

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

Meeting Date: December 21, 2010

☐ Consent ☒ Regular
☐ Ordinance ☐ Public Hearing

Department: Parks and Recreation
Submitted By: Parks and Recreation Department
Submitted For: Parks and Recreation Department

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: on preliminary reading and advertise for public hearing at 9:30 A.M. on January 11, 2011, an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending Chapter 21 of the Palm Beach County Code (Ordinance 2004-022) pertaining to parks and recreation; amending Section 21-17 of the Palm Beach County Code (authority of the Director of Parks and Recreation); amending Section 21-18 of the Palm Beach County Code (definitions); amending Section 21-19 of the Palm Beach County Code (regulation of vehicles within parks); amending Section 21-25 of the Palm Beach County Code (boating); amending Section 21-27 of the Palm Beach County Code (fishing); amending Section 21-28 of the Palm Beach County Code (firearms); amending Section 21-31 of the Palm Beach County Code (horseback riding); amending Section 21-32 of the Palm Beach County Code (animals); amending Section 21-33 of the Palm Beach County Code (alcoholic beverages); amending Section 21-36 of the Palm Beach County Code (commercial activities); amending Section 21-37 of the Palm Beach County Code (reserved park/facility areas); Providing for savings clause; Providing for repeal of laws in conflict; Providing for severability; Providing for inclusion in the code of laws and ordinances; and Providing for an effective date.


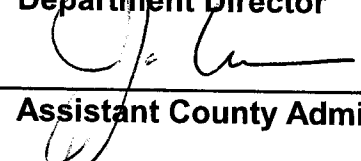
Summary: Staff has determined it is necessary to amend Chapter 21, Article 2 of the Palm Beach County Code (Parks and Recreation) to conform to state law and provide for better management of park property. In addition to several administrative modifications, the proposed Code changes will:

- Identify the Parks and Recreation Director's designee as the Assistant Director of Parks and Recreation;
- Modify the definition of exotic animals considered a nuisance by the Director;
- Better define Parks and Recreation areas to include water bodies located within or adjacent to the Atlantic Intracoastal Waterway, Lake Worth Lagoon and Atlantic Ocean;
- Identify boater exclusion zones within areas of Phil Foster and Peanut Island Parks;
- More clearly define fishing regulations within park property for reasons of public health, safety and welfare;
- Modify language relating to the possession of firearms within park property to conform to Florida Statutes;
- Include language pertaining to horseback riding safety in County Parks;
- Better define areas within park property which may be designated for the possession and/or consumption of alcoholic beverages; and
- Better define the prohibition of commercial activities within park property whether land-based or from the water without authorization. Countywide - (AH)

Background and Policy Issues: The Parks and Recreation Department reviews its rules and regulations periodically to determine if changes or modifications are necessary for more efficient and effective operation of Palm Beach County park and recreation areas. The proposed Code changes will add language to strengthen rules and regulations and assist in park enforcement.

Attachments:

- A. Proposed Code Amendment: Strike Thru-Underlined Version
B. Current Ordinance 2004-022

| | |
|---|--|
| <p>Recommended by: <u></u> <div align="center">Department Director</div> </p> <p>Approved by: <u></u> <div align="center">Assistant County Administrator</div> </p> | <p><u>11/24/10</u> <div align="center">Date</div> </p> <p><u>12/8/10</u> <div align="center">Date</div> </p> |
|---|--|

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

| Fiscal Years | 2011 | 2012 | 2013 | 2014 | 2015 |
|--------------------------|------|------|------|------|------|
| Capital Expenditures | \$ | -0- | -0- | -0- | -0- |
| Operating Costs | -0- | -0- | -0- | -0- | -0- |
| External Revenues | -0- | -0- | -0- | -0- | -0- |
| Program Income (County) | -0- | -0- | -0- | -0- | -0- |
| In-Kind Match (County) | -0- | -0- | -0- | -0- | -0- |
| NET FISCAL IMPACT | * | -0- | -0- | -0- | -0- |

ADDITIONAL FTE
POSITIONS (Cumulative)_____

Is Item Included in Current Budget? Yes _____ No _____
 Budget Account No.: Fund _____ Depart _____ Unit _____
 Object _____ Program _____

B. Recommended Sources of Funds/Summary of Fiscal Impact:

*There is no fiscal impact associated with this item.

