

ORDINANCE NO. _____
0-05-__

An ordinance of the City of Gainesville, Florida, amending sections in article II, Chapter 18, City of Gainesville Code of Ordinances, relating to Parks and Recreation; amending section 18-18, City of Gainesville Code of Ordinances; updating list of parks; amending section 18-19, City of Gainesville Code of Ordinances; updating and clarifying hours parks will be closed; amending section 18-20, City of Gainesville Code of Ordinances; updating and clarifying prohibited activities in City parks; creating 18-21, City of Gainesville Code of Ordinances; stating land management provisions applicable to nature parks, centers, and conservation areas; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

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

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

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

Section 1. Section 18-18, City of Gainesville Code of Ordinances, is hereby amended as follows:

Sec. 18-18. Listing of City Parks.

The following are City parks to which closing hours set forth in ~~this article apply~~ Sec. 18-19 apply:

- 1) ~~Thomas Center Gardens~~
- 2) ~~Northeast Park~~
- 3) ~~Westside Park~~
- 4) ~~Greentree Park~~
- 5) ~~T.B. McPherson Recreation Complex~~
- 6) ~~ANNE Park~~

- 7) ~~Bivens Arm Nature Park~~
- 8) ~~S.E. Urban Park~~
- 9) ~~Boulevard Springs~~
- 10) ~~Thelma A. Boltin Activity Center~~
- 11) ~~Rosa B. Williams/Union Academy Recreation Center~~
- 12) ~~Palm Point~~
- 13) ~~Loblolly Center~~
- 14) ~~Lynch Park~~
- 15) ~~Ring Park~~
- 16) ~~N.E. 31st Avenue Park~~
- 17) ~~Kiwanis Park~~
- 18) ~~Smokey Bear Park~~
- 19) ~~Tumblin Creek Park~~
- 20) ~~Archery Range~~
- 21) ~~Woodlawn Park~~
- 22) ~~Young American Park~~
- 23) ~~Tot Lot No. 1~~
- 24) ~~Tot Lot No. 2~~
- 25) ~~Tot Lot No. 3~~
- 26) ~~Tot Lot No. 4~~
- 27) ~~Tot Lot No. 5~~
- 28) ~~Tot Lot No. 6~~
- 29) ~~Tot Lot No. 7~~
- 30) ~~Tot Lot No. 8~~
- 31) ~~Tot Lot No. 9~~

- 32) — ~~Tot Lot No. 10~~
- 33) — ~~Morningside Nature Center~~
- 34) — ~~Green Acres Park~~
- 35) — ~~Community Plaza~~
- 36) — ~~Plaza area of City Hall~~
- 37) — ~~Citizen's Park~~
- 38) — ~~Roper Park~~
- 39) — ~~Sharmie Ffar Park~~
- 40) — ~~Grandmother's Park~~
- 41) — ~~Springtree Park~~
- 42) — ~~Northside Park~~
- 43) — ~~Wilhemia Johnson Recreation Center~~
- 44) — ~~N.E. Liaison Center~~
- 45) — ~~Possum Creek Park~~

(a) Active/Recreational etc:

- 1) ANNE Park
- 2) Citizen's Park/Martin Luther King, Jr. Recreation Complex
- 3) Fred Cone Park/Eastside Center Recreation Complex
- 4) Green Acres Park
- 5) Greentree Park
- 6) Kiwanis Park
- 7) N.E. 31st Avenue Park
- 8) N.E. Community Center Recreation Complex
- 9) Northeast Park
- 10) Northside Park

Draft document dated March 2, 2005.

