

ORDINANCE 22-\_\_

AN ORDINANCE OF THE CITY OF PORT ST LUCIE, FLORIDA, AMENDING CH. 96, PARKS AND RECREATION, ARTICLE I, GENERAL PROVISIONS BY; AMENDING ARTICLE II, TREATMENT OF PARK PROPERTY, AMENDING ARTICLE III, TRAFFIC IN PARKS, AMENDING ARTICLE IV, RECREATIONAL ACTIVITIES, AMENDING ARTICLE V, BEHAVIOR AND CONDUCT; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

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**WHEREAS**, The City of Port St Lucie, Florida (“City”) desires to update Chapter 96, Parks and Recreation; and

**WHEREAS**, The City operates many City Parks for the benefit of the public; and

**WHEREAS**, the City has determined that the City would benefit by adopting rules and regulations that are applicable and enforceable in various City Parks.

**NOW, THEREFORE, THE CITY OF PORT ST. LUCIE HEREBY ORDAINS:**

**Section 1. Ratification of Recitals.** The foregoing recitals are hereby ratified and confirmed as true and correct and are made a part of this Ordinance.

**Section 2.** Title IX, General Regulations, Chapter 96, Parks and Recreation, Article I is amended as follows:

**Article I. - GENERAL PROVISIONS**

**Sec. 96.01. - Definitions.**

Unless otherwise expressly stated, whenever used in this chapter, the following terms shall respectively mean the following: ~~For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.~~

Commercial Activity. The sale, rental, trade, barter, or offer for sale, to the general public of any article, item, service, or thing, tangible or intangible, including, but not limited to, food or

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beverages, boats or watercraft, sports equipment, or beach furniture; the charging of admission fees for any activity; or the charging of fees for any service, entertainment, or amusement.

Controlled Substance. For purposes of this chapter, the term as defined in Florida Statutes 893.02 (4), as same may hereafter be revised.

Council. The City Council of Port St. Lucie, a municipal corporation, Port St Lucie, Florida.

Department. The Parks and Recreation Department.

Director. The Director of the City's Parks and Recreation Department ~~The person designated by the city manager as the parks and recreation director, and, on certain occasions, such other person that may be selected by the designated director as its representative.~~

Group. An assembly of two or more persons.

Code Enforcement Officer. Police Officers, Park Rangers, and any other officers as may be appointed or designated by the City to enforce the rules and regulations adopted by the City, and as allowed by Florida Statutes 162.21(2).

Motorboat. Any type of watercraft which has for its primary source of power a combustion engine or electric motor whether inboard or outboard.

Park. All developments, improvements, facilities and any or all land minerals, waters, overhead air rights, easements and other reservations owned, leased, controlled or used by the City and managed by the Parks and Recreation Department ~~All publicly owned, operated, or controlled land, water, and any improvements thereon, which are owned by or used by the city and devoted to active or passive recreation.~~

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Parks and Recreation Worker. Any employee designated by the Director of Parks and Recreation to perform park patrol, maintenance, supervision, or public assistance as stated in this chapter.

Permit and Reservation. Includes any authorization issued by the Director or designee pursuant to the authority of the City for a specified park privilege, activity or event in any parks and recreation facility.

Person. Any individual ~~person, firm, partnership, association, corporation,~~ company, or association, or any combination thereof ~~organization of any kind.~~

Recreation Center. A multiple use building and grounds with diversified facilities used for many types of activities.

Rules and Regulations. Includes any regulation adopted by the City.

Vehicle. Any device, conveyance, or combination of conveyances, wheeled or without wheels (but excepting motorboats) propelled, towed or unpropelled that in, around or on which a person or thing is or may be carried and shall include, without limitation, bicycles, scooters, All Terrain Vehicles (ATV), minibikes, automobiles, trucks and motorcycles ~~Any wheeled conveyance, whether motor powered, animal drawn, or self propelled. The terms shall include any trailer in tow of any size, kind, or description. Exception is made for baby carriages, wheelchairs, and vehicles in the service of city parks.~~

The provisions of this chapter shall be construed as follows.

- (a) Any term in the singular shall include the plural.
- (b) Any term in the masculine shall include the feminine and neutral.
- (c) Any requirements or provisions of this chapter relating to any act shall respectively extend to and include the causing, procuring, aiding, or abetting, directly or indirectly.

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of the act, or the permitting or the allowing of any unemancipated minor the doing of any willful or malicious act prohibited by the provisions hereof by the parent or legal guardian of the minor.

(d) No provision hereof shall make unlawful any act necessarily performed by any officers, agents, or employees of the City in the line of duty or work in the proper and necessary enforcement of this ordinance.

(e) This chapter is in addition to and supplemental to all city, state, and federal laws and ordinances. The meaning of any term not otherwise defined in this chapter shall be construed and interpreted in any applicable city, state, and federal law or ordinance.

