

**ORDINANCE 2012-01**

**AN ORDINANCE OF THE VILLAGE OF HIGHLAND PARK, POLK COUNTY, FLORIDA, PROVIDING REGULATIONS FOR THE USE OF AMORET NATURE PARK OR OTHER PUBLIC RECREATION AREAS WITHIN THE VILLAGE OF HIGHLAND PARK; PROVIDING REGULATIONS FOR THE USE OF VILLAGE PARKS AND RECREATION AREAS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**BE IT ENACTED** by the Village Commission of the VILLAGE OF HIGHLAND PARK, Polk County, Florida,

**SECTION 1.**

**VILLAGE PARKS AND RECREATION AREAS AND OTHER COMMUNITY FACILITIES.**

Division 1. Generally.

Division 2. Rules for Use of Parks and recreation areas.

**DIVISION 1. GENERALLY.**

**Sec. 1-1. Purpose and objectives.**

(a) In order to promote public health, safety and welfare of the citizens of the VILLAGE OF HIGHLAND PARK (sometimes referred to herein as the "VILLAGE"), a parks and recreation ordinance is hereby enacted for the general purpose of assuring the proper balance between (1) the use of Amoret Nature Park or other VILLAGE recreation areas and (2) the preservation of such facilities and law and order.

(b) The intent of this article is to reduce property damage and the need for closure of public facilities due to vandalism, minimize the hazards of personal injury and loss of life, and maintain the quality of outdoor recreation resources by establishing rules and regulations governing the use of such parks and facilities.

**Sec. 1-2. Applicability.**

(a) Unless stated otherwise herein, this Ordinance shall apply in all VILLAGE parks and recreation areas which now are or which may hereafter be under the jurisdiction and control of the VILLAGE OF HIGHLAND PARK, and shall include all grounds and roadways when they are in use by the VILLAGE as recreational facilities, and other areas used by the VILLAGE for community purposes. These provisions shall govern the use of all such areas, and the observance of these provisions shall be a condition under which they may be used by the public. Certain provisions of this Ordinance shall further be applicable outside VILLAGE parks and recreation areas where the context indicates an intention that they also be applied.

(b) The provisions of this Ordinance shall not apply to any public officer, employee or peace officer who is acting in the course of and within the scope of the public business, nor to any other person conducting public business or related activities for, on behalf of, and pursuant to lawful authority of an appropriate public entity.

**Sec. 1-3. Opportunities for use of public parks and recreation areas.**

Any and all individuals using VILLAGE parks and recreation areas pursuant to the rules and regulations of this Ordinance shall be provided equal opportunity for use of any park or recreation area without regard to physical limitation, age, race, color, national origin, religion, political beliefs or sex.

**Sec. 1-4. Definitions.**

For the purposes of this Ordinance, the following terms, phrases, words and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. The pronouns "he" and "his" include the pronouns "she" and "her".

*Alcoholic beverage* means distilled spirits and all beverages containing one-half of one (0.5) per cent or more alcohol by volume, including beer and wine. Medicines or drugs dispensed pursuant to a physician's prescription are excluded.

*Amplified sound and/or sound-emanating equipment* means music, sound wave, vibration or speech projected or transmitted by electronic equipment, including, but not limited to, public address systems, amplifiers, horns and megaphones.

*Animal* means any cat, dog, horse, fowl and living creature other than a human.

*At large.* Any animal not under restraint while off the premises of the owner.

*VILLAGE* means the VILLAGE OF HIGHLAND PARK.

*VILLAGE Commission* means the governing body of the VILLAGE OF HIGHLAND PARK.

*VILLAGE Manager* means the chief administrative officer of the VILLAGE OF HIGHLAND PARK or his or her designee.

*Domestic animal.* Any animal not deemed to be a wild or exotic animal pursuant to Florida Game and Freshwater Fish Commission regulations.

*Person* means any individual, child, firm, association, partnership, estate, trust, business trust, syndicate, fiduciary, corporation, and all other groups or combinations.

