

Board of County Commissioners

Agenda Request

Date of Meeting: January 6, 2009

Date Submitted: December 18, 2008

To: Honorable Chairman and Members of the Board

From: Benjamin H. Pingree, County Administrator
Timothy Barden, Assistant County Administrator
Ray Gray, Director, Parks and Recreation Department

Subject: Request for Board Approval to Hold a Public Hearing to Adopt the Proposed Ordinance Amending Florida Municipal Code Chapter 23 Parks and Recreation Ordinance for Wakulla County (Ord. No. 94-1, & 1, 1-3-94; Ord. No. 94-37, & 1, 10-2-94)

Statement of Issue:

This agenda item requests Board approval to hold a public hearing to adopt the proposed Ordinance amending the Florida Municipal Code Chapter 23 Parks and Recreation Ordinance for Wakulla County (Ord. No. 94-1, & 1, 1-3-94; Ord. No. 94-37, & 1, 10-2-94).

Background:

In an effort to keep this Ordinance current, it has been necessary in the past to amend it to keep a better balance between the use of the park facilities and the preservation of the park facilities. Listed below are previous changes to the Ordinance:

1). 2/21/91 Resolution 91-2

Established jurisdiction and authority of county parks and recreational facilities to Board of County Commissioners through the Recreation Board.

2). 1/3/94 Ordinance 94-1

Created the Parks and Recreation Ordinance. Established rules and regulations for use of County owned parks. (Also established fine and ejection from park).

3). 5/16/94 Amend Ordinance 94-1 – Created Ordinance 94-23

Section 5 Prohibited Activities in Parks and Recreation Facilities Owned or Controlled by the County; Non-Criminal Violations; Criminal Violations; Penalties Added number 19. Conduct any yard sale, rummage sale, or any other similar sale of new or used personal property, except for such events organized and are sponsored by Wakulla County. County recognized non-profit organizations shall be permitted to conduct fund raisers within the guidelines outlined on the use permit. Also numbered 20 outlining fines.

4). **10/3/94 Amended Ordinance 94-23 – Created Ordinance 94-37**

Section 3 Added S

Segment of Time - is a unit of time allotted on the use permit to designate time frames of use. (Example: Four Hour segments).

Section 4 B inserted

- unless so stated in the Park permit.

Section 7 D Added 8 & 9

8. All fee payments including, but not limited to, clean up fees (for each segmented time of use, not to exceed two segments per 24 hour day), fees associated with zoning ordinance for use permits, and fees associated with special needs of the Sheriff's Department and any deposits held for damages have been made. Clean up fees and deposits collected for damages shall be deposited into Parks and recreation accounts specifically designated for park clean up and improvements only. A schedule of said fees shall be designated by the Parks and Recreation Director, approved by resolution of the Board of County Commissioners, and posted in the Wakulla County Recreation Department.
9. The time allotment for any outdoor Public Assembly shall not exceed 48 hours of consecutive use, unless specified in writing by the Parks and Recreation Director.

During the October 20, 2008 Board Meeting, the Board approved a request to advertise the proposed amendments to this ordinance. This advertisement was published in the Wakulla News on December 15, 2008.

Analysis:

This requests Board approval to amend changes in five different areas of Chapter 23 Parks and Recreation Ordinance as follows:

- 1) Adds definitions to Sec. 23.003 Definitions;
- 2) Clarifies language regarding the conducting of yard sales etc...to be properly permitted through the Parks and Recreation Department;
- 3) Eliminates alcoholic beverages in any park within Wakulla County;
- 4) Outdoor Public Assembly;
- 5) Provides the County Administrator the authority to waive fees based on staff recommendations.

1). **Sec 23.003. Definitions.**

Adds the following definitions.

Special event. Temporary use of public property by ten (10) or more persons for the purpose of conducting certain, short-term events such as a festival, parade, rodeo, fund raiser or any other similar organized activity whether for profit or not for profit wherein public streets, parks or other

public areas are to be utilized.

Nonprofit. Any bona fide charitable, benevolent, educational, cultural, or governmental institution or organization, or any event held for nonprofit purposes regardless of whether the sponsors are a for-profit or nonprofit organization.

2). Sec. 23.005(a)(19)

Prohibited activities in parks and recreational facilities owned or controlled by the county.

