

ORDINANCE NO. 2024-02

AN ORDINANCE OF THE CITY OF SOUTH PASADENA, FLORIDA AMENDING CHAPTER 81 OF THE CITY OF SOUTH PASADENA CODE OF ORDINANCES; PROVIDING RULES AND REGULATIONS FOR CITY PARKS; AMENDING CHAPTER 193-11 PROHIBITING MOORING OF WATERCRAFT ON CITY PROPERTY WITH EXCEPTION; PROVIDING FOR ENFORCEMENT; PROVIDING LEGISLATIVE FINDINGS AND INTENT; PROVIDING FOR SEVERABILITY, INCLUSION IN CODE, AND AN EFFECTIVE DATE.

WHEREAS, the City of South Pasadena, Florida (the “City”) owns land that the City utilizes for public parks; and

WHEREAS, the City does not currently have rules or regulations governing the parks and their use codified within the City’s Code of Ordinances; and

WHEREAS, the City Commission of the City of South Pasadena, Florida finds that codifying rules and regulations governing the parks and their uses is necessary and vital to the public health, safety, and welfare of the citizens of City; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF CITY OF SOUTH PASADENA, FLORIDA that:

SECTION 1. Recitals. The foregoing recitals constitute the legislative findings and intent of the City Commission of the City of South Pasadena, Florida and are hereby ratified and confirmed as being true and correct and are hereby made a part of this Ordinance.

SECTION 2. Code Amendments. Chapter 81 of the Code is hereby amended by deleting the ~~stricken~~ language and adding the underlined language as follows:

Chapter 81 (Reserved)

Article I – Public Parks

§ 81-1 Legislative Intent.

It is the intent of the City Commission of the City of South Pasadena, Florida that the foregoing provisions govern the use of parks by the general public.

§ 81-2 Definitions.

The following definitions are applicable only to this article:

Park or Parks

Any City owned and/or operated public space dedicated for use as a park.

Facility

Any building, fixture, or equipment within a park owned and/or operated by the City.

§ 81-3 Hours of Operation.

- A. All parks shall be open to the seven (7) days a week, three hundred sixty-five (365) days a year during daylight hours, unless closed by order of the City or other governmental authority.
- B. All parks shall be closed to the public between dusk and dawn.
- C. No person shall remain within a park or facility after commanded to leave by law enforcement or City personnel.

§ 81-4 Personal Items.

- A. All park attendees are responsible for and must maintain control over their personal items.
- B. No personal items may be left in any City owned parks between dusk and dawn. Personal items left unattended between dusk and dawn are considered abandoned property. City personnel shall remove and discard said unattended personal items.
- C. For the purposes of this section, “personal items” include, but are in no way limited to, backpacks, bicycles, boats tied to trees, benches, signs or any chair, tent, canopy or other such item left in the parks or in/on any other public facility.

§ 81-5 Alcoholic Beverages Prohibited.

Alcoholic beverages are strictly prohibited in all parks, unless allowed pursuant to a City-approved special event. The possession and consumption of alcoholic beverages within parks shall otherwise be governed by Chapter 65 of the City Code of Ordinances.

§ 81-6 Sale of Goods Prohibited.

No person, persons, organization, or firm, other than the City or concessionaires acting by and under the authority of the City, shall expose or offer for sale, rent or trade any article or thing, or station or place any stand, cart, table, tent or sale or display of any article or merchandise within any park.

§ 81-7 Camping Prohibited.

It is unlawful for any person or persons to camp on, sleep on, or use for habitation any portion of any park or facility.

§ 81-8 Enforcement and Penalties.

- A. The City's law enforcement officers may enforce any provision of this section. This section may also be enforced as provided in § 1-16 of the City Code of Ordinances.
- B. Violations of this section shall be punishable as provided in § 1-16 of the City Code of Ordinances.

§ 193-11 C. Mooring prohibited on city-owned property.

- (1) It is unlawful for any person to anchor, moor or tie off a watercraft at, to or on any dock, seawall, pier or real property owned by the city, for any period of time, ~~when the dock, seawall, pier or property has been posted by the city as "Mooring Prohibited."~~ with the specific exception of the existing mooring site of the Captain Anderson, which is hereby exempted from the foregoing restriction as long as the Captain Anderson or a successor watercraft approved by resolution of the City of South Pasadena continues to make use of the mooring site.
- (2) ~~It is unlawful for any person to anchor, moor or tie off a watercraft at, to or on any dock, seawall, pier, area property or beaches owned by the city for a period of time in excess of 12 hours when the dock, seawall, pier or real property has not been posted as "Mooring Prohibited," with the specific exception of the existing mooring site of the Captain Anderson, which is hereby exempted from the foregoing restriction as long as the Captain Anderson or a successor watercraft approved by resolution of the City of South Pasadena continues to make use of the mooring site.~~

§ 193-11 G. Determination of violation.