C. Departmental Fiscal Review: *ckopelakis*

III. REVIEW COMMENTS:

A. OFMB Fiscal and/or Contract Dev. and Control Comments:

OFMB Fiscal and/or Contract Dev

Contract Dev. and Control
E. Jones 12/1/10

B. Legal Sufficiency:

Amme Helgert 12/7/10
Assistant County Attorney

C. Other Department Review:

Department Director

REVISED 10/95
ADM FORM 01

This summary is not to be used as a basis for payment

g/nbeale/agendas/10 ord agenda item

ORDINANCE NO. 2011-

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 21 OF THE PALM BEACH COUNTY CODE (ORDINANCE 2004-022) PERTAINING TO PARKS AND RECREATION; AMENDING SECTION 21-17 OF THE PALM BEACH COUNTY CODE (AUTHORITY OF THE DIRECTOR OF PARKS AND RECREATION); AMENDING SECTION 21-18 OF THE PALM BEACH COUNTY CODE (DEFINITIONS); AMENDING SECTION 21-19 OF THE PALM BEACH COUNTY CODE (REGULATION OF VEHICLES WITHIN PARKS); AMENDING SECTION 21-25 OF THE PALM BEACH COUNTY CODE (BOATING); AMENDING SECTION 21-27 OF THE PALM BEACH COUNTY CODE (FISHING); AMENDING SECTION 21-28 OF THE PALM BEACH COUNTY CODE (FIREARMS); AMENDING SECTION 21-31 OF THE PALM BEACH COUNTY CODE (HORSEBACK RIDING); AMENDING SECTION 21-32 OF THE PALM BEACH COUNTY CODE (ANIMALS); AMENDING SECTION 21-33 OF THE PALM BEACH COUNTY CODE (ALCOHOLIC BEVERAGES); AMENDING SECTION 21-36 OF THE PALM BEACH COUNTY CODE (COMMERCIAL ACTIVITIES); AMENDING SECTION 21-37 OF THE PALM BEACH COUNTY CODE (RESERVED PARK/FACILITY AREAS); PROVIDING FOR SAVINGS CLAUSE; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, it is necessary to amend Ordinance 2004-022, to conform with federal and state law and to provide for more efficient and effective operations of Palm Beach County parks and recreation areas.

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

SECTION 1. AUTHORITY OF THE DIRECTOR OF PARKS AND RECREATION.

Section 21-17 of the Palm Beach County Code is amended as follows:

Subject to the direction of the Board of County Commissioners or the County Administrator, all powers, duties and authorities relating to the operation of the Palm Beach County

1 Parks and Recreation system for the Board of County Commissioners, are vested in the Director of
2 Parks and Recreation unless specifically vested elsewhere by the provisions of this Ordinance. In
3 the absence of the Director of Parks and Recreation or the Director's designee, a supervisor over
4 the Director of Parks and Recreation, or an individual specifically appointed by the County
5 Administrator, may assume the powers, duties, and authority vested by this section.

6 **SECTION 2. DEFINITIONS. Section 21-18 of the Palm Beach County Code is amended as**
7 **follows:**

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

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

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

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

19 (D) **ASSISTANT DIRECTOR.** The term Assistant Director when used hereinafter is
20 defined as the Assistant Director of the Palm Beach County Parks and Recreation Department.
21 This position shall serve as the Director's designee.

22 (E) **EXOTIC ANIMAL.** A non-native animal species that occurs in South Florida, as a
23 result of direct or indirect, deliberate or accidental actions by humans, which may include, but not
24 be limited to, domestic, semi-domestic or feral animals, considered to be a nuisance, as determined
25 by the Director, or his designee.

26 (F) **NATIVE ANIMAL.** An animal species that occurs naturally in or is indigenous to
27 South Florida.