**Sec. 96.02. - Authority of director.**

(a) Any activity in which municipal recreational facilities are utilized will be conducted according to law and will conform to written and oral directions promulgated by the director. The director is empowered, subject to the approval of the city manager, to promulgate reasonable rules and regulations governing the use of municipal recreational facilities.

(b) No person, except those having special permission of the city, shall use any recreation facility or building of the department, including but not limited to, golf courses, botanical gardens, gymnasiums, and community centers, without first paying the proper fee for same as may be established by the Parks and Recreation Department and City Council ~~The director, subject to the approval of the city manager, is empowered to establish reasonable fees and charges for the use of the recreational facilities by residents and nonresidents, to defray reasonable expenses involved in their use.~~

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**Sec. 96.03. - Enforcement.**

- (a) ~~The director, any and park and recreation employee attendants, assisted as necessary by the police, or law enforcement officer~~ shall, in connection with their duties imposed by law, diligently enforce the provisions of this chapter.
- (b) The director, any park and recreation employee, ~~attendant~~, or law enforcement officer ~~police officer~~ shall have the authority to eject from the park or recreation facility any person in violation of this chapter.
- (c) The director, any park and recreation employee, or law enforcement officer shall have the authority, with the assistance of law enforcement, to issue a Trespass After Warning (TAW) to any person in violation of this chapter.
- (d) Trespass after Warning (TAW) is issued when a person(s) is in violation of any section of this chapter. The director, any parks and recreation employee, or police officer shall have the authority to eject from the park or recreation facility, any person, or persons in violation of this chapter. When a TAW is given, the person(s) will be ejected from the parks and recreation facility and will be prohibited to return to the same facility for a period not to exceed one year. The director or designee shall have the authority to lift the TAW at any time, with or without a request from the person(s). Alternatively, within 30 business days of issuance of the TAW, the person(s) may submit a letter to the director, or designee asking to lift the TAW and citing the reasons why the TAW should be lifted. The director shall respond with a decision within 10 business days of receipt of the letter. Failure to submit the letter within 30 days, waives the person(s) right to appeal the TAW. Within 15 business days of receipt of the director's decision, the person(s) may submit a written request to the

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director or designee for a hearing before the special magistrate pursuant to section 37.05(a) of the City Code.

### **Sec. 96.04. - Permit required for use of city recreational facilities.**

- (a) Applicants for permits to utilize city recreational facilities must satisfy the director or designee that they are personally responsible, or that they represent responsible organizations, and that they will guarantee orderly behavior and be responsible for any damage due to their use of the recreational facilities.
- (b) A permit shall be obtained from the director or designee, before participating in an organized or reserved activity.
- (c) No person shall initiate, sponsor, organize, promote, conduct, or advertise a public assembly to be gathered in a park or the recreation center unless a permit has been obtained from the director or designee. A separate permit shall be required for each such assembly and the period for which the permit is valid shall be clearly stated. City-organized or sponsored events shall not require a permit.
- (d) Open air tents with no sides and which have an area of 400 square feet or less, may be erected in parks for special events provided that the prior approval of the Parks and Recreation Department has been obtained. All other tent installations for special events shall require not only the prior approval of the director or designee, but also all applicable permits required by federal, state or city laws or ordinances. Any tent with an area of more than 900 square feet requires a tent permit issued through the St. Lucie County Fire District.

### **Sec. 96.05. - Application for permit; standards for issuance.**

A reservation may be obtained from the Parks and Recreation Department for any event when a facility is requested to be set aside for a specified time by a person or group. Persons or

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groups with reservations shall have priority use over the public use including those utilizing facilities on a first come first served basis. ~~No person shall violate the regulation governing the use of individual park amenities, to include tables and benches, and will adhere to the “first come, first served” rule.~~

Required Reservations. A reservation shall first be obtained whenever required by this chapter or by any rule or regulation promulgated by the city. The city may require payment of a reasonable fee to cover the costs associated with the reservation or permit. When such a permit fee or reservation fee is required, the fee shall be paid at the time that the permit or reservation is requested. The Parks and Recreation Department shall issue the reservation for which the permit or reservation is sought and will ensure that it complies with all city rules and regulations and does not endanger the safety of persons or property.

