

ORDINANCE NO. 99-03

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF WELLINGTON, FLORIDA RELATING TO PARKS AND RECREATION FACILITIES; PROVIDING AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF WELLINGTON, FLORIDA that:

Section 1. Article I of Chapter 38, Code of Ordinances, is hereby repealed.

Section 2. Article II of Chapter 38, Code of Ordinances is renumbered as Article IV.

Section 3. New Articles I, II and III of Chapter 38 Code of Ordinances are created to read:

ARTICLE I. IN GENERAL

Sec. 38-1. 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:

Department: the Village of Wellington Parks and Recreation Department.

Director: the Parks & Recreation Director.

Law enforcement officer: any member of the Palm Beach County Sheriff's Office.

Neighborhood park: the smallest class park that is less than ten (10) acres in size and usually less than five (5) acres. Recreational facilities are generally few in number due to size restraints and developed according to the demands and character of the neighborhood that they serve.

Park: any public park, recreation or playground area, or building or facility thereon, within the Village of Wellington owned and maintained as a public park, whether or not such areas have been formally dedicated to such purpose.

Permit: the written permission that must be obtained from the director or his/her designated agent to carry out a given activity in a park.

Person: any person, firm, partnership, association, club, corporation, company, or organization of any kind.

Vehicle: any wheeled device of conveyance, whether propelled by motor, animal, or human power. The term shall include any trailer in tow of any kind, size, or description.

Exception is made for baby carriages, wheelchairs, and vehicles in the service of the Village of Wellington.

Sec. 38-2. Purpose.

The purpose of this chapter is to establish rules and regulations governing the operation and use of municipal park and recreation facilities, and the parking areas provided in connection therewith, for the purpose that the public may obtain the maximum enjoyment and utilization thereof in accordance with the purposes intended and that the facilities may be conserved and protected for the public good.

Sec. 38-3. Enforcement authority.

A. It shall be the duty and responsibility of the department employees to enforce this chapter.

B. It shall be unlawful for any person to do any act forbidden or fail to perform any act required by this chapter or for any person to fail to comply with any lawful or any reasonable order given by village employees.

C. The council may adopt reasonable rules and regulations as are necessary to manage, use, preserve, and govern park property and activities.

Sec. 38-4 Penalties.

A. Any person convicted of violating the provisions of this section shall be punished by a fine not less than twenty-five dollars (\$25.00) but not to exceed five hundred dollars (\$500.00), or by imprisonment not exceeding ninety (90) days, or both.

B. Any person found violating any provision of this section shall either be ejected and/or arrested by a law enforcement officer.

Sec. 38-5. Hours.

Parks with sports lighting shall be open to the public every day of the year between the hours of 8:00 a.m. and 10:30 p.m. All other parks shall be open from dawn to dusk. However, the director may extend or contract these hours for any park or portion of any park. No person shall enter, be, or remain in any park after park closing hours unless a permit has been obtained.

Sec. 38-6. Closed areas.

Any section or part of any park may be declared closed to the public by the director at any time and for any interval of time, either temporarily or at regular and stated intervals (daily or otherwise) and either entirely or merely to certain uses, as the director shall find reasonably necessary.

Sec. 38-7. Fees

The Village Council shall by resolution adopt a schedule of fees for the use of parks and recreation facilities.

Secs. 38-7--38-30. Reserved.

ARTICLE II. PERMITS

Sec. 38-31. Permits required.

A. Any person or group of persons, association, or corporation wishing to sponsor, organize, promote, conduct or advertise any concert, performance, or public exhibition or entertainment of any kind in any of the Village's parks shall first obtain a permit and permission as set forth below.

B. The sale or distribution of printed material is permitted within the Village's parks provided a permit to do so has been issued by the Director as set forth in subsection (C) below.

