ORDINANCE NO. 24-014

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT PIERCE, FLORIDA; **AMENDING CHAPTER 28 – PARKS, RECREATION AND SPECIAL EVENTS** BY AMENDING ARTICLE I – IN GENERAL, SECTION 28-4 – FISHING WITHIN THE CITY TO INCLUDE AREAS OF JAYCEE PARK AND SOUTH CAUSEWAY PARK; DELETING SECTION 28-5 – CLEANING OF BEACH DURING TURTLE NESTING SEASON; AMENDING ARTICLE II – PARKS AND RECREATION, SECTION 28-30 – HOURS TO PROVIDE REGULATIONS BY SIGNAGE; AMENDING SECTION 28-31 – PROHIBITED ACTIVITIES BY AMENDING TEMPORARY SHELTER REGULATIONS; TO ALLOW DIGGING IN THE SAND/BEACH AREAS; CLARIFYING ANIMALS PERMITTED IN PARKS TO BE SERVICE ANIMALS; TO PROHIBIT THE USE OF FIREWORKS IN PARKS; AMENDING SECTION 28-33 – PARKING WITHIN PARKS TO PROVIDE REGULATIONS BY SIGNAGE; TO PROVIDE REGULATIONS REGARDING TYPE OF AND SIZE OF VEHICLES; AMENDING SECTION 28-37 – APPLICATION FOR SPECIAL USE PERMIT, SUBSECTION (a) TO ALLOW THE CITY MANAGER TO ASSIGN A DESIGNEE; REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Fort Pierce owns or maintains multiple parks throughout the city; and

WHEREAS, the City Commission has determined it is in the best interests of and for the protection of the health and welfare of the people for rules and regulations to be adopted governing these parks; and

WHEREAS, the rules and regulations were established in 1967 and most recently updated in 2012; and

WHEREAS, the City Commission finds it necessary to periodically review and update ordinances so as to be in accordance with the current community needs and conditions.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of Fort Pierce, Florida as follows:

SECTION 1. Chapter 28, Article I, Section 28-4 Fishing within City is amended as follows:

Sec. 28-4. Fishing within city.

(a) The city hereby prohibits fishing from certain specified areas, as follows:

(1) From the South Bridge located on Seaway Drive within the city, except from the balconies or walkways underneath and attached to either side of such bridge;

(2) From the land or shoreline, including structures attached thereto, along the west bank of the Indian River Lagoon in the area known as River Walk starting at the base of the South Bridge on Seaway Drive, extending south until the mouth or entrance to Moore's Creek;

(3) From the land or shoreline, in, on, upon or under the waters of Moore's Creek, east of Indian River Drive, being the area where Moore's Creek enters the Indian River Lagoon;

(4) From the land or shoreline, including structures attached thereto, in, on, upon or under the waters of the city marina, except as otherwise provided by marina rules or dockage license agreements;

(5) From the land or shoreline, including structures attached thereto, along the west bank of the Indian River Lagoon in the area known as Marina Square, starting at Avenue A and extending south to Orange Avenue; and

(6) From the sidewalk adjacent to the south side of the city inlet in the area known as Inlet Linear Park, west of, but not including the South Jetty or the adjacent picnic area.

(7) From the land or shoreline, including structures or docks attached thereto, in any area of Jaycee Park.

(8) From the land or shoreline, including any structures attached thereto, along the south side of the inlet in the area known as S. Causeway Park, from the western boat ramp to just west of, but not including, the concrete pier located at the eastern side of beach area.

(b) "No fishing" areas encompassed and included in this section are generally described as provided by diagram, a current copy of which shall be kept on file with the city clerk, and referenced hereto.

(c) Areas encompassed and included in this section, wherein fishing is prohibited, shall be posted with signage indicating such restriction.

SECTION 2. Chapter 28, Article I, Section 28-5. Cleaning of Beach During Turtle Nesting Season shall be deleted in its entirety.

~~**Sec. 28-5 Cleaning of beach during turtle nesting season**~~

~~The following regulations and standards shall apply to cleaning activities on beaches within the city limits from March 1 through October 31:~~

~~(1) All beach cleaning activity shall be approved by the state department of environmental protection as to method and equipment;~~

~~(2) Use of mechanical beach cleaning equipment above the high water tide line is prohibited; and~~

~~(3) Prior to use of mechanical cleaning equipment, the Bureau of Marine Science and Technology in St. Petersburg, Florida, shall be contacted for instructions and orientation necessary for the protection of nesting sea turtles.~~

~~Secs. 28-6—28-28. - Reserved.~~

Secs. 28-5 - 28-28. - Reserved

SECTION 3. Chapter 28, Article II. Section 28-30 Hours shall be amended as follows:

Sec. 28-30. Hours

All public parks shall be closed during posted hours ~~from sunset to sunrise daily,~~ except ~~where otherwise posted~~ for properly permitted special events. ~~Exceptions to the hours of operation may be established by administrative rules.~~

SECTION 4. Chapter 28, Article II, Section 28-31 Prohibited Activities is amended as follows:

Sec. 28-31. Prohibited activities.

