

CODE OF ORDINANCES CHAPTER 74
SECTIONS 74-1 THROUGH 74-10

Sec. 74-1. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Enclosed public-use facilities means those city properties such as the yacht club and community center, which by their very nature, are generally best utilized by designated groups for meetings, events and private parties.

Open-air public use facilities means those city properties such as the ball fields of the Barber Street Sports Complex, the skatepark facility, that by their very nature, are generally best utilized by either the general public or designated groups for sporting events, and may be leased on a long-term basis to specific organizations.

Park areas means any and all outdoor and covered grounds and facilities owned, operated or designed by the city for the purposes of recreational or leisure activities, except those facilities designated as waterway facilities or public-use facilities.

Park Event means utilization of a recreation facility, other than an enclosed public-use facility, or any portion thereof for any planned or organized event, other than a city-sponsored event, at which the city manager reasonably believes between 50 and 300 persons will attend.

Recreation facilities means any and all real property owned or maintained by the city for the purposes of active or passive recreation, community and civic gatherings, open space and such other traditionally related activities. However, these provisions shall specifically not apply to the Sebastian Municipal Golf Course.

Special event means utilization of a recreation facility, other than an enclosed public-use facility, or any portion thereof for any planned or organized event, other than a city-sponsored event, at which the city manager reasonably believes more than 300 persons will attend.

Waterway facilities means any structure constructed on or over the waterways of the city such as a public dock, boat ramp, seawall or boardwalk, as well any pedestrian walkway constructed or maintained by the city running over or along its waterways.

Sec. 74-2. - Designation by resolution.

The city council shall, by resolution, designate the classification, and the fees, where applicable, for use of each recreation facility in the city.

Sec. 74-3. - Regulations; promulgation and approval by resolution.

- (a) The city manager is hereby empowered and authorized to adopt, promulgate and enforce reasonable rules and regulations which shall apply to city recreational facilities.
- (b) All rules and regulations promulgated and adopted pursuant to this article shall, in order to be effective, be posted in a conspicuous place in the area where they are intended to be effective. The existence of such signs at any place within the city shall be prima facie evidence such signs were erected or placed with the authority of the city manager.
- (c) Any person violating any such rule or regulation promulgated and posted pursuant to this article shall be subject to a fine of up to \$500.00.
- (d) The city council may by resolution, remove or modify any regulation promulgated pursuant to this section.

Sec. 74-4. - General regulations for recreational facilities.

- (a) Prohibited conduct; unlawful acts. No person shall:
 - (1) Use profane, obscene or threatening language or conduct within the area which unreasonably interferes with the enjoyment of the recreational facility by others.
 - (2) Smoke in buildings or other areas except where designated by signs posted by the city manager or his designee.
 - (3) Knowingly interfere with, encumber, obstruct or render dangerous any part of a facility.
 - (4) Enter or leave any park facility by motor vehicle except at established entrance ways or exits, or at established times.
 - (5) Use an electronic public address system or other mechanical sound amplification devices, including radios and electronic sound reproduction equipment of any kind at such a high volume level as to unreasonably interfere with the use and enjoyment by others of the facility.
 - (6) Build or set fires except on cooking grills or self-contained cooking units in specified areas or upon written approval of the city manager.
 - (7) Possess, consume or serve any alcoholic or intoxicating beverages in any area therein unless authorized by city council through a permit for a function held at said facility.

- (8) Cause or permit a dog or other domestic animal, other than a service animal within the scope of F.S. § 413.08, to enter the area unless such pet is maintained on a leash of six feet or less. No dogs or other domestic animals shall be brought into any enclosed public use facility except in accordance with the aforementioned statute.

This subsection does not apply to city-designated dog parks where activities are conducted in accordance with posted rules and regulations.

- (9) Dump, deposit or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage, refuse or other trash anywhere on the grounds of the parks other than in proper receptacles provided therefor, and no such refuse or trash shall be placed in any waters in or contiguous to, the parks or beach areas. Where receptacles are not so provided, all such rubbish or waste shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere.
- (10) Drive or park any unauthorized motor vehicle on any area within any park or recreational area except designated park roads or parking areas; park any motor vehicle that is not authorized by the city manager in any area other than an established or designated parking area; or park any motor vehicle that is not authorized by the city manager within any recreational facility during the established hours that said area is closed to the public.
- (11) Ride a bicycle on other than a designated vehicular road or path designated for that purpose; leave a bicycle in any place other than a bicycle rack when such is provided, or leave a bicycle lying on the ground or paving or any place or position so as to present any obstruction to pedestrian or vehicular traffic.
- (12) Post public notices except in designated areas and in accordance with time and place restrictions established by the city manager.
- (13) Operate a concession; sell, peddle, or solicit sell in any park without written prior approval of the city manager or his designee.
- (14) Bed down or sleep in parks or recreational areas including any parking area except upon written approval of the city manager; nor shall camper trucks, buses or trailers be permitted to remain in such parking area between the hours of 12:00 midnight and 6:00 a.m. except boat trailers may remain in areas designated for the parking thereof during the time between launch and return of the watercraft it has transported.
- (b) Signage. The city manager is hereby empowered and authorized to regulate the use of recreational facilities within the context of this article by erecting or placing of signs regulating such use and hours of use.
- (c) Violations and penalties. Violations of this section are punishable by a fine not exceeding \$500.00 or imprisonment not exceeding 60 days, or both.
- (d) Parental liability. Parents shall be held liable for conduct of their minor children.