28 (G) **PARK.** The terms "park", "parkways", "recreational areas", "natural areas", "marinas"
29 and "areas operated and maintained by the Department" may include, but are not limited to, parks,

1 wayside parks, parkways, playgrounds, recreation fields, open green spaces, golf courses,
2 community centers, recreation centers, amphitheaters, museums, auditoriums, ranges, lakes,
3 streams, canals, lagoons, waterways, pools, waterparks, water areas located on inland and coastal
4 areas including park property located within or adjacent to the waters of the Atlantic Intracoastal
5 Waterway, Lake Worth Lagoon, and Atlantic Ocean, and beaches therein and all grounds, water
6 areas, buildings and structures in the Palm Beach County which are under the control of or assigned
7 for upkeep, maintenance or operation by the Department.

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

10 (I) **PARK PROPERTY.** The term park property is defined to cover all areas, grounds,
11 buildings, locations and facilities described in the definition for "park".

12 (J) **PERMIT.** The term "permit" means a document or certificate provided by the
13 Department granting permission for use of reserved park/facility areas and which sets forth terms
14 and conditions applicable thereto.

15 (K) **PERSON.** The word "person" includes natural persons, firms, associations, joint
16 ventures, partnerships, estates, trusts, business trusts, syndicates, fiduciaries, corporations, and all
17 other groups and combinations.

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

24 **SECTION 3. REGULATION OF VEHICLES WITHIN PARKS. Section 21-19 of the**
25 **Palm Beach County Code is amended as follows:**

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

27 (B) All law enforcement officers shall direct traffic and enforce all motor vehicle, traffic
28 and parking laws of this County including the Palm Beach Ceounty Pparking Oerdinance, codified
29 in Chapter 19 of the County Code, as may be amended, and enforce all rules and regulations set

1 forth by the Department within park property. Park personnel, authorized and designated by the
2 Director, may direct traffic and enforce the rules and regulations set forth by the Department within
3 park property.

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

7 (D) Notwithstanding paragraph (A) above, where a public road traverses a County
8 park, said road shall be open to all through traffic permitted on any County road or highway, but
9 such through traffic shall conform to park speed and traffic regulations.

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

16 (F) No person shall park a vehicle on park property at any place other than in the
17 regular designated facilities provided for that particular type of vehicle, unless directed otherwise
18 by a law enforcement officer or department employee or by official signs or markings. No driver or
19 operator of any vehicle shall park on any road or driveway except those places so designated. No
20 driver or operator of any vehicle shall leave a vehicle parked on any road, driveway or park
21 property after posted closing hours.

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

25 (H) No person shall ride, drive or propel any bicycle, motorcycle, all-terrain vehicle
26 (ATV), scooter, minibike or similar vehicle on any but the regular vehicle roads except for those
27 areas designated for such a specified use. The designated bicycle trails shall be used only by
28 pedestrians and bicycles and other vehicles propelled by human power. It is expressly provided
29 that no vehicles, motorcycles, scooters, minibikes, or similar vehicles shall be ridden on the
30 designated nature trails and horse trails located within the Palm Beach County parks. No person

1 shall deviate from compliance with all applicable vehicle laws and regulations governing the
2 operation of the above vehicles while on park property.

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

7 **SECTION 4. BOATING. Section 21-25 of the Palm Beach County Code is amended as**
8 **follows:**

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

11 (1) No person shall bring into, launch, or operate any vessel (as defined in
12 Section 327.02, Florida Statutes, as may be amended) upon any park
13 property, including designated swimming areas/bathing beaches, except at
14 such places as are or may be designated for such use or purposes by the
15 Board of County Commissioners or the Director. The following designated
16 swim areas are established as vessel-exclusion zones: a) the area of Phil
17 Foster Park south of the southern park boundary to an area 75' north of the
18 auxiliary channel of the Atlantic Intracoastal Waterway (ICW) and from the
19 Park's eastern boundary to the sailboat launch area; and b) the area east and
20 southeast of Peanut Island 200 feet from the mean high water mark (100
21 feet seaward of the wave-break rocks) from the north end of the bathing
22 beach to the boat docks of the Maritime Museum. Such operation or use
23 shall be Any area designated for boating use shall be used in accordance
24 with such rules and regulations as are now or may hereafter be adopted by
25 the Department or Board of County Commissioners. Boating permits may
26 be required by the Department for specific boating activities within park
27 property.

