

ARTICLE III. - USE OF PARKS

Footnotes:

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Editor's note— Ord. No. 96-31, adopted Jul. 2, 1996, repealed art. III, §§ 78-76—78-83, 78-101—78-124 and 78-146—78-148, and enacted a new art. III, designated by the editor as §§ 78-76—78-83, 78-101—78-124 and 78-146—78-148, to read as herein set out. Prior to repeal, former art. III pertained to similar subject matter as derived from the Code of 1979, §§ 18-101—18-107.

Cross reference— Open containers of alcohol in motor vehicles, § 6-4; animals in parks or on beaches, § 14-60; use of county property by track vehicles, § 74-1; roads and bridges, ch. 86; vehicles on public beaches, § 106-2; off road vehicles, § 106-3.

DIVISION 1. - GENERALLY

Sec. 78-76. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alcoholic beverages shall mean and includes any beer, wine, fortified wine, liquor or alcoholic beverage defined in F.S. ch. 561.01(4).

Animal shall mean any mammal, reptile, amphibian, bird or invertebrate.

Applicant shall mean an individual or organization who sponsors an activity and/or who applies for a permit.

Closing hours shall mean that time period during which a park, recreational facility, and department managed lands is closed to the general public.

Commercial activity shall mean the sale, service or solicitation of any item for a set fee or donation, tangible or intangible, including, but not limited to, food and/or beverages; the charging of admission; the charging of fees for any service, entertainment or amusement.

Contracted services shall mean an arrangement for purchase of goods or services on a contractual basis.

Co-sponsor shall mean a mutual agreement providing leisure services in utilization of department managed lands or facilities between the parks and recreation director (county) or designee and an individual, group, or organization.

County shall mean the parks and recreation department acting on behalf of the Brevard County Board of County Commissioners.

Department shall mean the parks and recreation department of the county.

Department director shall mean the person appointed by the board of county commissioners to coordinate all park and recreation programs, parks, recreational facilities, and department managed lands.

Department managed lands shall mean a park, reservation, playground, beach, recreation center, refuge, sanctuary, conservation area and environmentally endangered lands or other area owned, leased, managed, operated or maintained by the county and devoted to active or passive recreation.

Designated area shall mean that geographical area which has been established by the department for a specific activity or activities within a park or recreation facility.

Environmentally endangered lands are environmentally unique, irreplaceable lands that are valued ecological resources and at risk of extirpation in the county.

Entertainment equipment shall mean, but is not limited to, moon walks, rock climbing walls, pony rides, dunking booths, ball crawls, kiddy trains, inflatables, and similar equipment used for the purpose of entertainment.

Fireworks shall mean and include any combustible or explosive composition or substance or combination of substances or, any article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation.

Law enforcement shall mean any governmental body which exercises jurisdiction over a park or recreational facility.

Material misrepresentation shall mean the falsification of information provided to request and/or obtain the use of a park, recreational facility or department managed lands.

Motor vehicle shall mean any vehicle, which is self-propelled and licensed by the state.

Motorized scooter shall mean any vehicle not having a seat or saddle for the use of the rider designed to travel on not more than three wheels, and not capable of traveling at speeds greater than 30 miles per hour on level ground.

Non-profit organization shall mean a not-for-profit tax exempt corporation, pursuant to F.S. ch. 617.

Not-for-profit organization shall mean a nonprofit charitable corporation, no part of the net earnings of which inures or may lawfully inure to the benefit of any private shareholder or individual, and which has been held to be tax exempt under the provisions of sections 501(c)(3), (4), (7), (10), or (19) of the Internal Revenue Code of 1954.

Organized athletics shall mean any pre-arranged sport related game, contest, practice, clinic, competition, warm up, training, playoff, event, or activity.

Park includes a park, reservation, playground, beach, recreation center, refuge, sanctuary or other area owned, leased, operated or maintained by the county and devoted to active or passive recreation.

Permit shall mean a written document issued by the department granting permission for a specific activity.

Person shall mean an individual, group, and/or organization.

Public issue speech shall mean all speech and assembly protected by the First Amendment to the United States Constitution, as interpreted by case law; including, but not limited to, religious, political and philosophical speech and assembly as well as charitable solicitation for any purpose described in F.S. § 496.404(20) (2001), as amended.

