

PUTNAM COUNTY, FLORIDA

ORDINANCE NO. 2009-52

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PUTNAM COUNTY, FLORIDA, AMENDING CHAPTER 46 OF THE PUTNAM COUNTY CODE TO BE NOW ENTITLED PARKS AND RECREATION; SETTING FORTH GENERAL RULES FOR COUNTY PARKS, GENERAL USE REGULATIONS AND ENFORCEMENT; CREATING AN ADVISORY BOARD; REPEALING CONFLICTING ORDINANCES AND OTHER ACTIONS OF THE COUNTY COMMISSION; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the County Commission finds it to be in the public interest to adopt, consolidate and codify the rules and procedures relating to County Parks and associated facilities.

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PUTNAM COUNTY, FLORIDA:

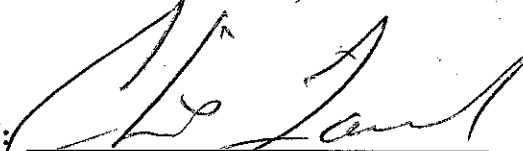
Section 1. Chapter 46 of the Putnam County Code is hereby amended to read in its entirety as set forth in Appendix A attached hereto.

Section 2. The provisions of the newly-adopted Chapter 46 of the Putnam County Code shall supersede any provisions covering the same subject previously adopted by the County Commission, including without limitation Chapter 46 of the Putnam County Code as it previously existed.

Section 3. A certified copy of this Ordinance shall be filed with the Department of State by the Clerk of the Board of County Commissioners and shall take effect upon receipt of official acknowledgement from the Department of State that this Ordinance has been filed.

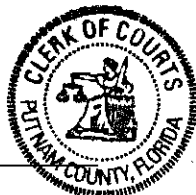
DONE, ORDERED AND ADOPTED this 8th day of December, 2009.

BOARD OF COUNTY COMMISSIONERS
OF PUTNAM COUNTY, FLORIDA

BY: 
Chairman

ATTEST:


for Tim Smith
Clerk to the Board of County Commissioners



APPENDIX A TO ORDINANCE 2009-_____

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PARKS AND RECREATION

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CHAPTER 46

PARKS AND RECREATION

ARTICLE I: COUNTY PARK REGULATIONS

Sec. 46.1. Applicability.

Unless otherwise specifically provided herein, this Article shall apply to all Parks as defined in Section 46.2.

Sec. 46.2. Definitions.

Whenever used herein, the following terms and phrases shall have the following meanings unless the context clearly indicates otherwise:

Parks shall mean all real property and associated facilities that are under the assigned jurisdiction of the Department.

Park property shall include, but is not limited to, all buildings and facilities, equipment, fences, signs and related items, and natural features of the park, including plants, animals, and geological formations. Also considered as Park property are any historic artifacts within the Park.

Park waters shall mean any waters, natural or man made, attached to or associated with a Park.

Department shall mean the Putnam County Parks & Recreation Department.

Director shall mean the Department Director or his/her designee.

Department Staff shall mean any staff that have responsibility to operate and maintain programs, facilities and equipment of the Department.

Sec. 46.3. Prohibited Activities.

It shall be unlawful for any person to do any of the following in any Park or designated area within a Park unless specifically permitted to do so by a permit issued pursuant to this Chapter, other than activities of a governmental agency within the scope of its authority and activities authorized by the Director (parents or guardians are responsible for violations by minors):

- (1) Altering, possessing, molesting, harming, destroying or removing Park property.
- (2) Attaching anything by line, nail, tape, staple, tack, or other item to any Park building, fence, equipment, sign, tree, shrub or other property.
- (3) Building a fire, except in designated areas or authorized containers.
- (4) Bringing personal grills into Parks that are equipped with cooking grills.

- (5) Conducting profit-making, fund raising or private sales activities.
- (6) Using Parks or Park property for other than Park-related activities.
- (7) Feeding or petting wild animals.
- (8) Capturing, collecting, or in any way harming any animal life, except fish commonly referred to as "edible" or "game" species.
- (9) Placing, dumping, abandoning or leaving any dog, cat, fish, mammal, reptile or bird, either wild or domestic, on Park property.