- (a) A person seeking issuance of a permit shall file an application with the department. The application shall state:
- (1) The name and address of the applicant;
  - (2) The name and address of the person, persons, corporation, or association sponsoring the activity, (if any);
  - (3) The day and hours for which the permit is desired;
  - (4) The park, recreation center, or portion thereof for which the permit is desired;
  - (5) An estimate of the anticipated attendance;
  - (6) Any other information which the director or designee shall find reasonably necessary to establish a fair determination as to whether a permit should be issued.
- (b) The director or designee shall issue a permit when it is determined that:

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- (1) The proposed activity or use of the park or recreation center, will not unreasonably interfere with or detract from the general public enjoyment of the park or recreation center;
  - (2) The proposed activity and use will not unreasonably interfere with or detract from the promotion of public health, welfare, safety, and recreation;
  - (3) The proposed activity will not entail unusual, extraordinary, or burdensome expense or police operation by the city;
  - (4) The facilities desired have not been reserved for other use at the day and hour requested ~~required~~ in the application.
- (c) Within 10 ~~ten~~ days after receipt of an application, the director or designee shall advise an applicant, in writing, of his reasons for refusing a permit. Any aggrieved person shall have the right to appeal in writing within 10 ~~ten~~ days to the city manager who shall consider the application under the standards set forth in subsection (b) above, and sustain or overrule the director's decision within 10 ~~ten~~ days. The decision of the city manager shall be final.
- (d) A permittee shall be bound by all park or recreation center rules and regulations and all applicable ordinances as fully as though the same were inserted in the permits.
- (e) The person or persons to whom a permit is issued shall be liable for any loss, damage, or injury sustained by any person by reason of the negligence of the person to whom the permit shall have been issued.
- (f) The director or designee shall have the authority to revoke a permit upon finding a violation of any rule or ordinance, or upon good cause shown. Any aggrieved person shall have the right to appeal such revocation, in writing, within 10 ~~ten~~ days to the city manager who shall



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sustain or overrule the director's decision within 10 ~~ten~~ days. The decision of the city manager shall be final.

- (g) No permittee shall fail to produce and exhibit any permit from the department he claims to have upon request of any authorized person who shall desire to inspect the permit for the purpose of enforcing compliance with any ordinance or rule.

### **Sec. 96.06. - Sponsors to have priority use of parks.**

Recognized recreational groups having a direct sponsorship and a sanctioned status under the department will be given ~~first~~ priority use of city parks, except the recreation center, and will be considered free users of all such parks, other than as provided in this chapter. Youth sports groups, having been recognized under the city's recognized user group policy, will be given first priority use of athletic fields at their respective facilities, and will be considered free users of all such athletic fields within their respective facilities, other than as provided in this chapter.

### **Sec. 96.07. - Hours of operation; curfew.**

(a) Except for unusual and unforeseen emergencies, or approved activities extending beyond the designated time, parks shall be open to the public every day of the year during designated hours. The opening and closing hours for each individual park and recreational center shall be posted for public information.

(b) The chief of police, with the consent of the city manager, may impose a general curfew.

### **Sec. 96.08. - Closed areas.**

(a) Any section or part of any park or recreation center may be declared closed to the public by the director or designee at any time and for any interval of time, either temporarily or at regular

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and stated intervals (daily or otherwise), and either entirely or merely to certain uses, as the director or designee shall find reasonably necessary.

(b) No person shall enter an area posted as closed to the public, nor shall any person use or abet the use of any area in violation of posted notices.

### **~~Sec. 96.09. - Lost and found articles.~~**

~~The finding of lost articles by a park or recreation center employee attendant shall be reported to his supervisor who shall make every reasonable effort to locate the owner, and to find articles reported as lost.~~

## **Article II. - TREATMENT OF PARK PROPERTY**

### **Sec. 96.20. - Buildings and other property.**

(a) No person shall willfully mark, deface, disfigure, injure, tamper with, displace or remove, any building, bridges, tables, benches, fireplaces, railings, paving or paving material, water lines or other public utilities or parts or appurtenances thereof, signs, notices, or placards, whether temporary or permanent, monuments, stakes, posts, or other boundary markers, or other structures, or equipment, park or recreation center property, or appurtenances whatsoever, either real or personal.

(b) No person shall fail to cooperate in maintaining restrooms and washrooms in a neat and sanitary condition. ~~No person over the age of five years shall use the restrooms and washrooms designated for the opposite sex.~~

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- (c) No person shall dig or remove any sand, whether submerged or not, or any soil, rock, stones, trees, shrubs, or plants, downed timber or other wood or materials, or make any excavation by tool, equipment, blasting, or other means or agency.
- (d) No person shall construct or erect any building or structure of whatever kind, whether permanent or temporary in character, or run or string any public service utility into, upon, or across such lands, except on special written permit issued hereunder.
- (e) Except for the city recreation center(s), no person shall expose or offer for sale any article or thing, nor shall he station or place any stand, cart, or vehicle for the transportation, sale, or display of any such article or thing. Exception is made as to any regularly licensed concessionaire, nonprofit organization, or recognized city league or organization when acting by and under the authority and regulation of the director or designee with the approval of the city manager.
- (f) No person shall place, erect, or locate in any city park or recreation facility any sign advertising an event or activity that is being conducted on the city park or recreation facility property, unless the person has received prior written consent of the department in areas designated by the city director or designee. All approved signs shall comply with the requirements of Chapter 155.- Sign Code ~~No person shall paste, glue, tack, or otherwise post any sign, placard, advertisement, or inscription whatsoever, nor shall any person erect or cause to be erected any sign whatsoever on any public lands, highways, or roads adjacent to a park or recreation center without proper authorization by the director or chief of police.~~
- (g) No person shall use any city park trash receptacle for the deposit of garbage or other refuse from their place of residence or business.