Recreational facility shall mean any area devoted to active or passive recreation on property owned, leased, managed, operated or maintained by the county.

Recreation partner shall mean a group or organization which has a current recreation partner agreement with the board of county commissioners providing for nonexclusive use of a facility in order for the group or organization to provide recreation programs.

Recreational vehicle shall mean a unit designed as a temporary living quarter for recreational camping or travel use which does not include cars, boats, or conversion vans.

Security violation shall mean any activity, which results in an arrest by a certified law enforcement officer, resulting in the imposition, by a court of law, of a fine, imprisonment, probation and/or other criminal penalty. This term includes only those arrests which occurred during a permitted event and on the property of the park or recreational facility where such event is held.

Service animal shall mean an animal that is trained to do work or perform tasks for an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. The work done or tasks performed must be directly related to the individual's disability and may include, but are not limited to, guiding an individual who is visually impaired or blind, alerting an individual who is deaf or hard of hearing, pulling a wheelchair, assisting with mobility or balance, alerting and protecting an individual who is having a seizure, retrieving objects, alerting an individual to the presence of allergens, providing physical support and assistance with balance and stability to an individual with a mobility disability, helping an individual with a psychiatric or neurological disability by preventing or interrupting impulsive or destructive behaviors, reminding an individual with mental illness to take prescribed medications, calming an individual with posttraumatic stress disorder during an anxiety attack, or doing other specific work or performing other special tasks. A service animal is not a pet. The crime-deterrent effect of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for purposes of this definition.

Special event shall mean an event characterized by one or more of the following: open to the public; anticipated attendance of 201 or more; requiring temporary closure of park roadways; and/or anticipated attendance exceeding facility capacity.

Sponsor shall mean an individual, group, or organization who vouches or is responsible for utilization of department managed lands or facilities. The sponsor may be the parks and recreation department.

Ultra-light aircraft shall mean any aircraft meeting the criteria established by part 103 of the Federal Aviation Regulations.

Vehicle shall mean any watercraft or wheeled conveyance, whether motor powered, animal drawn or self-propelled or any trailer in tow of any size, kind or description.

Vendor shall mean a person who provides food, beverage, products and/or services on a contractual basis at a parks and recreation sponsored function.

Weapon shall mean any dirk, knife, metallic knuckles, slingshot, billie, tear gas gun, chemical weapon or device, or other deadly weapon except a firearm or a common pocketknife, plastic knife, or blunt table knife. (Ord. No. 96-31, § 1, 7-2-96; Ord. No. 98-53, § 1, 10-27-98; Ord. No. 08-12, § 6, 4-22-08; Ord. No. 2010-08, § 1, 3-23-10; Ord. No. 16-20, § 1, 10-4-16)

Cross reference— Definitions generally, § 1-2.

Sec. 78-77. - Policy.

- (a) *Intent*. It is the general purpose and intent of this article to establish uniform procedures for the administration of parks, recreational facilities, and department managed lands in the county; to establish a system of regulations and rules governing the activities within the parks, recreational facilities, and department managed lands; to declare certain activities as violations; to provide for penalties for violation of the regulations; to allow expulsion from parks, recreational facilities, and department managed lands for violation of certain provisions and to provide a procedure for establishing permits for activities within designated areas and to set methods for the administration of parks, recreational facilities, and department managed lands.
- (b) *Area embraced*. This article shall be effective in all parks, recreational facilities, and department managed lands, as defined in this article, whether located in a municipality or unincorporated area of the county. Within any municipality, law enforcement officers of that municipality are authorized to enforce this article.

(Ord. No. 96-31, §§ 2.a., 2.b., 7-2-96; Ord. No. 08-12, § 7, 4-22-08)

Sec. 78-78. - Areas designated for specific activities.

The department director or designee shall have the authority to designate areas in parks, recreational facilities, and department managed lands for specific activities, and to prohibit other activities within the designated area. The department director or designee is authorized to post designated areas when in his/her discretion such posting is appropriate.

(Ord. No. 96-31, § 3, 7-2-96; Ord. No. 08-12, § 8, 4-22-08)

Sec. 78-79. - Emergency exclusion of public.

In an emergency, when the department director or designee shall determine that the public interest, public health, public morals, public safety, or public welfare requires such action, any park, recreational facility, or department managed land, or any part thereof, may be closed and all persons may be excluded from such area.