28 (2) No person shall moor, anchor, or tie up to the beach, bank or any wharf,
29 dock, tree, building, rock or any object or structure on the bank in waters
30 within park property or property managed by the Department unless said

1 person does so in pursuit of recreational activities of a temporary nature or
2 unless the owner of the vessel has obtained written permission from the
3 Director, except in an emergency situation. Tropical weather conditions
4 (depression, storm, hurricane) shall not constitute an emergency situation.

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

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

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

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

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

21 (B) The Department shall establish rules and regulations for use of the County's
22 ~~permanent~~ boat slips for dockage of vessels, boat trailer parking, managed mooring fields and other
23 marine facilities by the public. Rates for said usage shall be established by the Board of County
24 Commissioners.

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

27 **SECTION 5. FISHING. Section 21-27 of the Palm Beach County Code is amended as**
28 **follows:**

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

30 (B) Sport fishing is allowed within park property except where specifically

1 prohibited.

2 (C) The use of a troll line for fishing purposes is prohibited within park property.

3 Set cane poles are permitted if attended.

4 (D) All applicable State laws pertaining to fishing and licensing shall be enforced
5 within park property.

6 (E) The Director may establish specific fishing regulations for various water bodies
7 within park property: for reasons of public health, safety or welfare.

8 **SECTION 6. FIREARMS. Section 21-28 of the Palm Beach County Code is amended as**
9 **follows:**

10 No person shall use or possess firearms, weapons or trapping devices within any Park
11 property except with prior approval from the Director or in any area designated by the
12 Department for such purpose. in accordance with Florida Statutes or upon prior approval from
13 the Director. The Director shall establish rules and regulations pertaining to ~~shooting or archery~~
14 ranges any recreational shooting facilities. ~~Shooting into park areas from beyond park~~
15 ~~boundaries is prohibited.~~

16 **SECTION 7. HORSEBACK RIDING. Section 21-31 of the Palm Beach County Code is**
17 **amended as follows:**

18 No person shall engage in horseback riding within any park property except in areas
19 designated by the Director for said purpose. In areas designated for horseback riding, horses must
20 be thoroughly broken, properly restrained, and prevented from grazing and straying unattended.
21 All riders must carry proof of their horse's negative coggins test. Riders 16 years of age and
22 younger must wear an approved safety helmet, and be accompanied by an adult.

23 **SECTION 8. ANIMALS. Section 21-32 of the Palm Beach County Code is amended as**
24 **follows:**

25 (A) Except in specified areas, domesticated animals, except those considered to be a
26 nuisance, as determined by the Director, are permitted within park property. Said animals
27 must be restrained at all times at a distance of not greater than six (6) feet in length from
28 their handler.

29 (B) No person shall bring into, nor allow to enter, any park property any non-
30 domesticated animals including, but not limited to cattle, mules, swine, sheep, goats, fowl

1 or reptiles except where, in conjunction with projects sponsored by County Departments or
2 upon permit from the Director.

3 (C) Dangerous dogs, as defined in 98-22, the Palm Beach County Animal Care and
4 Control Ordinance, as it may be amended ~~Chapter 767, Florida Statutes~~, are prohibited
5 from park property.

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

9 **SECTION 9. ALCOHOLIC BEVERAGES. Section 21-33 of the Palm Beach County Code is**
10 **amended as follows**

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

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

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

23 (D) The Director may permit, in writing, the sale, possession, and/or consumption of
24 alcoholic beverages incidental to a special event. Said permission may not exceed four (4)
25 consecutive days.

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

30 (F) At its option, the County may obtain, in its name, the necessary state licensing for

1 the sale of alcoholic beverages. The County may, at its option, have such license transferred to a
2 contractor's or lessee's name, provided, however, that such licensing shall immediately revert to
3 the County upon termination, for any reason, of the contractor's agreement or lessee's lease with
4 the County. The license holder shall take all action and execute all documents necessary to effect
5 said transfer to the County.

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

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

13 **SECTION 10. COMMERCIAL ACTIVITIES. Section 21-36 of the Palm Beach County**
14 **Code is amended as follows:**

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

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

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

27 (D) No person shall utilize any park property to facilitate a commercial operation, whether
28 land-based or from the water, without authorization from the Director or Assistant Director.