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(h) No person shall use any city park or recreation facility utility water hook up or hose bib for commercial usage that is not authorized by the Parks & Recreation Director or designee.

**Sec. 96.21. Defacement of Surface ~~Trees, shrubbery, and lawns~~**

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

(b) No person shall climb any tree or walk, stand, or sit upon monuments, vases, fountains, railings, fences, or gun carriages or upon any other property not designated or customarily used for such purposes.

(c) No person shall tie or hitch a horse or other animal to any tree or plant.

**Sec. 96.22 Disturbing ~~W~~wildlife, hunting, and fishing**

(a) No person within the confines of a park shall hunt, ~~molest, harm, frighten, kill~~ pursue with dogs, trap or disturb, chase, tease, shoot, or throw missiles at any wild bird or animal, or rob or disturb any animal den or bird nest or take the eggs of any bird, or capture and remove any animal or reptile found within the confines of the park except by specific written permit issued by the city ~~reptile, or bird; nor shall he remove or have in his possession the young of any wild animal, or the eggs, nest, or young of any reptile or bird. Exception to the foregoing is made in that snakes known to be deadly poisonous, such as rattlesnakes, moccasins, coral snakes, or other deadly reptiles, may be killed on sight.~~

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(b) No person shall give, offer, or attempt to give to any animal or bird any food, tobacco, alcohol, or other known noxious substances.

### **Sec. 96.23. - Water pollution.**

No person shall throw, discharge, or otherwise place or cause to be placed in the waters of any fountain, pond, lake, stream, or other body of water in or adjacent to any park or tributary, stream, storm sewer, or drain flowing into such waters, any substance, matter, or thing, liquid or solid, which will or may result in the pollution of the waters.

### **Sec. 96.24. - Littering.**

No person shall bring in or dump, deposit, or leave any bottles, broken glass, ashes, crematory ashes, paper, boxes, cans, dirt, rubbish, waste, garbage, refuse, or other trash, into a city park and recreation facility. No refuse or trash shall be placed in any waters in or contiguous to any park, or left anywhere on the grounds thereof, but shall be placed in the proper receptacles where these are provided. Where receptacles are not provided, all rubbish or waste shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere. The release of balloons in any city park are prohibited in accordance with section 379.22, F.S.

### **Sec. 96.25 Commercial activities within parks**

No person shall conduct any commercial activity or utilize any park or recreation facility in a manner that will result in commercial activity, whether land-based or from the water, without a permit, contract, or approval from the city.

### **Sec. 96.26 Smoking on city properties.**

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Smoking is only allowed in posted designated smoking areas in city parks and on city properties.

### Article III. - TRAFFIC IN PARKS

#### Sec. 96.35. - Application of state motor vehicle laws.

No person shall fail to comply with all applicable provisions of the state motor vehicles traffic laws regarding ~~in regard to~~ equipment and operation of vehicles, together with such regulations as are contained in this chapter and the city's traffic code.

#### Sec. 96.36. - Enforcement.

No person shall fail to obey traffic officers or park and recreation employees, such persons being authorized and instructed to direct traffic whenever and wherever needed in the parks and on the highways, streets, or roads immediately adjacent thereto in accordance with the provisions of this chapter and any supplementary regulations as may be issued subsequently by the director or designee.

#### Sec. 96.37. - Traffic signs.

No person shall fail to carefully observe ~~carefully~~ all traffic signs indicating speed, direction, caution, stopping, parking, and all others posted for proper control and to safeguard life and property. All operators of vehicles shall follow and be subject to all motor vehicle laws of the city and the State of Florida.

#### Sec. 96.38. - Speed limits.

No person shall drive or propel or cause to be driven along or over any road within the park any vehicle or conveyance at a rate of speed greater than speed limit signs erected along the right-of-way nor, in the absence of signs, at a speed in excess of 10 miles per hour nor, in any event, at a speed greater than is reasonable and proper with regard to traffic or weather conditions and the use of such roads, or so as to endanger the safety of any person or property.

