

ORDINANCE NO. 09-2024

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 18, ARTICLE III ENTITLED “PARK REGULATIONS”; PROVIDING FOR THE AMENDMENT OF DIVISION 1 TO ESTABLISH NEW REGULATIONS FOR THE USE OF PARKS, INCLUDING HOURS OF OPERATION, A FEE SCHEDULE AND THE ENFORCEMENT OF THE REGULATIONS; PROVIDING FOR THE AMENDMENT OF DIVISION 2, ENTITLED “PERMIT FOR GROUP ACTIVITIES” PERTAINING TO SPECIAL PERMITS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR THE REPEAL OF ALL LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Lake Park, Florida is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, Chapter 18, Article III, Division 1 of the Town Code establishes general park regulations for conduct, fees, hours of operation, vehicle use restrictions, and enforcement procedures; and

WHEREAS, Chapter 18, Article III, Division 2 of the Town Code establishes a procedures to be followed for applications for permits for group activities; and

WHEREAS, the Community Development Department has prepared revisions to Chapter 18, Article III, Division 1 to create new definitions, general standards, fire prevention standards, enforcement procedures, vehicle use regulations and plant and animal controls.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA:

Section 1. The whereas clauses are incorporated herein as the legislative findings of the Town Commission.

Section 2. Chapter 18, Article III, Division 1, Sections 18-61, 18-62, 18-63, 18-64, 18-65, 18-66, and 18-67, and are hereby amended to read as follows:

ARTICLE III. PARK AND PUBLIC FACILITY REGULATIONS

DIVISION 1. GENERALLY

Sec. 18-61. Definitions.

Town Park means any Town-owned property which primarily serves as recreational outdoor open space.

Public Facility means any Town-owned properties, buildings or structures.

Special Event means an event reviewed and approved in accordance with the application procedures established by the Town Code by the Town's Special Events Department for which a special event permit is issued by the Town.

Law Enforcement means the Palm Beach County Sherriff's Office, the Town's contracted law enforcement provider.

Sec. 18-62. Use of town parks and public facilities.

- (a) Unless reserved through the process established by the Town Code, a Town Park or Public Facility shall be available on a "first come, first served" basis. The reservation of a park or public facility shall supersede "first come, first served" users if conflicts arise.
- (b) No individual shall damage or deface any equipment, benches, tables, amenities, landscaping, facilities, or any part of a Town Park or Public Facility.
- (c) No individual shall utilize any equipment, benches, tables, amenities, landscaping, facilities, or any other part of a Town Park or Public Facility except in keeping with the intended use of those facilities.
- (d) No individual may sleep overnight in any Town Park or Public Facility.
- (e) No individual may place any tent, shelter, or covered structure within a Town Park or Public Facility unless authorized by a Special Event permit or for a Town-sponsored event.
- (f) The sale, consumption and/or possession of alcohol as defined in F.S. 561.01 is prohibited within any Town Park or Public Facility, unless authorized by the approval of a Special Event permit.

-
- (g) No individual who is intoxicated and acting in an aggressive or belligerent manner, or who exhibits disruptive behavior shall be permitted to remain in a Town Park or Public Facility, and may be removed by Law Enforcement.
 - (h) No individual may use or display explosive or incendiary devices, such as fireworks or sparklers, within a Town Park or Public Facility unless the same has been authorized by an approved Special Event Permit.
 - (i) No individual shall loiter in or around a Town Park or Public Facility including within any, restroom, dressing room, picnic areas, wooded or natural areas.
 - (j) No individual 18 years or older shall loiter in a designated children's play area, unless the individual is supervising and/or accompanying a child or children who are utilizing the children's play area.
 - (k) No individual shall be permitted to generate or create sound at volumes which exceed the regulations of the Town Code which would be considered disturbing or a nuisance to individuals of reasonable sensibilities. No person, being the owner of any domesticated animal, shall permit the same to be in any Town Park or Public Facility, excluding the Town Marina.
 - (l) No person, being the owner of any domesticated animal, shall permit the same to be in any Town Park or Public Facility, excluding the marina. Within the Town Marina property, all animals shall be physically restrained on a leash at a distance of not greater than six (6) feet in length, and the owner shall exercise control over their animals at all times. No person shall introduce any exotic or nonnative plant or animal into a Town Park or Public Facility. No person shall remove plant material, in whole or in part, from a Town Park or Public Facility. No person shall harm, molest, or otherwise prevent the natural movements and habits of any wildlife in any Town Park or Public Facility. Removing fish from a designated fishing area or the removal of any nuisance plant or animal shall be exempt from the restrictions of this section.

(Code 1966, § 4-22; Code 1978, § 17-32)

Sec. 18-63. Fee schedule.

