

**LEGISLATIVE #**

**100912**

# DRAFT

## ORDINANCE NO. 100912

1  
2  
3 An ordinance of the City of Gainesville, Florida, amending Chapter  
4 18 of the City of Gainesville Code of Ordinances, relating to Parks  
5 and Recreation, addition of parks, changes in park names, and  
6 amending certain park rules and regulations as set forth in this  
7 Ordinance; providing directions to the codifier; providing a  
8 severability clause; providing a repealing clause; and providing an  
9 immediate effective date.

10  
11 WHEREAS, at least 10 days notice has been given once by publication in a newspaper  
12 of general circulation notifying the public of this proposed ordinance and of a public hearing to  
13 be held in the City Commission Auditorium, City Hall, City of Gainesville; and

14 WHEREAS, the Public Hearings were held pursuant to the published notice described at  
15 which hearings the parties in interest and all others had an opportunity to be and were, in fact,  
16 heard.

17 NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE  
18 CITY OF GAINESVILLE, FLORIDA:

19 Section 1. Section 18-18 through Section 18-22 of the Gainesville Code of Ordinances is  
20 amended to read as follows:

21 **Sec. 18-18. - Listing of city parks.**

22 The following are city parks to which closing hours set forth in section 18-19 apply:

23 (a) *Active/recreational etc.:*

24 (1) ~~Anne Park~~Albert "Ray" Massey Westside Park

25 (2) ~~Citizen's Park/Martin Luther King, Jr. Recreation Complex~~Anne Park

26 (3) ~~Fred Cone Park/Eastside Center Recreation Complex~~Cedar Grove Park

27 (4) ~~Green Acres Park~~CF Franklin Memorial Park

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- 28           (5)    ~~Greentree Park~~, Citizen's Park/Martin Luther King, Jr. Recreation Complex
- 29           (6)    ~~Kiwanis Park~~, Clarence R. Kelly Community Center and Park
- 30           (7)    ~~N.E. 31st Avenue Park~~, Dolliree Bowens Tot Lot
- 31           (8)    ~~N.E. Community Center Recreation Complex~~, Fred Cone Park/Eastside Center
- 32           (9)    ~~Northeast Park~~, Green Acres Park
- 33           (10)   ~~Northside Park~~, Greentree Park
- 34           (11)   ~~Oak Hill Park~~, Hidden Gem Park
- 35           (12)   ~~Phoenix Neighborhood Playground~~, Kiwanis Challenge Park
- 36           (13)   ~~Porter's Community Center~~, Kiwanis/Girl Scout Park
- 37           (14)   ~~Possum Creek Park~~, Lincoln Park
- 38           (15)   ~~Roper Park~~, Mother Lucille Perkins Tot Lot
- 39           (16)   ~~Rosa B. Williams/Union Academy Recreation Complex~~, N.E. 31<sup>st</sup> Avenue Park
- 40           (17)   ~~Smokey Bear Park~~, Northeast Park
- 41           (18)   ~~Springtree Park~~, Northside Park
- 42           (19)   ~~T.B. NePherson Recreation Complex~~, Oak Hill Park
- 43           (20)   ~~Tumblin Creek Park~~, Phoenix Neighborhood Playground
- 44           (21)   ~~Tot Lot No. 1~~, Pleasant Park
- 45           (22)   ~~Tot Lot No. 2~~, Porter's Community Center
- 46           (23)   ~~Tot Lot No. 3~~, Possum Creek Park
- 47           (24)   ~~Tot Lot No. 4~~, Roper Park