- 11) Oak Hill Park
 - 12) Porter's Community Center
 - 13) Possum Creek Park
 - 14) Roper Park
 - 15) Rosa B. Williams/Union Academy Recreation Complex
 - 16) Smokey Bear Park
 - 17) Springtree Park
 - 18) T.B. McPherson Recreation Complex
 - 19) Tumblin Creek Park
 - 20) Tot Lot No. 1
 - 21) Tot Lot No. 2
 - 22) Tot Lot No. 3
 - 23) Tot Lot No. 4
 - 24) Tot Lot No. 5 (Barbara Higgins Park)
 - 25) Tot Lot No. 6
 - 26) Tot Lot No. 7
 - 27) Tot Lot No. 9
 - 28) Wacahoota Archery Range and Park
 - 29) Westside Recreation Complex
- (b) Nature Parks, Centers and Conservation Areas:
- 1) Alfred A. Ring Park
 - 2) Bivens Arm Nature Park
 - 3) Boulware Springs Nature Park
 - 4) Broken Arrow Bluff Nature Park
 - 5) Clear Lake Nature Park

Draft document dated March 2, 2005.

- 6) Cofrin Nature Park
 - 7) Colclough Pond Nature Park
 - 8) Flatwoods Nature Park
 - 9) Forest Nature Park
 - 10) Gum Root Park
 - 11) Loblolly Environmental Facility & Loblolly Woods Nature Park (Hogtown Creek Greenway)
 - 12) Morningside Nature Center
 - 13) Palm Point Nature Park
 - 14) NW 29th Road Nature Park
 - 15) Split Rock Conservation Area
 - 16) Sugarfoot Prairie Conservation Area
 - 17) Terwilliger Pond Conservation Area
- (c) Other:
- 1) Boulware Springs Historic Water Works
 - 2) Depot Park
 - 3) Downtown Community Plaza
 - 4) Lynch Park
 - 5) City Hall Plaza
 - 6) Springhill Park
 - 7) SW 5th Avenue Basin
 - 8) Sweetwater Park
 - 9) Thelma A. Boltin Senior Activity Center
 - 10) Thomas Center Grounds and Gardens
 - 11) Wilhelmina Johnson Center & Sharmie Ffar Complex
 - 12) Woodlawn Park

Section 2. Section 18-19, City of Gainesville Code of Ordinances, is hereby amended as follows:

Sec. 18-19. Park Hours during which parks will be closed.

(a) Except as specifically provided or posted at the park facility, and except for tot lots, the parks listed in subsections 18-18(a) and 18-18(c) shall be open for public use between the hours of 6:00 a.m. until 11:30 p.m. (this includes the buildings, pools, and ball fields located within park boundaries), the same day and shall be closed to public use from 11:30 p.m. until 6:00 a.m. of the following day. The City Manager or designee reserves the right to program facilities located in any of the above listed parks, including, but not limited to park grounds, centers, picnic pavilions and ball fields, during the open hours of operation notwithstanding the fact that public access to these facilities may be limited during programmed events. Tot lots shall be open during daylight hours only and shall be closed to public use from dusk ~~to~~ until dawn. The parks listed in subsection 18(b) shall be open during daylight hours only and shall be closed to public use from dusk until dawn unless otherwise posted. Daylight hours are defined as those hours between dawn and dusk.

(b) Such closing hours shall not apply to activities being held pursuant to ~~approval or permit granted~~ by the city manager or his/her designee, city commission or director of recreation where the approval or permit specifies longer hours. an approved contract for use, signed by the City Manager or appropriate designee responsible for the park property. The fully executed contract for use, in these cases, shall state the waiver of operating hours, and shall be signed by the City Manager or appropriate designee.

(c) It shall be unlawful for any person to remain in any of the parks/facilities listed above during the hours the park/facility is closed to public use, except with prior written approval from the City Manager or designee. Such presence shall be grounds for immediate arrest.

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

Section 3. Section 18-20, City of Gainesville Code of Ordinances, is hereby amended as follows:

Sec. 18-20. Prohibited activities.

