

# CITY OF FORT PIERCE

## PARKS ADVISORY COMMITTEE

Regular Meeting - Thursday, July 20, 2023 - 10 am to 12 pm

City Hall - Commission Chambers - 100 N. US-1, Fort Pierce, Florida 34950

1. **CALL TO ORDER**

2. **PLEDGE OF ALLEGIANCE**

3. **ROLL CALL**

4. **COMMENTS FROM THE PUBLIC**

Any person who wishes to comment on any subject on this Agenda may be heard at this time. Please sign the sign-up sheet in order to speak. Please limit your comments to no more than five (5) minutes, as this section of the Agenda is limited to thirty minutes. The Parks Advisory Committee will not be able to take any official action under “Comments from the Public” section.

5. **APPROVAL OF MINUTES**

- a. Approval of the Minutes from the June, 15, 2023 Meeting

6. **OLD BUSINESS**

7. **NEW BUSINESS**

- a. Parks Ordinance

8. **BOARD DISCUSSION**

9. **STAFF DISCUSSION**

10. **ADJOURNMENT**

In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons with disabilities needing special accommodation to participate in this meeting should contact the City Clerk's Office at (772) 467-3065 at least 48 hours prior to the meeting.

**Parks Advisory Committee**

**5. a.**

**Meeting Date:** 07/20/2023

**Re:**

**Submitted For:** City Clerk, Deputy City Clerk, City Clerk

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**SUBJECT:**

Approval of the Minutes from the June, 15, 2023 Meeting

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**Attachments**

06.15.2023

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**Form Review**

Form Started By: Latoya Ransom

Started On: 07/06/2023 03:05 PM

Final Approval Date: 07/06/2023

MINUTES OF A REGULAR MEETING OF THE PARKS ADVISORY COMMITTEE OF THE CITY OF FORT PIERCE, FLORIDA, HELD IN THE CITY COMMISSION CHAMBERS, 100 N. US HIGHWAY 1, FORT PIERCE, FLORIDA, AT 10:00 A.M. ON THURSDAY, JUNE 15, 2023 .

Present: Charlene Adair; Eileen Emery; Mary Ann Durkin; Ionis Jefferson-Knowles; Patty Reconco; Renella Mitchell

Absent: Bob Burdge

Staff Present: Mike Reals, Public Works Director  
Latoya Ransom, Deputy City Clerk

**1. CALL TO ORDER**

**2. PLEDGE OF ALLEGIANCE**

**3. ROLL CALL**

**4. COMMENTS FROM THE PUBLIC**

Any person who wishes to comment on any subject on this Agenda may be heard at this time. Please sign the sign-up sheet in order to speak. Please limit your comments to no more than five (5) minutes, as this section of the Agenda is limited to thirty minutes. The Parks Advisory Committee will not be able to take any official action under “Comments from the Public” section.

None

**5. APPROVAL OF MINUTES**

- a. Approval of the minutes from the April 20, 2023 meeting.

Motion was made by Patty Reconco, seconded by Eileen Emery to approve the minutes as corrected.

AYE: Charlene Adair, Eileen Emery, Ionis Jefferson-Knowles, Mary Ann Durkin, Patty Reconco, Renella Mitchell

Passed

**6. OLD BUSINESS**

- a. Update on Pioneer Park Plaques Program

Mike Reals explained the vetting, nominations, and funding processes of the project.

Ms. Jefferson inquired about a list of nominees compiled by a previous committee.

Mr. Reals commented on the vetting process for nominees.

## **7. NEW BUSINESS**

None

## **8. BOARD DISCUSSION**

Chairwomen Adair commented on the support by the Commission on the Jaycee Park agreement.

Mr. Reals explained the process for review to get the item on the agenda in a timely manner.

Mary Ann Durkin - No comments

Renella Mitchell suggested that the Committee have name plates for meetings.

Ionis Jefferson inquired on Committee name tags or shirts.

Mr. Reals commented that this topic will be revisited.

Eileen Emery – no comments

Patty Reconco inquired if the City had been considered by Brightline for a station, the scooter program, Wi-Fi in the parks, sidewalk activities for engagement such as geocaching, involvement with the homeless population.

