

PARKS ORDINANCE NUMBER: 2006-01
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ORDINANCE NO.: 2006-01

AN ORDINANCE RELATING TO PARKS; PROVIDING FOR INTENT; DEFINITIONS; APPLICABILITY; COOPERATION WITH OTHER AGENCIES; ASSUMPTION OF RISK BY PARK USERS; ESTABLISHMENT OF PARK HOURS; AND RULES FOR PARK USE; PROHIBITING HARMING WILDLIFE IN PARKS; SETTING FORTH RESPONSIBILITY OF ADULTS FOR CHILDREN; PROHIBITING CERTAIN IMMORAL ACTIVITIES, DISORDERLY CONDUCT AND ALCOHOL; PROHIBITION OF EXCESSIVE NOISE AND IMPROPER VEHICLE USE AND PARKING; REGULATING SWIMMING, BATHING, USE OF BOAT RAMPS, FISHING, AND PICNIC FACILITIES; PROHIBITING FIREARMS, HUNTING AND FIREWORKS IN PARKS; REGULATING SKATE PARK USE AND HORSEBACK RIDING; PROHIBITING CAMPING AND PETS IN PARKS WITH EXCEPTIONS; PROHIBITING POLLUTION AND IMPROPER REFUSE DISPOSAL; PROHIBITING CERTAIN COMMERCIAL ACTIVITIES WITH EXCEPTIONS; PROVIDING EXCEPTIONS FROM GENERAL RULES FOR RESIDENT PARK OR LAW ENFORCEMENT PERSONNEL; AUTHORIZING ADDITIONAL RULES TO BE EFFECTIVE ON BOARD APPROVAL; PROVIDING PENALTIES FOR VIOLATIONS; SETTING FORTH STANDARDS AND PROCEDURES FOR SPECIAL EVENTS PERMITS; REPEALING ORDINANCE NO. 81-2; PROVIDING FOR SEVERABILITY AND INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY, FLORIDA:

Section 1. Intent.

It is the intent of the Hernando County Board of County Commissioners in adopting this ordinance to effect a comprehensive revision of rules regulating county parks.

Section 2. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the

meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Board means the Board of County Commissioners of Hernando County.

County means Hernando County.

Department means the Hernando County Parks and Recreation Department.

Director means the Hernando County Parks and Recreation Director or his or her designee.

Loud and raucous means any sound which because of its volume level, duration, and character, annoys, disturbs, injures, or endangers the comfort, health, peace or safety of reasonable persons of ordinary sensibilities within the limits of a county park. This term shall be limited to such sounds which are plainly audible within any county park from a location not less than 50 feet from the source of the noise, provided that the term shall not apply to amplified sound produced by equipment owned or controlled by the department or a park employee and being used for official park purposes.

Park employee means those individuals employed by the parks department who perform official duties within the parks.

Park roads means all surfaced areas ten feet wide or wider designated for vehicular traffic, and passing through any legally defined park or any part thereof. All other traffic ways, either unpaved or paved are classified as trails or paths.

Park supervisor means the person in charge of any park area and its activities and to whom all subordinate park personnel of that park are responsible.

Park waters means all water located within park boundaries, or managed by the department.

Parking area means any designated part of any park road, drive or special area contiguous thereto that may be set apart for the stationing of vehicles.

Parks means areas operated and maintained by the department including parks, trails, bridges, piers, boat ramps, beach accesses, playgrounds, fields, buildings, lakes, streams, canals, channels, waterways, water areas, submerged lands, shorelines and beaches therein and all public service facilities located on or in grounds, submerged lands, waters, buildings and structures which are under the control of or assigned for upkeep, maintenance or operation by the parks department.

Person shall be understood, as employed herein, to mean any individual regardless of age or sex, or any corporation, company, association, firm, partnership, club, society, or any association of persons, or any agent or employee thereof.

Pet means any living dumb creature, excluding feral and wild animals.

Special event means any public assembly, parade, picnic, or other similar event in which one or more of the following applies:

- (a) 100 or more participants, or
- (b) use of amplified sound, or
- (c) any advertising or sponsorship activities, or
- (d) selling/distributing any food, goods, or merchandise.