- (1) ~~For the purposes of determining whether or not the requirements or prohibitions of Subsections B, C, D or E have been violated, the physical observation of a watercraft at the same location or approximate location, a minimum of two times within an allowed time period and one time beyond the maximum authorized time period shall be deemed prima facie evidence of a violation of the aforementioned sections of this Code. The required observations may be made by officers, employees or agents of the city, or private citizens, or both. In the case of observation by private citizens, such citizens shall be required to make an affidavit as to the observation and must otherwise comply with § 193-14 herein. Further, it shall not be relevant to a determination of a violation of the aforementioned sections that the watercraft was temporarily moved from a site or location and then later returned to that same site or location or in proximity thereto, unless the watercraft has been absent from the site or location for a period of 24 hours between each mooring.~~

- (2) For purposes of determining whether or not the requirements of Subsection B(1) are being met, any City Code Inspector may request that the owner/occupant(s) of the watercraft demonstrate that the watercraft is in operational condition. The owner/occupant(s), upon request, shall in the presence of the Inspector move the watercraft under its own power away from its place of mooring a sufficient distance to demonstrate that it is fully operational. If the owner/occupant(s) are unable to demonstrate that the watercraft is operational at the time of the initial request, the owner/occupant(s) shall have seven days from the date of the original request to demonstrate to the City Code Inspector that the watercraft is operational. If at the end of seven days the watercraft has not been proven operational, it can no longer be used as a live-aboard watercraft. Any person(s) residing in said unoperational watercraft after the expiration of the seven-day grace period shall be subject to the penalties outlined in § 193-14.

SECTION 3. Severability. In the event that any section, paragraph, sentence, clause or phrase of this Ordinance shall be declared invalid, unconstitutional, or unenforceable by decree of a court of competent jurisdiction, such unconstitutionality or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this Ordinance.

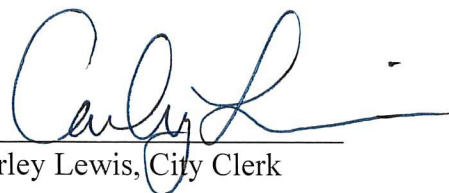
SECTION 4. Conflicts. If a conflict arises between this Ordinance and any other ordinance or provision of law, this Ordinance controls to the extent of such conflict, as permitted under the law.

SECTION 5. Effective Date. This ordinance shall become effective immediately upon final passage.



Arthur Penny, Mayor

ATTEST:




Carley Lewis, City Clerk

PASSED ON FIRST READING MARCH 12TH, 2024.

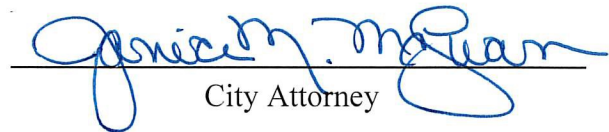
PASSED ON SECOND AND FINAL READING APRIL 9TH, 2024.

THIS IS TO CERTIFY THAT I, the undersigned City Clerk did cause the noticing of the above Ordinance in accordance with Chapter 166.041 of the Florida Statutes.



Carley Lewis, City Clerk

THIS ORDINANCE HAS BEEN APPROVED AS TO FORM AND CONTENT BY THE CITY ATTORNEY.



Jessica M. McLean
City Attorney

Business Impact Estimate

This form will be included in the agenda packet for the item under which the proposed ordinance is to be considered and must be posted on the City of South Pasadena ("City") website by the time notice of the proposed ordinance is published.

Proposed ordinance's title/reference:

ORDINANCE NO. 2024-02 - AN ORDINANCE OF THE CITY OF SOUTH PASADENA, FLORIDA AMENDING CHAPTER 81 OF THE CITY OF SOUTH PASADENA CODE OF ORDINANCES; PROVIDING RULES AND REGULATIONS FOR CITY PARKS; AMENDING CHAPTER 193-11 PROHIBITING MOORING OF WATERCRAFT ON CITY PROPERTY WITH EXCEPTION; PROVIDING FOR ENFORCEMENT; PROVIDING LEGISLATIVE FINDINGS AND INTENT; PROVIDING FOR SEVERABILITY, INCLUSION IN CODE, AND AN EFFECTIVE DATE.

This Business Impact Estimate is provided in accordance with section 166.041(4), Florida Statutes. If one or more boxes are checked below, this means the City is of the view that a business impact estimate is not required by state law¹ for the proposed ordinance, but the City is, nevertheless, providing this Business Impact Estimate as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed ordinance. This Business Impact Estimate may be revised following its initial posting.

- The proposed ordinance is required for compliance with Federal or State law or regulation;
- The proposed ordinance relates to the issuance or refinancing of debt;
- The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- The proposed ordinance is an emergency ordinance;
- The ordinance relates to procurement; or
- The proposed ordinance is enacted to implement the following:
 - a. Part II of Chapter 163, Florida Statutes, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
 - b. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
 - c. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
 - d. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

¹ See Section 166.041(4)(c), Florida Statutes.

In accordance with the provisions of controlling law, even notwithstanding the fact that an exemption noted above may apply, the City hereby publishes the following information:

1. Summary of the proposed ordinance:

The City Commission finds that codifying rules and regulations governing the parks and their uses is necessary and vital to the public health, safety, and welfare of the citizens of City to ensure the safety and cleanliness of the parks in the city. The City does not currently have rules or regulations governing the parks and their use codified within the City's Code of Ordinances.

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the City, if any:

(a) An estimate of direct compliance costs that businesses may reasonably incur;

No expected direct economic impact expected from this Ordinance.

(b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible;

No charges or fee.

(c) An estimate of the City's regulatory costs, including estimated revenues from any new charges or fees to cover such costs.

Unknown at this time since enforcement may vary.

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:

No expected impact to businesses known at this time.

4. Additional information the governing body deems useful (if any):

None.