Mr. Reals commented on preparedness for a train station, provided an updated on the scooter program, explained the Cities in currently working on infrastructure to support Wi-Fi in the parks, and that sidewalk activities had been considered previously, but there were several boundaries with the current configuration. However, in the updated downtown proposal, sidewalk engagement has been considered.

Chairwomen Adair commented on the addition of pickle ball to Pinewood Park and how the homeless population may be affected, if there is a plan to refurbish Gulf Stream Park and Jaycee Park sidewalk access.

Mr. Reals explained the addition of pickle ball to Pinewood Park, the upcoming upgrades, the accessibility for the public to all parks, the goal for beach access in Gulf Stream Park and sidewalk improvements for Jaycee Park as they will be updated last because it is labor-intensive and costly.

Mr. Reals explained the addition of pickle ball to Pinewood Park, the upcoming upgrades, the accessibility for the public to all parks, the goal for beach access in Gulf Stream Park and sidewalk improvements for Jaycee Park as they will be updated last because it is labor-intensive and costly. In addition, he notified the Committee of Ms. Ballards promotion.

Ms. Mitchell inquired about the possible upgrade of the park water fountains.

Mr. Reals commented on the possible upgrade to fill stations.

Ms. Jefferson inquired on the water fountains and requested an update on Fenn Park.

Mr. Reals explained the progress taking place within Fenn Park

Chairwomen Adair inquired if an interactive water feature will be added and making City parks more handicap accessible.

Mr. Reals confirmed that it is not currently in the plans.

**9. STAFF DISCUSSION**

**10. ADJOURNMENT**

Motion was made by Patty Reconco, seconded by Mary Ann Durkin to adjourn the meeting.

AYE: Charlene Adair, Eileen Emery, Ionis Jefferson-Knowles, Mary Ann Durkin, Patty Reconco, Renella Mitchell

Passed

The meeting was adjourned at 11:02 a.m.

**Parks Advisory Committee**

**7. a.**

**Meeting Date:** 07/20/2023

**Re:** Parks Ordinance

**Submitted For:** Linda Cox, City Clerk, City Clerk

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**SUBJECT:**

Parks Ordinance

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**Attachments**

Parks Ordinance

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**Form Review**

Form Started By: Latoya Ransom

Started On: 07/10/2023 01:50 PM

Final Approval Date: 07/10/2023

## Chapter 28 PARKS, RECREATION AND SPECIAL EVENTS<sup>1</sup>

### ARTICLE I. IN GENERAL

#### Sec. 28-1. Definitions.

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

*Administrative rules* mean the rules and regulations promulgated by the city manager under the procedure prescribed in section 2-85.

*Block party* means a gathering composed substantially of neighbors in a residential area which requires the closing of a local street for the purpose of having a party or other social, recreational or similar other type of assemblies.

*City manager* means the city manager, or such individual's designee.

*Driver* means every person who drives or is in actual physical control of a vehicle or steering a vehicle being towed by a motor vehicle.

*Fishing* means taking or attempting to take, possess, remove, or capture fish or other marine life, by means of any type of pole, rod, net, spear gun, spear, lance, gig, or any type of device used for taking, removing, possessing, or capturing fish, whether for commercial or noncommercial purposes. The term "net" includes cast nets, seine nets, and scoop nets.

*Motor vehicle* means every vehicle which is self-propelled whether by means of an internal combustion engine or by electrical power, including, but not limited to, automobiles, buses, emergency vehicles, motorcycles, motorbikes, motor scooters, school buses, trucks and tractors, except publicly-owned vehicles in the performance of their functions and motorized wheel chairs.

*Park area* means all parks, playgrounds, recreation fields and areas, waterways, water areas, canals, beaches, buildings, structures and facilities and the parking areas, roadways, walkways, paths and trails which are provided in connection therewith within the city limits, excluding state and federal parks.

*Parking* means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.

*Special event* means any outdoor meeting, activity, parade, gathering or group of two or more persons, animals or vehicles, or a combination thereof having a common purpose, design or goal, upon any public street, sidewalk, alley, park, beach or other public property, place or building, which special event substantially inhibits the usual flow of pedestrian or vehicular travel or which occupies any outdoor area of any public area or building which results in use preempting normal use otherwise to be made of the area by the general public or which deviates from the established use. The term "special event" shall not be construed to include a funeral procession.