Vehicle means any wheeled conveyance, except as a baby carriage or wheel chair, for the transportation of persons or materials whether motorized, such as an automobile, truck, motorcycle, or scooter; animal-drawn, such as a carriage, wagon or cart; self-propelled, such as a bicycle or tricycle; or any trailer in tow of any size, kind or description.

Exception is made as to any transportation service authorized by the director or an emergency vehicle while performing an emergency service.

Vessel is synonymous with boat as referenced in s. 1(b), Art VII of the State Constitution and includes every description of watercraft, barge, and air boat, other than a seaplane on the water, used or capable of being used as a means of transportation on water.

Section 3. Scope.

All county property and facilities within or adjacent to parks shall be governed by this

ordinance. This shall include but is not limited to county rights-of-way, parking lots, beaches, structures and equipment.

Section 4. Construction of playgrounds, parks, etc., by county--Approval of plans.

(a) The Board is hereby authorized and empowered to enter into agreements with the district school board of the county, or with private not-for-profit entities, and to provide therein for entry upon any lands owned and used for school or recreational purposes and to build and construct parks, playgrounds and other recreational facilities, the cost of which may be paid either in part or the whole out of the funds of such county.

(b) The building and construction of any such parks, playgrounds, or other recreational facility shall be according to plans and specifications prepared by or at the direction of the county, and approved by the district school board of such county.

Section 5. Liability of county.

Neither the board nor the county shall be responsible for accidents, injuries or loss of property in parks by fire, theft, wind, flood or other natural acts which are beyond its control. Facilities provided and equipment furnished on the park grounds are solely for the public's convenience and use at their own risk.

Section 6. Park hours.

(a) Opening and closing hours for parks shall be established by the director with due regard for the uses and facilities located at each park, subject to such exceptions as the director may authorize for certain uses or when it is otherwise in the interest of the public health, safety or welfare.

(b) No person shall be or remain in any part of any park which is fenced in or provided with gates between the closing of the gates at night and their re-opening on the following day. No person shall be or remain in any park not fenced in or provided with gates, between sunset and sunrise of the following day, except in areas designated as twenty-four (24) hour launching areas, or unless lighting is provided for a specific

activity after sunset whereby such persons and vehicles may pass through such parks, without stopping, on the most direct walk or driveway leading from their point of entrance to the exit nearest to their point of destination. The provisions of this section shall not apply to law enforcement officers or employees of the department while in the discharge of their duties.

(c) Any section or part of any park area may be declared closed to the public at any time and for any interval of time, at the discretion of the director.

(d) No unauthorized person shall enter upon any park property which is closed or in an unfinished state or under construction or withheld from general public usage.

Section 7. Preservation of property.

(a) No person shall willfully mark, deface, damage, displace, destroy, remove, or tamper with any buildings, facilities, bridges, piers, tables, benches, railings, paving or paving materials, water lines or other utilities, permanent or temporary signs, placards, or notices, monuments, stakes, posts, gateways, locks, fencing, boundary markers, or other structures, equipment or county property.

(b) No unauthorized person shall move or remove from any park property such as any beach sand whether submerged or not, or any soil, rock, stones, trees, shrubs, plants, artifacts, seeds, flowers, fruits or nuts.

(c) No unauthorized person shall cut, carve, or injure the bark, or break off limbs or branches or mutilate in any way, or pick the flowers, fruits, seeds, or nuts of any tree or plant, nor shall any person dig in or otherwise disturb the grass areas, or in any other way injure or impair the natural beauty or usefulness of any park property, nor shall they pile debris or material of any kind on or about any tree or plant, or attach any rope, wire, or other contrivance to any tree or plant, whether temporary or permanent in character or use.

(d) No unauthorized person shall make any search, excavation by tool, equipment, blasting, or other means or agency. Metal detectors are allowed with permission of the

director.

(e) No person shall construct or erect any buildings or structures of whatever kind whether permanent or temporary in character, or run or string any public service utility into, upon or across such lands, except on special written permit and by authority of the county administrator.

(f) No person shall transplant or remove any tree or plant or parts thereof, or collect or remove flowers, except that scientists or students of botany may procure from the director special permission to collect plant specimens.