The county has designated certain facilities as emergency shelters. When a facility is activated as an emergency shelter no activity other than those required for the emergency will be permitted in the facility until such time as it is no longer needed as a shelter. The county parks and recreation department will provide as much advance notice as possible when a facility is activated as an emergency shelter. The county shall not be responsible for any monetary impact associated with cancellation of activity based on this section.

(Ord. No. 96-31, § 4, 7-2-96; Ord. No. 08-12, § 9, 4-22-08)

Sec. 78-80. - Right of entry.

The department, its employees or any law enforcement officers shall have the right at all times to enter the premises of any grounds, building, structure or enclosure located on parks, recreational facilities, or department managed lands including such grounds, buildings, structures or enclosures as may be leased or set aside for the private or exclusive use of any individual or group.

(Ord. No. 96-31, § 5, 7-2-96; Ord. No. 08-12, § 10, 4-22-08)

Sec. 78-81. - Enforcement personnel.

The department director shall appoint park rangers, security guards or other authorized personnel who shall be responsible for the enforcement of park rules and regulations and shall have the power to eject and expel any person for violation of any park rule or regulation and report the violation of any regulation to the proper law enforcement officers.

(Ord. No. 08-12, § 11, 4-22-08)

Editor's note— Ord. No. 08-12, § 11, adopted April 22, 2008, amended § 78-81 in its entirety to read as herein set out. Formerly, § 78-81 pertained to park rangers, and derived from Ord. No. 96-31, § 6, adopted July 2, 1996.

Sec. 78-82. - Permits.

(a) A permit is required when one or more of the following conditions apply:

- (1) The applicant desires exclusive use of all of or a portion of a park, recreational facility or department managed lands.
 - (2) The proposed activity includes organized athletics.
 - (3) The proposed activity is open to the public with an anticipated attendance of 50 or more (section 78-105).
 - (4) The proposed activity includes the possession or consumption of alcoholic beverages. The applicant has provided a plan and payment for security where required below.
 - (5) The applicant desires to take off in or land any aircraft, glider or parachute (section 78-106).
 - (6) The proposed activity includes amplified music (section 78-110).
 - (7) The applicant desires to ride horseback after dark and/or before daylight (section 78-113).
 - (8) The applicant desires to carry, fire or discharge any weapon or fireworks.
- (b) The department shall issue a permit when all of the following conditions are met:
- (1) The desired park (or requested portion thereof), recreational facility, or department managed lands has not been reserved for other use at the time requested. Beginning in January 2025, special event permits at Wickham Park shall be limited to a maximum of 15 consecutive days, or two consecutive weekends. Beginning in January 2025, January, February, March and April of each year shall have a minimum of one weekend without a special event.
 - (2) The applicant has provided fees as established by resolution of the board of county commissioners for the activity.
 - (3) The applicant is in full compliance with all laws, ordinances, rules and regulations, permitting and licensing requirements.
 - (4) The applicant has provided current proof of public and/or liquor liability insurance as required by the board of county commissioners.
 - (5) The applicant has provided a plan and payment for security as required in subsection (c).
 - (6) The proposed activity or activities will occur in an area designated for such activity or activities.
 - (7) If the proposed activity includes commercial activity and/or is open to the public; as defined in section 78-76 and the applicant is a nonprofit or a not-for-profit organization, then the applicant must show proof of the applicant or applicant's organization's a nonprofit or a not-for-profit status.
- (c) Security.
- (1) The applicant shall provide and pay for a security plan for the proposed event if such event involves commercial activity and is open to the public. Such plan shall provide for at least one security personnel, under contract with the permit applicant, on duty at all times for the initial 201 attendees and thereafter one additional security personnel for every 500 additional

persons attending the proposed event, with no security personnel working more than one eight-hour shift in any 24-hour period. As an alternative to providing a security plan, the applicant may pay the cost for providing security, in accordance with the above stated guidelines, under any interlocal agreement that the county may have with any law enforcement agency.