CURRENT:

Conduct any yard sale, rummage sale or any other similar sale of new or used personal property except for such events organized and sponsored by Wakulla County. County-recognized nonprofit organizations shall be permitted to conduct fund raisers within the guidelines outlined on the use permit.

PROPOSED:

Conduct any yard sale, rummage sale or any other similar sale of new or used personal property unless properly permitted through the Parks and Recreation Department except for such events organized and sponsored by Wakulla County. County-recognized nonprofit organizations (are defined as:

1. A group shall be a non-profit organization registered with the State of Florida.
2. A group shall be of benefit to the citizens of Wakulla County such that the Parks and Recreation Department will co-sponsor the event.

This would mean that a Department within County government would co-host the event. (Example: the Veterans Office would co-host the Veterans Day Celebration.)

County-recognized nonprofit organizations shall be permitted to conduct, through issuance of a permit from the Parks and Recreation Department, fund raisers within the guidelines outlined on the use permit.

Guidelines:

1. Rental payment, as agreed when permit issued, shall be received in the Parks and Recreation Office not less than two (2) weeks prior to the event.
2. Full liability coverage shall be provided to the Parks and Recreation Department not less than two (2) weeks prior to the event.
3. Proof of insurance shall become a part of the event permit.

Violation of the above subsection shall constitute a noncriminal offense, punishable by fine of up to fifty dollars (\$50.00), and shall be cause for immediate ejection from the park.

3). Sec. 23.006(a)

Alcoholic beverages and controlled substances prohibited in parks and recreational facilities

owned or controlled by the county.

CURRENT:

It shall be unlawful for any person to manufacture, possess, consume, purchase, sell or offer for sale any alcoholic beverage as defined in chapter 561, Florida Statutes, or any controlled substance as defined in chapter 893, Florida Statutes, in any park which is controlled by the county except where authorized by the recreation director.

PROPOSED:

It shall be unlawful for any person to manufacture, possess, consume, purchase, sell or offer for sale any alcoholic beverage as defined in chapter 561, Florida Statutes, or any controlled substance as defined in chapter 893, Florida Statutes, in any park which is controlled by the Wakulla County.

4). Sec. 23.007

Changes heading of Sec. 23.007

CURRENT:

Sec.23.007. Outdoor public assembly

PROPOSED:

Sec. 23.007. Outdoor public assembly and Special Events

5). Sec. 23.007 (c)

Changes © Contents of applications - by adding number (13)

CURRENT:

This section ends with (12) – Propose to add number (13).

PROPOSED:

13) Any request to waive fees must be submitted by the Director of Parks and Recreation Department to the County Administrator for approval. The waiver shall be determined by the following criteria:

1. The group shall be a non-profit organization registered with the State of Florida.
2. The group shall be of benefit to the citizens of Wakulla County such that the Parks and Recreation Department will co-sponsor the event.

This would mean that a Department within County government would co-host the event.
(Example: the Veterans Office would co-host the Veterans Day Celebration).

Any request for fee waiver not directly associated with a county office shall be submitted in writing to the Director of Parks and Recreation Department for approval by the County Administrator. Included in the written request shall be all details of the event and why such an event should be exempt from normal county fees.

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The applicant shall arrange with local law enforcement to provide security services for the activity at the time of application for a special event permit. The cost of such security services shall be paid for by the applicant. The local law enforcement shall detail the number of such officers as deemed appropriate to maintain public safety at the function but in no case less than the following for any proposed activity:

- (a) Outdoor events of one hundred fifty (150) people or less shall require a minimum of one (1) law enforcement officer. Outdoor events of more than one hundred fifty (150) people shall require a minimum of two (2) law enforcement officers.
- (b) Indoor events of any size shall require a minimum of two (2) law enforcement officers with one (1) stationed inside the facility and one (1) in the parking lot.

Options:

1. Approve to Hold a Public Hearing to adopt the proposed Ordinance amending Florida Municipal Code Chapter 23 Parks and Recreation Ordinance for Wakulla County.
2. Do not hold a Public Hearing to adopt the proposed Ordinance amending Florida Municipal Code Chapter 23 Parks and Recreation Ordinance for Wakulla County.
3. Board Direction.

Recommendation:

Option #1

Attachment(s):

1. Proposed Ordinance
2. Ordinance #94-1
3. Ordinance #94-37

BP/TB/RG/vad