*Traffic control devices* means all signs, signals, markings and devices planned or created by authority of the city for the purpose of regulating, warning or guiding traffic.

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<sup>1</sup>State law reference(s)—Municipal Home Rule Powers Act, F.S. ch. 166.

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(Code 1983, § 12-100; Ord. No. L-246, § 2, 2-21-2012)

### **Sec. 28-2. Enforcement.**

- (a) The police department's officers, code enforcement officers, and any other city employees designated by the city manager shall enforce this chapter.
- (b) Any city employee authorized to enforce this chapter, as provided herein, has the authority to eject from a park or public facility any person in violation of this chapter or any other law.
- (c) Any person who violates any provision of this chapter shall be subject to municipal enforcement as set forth in chapter 1, article II, divisions 2 and 3.

(Code 1983, § 12-101; Ord. No. L-246, § 2, 2-21-2012; Ord. No. 20-002, 2-3-2020)

### **Sec. 28-3. Fees.**

Fees for permits and service required by this chapter shall be established by resolution of the city commission.

(Code 1983, § 12-102; Ord. No. L-246, § 2, 2-21-2012)

### **Sec. 28-4. Fishing within city.**

- (a) The city hereby prohibits fishing from certain specified areas, as follows:
  - (1) From the South Bridge located on Seaway Drive within the city, except from the balconies or walkways underneath and attached to either side of such bridge;
  - (2) From the land or shoreline, including structures attached thereto, along the west bank of the Indian River Lagoon in the area known as River Walk starting at the base of the South Bridge on Seaway Drive, extending south until the mouth or entrance to Moore's Creek;
  - (3) From the land or shoreline, in, on, upon or under the waters of Moore's Creek, east of Indian River Drive, being the area where Moore's Creek enters the Indian River Lagoon;
  - (4) From the land or shoreline, including structures attached thereto, in, on, upon or under the waters of the city marina, except as otherwise provided by marina rules or dockage license agreements;
  - (5) From the land or shoreline, including structures attached thereto, along the west bank of the Indian River Lagoon in the area known as Marina Square, starting at Avenue A and extending south to Orange Avenue; and
  - (6) From the sidewalk adjacent to the south side of the city inlet in the area known as Inlet Linear Park, west of, but not including, the South Jetty or the adjacent picnic area.

SHOULD THE RULE INCLUDE BOAT RAMPS? THERE ARE SIGNS SAYING NO FISHING AT THE BOAT RAMPS, BUT NO RULE TO ENFORCE.

SHOULD THE RULE INCLUDE SOUTH CAUSEWAY PARK OR JAYCEE PARK COMPLETELY – INCLUDING THE BOAT RAMPS? CURRENTLY, NO RULE TO PROHIBIT SURF FISHING EVEN THOUGH THE AREA IS USED FOR SWIMMING.

- (b) "No fishing" areas encompassed and included in this section are generally described as provided by diagram, a current copy of which shall be kept on file with the city clerk, and referenced hereto.

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(c) Areas encompassed and included in this section, wherein fishing is prohibited, shall be posted with signage indicating such restriction.

(Code 1983, § 12-103; Ord. No. L-246, § 2, 2-21-2012)

**Sec. 28-5. Cleaning of beach during turtle nesting season. DO WE HAVE BEACHES THAT GET TURTLES? IS THIS SECTION NECESSARY?**

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.

(Code 1983, § 12-104; Ord. No. L-246, § 2, 2-21-2012)

**Secs. 28-6—28-28. Reserved.**

***ARTICLE II. PARKS AND RECREATION***

**Sec. 28-29. Purpose.**

The purpose of this article is to establish rules and regulations governing the operation and use of park and recreation facilities, including established and designated beach and picnic areas, buildings and shelters devoted to recreational purposes, athletic fields, tennis courts, shuffleboard courts, swimming areas and other similar recreational areas and facilities, and the parking areas provided in connection therewith which are located within the city limits, for the end and purpose that the public may obtain the maximum enjoyment and utilization thereof in accordance with the purposes intended, and that the facilities may be conserved and protected for the public good. State and federal parks are excluded from the provisions of this article.

