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ORDINANCE NO. 2004-022

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, KNOWN AS THE "PALM BEACH COUNTY PARKS AND RECREATION ORDINANCE"; PROVIDING FOR THE AUTHORITY OF THE DIRECTOR OF PARKS AND RECREATION; PROVIDING FOR DEFINITIONS; PROVIDING FOR REGULATION OF PARK TRAFFIC, PROPERTY, WILDLIFE, AND RECREATIONAL ACTIVITIES; PROVIDING FOR REGULATION OF ANIMALS, FIREARMS, FIREWORKS AND ALCOHOLIC BEVERAGES; PROVIDING FOR PARK USAGE, RESERVED PARK/FACILITY AREAS, SANITATION AND POLLUTION CONTROL; PROVIDING FOR REGULATION OF COMMERCIAL ACTIVITIES, AIRCRAFT, AND PUBLIC UTILITIES; PROVIDING FOR PARK HOURS; PROVIDING FOR ENFORCEMENT, PROVIDING FOR PENALTIES; PROVIDING FOR REPEAL OF ORDINANCE NO. 96-44; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES OF PALM BEACH COUNTY; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

27 **WHEREAS**, Section 125.01(f), Florida Statutes, grants Palm Beach County the power to
28 provide parks, preserves, playgrounds, recreation areas and other recreational facilities for the
29 welfare of its citizens; and

30 **WHEREAS**, it is necessary to repeal Ordinance No.96-44, to conform with federal and
31 state law and to provide for more efficient and effective operations of Palm Beach County parks
32 and recreation areas.

33 NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
34 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

35 **SECTION 1. TITLE**

36 This Ordinance may be cited as the "Palm Beach County Parks and Recreation Ordinance."

37 **SECTION 2. AUTHORITY OF THE DIRECTOR OF PARKS AND RECREATION**

38 Subject to the direction of the Board of County Commissioners or the County
39 Administrator, all powers, duties and authorities relating to the operation of the Palm Beach
40 County Parks and Recreation system for the Board of County Commissioners, are vested in the
41 Director of Parks and Recreation unless specifically vested elsewhere by the provisions of this
42 Ordinance. In the absence of the Director of Parks and Recreation, a Supervisor over the Director
43 of Parks and Recreation, or an individual specifically appointed by the County Administrator, may

1 assume the powers, duties, and authority vested by this section.

2 **SECTION 3. DEFINITIONS**

3 The following terms when used in this Ordinance shall have the meanings ascribed to them
4 in this section:

5 (A) **BEACH, WATER AREA, WATERPARKS OR POOL.** Any beach, water area,
6 waterpark or pool designated by the Board of County Commissioners as such, within any park
7 property, either on the ocean or inland, including the actual sand beach, if any, used for swimming
8 and wading.

9 (B) **DEPARTMENT.** The term "the Department" when used herein is defined as the
10 "Palm Beach County Parks and Recreation Department".

11 (C) **DIRECTOR.** The terms "Director" or "Parks Director" when used hereinafter are
12 defined as the Director of the Palm Beach County Parks and Recreation Department or his
13 designee

14 (D) **EXOTIC ANIMAL.** A non-native animal species that occurs in South Florida, as a
15 result of direct or indirect, deliberate or accidental actions by humans, which may include, but not
16 be limited to, domestic, semi-domestic or feral animals.

17 (E) **NATIVE ANIMAL.** An animal species that occurs naturally in or is indigenous to
18 South Florida.

19 (F) **PARK.** The terms "park", "parkways", "recreational areas", "natural areas", "marinas"
20 and "areas operated and maintained by the Department" may include, but is not limited to, parks,
21 wayside parks, parkways, playgrounds, recreation fields, open green spaces, golf courses,
22 community centers, museums, auditoriums, ranges, lakes, streams, canals, lagoons, waterways,
23 pools, waterparks, water areas and beaches therein and all on grounds, water areas, buildings and
24 structures in Palm Beach County which are under the control of or assigned for upkeep,
25 maintenance or operation by the Department.

26 (G) **PARKING AREA.** Any designated part of any park road, drive or area that is
27 designated for the standing or stationing of any vehicles.