C. Permits and applicable fees are required. In addition to any other provision of this section that requires the obtaining of a permit prior to engaging in a given activity, no person in a park shall conduct, operate, present, manage, or take part in any of the following activities unless a permit is obtained prior to the start of the activity:

1. Any picnic, outing, or gathering sponsored by any person or composed of ten (10) or more persons.
2. Any contest, exhibit, dramatic performance, play, motion picture, radio or television broadcast, fair, circus, musical event, or any similar event.
3. Any public meeting, assembly, or parade, including, but not limited to, drills, maneuvers, ceremonies, addresses, speeches, sports contests, practices, or political meetings.
4. Any use of any park facility by a certain person or group of persons to the exclusion of others.

Sec. 38-32. Application.

A. A person seeking the issuance of a permit to carry on an activity in a park shall file an application on the appropriate form supplied by the department with the designated representative of the director and provide such information as shall be required by the director.

B. Applications for those activities described in subsections (a) and (b) above shall be submitted to the director no later than five (5) thirty (30) days before the planned event. The application shall set forth the name of the organization, if any, the date, time,

duration, and location of the proposed event, and the number of participants. The director shall, without unreasonable delay, issue a permit on proper application pursuant to the following conditions.

C. All requests for permits required hereunder shall be made in writing upon an application form, to be furnished by the director, which shall require the following information:

1. The name and address of the applicant proposing or sponsoring the activity involved;
2. The type of permit requested and the purposes or activity proposed thereunder;
3. The date and hours for which the permit is desired;
4. The specific park area or recreational facility for which the permit is requested;
5. The proposed number of persons who will attend or participate in the activity involved;
6. A statement of any special circumstances which are material to the permit requested;
7. Such other relevant information as the director may reasonably require in regard to the application.

Sec. 38-33. Standards for issuance.

The director shall issue a permit unless it is determined:

- A. The proposed activity or use of the park will unreasonably interfere with or detract from the general public use and enjoyment of the park; or,
- B. The proposed activity or use of the park will unreasonably interfere with or detract from the public health, safety, or welfare; or,
- C. The conduct of the proposed activity or use is reasonably likely to result in violence to persons or property resulting in serious harm to the public; or,
- D. The proposed activity or use will entail an extraordinary expense or operation by the village; or,
- E. The facilities desired have been reserved for another activity or use at the day and hour requested in the application.

Sec. 38-34. Decision on application; appeals from denial.

The director shall issue the permit within five (5) working days of receiving the application. Applications for permits shall be considered in the order in which they are received by the director. In the event that a request for a permit is denied, the applicant may appeal the decision to the village manager. The applicant must notify the village manager, in writing, of the director's decision, and the reason why the applicant disputes the decision, within ten (10) days of receiving notice of the director's decision. The village manager may uphold the director's decision, may grant the permit or may grant the permit with modifications. The decision of the village manager shall be final.

Sec. 38-35. Conditions of permit.

The director may impose reasonable conditions or restrictions on the granting of a permit, including, but not limited to, any of the following:

A. Restrictions on fires, fireworks, amplified sound, use of alcoholic beverages, dancing, sports, use of animals, equipment, or vehicles, the number of persons to be present, the location of any bandstand or stage, or any other use which appears likely to create a risk of unreasonable harm to the use and enjoyment of the park by others, or of damage to park property.

B. A requirement that the applicant post a reasonable deposit of security for the repair of any damage to park property or the cost of cleanup, or both.

C. A requirement that the applicant pay in advance a reasonable fee to defray the cost of furnishing adequate security forces by the department at the proposed use or activity.

D. A requirement that the permittee furnish additional sanitary and refuse facilities that might be reasonably necessary based on the use or activity for which the permit is being sought.

E. A requirement that the applicant furnish a certificate of insurance in amounts prescribed to provide adequate coverage for the protection of the village and park property.

No person in a park shall refuse or fail to produce and exhibit any permit he claims to have upon the request of any law enforcement officer, park security guard, or other authorized park employee who wishes to inspect the permit for the purpose of determining that the provisions of this subsection have been complied with.

Secs. 38-36--38-60. Reserved.