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- 48 (25) ~~Tot Lot No. 5 (Barbara Higgins Park).~~Rosa B. Williams/Union Academy  
49 Recreation Complex
- 50 (26) ~~Tot Lot No. 6.~~SE 8<sup>th</sup> and 9<sup>th</sup> Tot Lot
- 51 (27) ~~Tot Lot No. 7.~~Seminary Tot Lot
- 52 (28) ~~Tot Lot No. 9.~~Smokey Bear Park
- 53 (29) ~~Wacahoota Archery Range and Park.~~T.B. McPherson Recreation Complex
- 54 (30) ~~Westside Recreation Complex.~~Tumblin Creek Park
- 55 (31) Tot Lot No. 4
- 56 (32) Tot Lot No. 5 (Barbara Higgins Park)
- 57 (33) Wacahoota Archery Range and Park
- 58 (b) *Nature parks, centers and conservation areas:*
- 59 (1) ~~Alfred A. Ring Park.~~29<sup>th</sup> Road Nature Park
- 60 (2) ~~Bivens Arm Nature Park.~~Alfred A. Ring Park
- 61 (3) ~~Boulware springs Nature Park.~~Bivens Arm Nature Park
- 62 (4) ~~Broken Arrow Bluff Nature Park.~~Boulware Springs Nature Park
- 63 (5) ~~Clear Lake Nature Park.~~Broken Arrow Bluff Nature Park
- 64 (6) ~~Cofrin Nature Park.~~Clear Lake Nature Park
- 65 (7) ~~Colclough Pond Nature Park.~~Cofrin Nature Park
- 66 (8) ~~Flatwoods Nature Park.~~Colclough Pond Nature Park
- 67 (9) ~~Forest Nature Park.~~Duval Park

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- 68 (10) ~~Gum Root Park~~Flatwoods Nature Park
- 69 (11) ~~Loblolly Environmental Facility and Loblolly Woods Nature Park (Hogtown~~  
70 ~~Creek Greenway)~~Forest Nature Park
- 71 (12) ~~Morningside Nature Center~~Gum Root Park
- 72 (13) ~~Palm Point Nature Park~~Hogtown Creek Headwaters Nature Park
- 73 (14) ~~NW 29th Road Nature Park~~John Mahon Nature Park
- 74 (15) ~~Split Rock Conservation Area~~Loblolly Woods Nature Park (Hogtown Creek  
75 Greenway)
- 76 (16) ~~Sugarfoot Prairie Conservation Area~~Morningside Nature Center
- 77 (17) ~~Terwilliger Pond Conservation Area~~Palm Point Nature Park
- 78 (18) ~~John Mahon Nature Park~~San Felasco Park
- 79 (19) Split Conservation Area
- 80 (20) Springtree Park
- 81 (21) Sugarfoot Prairie Conservation Area
- 82 (22) Terwilliger Pond Conservation Area
- 83 (c) *Other:*
- 84 (1) ~~Boulware Springs Historic Water Works~~Boulware Springs Historic Water Works
- 85 (2) ~~Depot Park~~City Hall Plaza
- 86 (3) ~~Downtown Community Plaza~~City of Gainesville/Alachua Senior Recreation  
87 Center

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- 88 (4) ~~Lynch Park~~.Depot Park
- 89 (5) ~~City Hall Plaza~~.Downtown Community Plaza
- 90 (6) ~~Springhill Park~~.Ironwood Golf Course
- 91 (7) ~~SW 5th Avenue Basin~~.Loblolly Environmental Facility
- 92 (8) ~~Sweetwater Park~~.Lynch Park
- 93 (9) ~~Thelma A. Boltin Senior Activity Center~~.Springhill Park
- 94 (10) ~~Thomas Center and Grounds and Gardens~~.S.W. 5<sup>th</sup> Avenue Basin
- 95 (11) ~~Wilhelmina Johnson Center and Sharmie Ffar Complex~~.Sweetwater Park
- 96 (12) ~~Woodlawn Park~~.Thelma A. Boltin Senior Activity Center
- 97 (13) ~~Ironwood Golf Course~~.Thomas Center and Grounds and Gardens
- 98 (14) Wilhelmina Johnson Center and Sharmie Ffar Complex
- 99 (15) Woodlawn Park

100 **Sec. 18-19. - Park hours.**

101 (a) Except as specifically provided or posted at the park facility, and except for tot lots, the  
102 parks listed in subsections 18-18(a) and 18-18(c) shall be open for public use between the  
103 hours of 6:00 a.m. until 11:30 p.m. (this includes the buildings, pools, and ball fields  
104 located within the park boundaries), the same day and shall be closed to public use from  
105 11:30 p.m. until 6:00 a.m. of the following day. The city manager or designee reserves  
106 the right to program facilities located in any of the above listed parks, including but not  
107 limited to park grounds, centers, picnic pavilions and ball fields, during the open hours of  
108 operation notwithstanding the fact that public access to these facilities may be limited

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109 during programmed events. Tot lots shall be open during daylight hours only and shall be  
110 closed to public use from dusk until dawn. The parks listed in subsection ~~18(b)~~ 18-18(b)  
111 shall be open during daylight hours only and shall be closed to public use from dusk until  
112 dawn unless otherwise posted. Daylight hours are defined as those hours between dawn  
113 and dusk.