Except for activities of the city which are undertaken within the scope of its governmental authority, i~~I~~t shall be unlawful for any person to do any of the following in any park area or any other areas officially designated by the city commission as a park and posted as such unless specifically permitted by the appropriate authorization received from the city manager and issued pursuant to this article~~, except for activities of the city which are undertaken within the scope of its governmental authority~~:.

(1) Trespass at times when the park is closed;

(2) Camp overnight, unless specifically authorized by permit issued by the city manager;

(3) Purchase, sell, offer for sale, possess, or consume any alcoholic beverages, except in accordance with a special event and supplemental alcohol permit as provided in this chapter;

(4) Cook foodstuff on grills other than those public grills provided by the city for that purpose, except as specifically allowed by special event permit as provided in this chapter. Persons may utilize grills provided by the city only for cooking in the park area. No fires or food preparation shall be allowed that pose a hazard to public property or the general public;

(5) Set or stoke a fire, except ~~for city-authorized prescribed burns or those~~ fires set or stoked in designated city grills, where they are provided, and said fire shall not be allowed if it poses a hazard to public property or the general public;

(6) Litter, dump, or fail to remove all trash in the nature of boxes, papers, cans, bottles, garbage and other refuse left or caused in the use of a park. If no trash receptacles are provided, then refuse and trash shall be carried away from the park area by the park user to be properly disposed of elsewhere;

(7) Engage in the defacing, destruction, removal or alteration of any city-owned facility, structure, grounds, or equipment;

(8) Construct or erect any hut, shanty or other shelter.

a. Park users may temporarily set up a temporary sun/shade apparatus ~~up to ten feet by ten feet in size. Such apparatus must be made of flexible material, and any support lines which extend beyond the length and width of the covering, must be flagged for visibility and cannot be within 15 feet of~~ provided such apparatus does not impede with the normal use of any game court, sports field, or children's play equipment.

b. No sun/shade apparatus shall remain in place overnight in any park;

c. Such apparatus must be free standing and not attached to any tree, sign, or permanent structure.

d. Such apparatus must be less than 30′ in size in any direction per Florida Building Code and apparatuses less than 30′ in size may not be joined together to exceed this size limitation.

(9) Except for the sandy/beach areas of the parks, to d~~D~~isturb the natural surface of the ground in any manner. ~~unless authorized in writing by the city manager and done in accordance with a city-initiated land management activity~~;

(10) Erect or affix signs to any tree, post, pole, fence or park facility or grounds, except as provided by city ordinance, or through an approved facility use contract authorized by the city manager;

(11) Pick flowers, nuts, berries, or fruit and to damage or remove plants, trees or shrubs, ~~unless specifically authorized in writing by the city manager and done in accordance with a city-initiated land management activity;~~

(12) Engage in the removal, alteration or destruction of archaeological or cultural resources, except as authorized by the city manager. For purposes of this section, the term "archaeological or cultural resources" means associated physical remnants and features contained in the ground, including, but not limited to, artifacts, fossils, bones, shell mounds, or primitive culture facilities or items;

(13) To bring or otherwise allow any cat, dog, or other animal into any park area, except in a public parking area, public boat docks, walkways adjacent to a park, or where otherwise clearly marked by signs expressly permitting domestic animals in that area. Service animals that are specially trained and actively engaged in service to assist persons with disabilities are exempted from this subsection;

(14) To allow ~~privately-owned~~ lawfully permitted service animals to discharge or deposit waste. All owners or others in charge of ~~privately-owned~~ lawfully permitted service animals shall remove their waste from the park grounds, and may deposit animal waste in park trash receptacles;

(15) To in any way disturb or remove any wildlife, animal, bird, or egg located above, upon or below the surface of the park grounds ~~or to allow any privately-owned animal to do so~~, unless specifically authorized in writing by the city manager;

(16) Engage in the removal, destruction or harassment of animals and plants from or on park lands, except for authorized research efforts, as authorized by the city manager;

(17) Engage in the introduction of plants or animals onto park lands~~, unless authorized by the city manager~~;

(18) To launch, throw, hurl, or otherwise propel an arrow, spear, BB, pellet, slingshot, or other dangerous object, except that in accordance with F.S. § 790.33, this subsection (18) shall not be used to regulate firearms, ammunition, or components thereof, as defined in F.S. ch. 790;

(19) Drive, putt or otherwise hit a golf ball, except in parks specifically designated for those purposes;

(20) Use roller skates, roller blades or skateboards, except on park facilities specifically designated for this purpose;

(21) Operate any motor vehicle on park grounds, except in areas designated by the city as parking areas, driveways, and roadways. Motorists shall obey all traffic control devices posted within the park. ~~Authorized city personnel or contract personnel shall be allowed to drive vehicles onto park areas during facility maintenance or renovation projects;~~