29 **SECTION 11. RESERVED PARK/FACILITY AREAS. Section 21-37 of the Palm Beach**
30 **County Code is amended as follows:**

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

8 **SECTION 12. SAVINGS CLAUSE**

9 This Ordinance shall not affect or impair the processing and implementation of any permit
10 issued or any act authorized pursuant to the provisions of Ordinance No. 96-44 or 2004-022. All
11 permits and authorizations initiated under said Ordinance shall continue in full force and effect
12 until completed. Upon expiration of an existing permit or authorization, the permittee or authorized
13 person must apply for a new permit or seek authorization in accordance with the provisions as set
14 forth herein.

15 **SECTION 13. REPEAL OF LAWS IN CONFLICT**

16 All local laws and ordinances in conflict with any provisions of this Ordinance are hereby
17 repealed to the extent of such conflict.

18 **SECTION 14. SEVERABILITY**

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

22 **SECTION 15. INCLUSION IN THE CODE OF LAWS AND ORDINANCES**

23 The provisions of this Ordinance shall become and made a part of the Code of Laws and
24 Ordinances of Palm Beach County, Florida. The Articles and Sections of this Ordinance may be
25 renumbered or relettered to accomplish such, and the word Ordinance may be changed to Section,
26 Article, or any other appropriate word.

27 **SECTION 16. EFFECTIVE DATE**

28 The provisions of this Ordinance shall become effective upon filing with the Secretary of
29 State.

30

1 APPROVED AND ADOPTED by the Board of County Commissioners of Palm Beach County,
2 Florida, this _____ day of _____, 2011.

3

4 ATTEST:
5 SHARON R. BOCK,
6 CLERK & COMPTROLLER,

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

7

8 By: _____
9 Deputy Clerk

By: _____
Chair

10

11 APPROVED AS TO FORM AND
12 LEGAL SUFFICIENCY

13

14

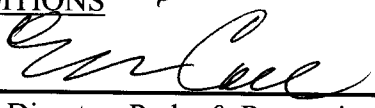
15 By: _____
16 County Attorney

17

18

19 APPROVED AS TO TERMS AND
20 CONDITIONS

21

22 By: 
23 Director, Parks & Recreation
24 Department

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26

27 EFFECTIVE DATE: Filed with the Department of State on the _____ day of
28 _____, 2011.

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32 g/nbealc/amendment strike thru underline ec changes

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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

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

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

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

SECTION 1. TITLE

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

SECTION 2. AUTHORITY OF THE DIRECTOR OF PARKS AND RECREATION

Subject to the direction of the Board of County Commissioners or the County Administrator, all powers, duties and authorities relating to the operation of the Palm Beach County

1 Parks and Recreation system for the Board of County Commissioners, are vested in the Director of
2 Parks and Recreation unless specifically vested elsewhere by the provisions of this Ordinance. In
3 the absence of the Director of Parks and Recreation, a Supervisor over the Director of Parks and
4 Recreation, or an individual specifically appointed by the County Administrator, may assume the
5 powers, duties, and authority vested by this section.

6

7 **SECTION 3. DEFINITIONS**

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

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

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

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

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

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

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

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

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

5 (I) **PERMIT.** The term "permit" means a document or certificate provided by the
6 Department granting permission for use of reserved park/facility areas and which sets forth terms
7 and conditions applicable thereto.

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

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

17
18 **SECTION 4. REGULATION OF VEHICLES WITHIN PARKS**

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

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

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

29 (D) Notwithstanding Paragraph (A) above, where a public road traverses a County

1 Park, said road shall be open to all through traffic permitted on any County road or highway, but
2 such through traffic shall conform to park speed and traffic regulations.

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

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

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

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

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

30

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

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

7. (B) No person shall dig, move or remove from any park area any beach sand, soil,
8 rocks, stones, trees, shrubs, whether submerged or not, or plants, down-timber, or other wood or
9 materials, or make any excavation by tool, equipment, or other means, or construct or erect any
10 building or structure of whatever kind, whether permanent or temporary in character, or run or
11 string any public service utility into, upon, or across such land, or affix any materials to any park
12 property, except with the prior written approval of the Director.