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Whenever the director or designee shall determine that the speed of 10 mph is greater than is reasonable or safe under the conditions found to exist at any area, roads or drives within a city park or perimeter of a recreation facility, the director or designee shall determine and declare a reasonable and safe prima facie speed limit at the area(s), road(s) or drive(s), which declaration and determination shall be effective when appropriate signs giving notice thereof are erected at the park area(s), road(s) or drive(s). ~~No person shall ride or drive a vehicle at a rate of speed exceeding ten miles per hour, except upon such roads as the director may designate, by posted signs, for speedier travel.~~

### **Sec. 96.39. – Motorized Vehicles restricted to roadways and parking areas confined to roads.**

No person shall ride or operate any motorized vehicle on, over, along or upon any park except roadways and parking areas designated for the use of the vehicle. Reckless or careless driving of vehicles are prohibited activities in a park. No person shall drive or propel or cause to be driven or propelled along or over any area within the park, any vehicle without due regard for the safety and rights of pedestrians and drivers and occupants of all other vehicles or to endanger the safety of any person or property. Exception shall be made for any government vehicles, including, but not limited to, Federal, State, and local government vehicles or any emergency response vehicles, including, but not limited to, police department, fire department, utility and/or any municipal fleet vehicles, and authorized contractors working on behalf of the above listed agencies while in the commission of their duty ~~No person shall drive or operate any vehicle, except emergency vehicles, on any area except the paved park roads or parking areas, or such other areas as may, on occasion, be specifically designated for such use by the director.~~

### **Sec. 96.40. - Designated parking areas.**

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No person shall park a vehicle or trailer in other than an established or designated parking area, and such use shall be in accordance with the posted directions and with the instructions of any ~~attendant~~ park and recreation employee who may be present.

### **Sec. 96.41. - Immovable vehicles.**

No person shall, except in designated parking areas, leave any vehicle or trailer anywhere in the park with one or more wheels chained, or with motor set in gears and doors locked, or in any manner fixed or arranged so that the vehicle or trailer cannot readily be moved by hand.

### **Sec. 96.42. - Parking at night.**

No person shall leave any vehicle or trailer standing or parked at night without lights clearly visible for at least 200 feet from both front and rear on any driveway or road area, except in designated parking areas. Overnight parking is prohibited where a park curfew applies, unless otherwise posted.

### **~~Sec. 96.43. - Emergency procedure.~~**

~~No person shall fail to immediately notify an attendant a park and recreation employee of an emergency, i.e., in the nature of a breakdown requiring the assistance of a tow truck, mechanic, or other person.~~

### **Sec. 96.44. - Double parking.**

No person shall double park any vehicle on any road or parkway unless directed by a park ~~official~~ and recreation employee.

### **~~Sec. 96.45. - Muffler required.~~**

~~No person shall fail to use a muffler adequate to deaden the sound of the engine in a motor vehicle.~~



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### Article IV. - RECREATIONAL ACTIVITIES

#### Sec. 96.60. - Bicycles, scooters, segways, skateboards, and rollerblades.

~~(a)~~ Bicycles, scooters, self-balancing transporters, skateboards and rollerblades are permitted within parks except for on any athletic fields, courts, playgrounds, or other areas where prohibited by the city, the director or designee. All persons shall ride a bicycle and the like in a safe manner. No person shall leave a bicycle in a place other than a bicycle rack when such is provided and where space is available. Motorized bicycles and other motorized vehicles, except for motorized wheelchairs for the disabled, are prohibited in parks, on boardwalks, sidewalks, any athletic fields, courts, playgrounds or other areas designated by the city.

~~No person shall ride a bicycle on other than a paved vehicular road or path designated for that purpose. A bicyclist shall be permitted to wheel or push a bicycle by hand over any grassy area, wooded trail, or on any paved area reserved for pedestrian use.~~

~~(b) No person shall ride a bicycle other than on the right hand side of the road paving as close as conditions permit. Bicycles shall be kept in single file when two or more are operating as a group. Bicyclists shall, at all times, operate their machines with reasonable regard to the safety of others; signal all turns; pass to the right of any vehicle they are overtaking; and pass to the right of any vehicles they may be meeting. All persons shall ride a bicycle in a safe manner as directed by the F.S. Ch. 316, as amended from time to time.~~

~~(c) No person shall ride any other person on a bicycle unless the bicycle is so constructed.~~

~~(d) No person shall leave a bicycle in a place other than a bicycle rack when one is provided and there is space available.~~

~~(e) No person shall leave a bicycle lying on the ground or paving, or set against trees, or in any place or position where other persons may trip over or be injured by it.~~

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~~(f) No person shall ride a bicycle on any road between 30 minutes after sunset or before 30 minutes before sunrise without an attached headlight, plainly visible at least 200 feet in front of, and without a red taillight or red reflector, plainly visible from at least 100 feet from the rear of the bicycle.~~

