

CHAPTER 28 – PARKS PROPOSED AMENDMENTS

October 9, 2023
Conference Agenda



The Parks Committee was asked to review Chapter 28 – Parks to consider amending the parking section to allow extended parking in some locations due to nighttime fishing, parking for late-night establishments, etc.

As the entire ordinance has not been updated in over 10 years, this was an opportunity to review the entire ordinance. Code Enforcement staff made several recommendations based upon current events that have been encountered and identified since assuming beach/park patrols during Covid.



The review required 2 basic issues to be considered:

1. Why? What is the purpose of or basis for the ordinance?
What benefit does it provide?
2. Can it be enforced? Is it the best use of City's resources to enforce it?



Sec. 28-4. Fishing within city.

(a) The city hereby prohibits fishing from certain specified areas, as follows:

(7) From the land or shoreline, including structures or docks attached thereto, in any area of Jaycee Park.

(8) From the land or shoreline, including any structures attached thereto, along the south side of the inlet in the area known as S. Causeway Park, from the western boat ramp to just west of, but not including, the concrete pier located at the eastern side of beach area.



~~Sec. 28-5. Cleaning of beach during turtle nesting season.~~

~~The following regulations and standards shall apply to cleaning activities on beaches within the city limits from March 1 through October 31:~~

~~(1) All beach cleaning activity shall be approved by the state department of environmental protection as to method and equipment;~~

~~(2) Use of mechanical beach cleaning equipment above the high water tide line is prohibited; and~~

~~(3) Prior to use of mechanical cleaning equipment, the Bureau of Marine Science and Technology in St. Petersburg, Florida, shall be contacted for instructions and orientation necessary for the protection of nesting sea turtles.~~

Sec. 28-30. Hours.

All public parks shall be closed **during posted hours** ~~from sunset to sunrise daily, except where otherwise posted~~ **for properly permitted special events.** ~~Exceptions to the hours of operation may be established by administrative rules.~~

Sec. 28-31. 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.

The following sections have **no amendments** or only a minor amendment such as removing a city exemption, which is included in the above paragraph:

Subsections 1 – 3; 5 – 7; 10 – 12; 15 – 25; 27-30;

The following sub-sections of 28-31 - Prohibited activities are highlighted for discussion:

**(4) – Use of grills in the parks; (8) – Tent sizes and restrictions
(9) – Disturbing the environment; (13) & (14) – Animals in parks;
(26), (31), (32) & (33) – New additions**



(4) The use of personal grills shall be limited to the following:

- a) Charcoal 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 are prohibited. ~~Persons may utilize grills provided by the city only for cooking in the park area.~~
- b) Grills, both personal and city provided, may only be used for cooking food.
- c) No active or hot grill shall be left unattended.
- d) No grill of any kind shall be used or allowed inside/under pavilions.
- d. No fires or food preparation shall be allowed that pose a hazard to public property or the general public;



TO GRILL OR NOT TO GRILL...



- (4) 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;

(8) Construct or erect any hut, shanty or other shelter, except for ~~Park users may temporarily set up~~ a temporary sun/shade apparatus ~~up to ten feet by ten 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,~~ which complies with the following:

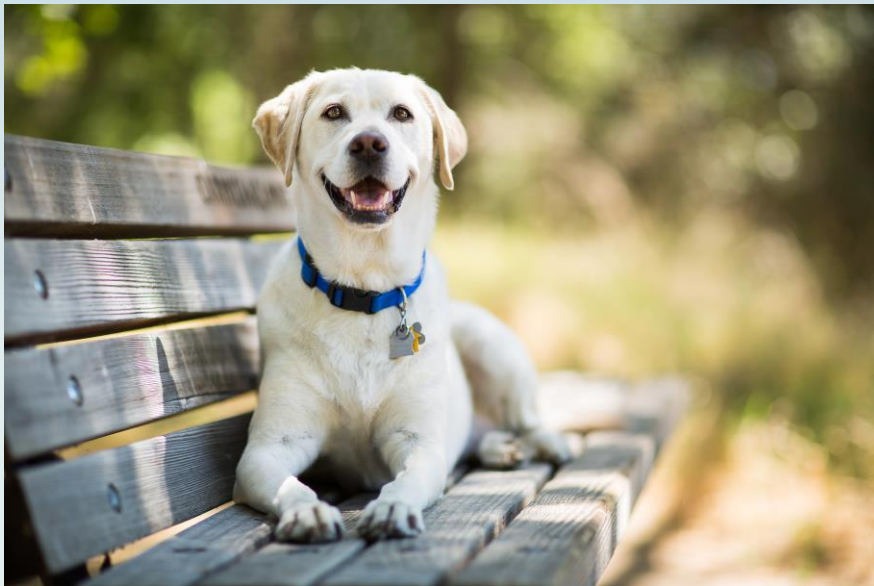
- a) It cannot be located within 15 feet of any shoreline, swim area, game court, sports field, or children's play equipment.
- b) No sun/shade apparatus shall remain in place overnight in any park;
- c) Such apparatus must be free standing and not attached to any tree, sign, or permanent structure.
- d) Such apparatus must be less than 30' in size in any direction per Florida Building Code and apparatuses less than 30' in size may not be joined together to exceed this size limitation.



