

ORDINANCE NO: 2021-14

AN ORDINANCE RELATING TO PARKS AND RECREATION; AMENDING VARIOUS SECTIONS OF CHAPTER 50, AND CREATING NEW SECTIONS OF CHAPTER 50 OF THE CODE OF ORDINANCES OF THE CITY OF BARTOW; SPECIFICALLY UPDATING AND CREATING SECTIONS DEALING WITH OPERATIONS IN GENERAL, ADMINISTRATION AND PARK REGULATIONS; REPEALING ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR THE ADMINISTRATIVE CORRECTION OF SCRIVENER'S ERRORS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Bartow has a variety of ordinance sections related to the overall governance of its Parks and Recreation facilities, many of which are codified in Chapter 50 of the Code of Ordinances; and

WHEREAS, over time there has become a need to revise, modify, delete, and add particular Sections to this Chapter as part of an overall update to the Chapter and in response to various events and conditions that exist in the City's facilities; and

WHEREAS, the Leisure Services Department, Director, and staff have worked to develop the various updates that are contained in this ordinance, in an effort to provide meaningful and responsive updates to the Chapter; and

WHEREAS, the City Commission finds that these updates to Chapter 50 are necessary and will serve to provide the citizens with necessary updates, revisions, additions and deletions to the Code.

NOW THEREFORE

BE IT ENACTED BY THE PEOPLE OF THE CITY OF BARTOW:

SECTION 1. This ordinance shall be commonly known as the "Parks and Recreation Chapter 50 Update Ordinance of 2021" and may be so cited.

SECTION 2. Various Sections of Chapter 50 of the Code of Ordinances shall be revised, modified, added, or deleted, as set forth in Exhibit 'A' to this ordinance, a copy of which is attached hereto and incorporated herein, such copy consisting of two (2) numbered pages. In accordance with §166.041(2), Florida Statutes, added language to existing code provisions shall be underlined and deleted language from existing code provisions shall be ~~stricken through~~.

SECTION 3. All existing ordinances of the City of Bartow in conflict with this ordinance are repealed to the extent necessary to give this ordinance full force and effect.

SECTION 4. If any provision or portion of this ordinance is declared by a court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining portions, provisions, and regulations of this ordinance shall remain in full force and effect.

SECTION 5. Any scrivener's error created as a result of the passage of this ordinance may be corrected by City of Bartow staff, without further legislative action, so long as the intent of this ordinance is preserved, by filing a revised copy thereof with the City Clerk's office with the terms "Staff Revised" and the revision version number in the style of the ordinance.

SECTION 6. It is the intent of the City Commission that the provisions of Exhibit 'A' to this ordinance shall be codified as and become and be made a part of the permanent Code of Ordinances of the City of Bartow. The provisions of Exhibit 'A' to this ordinance may be renumbered or relettered to accomplish such intention and the word "ordinance", or similar words, may be changed to "section," "article", or other

appropriate word. Further, it is the intent of the City Commission that the implementing and instructional sections of this ordinance, Sections 1 through 7, shall not be codified. The Code codifier is granted liberal authority to codify the provisions of Exhibit 'A' to this ordinance, including the authority to modify cross-references as he or she may see fit to capture the intent of this ordinance.

SECTION 7. This ordinance shall take effect upon final passage.

INTRODUCED AND PASSED on first reading at the Regular meeting of the City of Bartow City Commission held this 21st day of September, 2021.

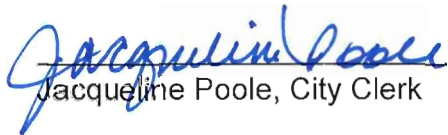
PASSED AND ADOPTED on second reading at the Regular meeting of the City of Bartow City Commission held this 4th day of October, 2021.

CITY OF BARTOW



Scott Sjoblom, Mayor


ATTEST:



Jacqueline Poole, City Clerk


(SEAL)

APPROVED AS TO FORM:



Sean R. Parker, City Attorney

APPROVED AS TO SUBSTANCE:



George A. Long, City Manager

Exhibit “A”

Section 50-1 – Boating, swimming, fishing, and seining, and cast netting in certain lakes.

(a) It shall be unlawful for any person to seine, cast net, or swim or use a boat in the following lakes located in the city:

- (1) Hacklake, being a lake located in Hacklake Subdivision to the city.
- (2) Laguna Serena, being a lake located in La Serena Subdivision to the city.
- (3) Lake Ruth, being a lake located in Westover Park Subdivision to the city.
- (4) Azalea Lake, being a lake located in Azalea Park Subdivision to the city.
- (5) Mobil Lake, being a lake located in the civic center complex.
- (6) Mary Holland Lake, being a lake located in Mary Holland Park.

(b) It shall be unlawful to swim, bathe or wade in any waters or waterways in or adjacent to any park.

(c) ~~Fishing and/or boating may be permitted in the lakes described in subsection (a) of this section under rules and regulations promulgated by the city manager and upon license and approval of the state game and fresh water fish commission.~~ Rod and Reel or Pole Fishing and/or electric motorized or human powered boating may be permitted in Mobil Lake and Mary Holland Lake. All persons fishing or boating shall have proper licensing issued by the Florida Fish and Wildlife Conservation Commission, or other applicable State or Local agency or agencies.

