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ORDINANCE NO. O-2021-XXX

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF OAKLAND PARK, FLORIDA, AMENDING THE CITY'S CODE OF ORDINANCES BY AMENDING CHAPTER 8 ENTITLED "MISCELLANEOUS OFFENSES AND PROVISIONS", BY SPECIFICALLY AMENDING SECTION 8-21.1 ENTITLED "REGULATION OF PARKS AND PARKS PROPERTY"; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission has determined that from time to time it is in the best interests of the City to adjust fee amounts for fees related to the use of Parks and Leisure Services throughout the City; and

WHEREAS, the current fee schedule for Parks and Leisure Services programs are provided in Chapter 8, Section 8-21.1(h) of the City's Code of Ordinances; and

WHEREAS, the City Commission has determined that in the interest of efficiency, Parks and Leisure Services fees shall be subject to amendment by Resolution.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF OAKLAND PARK, FLORIDA THAT:

SECTION 1. The foregoing "Whereas" clauses are hereby ratified and confirmed as being true and correct and are hereby made a part of this Ordinance upon adoption thereof.

SECTION 2. Chapter 8 entitled "miscellaneous offenses and provisions" of the code of Ordinances of the City of Oakland Park, Florida is amended by specifically amending Section 8-21.1 entitled "Regulation of use of parks and park property" to provide as follows:

Sec. 8-21.1. Regulation of use of parks and park property.

(a) *Definitions.* For the purposes of this section, the following terms, phrases, words and their derivations shall have the meanings given herein:

- (1) *Business owner.* The word "business owner" means for the purpose of this section, that person or corporate officer listed on the business' occupational license. A business owner and immediate family, which includes spouse, children or children in the care the employee with proof of guardianship, shall receive the resident rate.

- 1 (2) *Department*. The word "department" means the Oakland Park Parks and
2 Recreation Department.
- 3 (3) *Director*. The word "director" means the director of the Parks and
4 Recreation Department or his authorized representative.
- 5 (4) *Immediate family*. The words "immediate family" means the person's
6 spouse, children or a minor in the person's guardianship (documentation
7 required).
- 8 (5) *Law enforcement officer*. The words "law enforcement officer" means any
9 member of the Oakland Park Public Safety Department or contract law
10 enforcement agency that is authorized to enforce all criminal and traffic
11 laws and ordinances within the City of Oakland Park, Florida.
- 12 (6) *Park*. The word "park" means any public park, recreation or playground
13 area, or building or facility thereon, within the City of Oakland Park,
14 Florida, owned and maintained as a public park, whether or not such areas
15 have been formally dedicated to such purpose.
- 16 (7) *Park ranger*. The words "park ranger" means any employee of the City of
17 Oakland Park, Florida, under the supervision of the director and authorized
18 to enforce this section within park boundaries.
- 19 (8) *Permit*. The word "permit" means the written document issued by the
20 director or his designated agent that authorizes a specific regulated activity
21 in a park.
- 22 (9) *Person*. The word "person" means any person, firm, partnership,
23 association, club, corporation, company or organization of any kind.
- 24 (10) *Vehicle*. The word "vehicle" includes any wheeled device of conveyance,
25 whether propelled by motor, animal or human power. The term shall
26 include any trailer in tow of any kind, size or description. Exception is made
27 for baby carriages, wheel chairs and vehicles in the service of the City of
28 Oakland Park, Florida.
- 29 (11) *Parks and recreation manager*. The words "parks and recreation manager"
30 means a department employee that is responsible for any park area or
31 historic site and for the activities conducted thereon and to whom all park
32 personnel and volunteers of such area are responsible. A park ranger may
33 function in this capacity when no other parks and recreation manager is
34 present.
- 35 (b) *Control of vehicles*.
- 36 (1) *Vehicles and traffic laws*. All applicable state and local vehicle and traffic
37 laws and ordinances shall continue in full force and effect in any park.
- 38 (2) *Operation of vehicles within parks*.