(Code 1983, § 12-200; Ord. No. L-246, § 2, 2-21-2012)

**Sec. 28-30. Hours.**

All public parks shall be closed 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.~~

**NOT SURE WHAT ADMINISTRATIVE RULES ARE – MAYBE BY RESOLUTION? RECOMMEND DELETE THE REFERENCE.**

(Code 1983, § 12-201; Ord. No. L-246, § 2, 2-21-2012)

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## 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:** CITY ACTIVITIES ARE EXEMPTED BY THIS SECTION. RECOMMEND DELETING ALL THE EXEMPTIONS LISTED THROUGHOUT.

- (1) Trespass at times when the park is closed;
- (2) ~~Camp overnight, unless specifically authorized by permit issued by the city manager;~~ RECOMMEND DELETE – COVERED UNDER #1 AS WELL AS 28-30 – PARK HOURS. IF THE INTENT WAS FOR THE RV PARKING – NEW ADDITION INCLUDED IN SEC. 28-33.
- (3) 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;
- (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;

PLEASE REVIEW AND CONSIDER ALLOWING THE USE OF PERSONAL GRILLS. THIS IS OUR #1 ISSUE AT THE PARKS. FAMILIES COME TO THE PARK FULLY OUTFITTED FOR THE DAY WITH THEIR COOLERS AND GRILLS. WHY NO GRILLS? WHAT PURPOSE DOES THIS RESTRICTION SERVE?

RECOMMEND:

- Use of grills is limited to portable propane stoves that utilize LP tanks no larger than 16 oz.
  - Use of charcoal is limited to those public grills provided by the city for that purpose, except as specifically allowed by special event permit as provided in this chapter.
  - Grills, both personal and city provided, may only be used for cooking food.
  - No active or hot grill shall be left unattended.
- (5) 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;
  - (6) 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;
  - (7) Engage in the defacing, destruction, removal or alteration of any city-owned facility, structure, grounds, or equipment;
  - (8) Construct or erect any hut, shanty or other shelter, ~~except for a 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~~ cannot be located 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;

WHAT IS THE PURPOSE OF THIS RESTRICTION? WE HAVE HAD PEOPLE COMPLAIN ABOUT A 12X12 TENT – BUT THEN A GROUP OF PEOPLE CAN PUT UP 4 – 10X10'S RIGHT NEXT TO EACH OTHER. AGAIN –

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FAMILIES COME TO THE PARK TO SPEND THE DAY AND SHOULD BE ABLE TO PROVIDE SHADE. AND NO ONE HAS EVER FLAGGED THEIR TIE DOWNS.

- (9) ~~Except for the sandy/beach areas of the parks,~~ 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;~~
- (10) 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;
- (11) 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;~~
- (12) Engage in the removal, alteration or destruction of archaeological or cultural resources, except as authorized by the city manager. For purposes of this section, the term "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;
- (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;
- PLEASE REVIEW AND DISCUSS – SHOULD DOGS BE ALLOWED WITH CERTAIN RESTRICTIONS? EX) MUST BE LEASHED/TETHERED. LEASH/TETHER NO LONGER THAN 6 FEET. MUST PICK UP AFTER. ETC.
- (14) 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;
- (15) 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;
- (16) 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;
- (17) Engage in the introduction of plants or animals onto park lands, unless authorized by the city manager;
- (18)** 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 subsection (18) shall not be used to regulate firearms, ammunition, or components thereof, as defined in F.S. ch. 790;
- PLEASE REVIEW AND DISCUSS PROHIBITING THE CARRYING OF FIREARMS – NOW THAT THE STATE HAS ALLOWED OPEN CARRY WITHOUT A PERMIT.
- (19) Drive, putt or otherwise hit a golf ball, except in parks specifically designated for those purposes;
- (20) Use roller skates, roller blades or skateboards, except on park facilities specifically designated for this purpose;
- (21) 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;~~
- (22) Repair, change any parts, except for emergency repairs, wash, polish and wax or grease any vehicle;

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- (23) Use public restrooms to shave and/or shower, unless shower facilities are specifically provided for public use;
  - (24) 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;
  - (25) Discharge or deposit human wastes, except in toilet facilities provided by the city;
  - (26) 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~~;

PLEASE REVIEW AND DISCUSS – THIS HAS BEEN A HOT TOPIC FOR MANY YEARS AND SHOULD BE CLARIFIED. WHAT IS A BUSINESS PROMOTION? DOES IT REQUIRE THE EXCHANGE OF MONEY?