28 (H) **PARK PROPERTY.** The term "park property" is defined to cover all areas, grounds,
29 buildings, locations and facilities described in the foregoing section "F".

30 (I) **PERMIT.** The term "permit" means a document or certificate provided by the

1 Department granting permission for use of reserved park/facility areas and which sets forth terms
2 and conditions applicable thereto.

3 (J) **PERSON.** The word "person" includes natural persons, firms, associations, joint
4 ventures, partnerships, estates, trusts, business trusts, syndicates, fiduciaries, corporations, and all
5 other groups and combinations.

6 (K) **VEHICLE.** The term "vehicle" means any wheeled conveyance (except a baby
7 carriage or wheelchair) for transportation of persons or materials whether: (1) powered or drawn by
8 motor such as an automobile, truck, motorcycle, scooter, minibike, or recreational vehicle; (2)
9 animal-drawn such as a carriage, wagon, or cart; (3) self-propelled such as a bicycle, tricycle, or
10 skateboard; or (4) towed such as a trailer of any size, kind or description. "Vehicle" does not
11 include any recreational or park transportation service operated or authorized by the Department.

12 **SECTION 4. REGULATION OF VEHICLES WITHIN PARKS**

13 (A) All applicable state or local vehicle laws are enforceable within park property.

14 (B) All law enforcement officers shall direct traffic and enforce all motor vehicle, traffic
15 and parking laws of this County including the Palm Beach County Parking Ordinance, codified in
16 Chapter 19 of the County Code, as may be amended, and enforce all rules and regulations set forth
17 by the Department within park property. Park personnel, authorized and designated by the
18 Director, may direct traffic and enforce the rules and regulations set forth by the Department with
19 park property.

20 (C) The Director shall determine and all persons shall carefully observe and obey all
21 traffic signs indicating speed, direction, caution, stopping, or parking, and all other signs posted for
22 proper control and the safeguarding of life and property.

23 (D) Notwithstanding Paragraph (A) above, where a public road traverses a County
24 Park, said road shall be open to all through traffic permitted on any County road or highway, but
25 such through traffic shall conform to park speed and traffic regulations.

26 (E) No person driving, operating, controlling or propelling any vehicle whether
27 motorized, horse drawn, or self-propelled, shall use any other than the regularly designated paved
28 or improved park roads, pathways, trails, or driveways, except when directed to do so by a law
29 enforcement officer or Department employee or by official signs or markings. No driver or
30 operator of any vehicle shall obstruct traffic or stop on any road or driveway except those places so

1 designated.

2 (F) No person shall park a vehicle on park property at any place other than in the
3 regular designated facilities provided for that particular type of vehicle, unless directed otherwise
4 by a law enforcement officer or Department employee or by official signs or markings. No driver
5 or operator of any vehicle shall park on any road or driveway except those places so designated.
6 No driver or operator of any vehicle shall leave a vehicle parked on any road, driveway or park
7 property after posted closing hours.

8 (G) No truck, commercial vehicle or bus shall be driven on any restricted service road
9 or property without prior authorization from the Department for the purpose of park work, service,
10 or activities.

11 (H) No person shall ride, drive or propel any bicycle, motorcycle, all-terrain vehicle
12 (ATV), scooter, minibike or similar vehicle on any but the regular vehicle roads except for those
13 areas designated for such a specified use. The designated bicycle trails shall be used only by
14 pedestrians and bicycles and other vehicles propelled by human power. It is expressly provided
15 that no vehicles, motorcycles, scooters, minibikes, or similar vehicles shall be ridden on the
16 designated nature trails located within Palm Beach County parks. No person shall deviate from
17 compliance with all applicable vehicle laws and regulations governing the operation of the above
18 vehicles while on park property.

19 (I) No person shall change parts, repair, wash or grease a vehicle on any
20 park roadway, parkway, driveway, parking lot or other park property. No driver of a vehicle using
21 gasoline or any other explosive mixture as source of power shall at any time fail to use an adequate
22 muffler or sound deadening device.

23 **SECTION 5. BUILDINGS AND OTHER PROPERTY**

24 (A) No person shall willfully mark, deface, injure in any way, displace, remove or
25 tamper with any park buildings, bridges, tables, benches, fireplaces, railings, paving, water lines or
26 other public utilities or parts of appurtenances thereof, park signs, notices or placards whether
27 temporary or permanent, monuments, stakes, posts or other boundary markers, or other structures
28 of equipment, facilities or park property or appurtenances whatsoever, either real or personal.