It shall be unlawful for any person to do any of the following in any park listed in section 18 -18 of this article or any other areas officially designated by the City Commission as a park and posted as such, unless specifically permitted ~~to do so by a permit~~ the appropriate authorization received from the City Manager or designee and issued pursuant to this article, except for activities of a governmental agency the City of Gainesville which are undertaken within the scope of its governmental authority:

(1)~~Reserved~~(2) Construct, erect any hut, shanty or other shelter on park property. Park users may temporarily set up a sun/shade apparatus up to 10 ft x 10 ft in size, (larger sizes ~~upon permit issued by~~ may be approved by request for special events conducted in the park areas upon the issuance of a facility use agreement by the City Manager or appropriate designee in charge of that park area). 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 any game court, sports field, or children's play equipment. No sun/shade apparatus shall remain in place overnight in any park without a special use permit or facility use agreement being issued by the City Manager or designee. All nature parks, nature centers and conservation areas are exempt from this provision.

(3)~~(2)~~ Cook foodstuff, ~~except in designated areas where permanent facilities for such preparations are provided by the City or where such use does not~~ on personal grills brought into the park area by citizens. Citizens 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 to the general public.

~~(4)~~(3) Set or stoke a fire, except in designated areas where appropriate facilities are permanently provided by the City or where such use does not city grills, where they are provided, and said fire shall not be allowed if it poses a hazard to public property or to the general public;

~~(5)~~(4) Discharge or deposit human wastes, except in toilet facilities provided by the city;

~~(6)~~(5) Disturb the natural surface of the ground in any manner;

(6) To allow privately owned animals to discharge or deposit wastes on park property. All owners or others in charge of privately owned animals shall remove their waste from the park grounds, and may deposit animal waste in park trash receptacles;

(7) Pick flowers, nuts, berries, or fruit and to ~~or~~ damage or remove plants, trees, shrubs, ~~or~~ from any part of the park grounds unless specifically authorized by the City Manager or designee;

(8) Erect signs 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 with the City Manager or appropriate designee.

(9) Drive, putt or otherwise hit a golf ball or shoot an arrow, except in ~~areas~~ parks specifically designated for these purposes;

(10) 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 by City Manager or designee;

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

(12) To carry any firearm, weapons, explosive, or destructive device, as defined in F.S. Ch. 790, Florida Statutes, either opened or concealed, onto any park property, except in parks specifically designated for these uses.

~~(12)~~(13) Operate any motorized vehicle, as defined in ch. 316, Florida Statutes, in violation of city ordinance on park grounds, except in areas designated by the city as parking areas, driveways, and

roadways. Motorists shall obey all posted speed limit and other directional signs posted within the park. Authorized City owned vehicles or contract personnel shall be allowed to drive vehicles onto park areas during facility maintenance or renovation projects:

~~(13)~~(14) Purchase, sell, or offer for sale, possess, or consume any alcoholic beverages, illegal drugs or intoxicating substances; alcohol however may be served at Ironwood Golf Course, Thelma A. Boltin Senior Center, Boulware Springs Historic Water Works, Thomas Center Grounds and Gardens, and the Downtown Community Plaza provided the alcoholic beverage is dispensed by a person duly authorized under the ordinance of the city and the laws of the state:

~~(14)~~(15) Use public restrooms to shave and/or shower, unless shower facilities are specifically provided for public use at that park;

~~(15)~~(16) 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;

~~(16) In parks where animals are permitted, the owner or other person in charge of the animal must clean up and properly dispose of the animal's waste;~~

~~(17) Use roller skates, roller blades or skateboards, except on bike paths, sidewalks or in areas specifically designated for such purposes by the city manager, ordinance or director of recreation and parks; park facilities specifically designated for this purpose;~~

~~(18) Engage in the sale of any item on park property for any non-city sponsored function(s), except as specifically authorized by permit; allowed by a facility use agreement issued by the City Manager or appropriate designee or in these ordinances;~~

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

~~(20) Engage in the destruction, removal or alteration of any City owned facility or equipment from any park property except as authorized by the City Manager or designee.~~

(21) Engage in the removal, alteration or destruction of archaeological or cultural resources from any park property and water body except as authorized by the City Manager or designee. For purposes of this article "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 cult ure facilities or items.

(22) Engage in the removal, destruction or harassment of animals and plants from or on parklands, except for authorized research efforts, as authorized by the City Manager or appropriate designee.