- (2) Security personnel shall include certified law enforcement officers or any bona fide private security company licensed to do business in the state.
 - (3) Where the proposed activity is to be conducted for the sole purpose of public issue speech and does not involve any commercial activity, the applicant shall not be required to pay the expenses associated with security, unless the same event has experienced two or more security violations at a single event, during the two calendar years immediately preceding the application in the county or any other jurisdiction.
- (d) All permits shall be signed by the department director or designee.
 - (e) If any proposed recreational or commercial activity may constitute a hazard as determined by department director or designee to any person or property, the department, as a condition of the issuance of a permit, shall require public liability insurance in an amount sufficient to protect such person or property. The amount and requirements of such insurance shall be established pursuant to a resolution adopted by the board of county commissioners. Such activities include, but are not limited to, the use or placement of entertainment equipment; athletic or sporting events involving physical contact; events that are expected to draw over 200 people which include amplified music; commercial activity; and any event which is open to the public and involves the possession or consumption of alcoholic beverages, the sale of food items and/or beverages, or any commercial activity as defined in this chapter.
 - (f) The department shall notify the applicant within five days, excluding weekends and holidays, whether the permit request is granted or denied, and if the permit is denied, the reason for such denial.
 - (g) The department director or designee shall have the authority to revoke a permit upon finding a violation of any rule or regulation, or a material misrepresentation.
 - (h) The applicant may appeal the refusal or revocation of a permit to the county manager within five days after notification of such refusal by filing a written notice. However, the denial of a permit may not be appealed if the basis for denial was:
 - (1) That the park, recreation facility, or department managed land was previously reserved; or
 - (2) Due to a prior material misrepresentation of the applicant.

If the department decision is upheld, the appeal may be referred to the board of county commissioners. The board of county commissioners may consider the appeal at a regularly scheduled meeting. If the board does not meet within 30 days, the board shall direct the department to issue the permit unless the

department demonstrates that the herein permit requirements have not been met. In the event the board affirms the denial of the permit the applicant may immediately request review by a court of competent jurisdiction subject to the rules and laws governing application to such court.

(Ord. No. 96-31, § 7, 7-2-96; Ord. No. 08-12, § 12, 4-22-08; Ord. No. 2010-08, § 1, 3-23-10; Ord. No. 16-20, § 2, 10-4-16; Ord. No. 2019-28, § 1, 12-10-19; Ord. No. 23-25, § 1, 9-12-23)

Sec. 78-83. - Fees.

The board of county commissioners by resolution shall establish a schedule of charges and fees for the use of department owned or managed equipment, personal property and facilities. Fees, discounts, or special prices for activities and camping fees may be established or waived from time to time by the department director or designee. All fees may be automatically adjusted annually by the department director to reflect the percentage change in the consumer price index (CPI-U).

(Ord. No. 96-31, § 8, 7-2-96; Ord. No. 08-12, § 13, 4-22-08)

Sec. 78-84. - Reservations.

Reservation policies for parks, recreational facilities and department managed lands shall be established by resolution adopted by the board of county commissioners.

(Ord. No. 96-31, § 34, 7-2-96; Ord. No. 08-12, § 14, 4-22-08)

Secs. 78-85—78-99. - Reserved.

DIVISION 2. - PENALTIES, VIOLATIONS AND PROHIBITED CONDUCT

Footnotes:

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Editor's note— Ord. No. 08-12, §§ 15—44, adopted April 22, 2008, amended division 2 in its entirety to read as herein set out. Formerly, division 2 pertained to similar subject matter, and derived from Ord. No. 96-31, §§ 9—32, adopted July 2, 1996; Ord. No. 98-53, §§ 2—4, adopted October 27, 1998; Ord. No. 04-24, § 1, adopted May 25, 2004.

Sec. 78-100. - Penalty.

It shall be unlawful to violate any provision of this chapter. Any violation of this chapter shall be punishable by a fine not to exceed \$500.00 or by imprisonment in the county jail for a term not exceeding 60 days, or by both such fine and imprisonment as provided in subsection 1-7(c). Additionally, violations may

result in cancellation of activities, forfeiture of applicable fees, assessment of additional damages or fees, and violators may be expelled, ejected and/or prohibited from future use of parks, recreational facilities, and department managed lands.

(Ord. No. 08-12, § 16, 4-22-08)

Sec. 78-101. - Material misrepresentation.

No person shall make material misrepresentations with the intent to obtain a facility use permit. Any applicant found to have made a material misrepresentation shall be subject to denial or revocation of the permit and shall be prohibited from obtaining a facility use permit for a period of not less than two years. Each misrepresentation shall constitute a separate offense.