**** OR ****

(8) Construct or erect any hut, shanty or other shelter. Park users may temporarily set up a temporary sun/shade apparatus up to ten feet by ten 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 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;

- (9) **Except for the sandy/beach areas of the parks, to d**~~Disturb~~ the natural surface of the ground in any manner. **All holes dug in the sand/beach areas must be refilled before leaving the area.** ~~unless authorized in writing by the city manager and done in accordance with a city-initiated land management activity;~~



- (13) 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 persons with disabilities are exempted from this subsection;
- (14) To allow ~~privately-owned~~ **lawfully permitted service** animals to discharge or deposit waste. All owners or others in charge of ~~privately-owned~~ **lawfully permitted services** animals shall remove their waste from the park grounds, and may deposit animal waste in park trash receptacles;



- (26) To jump from or swim within 25' of any boat ramp, fishing pier, or dock. Engage in the sale, rental, delivery, demonstration, display, or offering as a business promotion any item or service for any non-city-sponsored functions, except as otherwise permitted for special events or special use as provided by this chapter or administrative rule;

- (31) To possess, use, or discharge any fireworks in violation of Section 18-24 of the Code of Ordinances.



- (32) Use of floats, rafts, mats, and similar flotation devices in designated swimming areas, larger than those designed for a single user.

- (33) The use, idling, parking, mooring, or beaching of any motorized watercraft in the areas of Jaycee Park designated as a kayak or sailboat launch area, specifically defined as:**
- a. The south launch area is the area from the north edge of the north dock to the swim area, to include the beach and the water between the beach and the last buoy of the swim area.**
 - b. The north launch area is the area from the north end of the swim area to the 2nd set of buoys at the Mariner Bay property line, to include the beach and the water between the beach and the last buoy of the swim area.**



Sec. 28-33. Parking ~~within parks.~~

- (a) No person in a park area shall park a motor vehicle in other than an established or designated parking area in accordance with posted traffic control devices, signs, markings and or with the instructions of any attendant who may be present.
- (b) No person shall park or leave a vehicle in a parking area within or directly adjacent to a park area established in conjunction with a park and recreation facility beyond the posted hours of operation established for said parking area. ~~facility unless otherwise posted. Operators of vehicles having mechanical breakdowns or operational failures shall immediately advise the traffic officers or appropriate park employees of such circumstances and shall take further appropriate action necessary to ensure that said vehicle will be removed from the parking area with all reasonable dispatch. No vehicle shall be permitted to remain in the parking areas after the closing hours thereof unless the express permission of the police department is first obtained. Vehicles in violation thereof shall be subject to removal by the city police officers and impounded until they are redeemed at the owner's expense.~~



- (c) RVs larger than a 19' Class B Camper Van that can fit into a standard parking space are prohibited.
- (d) Travel trailers, 5th wheeler, semitrucks, semitrailers, and other vehicles in excess of 19', with the exception of buses and trailers designed to carry boats or watercraft parked in spaces designated for such use, are prohibited.
- (e) Violations of this section shall be enforced as parking violations as provided in chapter 34.

~~Sec. 28-34. Surfside Park—Area designated.~~

~~The lands described in this section shall be known as Surfside Park, said lands being within the corporate limits of the city and described as follows:~~

~~That part of the North 550 feet of Government Lot 1, Section 12, Township 35 South, Range 40 East and that part of the North 550 feet of Government Lot 1, Section 7, Township 35 South, Range 41 East lying east of State Highway A-1-A, Surfside Unit One.~~

~~{Code 1983, § 12-251; Ord. No. L-246, § 2, 2-21-2012}~~

~~Sec. 28-35. Surfside Park—Regulations and standards.~~

~~The following regulations and standards shall apply to and govern Surfside Park:~~

- ~~(1) No overnight parking or camping will be permitted.~~
- ~~(2) No peddlers, solicitors or canvassers, as defined by section 22-358, will be permitted.~~
- ~~(3) No dogs or other animals will be permitted on the beach (east of the dune line). Service animals that are specially trained and actively engaged in service to assist persons with disabilities are exempted from this subsection.~~
- ~~(4) No surf fishing will be permitted.~~
- ~~(5) No boats will be permitted within 100 yards of the shore.~~
- ~~(6) No motor vehicles, including cars, trucks, scooters, motorcycles or other devices propelled by other than muscular power, will be permitted on the beach (east of the dune line), except authorized beach patrol vehicles; city, county, state or federal vehicles; and ambulances and wreckers on emergency calls.~~
- ~~(7) No picnicking will be permitted on the beach (east of the dune line). Areas for picnicking are immediately adjacent to swimming and protected beach areas and should be used for this purpose leaving the beach area itself free of bottles, cans or other refuse.~~
- ~~(8) No athletic games will be permitted on the beach (east of the dune line) without the express permission of lifeguard personnel on duty, if any.~~
- ~~(9) No competitive swimming, diving, boating or surfing events will be permitted without first scheduling such events with the city manager, thereby making it possible to furnish adequate lifeguard protection.~~

**DELETING ENTIRE SECTION –
CITY LIMITS END AT DUNE LINE**



Sec. 28-36. Special use permit required.

No vendor shall engage in, participate in, or commence any delivery or demonstration of products in any city public facility, unless a limited special use permit shall have been obtained from the city manager, or designee. The city commission shall determine the maximum number of special use permits available for issuance, which shall be established by resolution.

Sec. 28-37. Application for special use permit.

- (a) A person seeking issuance of a special use permit shall file an application with the city manager or designee on forms provided by the city.
- (b) For a special use permit, a complete application for or renewal of a permit shall be filed allowing 30 business days for processing from the date of a fully completed application. The application shall be signed by the applicant under oath.
- (c) Special use permits are for either three, six, or 12-month periods and are not automatically renewed. They are for limited delivery and demonstration only and do in no way offer permission to engage in the sale, rental, display, or business promotion at any city public facility.

Questions?