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

16. **SECTION 6. FIRE**

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

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

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

30. (B) No person shall remove, molest, harm, frighten, kill, trap, hunt, chase, shoot

1 or throw any object at any animal, nor shall any person remove or possess the eggs, nests or young
2 of any wild animal whether alive or dead without prior approval from the Director.

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

6

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

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

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

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

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

20

21 **SECTION 9. SWIMMING AND WADING**

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

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

27

28 **SECTION 10. BOATING**

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

- (1) No person shall bring into, launch, or operate any vessel (as defined in Section 327.02, Florida Statutes, as may be amended) upon any park property, including designated swimming areas, except at such places as are or may be designated for such use or purposes by the Board of County Commissioners or the Director. Such operation or use shall be in accordance with such rules and regulations as are now or may hereafter be adopted by the Department. Boating permits may be required by the Department for specific boating activities within park property.
- (2) No person shall moor, anchor, or tie up to the bank or any wharf, dock, tree, building, rock or any object or structure on the bank in waters within park property or property managed by the Department unless said person does so in pursuit of recreational activities of a temporary nature or unless the owner of the vessel has obtained written permission from the Director, except in an emergency situation.
- (3) No person shall launch, dock or operate any vessel on the waters of any park between the closing hour of the park at night and opening hour the following morning, with the exception of designated 24 hour boating facilities, nor shall any person be on, or remain on or in, any vessel in the park during the said closed hours of the park, except with prior approval of the Director.
- (4) Boat operators shall be responsible for their own wake and liable for any damage it may cause.
- (5) During the staging of Department approved special events, all non-participating vessels and spectators shall be prohibited from entering the boat pit area and from obstructing any race, ski courses or special event.
- (6) No person shall operate airboats or hovercraft within park property except by approval from the Director.
- (7) The Director shall have the authority to establish regulations and speed limits of vessels that utilize the water areas located within park property unless otherwise pre-empted by the State.

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

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

6
7 **SECTION 11. WATER SKIING**

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

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

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

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

17
18 **SECTION 12. FISHING**

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

20 (B) Sport fishing is allowed within park property except where specifically
21 prohibited.

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

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

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

28
29 **SECTION 13. FIREARMS**

30 No person shall use or possess firearms, weapons or trapping devices within any park

1 property except with prior approval from the Director or in any area designated by the Department
2 for such purpose. The Director shall establish rules and regulations pertaining to shooting or
3 archery ranges. Shooting into park areas from beyond park boundaries is prohibited.
4

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

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

8 (B) No person shall use a grill or other device in such a manner as to burn, char,
9 mar or blemish any bench, table, or other object of park property nor shall any person starting a fire
10 leave the area without extinguishing said fire.
11

12 **SECTION 15. CAMPING**

13 No person shall camp within any park property except in areas designated by the Director
14 for said purpose. The Department may establish rules and regulations for designated camping areas
15 within park property. Rates for said use shall be established by the Board of County
16 Commissioners. Camping units are to be of commercial manufacture and be of flame retardant
17 material. House trailers are prohibited.
18

19 **SECTION 16. HORSEBACK RIDING**

20 No person shall engage in horseback riding within any park property except in areas
21 designated by the Director for said purpose. In areas designated for horseback riding, horses must
22 be thoroughly broken, properly restrained, and prevented from grazing and straying unattended.
23 All riders must carry proof of their horse's negative coggins test.
24

25 **SECTION 17. ANIMALS**

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

29 (B) No person shall bring into, nor allow to enter, any park property any non-
30 domesticated animals including, but not limited to, cattle, mules, swine, sheep, goats, fowl or

1 reptiles except where in conjunction with projects sponsored by County Departments or upon
2 permit from the Director.

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

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

8

9 **SECTION 18. ALCOHOLIC BEVERAGES**

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

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

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

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

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

28 (F) At its option, the County may obtain, in its name, the necessary State licensing for
29 the sale of alcoholic beverages. The County may, at its option, have such license transferred
30 to contractor's or lessee's name, provided, however, that such licensing shall immediately revert to the

1: County upon termination, for any reason, of the contractor's agreement or lessee's lease with the
2: County. The license holder shall take all action and execute all documents necessary to effect said
3: transfer to the County.

