
ORDINANCE NO. 2023-O-31

AN ORDINANCE AMENDING CHAPTER 12.5 (PARKS AND RECREATION) OF THE CODE OF ORDINANCES, CITY OF EDGEWATER, FLORIDA; PROVIDING FOR CONFLICTING PROVISIONS, SEVERABILITY AND APPLICABILITY; PROVIDING FOR CODIFICATION, AN EFFECTIVE DATE AND FOR ADOPTION.

WHEREAS, the City Council of the City of Edgewater, Florida, has made the following determinations:

1. It is necessary for the preservation and enhancement of the public health, safety and welfare and in the best interest of the city and its citizens to amend Chapter 12.5 (Parks and Recreation) of the Code of Ordinances by updating Section 12.5-1 (Activities prohibited in parks; enforcement).

NOW THEREFORE, BE IT ENACTED by the City Council of the City of Edgewater, Florida:

PART A. AMEND CHAPTER 12.5 (PARKS AND RECREATION) OF THE CODE OF ORDINANCES, CITY OF EDGEWATER, FLORIDA

Chapter 12.5 (Parks and Recreation) is amended pursuant to **Exhibit “A”**, which is attached and incorporated herein.

PART B. CONFLICTING PROVISIONS

All conflicting ordinances and resolutions, or parts thereof in conflict with this ordinance are hereby superseded by this ordinance to the extent of such conflict.

PART C. SEVERABILITY AND APPLICABILITY

If any portion of this ordinance is for any reason held or declared to be unconstitutional, inoperative, or void, such holding shall not affect the remaining portions of this ordinance. If this ordinance or any provisions thereof shall be held to be inapplicable to any person, property, or

circumstances, such holding shall not affect its applicability to any other person, property or circumstance.

PART D. CODIFICATION

Provisions of this ordinance shall be incorporated in the Code of Ordinances of the City of Edgewater, Florida, and the word “ordinance”, may be changed to “section”, “article”, or other appropriate word, and the sections of this ordinance may be renumbered or re-lettered to accomplish such intention.

PART E. EFFECTIVE DATE

This ordinance shall take effect upon adoption.

PASSED AND DULY ADOPTED this _____ day of _____, 2023.

Diezel DePew, Mayor

ATTEST:

Bonnie Zlotnik, CMC, City Clerk

Passed on first reading on the _____ day of _____, 2023

REVIEWED AND APPROVED: _____
Aaron R. Wolfe, City Attorney

EXHIBIT “A”

Chapter 12.5 PARKS AND RECREATION

ARTICLE I. IN GENERAL

Sec. 12.5-1. Activities prohibited in parks; enforcement.

(a) It shall be unlawful for any person in a city park in the incorporated areas of the city to:

- (1) Bring any animal, including cats, dogs, horses, any fowl or birds and any living creatures within the jurisdiction of a city park or recreation area unless such park or beach is designated and posted by the city as an animal-permitted park. An approved park, beach and/or lake shall be so designated and posted with the appropriate signage by the city as an animal-permitted park with the permitted animal and/or animals listed.
- (2) Bring alcoholic beverages, or controlled dangerous substances, drink or use the same at any time nor shall any person be under the influence of intoxicating liquor or a controlled dangerous substance in a city park or recreation area. Alcoholic beverage sales and/or consumption associated with special event activities, as permitted pursuant to chapter 21 (Land Development Code) is subject to approval from ~~city council~~ city manager.
- (3) Bring any glass container into a city park or recreation area.
- (4) Expose or offer for sale any article in any city park or recreation area without a license as a concessionaire or to display any advertising signs or other advertising matter without a permit.
- (5) Camp or stay overnight in a city park or recreation area.
- (6) Build, kindle, maintain or use an open fire nor throw away or discard any lighted match, cigar, cigarette, tobacco, paper or other material until it is extinguished.
- (7) Perform the cleaning or scaling of fish or other aquatic creatures in a city park or recreation area.
- (8) Smoking cigarettes (except for unfiltered cigars) or the use of electronic smoking devices (commonly referred to as e-cigs or vape devices) within any city park. As used in this section, "unfiltered cigar" means a cigar consisting of a roll of tobacco wrapped in leaf tobacco, without a filter and containing only tobacco and no other substance.
- (9) Block benches or public walkways as to impede free and uninterrupted use and passage by others.
- (10) Littering
- (11) Eating or drinking or animals in skatepark, playground or splash pad at Whistle Stop Park.
- (12) Metal detecting or treasure hunting or digging holes.
- (13) Removal or damaging plants and landscaping, feeding or disturbing wildlife.
- (14) Bicycles, skateboards, rollerblades, scooters or motorized vehicles in designated areas only.
- (15) Bathing, shaving or washing clothes in public restrooms.
- (16) Aggressive behavior or fighting.

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- (b) The city police department, code enforcement and animal services personnel shall, in connection with their duties imposed by law, diligently enforce the provisions of this section and shall have the authority to order any person or persons acting in violation of this section to leave the park or recreation area.

(Ord. No. 2009-O-05, Pt. A, 9-14-09; Ord. No. 2011-O-18, Pt. A, 1-9-12; Ord. No. 2017-O-14, Pt. A(Exh. A), 5-1-17; Ord. No. 2023-O-31 October 2, 2023)

Sec. 12.5-2. Hours for parks and facilities.

- (a) *Areas remaining open 24 hours.* Fishing sites and related support facilities (ramps, natural or manmade, fishing docks, parking areas). These areas adjoin the Indian River and remain open 24 hours only for the benefit of those persons actively, or pursuing fishing-related activities (cast netting, crabbing, shrimping, etc.) or launching boats.
- (b) *Areas to be closed 11:00 p.m. to sunrise.* Certain parks or portions of parks designed and built for after-dark activities may remain open to persons actively using such lighted facilities as tennis courts, racquetball courts, basketball courts, shuffleboard courts, ball fields, playgrounds, lighted picnic shelters, etc. until 11:00 p.m. and the directly related support facilities (parking and restrooms), and hours shall be posted.
- (c) *Areas to be closed sundown to sunrise.* Certain parks, beaches and city lakes or portions of parks designed for day use only and no direct lighting is provided, shall be closed to the public at sundown (nature trails, playgrounds, ball fields, shelters, picnic areas, etc.) and also related support facilities.
- (d) *Special events.* The city council may change these hours in order to accommodate special events such as Independence Day fireworks or any other event the council deems appropriate.

(Ord. No. 2009-O-05, Pt. A, 9-14-09; Ord. No. 2011-O-18, Pt. A, 1-9-12; Ord. No. 2017-O-14, Pt. A(Exh. A), 5-1-17)

Sec. 12.5-3. Special exceptions.

The city may waive any regulation/requirement at any time for a city sponsored event, activity or event that has been pre-approved by the city however it would only be for those regulations/requirements/locations affected by that specific event.

(Ord. No. 2017-O-14, Pt. A(Exh. A), 5-1-17)

Secs. 12.5-5 —12.5-10. Reserved.

ARTICLE II. RECREATION AND CULTURAL SERVICES BOARD

Sec. 12.5-11. Purpose.

The purpose of the recreation and cultural services board is to monitor and evaluate parks and recreational needs and activities, beautification, and historic preservation within the city and forward any recommendation to the director and city council. The board shall establish their bylaws pursuant to resolution of the city.

(Ord. No. 2009-O-05, Pt. A, 9-14-09)

Secs. 12.5-12, 12.5-13. Reserved.

ARTICLE III. RESERVED

Sec. 12.5-14. Reserved