Hunting and firearms. Hunting, tracking, or the pursuit of wildlife is prohibited in all Park property unless authorized and properly permitted. No person shall use, carry or possess in any Park or Park property firearms of any description, air rifles, spring guns, bows and arrows, gigs, slingshots, or any other forms of weapons potentially harmful to wildlife or dangerous to human safety. Further prohibited are all instruments that can fire any kind of cartridge and all trapping devices. Shooting into Park areas from beyond the Park boundaries is prohibited. Any device that is employed to kill, immobilize or capture any wildlife, or any device otherwise used in violation of this Chapter, is declared a nuisance and may be seized and confiscated by Department Staff or law enforcement officers. Notwithstanding the foregoing, the possession of firearms or other weapons by (a) a law enforcement officer acting within the scope of his authority and (b) those persons authorized by State law to carry concealed weapons doing so as authorized by law, shall not be a violation hereof.

Alcoholic beverages and drugs. Possession and/or consumption of alcoholic beverages or illegal drugs within any Park or Park property is prohibited.

Fireworks and explosives. Possessing, exploding, discharging, or burning within any Park property or on roadways adjacent thereto, any firecrackers, rockets, or other fireworks or explosives or any other substance that, in combination with any other substance, becomes an explosive, are prohibited unless authorized by the Department. In an emergency, the discharge of distress signals and flares is permitted.

Gambling. Gambling in any form is prohibited in any Park or on Park property.

Polluting water. The throwing, discharging, or otherwise placing or causing to be placed in the waters of any fountain, pond, lake, stream, or other body of water in or adjacent to any Park or any tributary streams, storm sewer or any drain flowing into such waters, of any substance, matter, or thing, liquid or solid, that will or may pollute the waters of the Park is prohibited.

Refuse and trash. The taking into, dumping, or depositing on land or in waters of any Park or roadway adjacent to any Park of refuse or trash in any form is prohibited. All refuse and trash shall be disposed of properly by placing it in the designated containers. If such container is not available, persons responsible for the refuse or trash shall remove it from the Park.

Concessions, Vending, and Peddling. No person shall operate a concession, or expose or offer for sale any service, article, or thing; nor shall any person place on Park property any stand, cart, or vehicle or vessel for the transportation, sale or display of any such article or thing. Exception is hereby made as to any regularly licensed concessionaire or other person engaging

in such activities as authorized by the Director. All properly authorized activities under this section are subject to reasonable regulation by the Director and require a written permit.

Advertising and Commercial Signs. No person shall announce, advertise, or call the public attention in any way to any article or service for sale or hire; paste, glue, tack or otherwise post any commercial sign, placard, advertisement, or inscription whatever; erect or cause to be erected any commercial sign on any public lands or highways or roads adjacent to a Park, or distribute any handbills or circulars, except by written permit from the Director.

Animals. Unrestrained dogs or other domestic animals shall not be permitted in any Park area other than in enclosed or fenced areas as may be clearly marked for use by animals. Dogs shall wear their County license tags at all times. Owners shall be responsible for properly disposing of all solid excrement.

Horseback riding is allowed only in specifically designated areas. Where permitted, horses shall be thoroughly broken and properly restrained and ridden with due care. Horses shall not be allowed to graze, go unattended or be hitched to any tree, plant, or rock.

This section shall not apply to:

- (a) horses or dogs used by law enforcement officers or park rangers in the performance of their duties;
- (b) guide dogs used by a visually handicapped or disabled person, provided that the dog is at all times kept under control;
- (c) animals or fowl kept by the Department or under its direction; and
- (d) animals used through the direction of the Department for educational purposes.

Sec. 46.4. General Park Requirements.

The following requirements, rules, regulations and procedures apply at all Parks and Park facilities, unless otherwise authorized by the Director:

(a) Closing of parks.

- (1) Any Park or section of a Park not lighted or designated for night use will be closed to the public from sundown to sunrise.
- (2) It shall be unlawful for any person to be or remain in any Park during the hours the Park is closed to public use, unless such person has a permit issued by the Director authorizing that person to remain in the Park.
- (3) The Department may close any Park or section thereof to the public at any time and for any interval of time, either temporarily or at regular and stated intervals, entirely or merely to certain uses.
- (4) The Department may designate carrying capacities for any Park or section thereof and is authorized to close any Park or section thereof when carrying capacity is reached.

(b) General.

- (1) Persons shall enter and leave Park property only through the designated entrance points, except in cases of emergency.

- (2) Some individual Parks and facilities may have rules and regulations posted that are specific to that site, which will be listed in the Department's Standard Operating Procedures Manual and may not be listed in this Ordinance.