*Resident* means a person or the minor children of the person who owns or leases real property within the VILLAGE limits or who maintains either a voting residence or bona fide occupancy within the VILLAGE limits.

*Service animal* means any animal such as a seeing-eye dog or hearing-ear dog used to assist a person with a disability or an animal trained for law enforcement purposes and under the control of a law enforcement officer.

*Vehicle* means every device in, upon or by which any person or property may be transported or drawn upon a highway or other roadway.

**Sec. 1-5. Parental responsibility.**

No parent, guardian or custodian of a minor shall permit or allow such minor to do any act or thing in any VILLAGE park or facility prohibited by the provisions of this Ordinance. Parents, guardians and custodians of minors shall also be held responsible for the acts of said minors.

**Sec. 1-6. Enforcement.**

(a) It shall be unlawful for any person to do any act prohibited or fail to perform any act required by this Ordinance. Any person who fails to comply with any lawful and reasonable order given by law enforcement officers or authorized VILLAGE official shall be in violation of F.S. §843.02.

(b) The VILLAGE manager, or any employee so designated by the VILLAGE manager, shall have the authority to eject from a VILLAGE park or recreation area any person in violation of this Ordinance, the Village of Highland Park Code of Ordinances, or Florida Statutes.

**Sec. 1-7. Penalties.**

Violation of any of the provisions of this Ordinance shall constitute a misdemeanor punishable as provided in Chapter 775, Florida Statutes.

**DIVISION 2. RULES FOR USE OF VILLAGE PARKS AND RECREATION AREAS.**

**Sec. 2-1. Hours of use —parks and outdoor recreation areas.**

(a) It shall be unlawful to congregate in or use the Amoret Nature Park or other public recreation area within the VILLAGE after 9:30 p.m. and before 6:00 a.m.

(b) The VILLAGE manager may post a sign that specifies closing hours other than those specified in paragraph (a) or (b) for any VILLAGE park or recreation area subject to the following guidelines:

- (1) The amount of daylight at the time of year during which the closing hours will be in effect;
- (2) Available artificial lighting in the park or recreation area;
- (3) The occurrence of acts of vandalism and other crimes in the park or recreation area;
- (4) The need to prevent deterioration of existing shrubbery and grass in the park or recreation area or the need to protect new plantings of grass and shrubbery.

(c) Except for unusual and unforeseen emergencies, the park and recreation areas shall be open to the public every day of the year during designated hours.

(d) The VILLAGE manager may close any park or recreational area or any section thereof, or prohibit certain uses in any park or recreation area for the time necessary to remedy any unforeseen circumstances, effect repairs, or provide maintenance. No person in a park or

recreation area shall enter an area posted as being closed to the public without the permission of the VILLAGE manager or his or her designee.

**Sec. 2-2. Prohibited acts in VILLAGE parks and recreation areas.**

It shall be unlawful for any person using VILLAGE parks and recreation areas to either perform or allow the performance of any of the following acts, unless such activity is authorized, permitted or supervised by the VILLAGE:

(a) *Damaging property.* No person shall willfully mark, deface, damage, displace, remove or tamper with any park or recreation area tables, benches, fencing, railing, paving or paving materials, water lines or other utilities, permanent or temporary signs, placards or notices, monuments, stakes, posts, boundary markers or other structures or equipment.

(b) *Improperly using park or recreation area structures or equipment.*

(1) No person shall climb on or over any structure or natural feature in any VILLAGE park or recreation area unless the same is intentionally designed for climbing purposes.

(2) No person shall recline upon any seat, table, bench, or in any location not intended for such occupancy.

(c) *Polluting waters.* No person shall throw, discharge or otherwise place or cause to be placed in the waters of any pond or lake or any waterway, ditch, storm sewer or drain flowing into such waters any substance, matter or things, liquid or solid, which will or may result in the pollution of such waters.

(d) *Removing soil or plants.* No person shall dig or remove any soil, rock, stones, trees, shrubs or plants, down-timber or other wood or materials, or make any excavation by tool, equipment, blasting or other means.