- (a) *Criteria for establishing fees.* The following criteria shall be used when establishing fee schedules for use of Town Parks and Public Facilities owned by the town:
 - (1) Town hall (including ballroom and other suitable rooms for recreational purposes):
 - a. Resident groups;
 - b. Nonresident groups.
 - (2) Kelsey Park and all other Public Facilities:
 - a. Resident groups;
 - b. Nonresident groups.

(3) Clean-up fee if food and beverage are served.

(b) *Exceptions to application of fee.* Based on the criteria outlined in subsection (a) of this section, a fee schedule shall be established by resolution of the town commission, but shall not apply to groups or activities sponsored by the town Special Events Department nor to use by town advisory boards and committees.

(Ord. No. 30-1973, § I(30-31), 11-7-1973; Ord. No. 2-1984, § 1, 1-4-1984; Code 1978, § 17-33)

Sec. 18-64. Hours of operation for town parks; penalties.

(a) *Generally.* All Town Parks, excluding the marina, shall be open each day from 6:00 a.m.—9:00 p.m., every day of the year. The only exception are areas that have been granted a special event permit or facility rental agreement by the town. Law Enforcement personnel may enter Town Parks or Public Facilities to discharge of their duties.

(b) *Closing hours.* The hours of Town Parks shall be clearly posted at Town Parks. The Town may close Town Parks and Public Facilities for emergencies, repairs, or to preserve the public's health, safety, and welfare.

(c) *[Penalties.]* Any person who violates the provisions of this section shall be punished by a fine not exceeding \$500.00 or by imprisonment for a term not exceeding 60 days, or by both, as enforced by law enforcement.

(Ord. No. 1-1998, § I, 1-7-1998; Code 1978, § 17-35; Ord. No. 06-2018, § 2, 7-18-2018; Ord. No. 15-2018, § 2, 12-19-2018)

Sec. 18-65. Fire Prevention.

No person shall start or otherwise create a fire within any Town Park except in a fireplace or grill. No person shall discard ignited cigarettes, cigars, matches, or other flammable materials within any Town Park.

(Ord. No. 16-1999, § 1, 10-6-1999; Code 1978, § 17-36)

Sec. 18-66. Restricted vehicular use in town parks.

Between the hours of 9:00 p.m. and 6:00 a.m., all Town Parks shall be closed to vehicular traffic and/or vehicular parking. At no time shall golf carts, motorized vehicles, or self-propelled vehicles be permitted to traverse Town Parks outside of designated vehicular use areas unless authorized as part of a special event permit, except for Law Enforcement or Emergency Medical Services. Remote controlled airplanes, drones or aerial vehicles that are guided autonomously or by remote control shall be prohibited from taking off and landing in Town Parks unless exempted by applicable Federal Aviation

Administration and Florida State Statutes and except for law enforcement or emergency medical services in life-safety situations. All applicable state and federal laws pertaining to the operation of motorized vehicles and aerial vehicles shall be enforced within Town Parks. At no time may an individual use a remote controlled aerial vehicle or drone to fly over or harm people or wildlife in any Town Park or Public Facility.

(Ord. No. 2-1985, § 1, 3-6-1985; Code 1978, § 29-9)

Cross reference(s)—Traffic and motor vehicles, ch. 30.

Sec. 18-67. Enforcement, Penalties, and Appeal.

The Town’s law enforcement provider shall enforce all applicable local, state, and federal laws within Town Parks or Public Facilities. Any individual who violates the provisions of this Article may be subject to immediate removal by law enforcement. The Town’s law enforcement provider may issue a trespass warning prohibiting an individual who is the recipient of the same from entering a Town Park or Public Facility. Individuals wishing to appeal a trespass warning may do so by writing the Town Manager’s Office; the Town Manager shall render a final decision within 7 business days of receipt of the written appeal. The Town Manager’s decision on appeals shall be final.

Secs. 18-68—18-80. Reserved.

Section 3. Chapter 18, Article III, Division 2 of the Town Code is hereby amended to read as follows:

DIVISION 2. PERMIT FOR GROUP ACTIVITIES

Sec. 18-81. Required.

If a meeting, gathering or other assemblage for a common purpose, cause, activity or reason, in any park or recreation area, will involve an attendance of over ten persons and is not a part of a scheduled program or activity either sponsored or officially recognized by the town, or participation or attendance in a sports event at an appropriately designated park area, the person responsible for or in charge of such meeting or gathering shall obtain a permit from the Special Events director before participating or engaging in such activity in a park area.

(Ord. No. 9-1966, § III, 5-2-1966; Code 1978, § 17-41)

Sec. 18-82. Application.