(g) No person shall use tacks, nails, staples or other items that penetrate wood on shelters, signs, trees, etc.

(h) No person shall stand, or sit on any structure not intended for such use in any park or parkway.

(i) No unauthorized person shall enter or occupy or use in any manner any lifeguard stand or station, or any lifeguard vessel, surfboard, or other lifesaving equipment at any time.

(j) Preservation of archaeological and historic sites: no person shall excavate, disturb or remove any historic or prehistoric cultural artifacts, nor any bones, shells, or geological specimens on land owned or managed by the county, except as part of an authorized and designated study for scientific, documentation or research purposes, and only with written permission from the county administrator. Scientific evaluation excavation of any designated or non-designated archaeological site may not be conducted without a state permit.

Section 8. Protection and Preservation of Wildlife.

(a) No unauthorized person shall molest, harm, frighten, kill, net, trap, snare, hunt, chase or shoot any animal (except for authorized fishing activities), nor shall any unauthorized person capture or collect for any purpose any animal, nest or egg or any animal whether dead or alive.

- (b) No person shall feed or attempt to pet any wild animal in any park.
- (c) No person shall place, dump, abandon or leave any animal on park property.

Section 9. Responsibility for actions; minor children.

Park visitors shall be responsible for any damage or violations of this ordinance or park rules that they or minor children under their care or supervision may cause. Children 12 years of age and younger shall not be left unattended in a park.

Section 10. Proper use and prohibited activities.

(a) No person over the age of six shall occupy or enter any restroom, dressing room, bathhouse, or other park structures which are reserved or designated by the department for the exclusive use of the opposite sex without adult supervision.

(b) No person shall loiter in or around any restroom, dressing room, bathhouse, or parking lot; nor engage in any lewd and lascivious behavior; or use any kind of photographic, audio or image recording, or video transmission equipment in or unreasonably near any such facility.

(c) No person shall dress or undress in a park except in such structures as may be provided and maintained by the department for that purpose; and dressing or undressing in any vehicle (except for recreational vehicles), toilet, on the beach, in any park area, or restroom is prohibited. This prohibition shall not apply to single occupancy restrooms with locks and individual restroom stalls with doors.

(d) No person shall engage in any activity within park property which is dangerous to the health, safety, and welfare of any person or which could cause damage to the property of other patrons or park property.

(e) No person shall engage in any activity or game within park property when such activity or game interferes with the use and enjoyment of the park and its facilities by others.

(f) No person shall use roller skates, roller blades, in-line skates, bicycles or skateboards, except in areas specially designated for such activities by the director or pursuant to

state law.

Section 11. Disorderly conduct.

In addition to any penalty prescribed by and enforceable under state law or other provisions of this code, the commission of disorderly conduct within a park shall be a violation of this ordinance. Disorderly conduct shall be grounds for immediate ejection from park premises.

Section 12. Alcohol.

Unless specifically authorized in and limited to the duration of any special events permit authorized hereunder, the sale, possession or consumption of alcoholic beverages on any park property is prohibited. In addition to any other remedies under this article, any individual possessing or consuming alcoholic beverages shall be expelled from such park.

Section 13. Noise.

No person shall make or cause any unreasonably loud or raucous noise within any park property. Unless specifically authorized in and limited to the duration of any special events permit authorized hereunder, amplified speech or sound within a park is prohibited. This prohibition of amplified speech or sound shall not apply to department employees or approved concessionaires operating publicly owned or authorized amplification equipment at volumes reasonably calculated to be heard solely within park boundaries at designated special purpose parks where such amplified sound is considered a necessary or desirable part of the activities permitted at such parks. The director may allow amplified sound at designated skate parks provided such sound complies with the provisions of section 22(a)(8) of this ordinance.

Section 14. Traffic laws; prohibitions.

(a) Applicable state traffic laws shall apply in and about all park property and in addition thereto the following rules shall be applicable on roads and driveways within parks.

(b) No person driving or operating any vehicle shall use any other than the regularly designated paved or improved park roads or driveways, except when directed to do so by a law enforcement officer or department employee.

(c) No driver or operator of any vehicle shall obstruct traffic, park or stop on any road or driveway except at places so designated for such purpose or in case of an emergency, whereupon prompt report must be made by the driver to a park employee.