(Ord. No. 08-12, § 17, 4-22-08)

Sec. 78-102. - Interference with personnel.

No person shall interfere with, hinder or oppose any officer, agent or employee of the department in the discharge of his duties or with the enforcement of the park regulations and rules shall be punishable pursuant to section 1-7.

(Ord. No. 08-12, § 18, 4-22-08)

Sec. 78-103. - Trespass.

No person shall enter or remain in any park, recreational facility, or department managed lands without a permit when closed, if the operating hours are posted at the entrance of such park, recreational facility or department managed lands. No person shall enter or remain in any park, recreational facility or department managed lands when closed after such person receives notice of the operating hours from a department employee or a law enforcement officer.

(Ord. No. 08-12, § 19, 4-22-08)

Sec. 78-104. - Remaining on property after request to leave.

No person who has violated a rule or regulation shall remain in a park, recreational facility or department managed lands after a department employee or law enforcement officer requests that such person leave or vacate the park, recreational facility or department managed lands.

(Ord. No. 08-12, § 20, 4-22-08)

Sec. 78-105. - Gatherings.

No person, group, organization or legal entity shall conduct or participate in any meetings, assemblies, entertainments, tournaments, religious or social gatherings, demonstrations, parades or processions, which are open to the public, without regard to the subject whether religious, social, political, or otherwise, in any park, recreational facility or department managed lands, without a permit, unless fewer than 50 individuals may reasonably be expected to be in attendance.

(Ord. No. 08-12, § 21, 4-22-08)

Sec. 78-106. - Aircraft and parachuting.

No person shall take off in or land any aircraft, glider or parachute in or upon any park, recreational facility, or department managed lands without contractual authority or a permit from the department.

(Ord. No. 08-12, § 22, 4-22-08)

Sec. 78-107. - Commercial activity.

No person shall sell, keep, or offer for sale any tangible or intangible object, merchandise or thing nor solicit for any trade, occupation, business or profession for consideration within any park, recreational facility, or department managed lands without a permit from the department. Compliance with all permit criteria must be met. There is no entitlement or right to conduct commercial activity within any park, recreational facility or department managed lands. The department may, in its sole discretion, deny any request to conduct commercial activity.

(Ord. No. 08-12, § 23, 4-22-08)

Sec. 78-108. - Posting signs.

No person shall post or affix to any tree, shrub, plant, fence, building, structure, monument, wall, table, apparatus, bridge, post, bench, corral, gate or any other physical object any sign, poster or other printed or written matter in any park, recreational facility, or department managed lands except during elections as required under F.S. ch. 102, as amended. During elections, signs shall be permitted outside of the designated no-solicitation zone during polling hours as long as the signs do not alter county property. Upon closure of the polling place each day, the owner shall remove all signs from park property. In the event any sign is left on park property after the daily closure of the polling place then such sign shall be deemed abandoned and shall be removed by county staff.

(Ord. No. 08-12, § 24, 4-22-08; Ord. No. 2019-28, § 2, 12-10-19)

Sec. 78-109. - Regulation of alcoholic beverages and glass containers.

- (a) Within the boundaries of county commission districts 1 and 2, as those boundaries are defined and may be amended, no person shall possess or consume alcoholic beverages in any park, recreational facility, or department managed lands except in an area designated for such purpose.
- (b) Except as provided for in subsection (a) hereinabove, the consumption of alcoholic beverages is permitted in any park, recreational facility or department managed land provided that it shall be unlawful for any person to be in possession of, or throw, cast, lay, or deposit, glass containers in the beach parks or on the beach. Under the provisions of this subsection, the consumption of any alcoholic beverage in a nonbeachfront park shall be conducted in such a manner that conceals the alcoholic beverage from the ordinary sight of another person.
- (c) The provisions of this section shall apply only in the unincorporated area of the county.

(Ord. No. 08-12, § 25, 4-22-08; Ord. No. 2020-10, § 2, 8-4-20)

Sec. 78-110. - Noise.

No person shall use any loudspeaker or other electrical amplifying equipment nor shall any person play any electrically amplified musical instrument in any park, recreational facility, or department managed lands unless such activity is conducted as an incidental activity to a public meeting or assembly for which a permit has been issued. Compliance with all rules and regulations must be met.

(Ord. No. 08-12, § 26, 4-22-08)

Sec. 78-111. - Defacing, tampering with buildings and other property.