114 (b) Such closing hours shall not apply to activities being held pursuant to an approved  
115 contract for use, signed by the city manager or appropriate designee responsible for the  
116 park property. In these cases the fully executed contract for use shall state the waiver of  
117 operating hours and shall be signed by the city manager or appropriate designee.

118 (c) It shall be unlawful for any person to remain in any of the parks and/or facilities listed  
119 herein during the hours the park and/or facility is closed to public use, except with prior  
120 written approval from the city manager or designee. Such unauthorized presence shall be  
121 grounds for immediate arrest.

122 (d) If a park is designated as such by the city commission but is not listed in section 18-18,  
123 the park hours of operation shall be posted on the grounds of the park area ~~be posted on~~  
124 ~~the grounds of the park area stating its hours of operation.~~

## 125 **Sec. 18-20. - Prohibited activities.**

126 It shall be unlawful for any person to do any of the following in any park listed in section  
127 18-18 of this article or any other areas officially designated by the city commission as a park and  
128 posted as such unless specifically permitted by the appropriate authorization received from the  
129 city manager or designee and issued pursuant to this article, except for activities of the City of  
130 Gainesville which are undertaken within the scope of its governmental authority:

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- 131 (1) Construct, or erect any hut, shanty or other shelter. Park users may temporarily set  
132 up a sun/shade apparatus up to ten feet by ten feet in size (larger sizes may be  
133 approved by request for special events conducted in the park areas upon the  
134 issuance of a facility use agreement by the city manager or designee in charge of  
135 that park area). Such apparatus must be made of flexible material, and any support  
136 lines which extend beyond the length and width of the covering, must be flagged  
137 for visibility and cannot be within 15 feet of any game court, sport's field, or  
138 children's play equipment. No sun/shade apparatus shall remain in place overnight  
139 in any park without a special use permit or facility use agreement being issued by  
140 the city manager or designee. All ~~nature parks, centers and conservation areas~~  
141 parks listed under subsection 18-18(b) are exempt from ~~this~~ the temporary  
142 sun/shade apparatus provision as stated in 18-20(1);-
- 143 (2) Cook foodstuff on personal grills brought into the park area unless permitted by  
144 the appropriate authorization received from the city manager or designee. Persons  
145 may utilize only grills provided or permitted by the city ~~only~~ for cooking in the  
146 park area. No fires or food preparation shall be allowed that pose a hazard to  
147 public property or the general public;
- 148 (3) Set or stoke a fire, except for city authorized prescribed burns or those fires set or  
149 stoked in designated city or permitted grills, where they are provided, and said  
150 fire shall not be allowed if it poses a hazard to public property or the general  
151 public;
- 152 (4) Gather firewood or other natural materials to set or stake a fire;
- 153 ~~(4)(5)~~ Discharge or deposit human wastes, except in toilet facilities provided by the city;



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- 154           (6)    Dump or deposit yard waste;
- 155           ~~(5)~~(7) Disturb the natural surface of the ground in any manner unless authorized in
- 156           writing by the city manager or designee and done in accordance with a city-
- 157           initiated land management activity;
- 158           ~~(6)~~(8) ~~To a~~Allow privately owned animals to discharge or deposit waste on park
- 159           property without moving said waste. All owners or others in charge of privately
- 160           owned animals shall remove their waste from the park grounds, and may deposit
- 161           animal waste in park trash receptacles;
- 162           ~~(7)~~(9) Pick flowers, nuts, berries, or fruit; ~~and~~ or to damage or remove plants, trees, or
- 163           shrubs, from any part of the park grounds unless specifically authorized in writing
- 164           by the city manager or designee ~~and~~ or done in accordance with a city-initiated
- 165           land management activity;
- 166           ~~(8)~~(10) Erect signs or affix signs to any tree, post, pole, fence or park facility or grounds
- 167           except as provided by city ordinance, or through an approved facility use contract
- 168           with the city manager or appropriate designee;
- 169           ~~(9)~~(11) Drive, putt or otherwise hit a golf ball or shoot an arrow, except in parks
- 170           specifically designated for those purposes;
- 171           ~~(10)~~(12) ~~To i~~In any way disturb, molest, or remove any wildlife, animal, bird, or egg
- 172           located above, upon or below the surface of the park grounds or to allow any
- 173           privately owned animal to do so unless specifically authorized in writing by ~~the~~
- 174           the city manager or designee;