(d) The operator of any vehicle must obey all traffic signs with regard to speed limits, direction of traffic, stopping, or parking, and all other signs posted for proper control, caution, danger and to safeguard life and property.

(e) Authorized law enforcement officers and park personnel shall direct traffic as needed in parks and on roadways adjacent thereto. All persons shall comply with lawful orders, signals and direction of such officers and personnel.

(f) No vehicle, except county, official or other authorized vehicles, shall enter or park in any park until the required fee, if any, has been paid.

(g) The operation of a motor vehicle in any county park in excess of ten (10) miles per hour is hereby prohibited. The operation of a motor vehicle in any park in a direction other than the direction marked by traffic control signs is hereby prohibited.

Section 15. Parking.

(a) No person shall park a vehicle, watercraft or trailer any place on park property other than in the regular designated facilities provided for that particular type of vehicle or vehicle and trailer, unless directed otherwise by law enforcement officers or park employees.

(b) No person shall park or station any vehicle in any zone designated and marked "no parking," or otherwise marked for restricted use.

(c) No person shall double park any vehicle at any time on any road or park area, unless so directed by a law enforcement officer or park employee.

Section 16. Bathing and swimming.

(a) Swimming, wading or bathing is permitted only in waters or waterways specifically designated for such purposes. No person shall swim, wade, or bathe in waters, waterways or stormwater retention areas in any park other than in areas designated for such activities.

(b) No person shall swim or bathe in any park waters more than thirty minutes after sunset.

(c) Park beaches or waters may be closed to the public, and bathing therein may be prohibited at any time when, in the opinion of the county administrator or the county health department, such bathing is dangerous or otherwise inadvisable.

(d) No person shall possess, carry, or transport any glassware, bottles, or any other dangerous or sharp objects into any beach, bathing, wading, or swimming areas.

(e) No persons or pets shall wash or be washed, with soap or other cleansers, in any swimming area or any other public waters, including but not limited to beaches, storm water, lakes or streams.

(f) No pets shall be allowed in or on the bathing areas, beaches, storm water or park waters except in designated areas.

Section 17. Boating, docks and boat ramps.

(a) Vessels or other watercraft may be operated only on park property, lakes, canals, rivers, or ponds so designated for such use or purpose by the department or applicable state law.

(b) All persons must use the designed boat ramp areas and must abide by such regulations as are promulgated by the department.

(c) Docks and ramps must be kept clear of all equipment or gear.

(d) Any defacement or damage of piers or of dock property must be repaired or corrected at the expense of the person or persons responsible for such defacement or

damage.

(e) Docking facilities shall not be used for commercial purposes. No person shall use or occupy any docking space for an unreasonable amount of time to the exclusion of other park patrons. In the absence of special circumstances, it shall be presumed that occupying such facilities for thirty minutes or more to the exclusion of other park patrons desiring to use such facilities is unreasonable.

Section 18. Fishing.

(a) Various types of fishing shall be permitted where designated from park-owned facilities such as piers, catwalks, waters, etc., according to posted hours.

(b) Fishing will be in accordance with the state fish and wildlife conservation commission and the state department of environmental protection rules and regulations.

(c) No person shall at any time fish from beaches in any area where bathing and swimming are permitted.

(d) Litter, including unwanted fish must be properly disposed of and not left on piers, catwalks or roads.

Section 19. Picnic areas and use.

(a) County parks may contain areas designated for cooking by placement of facilities such as grills, stoves, fireplaces or designated fire circles. No person shall cook in any area not so designated for such use.

(b) No person shall build or light any fire upon the ground, or other object in any area except in a grill, stove, fireplace or designated fire circle, nor shall any person starting a fire leave the area without completely extinguishing the fire. Hot coals or embers shall be disposed of in a manner consistent with posted requirements and/or generally accepted fire safety rules.

(c) No person shall use a grill or other device in such a manner as to burn, char, or

blemish any bench, table, or other object of park property.

(d) All trash such as boxes, papers, cans, bottles, garbage and other refuse shall be placed in the disposal receptacles where provided. If there are no such trash receptacles available, then refuse shall be carried out of the park to be properly disposed of elsewhere.