No person shall willfully mark, deface, disfigure, injure, tamper with, displace or remove any building, bridges, tables, benches, fireplaces, railings, paving or paving material, water lines or other public utilities or parts or appurtenances thereof, signs, notices, or placards whether temporary or permanent, monuments, stakes, posts or other structures, or equipment or any part of any aforesaid facilities, county property or appurtenances whatsoever, whether real or personal, in any park, recreational facility, or department managed lands. Any violator of this section shall also be liable for actual damages caused to county property.

(Ord. No. 08-12, § 27, 4-22-08)

Sec. 78-112. - Water activity.

No person shall swim, ski, dive, surf, scuba, fish or use boats in any area in any park, recreational facility, or department managed lands unless such area is specifically designated for such purpose.

(Ord. No. 08-12, § 28, 4-22-08)

Sec. 78-113. - Equestrian activity.

No horse shall be allowed in any park, recreational facility, or department managed lands except on roadways and bridle paths within areas designated for such purposes. No person shall be permitted to ride horseback in any park, recreational facility, or department managed lands after dark and before daylight unless a permit is granted from the department. It shall be unlawful for any person to fail to maintain control of any horse in such person's care, custody or control or to ride a horse in a reckless manner. All horses must have a report of a negative Equine Infectious Anemia test conducted within the previous 12 months reported on VS Form 10-11 (Apr 90), and such report must be presented to department personnel or law enforcement or other enforcement personnel upon demand.

(Ord. No. 08-12, § 29, 4-22-08)

Sec. 78-114. - Fires.

No person shall ignite, set or maintain any fire for cooking or any other purpose in any park, recreational facility or department managed lands unless such fire is within a designated area for such purpose.

(Ord. No. 08-12, § 30, 4-22-08)

Sec. 78-115. - Fireworks, weapons.

No person shall carry, fire or discharge any weapon or any rocket, torpedo or fireworks of any description in any park, recreational facility or department managed lands without a permit from the department except in areas designated for such purpose.

(Ord. No. 08-12, § 31, 4-22-08; Ord. No. 2010-08, § 1, 3-23-10)

Sec. 78-116. - Wildlife and domestic animals.

- (a) Unless otherwise permitted by law, no person shall feed, hunt, catch, harm, kill, trap, chase, tease, shoot or throw missiles at any animal nor remove or have in his possession the young of any wild animal or eggs or nest thereof in any park, recreational facility or department managed lands. Hunting may be allowed by permit in designated areas, subject to applicable governmental rules, regulations and agency requirements. No person shall abandon an animal in any park, or recreational facility, or department managed lands.
- (b) No person shall bring an animal into any park, recreational facility, or department managed lands unless it is a service animal or it is an area designated for such purpose. The service animal must be under the control of its handler and must have a harness, leash, or other tether, unless either the handler is unable because of a disability to use a harness, leash, or other tether, or the use of

a harness, leash, or other tether would interfere with the service animal's safe, effective performance of work or tasks, in which case the service animal must be otherwise under the handler's control by means of voice control, signals, or other effective means. The service animal must be properly vaccinated and licensed. It is required to clean up after your service animal. Licenses and proof of vaccination must be presented to department personnel or law enforcement upon demand.

(Ord. No. 08-12, § 32, 4-22-08; Ord. No. 16-20, § 3, 10-4-16)

Sec. 78-117. - Distribution of literature.

No person shall distribute any handbill, circular, booklet, leaflet, flyer, card, pamphlet, sheet, written or printed matter in any park, recreational facility or department managed lands except in designated areas.

(Ord. No. 08-12, § 33, 4-22-08)

Sec. 78-118. - Pollution.

No person shall throw or place or cause to be thrown or placed, any dirt, filth, waste or foreign matter into the waters of any lake, pond, pool, river, inlet, tank or reservoir in any park, recreational facility or department managed lands.

(Ord. No. 08-12, § 34, 4-22-08)

Sec. 78-119. - Deposits of rubbish.

No person shall throw, place, cast, deposit, dump or cause to be thrown, any ashes, refuse, offal, vegetables, garbage, dross, cinders, shells, straw, shavings, paper, scraps, dirt or like matter, filth or rubbish of any kind in any park recreational facility, or department managed lands except to place the same in cans or receptacles provided for such matter.