- 1 a. No person shall operate a vehicle in a park except upon designated
2 paved or improved park roads or driveways, or in and upon designated
3 areas or trails set aside for use by such vehicles, unless directed by a
4 law enforcement officer or park ranger to do so, or by official signs or
5 markings.
- 6 b. No person shall operate a vehicle within the park in excess of fifteen
7 (15) miles per hour, except upon these roads or driveways where
8 official signs or markings designate a different speed limit.
- 9 (3) *Parking.*
- 10 a. No person shall park a vehicle on park property other than in areas
11 designated for parking that type of vehicle, unless there is an
12 emergency or unless directed to do otherwise by a law enforcement
13 officer or a park ranger. Parking shall conform to officially posted signs
14 or markings unless other instructions are given by a law enforcement
15 officer or a park ranger.
- 16 b. No vehicle shall be left standing or parked at night within a park
17 without lights clearly visible front and rear for at least two hundred
18 (200) feet, except in designated parking areas.
- 19 c. No vehicle shall be left parked on park property after park closing
20 hours without obtaining a permit from the director.
- 21 (c) *Park property.*
- 22 (1) *Buildings and other property.* No person shall in any park do or cause to be
23 done any of the following without first obtaining a permit from the director:
- 24 a. Willfully mark, deface, or injure in any manner, or displace, remove, or
25 tamper with any park building, bridge, table, bench, fireplace, railing,
26 paving or paving materials, water line or other public utility or parts
27 thereof, park sign or marking whether temporary or permanent,
28 monument, stake, post, or other structure or equipment, facility, or park
29 property of any kind.
- 30 b. Willfully dig, cut, move or remove from any park or park area any
31 sand, wood, turf, grass, gravel, shrub, or other material, or make any
32 excavation by hand, tool, equipment, blasting, or other means.
- 33 c. Construct or erect any building, sign or structure of any kind, whether
34 permanent or temporary, or run or string any public and/or private
35 utility into, upon or across a park.
- 36 (2) *Trees, shrubbery, lawns.* No person shall in any park do or cause to be done
37 any of the following without first obtaining a permit from the director:

- 1 a. Willfully pick, saw, chop, cut, carve, remove, or injure any flowers,
2 seeds, blooms, bark, branches, twigs, or leaves of any tree, plant, shrub,
3 vine, bush or any other vegetation.
- 4 b. Willfully drive any nail, staple, or attach or fasten any wire, rope, or
5 other device to any tree or plant, or tie or hitch any animal to any tree
6 or plant.
- 7 c. Willfully dig in or disturb any grass areas, or in any way injure or
8 impair the natural beauty or usefulness of any park area.
- 9 d. Willfully climb any tree, or walk, stand or sit upon any monument,
10 vase, fountain, railing, fence, or any other park property not designated
11 or normally used for such purpose.
- 12 e. Willfully bring in or dump, deposit, or leave any bottles, broken glass,
13 ashes, paper, boxes, cans, dirt, rubbish, waste, garbage, or refuse, or
14 other trash; but shall place same in the proper receptacles when these
15 are provided; when receptacles are not so provided, all such rubbish or
16 waste shall be carried away from the park by the person responsible for
17 its presence, and properly disposed of elsewhere.

18 (d) *Recreational activities.*

19 (1) *Swimming.*

- 20 a. No person in a park shall:
 - 21 1. Swim, bathe, or wade in any waterway in or adjacent to any park,
22 except in such water or waterway as the director may designate,
23 and in accordance with the terms of this section and any other
24 regulations that the director may promulgate.
 - 25 2. Frequent any water or places where swimming, bathing or wading
26 is permitted, except during those hours that the director has
27 established for such activities.

28 (2) *Fishing.*

- 29 a. No person shall engage in fishing for profit in park waters, or shall buy
30 or sell fish caught in park waters .
- 31 b. No person shall fish in any park waters except in designated areas.

32 (3) *Fireworks.* The director may designate times and places where fireworks
33 can be used within a park. The director shall promulgate regulations to
34 assure that in such cases the fireworks are used in a safe manner.

35 (4) *Picnic areas and use.*

- 36 a. The director shall designate those areas of a park where picnicking is
37 permitted. No person shall picnic other than in a designated area.