(e) Park supervisors and their assistants are authorized to regulate activities in picnic areas when necessary to prevent congestion and to secure the maximum use for the comfort and convenience of all. Use of the individual fireplaces, together with shelters, tables and benches, follows generally the rule of first come, first served, unless reserved.

Section 20. Hunting and weapons.

(a) No person shall carry, use or possess weapons of any description, including, but not limited to, air rifles, pistols, spring guns, bows and arrows, paintguns, water cannons, bb guns, slingshots, boomerangs, or any other form of weapon harmful or dangerous to wildlife or dangerous to human safety on or in any park property except at and in accordance with the rules and regulations as a participant in a program approved by the board of county commissioners, unless authorized by law.

(b) No hunting, trapping or pursuit of wildlife by any means whatsoever will be permitted on or in any park property by unauthorized persons.

Section 21. Firearms, fireworks, and explosives.

(a) No person, except law enforcement officers, shall at any time bring into, or have in his possession, or discharge anywhere, in any park, any firearm, air rifle, airgun, water gun, toy cannon, slingshot, bow and arrow, speargun, or any toy or instrument that discharges projectiles either by air, elastic, explosive substance or any other force.

(b) No person may bring into or have in his possession, or set off or otherwise cause to explode, discharge or burn in any park or on any public lands or highways adjacent thereto, any firecrackers, torpedoes, rockets, or cannon or other fireworks or explosives of flammable material or any substance, compound, mixture, or article that, in

conjunction with any other substance or compound may explode, discharge or burn, except with written approval by the county administrator.

Section 22. Skate Parks.

(a) In view of the unique nature of the uses and users of the skate park presently provided by the county, the director or his designee is hereby authorized to post and enforce the following rules for such existing park and any future parks or park facilities devoted to such use:

(1) All skaters must skate safely and responsibly. No skater may enter a designated skate park when it is already being used to capacity. When skaters are waiting to enter, a time limit of 20 minutes per person shall be imposed.

(2) All children under 12 years of age who wish to utilize a designated skate park must be accompanied by an adult. No nonskaters may enter the park unless accompanying an underage child.

(3) The hours of the operation for a skate park will be from 7:00 a.m. to sunset or as may be otherwise posted for skate parks equipped with night lighting. Any person attempting to use a skate park during any other time shall be subject to immediate ejection, in addition to any other penalties provided in this article.

(4) A skate park is for in-line skates and skateboards only. No other use is permitted in or upon the premises of a skate park whatsoever.

(5) Use of profanity, or abusive or vulgar language, while on skate park premises shall be a basis for immediate ejection.

(6) No skating is permitted when surfaces are wet or icy.

(7) No alcohol shall be permitted at a skate park. No glass containers shall be permitted

(8) No unnecessarily loud music shall be permitted at a skate park . The phrase “unnecessarily loud music” means amplified sound that is plainly audible from private property beyond the boundaries of a skate park or adjacent public road rights-of-way.

(b) In addition to the penalties otherwise provided herein or elsewhere in the Hernando County Code of Ordinances for violations of provisions of the code, violation of any

skate park rules shall subject the violator to ejection from the park for the remainder of the day. A second violation within one seven-day week shall subject the violator to expulsion from any skate park for a period of one seven-day week. A third violation within one calendar month shall subject the violator to permanent expulsion from any skate park. Any ejection or expulsion pursuant hereto shall constitute a warning that return to the premises during the period specified herein may be punishable as a trespass.

Section 23. Horseback riding.

(a) Horseback riding is permitted only along trails or in areas specifically designated for such use. Horses shall be thoroughly broken, properly restrained, and ridden with due care. Horses shall not be allowed to graze or go unattended and must be on a lead at all times. Horses may only be hitched to hitching posts clearly identified for such use.

Section 24. Camping.

(a) No person shall set up tents, shacks or any other temporary shelters, or any special vehicle to be used, or that could be used for such purpose, such as a house-trailer, camp-trailer, camp-wagon, or the like, for the purpose of overnight camping except within such areas, if any, provided for such use; or as may be otherwise authorized in writing by the director in a special events permit.

Section 25. Pets.

