

ORDINANCE

10-18

ORDINANCE NO. 10-18

AN ORDINANCE AMENDING HILLSBOROUGH COUNTY ORDINANCE 08-17 RELATING TO HILLSBOROUGH COUNTY PARKS, RECREATION AND CONSERVATION DEPARTMENT FACILITIES AND PROPERTY; PROVIDING AN EXEMPTION FOR BICYCLES TO THE SPEED LIMIT FOR VEHICLES; PROVIDING ALL EQUINE RIDERS AGED 15 AND YOUNGER MUST WEAR A HELMET IN ACCORDANCE WITH FLORIDA STATUTE 773.06 AND REPEALING HILLSBOROUGH COUNTY ORDINANCE 07-17 PROVIDING FOR EQUINE RIDERS AGED 16 AND UNDER TO WEAR CERTIFIED EQUINE RIDING HELMETS; PROVIDING AN EXCEPTION FOR PERMITTED CONCEALED WEAPONS IN ACCORDANCE WITH CHAPTER 790, FLORIDA STATUTES; PROVIDING A PERMIT PROCEDURE TO ALLOW ALCOHOL ON PARK PROPERTY UNDER CERTAIN TERMS AND CONDITIONS; PROVIDING FOR THE ESTABLISHMENT OF PARK FEES; AND PROVIDING FOR THE ENFORCEMENT OF ENTRANCE/PARKING FEES FOR REGIONAL PARKS AND BOAT RAMP/PARKING FEES PURSUANT TO HILLSBOROUGH COUNTY ORDINANCE 98-48, AS AMENDED; PROVIDING FOR LIBERAL CONSTRUCTION, SEVERABILITY AND EFFECTIVE DATE OF ORDINANCE.

WHEREAS, The Board of County Commissioners of Hillsborough County, pursuant to Section 125.01, Florida Statutes (2010), is authorized to provide parks, preserves, playgrounds, recreation areas and other recreation and cultural facilities and programs for the welfare of its citizens; and

WHEREAS, Hillsborough County owns and maintains land in the County designated as county parks, athletic complexes, nature preserves, playgrounds, trails, greenways, recreation areas, dog parks and other recreational facilities for the use and enjoyment of residents and visitors; and

WHEREAS, there is no need to impose the 15 mph limit on bicycles on Park Property; and

WHEREAS, the BOCC adopted Hillsborough County Ordinance 07-17 in 2007 to protect equine riders aged 16 years and younger in County Parks and subsequently, the State Legislature enacted § 773.06, Florida Statutes to protect equine riders aged 15 years and younger on public property statewide; and

WHEREAS, Hillsborough County seeks to recognize the rights of individuals with concealed weapon permits to carry firearms in accordance with state statute; and

WHEREAS, Hillsborough County wants to provide a permit procedure to allow alcohol on Park Property for special events under certain defined terms and conditions; and

WHEREAS, pursuant to Section 125.01 (1)(m), Florida Statutes, Hillsborough County has the ability to provide and regulate parking facilities and develop and enforce plans for control of parking and has adopted Hillsborough County Ordinance 98-48, as amended, to provide civil penalties for parking violations and Hillsborough County seeks to enforce certain parking fees on Park Property; and

WHEREAS, the Board of County Commissioners now seeks to amend Ordinance 08-17.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA:

SECTION 1

Section 4 (b), Hillsborough County Ordinance 08-17, is amended to read:

- (b) *Speed of Vehicles in Parks:* The speed limit in Parks and on Park Property is fifteen (15) miles per hour (m.p.h.) or as otherwise posted. Bicycles are exempt from this speed limit.

SECTION 2

Section 8 (c)(3), Hillsborough County Ordinance 08-17, is amended to read:

- (3) No person shall operate any self-propelled vehicle (other than a bicycle) at a speed in excess of fifteen (15) miles per hour while in the Parks or on Park Property.

SECTION 3

Hillsborough County Ordinance 07-17 is hereby repealed and Section 8 (p)(4), Hillsborough County Ordinance 08-17, is amended to read:

- (4) All riders age fifteen (15) and under are required to wear a helmet pursuant to Florida Statute 773.06 and violations will be prosecuted in accordance with that statute.

SECTION 4

Section 8 (u)(1), Hillsborough County Ordinance 08-17, is amended to read:

(1) No Person, except Law Enforcement Officers and Persons lawfully in possession of concealed weapons, on their person or in their vehicle, pursuant to Chapter 790, Florida Statutes, shall carry, possess, or use firearms of any type within the Parks or on Park Property, including, but not limited to, any instrument that fires a potentially dangerous projectile, whether solid, gas, or liquid, or any other form of weapon or trapping device which is or may be on or in any Park Property except in areas designated for such use or for events approved by the Department.

SECTION 5

Section 13, Hillsborough County Ordinance 08-17, is amended to read:

No Person shall sell, consume or possess Alcoholic Beverages while in the Parks or on Park Property. This prohibition does not apply to the sale, consumption, and possession of Alcoholic Beverages at special events held at the University Area Community Complex and the Carrollwood Cultural Center as long as those entities are properly licensed and authorized to sell and/or serve Alcoholic Beverages in accordance with all applicable federal, state and local laws governing the sale and serving of alcohol. Additionally, the county administrator or his designee, may from time to time, in addition to the standard permit issued for use of Park facilities/areas, issue special permits to permit the sale, possession and consumption of Alcoholic Beverages on Park Property under the following terms and conditions.