(e) *Damaging plants.* No person shall damage, cut, carve, transplant or remove any tree or plant, or injure the bark or pick the flowers or seeds of any tree or plant, nor shall any person attach any rope, wire or other contrivance to any tree or plant. No person shall dig in or otherwise disturb grass areas, or in any other way injure or impair the natural beauty or usefulness of any area.

(f) *Harming or molesting animal life.* No person shall molest, harm, frighten, kill, trap, hunt, chase, capture, shoot or throw missiles at any mammal, bird, reptile or amphibian; nor shall any person remove or in any way harm the eggs, nest or young of any mammal, bird, reptile or amphibian. This paragraph does not apply to persons fishing in accordance with section 2-5.

(g) *Littering.* No person shall bring in or dump, deposit or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage, refuse or other litter, or place refuse or litter in any waters in or contiguous to any park or recreation area, or anywhere on the grounds thereof, other than in the proper receptacles, where provided.

(h) *Igniting fires.* No person shall ignite or attempt to ignite any fire within the park or recreation areas of the VILLAGE or against or on any vegetation or other property of the VILLAGE. Ecological burning may be conducted by the VILLAGE where appropriate for the restoration, maintenance and preservation of certain plant communities.

(i) *Unauthorized operation of vehicles.* No person shall drive or otherwise operate a vehicle in a park or recreation area upon surfaces other than those maintained and open to the public for purposes of vehicular travel (pavement or gravel surface areas), except upon temporary parking areas as may be designated from time to time by the VILLAGE commission or VILLAGE manager, and further excepting vehicles in the service of the VILLAGE, animal control vehicles, law enforcement vehicles, and motorized wheelchairs.

(j) *Unauthorized parking.* No person shall park a vehicle in an area other than an established or designated parking area. No person shall park a vehicle overnight or park a vehicle having a gross weight exceeding three (3) tons without written approval of the VILLAGE manager. Vehicles in violation of this paragraph may be towed and stored at the owner's expense.

(k) *Possessing or consuming alcoholic beverages.* No person shall possess and/or consume alcoholic beverages, including beer or wine.

(l) *Possessing or discharging explosives, etc.*

(1) No person shall carry or discharge firecrackers, rockets, torpedoes, or other types of explosives, nor shall any person carry or use any object calculated to make a noise sufficient to disturb the peace or quiet of the park or recreation area. No person shall carry or discharge any slingshot or similar device, or any bows and arrows, or carry or use any other object capable of propelling a projectile in any park or recreation area, nor shall any person carry on his person, in plain view, any knife or dagger.

(2) The provisions of paragraph (1) shall not be deemed to prohibit the carrying of ordinary tools or equipment for use in a lawful occupation or a fireworks exhibition sponsored by the VILLAGE during the Fourth of July or similar community celebration approved by the Village Commission.

(m) *Gambling.* No person shall conduct in any VILLAGE park or recreation area any card game for money or any other game for money or participate in any form of betting or gambling as defined in Florida Statutes. A drawing for chance conducted by a charitable or non-profit organization may be conducted only in accordance with F.S. §849.0935.

(n) *Vending, soliciting, advertising, etc.* No person shall practice, carry on, conduct or solicit for any occupation, business, or profession in any VILLAGE park or recreation area; or sell or offer for sale any food, beverage, merchandise, article, or anything whatsoever in any park or recreation area. This paragraph shall not apply to any person acting pursuant to a contract with the VILLAGE. No person shall distribute, post, place or erect any advertising, handbill, circular, bill, notice, placard, paper or other advertisement device in any VILLAGE park or recreation area. No person shall beg or solicit contributions.

(o) *Operating sound amplification equipment.* No person shall install, use, and operate within a park or recreation area a loudspeaker, horn, megaphone device, or other sound amplifying equipment for the purposes of giving instructions, directions, talks, addresses, or lectures, or of transmitting music to any persons or groups of persons in any park or recreation area.

(p) *Launching or operating aircraft, radio-controlled model airplanes, etc.* No person shall launch or operate any aircraft, including but not limited to, hot air balloons, airplanes, ultralights, helicopters and gliders in any park or recreation area.