(a) Pets shall be excluded from all parks except for designated dog parks or designated areas of other parks as may be established and regulated by the department. Domestic animals are prohibited on bathing beaches and in the waters of swimming areas.

(b) Seeing eye or guide pets and non-human primates of the genus Cebus, specially trained for the purpose of providing personal care services to individuals with disabilities, shall be excluded from these regulations, and shall be permitted on all park property.

(c) Dangerous dogs as defined in Chapter 767, Florida Statutes, are prohibited from park property.

(d) In the case of pet defecation, the owner or person in charge or in control of the pet shall remove all feces deposited by such animal and dispose of same in a sanitary manner.

(e) Where pets are or hereafter may be allowed in parks or park facilities, the owner or person in charge or in control of the pet shall be held at all times responsible for its behavior and actions.

Section 26. Pollution of waters.

Using the fountains, ponds, lakes, streams, bays, or any other bodies of water adjacent to or within the parks, or the tributaries, storm sewers or drains flowing into them as dumping places for any substance, including fuel, which will or may result in the pollution of said waters is prohibited.

Section 27. Refuse and trash.

(a) No person shall deposit or drop any refuse including, but not limited to, bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage, tobacco products, containers or foil upon the ground or in or on any other park property, except in the receptacles provided for trash disposal.

(b) No person shall dispose of trash or garbage generated outside park property in any refuse facility within the park property, with the exception of disposing of recyclable materials in recycling containers provided by the county.

Section 28. Merchandising, vending, and peddling.

(a) Unless specifically authorized in and limited to the duration of any special events permit authorized hereunder, no person, or organization other than the department or regularly licensed concessionaires acting by and under the authority of the county shall offer for sale, rent, or trade, any article, or station or place any stand, cart, or vehicle, for the transportation, sale or display of any article or merchandise within any park property.

Section 29. Advertising, publicity and signs.

(a) Unless specifically authorized in and limited to the duration of any special events permit authorized hereunder, no person shall use park property for the purpose of advertising or calling attention to any article or service for sale or for hire, nor shall any signs, slogans, loudspeakers or advertising display of any nature whatsoever be used for such purposes; nor shall any person place or station on any park property any vehicle whatsoever displaying any such advertising intent of advertising or used for such purposes herein mentioned.

(b) Unless specifically authorized in and limited to the duration of any special events permit authorized hereunder, no person shall display, distribute, post or fix any banner, sign, handbill, pamphlet, circular, placard, or any other printed matter containing commercial advertising on any park property.

(c) Nothing in this section shall be deemed to preclude the county from entering into a sponsorship agreement with commercial or noncommercial entities and to provide therein for limited advertising or signage in parks.

Section 30. Resident personnel.

It is hereby acknowledged that it is necessary for certain county personnel or law enforcement personnel to have their primary residences within the county parks boundaries as authorized by the board. Such personnel and their families and guests are exempted from the regulations and prohibitions stated herein, while said persons are within the boundaries of the primary residence as defined by the residential lease or residential license agreement between said personnel and the county. At all times, however, resident persons and their families and guests remain subject to all applicable state laws, other county ordinances, and the terms and conditions of the lease or license while within the residence.

Section 31. Enforcement of regulations.

(a) The director may promulgate rules and regulations for parks not inconsistent with this ordinance, which rules shall take effect upon the day following a regular meeting of the board at which the rules and regulations are included in any appropriate place on

the board's agenda, including but not limited to the consent agenda or correspondence to note. Once effective, the director may post a summary of applicable rules in any park on such signage as may be deemed necessary for the identification, operation or protection of public service structures and facilities or to the public safety or welfare, including but not limited to notice to persons that violation of rules may result in expulsion from facilities pursuant hereto.

(b) This ordinance shall be enforced by all law enforcement officers and code enforcement officers. All parks department employees are hereby authorized to enforce rules and regulations promulgated hereunder in any appropriate manner, including notification to violators and requests for law enforcement or code enforcement assistance in enforcement.