- a. Permits may be granted to individuals, corporations, clubs and other community organizations for sporting events, entertainments, fairs, festivals and other social events or functions as long as those individuals and entities are properly licensed and authorized to sell and/or serve Alcoholic Beverages in accordance with all applicable federal, state, and local laws governing the sale and serving of alcohol;
- b. The person applying for such permit, individually or as a corporate representative, shall be at least 21 years old and of good moral character and shall not have been convicted of or pled nolo contendere to any alcoholic beverage-related law or ordinance violation;
- c. The applicant shall deliver to the county administrator or designee a completed permit application at least five working days in advance of the proposed event;
- d. Any permit issued therefrom shall restrict the applicant's event or function to the premises stated in its application and shall expire at the conclusion of such event or function;
- e. The application shall list all persons at the event serving beer and intoxication beverages and attest that all persons are at least 21 years of age

- f. At the time of application for such permit, the applicant shall furnish the county administrator or designee a copy of proof of insurance in a type and of an amount reasonably acceptable to the county covering any potential liabilities or losses related to the proposed event;
- g. If the applicant is a corporation, club or other organization, it shall include in its permit application the names and addresses of its officers and directors, a copy of its charter showing it is licensed to do business in the state and the objects and purposes for which it was organized;
- h. The corporation, club or other organization shall include in its permit application a statement that the organization has never been convicted of any violation of state alcoholic beverage laws or related county ordinances;
- i. The applicant shall indemnify the county for all damages and losses of any type which might be suffered by the county as a consequence of its issuance of such permit to the applicant; and
- j. Upon approval of such application, the county administrator or designee shall issue such permit which shall be displayed in a conspicuous location at the event.

SECTION 6

Section 19 (c), Hillsborough County Ordinance 08-17, is amended to read:

(c) *Penalties:* In addition to any other penalties set forth in this Section, and with the exception of Section 8 (p)(4) (equestrian helmet violations) and Section 24 (parking citations), failure to comply with the provisions set forth in this Ordinance shall constitute a violation of a County ordinance and , upon conviction, shall be punished pursuant to Section 125.69 of the Florida Statutes (2008). Violations of this Ordinance that are continuous with respect to time may be abated by injunctive or other equitable relief. The imposition of a penalty does not prevent equitable relief.

SECTION 7

Hillsborough County Ordinance 08-17 is amended to add the following sections:

SECTION 23. PARK FEES.

The Department is authorized and directed to charge fees for activities on, or use of, park property as established by the Hillsborough County Board of County Commissioners by Board Policy.

SECTION 24. CITATIONS FOR FAILURE TO PAY ENTRANCE AND BOAT RAMP PARKING FEES.

No vehicle, except those entering on park business, shall enter or park in any Regional Park until the required entrance fee has been paid. Daily/annual passes for entrance fees shall be prominently displayed as to be easily readable through the windshield. A vehicle must be parked within a single designated or marked space. Violation of this provision may result in the issuance of a civil citation with a fine in the amount of \$30 in accordance with Hillsborough County Parking Ordinance 98-48, as amended.

A fee for use of boat ramps has been established and no person shall park a vehicle, watercraft, and/or trailer any place on park property other than in designated and marked parking spaces provided for that particular type of vehicle and/or trailer without payment of the boat ramp fee, if required. Daily/annual passes for entrance and boat ramp fees shall be prominently displayed in such a manner to be easily readable through the windshield. A vehicle and/or trailer must be parked within a single designated or marked parking space. Violation of this provision may result in the issuance of a civil citation with a fine in the amount of \$30.00 in accordance with the Hillsborough County Parking Ordinance 98-48, as amended.

SECTION 8

This Ordinance shall be liberally construed in order to effectively carry out the purposes hereof which are deemed to be in the best interest of the public health, safety, and welfare of the citizens and residents of Hillsborough County, Florida.

SECTION 9

If any section, subsection, sentence, clause, phrase or provision of this Ordinance is held invalid or unconstitutional by any Court of competent jurisdiction, then such invalidity or unconstitutionality shall not be so construed as to render invalid or unconstitutional the remaining provisions of this Ordinance.

SECTION 10

This Ordinance shall take effect upon the filing of this Ordinance with the Florida Department of State, State of Florida.

STATE OF FLORIDA)

COUNTY OF HILLSBOROUGH)

I, PAT FRANK, Clerk of the Circuit Court and Ex Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of an Ordinance to be adopted by the Board at its meeting of September 22, 2010, as the same appears of record in Minute Book number 412, of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 23rd day of September, 2010.

PAT FRANK, CLERK OF CIRCUIT COURT

BY: Beverly Anne Miller
Deputy Clerk

Approved by County Attorney

By: Rosemary E. Peck
Approved as to form and legal
sufficiency