The application form for a special event permit under this division shall be established by the Special Events director. However, the application for such permit shall contain the following items:

- (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 or portion thereof for which such permit is desired;
- (5) An estimate of the anticipated attendance;
- (6) Any other information which the Special Events director shall find reasonably necessary to render a fair determination as to whether a permit should be issued hereunder.

(Ord. No. 9-1966, § III, 5-2-1966; Code 1978, § 17-42)

Sec. 18-83. Standards for issuance.

The Special Events director shall issue a permit under this division according to the following standards:

-
- (1) That the proposed activity or use of the park will not unreasonably interfere with or detract from the general public enjoyment of the park;
 - (2) That the proposed activity or use will not unreasonably interfere with or detract from the promotion of public health, welfare, safety and recreation;
 - (3) That the proposed activity or use is not reasonably anticipated to incite violence, crime or disorderly conduct;
 - (4) That the proposed activity will not entail unusual, extraordinary or burdensome expense or police operation by the town;
 - (5) That the facilities desired have not been reserved for other use at the day and hour required in the application.

(Ord. No. 9-1966, § III, 5-2-1966; Code 1978, § 17-43)

Sec. 18-84. Appeal.

Within ten days after receipt of an application under this division, the Special Events director shall apprise an applicant in writing of the reasons for the denial of any permit, and the person or organization denied shall have the right to appeal in writing within ten days to the Town Commission. The Town Commission shall consider the appeal in accordance with the standards set forth in section 18-83 and may sustain, modify or overrule the decision of the Special Events director. The decision of the Town Commission shall be final.

(Ord. No. 9-1966, § III, 5-2-1966; Code 1978, § 17-44)

(...)

Sec. 18-87. Enforcement and Revocation.

The Special Events director shall have the authority to revoke a permit issued under this division upon a finding of violation of any of the conditions established by the special event permit, or any violation of a provision of the Town Code, or any county, state or federal law.

(Ord. No. 9-1966, § III, 5-2-1966; Code 1978, § 17-47)

Secs. 18-88—18-119. Reserved.

Section 4. Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 5. Codification.

The Sections of the Ordinance may be renumbered or re-lettered to accomplish such, and the word "Ordinance" may be changed to "section", "article", or any other appropriate word.

Section 6. Repeal of Laws in Conflict.

All Ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 7. Effective Date.

This Ordinance shall take effect immediately upon execution.

#5599891 v1 26508-00002

Upon First Reading this 17 day of July, 2024, the foregoing Ordinance was offered by Vice-Mayor Glas-Castro who moved its approval. The motion was seconded by Commissioner Taylor and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR ROGER D. MICHAUD	<u>/</u>	_____
VICE-MAYOR KIMBERLY GLAS-CASTRO	<u>/</u>	_____
COMMISSIONER MICHAEL HENSLEY	<u>/</u>	_____
COMMISSIONER MARY BETH TAYLOR	<u>/</u>	_____
COMMISSIONER JUDITH E. THOMAS	<u>Absent</u>	_____

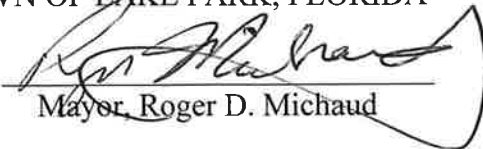
PUBLISHED IN THE PALM BEACH POST THIS 28 DAY OF July, 2024

Upon Second Reading this 4th day of September, 2024, the foregoing Ordinance, was offered by Vice-Mayor Glas-Castro, who moved its adoption. The motion was seconded by Commissioner Taylor, and being put to a vote, the result was as follows:


	AYE	NAY
MAYOR ROGER D. MICHAUD	<u>✓</u>	_____
VICE-MAYOR KIMBERLY GLAS-CASTRO	<u>✓</u>	_____
COMMISSIONER MICHAEL HENSLEY	<u>✓</u>	_____
COMMISSIONER MARY BETH TAYLOR	<u>✓</u>	_____
COMMISSIONER JUDITH E. THOMAS	<u>✓</u>	_____

The Mayor thereupon declared **Ordinance 092024** duly passed and adopted this 4th day of September, 2024.

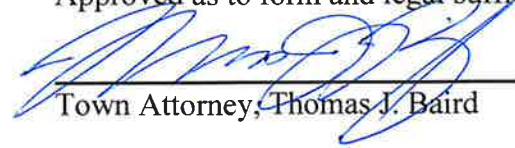
TOWN OF LAKE PARK, FLORIDA

BY: 
Mayor, Roger D. Michaud

ATTEST:


Town Clerk, Vivian Mendez
TOWN OF LAKE PARK
SEAL
(Town Seal)

Approved as to form and legal sufficiency:


Town Attorney, Thomas J. Baird

FLORIDA