(22) Repair, change any parts, except for emergency repairs, wash, polish and wax or grease any vehicle;

(23) Use public restrooms to shave and/or shower, unless shower facilities are specifically provided for public use;

(24) Bathe or otherwise be or remain in a water or drinking fountain and/or its reservoir or to allow any privately-owned animal to do so;

(25) Discharge or deposit human wastes, except in toilet facilities provided by the city;

(26) To possess, use, or discharge any fireworks in violation of Section 18-24 of the Code of Ordinances. ~~Engage in the sale, rental, delivery, demonstration, display, or offering as a business promotion any item or service for any non-city-sponsored functions, except as otherwise permitted for special events or special use as provided by this chapter or administrative rule~~;

(27) Use of any park property for non-city-sponsored fundraising activities, except as otherwise permitted for special events as provided in this chapter;

(28) Engage in gambling, conduct raffles, bingo games, card games for money or donations for prizes or any other forms of gambling, whether the activity is for charity or otherwise;

(29) Play or operate any radio, stereo, public address system, or any other sound emitting device in such a manner that the sound produced is audible at a distance of greater than 100 feet, unless otherwise permitted for special events as provided in this chapter, except that no action shall be taken to enforce this subsection until a warning to cease such violation has been issued by a person authorized to enforce this chapter and the violator continues such violation;

(30) Refuse to vacate any pavilion, table, building, or other portion of a park area that is permitted for the exclusive use of another party as provided by special event permit or temporary rental agreement authorized by the city.

SECTION 5. Chapter 28, Article II, Section 28-33 Parking Within Parks is hereby amended as follows:

Sec. 28-33. Parking ~~within parks~~.

(a) No person in a park area shall park a motor vehicle in other than an established or designated parking area in accordance with posted traffic control devices, signs, markings, ~~and~~ or with the instructions of any attendant who may be present.

(b) No person shall park or leave a vehicle in a parking area within or directly adjacent to a park area ~~established in conjunction with a park and recreation facility~~ beyond the posted hours of operation established for said parking area. ~~facility unless otherwise posted~~. ~~Operators of vehicles having mechanical breakdowns or operational failures shall immediately advise the traffic officers or appropriate park employees of such circumstances and shall take further appropriate action necessary to ensure that said vehicle will be removed from the parking area with all reasonable dispatch. No vehicle shall be permitted to remain in the parking areas after the closing hours thereof unless the express permission of the police department is first obtained. Vehicles in violation thereof shall be subject to removal by the city police officers and impounded until they are redeemed at the owner's expense~~.

(c) RVs larger than 19′ are prohibited.

(d) Travel trailers, 5th wheeler, semitrucks, semitrailers, and other vehicles in excess of 19′, with the exception of buses and trailers designed to carry boats or watercraft parked in spaces designated for such use, are prohibited.

(~~c~~ e) Violations of this section shall be enforced as parking violations as provided in chapter 34.

SECTION 6. Chapter 28, Article II, Section 28-37 Application for Special Use Permit, Subsection (a) is hereby amended as follows:

Sec. 28-37. Application for special use permit.

(a) A person seeking issuance of a special use permit shall file an application with the city manager or their designee on forms provided by the city.

SECTION 7. All ordinances of parts of ordinances in conflict herewith are and the same shall be repealed and shall be of no further force or effect whatsoever.

SECTION 8. If any provision of this ordinance is held to be invalid, unconstitutional, or unenforceable for any reason by a court of competent jurisdiction, such invalidity shall not affect the validity of the remaining portions of this article, which shall be deemed separate, distinct, and independent provisions to the fullest extent possible.

SECTION 9. This ordinance or parts of ordinances in conflict herewith are and the same shall be repealed and shall be of no further force or effect whatsoever.

APPROVED AS TO
FORM AND CORRECTNESS:

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Sara Hedges, Esq.
City Attorney

STATE OF FLORIDA COUNTY OF ST. LUCIE

WE, THE UNDERSIGNED, Mayor Commissioner and the City Clerk of the City of Fort Pierce, Florida, do hereby certify that the foregoing and above Ordinance No. 24-014 was duly advertised by title only in the St. Lucie News Tribune on April 26, 2024;

copy of said Ordinance was made available at the Officeof the City Clerk to the public upon request; said Ordinance was duly introduced, read by title only, and passed on first reading by the City Commission of the City of Fort Pierce, Florida, on May 5, 2024; and was duly introduced, read by title only, and passed on second and final reading on May 20, 2024 by the City Commission of Pierce, Florida.

IN WITNESS HEREWITH, we hereunto set our hands and affix the Official Seal of the City of Fort Pierce, Florida, this 20th day of May, 2024.

_____
Linda Hudson, Mayor

ATTEST:

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Linda W. Cox
City Clerk

(SEAL)