- DELIVERIES – DO WE WANT TO CONTINUE TO PROHIBIT BUSINESSES FROM SIMPLY DROPPING OFF?
  - DO WE WANT TO INSTITUTE A PERMIT THAT BUSINESSES CAN PURCHASE TO DROP OFF/PICK UP THEIR CUSTOMERS?
  - DO WE WANT TO INCLUDE THE PROHIBITION OF CANVASSERS OR SOLICITORS? WHAT IF SOMEONE IS GATHERING SIGNATURES FOR AN ITEM TO BE PUT ON A BALLOT? OR OTHER POLITICAL PURPOSE. THAT IS NOT A BUSINESS PROMOTION.
  - SHOULD THIS SECTION BE DELETED IN ITS ENTIRETY AS IT IS HANDLED IN SECTION 28-36?
- (27) Use of any park property for non-city-sponsored fundraising activities, except as otherwise permitted for special events as provided in this chapter;
  - (28) 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;
  - (29) 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 100 feet, unless otherwise permitted for special events as provided in this chapter, except that no action shall be taken to enforce this subsection until a warning to cease such violation has been issued by a person authorized to enforce this chapter and the violator continues such violation;
  - (30) 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.

RECOMMEND ADDING TO RESTRICTIONS:

- THE USE OF FIREWORKS AS DEFINED IN SECTION 18-23.
- JUMPING FROM OR SWIMMING WITHIN 25' OF ANY BOAT RAMP, FISHING PIER OR DOCK.

(Code 1983, § 12-202; Ord. No. L-246, § 2, 2-21-2012; Ord. No. 21-003 , § 1, 4-5-2021)

## **Sec. 28-32. Rental of park pavilions and facilities.**

The city may temporarily rent pavilions, picnic tables, and other facilities designed for such purpose for the exclusive use of a renter. Such rental shall require a special event permit and supplemental facilities rental permit as provided within this chapter. No such rental shall authorize the sale, possession, or consumption of alcohol without a supplemental alcohol permit as required within this chapter.

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(Code 1983, § 12-203; Ord. No. L-246, § 2, 2-21-2012)

**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 or markings and with the instructions of any attendant who may be present.
- (b) No person shall park or leave a vehicle in a parking area established in conjunction with a park and recreation facility beyond the hours of operation established for said facility except for the use of the public boat ramps and related parking, 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.

**RECOMMEND:**

- RVs larger than a Class B Camper Van that can fit into a standard parking space are prohibited.
- Travel trailers, 5<sup>th</sup> wheels, toy haulers and similar vehicles designed to be towed, with the exception of trailers specifically designed to carry boats or watercraft, are prohibited.

- (c) Violations of this section shall be enforced as parking violations as provided in chapter 34.

(Code 1983, § 12-204; Ord. No. L-246, § 2, 2-21-2012)

WHY? WHAT PURPOSE? THE PARK BOUNDARIES END BEFORE THE DUNE LINE AND DO NOT EXTEND TO THE WATERLINE. NONE OF THESE RULES ARE ENFORCEABLE OR ALREADY APPLY TO ALL PARKS.

**~~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. SAME AS ALL OTHER PARKS~~
- ~~(2)—No peddlers, solicitors or canvassers, as defined by section 22-358, will be permitted. RECOMMENDING FOR ALL PARKS~~
- ~~(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. EAST OF THE DUNE LINE IS SLC—NOT COFP.~~

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- ~~(4) No surf fishing will be permitted. EAST OF THE DUNE LINE IS SLC — NOT COFP.~~
- ~~(5) No boats will be permitted within 100 yards of the shore. WHO IS GOING TO ENFORCE THIS? FPPD ONLY PATROLS THE INTERCOASTAL.~~
- ~~(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. EAST OF DUNE LINE IS SLC — NOT COFP.~~
- ~~(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.~~
- ~~(10) All signs, containers, lifeguard stands, water areas, safety ropes, benches, playground equipment, picnic shelters or other structures placed in Surfside Park are public property and shall not be damaged or defaced by any person~~