29 (B) No person shall dig, move or remove from any park area any beach sand, soil,
30 rocks, stones, trees, shrubs, whether submerged or not, or plants, down-timber, or other wood or

1 materials, or make any excavation by tool, equipment, or other means, or construct or erect any
2 building or structure of whatever kind, whether permanent or temporary in character, or run or
3 string any public service utility into, upon, or across such land, or affix any materials to any park
4 property, except with the prior written approval of the Director.

5 (C) No person shall excavate or remove any artifact from any archeologically sensitive
6 areas with particular concern to Native American burial grounds and living sites.

7 **SECTION 6. FIRE**

8 (A) No person shall build or attempt to build any fire within any park property except in
9 such areas where fireplaces or grills are provided and under such regulations as are or may be
10 specifically set forth by the Director. No person shall drop, throw, or otherwise deposit lighted
11 matches, burning cigarettes or cigars, or other flammable material within any park property.

12 **SECTION 7. PLANT AND WILDLIFE PROTECTION AND PRESERVATION**

13 (A) Within any park, no person shall cut, carve, or injure the bark or break off limbs
14 or branches or pick the flowers or seeds, of any tree, plant or shrub, nor shall any person dig in or
15 otherwise disturb grass areas, or install any vegetation, or in any other way injure or impair the
16 natural beauty or usefulness of any area, nor shall any person pile debris or material of any kind on
17 or about any tree or plant, or attach any rope, wire, or other contrivance therein, whether temporary
18 or permanent in character or use, without prior approval by the Director. No person shall tie or
19 hitch any animal to any tree or plant within park property.

20 (B) No person shall remove, molest, harm, frighten, kill, trap, hunt, chase, shoot
21 or throw any object at any animal, nor shall any person remove or possess the eggs, nests or young
22 of any wild animal whether alive or dead without prior approval from the Director.

23 (C) It shall be unlawful for any person to knowingly interfere with or damage any
24 humane animal trap owned by the department, or another county department or agent, or to molest
25 or release any animal caught therein.

26 **SECTION 8. CONTROL OF NUISANCE ANIMALS**

27 (A) The introduction, by any person, of any exotic animal or the placement,
28 abandonment or leaving of any animal in a County park is strictly forbidden.

29 (B) The feeding, by any person, of any exotic or native animal in a County park is
30 hereby strictly forbidden unless specifically authorized by the Department Director.

1 (C) Exotic animals, with the exception of those authorized by the Director, roaming free
2 in County parks are hereby declared a nuisance. The Director has the authority to establish
3 processes and procedures to control, and remove from the park, species that are declared to
4 constitute a nuisance.

5 (D) The Director is hereby authorized to declare certain native species, located in
6 identified parks, to constitute a nuisance. Native species shall be determined to be a nuisance when
7 the Director deems that the number, location, behavior or other characteristic of the native species
8 constitutes a hazard to human health and/or safety or to the resources of the particular park.

9 **SECTION 9. SWIMMING AND WADING**

10 (A) No person shall swim or wade in any beach, water area, waterpark or pool within
11 any park property, except where specifically designated and in compliance with such regulations as
12 to hours of the day and safety limitations for such use as set by the Department.

13 (B) In areas designated for swimming and wading, all persons shall be so covered
14 with clothing or a bathing suit so as to prevent any indecent exposure of the person.

15 **SECTION 10. BOATING**

16 (A) In addition to the provisions set forth in Chapter 327, Florida Statutes, the
17 following regulations shall apply to recreational area waters within park property:

18 (1) No person shall bring into, launch, or operate any vessel (as defined in
19 Section 327.02, Florida Statutes, as may be amended) upon any park
20 property, including designated swimming areas, except at such places as are
21 or may be designated for such use or purposes by the Board of County
22 Commissioners or the Director. Such operation or use shall be in
23 accordance with such rules and regulations as are now or may hereafter be
24 adopted by the Department. Boating permits may be required by the
25 Department for specific boating activities within park property.