(Ord. No. 08-12, § 35, 4-22-08)

Sec. 78-120. - Removal of natural resources.

No person shall remove any beach sand, whether submerged or not, any soil, rock, stones, plants, wood, or other materials, or make any excavation by tool, equipment, blasting or other means or agency in any park, recreational facility or department managed lands.

(Ord. No. 08-12, § 36, 4-22-08)

Sec. 78-121. - Protection of trees and vegetation.

No person shall remove, damage, cut, carve, or transplant, any tree, shrubbery, lawn or plant or injure the bark or pick the flowers or fruit thereof in any park, recreational facility or department managed lands. No person shall attach any rope, wire, or other contrivance to any tree or plant in any park, recreational facility or department managed lands.

(Ord. No. 08-12, § 37, 4-22-08)

Sec. 78-122. - Sleeping.

No person shall sleep, camp, lodge or park a vehicle overnight in any park, recreational facility or department managed lands except in areas designated for such purposes or if a permit is issued for other areas by the department.

(Ord. No. 08-12, § 38, 4-22-08)

Sec. 78-123. - Traffic.

- (a) The state uniform traffic control laws, F.S. ch. 316, are incorporated by reference and made a part of this article and shall apply to the operation of all motor vehicles on streets and roads in county parks, unless modified herein. Department personnel and law enforcement are hereby authorized to direct traffic whenever necessary.
- (b) No person shall operate, drive or park any motor vehicle or other vehicle upon any road, driveway, path, parking area or other area unless such road, driveway, path, parking area or other area has been designated by the department for such purpose. No person shall cause any vehicle for hire to stand upon any part of a park, recreational facility or department managed lands for the purpose of soliciting passengers.
- (c) No person shall drive a vehicle at a rate of speed exceeding five miles per hour in any county park unless the department has designated, by posted sign, a greater speed limit.
- (d) No person shall park any vehicle in any park, recreational facility or department managed lands except in other areas designated for parking. No person shall leave any vehicle standing or parked at night without lights clearly visible at least 200 feet from said vehicle except in legally established parking areas or designated campsite areas.
- (e) No person shall enter or exit from any park, recreational facility or department managed lands in any vehicle except at entrances and exits established for such purpose by the department.

(Ord. No. 08-12, § 39, 4-22-08)

Sec. 78-124. - Utilities.

No person shall locate any utility upon any park, recreational facility or department managed lands without receiving a permit from the department.

(Ord. No. 08-12, § 40, 4-22-08)

Sec. 78-125. - Organized activities.

No person shall play or participate in any game or organized activity including but not limited to football, soccer, baseball, basketball, or any such game, in any park, recreational facility or department managed lands, except in areas designated for such use.

(Ord. No. 08-12, § 41, 4-22-08)

Sec. 78-126. - Smoking and tobacco products.

No person shall smoke or use tobacco products in any youth athletic area, playground area, indoor facility, nor in any area designated as a no smoking area. No person shall smoke or use tobacco products at any athletic area located on county school board property.

(Ord. No. 08-12, § 42, 4-22-08)

Sec. 78-127. - Contributions and sponsorships.

- (a) The department director and/or designee is authorized to solicit and accept individual co-sponsorships and contributions of cash, goods, and services up to \$35,000.00 from persons, service clubs, groups, and businesses in support of county programs, events, and activities in the parks and provide acknowledgements in materials associated with promotion and conduct of the program, event or activity.
- (b) The department director and/or designee may through co-sponsorships with non-profit and not for profit organizations for special events collect donations that may be given to the co-sponsored organization.

(Ord. No. 08-12, § 43, 4-22-08)

Sec. 78-128. - Grants.

The department director is authorized to procure grants and execute any documents as required by the granting authority for the application process of the grant; including but not limited to resolutions, applications, contracts, establish budgets and amendments based on the approval levels in County Administrative Order AO—29.

(Ord. No. 08-12, § 44, 4-22-08)

Secs. 78-129—78-145. - Reserved.

DIVISION 3. - RESERVED

Footnotes:

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Editor's note— Ord. No. 08-12, § 45, adopted April 22, 2008, repealed division 3, §§ 78-146—78-148, in its entirety, which pertained to prohibited conduct, and derived from Ord. No. 96-31, §§ 33—35, adopted July 2, 1996.

Secs. 78-146—78-148. - Reserved.