Section 50-2 – Park operating policy

(a) *Hours.* Except for unusual and unforeseen emergencies, parks shall be open to the public every day of the year ~~during the hours between sunrise and 11:00 pm.~~ from dawn to dusk, unless otherwise posted by official City signage. Lighted athletic areas, such as fields and courts, will be open for use during scheduled/reserved events and/or programs.

Section 50-4 – Inflatable Play Structures

(a) Inflatable play structures are prohibited on all City property unless otherwise permitted by special event permit.

Section 50-5 – Portable Generators

(a) Portable gas-powered generators are prohibited on all City property unless otherwise permitted by special event permit.

Section 50-62 – Buildings and other property

No person shall:

...

(3) *Removal of natural resources.* Dig or remove any beach sand, whether submerged or not, or any water, soil, rock, stones, trees, shrubs, or plants, down-timber or other wood or materials, or make any excavation by tool, equipment, blasting, or any other means or agency.

Section 50-68 – Boating

No person shall:

- (1) Bring into or operate any ~~gas-powered~~ motor-powered boat or watercraft upon any waters within any park area.

....

(5) All persons operating any boat upon any waters within any park shall abide by the rules and regulations for boating as decreed by the State of Florida and the Florida Fish and Wildlife Commission.

Section 50-70 – Fishing

No person shall ~~fish or seine~~ rod and reel/pole fish, except in places designated for rod and reel/pole fishing, and in accordance with applicable regulations of the city and provisions of the state statutes and rules and regulations promulgated by the ~~state game and fresh water fish commission and the city~~ Florida Fish and Wildlife Conservation Commission and other applicable agency or agencies.

Section 50-71 – Picnic areas and use.

...

- (b) No person shall violate the regulation that use of the individual ~~fireplaces~~ grills together with tables and benches follows the rule of first come, first served, unless a ~~permit~~ reservation has been obtained from the ~~city manager~~ Parkes and Recreation Division.

Section 50-72 – Camping; horseback riding.

- (a) No person shall camp in a park without first obtaining the necessary permission from the ~~parks and recreation~~ Leisure Services ~~d~~Director.

Exhibit “A”

Section 50-1 – Boating, swimming, fishing, and seining, and cast netting in certain lakes.

(a) It shall be unlawful for any person to seine, ~~cast net, or swim or use a boat~~ in the following lakes located in the city:

- (1) Hacklake, being a lake located in Hacklake Subdivision to the city.
- (2) Laguna Serena, being a lake located in La Serena Subdivision to the city.
- (3) Lake Ruth, being a lake located in Westover Park Subdivision to the city.
- (4) Azalea Lake, being a lake located in Azalea Park Subdivision to the city.
- (5) Mobil Lake, being a lake located in the civic center complex.
- (6) Mary Holland Lake, being a lake located in Mary Holland Park.

(b) It shall be unlawful to swim, bathe or wade in any waters or waterways in or adjacent to any park.

(c) ~~Fishing and/or boating may be permitted in the lakes described in subsection (a) of this section under rules and regulations promulgated by the city manager and upon license and approval of the state game and fresh water fish commission.~~ Rod and Reel or Pole Fishing and/or electric motorized or human powered boating may be permitted in Mobil Lake and Mary Holland Lake. All persons fishing or boating shall have proper licensing issued by the Florida Fish and Wildlife Conservation Commission, or other applicable State or Local agency or agencies.

Section 50-2 – Park operating policy

(a) *Hours.* Except for unusual and unforeseen emergencies, parks shall be open to the public every day of the year ~~during the hours between sunrise and 11:00 pm. from dawn to dusk,~~ unless otherwise posted by official City signage. Lighted athletic areas, such as fields and courts, will be open for use during scheduled/reserved events and/or programs.

Section 50-4 – Inflatable Play Structures

(a) Inflatable play structures are prohibited on all City property unless otherwise permitted by special event permit.

Section 50-5 – Portable Generators

(a) Portable gas-powered generators are prohibited on all City property unless otherwise permitted by special event permit.

Section 50-62 – Buildings and other property

No person shall:

...

(3) *Removal of natural resources.* Dig or remove any beach sand, whether submerged or not, or any water, soil, rock, stones, trees, shrubs, or plants, down-timber or other wood or materials, or make any excavation by tool, equipment, blasting, or any other means or agency.

Section 50-68 – Boating

No person shall:

- (1) Bring into or operate any ~~gas-powered~~ motor-powered boat or watercraft upon any waters within any park area.

....

(5) All persons operating any boat upon any waters within any park shall abide by the rules and regulations for boating as decreed by the State of Florida and the Florida Fish and Wildlife Commission.

Section 50-70 – Fishing

No person shall ~~fish or seine~~ rod and reel/pole fish, except in places designated for rod and reel/pole fishing, and in accordance with applicable regulations of the city and provisions of the state statutes and rules and regulations promulgated by the ~~state game and fresh water fish commission and the city~~ Florida Fish and Wildlife Conservation Commission and other applicable agency or agencies.

Section 50-71 – Picnic areas and use.

...

- (b) No person shall violate the regulation that use of the individual ~~fireplaces~~ grills together with tables and benches follows the rule of first come, first served, unless a permit reservation has been obtained from the ~~city manager~~ Parkes and Recreation Division.

Section 50-72 – Camping; horseback riding.

- (a) No person shall camp in a park without first obtaining the necessary permission from the ~~parks and recreation~~ Leisure Services ~~and~~ Director.