ARTICLE III. REGULATIONS

DIVISION 1. GENERALLY

Sec. 38-61. Alcoholic beverages.

A. No alcoholic beverages whatsoever shall be permitted to be brought into any park area, except as specifically authorized herein.

B. No alcoholic beverages whatsoever shall be drunk or consumed in any park area of this village, except as specifically authorized herein.

C. Alcoholic beverages may be consumed at family or group picnics or functions provided a permit for such consumption is obtained. The village council shall by resolution adopt standards for issuance of such permits.

Sec. 38-62. Drunkenness and disorderly conduct.

A. No intoxicated person will be permitted entry to parks or recreational areas, and if discovered therein will be ejected forthwith.

B. No person shall use obscene language or engage in disorderly conduct in village park.

Sec. 38-63. Proper use of dressing facilities, restrooms.

A. No person will loiter in or around any restroom, dressing room, or bathhouse.

B. No person shall dress or undress, except in such bathing houses or structures as may be provided or maintained by the department for that purpose, and dressing and undressing in any vehicle, toilet, restroom or on the beach, or in any park area, except as provided above, is prohibited.

Sec. 38-64. Defacing park property.

A. No person shall pluck any flower or fruit, either wild or cultivated, or break, cut down, tramp upon, remove, or in any manner deface, mar, damage, injure, or mutilate any tree, shrub, flower bed, fallen timber, turf, fence, bridge, bench, table, statue, ornament, gate, building, structure, tool implement, vehicle, boat, car, light standard, sign, or any other property located within a village park.

B. No person shall climb any tree or walk, stand, or sit upon any property within a village park unless designated or customarily used for such purpose.

Sec. 38-65. Vending or selling in park areas.

No person, other than the department, ~~or its licensed concessionaires acting by and under the authority of the village,~~ or those holding a valid special event permit will expose or

offer for sale, rent, or trade any article or thing, or place any stand, cart, or vehicle for the transport, sale, or display of any food, drink, article, or merchandise, or engage in any commercial activity for compensation, or solicit any business within the limits of any park or recreational area.

Sec. 38-66. Animals.

A. No person shall molest, harm, frighten, kill, net, trap, snare, hunt, chase, shoot or throw or propel, by any means, missiles at any wildlife creature, be it animal, bird or reptile roaming free about a park or in captivity in a zoo cage, nor shall any person remove or possess the young of any wild animal, or the nest or eggs of any reptile or bird, or collect, remove, possess, give away, sell or offer to sell, buy or offer to buy, or accept as a gift any specimen, dead or alive, of any of the group of tree snails.

B. No person shall place, dump, abandon, or leave any animal, reptile or bird, either wild or domestic, on the grounds of any park.

C. No person shall bring or allow any animal or pet in any village park, except that leashed pets are permitted in the neighborhood parks provided the owner ensures proper disposal of pet waste.

D. The prohibitions of this subsection shall not apply to:

1. Horses or dogs used by a law enforcement officer or park security guard in the performance of his/her duties.
2. Seeing eye dogs used by a visually handicapped person, provided that the dog is at all times kept under control.
3. Animals or fowl kept by the department or under its direction.

Secs. 38-67--38-80. Reserved.

DIVISION 2. RECREATION

Sec. 38-81. Bathing, swimming, fishing.

A. Swimming.

No person in a park shall:

1. Swim, bathe, or wade in any waterway in or adjacent to any park, except in such water or waterway as the director may designate, and in accordance with the rules of this section and any other regulations that the director may promulgate.

2. Frequent any water or places where swimming, bathing, or wading is permitted, except during those hours that the director has established for such activities.
3. Change into bathing clothes from street clothes, or from bathing clothes into street clothes, except in a bath house or other structure designated for such use.
4. The director shall not designate any water or waterway for swimming, bathing, or wading where such use of the water would be dangerous to the public health, safety, or welfare.

B. Fishing.

1. No person shall engage in fishing for profit in park waters, or shall buy or sell fish caught in park waters or park property.
2. No person shall fish in any park waters where swimming, bathing, or wading is permitted.