(c) *Alcoholic Beverages.*

- (1) It shall be unlawful for any person to purchase, sell or offer for sale, have in their possession or consume any alcoholic beverages in or on any Park, unless such sale, possession or consumption takes place at and during an event for which an alcoholic beverage permit has been issued by Putnam County. All persons entering upon Park property shall consent to search of the contents of any container which may contain an alcoholic beverage. Container shall include any cooler, portable icebox, carrier, luggage, can, bottle, bag or box which may reasonably be used to contain alcoholic beverages.
- (2) In no event shall Department Staff attempt to search a container when the owner of such container has refused such inspection. Department staff shall require such person to immediately leave Park property and upon refusal to leave Park property, Department Staff shall contact a law enforcement officer.

(d) *Intoxication, drugs, and public nuisance.* Persons in any Park who are intoxicated, illegally under the influence of drugs, or who conduct themselves in a disorderly, offensive, obnoxious, obscene, or profane manner are considered public nuisances and are subject to arrest and/or ejection from the Park.

(e) *Reservations.* The Department may take reservations and/or establish reservation procedures for any Park or section thereof.

(f) *Organized groups.* An organized group may use a Park during normal operating hours as long as the size or activity of the group does not interfere with or preclude the use of the Park by the general public in any way.

(g) *Special Parks and Recreation Permits.* No person, group, or organization shall hold, organize, or sponsor any event, assemblage, or gathering in a Park that (a) exceeds 99 people, (b) restricts access by other users, (c) causes operational expense to the Department, or (d) significantly alters normal operations of the Park, unless a special permit has been granted by the Director. The Director may place reasonable conditions on permits issued and/or may refer the permit application to the Board of County Commissioners (the "BOCC") for its approval. The Director shall have the authority to revoke a permit upon finding of violation of any rules or ordinance or upon good cause shown.

An application for a special permit can be acquired from the Department. The application must be submitted to the Department not less than 30 days or more than 12 months prior to the date of the proposed activity. Exceptions may be granted for good cause.

Applicants shall agree to comply with all policies, procedures, rules, and regulations pertaining to the use of Parks. A fee shall be assessed based on the fee schedule adopted by the BOCC. Proof of insurance liability covering the applicant must be submitted with the permit.

Outside vendors with activities or equipment such as music, pony rides, climbing walls, bounce houses or other inflatable equipment must be approved separately and said vendors must provide proof of liability and other appropriate insurance.

The following criteria shall be considered in determining whether to grant permits:

- a. the activity must not generate excessive or unreasonable traffic, noise, or adversely affect the health, safety, or welfare of participants or citizens associated with the event.
- b. the activity must not unduly interfere with the primary use or uses for which the Park is designated or intended, including other scheduled activities at the Park.
- c. the applicant must provide adequate authorized law enforcement personnel or supervision, as determined by the Director.
- d. parking options and control must be adequate.
- e. appropriate restrooms and potable water must be available.
- f. the designated area must be compatible with anticipated crowd size and proposed activities.

Sec. 46.5. Recreational Activities.

- (a) **Swimming.** Swimming shall not be allowed in any Park or Park waters, unless designated for swimming.
- (b) **Boating.** All watercraft shall be launched or removed from the water only at places designed for such purposes.
- (c) **Picnicking.**
 - (1) Picnicking is allowed only in areas designated for such purpose.
 - (2) Use of picnic area facilities, including picnic shelters, grills, tables, and benches generally shall follow the rule of first-come, first-served. However, this shall not preclude the Department from assigning or reserving these facilities for the use of particular persons or groups.
 - (3) Portions of a picnic area or of any structures thereon may be used only for a reasonable time if the facilities are crowded. The determination of what is reasonable will be made by Department Staff.
 - (4) To maintain cleanliness and reduce fire hazards, each picnic party shall completely extinguish any fire and place all refuse, waste, and trash in disposal containers where provided. If there are no such containers immediately available, the refuse shall be carried away and disposed of by the users of the facility.
- (d) **Games.**
 - (1) Games or activities involving thrown, motorized or otherwise propelled objects shall be allowed only in areas designed for such use.
 - (2) Use of all playing areas, courts, and fields generally follows the rule of first come, first-served. However, this shall not preclude the Department from assigning or

reserving these facilities for the use of particular persons or groups. Users shall comply with the rules and regulations that pertain to each area.

- (e) **Camping.** Camping is not permitted in any Park unless authorized by the Director.
- (f) **Fishing.**
 - (1) Fishing is allowed in Park waters by any legal method, except where prohibited by the Department.
 - (2) No litter, including unwanted marine life, shall be left in the Park. No debris or other wastes shall be thrown in Park waters.