### **Sec. 96.61. - Bathing and swimming.**

- (a) No person shall swim, bathe, or wade in any waters or waterways in or adjacent to any park or recreation facility, except in such waters and at such places as are provided therefor, and in compliance with regulations set forth in this chapter or as may be hereafter adopted. Nor shall any person frequent any waters or places customarily designated for the purpose of swimming or bathing or congregate there when the activity is prohibited by the director or designee upon a finding that use of the water would be dangerous or otherwise inadvisable.
- (b) No person shall frequent any waters or places designated for the purpose of swimming or bathing or congregate there, except between certain hours of the day designated by the director or designee for such purposes ~~for~~ per each individual area.
- (c) No person shall erect, maintain, use, or occupy on or in any bathing area, any tent, shelter, or structure of any kind, unless there shall be an unobstructed view into the tent, shelter, or structure from at least two sides; nor shall any guy wire, rope, extension, exterior brace, or support be connected or fastened from any structure to any other structure, stake, rock, or other object outside of the structure.
- (d) ~~All bathing apparel costumes shall conform to commonly accepted standards.~~ No person shall enter any bathing area without bathing or swimsuit apparel Wearing of bathing apparel ~~costumes~~ may be prohibited in buildings and areas designated by the director or designee.

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(e) No person shall dress or undress in any vehicle (except properly curtained vehicles, toilet, or other place), except in restrooms~~bathing houses~~ or structures provided for that purpose.

**Sec. 96.62. - Boating.**

(a) No person shall bring into or operate any boat, raft, or other watercraft~~water craft~~, whether motor powered or not, upon any waters, except at such places designated for boating by the director or designee. Boating activity shall be in accordance with applicable regulations as may hereafter be adopted.

(b) No watercraft shall be moored to, or beached upon, any city property except in properly designated areas ~~No person shall use the public docks for dockage or other purposes without first making arrangements for the accommodation with the director, who shall assign space and collect reasonable rental charges in conformity with established regulations and rates.~~

~~(c) Idle speed zones are hereby established within 300 feet of any public park, boat ramp, marina, dock, or swimming area, except for Veteran's Park, where the idle speed zone shall be limited to the Rivergate Waterway.~~

(d) No person shall navigate, direct, or handle any watercraft in such a manner as to unjustifiably or unnecessarily annoy, frighten, or endanger the occupants of any other watercraft, or disturb the ecology of the shoreline.

(e) No person shall dock or operate any watercraft on any waters within 15 feet of any dock, except by launching ramps, between the closing hour of the park at night and the opening hour the following morning; nor shall any person be on or remain on or in any watercraft during the closed hours of the park, except by launching ramps.

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### **Sec. 96.63. - Fishing.**

The city, in its sole discretion, may prohibit fishing in certain park waters or at certain park locations and, in that event, shall post the waters or locations as closed to fishing. Fishing shall be permitted subject to Florida Statutes. ~~No person shall fish in any waters, whether fresh or salt, and whether by the use of hook and line, net, trap, or other device, where posted as prohibited, and under such regulations and restrictions as prescribed by the director.~~

### **Sec. 96.64. – Hunting and firearms.**

No person shall hunt, trap, or pursue wildlife at any time except as provided in section 92.12. Except as permitted by state law, no person shall use, carry, or possess bow and arrows, slings, or any other forms of weapons potentially inimical to use for hunting and trapping wildlife ~~and dangerous to human safety, or any other kind of trapping device.~~

### **Sec. 96.65. – Picnic areas.**

- (a) No person shall picnic or consume food items ~~lunch~~ in a place other than those designated for that purpose. Park and recreation employees ~~Attendants~~ shall have the authority to regulate the activities in picnic areas when necessary to prevent congestion and to secure the maximum use for the comfort and convenience of all. Visitors shall comply with any directions given to achieve this end.
- (b) No person shall violate the regulation that use of the individual fireplaces, together with tables and benches, generally follows ~~generally~~ the rule of “first\_come, first\_served.”
- (c) No person shall use any portion of the picnic areas or of any of the buildings or structures therein for the purpose of holding meetings, picnics, or parties to the exclusion of other persons, nor shall any person use such areas and facilities for an unreasonable time if the facilities are

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crowded, unless in areas designated by the director or designee for group activities for which a permit/fee may be required.

- (d) No person shall leave a picnic area before the fire is completely extinguished and before all trash, ~~in the nature of boxes~~ papers, cans, bottles, garbage, and other refuse is placed in the disposal receptacles provided. If no trash receptacles are available, then refuse and trash shall be carried away from the park area by the picnicker to be properly disposed of elsewhere.