(23) Engage in the introduction of plants or animals onto park lands unless authorized by the City Manager or appropriate designee.

Section 4. Section 18-21, City of Gainesville Code of Ordinances, is hereby created to read as follows:

Sec. 18.21 Land Management Provisions

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

(1) Nature parks, nature centers and conservation areas shall be open to the public for recreational opportunities that are compatible with the protection of the natural resources as set forth in each property's written management plan. However, nature parks, nature centers and conservation areas shall be closed to the public when, due to emergency conditions or activities undertaken by the government for maintenance of such areas, closure is necessary to protect such lands or the public.

(2) Hiking, defined as travel by foot, is permitted in nature parks, nature centers and conservation areas on designated trails, established roads and firebreaks, except in areas posted as restricted.

(3) Bicycling is permitted in certain nature parks, nature centers and conser vation areas when designated on entrance signs but is only permitted on trails or areas so posted within the park area.

(4) Horseback riding is permitted from the north parking area of Boulware Springs Nature Park to the Gainesville-Hawthorne State Trail unless otherwise authorized by the City Manager or designee.

(5) Hunting or trapping are not permitted at any nature park, nature center or conservation areas, except where specifically authorized by the City Manager or designee.

(6) Dogs are permitted in nature parks, nature centers and conservation areas (except where otherwise posted) provided that such animals shall be leashed at all times. When authorized by the City Manager or designee, other domestic animals may be permitted at Morningside Nature Center and on nature parks, nature centers and conservation areas. The owner or other person in charge of any animal shall clean up and properly dispose of the animal's waste as stated in section 18-20.

(7) Swimming is prohibited in all nature parks, nature centers and conservation areas except in areas posted for swimming.

(8) Fishing is permitted at Palm Point Nature Park and Colclough Pond Nature Park in compliance with the guidelines established by the state.

(9) The disposal of oil, gasoline or other hazardous substances is prohibited on all nature parks, nature centers and conservation areas.

(10) The use of metal detectors is prohibited in all nature parks, nature centers and conservation areas.

(11) Concessions may be allowed in certain nature parks, nature centers and conservation areas, if they are determined to be appropriate to that natural area and are approved in writing by the City Manager or designee. Appropriate to the natural area is described as: (1) the concession is necessary to fulfill a need in the interest of the public and will assist the City in providing public use of nature parks, nature centers and conservation areas; (2) the concession will be open to the public; (3) the concession will be economically feasible; (4) the concession will be compatible with the protection of the natural resources and the management goals for that land as stated in the management plan; and (5) the concession will not result in an unfair advantage over existing businesses that provide similar services in the area.

(12) Research may be permitted in nature parks, nature centers and conservation areas if said research is compatible with the protection of the natural resources and the management goals for that land as stated in the land management plan and as approved by the City Manager or designee.

Section 5. Section 18-22, City of Gainesville Code of Ordinances, is hereby created to read as follows:

Sec. 18.22 Archaeological Discovery.

Any person discovering archaeological or cultural resources on nature parks, nature centers and conservation areas shall immediately notify the City Manager or designee of such discovery.

Section 6. It is the intention of the City Commission that the provisions of Sections 1 through 4 of this ordinance shall become and be made a part of the Code of Ordinances of the City of Gainesville, Florida, and that the Sections and Paragraphs of this Ordinance may be renumbered or relettered in order to accomplish such intentions.

Section 7. If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

Section 8. All ordinances, or parts of ordinances, in conflict herewith are to the extent of such conflict hereby repealed.

Section 9. This Ordinance shall become effective immediately upon final adoption.

PASSED AND ADOPTED this ____ day of _____, 2005.

PEGEEN HANRAHAN, MAYOR

ATTEST:

Approved as to form and legality

KURT M. LANNON

MARION J. RADSON

CLERK OF THE COMMISSION

CITY ATTORNEY

This Ordinance passed on first reading this ____ day of _____, 2005.

This Ordinance passed on second reading this ____ day of _____, 2005.