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175           ~~(11)~~(13) Write on, draw on, paint on, or otherwise deface, damage, remove or destroy any  
176                           park facility or any part of the park grounds;

177           ~~(12)~~(14) ~~To e~~Carry any firearm, weapons, explosive, or destructive device, as defined in  
178                           F.S. ~~e~~Ch. 790, either opened or concealed, onto any city park property, ~~except in~~  
179                           ~~parks specifically designated for these uses~~; except as otherwise permitted by  
180                           State law or this article;

181           ~~(13)~~(15) Operate or park any motorized vehicle, as defined in F.S. Ch. 316, ~~in violation of~~  
182                           ~~city ordinance~~ on park grounds except in areas designated by the city as public  
183                           parking areas, driveways, ~~and~~ or roadways. Motorists shall obey all posted speed  
184                           limit and other directional signs posted within the park. Authorized city personnel  
185                           or contract personnel shall be allowed to drive vehicles onto park areas during  
186                           facility maintenance or renovation projects;

187           ~~(14)~~(16) Except as otherwise provided in this Code of Ordinances, purchase, sell, offer for  
188                           sale, possess, or consume any alcoholic beverages, illegal drugs or intoxicating  
189                           substances;

190           ~~(15)~~(17) Use public restrooms to shave and/or shower, unless shower facilities are  
191                           specifically provided for public use at that park;

192           ~~(16)~~(18) Bathe or otherwise be or remain in a water or drinking fountain and/or its  
193                           reservoir or to allow any privately owned animal to do so;

194           ~~(17)~~(19) Use roller skates, roller blades or skateboards, except on park facilities  
195                           specifically designated for this purpose;

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196           ~~(18)~~(20)Engage in the sale of any item on park property for any non-city sponsored  
197                   function(s), except as allowed by a facility use agreement issued by the city  
198                   manager or appropriate designee or in these ordinances;

199           ~~(19)~~(21)Use of any park property for non-city sponsored fundraising activities, except as  
200                   authorized by the city manager or appropriate designee or in these ordinances;

201           ~~(20)~~(22)Engage in the destruction, removal or alteration of any city owned facility or  
202                   equipment from any park property except as authorized by the city manager or  
203                   designee;

204           ~~(21)~~(23)Engage in the removal, alteration or destruction of archaeological or cultural  
205                   resources from any park property and water body except as authorized by the city  
206                   manager or designee. For purposes of this article "archaeological or cultural  
207                   resources" means any associated physical remnants artifacts and features  
208                   ~~contained in the ground~~ below the ground service indicating the past use of a  
209                   location by people which may yield information on the City's history or  
210                   prehistory, including but not limited to artifacts, fossils, bones, shell mounds, or  
211                   primitive culture facilities or items;

212           ~~(22)~~(24) Install any gate providing access to any park, or build any trail except as  
213                   authorized by an approved management plan or the city manager or designee;

214           ~~(23)~~(25) Feed any animal except as authorized by the city manager or designee;

215           ~~(22)~~(26)Engage in the removal, destruction or harassment of animals and plants from or  
216                   on parklands, except for authorized research efforts, as authorized by the city  
217                   manager or appropriate designee; and

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218           ~~(23)~~(27)Engage in the introduction of plants or animals onto park lands unless authorized  
219                           by the city manager or appropriate designee.

220   **Sec. 18-21. - Land management Additional provisions.**

221           Unless otherwise specified herein and in addition to the restrictions stated ~~at~~in section 18-  
222   20, the following ~~land management~~ additional provisions shall be applicable to the parks listed  
223   at~~in~~ subsection 18-18(b), ~~nature parks, centers and conservation areas:~~

224           (1)   Nature parks, centers and conservation areas shall be open to the public; however,  
225                           the activities established by the city manager or designee for each park shall be  
226                           compatible with the protection of the natural resources for each individual park  
227                           and shall be posted at each park. Nature parks, centers and conservation areas  
228                           shall be closed to the public when, due to emergency conditions or activities  
229                           undertaken by the federal, state or local government for maintenance of such  
230                           areas, closure is necessary to protect such lands or to protect the health, safety and  
231                           welfare of the public.