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

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

11:
12: **SECTION 19. FIREWORKS AND EXPLOSIVES**

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

19: (B) The Director may permit organizations and entities to conduct fireworks displays
20: within Palm Beach County Parks, subject to full compliance with the Palm Beach County Fire
21: Code or other applicable County Ordinances, or the ordinances of any municipality having
22: jurisdiction to regulate said fireworks display.

23:
24: **SECTION 20. PARK USAGE**

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

30: (B) No person shall be or remain in any part of any park property between sunset and

1 sunrise or as specifically posted, The provisions of this section shall not apply to police officers or
2 department employees while in the discharge of their duties nor to persons having a permit in
3 writing issued by the department to be or remain in any part of the parks between such hours. The
4 Department Director has the authority to establish exceptions to the closing hours as set forth above
5 when it is in the interest of the public health, safety or welfare and such exceptions shall be posted.

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

9
10 **SECTION 21. COMMERCIAL ACTIVITIES**

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

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

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

23
24 **SECTION 22. RESERVED PARK/FACILITY AREAS**

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

1
2
3 **SECTION 23. PERMITS**

4 The Director has the authority to develop permitting systems and related rules and
5 regulations for the use of Park facilities. Violations of permit requirements shall result in
6 suspension or revocation of such permit.
7

8 **SECTION 24. NOISE**

9 No person shall make such loud, excessive, unnecessary noise so as to create a nuisance in
10 any County park. Noise shall be considered a nuisance where it produces actual physical
11 discomfort and annoyance to persons of ordinary sensibilities.
12

13 **SECTION 25. AIRCRAFT**

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

19 **SECTION 26. POLLUTION OF WATERS**

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

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

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

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

3 **SECTION 28. PUBLIC UTILITIES**

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

7
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
23 **SECTION 30. ENFORCEMENT**

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

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

1 Ordinance may be ordered to leave Park areas by law enforcement officers and designated
2 Department employees. Failure to leave once ordered constitutes a separate violation of this
3 Ordinance.

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

10 SECTION 31. PENALTIES

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

18 SECTION 32. SAVINGS CLAUSE

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

25 SECTION 33. REPEAL OF LAWS IN CONFLICT

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

29 SECTION 34. SEVERABILITY

30 If any provision, article, section, paragraph, sentence, clause, phrase, or word of this

1 Ordinance is for any reason held by the Court to be unconstitutional, inoperative or void, such
2 holding shall not affect the remainder of this Ordinance.

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

4 The provisions of this Ordinance shall become and made a part of the Code of Laws and
5 Ordinances of Palm Beach County, Florida. The Articles and Sections of this Ordinance may be
6 renumbered or relettered to accomplish such, and the word "Ordinance" may be changed to
7 "Section," Article," or any other appropriate word.

9 **SECTION 36. EFFECTIVE DATE**

10 The provisions of this Ordinance shall become effective upon filing with the Secretary of
11 State.

13 APPROVED AND ADOPTED by the Board of County Commissioners of Palm Beach
14 County, Florida, this 17th day of August, 2004.

16 ATTEST:

17 DOROTHY H. WILKEN, Clerk

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

18
19
20 By Judith C. [Signature]
21 Deputy Clerk

By: [Signature]
Karen T. Marcus, Chair

23
24 APPROVED AS TO FORM AND
25 LEGAL SUFFICIENCY

26
27
28 By: Nancy J. Dolan
29 County Attorney

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31
32
33 EFFECTIVE DATE: Filed with the Department of State on the 23 day of
34 August, 2004.

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STATE OF FLORIDA, COUNTY OF PALM BEACH
I, DOROTHY H. WILKEN, ex-officio Clerk of the
Board of County Commissioners certify this to be a
true and correct copy of the original filed in my office
on August 17, 2004
DATED at West Palm Beach, FL on 10/21/04 16
DOROTHY H. WILKEN, Clerk
By: [Signature] D.C.