~~(Code 1983, § 12-252; Ord. No. L-246, § 2, 2-21-2012)~~

### **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.

~~DOES ANY OF THIS REQUIRE REVIEW?~~

~~( Ord. No. 21-003 , § 3, 4-5-2021)~~

### **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 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.
- (d) The application for a special use permit shall include the following information:
  - (1) The name/organization, responsible person and title, mailing address, physical address (if different from mailing address), telephone number(s), email address, business website, description of business, and number of employees;

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- (2) Insurance information including liability showing the city as an additional insured in the minimum amount of \$500,000.00, insurance company, policy number, and expiration date. If the business has four or more employees, workers' compensation insurance is also required by the state including insurance company, policy number, and expiration date. A copy of all policies is required in addition to a certificate signed by an authorized agent of the insurance company.
  - (3) A description of the requested activities, location requested along with reason for chosen location, description of the delivery and pickup process, the time required for delivery and pickup, and vehicle information for the vehicle used for delivery including description, size, parking requirements, and license plate number.
  - (4) A copy of a valid business tax receipt if appropriate.
  - (5) A description of the demonstration/training process, the time required for demonstration/training, the equipment/setup required for delivery and pickup and/or demonstration.
  - (6) The time of day requested along with the days of the week requested.
  - (7) The requested length for the special use permit: Three, six, or 12 months.
  - (8) The applicant signature, date, and title.

( Ord. No. 21-003 , § 4, 4-5-2021)

### **Sec. 28-38. Standards for issuance of special use permit.**

The city manager, or designee may issue a permit as provided for hereunder when, from a consideration of the application and from other information as may otherwise be obtained, it appears that:

- (1) The requested length of time is reasonable for the activity requested and either three, six, or 12 months;
- (2) The time of day and days of the week are acceptable for the activity;
- (3) The fee was paid. A fee schedule shall be adopted by resolution of the city commission and maintained in the city clerk's office;
- (4) The liability and workers' compensation insurance are verified and acceptable.
- (5) The public facility requested balances a "business friendly" city with having public facilities that are relaxing, welcoming, recreational, and safe for all citizens to enjoy. If the facility requested does not meet these requirements, an alternate facility will be offered; examples include but are not limited to: not congruent with or competes with other activities within the facility, insufficient space and/or parking for the activity, safety concerns, or the activity would block citizens from using attributes of the facility;
- (6) Delivery and pickup conditions including time limits meet the requirements of having public facilities that are relaxing, welcoming, recreational, and safe for all citizens to enjoy;
- (7) There is sufficient parking to meet requirements. Parking requirements will be specified as needed to ensure having public facilities that are relaxing, welcoming, recreational, and safe for all citizens to enjoy;
- (8) The applicant agrees to follow parking rules and regulations;
- (9) Demonstration/training process and time limits meet the requirements of having public facilities that are relaxing, welcoming, recreational, and safe for all citizens to enjoy;

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- (10) The applicant agrees to follow all safety rules and procedures, and, if applicable, to provide an attendant age 18 or older for all apparatuses or equipment when supervision is recommended by the manufacturer;
  - (11) The applicant agrees that this permit in no way provides permission to engage in the sale, rental, display, or offering a business promotion;
  - (12) The applicant agrees to make sure all litter and debris is cleared and disposed of properly, leaving the area as it was found;
  - (13) The activity will not cause disturbance due to noise per City Code;
  - (14) The applicant agrees that they have received a copy of and will follow City Code section 28-31;
  - (15) The applicant has all required licenses and tax receipts for businesses in the city, including but not limited to a Fort Pierce Business Tax Receipt and all county and state requirements;
  - (16) The applicant is in good standing with the city and has no outstanding citations or unpaid fines related to the business, its owner, or its employees;
  - (17) The city manager may establish standards and specifications for services and equipment required in this article by administrative rule.