232           (2)   Hiking, defined as travel by foot, is permitted in nature parks, centers and  
233                           conservation areas only on designated trails, established roads and in firebreaks,  
234                           and shall not occur in other ~~areas posted as restricted to access.~~

235           (3)   Bicycling is permitted at certain nature parks, centers and conservation areas ~~and~~  
236                           ~~these parks will be so posted~~that are specifically posted for that activity. Within a  
237                           park permitting bicycling, bicycling shall be only be permitted on trails,  
238                           established roads and firebreaks, and shall not occur in other areas.

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- 239 (4) Horseback riding is permitted only from the north parking area of Boulware  
240 Springs Nature Park to the Gainesville-Hawthorne State Trail unless otherwise  
241 authorized in writing by the city manager or designee.
- 242 (5) Hunting or trapping is prohibited in any nature park, center or conservation area,  
243 except where specifically authorized in writing by the city manager or designee  
244 for the purposes of scientific study or the removal of nuisance species and as  
245 regulated by the sState.
- 246 (6) Dogs are permitted in nature parks, centers and conservation areas, ~~(except where~~  
247 otherwise posted) provided that such animals ~~shall be~~ are leashed at all times.  
248 When authorized in writing by the city manager or designee, other domestic  
249 animals may be permitted ~~at Morningside Nature Center and~~ at nature parks,  
250 centers and conservation areas. The owner or other person responsible for the  
251 animal shall clean up and properly dispose of the animal's waste as stated in  
252 section 18-20.
- 253 (7) Swimming is prohibited at all nature parks, centers and conservation areas except  
254 in areas posted for swimming.
- 255 (8) Fishing is permitted at Palm Point Nature Park and Colclough Pond Nature Park  
256 in compliance with the guidelines established in sState law.
- 257 (9) The disposal of oil, gasoline or other hazardous substances is prohibited at all  
258 nature parks, centers and conservation areas.
- 259 (10) The use of metal detectors is prohibited in all nature parks, centers and  
260 conservation areas.

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261 (11) Concessions may be allowed in certain nature parks, centers and conservations  
262 areas, if they are determined to be appropriate to that natural area and are  
263 approved in writing by the city manager or designee. Appropriate to the natural  
264 area is described as:

265 a. The concession is necessary to fulfill a need in the interest of the public  
266 and will assist the city in providing public use of nature parks, centers and  
267 conservation areas; and

268 b. The concession will be open to the public; and

269 c. The concession will be economically feasible for the city; and

270 d. The concession will be compatible with the protection of the natural  
271 resources and the management goals for that ~~land~~ park as stated in the  
272 management plan; and

273 e. The concession will not result in an unfair advantage over existing  
274 businesses that provide similar services in the area.

275 (12) Research may be permitted in nature parks, centers and conservation areas if said  
276 research is compatible with the protection of the natural resources and the  
277 management goals for that ~~land~~ park as stated in the ~~land~~ management plan ~~for~~  
278 ~~that property~~ and when approved in writing by the city manager or designee.

## 279 **Sec. 18-22. - Archaeological discovery.**

280 Any person discovering archaeological or cultural resources on ~~nature parks, centers and~~  
281 ~~conservation areas~~ any park shall immediately notify the city manager or designee of such  
282 discovery.

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283    **Secs. 18-23—18-35. - Reserved.**

284            **Section 2.** It is the intention of the City Commission that the provisions of Section 1  
285 shall become and be made a part of the Code of Ordinances of the City of Gainesville, Florida,  
286 and that the Sections and Paragraphs of this Ordinance may be renumbered or relettered in order  
287 to accomplish such intentions.

288            **Section 3.** If any section, sentence, clause or phrase of this ordinance is held to be  
289 invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no  
290 way affect the validity of the remaining portions of this ordinance.

291            **Section 4.** All ordinances, or parts of ordinances, in conflict herewith are to the extent of  
292 such conflict hereby repealed.

293            **Section 5.** This ordinance shall take effect immediately upon adoption.

294            PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2011.

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\_\_\_\_\_  
CRAIG LOWE  
MAYOR

300    ATTEST:

Approved as to form and legality

301

302

303    \_\_\_\_\_  
304    KURT M. LANNON  
         CLERK OF THE COMMISSION

\_\_\_\_\_  
MARION J. RADSON  
CITY ATTORNEY

305    This Ordinance passed on first reading this \_\_\_\_ day of \_\_\_\_\_, 2011.

306    This Ordinance passed on second reading this \_\_\_\_ day of \_\_\_\_\_, 2011.