- 1 b. Individual fireplaces and tables in picnic areas shall be available on a
2 "first come, first served" basis, except that a group of twenty (20) or
3 more persons must obtain a permit in advance for the use of picnic
4 facilities.
- 5 c. Picnickers shall not leave a picnic area before all trash in the nature of
6 boxes, papers, cans, bottles, garbage and other refuse is placed in a
7 disposal receptacle, where provided. If no trash receptacles are
8 available, then refuse and trash shall be carried away from the park area
9 by the picnicker to be properly disposed of elsewhere.
- 10 (5) *Camping.*
- 11 a. No person shall camp in a park except in areas that have been
12 designated for camping by the director. Camping shall be limited to
13 tent camping, trailer camping, or camping with other equipment
14 designed specifically for camping.
- 15 b. No person shall camp in a park without first obtaining a camping
16 permit from the director or designated agent.
- 17 (6) *Fires.*
- 18 a. No person shall start or maintain, in any park, any outdoor fire except
19 in designated picnic or camping areas. Fires shall be limited to cooking
20 fires, or fires in camp lanterns or heaters.
- 21 b. Cooking fires shall be started and maintained only in a stove, grill, or
22 barbecue pit approved by the department. Fuels used in cooking fires
23 shall not produce any noxious fumes or smoke.
- 24 c. No person starting or maintaining any fire in a park shall leave the area
25 where the fire is located without first completely extinguishing the fire.
- 26 (7) *Animals and pets.*
- 27 a. No person in a park shall:
- 28 1. Ride a horse, mule, donkey, or pony except on designated paths or
29 trails. Where riding is permitted, the animals used shall be
30 thoroughly broken and properly restrained, and ridden with due
31 care, and shall not be allowed to go unattended, nor shall they be
32 hitched to any rock, tree, or shrub. The director may designate
33 which trails or paths in a park, if any, can be used for riding.
- 34 2. Bring a dog or other domestic animal into a park unless the park is
35 designated as a dog accessible area. Unless specifically designated
36 as a "no leash" area, a dog shall at all times be restrained or kept on
37 a leash not more than six (6) feet in length. The person responsible
38 for a dog in a park shall at all times carry a suitable means of

- 1 removing dog waste and shall remove all dog waste immediately
2 on occurrence.
- 3 3. Abandon any animal in the park.
- 4 b. The prohibitions of this subsection shall not apply to:
- 5 1. Horses or dogs used by a law enforcement officer or park
6 watchman in the performance of his duties.
- 7 2. Seeing eye dogs used by a visually handicapped person, provided
8 that the dog is at all times kept under control.
- 9 3. Animals or fowl kept by the department or under its direction.
- 10 (8) *Games*. No person in a park shall take part in the playing of any games
11 involving thrown or any otherwise propelled objects such as stones, arrows,
12 golf balls, or javelins, except in areas set apart for such forms of recreation.
13 The playing or practicing by organized sponsored athletic teams of such
14 games as football, baseball, and the like, is prohibited except on fields,
15 courts, or areas designated for such use, or as directed by the director or his
16 authorized representative.
- 17 (e) *Nuisances and behavior*
- 18 (1) *Alcoholic beverages*. No person shall bring into, consume, or sell alcoholic
19 beverages in a park except:
- 20 a. Alcoholic beverages may be sold by persons operating under a
21 concession from the city, subject to the regulation and control of the
22 director. Sales of alcoholic beverages shall be by the individual drink
23 only, and drinks shall only be consumed on the premises of the
24 concession. Sale of beer and wine in unopened containers shall not be
25 permitted.
- 26 b. Alcoholic beverages may be consumed at family or group picnics or
27 functions provided a permit for such consumption is obtained. The
28 director may require that one or more law enforcement officers or park
29 rangers be present at such picnics or functions. In such cases, the
30 anticipated expense shall be paid in advance by the group having the
31 picnic or function.
- 32 (2) *Drunkenness*. No intoxicated person shall enter, be, or remain in any park,
33 and any such person so found in a park shall be removed and referred to the
34 proper authority.
- 35 (3) *Production of permits*. No person in a park shall refuse or fail to produce
36 and exhibit any permit he claims to have upon the request of any law
37 enforcement officer, park ranger, or other authorized park employee who

1 wishes to inspect the permit for the purpose of determining that the
2 provisions of this subsection have been complied with.

3 (4) *Smoking.* No person shall smoke, ignite or hold an ignited cigarette, cigar,
4 pipe or other device containing a tobacco product or other substance in
5 areas designated by the director as NO SMOKING areas within a park.

6 (f) *Permits.*

7 (1) *Permits required.* In addition to any other provision of this section that
8 requires the obtaining of a permit prior to engaging in a given activity, no
9 person in a park shall conduct, operate, present, manage, or take part in any
10 of the following activities unless a permit is obtained prior to the start of the
11 activity:

12 a. Any picnic, outing, or gathering sponsored by any person or composed
13 of twenty (20) or more persons.

14 b. Any contest, exhibit, dramatic performance, play, motion picture, radio
15 or television broadcast, fair, circus, musical event, or any similar event.

16 c. Any public meeting, assembly, or parade, including, but not limited to,
17 drills, maneuvers, ceremonies, addresses, speeches, sports contests,
18 practices, or political meetings.