26 (2) No person shall moor, anchor, or tie up to the bank or any wharf, dock, tree,
27 building, rock or any object or structure on the bank in waters within park
28 property or property managed by the Department unless said person does so
29 in pursuit of recreational activities of a temporary nature or unless the
30 owner of the vessel has obtained written permission from the Director,

1 except in an emergency situation.

2 (3) No person shall launch, dock or operate any vessel on the waters of any
3 park between the closing hour of the park at night and opening hour the
4 following morning, with the exception of designated 24 hour boating
5 facilities, nor shall any person be on, or remain on or in, any vessel in the
6 park during the said closed hours of the park, except with prior approval of
7 the Director.

8 (4) Boat operators shall be responsible for their own wake and liable for any
9 damage it may cause.

10 (5) During the staging of Department approved special events, all non-
11 participating vessels and spectators shall be prohibited from entering the
12 boat pit area and from obstructing any race, ski courses or special event.

13 (6) No person shall operate airboats or hovercraft within park property except
14 by approval from the Director.

15 (7) The Director shall have the authority to establish regulations and speed
16 limits of vessels that utilize the water areas located within park property
17 unless otherwise pre-empted by the State.

18 (B) The Department shall establish rules and regulations for use of the County's
19 permanent boat slips for dockage of vessels, managed mooring fields and other marine facilities by
20 the public. Rates for said usage shall be established by the Board of County Commissioners.

21 (C) No person shall rent, hire, or operate any vessel within park property for a
22 commercial purpose unless so permitted by the Department.

23 **SECTION 11. WATER SKIING**

24 (A) No person shall water ski within park property except in such places as designated
25 by the Director, and in compliance with rules and regulations as are now or may hereafter be
26 adopted.

27 (B) No person shall water ski in such manner as to endanger bystanders, swimmers,
28 other skiers, or occupants of other vessels.

29 (C) No person shall obstruct the takeoff and landing areas designated for water skiing
30 for any purpose other than for normal water skiing activities.

1 (D) No water skiing is permitted after sunset or before sunrise, except in areas
2 designated for such use.

3 **SECTION 12. FISHING**

4 (A) The buying or selling of fish is prohibited within park property.

5 (B) Sport fishing is allowed within park property except where specifically
6 prohibited.

7 (C) The use of a troll line for fishing purposes is prohibited within park property.
8 Set cane poles are permitted if attended.

9 (D) All applicable State laws pertaining to fishing and licensing shall be enforced
10 within Park property.

11 (E) The Director may establish specific fishing regulations for various water bodies
12 within park property.

13 **SECTION 13. FIREARMS**

14 No person shall use or possess firearms, weapons or trapping devices within any park
15 property except with prior approval from the Director or in any area designated by the Department
16 for such purpose. The Director shall establish rules and regulations pertaining to shooting or
17 archery ranges. Shooting into park areas from beyond park boundaries is prohibited.

18 **SECTION 14. PICNIC AREAS AND USE**

19 (A) Except for reserved park/facility areas, individual picnic tables and associated
20 grills are available on a "first come, first served" basis.

21 (B) No person shall use a grill or other device in such a manner as to burn, char,
22 mar or blemish any bench, table, or other object of park property nor shall any person starting a fire
23 leave the area without extinguishing said fire.

24 **SECTION 15. CAMPING**

25 No person shall camp within any park property except in areas designated by the Director
26 for said purpose. The Department may establish rules and regulations for designated camping areas
27 within park property. Rates for said use shall be established by the Board of County
28 Commissioners. Camping units are to be of commercial manufacture and be of flame retardant
29 material. House trailers are prohibited.

1 **SECTION 16. HORSEBACK RIDING**

2 No person shall engage in horseback riding within any park property except in areas
3 designated by the Director for said purpose. In areas designated for horseback riding, horses must
4 be thoroughly broken, properly restrained, and prevented from grazing and straying unattended.
5 All riders must carry proof of their horse's negative coggins test.

6 **SECTION 17. ANIMALS**

7 (A) Except in specified areas, domesticated animals are permitted within Park
8 property. Said animals must be restrained at all times at a distance not greater than six (6) feet in
9 length from their handler.

