles are provided, then refuse and trash shall be carried away from the park area by the [park user] to be properly disposed of elsewhere;
- (g) Engage in the defacing, destruction, removal or alteration of any city owned facility, structure, grounds, or equipment;
- (h) Construct or erect any hut, shanty or other shelter. Park users may temporarily set up a temporary sun/shade apparatus up to ten (10) feet by ten (10) feet in size. Such apparatus must be made of flexible material, and any support lines which extend beyond the length and width of the covering, must be flagged for visibility and cannot be within fifteen (15) feet of any game court, sports field, or children's play equipment. No sun/shade apparatus shall remain in place overnight in any park;
- (i) Disturb the natural surface of the ground in any manner unless authorized in writing by the city manager and done in accordance with a city-initiated land management activity;
- (j) Erect or affix signs to any tree, post, pole, fence or park facility or grounds except as provided by city ordinance, or through an approved facility use contract authorized by the city manager;
- (k) Pick flowers, nuts, berries, or fruit and to damage or remove plants, trees or shrubs, unless specifically authorized in writing by the city manager and done in accordance with a city-initiated land management activity;
- (l) Engage in the removal, alteration or destruction of archaeological or cultural resources except as authorized by the city manager. For purposes of this section "archaeological or cultural resources" means associated physical remnants and features contained in the ground including, but not limited to, artifacts, fossils, bones, shell mounds, or primitive culture facilities or items;
- (m) To bring or otherwise allow any cat, dog, or other animal into any park area, except in a public parking area, public boat docks, walkways adjacent to a park, or where otherwise clearly marked by signs expressly permitting domestic animals in that area. Service animals that are specially trained and actively engaged in service to assist the handicapped are exempted from this section;
- (n) To allow privately owned animals to discharge or deposit waste. All owners or others in charge of privately owned animals shall remove their waste from the park grounds, and may deposit animal waste in park trash receptacles;
- (o) To in any way disturb or remove any wildlife, animal, bird, or egg located above, upon or below the surface of the park grounds or to allow any privately owned animal to do so unless specifically authorized in writing by the city manager;
- (p) Engage in the removal, destruction or harassment of animals and plants from or on park lands, except for authorized research efforts, as authorized by the city manager;
- (q) Engage in the introduction of plants or animals onto park lands unless authorized by the city manager;
- (r) To launch, throw, hurl, or otherwise propel an arrow, spear, BB, pellet, slingshot, or other dangerous object, except that in accordance with F.S. § 790.33, this part shall not be used to regulate firearms, ammunition, or components thereof as defined in F.S. Ch. 790;
- (s) Drive, putt or otherwise hit a golf ball, except in parks specifically designated for those purposes;
- (t) Use roller skates, roller blades or skateboards, except on park facilities specifically designated for this purpose;
- (u) Operate any motor vehicle on park grounds except in areas designated by the city as parking areas, driveways, and roadways. Motorists shall obey all traffic control devices posted within the park. Authorized city personnel or contract personnel shall be allowed to drive vehicles onto park areas during facility maintenance or renovation projects;
- (v) Repair, change any parts, except for emergency repairs, wash, polish and wax or grease any vehicle;
- (w) Use public restrooms to shave and/or shower, unless shower facilities are specifically provided for public use;

- (x) Bathe or otherwise be or remain in a water or drinking fountain and/or its reservoir or to allow any privately owned animal to do so;
- (y) Discharge or deposit human wastes, except in toilet facilities provided by the city;
- (z) Engage in the sale, rental, ~~delivery, demonstration, or display, or offering as a business promotion~~ any item or service for any non_city-sponsored function(s), except as otherwise permitted for special events as provided by this chapter or administrative rule;
- (aa) Use of any park property for non_city-sponsored fundraising activities, except as otherwise permitted for special events as provided in this chapter;
- (bb) Engage in gambling, conduct raffles, bingo games, card games for money or donations for prizes or any other forms of gambling, whether the activity is for charity or otherwise;
- (cc) Play or operate any radio, stereo, public address system, or any other sound emitting device in such a manner that the sound produced is audible at a distance of greater than one hundred (100) feet, unless otherwise permitted for special events as provided in this chapter, except that no action shall be taken to enforce this part until a warning to cease such violation has been issued by a person authorized to enforce this chapter and the violator continues such violation;
- (dd) Refuse to vacate any pavilion, table, building, or other portion of a park area that is permitted for the exclusive use of another party as provided by special event permit or temporary rental agreement authorized by the city.

SECTION 2. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause, or phrase of this Ordinance shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 3. All ordinances or parts of ordinances in conflict herewith are and the same shall be repealed and shall be of no further course or effect whatsoever.

SECTION 4. This ordinance is and the same shall become effective immediately upon final passage.

**APPROVED AS TO FORM
AND CORRECTNESS:**

James M. Messer, Esq.
City Attorney

**STATE OF FLORIDA
COUNTY OF ST. LUCIE**

WE, THE UNDERSIGNED, Mayor Commissioner and the City Clerk of the City of Fort Pierce, Florida, do hereby certify that the foregoing and above Ordinance No. 18-031 was duly advertised by title only in the St. Lucie News Tribune on August 25, 2018; copy of said Ordinance was made available at the office of the City Clerk to the public upon request; said Ordinance was duly introduced, read by title only, and passed on first reading by the City Commission of the City of Fort Pierce, Florida, on September 4, 2018; and was duly introduced, read by title only, and passed on second and final

reading on September 17, 2018, by the City Commission of the City of Fort Pierce, Florida.

IN WITNESS HEREWITH, we hereunto set our hands and affix the Official Seal of the City of Fort Pierce, Florida, this 17th day of September, 2018.

Linda Hudson
MAYOR COMMISSIONER

ATTEST

Linda W. Cox
CITY CLERK

(CITY SEAL)