19 d. Any use of any park facility by a certain person or group of persons to
20 the exclusion of others.

21 (2) *Application procedure.*

22 a. A person seeking the issuance of a permit to carry on an activity in a
23 park shall file an application on the appropriate form supplied by the
24 department with the designated representative of the director and
25 provide such information as shall be required by the director.

26 b. Application shall be filed not less than three (3) days nor more than
27 ninety (90) days before the date of the proposed use or activity.

28 (3) *Standards for issuance of permit.*

29 a. The director shall issue a permit unless he finds that:

30 1. The proposed activity or use of the park will unreasonably interfere
31 with or detract from the general public use and enjoyment of the
32 park.

33 2. The proposed activity or use of the park will unreasonably interfere
34 with or detract from the public health, safety, or welfare.

35 3. The conduct of the proposed activity or use is reasonably likely to
36 result in violence to persons or property resulting in serious harm
37 to the public.

- 1 4. The proposed activity or use will entail an extraordinary expense
2 or operation by the city.
- 3 5. The facilities desired have been reserved for another activity or use
4 at the day and hour requested in the application.
- 5 6. The time necessary to evaluate a permit or to plan and provide city
6 services necessary and appropriate to the size of the event is
7 insufficient to reasonably accommodate the event.
- 8 If any person determines that the director has unreasonably denied a
9 permit under this section, an appeal may be made directly to the city
10 commission.
- 11 b. The director may impose reasonable conditions or restrictions on the
12 granting of a permit, including, but not limited to, any of the following:
 - 13 1. Restrictions on fires, fireworks, amplified sound, use of alcoholic
14 beverages, dancing, sports, use of animals, equipment, or vehicles,
15 the number of persons to be present, the location of any bandstand
16 or stage, or any other use which appears likely to create a risk of
17 unreasonable harm to the use and enjoyment of the park by others,
18 or of damage to park property.
 - 19 2. A requirement that the applicant post a reasonable deposit of
20 security for the repair of any damage to park property, or the cost
21 of cleanup, or both.
 - 22 3. A requirement that the applicant pay in advance a reasonable fee to
23 defray the cost of furnishing adequate security forces by the
24 department at the proposed use or activity.
 - 25 4. A requirement that the permittee furnish additional sanitary and
26 refuse facilities that might be reasonably necessary, based on the
27 use or activity for which the permit is being sought.
 - 28 5. A requirement that the applicant furnish a certificate of insurance
29 in amounts prescribed to provide adequate coverage for the
30 protection of the city and park property in a form approved by the
31 city's risk manager.
- 32 c. Permits shall not be transferable without the written consent of the
33 director.
- 34 d. A permittee shall be bound by all park rules and regulations and all
35 applicable ordinances fully as though the same were inserted in his
36 permit.
- 37 e. The person or persons to whom a permit is issued shall be liable for any
38 loss, damage or injury to any person or property whatever by reason of

1 the negligence of the person or persons to whom such permit was
2 issued.

3 f. The director shall have the authority to revoke a permit upon a finding
4 of violation of any rule or ordinance, or upon the violation of any
5 condition or restriction under which the permit was issued.

6 (g) *Park operating policies.*

7 (1) *Hours.* As a general rule, parks shall be open to the public every day of the
8 year between the hours of 8:00 a.m. and 10:00 p.m. However, the director
9 may extend or contract these hours for any park or portion of any park. No
10 person shall enter, be, or remain in any park after park closing hours unless
11 a permit has been obtained.

12 (2) *Closed areas.* Any section or part of any park may be declared closed to the
13 public by the director or the city manager at any time and for any interval of
14 time, either temporarily or at regular and stated intervals (daily or
15 otherwise) and either entirely or merely to certain uses, as the director shall
16 find reasonably necessary.

17 (3) *Powers of the director.* The director shall have the power to make, from
18 time to time, such reasonable rules and regulations as are necessary to
19 manage, use, preserve, and govern park property and activities.

20 (4) *Ejection from park.* Any person found violating any provision of this
21 section shall either be ejected by a park ranger or law enforcement officer or
22 arrested by a law enforcement officer.

23 (5) *Penalties.* Any person convicted of violating the provisions of this section
24 shall be punished by a fine not less than fifty dollars (\$50.00) but not to
25 exceed five hundred dollars (\$500.00), or by imprisonment not exceeding
26 ninety (90) days, or by both.