### **Sec. 96.66. – Camping.**

No person shall camp within any park except in camping areas as may from time to time be designated by the city, the director or designee. All campers or visitors shall abide by the rules and regulations posted at the designated camping areas or as set forth in any reservation paperwork issued by the department. Except in areas set aside for camping, no person shall sleep in any park or recreation facility when the park or recreation facility is not open to the public. Camping is prohibited in other than permanent cabins for organized camping, provided by the director, and used by groups of persons under adequate supervision. No person shall set up tents, shacks, or any other temporary shelter for the purpose of overnight camping except in areas specifically provided for that purpose.

### **Sec. 96.67. – Athletic games.**

- (a) No person shall take part in or abet the playing of any games involving thrown or otherwise propelled objects such as balls, stones, arrows, javelins, rockets, or model airplanes, except in areas set apart for such forms of recreation. The playing of rough or comparatively dangerous games such as football, baseball, and quoits is prohibited except on the fields and courts or areas provided therefor. Roller skating and skate boards shall be confined to those areas specifically designated for such pastimes.

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(b) The playing of rough or unsafe games is prohibited except on the fields and courts or areas provided.

(c) Disc golf may be only played in areas set aside for such activity unless approved by the director or designee.

**Sec. 96.68. – Horseback riding.**

(a) No person shall ride a horse except on designated bridle trails or at designated facilities. Where permitted, horses shall be thoroughly broken, properly restrained, and ridden with due care. Horses shall not be allowed to graze or go unattended, nor shall they be hitched to any rock, tree, or shrub. Owners or persons in possession of horses or other animals shall be responsible for picking up all waste of their animals and either placing the waste in waste containers located in the park or removing same from park property.

(b) No person shall herd, graze, drive or permit to run at large within the park, any cattle, horse(s), mule(s), donkey(s), goat(s), swine(s), bee apiary, or other animal(s), or any poultry or other fowl, without leasing from the director or designee. Unless authorized by the director or designee, no person shall bring into and leave in any park any animal, fish, reptile, or fowl.

**Sec. 96.69. – Golfing.**

No person shall swing or make use of any golf club nor play golf or hit or putt golf balls within or into any city park, except upon established golf courses and driving ranges or areas designated by the city. All golfers shall abide by the rules and regulations posted at the city golf course ~~No unauthorized person shall hit golf balls in a city park.~~

**Sec. 96.70. - RC Vehicles**

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Power model and toy engine airplanes, boats, cars, or other vehicles that are powered by gas, internal combustions, or battery operated are not permitted within city parks unless at a designated park specifically for that use or approved by the director or designee.

### **Sec. 96.71. – Petting Zoos**

Only pre-approved petting zoo vendors shall be allowed to operate within city parks. Petting zoos shall only be allowed in designated areas with a pavilion rental at a community park. Petting zoos shall only be operated during the hours the pavilion is rented. Petting zoos in other park properties must be approved by the department head. Petting zoo vendors shall be responsible for the removal of pet waste of their petting zoo animals and shall discard the pet waste in the appropriate pet waste container.

## **ARTICLE V. – BEHAVIOR AND CONDUCT**

### **Sec. 96.80. – Alcoholic beverages and drugs.**

- (a) No person shall enter a park or recreation center area or remain therein in an impaired condition which has been induced due to the use of illegal narcotics or alcohol ~~in a state of alcoholic intoxication.~~
- (b) No person shall use alcohol in any form in any park or recreation center except by permit. Such permit, issued by the director or designee, and a liquor liability insurance certificate shall be required.
- (c) No person shall drink, sell, possess, or offer for sale, any alcoholic beverage or illegal drugs within any city park or recreation facility. Permits may be available for alcoholic beverages.  
~~No person shall use illegal drugs or remain within a park or recreation center area, while under the influence of such drugs.~~

### **Sec. 96.81. – Fireworks and explosives.**

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- (a) Carrying of explosives, missiles and the like are prohibited activities when in a city park or recreation facility. No person (except for authorized law enforcement officers) shall carry slingshots, explosives, fireworks or missile throwing or propelling devices within the park or recreation facility without specific written permit from the director or designee ~~Except as authorized by the director, no person in a park or recreation center shall possess, set off, or otherwise cause to explode, discharge, or burn, any firecrackers, torpedoes, rockets, or other fireworks or explosives of inflammable material and no person shall discharge fireworks or explosives or throw them into any such area from land or highway adjacent thereto. This prohibition includes any substance, compound, mixture, or article that in conjunction with any other substance or compound would be dangerous from any of the foregoing standpoints.~~
- (b) Other than in authorized permitted areas, no person shall discharge or cause to be discharged any missile throwing or propelling device, fireworks, explosives, corrosive or volatile materials within a city park or recreation facility. This prohibition shall not, however, apply to enforcement officers of the city or other authorized law enforcement officers while in the line of duty.