Sec. 46.6. Fees and charges.

The BOCC by resolution shall establish a schedule of fees and charges for the use of County owned or managed equipment, facilities and property and for participation in programs and events. Fees, discounts, or special prices for activities and facilities may be established or waived from time to time by the Director. All fees may be automatically adjusted annually by the Director to reflect the local market conditions and will be presented for approval at the time of the annual budget submission.

The Department may accept donations of cash, real property, equipment, services or other items of value. Said donations shall be reported to the Finance Director for proper documentation and accountability.

Sec. 46.7. Vehicles and traffic.

- (a) **State law.** All applicable provisions of Florida law regulating the equipment and operation of vehicles will be enforced in all Parks.
- (b) **Traffic control.** Authorized law enforcement officers and Park personnel shall direct traffic as needed in Parks and on roadways adjacent thereto based on existing conditions. All persons shall comply with lawful orders, signals and directions of such officers and personnel. All persons shall observe and comply with posted traffic signs.
- (c) **Speed of vehicles in Parks.** Persons shall drive vehicles at a speed that is reasonable and prudent having due regard for the surface, width and condition of paving and the traffic thereon, particularly when near children or bicyclists. Speed of vehicles in Parks shall not exceed 15 miles per hour.
- (d) **Restriction to roads.** Vehicles shall be driven only on designated roadways, parking areas, or other such areas as may be designated by Department Staff.
- (e) **Parking.** Vehicles shall be parked only in established parking areas or in such other areas and at such times as Department Staff may designate.
- (f) **Enforcement.** The Department has the right to order removal of illegally parked and abandoned vehicles from Park property at the owner's expense. A vehicle will be considered abandoned if has been on site for more than forty-eight (48) hours and/or has no means of ownership identification.

(g) **Off-Road Vehicles.** Vehicles designated as off-road vehicles may be operated in Parks only in specifically designated areas.

Secs. 46.8 – 46.19. Reserved for future use.

ARTICLE II: WATERWAYS AND BOAT RAMPS

Sec. 46.20. Purpose.

Boat Ramp or Launch Facilities are not considered appropriate for uses such as picnicking or social games. These facilities are strictly to be used for launching and landing of boats and trailer parking.

Sec. 46.21. Definitions.

As used in this Article II:

Motorboat shall mean any Vessel which is propelled or powered by machinery and which is capable of being used as a means of transportation on water.

Vessel is synonymous with "boat" as referenced in section 1(b), Article VII, of the Florida Constitution, and includes every description of watercraft, barge, and air boat, other than a seaplane on the water, used or capable of being used as a means of transportation on water.

Boat ramp shall mean an improved, paved site designated for the launching and landing of Motorboats in public waters.

Boat launch shall mean an unimproved site for launching and landing of Motorboats in public waters.

Sec. 46.22. Regulation of Hours.

All County-owned Boat ramps, Boat launches, docks, piers and the parking facilities thereof (collectively, "Boat Ramp Facilities") shall be closed from 9:00 P.M. to 5:00 A.M., except that Boat Ramp Facilities may be used at any time for lawful fishing, shrimping or pleasure boating and the launching/loading of boats in connection therewith. The BOCC may change the times set out herein by resolution.

Sec. 46.23. Rules and Regulations for Boat Ramps.

- (a) All Vessels are required to comply with established Coast Guard and other applicable safety regulations.
- (b) All persons navigating or operating a Vessel shall comply with all established speed, navigation and other regulations.
- (c) Boat Ramp Facilities must be kept clear of all equipment or gear.

Sec. 46.24. Prohibited Activities.

The following activities are hereby prohibited at Boat Ramp Facilities:

- (a) Overnight parking for purposes other than launching or landing a vessel.
- (b) Camping.
- (c) Consumption of alcoholic beverages.
- (d) Building or maintaining any type of fire.

- (e) Swimming or wading at, or within fifty (50) feet of, Boat Ramp Facilities except in connection with the launching/loading of boats.
- (f) Group recreation activities such as games, picnicking or social activities.
- (g) Use of docking and mooring space for an unreasonable amount of time to the exclusion of others. Docking and mooring space shall be used for loading and unloading only, unless otherwise authorized by the Director.
- (h) Overnight living on boats docked or moored to Boat Ramp Facilities.
- (i) Commercial fishing or the buying or selling of fish caught from Boat Ramp Facilities.
- (j) Any other activity at or around the Boat Ramp Facilities that is detrimental to the health, safety or welfare of the citizens of Putnam County.