10 (B) No person shall bring into, nor allow to enter, any park property any non-
11 domesticated animals including, but not limited to, cattle, mules, swine, sheep, goats, fowl or
12 reptiles except where in conjunction with projects sponsored by County Departments or upon
13 permit from the Director.

14 (C) Dangerous dogs, as defined in Chapter 767, Florida Statutes, are prohibited
15 from park property.

16 (D) In conjunction with projects and facilities administered by County Departments or
17 upon permit from the Director, animals may be allowed in designated areas of the parks at
18 specified times without restraint.

19 **SECTION 18. ALCOHOLIC BEVERAGES**

20 (A) The sale, purchase, consumption, and possession of alcoholic beverages
21 as defined in Section 561.01(4), Florida Statutes, is hereby prohibited within park property except
22 as specifically provided in accordance with the provisions set forth herein.

23 (B) Notwithstanding the prohibition set forth in Paragraph (A) above, the possession
24 of alcoholic beverages in sealed original packages in any vehicle, vessel, or conveyance for
25 purposes of storing or transporting such and not for purposes of selling or consuming such within
26 park property shall not be a violation of this Ordinance.

27 (C) The Director may designate specific areas in which alcoholic beverages may be
28 possessed and/or consumed. Designated areas may include, but are not limited to, picnic areas,
29 areas reserved for large groups, and facilities for food service. Kegs of beer or other alcoholic malt
30 liquor will be authorized only by permit and in conjunction with a reserved park facility area.

1 (D) The Director may permit, in writing, the sale, possession, and/or consumption of
2 alcoholic beverages incidental to a special event. Said permission may not exceed four
3 consecutive days.

4 (E) The Board of County Commissioners may permit the sale of alcoholic beverages
5 by private contractors who operate or manage facilities within park property including but not
6 limited to food service, performing arts, golf courses, and other facilities, as the Board of County
7 Commissioner deems appropriate.

8 (F) At its option, the County may obtain, in its name, the necessary State licensing for
9 the sale of alcoholic beverages. The County may, at its option, have such license transferred to a
10 contractor's or lessee's name, provided, however, that such licensing shall immediately revert to
11 the County upon termination, for any reason, of the contractor's agreement or lessee's lease with
12 the County. The license holder shall take all action and execute all documents necessary to effect
13 said transfer to the County.

14 (G) The permission granted under this Section shall be subject to all ordinances, laws
15 rules and regulations applicable in Palm Beach County, and any grantee shall be responsible for
16 compliance thereto. The permission granted may also be subject to, and granted with, specific
17 conditions as set forth by the Department, and the grantee shall be responsible for insuring
18 compliance thereto.

19 (H) No person who is intoxicated or under the influence of drugs will be permitted in
20 parks or recreation areas.

21 **SECTION 19. FIREWORKS AND EXPLOSIVES**

22 (A) No person shall bring into or have in his possession, or set off or otherwise cause
23 to explode or discharge or burn within any park property any firecrackers, torpedoes, rockets or
24 other fireworks or explosives of flammable material, or discharge them or throw them onto any
25 park property from land or water adjacent thereto. Parents or guardians shall be held strictly
26 responsible and accountable for the actions of minors. Violators will be subject to prosecution
27 accordingly.

28 (B) The Director may permit organizations and entities to conduct fireworks displays
29 within Palm Beach County Parks, subject to full compliance with the Palm Beach County Fire
30 Code or other applicable County Ordinances, or the ordinances of any municipality having

1 jurisdiction to regulate said fireworks display.

2 **SECTION 20. PARK USAGE**

3 (A) It is the policy of Palm Beach County to afford all citizens the opportunity to utilize
4 County parks and also to participate in free speech activities within park property to the fullest
5 extent permitted by law. The Parks and Recreation Director has the authority to establish
6 guidelines for the permitting of special events, demonstrations, gatherings, performances or other
7 mass assemblages at county parks.

8 (B) No person shall be or remain in any part of any park property between sunset and
9 sunrise or as specifically posted. The provisions of this section shall not apply to police officers or
10 department employees while in the discharge of their duties nor to persons having a permit in
11 writing issued by the department to be or remain in any part of the parks between such hours. The
12 Department Director has the authority to establish exceptions to the closing hours as set forth
13 above when it is in the interest of the public health, safety or welfare and such exceptions shall be
14 posted.