(b) Any violation of the provisions of this ordinance, or any violation of any rules and regulations set forth by the department pursuant to this division, in addition to any penalties otherwise specified in this ordinance or elsewhere in the code, shall authorize any park supervisor to order the removal of the violator from the park area, to be effectuated by the park supervisor requesting the violator to remove himself from the park. Failure of any person violating the provisions of this division and/or the rules of the department, to remove himself from the park after direction and request has been made by a park supervisor, shall constitute a trespass and authorization for law enforcement intervention.

Section 32. Penalties.

Violation of any provision of this ordinance other than section 12 shall constitute a misdemeanor and shall be punished as provided in section 1-8 of this Code. Violators of section 12 of this ordinance shall be punished with a minimum sentence of a two hundred fifty-dollar (\$250) fine.

Section 33. Special Events Permits.

(a) Any person, group or entity that wishes to use a park for a special event shall make application for and obtain a permit from the director and may be required to pay fees

established by board policy and to reimburse the department for any required overtime pay to department employees. The director shall decide whether to grant or deny an application within 14 days unless, by written notice to the applicant, it extends the period an additional 14 days., If the director denies an application, the grounds for denial shall be clearly set forth in writing and, where feasible, must propose measures to cure defects in the application. When the basis for denial is prior receipt of a competing application for the same time and place, the director shall suggest alternative times or places. An unsuccessful applicant has seven days to file a written appeal to the board, which shall act on the appeal in a quasi-judicial proceeding at its next scheduled regular meeting on or after seven days from the date the appeal is filed. If the board concurs with the permit denial, the applicant may seek judicial review in state court by certiorari.

(b) To the extent permitted by law, the director may deny an application for permit if the applicant or the person on whose behalf the application for permit was made has on prior occasions made material misrepresentations regarding the nature or scope of an event or activity previously permitted or has violated the terms of prior permits issued to or on behalf of the applicant. The director may also deny an application for permit on any of the following grounds:

- (1) the application for permit (including any required attachments and submissions) is not fully completed and executed;
- (2) the applicant has not tendered the required application fee with the application or has not tendered the required user fee, indemnification agreement, insurance certificate, or security deposit within the times prescribed by the director;
- (3) the application for permit contains a material falsehood or misrepresentation;
- (4) the applicant is legally incompetent to contract or to sue and be sued;
- (5) the applicant or the person on whose behalf the application for permit was made has on prior occasions damaged park property and has not paid in full for such damage, or has other outstanding and unpaid debts to the county;
- (6) a fully executed prior application for permit for the same time and place has been

received, and a permit has been or will be granted to a prior applicant authorizing uses or activities which do not reasonably permit multiple occupancy of the particular park or part hereof;

(7) the use or activity intended by the applicant would conflict with previously planned programs organized and conducted by the department and previously scheduled for the same time and place;

(8) the proposed use or activity is prohibited by or inconsistent with the classifications and uses of the park or part thereof designated pursuant to this ordinance;

(9) the use or activity intended by the applicant would present an unreasonable danger to the health or safety of the applicant, or other users of the park, of department employees, or of the public;

(10) the applicant has not complied or cannot comply with applicable licensure requirements, ordinances or regulations of the department concerning the sale or offering for sale of any goods or services;

(11) the use or activity intended by the applicant is prohibited by law, by this Code and ordinances of the county, or by the regulations of the department.

Section 34. Repeal of Ordinance No. 81-2.

Hernando County Ordinance No. 81-2 is hereby repealed.

Section 35. Severability.

It is declared to be the intent of the board of county commissioners that if any section, subsection, clause, sentence, phrase, or provision of this ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of the remaining portions of this ordinance.

Section 36. Inclusion in the Code.

It is the intention of the Board of County Commissioners of Hernando County, Florida, and it is hereby provided, that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of Hernando County, Florida. To this end, any section or subsection of this Ordinance may be renumbered or relettered to

accomplish such intention, and the word "ordinance" may be changed to "section, "article", or other appropriate designation.

Section 37. Effective date.

This ordinance shall take effect immediately upon receipt of official acknowledgment from the office of the Secretary of State of Florida that this ordinance has been filed with said office.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY in Regular Session this 24th day of January 2006.

**BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA**

Attest: /s/ Karen Nicolai
KAREN NICOLAI
Clerk

By: /s/ Diane B. Rowden
DIANE B. ROWDEN
Chairman