Sec. 46.25. Fishing tournaments.

- (a) A group may use a Boat ramp to hold a fishing tournament if it has received a permit from the Department.
- (b) Tournament organizers must post notice of the tournament and the Boat Ramp sites being used at least one week prior to the tournament in the local newspaper and at the affected Boat ramps.
- (c) The Department may limit the number of tournaments or the number of boats participating in a tournament.

Secs. 46.26 – 46.29. Reserved for future use.

ARTICLE III: PARKS AND RECREATION ADVISORY BOARD

Sec. 46.30. The Advisory Board.

- (a) **Creation of Parks & Recreation Advisory Board.** This Ordinance hereby creates a Parks & Recreation Advisory Board (the "Advisory Board") and establishes its responsibilities.
- (b) **Purpose of the Advisory Board.** To assist and advise Department Staff and make recommendations to the BOCC related to the acquisition, development, improvement, promotion and protection of Parks, trails, waterways, natural lands and related facilities; the development, improvement and promotion of recreational opportunities and related events for residents and visitors; and other specific tasks as may be assigned by the BOCC.
- (c) **Membership.** The Advisory Board shall consist of 10 or more members: 5 will reside in and represent each of the 5 County Commission Districts; 1 will be an At-Large resident of Putnam County; 1 will be appointed by the City of Palatka; 1 will be appointed from within the BOCC and will serve as Chairman; 1 will be the County Administrator; and 1 will be a member of the Waterways Committee and will chair a Subcommittee dealing with greenprinting issues. The BOCC will make all appointments other than the City of Palatka member. All appointments except the County Commissioner and the County Administrator will be for a three year term and these terms will be equally staggered and continued under the existing system of appointments or reappointments. Maximum service will consist of three full three year terms. The Director serves as a non-voting member of the Advisory Board and coordinates the meetings and activities. The Clerk of Courts will record the minutes of the meetings and keep the records.
- (d) **Sub-Committees.** The BOCC may assign other related committees to work under the Advisory Board as a Sub-Committee. The Sub-Committee will report to the BOCC through a representative or staff from the Advisory Board. These Sub-Committees may be assigned a non-voting seat on the Advisory Board.
- (e) **Meetings.** The Advisory Board shall meet on the first Monday of each month. Meetings may be cancelled by the Chairman for lack of a quorum or due to holidays. Special meetings may be called by the Chairman from time to time. The agenda for a meeting should be posted at least 24 hours prior to a meeting.
- (f) **Quorum.** Five members of the Advisory Board constitutes a quorum.
- (g) **Attendance.** Members who miss three meetings in a row without notice to the Department will be automatically dropped and a new appointment made.

Secs. 46.31 – 46.35. Reserved for future use.

ARTICLE IV: ENFORCEMENT

Sec. 46.36. General Enforcement.

The provisions of this Chapter 46 shall be enforced by law enforcement and code enforcement officers ("Enforcement Officers").

- (a) It shall be unlawful for any person to hinder or prevent the performance of any act or duty authorized or required by this Chapter. Violation of any provision of this Chapter is a civil infraction with a maximum fine of \$500.00. Any Enforcement Officer finding probable cause that a person has committed an act in violation hereof may issue that person a citation.
- (b) Any person charged under this section who does not wish to contest the citation shall pay, within 30 days of the date of receiving the citation, the sum of \$250.00 either by mail or in person to the Clerk of the County Court. If the person cited follows the procedure set forth in this subsection, he shall be deemed to have admitted the infraction and to have waived his right to a hearing.
- (c) Any person who wishes to contest the citation must, within 30 days of the date of receiving the citation, appear in person at the office of the Clerk of County Court and enter a not guilty plea. A hearing date will be set by the Court and the Clerk shall mail a notice of hearing.
- (d) Any person who is issued a citation must sign the original and accept a copy of the same. Any person who willfully refuses to so sign and accept is guilty of a misdemeanor of the second degree.
- (e) If a person who has been issued a citation fails to pay the civil penalty within 30 days following the date of issuance of the citation or fails to appear in Court to contest the citation, the Court is authorized to issue an order to show cause. The order to show cause shall require such person to appear before the Court to explain why action on the citation has not been taken. Any person who fails to appear in response to the Court's order may be held in contempt of court.
- (f) If a person makes a timely request for a hearing under subsection (c), the violation must be proven by a preponderance of the evidence at a hearing. If the Court finds that the person has committed the violation, the Court may impose a civil penalty not to exceed \$500.00, and may impose costs.