15 (C) No person shall loiter in or around any park areas including, but not limited to,
16 restrooms, dressing rooms or bathhouses, picnic shelters/areas, wooded or natural/undeveloped
17 areas.

18 **SECTION 21. COMMERCIAL ACTIVITIES**

19 (A) No person shall park or station on any park property any vehicle displaying a sign
20 or notice with the intent of offering said vehicle for sale or exchange.

21 (B) No person shall advertise or offer for sale any article, material, or service, nor
22 place any stand, cart, or vehicle for the transportation, sale, trade or display of any article, material
23 or service for sale or trade within any park area unless in conjunction with a permitted use of a
24 reserved park/facility area.

25 (C) No person shall distribute, display or affix any printed materials or advertisements
26 to or within any park property. Exceptions to this rule are printed materials or advertisements
27 permanently affixed on vehicles or on clothing, distribution of printed handbills or leaflets the
28 purpose of which is not solely commercial, announcements of park sponsored or sanctioned events;
29 authorized signs located entirely within concession structures, and signs or distribution of printed
30 materials in conjunction with a permitted use of reserved park/facility area.

1 **SECTION 22. RESERVED PARK/FACILITY AREAS**

2 Park/facility areas shall not be reserved except by permit issued by the Director. Said
3 reserved park/facility areas include athletic fields, group picnic shelters and associated facilities,
4 recreation and civic facilities, and those areas requested for use for special events. Persons
5 permitted for use of reserved park/facility areas must comply with all applicable rules and
6 regulations as may be established by the Department. Permits requested for use of reserved
7 park/facility areas for for-profit activities require approval by the Board of County Commissioners.

8 **SECTION 23. PERMITS**

9 The Director has the authority to develop permitting systems and related rules and
10 regulations for the use of Park facilities. Violations of permit requirements shall result in
11 suspension or revocation of such permit.

12 **SECTION 24. NOISE**

13 No person shall make such loud, excessive, unnecessary noise so as to create a nuisance in
14 any County park. Noise shall be considered a nuisance where it produces actual physical
15 discomfort and annoyance to persons of ordinary sensibilities.

16 **SECTION 25. AIRCRAFT**

17 No one operating, directing or responsible for any aircraft, seaplane, helicopter, glider,
18 balloon, dirigible, parachute or other aerial apparatus shall take off from or land within Park
19 property except in emergency law enforcement situations or when written permission has been
20 obtained from the Director.

21 **SECTION 26. POLLUTION OF WATERS**

22 No person shall throw, discharge or otherwise place or cause to be placed in the waters of
23 any fountain, pond, lake, stream, bay or other body of water within Park property any substance,
24 matter or thing, liquid or solid, which will or may result in the pollution of said waters.

25 **SECTION 27. REFUSE, TRASH AND LITTER**

26 (A) No person shall take into, dump, deposit or litter any bottles, broken glass, ashes,
27 printed material, paper, boxes, cans, dirt, rubbish, waste, garbage, refuse or other trash upon any
28 park property. Persons shall place all bottles, broken glass, ashes, printed material, paper, boxes,
29 cans, dirt, rubbish, waste, garbage, refuse or other trash in the proper receptacles where provided;
30 where receptacles are not provided, same shall be carried away from park property by the person or

1 persons responsible for its presence and properly disposed of elsewhere.

2 (B) No person shall affix printed material or any other item to any vehicle within park
3 property other than their own vehicle.

4 **SECTION 28. PUBLIC UTILITIES**

5 Public utilities serving park property or traversing park property shall be subject to
6 reasonable regulations as may be hereafter adopted in the public interest in order to protect County
7 parks from unsightly and inconveniently located fixtures, installations and facilities.

8 **SECTION 29. PARK HOURS**

9 (A) Except for unusual and unforeseen emergencies and twenty-four (24) hour boat
10 launching, fishing and camping areas, all parks shall be open to the public every day of the year
11 during hours designated by the Director. The opening and closing hours shall be posted at each
12 park in order to give notice to the public.

13 (B) The Director, acting as agent of the Board of County Commissioners, may declare
14 any section or part of any park closed to the public at any time and for any interval of time, either
15 temporary or at regular and stated intervals (daily or otherwise) and either entirely or merely for
16 certain uses.