**Sec. 96.82. - Fires.**

No person shall start a fire in any city park or recreation facility, except in park grills, privately owned grills or in designated places or designated areas approved by the department for recreational purposes such as fire rings, barbecues, and cook-outs ~~No person shall build or attempt to build a fire except in such areas and under such regulations as may be designated by the director. No person shall drop, throw, or otherwise scatter lighted matches, burning cigarettes, cigars, paper, or other inflammable material, within any park area or on any highway, road, or street abutting or contiguous to any park area.~~



## ORDINANCE 22-\_\_

The director or designee may, in his or her discretion, prohibit fires at any location when necessary for the protection of park or facility property. Any fire shall be continuously attended. All fires shall be fully extinguished by the person or persons starting or using the same before leaving the immediate vicinity of the fire.

The dumping of hot ashes or fire from picnic grills onto the grass or plants is prohibited in all city parks. Hot ashes shall be deposited only in specified areas or designated receptacles.

### **Sec. 96.83. – Domestic animals ~~Dogs in parks~~ Domestic animals.**

- (a) Domesticated animals are permitted at parks in common areas only. Domesticated animals, except for “service” animals, are not permitted on any athletic fields, courts, playgrounds, or other areas designated by the city, the director, or his designee. Dogs shall be on a leash not to exceed 6 ft in length and under the control of the dog owner or person in possession while on city park property. Cats and other pets shall be always under the control of the pet owner or the person in possession while on city park property. No person shall permit his or her dog, cat or other pet or any dog, cat, or other pet in his or her possession, to interfere in any manner with the enjoyment and or quality of life of park patrons ~~Except for persons requiring sight-assisted animals, no person shall be allowed entry with a dog or other domestic animal into areas other than automobile parking areas and walks immediately adjacent thereto, and in such other areas as may be clearly marked by signs bearing the words, "Domestic Animals Permitted in this Area" except and unless prior approval is obtained from the director. Nothing herein shall be construed as permitting the running of domestic animals at large. All domestic animals in those areas where such animals are permitted shall be restrained at all times or on adequate leashes not greater than six feet in length. Each pet owner must be responsible for cleanup and removal of its animal's waste.~~

**ORDINANCE 22-\_\_**

(b) Owners or persons in possession of dogs or other animals shall be responsible for picking up all waste from their animals and either placing the animal waste in waste containers located in the park or removing the animal waste from park property.

**Cross reference-** see Sec. 92.16.

**Sec. 96.84. - Reserved.**

**~~Sec. 96.85. -- Breach of public peace.~~**

~~No person shall engage in loud, boisterous, threatening, abusive, insulting, or indecent language, or engage in any disorderly conduct or behavior tending to a breach of the public peace.~~

**Sec. 96.86. - Interference with permittees.**

No person shall disturb or interfere unreasonably with any person or party occupying any area or participating in any activity, under the authority of a permit.

**Sec. 96.87. – Park concerts and special events.**

No person shall hold or provide any organized concert, public entertainment, or special event without an approved permit from the director or designee.

**Sec. 96.99. - Penalty.**

- (a) Whoever violates any provision of this chapter, for which another penalty is not provided as set forth below, shall be subject to the penalty provisions of section 10.99.
- (b) Whoever violates any provision of sections 96.35 through 96.39, 96.45, or 96.60 shall be subject to the traffic code penalty set forth in section 70.99.
- (c) Whoever violates any provision of sections 96.40 through 96.44 shall be subject to the parking penalty set forth in section 72.99.

**ORDINANCE 22-\_\_**

**Section 3. Conflict.** If any ordinances, or parts of ordinances, are in conflict herewith, this Ordinance shall control to the extent of the conflicting provisions.

**Section 4. Severability.** The provisions of this Ordinance are intended to be severable. If any provision of this Ordinance is determined to be void or is declared illegal, invalid, or unconstitutional by a Court of competent jurisdiction, the remainder of this Ordinance shall remain in full force and effect.

**Section 5. Codification.** The provisions of this Ordinance shall be made a part of the Code of Ordinances of the City of Port St. Lucie, Florida. The sections of this Ordinance may be re-numbered or re-lettered to accomplish such intentions; the word “ordinance” may be changed to “section” or other appropriate word as may be necessary.

**Section 6. Effective Date.** This Ordinance shall become effective ten (10) days after final adoption on second reading.

**PASSED AND ADOPTED** by the City Council of the City of Port St. Lucie, Florida, this \_\_\_\_ day of \_\_\_\_\_, 2022.

CITY COUNCIL  
CITY OF PORT ST. LUCIE

By: \_\_\_\_\_  
Shannon Martin, Mayor

ATTEST:

\_\_\_\_\_  
Sally Walsh, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
James D. Stokes, City Attorney