Sec. 38-84. Firearms and dangerous instruments.

A. No person, except an authorized village of Wellington employee, security guard, or law enforcement officer shall bring onto park property or have in his/her possession on park property any firearm or ammunition, any explosive, dynamite cap, fireworks, airgun, pellet gun, spring gun, slingshot, cross bow, bow and arrow, any device by means of which a projectile can be propelled, any device which can be loaded with blank cartridges, any trapping device, any incendiary bomb or material, any smoke or stink bomb, any tear gas or other disabling chemical or agent, any acid or caustic substance, or any inflammable liquid except fuel contained in the fuel tank of a motor vehicle, vessel, lantern, camp stove or camp heater and not more than one (1) gallon of liquid fuel in a closed metal container.

B. No person shall discharge any of the weapons or instruments listed above into any park from outside a park.

C. The director may designate areas within a park where bows and arrows can be used. In such cases, the director shall promulgate regulations for the safe use of such devices, and no person shall fail to abide by such regulations.

D. The director shall designate times and places where fireworks can be used within a park. The director shall promulgate regulations to assure that in such cases the fireworks are used in a safe manner.

Sec. 38-83. Game and sport activity.

A. No person in a park shall take part in the playing of any games involving thrown or any otherwise propelled objects such as stones, arrows, golf balls, javelins,

rockets, or radio controlled airplanes, except in areas set apart for such forms of recreation. The playing or practicing by organized sponsored athletic teams of such games as football, baseball, and the like, is prohibited except on fields, courts, or areas designated for such use, or as directed by the director or his/her authorized representative.

B. Roller skating, roller blading, bicycling, skateboarding and any other similar activity is prohibited on turf, basketball courts, tennis courts, and parking lots and shall be confined to those areas specifically designated for such activity.

Secs. 38-84--38-100. Reserved.

DIVISION 3. PICNIC AREAS

Sec. 38-101. Picnics.

A. The director shall designate those areas of a park where picnicking is permitted. No person shall picnic in any area other than in a designated area.

B. Individual grills and tables in picnic areas shall be available on a "first-come, first-served" basis, except that a group of ten (10) or more persons must obtain a permit in advance for the use of picnic pavilions.

C. It is prohibited to build or use open fires, except in areas specified by the director. Barbecue grills or like devices are exempt from this provision; however, the parks department may prohibit the use of such devices which is deemed to be unsafe or hazardous.

D. Picnickers shall not leave a picnic area before all trash, in the nature of boxes, paper, cans, bottles, garbage, and other refuse is placed in a disposal receptacle, where provided. If no trash receptacles are available, then refuse and trash must be carried away from the park area by the picnicker to be properly disposed of elsewhere.

Secs. 38-102--38-120. Reserved.

DIVISION 4. CONTROL OF VEHICLES

Sec. 38-121. Vehicles and traffic laws.

All applicable state and local vehicle and traffic laws and ordinances shall continue in full force and effect in any park.

Sec. 38-122. Obedience to traffic signs.

All persons shall observe carefully all traffic signs indicating speed, direction, caution, stopping, or parking and all other signs posted for proper control of traffic and for the safety of persons and property.

Sec. 38-123. Enforcement of traffic regulations.

All persons shall obey all traffic officers and park employees, such persons being hereby authorized and instructed to direct traffic whenever and wherever needed in the parks, highways, streets, or roads immediately adjacent thereto.

Sec. 38-124. Use of vehicles.

A. No person shall operate a vehicle in a park except upon designated paved or improved park roads or driveways, or in and upon designated areas or trails set aside for use by such vehicles, unless directed by a law enforcement officer or parks employee to do so, or by official signs or markings.

B. No person, except in emergencies, shall change any parts, repair, wash, wax, or polish, grease, or perform other maintenance on a vehicle on any park roadway, driveway, parking lot, or other park property.