17 (C) No unauthorized person shall be or remain within park property during those
18 hours when the park is closed.

19 (D) No person shall enter upon park property which is under construction, in a state of
20 disrepair, or withheld from general public usage in the interest of public safety, health and/or
21 welfare.

22 **SECTION 30. ENFORCEMENT**

23 (A) It shall be the duty and responsibility of all law enforcement officers within their
24 jurisdiction to enforce all State laws, municipal ordinances, County ordinances, and County traffic
25 regulations within park property and other areas maintained and operated by the Department.

26 (B) It shall be the duty and responsibility of law enforcement officers and designated
27 Department employees to enforce all park rules and regulations. It shall be unlawful for any
28 person to do any act forbidden or fail to perform any act required by these rules or for any person
29 to fail to comply with any lawful and reasonable order given by law enforcement officers.
30 Violators of this Ordinance may be ordered to leave Park areas by law enforcement officers and

1 designated Department employees. Failure to leave once ordered constitutes a separate violation of
2 this Ordinance.

3 (C) It shall be the duty and responsibility of law enforcement officers and authorized
4 Department employees to enforce all provisions of permits issued by the Department. It shall be
5 unlawful for any person to do any act forbidden or fail to perform any act required by any permit
6 issued by the Department. Copies of regulations pertaining to reserved park/facility areas ~~may~~
7 shall be furnished with each permit issued.

8 **SECTION 31. PENALTIES**

9 Failure to comply with the provisions set forth in this Ordinance shall constitute a violation
10 of a County Ordinance and shall be punished upon conviction, pursuant to Section 125.69(1),
11 Florida Statutes, by a fine not to exceed \$500.00 dollars per violation per day for as long as the
12 violation continues or imprisonment not exceeding sixty (60) days, or both fine and imprisonment.
13 Violations of this Ordinance that are continuous with respect to time may be abated by injunctive
14 or other equitable relief. The imposition of a penalty does not prevent equitable relief.

15 **SECTION 32. SAVINGS CLAUSE**

16 This Ordinance shall not affect or impair the processing and implementation of any permit
17 issued or any act authorized pursuant to the provisions of Ordinance No. 96-44. All permits and
18 authorizations initiated under said Ordinance shall continue in full force and effect until completed.
19 Upon expiration of an existing permit or authorization, the permittee or authorized person must
20 apply for a new permit or seek authorization in accordance with the provisions as set forth herein.

21 **SECTION 33. REPEAL OF LAWS IN CONFLICT**

22 Ordinance No. 96-44 is hereby repealed in its entirety. All local laws and ordinances in
23 conflict with any provisions of this Ordinance are hereby repealed to the extent of such conflict.

24 **SECTION 34. SEVERABILITY**

25 If any provision, article, section, paragraph, sentence, clause, phrase, or word of this
26 Ordinance is for any reason held by the Court to be unconstitutional, inoperative or void, such
27 holding shall not affect the remainder of this Ordinance.

28 **SECTION 35. INCLUSION IN THE CODE OF LAWS AND ORDINANCES**

29 The provisions of this Ordinance shall become and made a part of the Code of Laws and
30 Ordinances of Palm Beach County, Florida. The Articles and Sections of this Ordinance may be

1 renumbered or relettered to accomplish such, and the word "Ordinance" may be changed to
2 "Section," Article," or any other appropriate word.

3 **SECTION 36. EFFECTIVE DATE**

4 The provisions of this Ordinance shall become effective upon filing with the Secretary of
5 State.

6 APPROVED AND ADOPTED by the Board of County Commissioners of Palm Beach
7 County, Florida, this ____ day of _____, 2004.

8

9 ATTEST:
10 SHARON R. BOCK,
11 CLERK & COMPTROLLER, PBC

PALM BEACH COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

12
13 By: _____

By: _____

14

15 Deputy Clerk

Karen T. Marcus, Chair

16

17 APPROVED AS TO FORM AND
18 LEGAL SUFFICIENCY

19

20

21 By: _____

22

County Attorney

23

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26 EFFECTIVE DATE: Filed with the Department of State on the ____ day of
27 _____, 2004.

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