( Ord. No. 21-003 , § 5, 4-5-2021)

### **Sec. 28-39. Administration of special use permit application.**

- (a) Staff designated by the city manager to process applications shall route the permit application to appropriate departments or agencies including the public works department, police department, marina department and the county fire district for review and then to the city manager for approval.
- (b) Within 30 days of the filing of the application for a permit, the city manager shall provide the applicant written notice of the action taken on the application. This notice shall be provided by personal delivery or through first class United States Postal Service mail delivery. The permit for the special use may be granted unless one or more of the following conditions is found to exist:
  - (1) The application is incomplete in a material respect;
  - (2) The application has been fraudulently completed;
  - (3) The application is not for a public facility;
  - (4) The "Applicant Agreement for City of Fort Pierce Special Use Permit" is incomplete or invalid;
  - (5) The standards for issuance of permit in section 28-38 have not been met;
  - (6) Specific standards not met must be provided;
  - (7) The application does not otherwise conform to standards and requirements imposed by this chapter.
- (c) In the event the city manager denies the application as submitted, the city manager may authorize the special use permit to be approved with changes as specified (i.e.: location, parking requirements, timing, etc.).
- (d) An applicant desiring to accept an alternate permit shall, within five days after notice of the proposed modification, file a written notice of acceptance with the city manager. An alternate permit shall conform to the requirements of, and shall have the effect of, a permit under this article.

( Ord. No. 21-003 , § 6, 4-5-2021)

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**Sec. 28-40. Appeal of denial of special use permit.**

- (a) An applicant shall have the right to appeal the denial of a permit by filing a written notice of appeal with the office of the city manager. Such appeal shall be filed by the applicant within five days after issuance of the notice of denial.
- (b) Such appeal shall be heard and decided by the city commission at its next regularly scheduled meeting following the city manager's receipt of the notice of appeal. The applicant shall be notified at least 24 hours prior to the hearing, and the applicant may appear at the hearing in person and may be represented by counsel. Evidence on the applicant's behalf may be presented at such hearing. The city manager shall describe the reasons for denying the permit and shall provide any other evidence supporting such denial. The city commission shall direct the city manager to issue a permit in the event it determines that the applicant has met the criteria set forth in this article for issuance of a permit. In the event the applicant is not satisfied with the decision of the city commission, the applicant may seek judicial review in the manner provided for by law.

( Ord. No. 21-003 , § 7, 4-5-2021)

**Sec. 28-41. Duties of permittee.**

A permittee hereunder shall comply with all permit directions and conditions, and with all applicable laws and ordinances. The applicant or other person representing the business shall carry the permit upon such individual's person during the conduct of the permitted activities and shall display the permit upon demand by any employee of the city authorized to enforce this chapter.

( Ord. No. 21-003 , § 8, 4-5-2021)

**Sec. 28-42. Interference.**

No person shall unreasonably hamper, obstruct or impede, or interfere with any duly licensed special use activity, or with any person, vehicle or animal participating or used in such activity.

( Ord. No. 21-003 , § 9, 4-5-2021)

**Sec. 28-43. Revocation of permit.**

The city manager shall have the authority to revoke a special use permit issued hereunder instantly upon violation of any one or more of the conditions or standards for issuance as herein set forth or when the activity would have an immediate and adverse effect upon the welfare and safety of persons or property.

( Ord. No. 21-003 , § 10, 4-5-2021)

**Sec. 28-44 Discrimination prohibited.**

It shall be unlawful for any permittee, or any agent or employee of the permittee, either directly or indirectly:

- (1) To discriminate against any natural person by refusing, withholding, or denying to such person any of the services, advantages, facilities or privileges offered or available to any other person participating in the activity, or by setting different rates or charges therefore, or by placing or attempting to place any such natural person in a separate and segregated section or area during the activity;

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- (2) To publish, circulate, display, post or mail any written or printed communication or notice to the effect that any of the services, advantages, facilities, or privileges of the activity will be refused, withheld or denied to any natural person on account of the person's race, color, religion, natural origin, sex, or that the person's attendance and presence at the activity is unwelcome or objectionable, or that the person will be prohibited from mingling with other persons at the activity because of the person's race, color, religion, natural origin, or sex;
  - (3) To aid, abet, incite or coerce the doing of any unlawful act, or to prevent or to attempt to prevent any person from complying with the provisions of this section.

( Ord. No. 21-003 , § 11, 4-5-2021)

**Secs. 28-45—28-58. Reserved.**