C. No person shall operate or park a motor vehicle, camper, bus, or trailer within a village park or parking lot except in those areas specifically designated by signs to be used for such driving or parking unless authorized by the director or the sheriff's department. Any agents or employees of federal, state, county, or municipal governmental bodies operating motor vehicles on official business shall be exempt from the provisions hereof.

D. No person shall bed down, sleep, or camp overnight in a village park, including any parking area, nor shall camper trucks, buses, trailers, or other vehicles be permitted to remain in a village park unless authorized by the director.

Sec. 38-125. Speed of vehicles.

No person shall operate or drive a vehicle in any park area at a rate of speed in excess of fifteen (15) miles per hour, except upon such road as the director may designate by posted signs.

Sec. 38-126. Parking regulations.

A. No person shall park a vehicle in any area of a village park in excess of eighteen (18) consecutive hours or continuously from 10:00 p.m. until 6:00 a.m. Any vehicle parked in violation of this section, unless authorized by the director or the sheriff's department, may be removed from the parking area to a garage designated or maintained by the village or the sheriff's department, or to another place of safety, at the owner's expense.

B. No person shall park a vehicle on park property other than in areas designated for parking that type of vehicle, unless there is an emergency or unless directed to do otherwise by a law enforcement officer or a park security guard. Parking shall conform to officially posted signs or markings unless other instructions are given by a law enforcement officer or a park employee.

Secs. 38-127--38-145. Reserved.

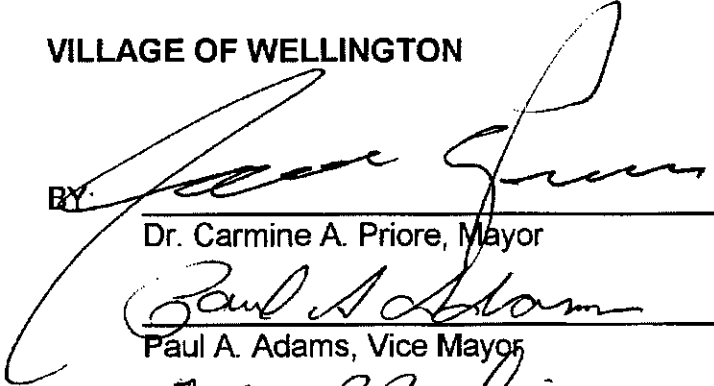
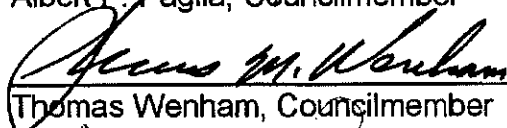
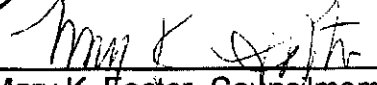
Section 4. The provisions of this Ordinance shall become effective immediately upon adoption.

Section 5: Codification of this Ordinance is hereby authorized and directed.

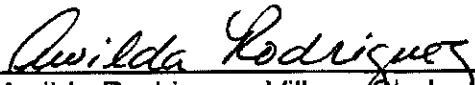
PASSED this 27th day of April, 1999, upon first reading.

PASSED AND ADOPTED this 11th day of May, 1999, on second and final reading.

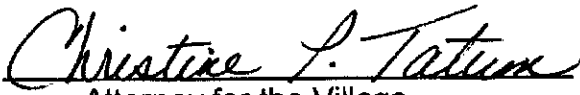
VILLAGE OF WELLINGTON

	FOR	AGAINST
BY: <u></u> Dr. Carmine A. Priore, Mayor	<u>✓</u>	<u> </u>
<u></u> Paul A. Adams, Vice Mayor	<u>✓</u>	<u> </u>
<u></u> Albert P. Paglia, Councilmember	<u>✓</u>	<u> </u>
<u></u> Thomas Wenham, Councilmember	<u>✓</u>	<u> </u>
<u></u> Mary K. Foster, Councilmember	<u>✓</u>	<u> </u>

ATTEST:

BY: 
Awilda Rodriguez, Village Clerk

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY**

BY: 
Attorney for the Village