(q) *Camping.* No person shall camp in a VILLAGE park or recreation area.

(r) *Erecting structures.* No person shall construct or erect any building or structure of whatever kind, whether permanent or temporary in character, or run or string any public service utility into, upon, or across a VILLAGE park or recreation area except as authorized by special permit issued by the VILLAGE.

(s) *Endangering the public.* No person shall endanger the safety of any person or group by any conduct or act or by any failure to observe the rules established by this article.

(t) *Interfering with use of the park or recreation area by others.* No person or group shall prevent any other person or group from using any park or any of its facilities, or interfere with such use in compliance with this article and with the rules applicable to such use.

(u) *Lewd and lascivious acts and sexual activity.* No person shall engage in a lewd or lascivious act or sexual activity in a VILLAGE park or recreation area.

### **Sec. 2-3. Domestic animals in parks and recreation facilities.**

(a) Pets are permitted in parks if adequately restrained. Dogs must be kept at all times on leashes no longer than eight (8) feet. All animal excrement must be properly cleaned up and properly disposed of by the owner or keeper of the animal.

(b) No person shall bring into any park any animal that constitutes a safety hazard or detriment to the enjoyment of the area by the public.

(c) No person having in charge any dog shall permit, allow or suffer such dog to enter upon or remain within any playground or park area reserved for children.

(d) Dangerous dogs, as classified by the provisions of §767.12, Florida Statutes, are prohibited from entering upon or remaining within the park or recreation areas of the VILLAGE.

(e) Horseback riding is not permitted in VILLAGE parks and recreation areas.

### **Sec. 2-4. Picnicking.**

(a) Picnicking may occur within VILLAGE park and recreation areas unless a prohibition is posted.

(b) Picnic groups may not exceed fifteen (15) persons.

(c) To maintain cleanliness, each picnic party shall completely remove all refuse, waste and trash in disposal containers where provided. If there are no such containers immediately available, then refuse shall be carried away by the user of the park or recreation area.

### **Sec. 2-5. Fishing.**

Fishing is permitted in VILLAGE parks and recreation areas unless a prohibition is posted.

**Sec. 2-6. Alcoholic beverages.**

No person shall sell, offer for consumption, or consume any alcoholic beverage, including beer and wine, within any VILLAGE park or recreation area.

**Sec. 2-7. Liability insurance required for certain uses of VILLAGE parks and recreation areas.**

(a) The VILLAGE shall require each organized activity taking place at any VILLAGE park or recreation area to have insurance for said activity. A group in excess of fifteen (15) persons ("Group") assembling for a special event, including but not limited to birthday parties, family reunions, or any similar activities or gatherings, shall procure and maintain insurance against claims for injuries to persons or damages to property which may arise from or in connection with the activities described hereunder performed by the Group. Except where otherwise specified in this ordinance, insurance shall be provided in an amount to be determined by the VILLAGE manager. Insurance is to be placed with insurers authorized to do business in the state and acceptable to the VILLAGE. This may not apply for infrequent use; however, a one-time special event shall be subject to this requirement. The VILLAGE manager is also authorized to require liability insurance for an activity when not specifically required above if, in his opinion, the activity represents a significant risk to the VILLAGE.

(b) The certificate of insurance, naming the VILLAGE as the additional insured along with an endorsement, is to be submitted not less than 30 days prior to the Group activity. A 30-day written notice of cancellation clause is required.

**SECTION 3.** If any clause, section or provision of this Ordinance shall be declared unconstitutional or invalid for any reason or cause, the remaining portion of said Ordinance shall be in full force and effect and be valid as if such invalid portion thereof had not been incorporated herein.

**SECTION 4.** This Ordinance shall become effective immediately upon its passage by the VILLAGE Commission.

**CERTIFIED AS TO PASSAGE** this \_\_\_\_\_ day of November, 2012.

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Mayor/Commissioner  
VILLAGE OF HIGHLAND PARK

ATTEST:

\_\_\_\_\_  
VILLAGE Clerk