Sec. 74-5. - Additional regulations affecting waterway facilities.

- (a) Prohibited conduct; unlawful acts. In addition to the restrictions set-forth elsewhere in this chapter, no person shall within or upon waterway facilities:
- (1) Dive or jump into the water from such facility.
- (2) Use railings or benches on piers or riverwalks for cleaning or cutting bait or fish.
- (3) Push, propel or ride bicycles, scooters, skates or skateboards on piers or docks.
- (4) Fish with more than two lines or poles at one time on piers or riverwalks.
- (5) Park or dock watercraft utilized for a commercial purposes, including rental to the public, longer than reasonably necessary to launch or retrieve the same.
- (b) Signage. The city manager is empowered and authorized to further regulate waterway facilities within the context of this article by erecting or placing of signs governing their use. The existence of such signs at any place within the city shall be prima facie evidence that such signs were erected or placed with the authority of the city manager.
- (c) Violations and penalties. Violations of this section are punishable by a fine not exceeding \$500.00 or imprisonment not exceeding 60 days, or both.
- (d) Parental liability. Parents shall be held liable for conduct of their minor children.

Sec. 74-6. - Park event permits.

No person shall conduct a park event without the prior approval of the city manager. Any person desiring to conduct a park event shall submit a written application to the recreation department on forms promulgated by the city manager and shall pay fees as established by resolution of the city council. Further conditions for park event permit approval may be set out by resolution of the city council.

Sec. 74-7. - Special event permits.

- (a) No person shall conduct a special event without the prior approval of the city council. Any person desiring to conduct a special event shall submit a written permit application to the recreation department on forms

promulgated by the city manager. The amount of the permit fee and conditions for special event permit approval shall be established by resolution of the city council.

- (b) The city council shall deny an application if the special event will unreasonably conflict with public policy or adequate measures cannot be taken by the applicant to protect the public health, safety and welfare. A decision of the city council to deny, or to grant with conditions, an application made pursuant to this section shall be final.

Sec. 74-8. - Enclosed public-use facility permit.

- (a) No person shall utilize an enclosed public-use facility without the prior approval of the city manager, except that certain uses shall require city council approval as set out in paragraph (c) below. Anyone desiring to utilize an enclosed public-use facility shall submit a written application to the recreation department on forms promulgated by the city manager and shall pay fees as established by resolution of the city council. Further conditions may be set out by resolution of the city council.
- (b) No permit shall be granted for the commercial use of an enclosed public-use facility, although fund-raising for non-profit organizations shall be allowed subject to council approval as set forth below. In the event that gambling activity is to be a part of the permitted use, the city council shall make a determination that such activity is not in conflict with the general law of the State of Florida.
- (c) In the event that the proposed use may include activities involving gambling, alcoholic beverages, the use of a facility after 11:00 p.m., or if a charge for admission, food costs, required donation or other fee is to be assessed, then the permit can only be issued upon approval of the city council.

Sec. 74-9. - Claims against security deposit.

All or part of the security deposit for any permit issued under this article shall be forfeited to the city if it is determined by the city manager that non-compliance with the terms of this article or conditions of the permit occurred, or if damages to the facilities have occurred which can be attributed to the applicant. The city manager is authorized to pro-rate the amount of estimated damages and shall return any amount of the deposit in excess of estimated damages. Damages are determined to be either physical destruction to the facilities or costs associated with specific clean-up attributable to the applicant.

Any decision of the city manager may be appealed to the city council. The city council may affirm, reverse or modify the decision of the city manager after considering the facts as presented by both the applicant and the city manager.

Sec. 74-10. - Permit rescission.

The city manager is authorized to rescind any permit found in violation of provisions of this article when it is deemed in the best interest of the public. Violations of any provisions of this article may result in the forfeiture of the security deposit as provided above.

The decision of the city manager may be appealed to the city council. The city council may affirm, reverse or modify the decision of the city manager after considering the facts as presented by both the applicant and the city manager.