27 (h) *Parks and leisure services fee schedule.*

28 (1) Recreational fees charged to the participants of the city's recreational
29 programs are used to offset the cost for setting up and running the program
30 activity.

31 (2) Application to participate in recreational programs and activities shall be
32 made to the parks and recreation department on forms furnished for such
33 purpose.

34 (3) Residents and business owners of the City of Oakland Park shall be given
35 an opportunity to register for all city-sponsored activities before non-
36 residents are accepted. The director shall establish the dates and times for
37 participants to register for each city recreation program. At a minimum, the
38 first week of any registration period shall be exclusively for Oakland Park

- 1 residents and business owners. Thereafter, registration is open for any
2 participant on a first come, first registered bases.
- 3 (4) Programs, activities and special events shall be evaluated by the director on
4 a regular basis to assess levels of participation. Should any program,
5 activity or special event not receive an adequate number of participants, it
6 may be canceled, postponed, or temporarily suspended when determined to
7 be in the best interest of the city.
- 8 (5) The fee structure for parks and recreation programs shall be set by
9 resolution of the City
10 Commission. The director shall establish reasonable fees for recreational
11 programs or facilities not listed in the resolution.
- 12 (6) Reserved.
- 13
- 14 *Based on a weekly rate for 10 weeks and includes swimming, arts and crafts, athletics
15 and special programs. Does not include field trips.
- 16 *Open Leagues - Athletic leagues open to the general public and includes field
17 preparation. Currently no established fee for leagues.
- 18 Note: Jaco Pastorius Park Community Center is set by the Director via memorandum
19 #09-35, per Ordinance 8-21.1.h(5)
- 20 *No fee increase proposed based on market rates in the surrounding areas.
- 21 (Ord. No. O-83-21, § 1, 9-7-83; Ord. No. O-2000-020, § 2, 10-18-00; Ord. No. O-2001-
22 015, § 2, 6-6-01; Ord. No. O-2001-036, § 2, 12-19-01; Ord. No. O-2004-13, § 2, 5-19-04;
23 Ord. No. O-2005-032, § 3, 10-5-2005; Ord. No. O-2006-023, § 2, 11-15-06; Ord. No. O-
24 2007-036, § 2, 12-12-07; Ord. No. O-2010-022, § 2(Exh. A), 7-21-10; Ord. No. O-2011-
25 024, § 2, 10-19-11)

26

1 **SECTION 3.** If any clause, section or other part of this Ordinance shall be held
2 by any Court of competent jurisdiction to be unconstitutional or invalid, such
3 unconstitutional or invalid part shall be considered as eliminated and in no way affecting
4 the validity of the other provisions of this Ordinance.

5
6 **SECTION 4.** All Ordinances or parts of Ordinances in conflict herewith are
7 hereby repealed to the extent of such conflicts.

8
9 **SECTION 5.** It is the intention of the City Commission of the City of Oakland
10 Park, that the provisions of this Ordinance shall become and be made a part of the Code
11 of Ordinances of the City of Oakland Park, Florida, and the Sections of this ordinance
12 may be renumbered, re-lettered and the word "Ordinance" may be changed to "Section,"
13 "Article," or such other word or phrase in order to accomplish such intention.

14
15 **SECTION 6.** This Ordinance shall be effective upon its passage and adoption by
16 the City Commission of the City of Oakland Park.
17

1 **PASSED BY THE CITY COMMISSION OF THE CITY OF OAKLAND PARK,**
2 **FLORIDA, ON FIRST READING, THIS 16th DAY OF JUNE 2021.**

3
4 M. CARN _____
5 A. GORDON _____
6 M. ROSENWALD _____
7 M. SPARKS _____
8 J. BOLIN _____
9

10 **PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF**
11 **OAKLAND PARK, FLORIDA, ON SECOND READING, THIS ____ DAY OF**
12 **_____ 2021.**

13
14 CITY OF OAKLAND PARK, FLORIDA
15
16

17 _____
18 MAYOR JANE BOLIN
19

20 M. CARN _____
21 A. GORDON _____
22 M. ROSENWALD _____
23 M. SPARKS _____
24 J. BOLIN _____
25

26 ATTEST:
27
28

29 _____
30 RENEE M. SHROUT, CMC, CITY CLERK
31
32

33 LEGAL NOTE:

34 I hereby certify that I have approved the form of this Ordinance (O-2021-XXX):
35
36

37 _____
38 DONALD J. DOODY, CITY ATTORNEY